

The Significance of Death for Animals

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from *The Oxford Handbook of Philosophy of Death* (2013)

To address the question of the significance of death for animals, we first need to consider the significance of death for people. On the assumption that death is, at least usually, bad for people, what makes it bad? To get at least a rough idea, let's contrast a paradigm case of death that appears to be bad for the subject with one that, at least plausibly, isn't bad. First, consider Yorick. Yorick is twenty-two years old, has just graduated from a prestigious college with high honors, has several promising careers open to him, and is in a fulfilling romantic relationship. While Yorick is out walking one day, a drunk driver swerves onto the sidewalk and kills him. Now, consider Oliver. Oliver is ninety-one, and has lived a rich, fulfilling life. But now Oliver has an incurable terminal illness. As the illness progresses, Oliver is in increasing amounts of pain. There are no available treatments that significantly reduce the pain, without also rendering Oliver unconscious. He has no loose ends in his work or personal life. Oliver judges, and his doctors and family agree, that his remaining life is of such a low quality that it is not worth living. Luckily for him, he lives in a state that permits doctor-assisted suicide. Surrounded by loved ones, Oliver dies a peaceful, painless death.

Yorick's death is clearly bad for him. If any death can be good for the subject, Oliver's death appears to be. So, what is the most obvious difference between the two deaths? Yorick's death deprives him of well-being, but Oliver's death doesn't deprive him of well-being. On any remotely plausible account of well-being, Yorick's life would have had more of it, if he hadn't died when he did. He would have had more pleasurable experiences, more satisfied desires, more exercise of autonomy, more of whatever might appear on an objective list of what makes life go well. Oliver's life, on the other hand, would not have contained more of any of this.

The most obvious answer, then, to the question of what makes death bad, when it is bad, is that death negatively affects well-being. Yorick's life would have contained more well-being, if he hadn't died when he did. Notice that this way of describing the relevant effect of death on well-being sidesteps a puzzlingly popular, but pointless, discussion about the level of well-being associated with nonexistence. It might be tempting to say that Yorick's death is bad for him, because, if he hadn't died when he did, he would subsequently have experienced more well-being while alive than he actually did while dead. If Yorick had lived even a few more years, he would have been experiencing a positive level of well-being for those years. As it happened, he experienced a zero level of well-being for those years, so, as a result of his death, he was subsequently worse off than he would have been if he hadn't died at age twenty-two. Some philosophers, however, claim that it makes no sense to attribute *any* level of well-being, even zero, to someone who doesn't exist. Consequently, they say, we can't say that a particular death makes someone worse off than they would otherwise have been. As a result of their death, they have *no* level of well-being, not zero. The positive level of well-being they would have had

cannot be compared with no level. While I think it makes perfect sense to attribute a zero level of well-being to someone after they die, or at least to treat them as if they have zero well-being for the purposes of comparison, we really don't need to get into this discussion. If Yorick would have experienced an overall positive level of well-being during the time he would have been alive, his actual shorter life contains less well-being than his counterfactual longer life. And that is all we need for it to be clear that his premature death at twenty-two negatively affects his overall well-being.

If the significance of death for humans consists in its effect on well-being, can we say the same of the significance of death for animals? Given that animals clearly experience well-being (we don't need to get into any neo-Cartesian silliness here), death can have an effect on their well-being in the same way that it can have an effect on human well-being. Consider two dogs, Spot and Rover. Spot is one, barely out of puppyhood, full of boundless energy and enjoying a happy life with his (human) family. While in the park one day, Spot is killed by a drunken hunter, who thinks he is shooting a bear in the wilderness. Rover is fifteen, barely able to move, beset by many crippling diseases, and in constant pain. Rover's loving family calls the vet, who euthanizes him painlessly. Just as with Yorick and Oliver, it is clear that Spot's death is bad for him but that Rover's death is not bad for Rover. As a result of the hunter's action, Spot's life contains less well-being than it would have had he lived considerably longer. Rover's life, on the other hand, wouldn't have contained more well-being, if he had lived longer.

It appears, then, that the answer to the question of the significance of death for animals is both fairly simple and the same as the answer for humans:

WB Death is bad for an animal to the extent that it results in the animal's life containing less well-being than it would otherwise have contained.

Of course, if an animal hadn't died in the manner and at the time that it did, there are any number of different deaths it could have died instead, some of which may have resulted in more overall well-being in its life, and some in less. Strictly speaking, then, we should say that a particular death is worse for an animal than another one to the extent that the animal's life contains less well-being than it would have contained had it died the other death. The same, of course, goes for human deaths. The context in which we make claims about death being either good or bad for the subject usually makes clear which alternative, or range of alternatives, we are comparing with the death in question. So I will continue to talk of death being good or bad for a subject without the complicating factor of a specific comparison.

The foregoing account of the significance of death for animals doesn't rely on any particular moral theory. All that is required to apply the account to animals is a theory of well-being. However, it would seem that the account is particularly amenable to a consequentialist approach. It is, perhaps somewhat surprising, then, to find two prominent utilitarian proponents of animal welfare downplaying the significance of death for at least some animals. Jeremy Bentham is often quoted in support of the significance of animal welfare: "The question is not, Can they

reason?, nor, Can they *talk?* but, Can they *suffer?*” Earlier in the same passage, though, we find the following:

If the being eaten were all, there is very good reason why we should be suffered to eat such of them 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. If the being killed were all, there is very good reason why we should be suffered to kill such as molest us: we should be the worse for their living, and they are never the worse for being dead. (Bentham, 2010, ch. 19)

Why does Bentham say that animals are “never the worse for being dead”? He does point out that their death at the hands of humans often involves less suffering than their death “in the inevitable course of nature.” But this could hardly justify the claim that animals are *never* the worse for being dead. Is the natural death that otherwise awaits an animal *always* so painful as to render its life as a whole worse than if it had died a less painful death at the hands of humans? This hardly seems plausible.

Peter Singer, the foremost contemporary utilitarian advocate of animal welfare, draws a distinction between animals who are self-conscious and those who aren’t.

Some nonhuman animals appear to be rational and self-conscious beings, conceiving themselves as distinct beings with a past and a future. When this is so, or to the best of our knowledge may be so, the case against killing is strong, as strong as the case against killing permanently defective human beings at a similar mental level. . . . When we come to animals who, as far as we can tell, are not rational and self-conscious beings, the case against killing is weaker. When we are not dealing with beings aware of themselves as distinct entities, the wrongness of killing amounts to no more than the reduction of pleasure it involves. (Singer, 1979, pp. 103–104)

The crucial distinction has to do with the possession of desires for continued existence.

But what of a being which, though alive, cannot aspire to longer life, because it lacks the conception of itself as a living being with a future? This kind of being is, in a sense, “impersonal.” Perhaps, therefore, in killing it, one does it no personal wrong, although one does reduce the quantity of happiness in the universe. (Singer, 1979, p. 102)

Grant, for the sake of argument, that some animals have a preference for future existence and some do not. Why should this matter to a utilitarian, or any consequentialist? The answer is to be found in Singer’s preference utilitarianism.

For preference utilitarians, taking the life of a person will normally be worse than taking the life of some other being, since a being which cannot see itself as an entity with a future cannot have a preference about its own future existence. (Singer, 1979, p. 81)

Killing a self-conscious being frustrates a preference for future existence. Killing a non-self-conscious being does not. Although Singer is here talking about the deontic status of killing, as opposed to the personal significance of death, the two must be closely related, as his talk of killing doing no “personal wrong” to a non-self-conscious being demonstrates. It would be strange indeed to claim that it is, *ceteris paribus*, worse to kill a self-conscious being than to kill a non-self-conscious being, but not also to claim that the significance of death for these two types of being is different.

On Singer’s preference utilitarian approach, it appears that the significance of death is different for different animals, depending on whether they have desires for continued existence. For a self-conscious being, death (usually) frustrates a desire for continued existence. A non-self-conscious being doesn’t have a desire for continued existence, so death can’t frustrate *that* desire. But this difference doesn’t get us very far, certainly not as far as Singer seems to want. Even for a preference utilitarian, the significance of an event can’t be exhausted by what contemporary desires are satisfied or frustrated by the event. In fact, that would seem to be, at most, a small part of the story. Consider a familiar example, a trip to the dentist. Franny Forethoughtful realizes that she needs a filling in order to prevent future pain. She really doesn’t want to experience pain now or in the future. When the dentist’s massive needle pierces her gum to inject novocaine, her desire not to experience present pain is frustrated. Of course, among the effects of the injection are future preventions of frustration of her desire not to experience pain. She knows this, and consequently desires to have the injection and the subsequent dental work. Clearly, the overall significance of this event for Franny is positive. Thelma Thoughtless is also at the dentist to have her tooth filled. She also desires not to experience pain now. However, she doesn’t currently have any desires concerning future pain, because she simply never considers the future. She doesn’t desire to have the injection or the subsequent dental work, even though their effects on future desire satisfactions are the same as the corresponding events for Franny. If contemporary desire satisfaction or frustration were all that mattered for assessing the significance of events for subjects, Thelma’s dental procedures would be negative for her, even though the same procedures would be positive for Franny. But clearly, Thelma’s dental procedures are positive for her, as they are for Franny. The most we could say is that Thelma’s procedures are not quite *as* positive for her as they are for Thelma, because she lacks the current desire to undergo the procedures. However, the fact that the dental procedures prevent so much future desire frustration is more than enough to outweigh the current desire frustration. It is irrelevant that Thelma currently lacks future-oriented desires. She *will* have desires in the future not to experience pain. If she doesn’t have the dental procedure now, many of those desires *will* be frustrated. That is what matters.

So, how could Singer’s position that the significance of death is affected by self-consciousness fit into WB? Presumably, we would have to say that an animal with a self-conscious desire for continued future existence has more to lose from a premature death than an animal without such a desire. But why is that? Let’s consider two cases. Charles the chimp is self-conscious. Charles desires, among others things (like bananas), to continue to exist in the future. Harold the hamster

is not self-conscious. Harold has plenty of desires. He desires to run on a wheel, to eat pellets of food, to drink from an upside-down bottle, to sleep. But he has no conception of himself as an independently and continually existing creature, so he has no desire for future continued existence. Now, suppose both Charles and Harold die prematurely (they are struck by the same tornado). Is Charles's death worse for Charles than Harold's death is for Harold? Does Charles lose out on more well-being? Well, chimps usually live longer than hamsters, so he would lose out on more time. But suppose that Charles is fairly old, and only has the same remaining life expectancy as Harold. In this case, how does the fact that Charles, while alive, had a desire for continued future existence affect the magnitude of his loss, compared with Harold's loss? Suppose they both would have lived for a further two years, if they hadn't been killed by the tornado. Suppose further that, had they lived, the vast majority of their desires would have been satisfied. Harold's various bodily desires would have been satisfied. So would Charles's bodily desires. In addition, Charles's desire for continued future existence would have been satisfied (for another two years). So, there's at least one desire that Charles would have had satisfied that Harold would not even have had, let alone have had satisfied. But is this enough to say that their losses are *qualitatively* distinct, as Singer certainly seems to think? How do we compare the contribution to well-being of the satisfaction of the various desires of Charles and Harold? We clearly can't count *instances* of desire satisfaction. Many desires, such as the desire not to be in pain, and the desire for continued existence, are satisfied continuously over a period of time, rather than discretely. Besides, even if the contribution to well-being of the satisfaction of Charles's desire for continued existence could somehow be compared with the contribution to well-being of the satisfaction of Harold's desire for, say, food, why think that the former would be greater in any way than the latter? Suppose that Harold has really intense desires for food, but Charles has much less intense desires for food and for continued existence. What could it be about the desire for continued existence that would render its satisfaction a greater and/or qualitatively distinct contribution to well-being?

Perhaps the desire for continued existence is significant because it connects with other desires. A creature who desires continued existence is likely also to have desires concerning that future existence. Most people, for example, don't simply desire to continue living into the future, but also want to do and/or experience things during their future existence. In fact, it's hard to imagine the desire for continued future existence unaccompanied by other desires concerning that future existence. It certainly seems irrational to desire mere existence, without also desiring *something* concerning that existence. Self-conscious creatures, who conceive of themselves as "distinct beings with a past and a future," desire continued existence, but also desire specific things for their futures. They make plans for the future, structuring much of their current behavior around these future plans. The ability to conceive of oneself as a distinct being with a past and a future makes possible a far more complex and rich structure of desires and intentions than is available to a non-self-conscious creature. This gives much greater scope for desire satisfaction, but also for desire frustration. On a desire-satisfaction account of well-being, then, self-consciousness provides the potential for greater value, but also for greater disvalue. There certainly seems to be no guarantee, or even presumption, that the life of a

self-conscious being would contain more net well-being than that of a non-self-conscious being. So, once again, self-consciousness does not seem to affect the significance of death in the way Singer suggests.

The preference-satisfaction approach to well-being has proved unable to justify a distinction in the significance of death for self-conscious versus non-self-conscious beings. Do any other approaches fare better? Perhaps we could appeal to the value of autonomy. Perhaps only self-conscious beings exercise autonomy. Furthermore, perhaps the exercise of autonomy is particularly valuable. Death, then, deprives a self-conscious being of the opportunity to exercise autonomy. Whatever else it may deprive a non-self-conscious being of, it cannot deprive it of that. Is this enough to justify the distinction we find in Singer? Only if the value of autonomy were somehow so much greater than the value of all other elements of well-being as to swamp them in every instance. But how plausible is this?

Suppose that I am dying slowly and painfully, with no prospect of cure or even of pain relief, apart from death. As things stand, I have a couple of months of agony to endure before the disease will finish me off. Despite the pain, I am still able to exercise autonomy, and do so. I autonomously choose which television program to watch. I autonomously choose which political candidates to support. I autonomously choose to write scathing letters to the newspapers decrying the irrational refusal of state lawmakers to support legal, voluntary, active euthanasia. I want to die, and judge my present, and future prospective, existence to be not worth living. A freak accident in my hospital room kills me painlessly in my sleep. This (or something like it) is something that I, and all those who love me, had hoped for. The significance of my death is clearly positive for me. As a result of my accidental death, my life contains significantly less suffering than it would otherwise have contained. If the accident hadn't occurred, I would have endured two more months of progressively worse agony. But I would also have had more opportunities to exercise my autonomy. As the pain increased, these would have become fewer and further between. Intense pain can interfere with the exercise of autonomy. Nonetheless, my accidental death clearly deprives me of at least *some* opportunities to exercise autonomy. If the value of autonomy were so great as to swamp the value (or disvalue) of other elements of well-being, such as pleasure and pain, my life would be better if I continued to live for another two months in agony, wishing I were dead. The pernicious absurdity of this conclusion is self-evident. The failure of this appeal to autonomy is similar, for obvious reasons, to the failure of the familiar free-will defense against the problem of evil. Even if free will is highly valuable, its value can be outweighed by the prevention of suffering. A truly benevolent (and omnipotent and omniscient) god would interfere with the exercise of free will on at least those occasions when its exercise would lead to tremendous suffering. Only the most self-deluded of theists could deny this. Likewise, only the most dogmatic and simple-minded Kantian could maintain that the value of autonomy is so much greater than other values as to render the significance of the death of a self-conscious being thereby greater than the significance of the death of a sentient but non self-conscious being.

Where does this leave us? Must we conclude, contra Singer, that the significance of the death of all sentient beings, both self-conscious and non-self-conscious, is the same? Not necessarily. Perhaps there is a different route to something like Singer's position. Imagine that you are dying and are offered the following two treatment options:¹ (i) procedure A will extend your life by two years and relieve any pain associated with the disease; (ii) procedure B will extend "your" life by twenty years, but will permanently sever all psychological connections between you now and whoever inhabits your body when "you" wake up after the procedure. Whoever that is will have a valuable twenty years at roughly the same level of momentary well-being as you would have for two years if you choose procedure A. I think it is intuitively obvious that it is in your self-interest to choose A over B. Whether you still exist after B is, I think, irrelevant. It makes no difference whether we say that you exist but your future self has no psychological connection to your present self, or that you don't exist, because the psychological connections are necessary for personal identity. Either way, it would be rational for you now to choose A (though, if you choose B, future "you" will be glad you did). From your perspective, B is no different from your death combined with the creation of a physically similar, but psychologically unconnected, adult. From the perspective of objective value, B is the better choice. But from the perspective of what it makes sense for *you* to care about when thinking purely selfishly, A is the better choice. Perhaps this shows that the psychological connections are necessary to personal identity, as opposed to the identity of the organism. If so, it shows that what is significant about our deaths to us, and the deaths of other creatures who maintain personal identity over time, is the effect of the death on the well-being of the person, as opposed to the well-being of the organism.

This has obvious implications for approaches to the morality of abortion that focus on the putative wrong done to the fetus by depriving it of a valuable future. For example, Don Marquis claims that the wrong done to an adult human victim in a standard case of killing is the wrong of being deprived of a valuable future (Marquis, 1989). He then argues that most abortions similarly deprive the fetus of a valuable future, and thus that they wrong the fetus in the same way that murder wrongs an adult. But if, as seems likely, a fetus does not have significant psychological connections with the later person, the significance of death to the fetus is more like the significance to you of the failure of procedure B as opposed to the failure of procedure A. If you opt for procedure A, you will hope for your own sake that it succeeds. But if you opt for procedure B, its success or failure doesn't affect you personally. Suppose that there is no procedure A. There is only B. Furthermore, B has a 50 percent chance of success, with the results described above, and a 50 percent chance of failure, resulting in physical death. When faced with procedure B, it might make sense to hope it succeeds, rather than fails. But it makes sense in the same way it makes sense to hope that your organs will be successfully transplanted into another's body after you die, resulting in continued life for that other person. To the extent that you care about others, you want your organs to help others live. But it will make no difference to *your* well-being whether

¹ I was first introduced to a version of this example by Michael Tooley, who has been using it for many years. A version of it also appears in McMahan, 2003.

your organs help others live after you die. (I know there are those who claim that the posthumous satisfaction or frustration of your desires can positively or negatively affect your well-being, even though you no longer exist at the time. I don't know what to say about this position, except that I find it inordinately silly.) Likewise, an abortion may have an effect on the total amount of well-being in the world, but it doesn't personally deprive the fetus of well-being in the same way that murder personally deprives an adult victim of well-being. If you hear of a friend contemplating abortion, it might make sense to hope they don't go through with it, but only in the same way it might make sense to hope that another friend forgets to use contraception, or that their contraception fails. Marquis's mistake (one of them at least) is to assume that he doesn't need to explore the question of the personhood of the fetus. The significance of the deprivation of a future to a victim clearly differs between persons and nonpersons.

The comparison with abortion has clear implications for the claim that the significance of death is different for different animals. Recall Singer's emphasis on a self-conscious animal's ability to conceive of itself as a continually existing being with a past and a future. Such animals, including most humans, are persons. Non-self-conscious animals, including some humans, are, as he puts it, "in a sense, 'impersonal.'" Now compare Tom Regan's well-known criterion for the possession of what he calls "inherent value." In Regan's seminal work *The Case for Animal Rights*, and elsewhere, he appeals to what he calls the "subject of a life" criterion for possessing inherent value. Here is his account of subjecthood:

To be the subject-of-a-life . . . involves more than merely being alive and more than merely being conscious . . . [I]ndividuals are subjects-of-a-life if they have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time; and an individual welfare in the sense that their experiential life fares well or ill for them. (Regan, 1983, p. 243)

It is in virtue of being subjects-of-a-life that, for example, all mammals aged one or more have inherent value, and have it equally. Inherent value is distinguished from intrinsic value, and cannot be weighed against it. All creatures who possess inherent value have rights, in particular the Kantian-style right not to be used as mere means for the benefit of others. I don't wish to delve into the serpent-windings of rights theory here. It is Regan's subject-of-a-life status that interests me. Sentience, in particular the ability to experience pleasure and pain, is both necessary and sufficient for moral considerability. Singer is clearly right about that. He also seems to be right that sentience is *not* sufficient for personhood. His account of what self-consciousness adds to sentience seems quite similar to Regan's account of being the subject-of-a-life. Consider both the criterion of sentience and the criterion of subjecthood. What does the latter add to the former? Most significantly, what is added is a form of cross-temporal psychophysical identity. Merely sentient creatures can suffer and enjoy, and such sufferings and enjoyments are clearly significant. Subjects-of-a-life also have lives that are important to them. It is

possible for more to matter to them than merely avoiding pain and experiencing pleasure. Their *lives* matter to them.

A merely sentient animal's life contains well-being. Its enjoyments contribute positively and its sufferings negatively to its well-being. The death of such an animal may prevent future enjoyments or future suffering. It may thus make a negative or positive difference to the net amount of well-being in the world. In this sense, the death of any merely sentient animal has significance. But it's not clear that it has significance *to the animal*. Whether a merely sentient animal lives or dies has, *to the animal*, the same kind of significance as whether procedure B succeeds or fails has *to me*. If a merely sentient animal continues to live, there will be more of whatever well-being that animal experiences, but there won't be personally significant connections between the animal now and the animal later. Likewise, if procedure B succeeds, there will be more of whatever well-being that later person experiences, but there won't be any personally significant connections between me and that person.

Notice that the kinds of psychological connections involved in Regan's account of subjecthood or Singer's account of self-consciousness could well come in degrees. If so, it is implausible to suggest that there is a sharp cutoff point at which subjecthood, or personhood, is fully acquired. It seems far more likely that personhood is a matter of degree. Suppose we add to the choice between procedures A and B a third procedure, C. C will extend "your" life by five years but will also sever most, but not all, of the psychological connections between you now and the person who exists after the procedure. That person will have some vague memories, that are similar to some of yours. She will also share a few of your personality traits. I suggest that, with this third choice added to the original two, it is much less clear what it makes sense for you to choose if you are only concerned with your own well-being. If personhood really can come in degrees, that is exactly what we would expect. This topic clearly deserves a much fuller investigation than I can give it here.

My suggestion, then, is that Singer is at least partly right. The significance of death to a self-conscious animal is different from the significance of death to a merely sentient animal. The death of a merely sentient animal may prevent the existence of well-being, and is thus morally significant. The death of a self-conscious animal is, in addition, *personally* significant.

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