Т

The Replaceability Argument in theEthics of Animal Husbandry

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Au4 7 Synonyms

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- 8 Conscientious omnivorism; Happy meat; Sustain-
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10 Introduction

Most people agree that inflicting unnecessary suffering upon animals is wrong. Many fewer people, including among ethicists, agree that painlessly killing animals is necessarily wrong. The most commonly cited reason is that death (without pain, fear, distress) is not bad for them in a way that matters morally or not as significantly as it does for persons, who are self-conscious, make long-term plans, and have preferences about their own future. Animals, at least those that are not persons, lack a morally significant interest in continuing to live. At the same time, some argue that existence itself can be good, insofar as one's life is worth living. For animals, a good life can offset a quick, if early, death. So, it seems to follow that breeding happy animals that will be (prematurely) killed can be a good thing overall. Insofar as

slaughter and sale makes it economically sustain- 28 able to raise new ones, who would otherwise not 29 exist, raising and killing animals for food who will 30 have lives worth living is good overall. It benefits 31 them as well as consumers and makes the world 32 better by adding to the sum of happiness. The 33 process of raising and killing animals with posi- 34 tive welfare produces a sequence of replacement 35 that maintains or increases overall welfare, all else 36 being equal (assuming in particular no overall 37 negative impact on the welfare of other parties). 38 Call this the replaceability argument (RA) and the 39 ensuing controversy the replaceability problem 40 (RP). This is a problem at the crossroads of the 41 ethics of killing, agricultural ethics, procreation 42 ethics, and population ethics. Peter Singer gave 43 the idea its most precise and controversial formu- 44 lation in Practical Ethics (2011: Chapter 5), first 45 published in 1979.

History of the Problem

In 1789, in the *Introduction to the Principles of* 48 *Morals and Legislation*, Bentham (1907) wrote: 49

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If the being eaten were all, there is very good reason why we should be suffered to eat such of them [animals] as we like to eat: we are the better for it, and they are never the worse. They have none of those long-protracted anticipations of future misery which we have. The death they suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would await them in the inevitable course of nature....

Author's Proof

[W]e should be the worse for their living, and they are never the worse for being dead. But is there any reason why we should be suffered to torment them? Not any that I can see. Are there any why we should *not* be suffered to torment them? Yes, several.

Bentham went on to formulate his oft-quoted criterion for equal consideration:

It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? ... the question is not, Can they *reason?* nor, Can they *talk?* but, Can they *suffer?* (Bentham 1907: XVII.1)

Bentham, the founder of classical utilitarianism, appears to endorse a version of RA: painlessly killing animals makes everyone better off than they would otherwise be – it does not harm them – meat eaters are better for it. Given the more sophisticated cognition of mature human beings, killing them requires stronger justifications, although Bentham believed the main reason against murder lied in the terror (foreclosed to animals) it would induce in *other* people.

Early animal rights advocate Henry Salt, despite Bentham's influence, called RA "the logic of the larder" (1914). Salt was responding to the essayist Leslie Stephen's (1896) argument against vegetarianism:

Of all the arguments for Vegetarianism none is so weak as the argument from humanity. The pig has a stronger interest than anyone in the demand for bacon. If all the world were Jewish, there would be no pigs at all.

Salt took Stephen's remark to be premised on a fallacy:

It is often said, as an excuse for the slaughter of animals, that it is better for them to live and to be butchered than not to live at all. Now, obviously, if such reasoning justifies the practice of flesh-eating, it must equally justify *all* breeding of animals for profit or pastime, when their life is a fairly happy one. . . . In fact . . . there is hardly any treatment that cannot be justified by the supposed terms of such a contract. Also, the argument must apply to mankind. . . . The fallacy lies in the confusion of thought which attempts to compare existence with non-existence. A person who is already in existence may feel that he would rather have lived than not, but he must first have the *terra firma* of existence to

argue from; the moment he begins to argue as if from the abyss of the non-existent, he talks non-sense, by predicating good or evil, happiness or unhappiness, of that of which we can predicate nothing. (Salt 1914: 221–222)

Peter Singer, in the first edition of Animal 115 Liberation (1975: Chapter 6), agreed with Salt. 116 He changed his view while writing Practical 117 Ethics (first published in 1979, revised in 1993 118 and 2011), influenced by ingenious arguments put 119 forward in the late 1970s by Derek Parfit about 120 impersonal wrongs and the widely discussed 121 "nonidentity problem" (1984; 351-374). Based 122 on the fictional case of two prospective mothers 123 and medical programs (367), Parfit showed that 124 one could act wrongly without harming anyone in 125 particular. Despite a plausible asymmetry 126 between harms and benefits, and the fact that 127 parents are under no obligation to bring to life a 128 child whose existence will very likely be happy, 129 one needs to explain why it is wrong to bring a 130 miserable being into existence (even one who 131 would otherwise not exist) yet not equally good 132 to bring a happy being into existence. "Sound 133 explanations for this," Singer and Mason wrote, 134 "are extraordinarily difficult to find" (2006: 252). 135 It may be at most "morally neutral" (optional), but 136 it is at least good.

Structure of the Argument

In its basic form, RA states that one can increase or maximize value in the world (happiness, plea- 140 sure, preference satisfaction, objective list) by 141 increasing the number of happy or fulfilled sen- 142 tient beings. Applied to farming, it states that 143 humanely raised animals (HRAs) that live pleas- 144 ant lives and can be killed without pain and dis- 145 tress can be replaced, without loss, by new HRAs, 146 which thus offset the good prevented by the kill- 147 ing. Humanely raising and killing animals bene- 148 fits animals, consumers, and the world.

There are two ways to interpret the offsetting of 150 an early death by a good life: either animals are 151 personally better off with a happy, if short life, 152 than with no life at all or, even if the personal harm 153 of death is not offset by the benefit of existence, 154



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the impersonal marginal benefit "for the world" offsets the total sum of personal harms. Each interpretation requires different arguments: either to the effect that death does not significantly harm animals (so the net sum of personal benefits minus harms for the individual is positive) or that impersonal benefits may override personal harms (so the overall sum of benefits minus harms, for all affected, is positive). Either way, one has to show that the total benefits of eating meat outweigh the costs to animals (McMahan 2008).

Contemporary Applications 166

In the context of intensified industrialized farming, critiques and alternative methods have flourished. A popular trend in animal husbandry, espoused by food writers, celebrity farmers, and academics, focuses on the possibility of eating better and treating animals better – in part by eating fewer of them. "Conscientious," "ethical," or "compassionate" omnivores embrace the humane, pasture-based, grass-fed, and, oftentimes, organic and local production of meat as a sustainable solution in the ailments of the modern Western diet. Humane husbandry and a conscientious omnivore diet minimize environmental damage, animal suffering, and public health issues while preserving a (culturally, aesthetically, and economically) worthwhile practice. Animals, in exchange for life and care, offer us their own life. Ethically produced meat ideally comes from free-ranging animals who enjoyed (slightly) extended life spans (allowing animals to live their expected natural life span would dramatically increase market prices), increased outdoor access, environmental enrichment, a more natural diet (grass, organic cereals, fruits, vegetables, roots), and social relations. Contemporary practitioners and/or advocates include Hugh Fearnley-Whittingstall (2004), Nicolette Niman, Joel Salatin (Polyface Farms), Michael Pollan (2006), and Allan Savory, among others.

There is another purported benefit of husbandry to animals. Its end would not only deprive billions of future individuals of a good life, it would ultimately mean phasing out entire

domesticated species and breeds. Thus, Pollan 200 writes, chickens "depend for their well-being on 201 the existence of their human predators. Not the 202 individual chicken, perhaps, but Chicken - the 203 species. The surest way to achieve the extinction 204 of the species would be to grant chickens a right to 205 life." (2006: 322). This is assuming, controver- 206 sially, that limited populations of such breeds or 207 species would not thrive in the wild or sanctuaries. 208 This is also suggesting, again controversially, that 209 these kinds have intrinsic value and lack wild 210 counterparts. Moreover, RA only applies to 211 those individuals and kinds that would not exist 212 otherwise, hence, for instance, not to wild-caught 213 fish or independently reproducing game. Finally, 214 any given type of agriculture will affect the num- 215 ber, species, and well-being of the animals that 216 will exist on the land used or converted (Matheny 217 and Chan 2005). There is also a widespread 218 assumption that domestication is an advantageous 219 bargain for animals, insofar as husbandry pro- 220 vides for their needs, food, shelter, veterinary 221 care, and protection against predators and diseases 222 and ensures the reproductive success of the popu- 223 lation (Budiansky 1999; Pollan 2006), but as sec- 224 tion "Philosophical Controversy" shows, such 225 comparisons involve complicated metaphysical 226 questions.

In the actual world, RA strikes more directly at 228 veganism than ovo-lacto-vegetarianism, since 229 producing dairy, eggs, and other animal 230 by-products cannot be dissociated from killing, 231 in part because the profitability of livestock 232 depends on the marketability of by-products and 233 because male calves and chicks and spent females 234 are not useful to the industry. Critics, on the other 235 hand, point out that, even granting its validity, the 236 logic of the larder does not entail that such prac- 237 tices will be morally acceptable. RA entails, at 238 best, that one could hypothetically have reasons 239 to eat animals – with meat probably becoming a 240 luxury good (McMahan 2008). But further obsta- 241 cles stand in the way of even heirloom husbandry: 242 the unreliability of labels; inevitability of slaugh- 243 terhouses for animals raised for commercial pur- 244 poses; limitations of mobile slaughter units and 245 gruesomeness of "backyard butchers" (McWilliams 2015); reduced life spans; mother- 247

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Author's Proof

castration, offspring separation; clipping, docking, and other mutilations; increased mortality and morbidity rates; and environmental concerns (waste, GHG emissions, land and water use), let alone empirical and ethical uncertain ties regarding the badness of death for real and hypothetical HRAs (Višak and Garner 2016). Singer and Mason (2006) note: "[humanely raised] cattle, like all the animals we eat, died while still very young. They might have lived several more years before meeting one of these other forms of death, years in which they matured, experienced sexual intercourse, and, if they were females, cared for their children" (253). Therefore, even without granting animals a right to life, RA does not settle by itself the permissibility of the current humane omnivore diet.

Philosophical Controversy

Philosophers accepting RA (e.g., Hare 1999; Scruton 2004; Singer 2011; Varner 2012) assume at least a version of these two claims: death is not a significant harm to nonperson animals; existence is better than nonexistence (for HRAs, other sentient beings, and/or from the point of view of the universe). Singer and Varner also accept that these may be matters of degree.

Hare, Singer's mentor at Oxford, considered Stephen's comparison very sensible: "happy existing people are certainly glad they exist, and so are presumably comparing their existence with a possible non-existence" (1999: 239). If he were to choose between the life of a trout in a small farm in the English countryside, Hare would certainly "prefer the life, all told, of such a fish, to that of almost any fish in the wild, and to non-existence" (240).

Singer (2011: Chapter 5) now accepts that a good if short life is better than nonexistence. Sentient life even has a preference-independent (objective) value, such that more good lives are better than either a less happy or a non-sentient universe. These claims are even easier for Singer to accept now that he espouses hedonistic act-utilitarianism (Lazari-Radek and 2014): the permissibility of a given act of killing depends on the overall resulting balance of enjoy- 293 ment and suffering. On this view, persons are also 294 replaceable, although, given the richness of their 295 lives and the numerous side effects, not as easily 296 as merely sentient beings (also see Varner 2012).

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Distinctions

At the crux of RP stand unresolved questions in 299 moral theory, applied ethics, and axiology (Višak 300 and Garner 2016): When is death a harm? What is 301 the relevant point of comparison to assess 302 (momentary or lifetime) welfare? How does a 303 short happy life compare with nonexistence, life 304 in the wild, or a longer life? Each comparison has 305 its own complications, including nonidentity problems between wild and domesticated animals, different generations, and different life 308 stages of individuals.

The theoretical application of RA to nonperson 310 animals, but not to persons (self-conscious, ratio- 311 nal, and autonomous), hinges on the assumption 312 that death is normally distinctively bad for the 313 latter if their lives are worth living. Death can be 314 a tragedy only for persons. RA thus rests on two 315 central distinctions: suffering versus death and 316 persons versus nonpersons, which may explain 317 why many people opposing animal suffering do 318 not necessarily oppose the killing of animals for 319 food, and why people who would consider killing 320 human beings, including anencephalic children, 321 for horrific medical research generally accept 322 experimenting on at least as sentient nonhumans. 323 Non-speciesists substitute persons/nonpersons for 324 humans/nonhumans, since some nonhumans can 325 be persons (e.g., great apes and cetaceans) and not 326 all humans are persons (e.g., fetuses and anence- 327 phalic children). Even a non-speciesist can there- 328 fore deny that the death of a cow and the death of a 329 normal human being are on a par, given their 330 different cognitive capacities (Bentham 1907; 331 Singer 2011; Varner 2012).

Metaphysical Issues

Utilitarian versions of RA depend on the crucial 334 assumption that the interests of nonexisting 335 beings matter – not simply those of beings that 336 do exist or will exist (regardless of one's choices) 337 but also those of beings who would exist if one 338

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chose to bring them into existence (i.e., whose existence and identity depend on one's choices). The question is whether the interests of already conceived future children matter like those of merely possible children. If interests count only once one has determined that a being will exist, it is problematic to balance the interests of possible farm animals against their interests if they exist. Critics of RA say one ought to ensure existing animals are made as happy as possible when they are alive but ought not to make as many happy beings as possible (Višak 2013).

RA proponents can press that acknowledging that existence can be good implies that existence can be better than nonexistence (benefit) and hence that nonexistence can be worse (harm). RA opponents insist that nonexisting beings have no welfare so there is no one for whom existing is better than never existing. Existence, on this view, is an absolute, i.e., non-comparative, benefit. Secondly, accepting that existing beings can prefer their existence to nonexistence does not commit one to accept that *merely possible* beings would prefer a short happy life to no life at all. In fact, preferring existence to never existing may as well count against killing (no longer existing). It is an open question whether absolute benefits can compensate for harms such as death, but it is plausible that happy animals, if they were in a position to assess such benefits and harms, would prefer life to death. They would, moreover, not be swayed by the fact that, had one not planned to kill them, they would not exist, since existence is not a comparative benefit.

Utilitarianism

Hare (1999: 239-239) makes a clear utilitarian case for replaceability:

doing wrong to animals must involve harming them. If there is no harm, there is no wrong. Further, it has to be harm overall; if a course of action involves some harms but greater benefits, and there is no alternative with a greater balance of good over harm, it will not be wrong. We have to ask, therefore, whether the entire process of raising animals and then killing them to eat causes them more harm overall than benefit. My answer is that, assuming, as we must assume if we are to keep the "killing" argument distinct from the "suffering"

argument, that they are happy while they live, it does not. For it is better for an animal to have a happy life, even if it is a short one, than no life at all.

Although, existence is not "a benefit in itself," "it is a necessary condition for having the benefits 391 that we can have only if we are alive" (239). 392 Existence can be compared (and preferred) to nonexistence and existence allows for more preferences to be satisfied. Hare endorses total 395 (as opposed to average and person-affecting) 396 utilitarianism – i.e., we ought to "maximize the 397 total amount of preference-satisfaction that is had 398 in the world ... and distribute it impartially." Painlessly killing animals, as opposed to making 400 them suffer, does not frustrate their preferences. 401 Assuming there are no uncompensated negative 402 side effects, the permissibility of killing thus 403 depends on "how many live animals, of different 404 species including the human, we ought to cause 405 there to be" or, more accurately, the number of 406 quality-adjusted life years (QALYs) (239). Hare 407 concludes that traditional "organic" husbandry 408 (replaceability), especially in parts of the world 409 where growing crops is impractical, optimific. Note that Hare's argument is stronger 411 Singer's theoretical endorsement of 412 replaceability. It states not only that replacing 413 animals is permissible, but that it is required 414 when optimific. Lazari-Radek and Singer (2014) 415 have recently come closer to such a view 416 (hedonism aside).

As is clear, RA follows naturally from certain 418 versions of utilitarianism. In fact, Pollan's (2006) 419 defense of meat, besides its empirical and axio- 420 logical assumptions (predation as symbiosis; spe- 421 cies matter more than individuals), echoes 422 utilitarian commitments (Singer and Mason 423 2006: 252). Replaceability is, indeed, a crucial 424 ground for deontological and rights-based objec- 425 tions to utilitarianism, insofar as the latter sees 426 individuals as replaceable "receptacles of value" 427 (pleasurable experiences) (Regan 1983). Yet, 428 while RA squares well with utilitarianism, 429 rejecting its conclusion need not entail rejecting 430 utilitarianism.

Further distinctions are necessary here. There 432 are personal and impersonal values, which can be 433

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Author's Proof

ranked differently. A state of affair can be impersonally good independently of its goodness-forparticular beings, from what Sidgwick called "the point of view of the universe." The existence of more happy animals might be impersonally better even if it were better for no one in particular. On the other hand, states of affairs can be personally better or worse for those existing in such states. Happy/long lives are better for cows than short/ miserable lives. So, a state of affairs could be personally worse than its alternatives while being impersonally better: e.g., replaceability is worse for cows, who live shorter lives than they could and are not better off for existing, but the world is better in virtue of containing more happiness than a world of irreplaceable cows.

On total impersonal utilitarianism, impartiality requires that one weighs the interests of actual (present and future) beings and possible beings equally, in proportion to their strength rather than whose interests they are. But several authors emphasize the compatibility of prior-existence/ person-affecting utilitarianism (let alone rule consequentialism) with the irreplaceability of persons or of all sentient beings. They assume, as mentioned earlier, that nonexisting animals have no welfare, so they cannot be harmed or benefitted by existence or nonexistence. The interests of possible beings thus do not matter as much, if at all, as those of actual beings (Sapontzis 1987; Višak 2013; cf. Parfit's 1984 and Singer's 2011 [1979, 1993] discussion). These views thus reject a central tenet of RA.

Both person-affecting and impersonal views may have bullets to bite. The former are hardpressed to account for the intrinsic wrongness of breeding animals that will undergo lives of suffering, if one cannot be harmed by being brought into existence. Of course, once one exists, it is wrong to be made to suffer. But one lacks *direct* reasons, on the person-affecting view, to avoid breeding animals that will have miserable lives as a result of genetic defects or induced disabilities. Wide-person-affecting views, however, offer interesting resources (Višak 2013). On the other hand, purely impersonal views cannot easily account for the intrinsic wrongness of killing and involve comparisons between states of affairs that are not straightforwardly meaningful from the 482 point of view of those they affect. They can accept 483 that not breeding conscious animals has neutral 484 (neither positive nor negative) value. But they 485 cannot make a difference between the good that 486 is achieved by prolonging an existing being's life 487 and creating beings that would not otherwise have 488 existed. Moreover, *hedonistic* impersonal utilitar- 489 ians lack resources to account for the distinctive 490 wrongness of killing persons except in terms of 491 their side effects on other parties and the relative 492 richness of their future lives, all of which can be 493 compensated for on such views. Singer's chang- 494 ing views over the editions of *Practical Ethics* are 495 representative of these difficulties. His recent shift 496 from preference utilitarianism to hedonism 497 deprives him of his previous arguments for the 498 irreplaceability of persons.

To conclude, RP thus leaves us with the theo- 500 retical challenge of providing a compelling case 501 for the replaceability of nonpersons that does not 502 apply to persons. Most authors either accept 503 replaceability for both persons and nonpersons 504 (Lazari-Radek and Singer 2014; Varner 2012) or 505 deny it for both (Višak 2013). Further, practically, 506 RP does not settle all of the morally relevant 507 aspects of animal husbandry. The best defense of 508 conscientious omnivores rests on several empiri- 509 cal and philosophical assumptions still being 510 hotly debated (McWilliams 2015; Višak and Gar- 511 ner 2016).

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Conclusion

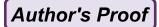
Controversies regarding the ethics of animal hus- 514 bandry and eating meat sometimes revolve around 515 the idea of replaceability, namely, that killing cer- 516 tain animals can be permissible insofar as they 517 live pleasant lives and are replaced by new ani- 518 mals with equally pleasant lives. The controversies touch upon foundational issues in moral theory, practical ethics, as well as contemporary discussions of "ethical," "conscientious," or "humane" omnivores.



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