

THE MORAL SIGNIFICANCE OF ANIMAL PAIN AND ANIMAL DEATH

1. Animal Cruelty and Animal Killing

In this paper, I will be concerned with this question: what follows from the claim that we have a certain kind of *strong* reason against animal cruelty? In particular, what follows for the ethics of killing animals? My discussion will be focused on examination of a view that I take some people to hold, though I find it deeply puzzling. The view is that although we have strong reasons against animal cruelty, we lack strong reasons against painlessly killing animals in the prime of life; on this view, either we have no reasons against such killings, or we have only weak reasons. My attention will be focused on animals of intermediate mental sophistication, including dogs, cats, cows, and pigs, while excluding more mentally sophisticated animals such as humans and apes, and excluding less mentally sophisticated creatures such as fish and insects. Whether any of what I say also applies to the animals I am excluding is a topic for further work.

I am interested in the claim that we have a certain kind of *strong* reason against animal cruelty. As will emerge, I take our reasons against animal cruelty to be strong in several ways. One way they are strong is the following: if an action would cause significant suffering to an animal, then that action is *pro tanto* wrong; that is, the action is wrong unless justified by other considerations. Such a view of animal cruelty is part of a more general non-consequentialist view on which there is a moral asymmetry between causing *harm* and causing *positive benefit*: our reasons against harming are stronger and of a different type than our reasons in favor of benefiting (and our reasons against preventing benefits).

Here is the claim that I take to be believed by some people, and which I plan to examine:

The Surprising Claim:

- (a) we have strong reasons not to cause intense pain to animals: the fact that an action would cause intense pain to an animal makes the action wrong unless it is justified by other considerations; and
- (b) we do not have strong reasons not to kill animals: it is not the case that killing an animal is wrong unless it is justified by other considerations.

The Surprising Claim seems to lie behind the following common belief:

While there is something deeply morally wrong with factory farming, there is nothing morally wrong with “humane” farms on which the animals are happy until they are killed.

Some people think that factory farming is morally wrong, and that it is morally wrong to financially support factory farming, because factory farming involves subjecting animals to intense suffering. By contrast, “humane” farms do not subject animals to suffering,

but they do kill animals in the prime of life. Some people who believe factory farming is morally wrong also believe that this “humane” farming is morally permissible. They appear to believe that while we have strong moral reasons not to cause animals pain, we lack strong moral reasons against killing animals in the prime of life.¹

I find the Surprising Claim puzzling. My goal in this paper is to examine the Surprising Claim. I will ask: how could the Surprising Claim be true? In section 2, I will argue that the Surprising Claim is not true. I will then consider [three] views on which the Surprising Claim is true; each view rejects one of the claims made in my argument of section 2. I will ask what can be said in favor of each view and whether any of these views is true. I will argue that each view is false. The [third] view I will consider is Jeff McMahan’s time-relative interests view; one of my conclusions will thus be that this well-known view is false. Finally, I will draw [a] lesson about the relationship between the significance of animal pain and the significance of animal death.

2. An Argument Against the Surprising Claim

In this section, I will argue that the Surprising Claim is false.

The Surprising Claim:

- (a) we have strong reasons not to cause intense pain to animals: the fact that an action would cause intense pain to an animal makes the action wrong unless it is justified by other considerations; and
- (b) we do not have strong reasons not to kill animals: it is not the case that killing an animal is wrong unless it is justified by other considerations.

Consider part (a) of the Surprising Claim. If (a) is true, what explains its truth? It seems that it must be true because animals have moral status, and because any action that significantly harms something with moral status is impermissible unless justified by other considerations.

Here is an argument that the Surprising Claim is false:

1. If it is true that we have strong moral reasons against causing intense pain to animals, such that doing so is impermissible unless justified by other considerations, then part of the explanation of this truth is that animals have moral status.
2. If it is true that we have strong moral reasons against causing intense pain to animals, such that doing so is impermissible unless justified by other considerations, then part of the explanation of this truth is that significantly harming something with moral status is impermissible unless justified by other considerations.

1. Someone might believe we should *support* “humane” farming because it is so much morally *better* than factory farming, without believing “humane” farming is morally unproblematic: this person need not believe the Surprising Claim. [Harman’s note.]

3. If an action painlessly kills a healthy animal in the prime of life, then that action significantly harms the animal.
4. If it is true that we have strong moral reasons against causing intense pain to animals, such that doing so is impermissible unless justified by other considerations, then painlessly killing a healthy animal in the prime of life is impermissible unless justified by other considerations (1, 2, 3).
5. Therefore, the Surprising Claim is false (4).

I endorse this argument. I think it gives the right account of why the Surprising Claim is false. In the next three sections, I will discuss [three] views on which the Surprising Claim is true; those views reject this argument.

3. First View: Killing an Animal Does Not Harm It

Consider this view:

First View: An action that painlessly kills an animal in the prime of life deprives the animal of future life, which would be a positive benefit to the animal, but does not harm the animal.

According to the First View, death is *bad* for animals, but a proponent of the First View would point out that there are two ways that events can be bad for a being: an event can be or lead to something that is in itself bad for the being, such as suffering, or an event can be a deprivation of something that would have been in itself good for the being. A being is *harmed* when it undergoes something that is in itself bad, but a being is not typically harmed when it is merely prevented from something good.

According to the First View, claim 3 is false: while death is bad for animals in that it deprives them of futures that would be good for them, it does not harm them because it does not involve anything that is in itself bad for them, such as pain. . . .

The First View is false because, while it is typically the case that when a being fails to get a benefit, the being is not harmed, nevertheless some actions that deprive a being of a benefit do thereby harm the being. If someone deafens you (causes you to become permanently deaf), she simply deprives you of the benefit of hearing, but she thereby harms you. If someone steals your money, she simply deprives you of the benefit the money would have provided, but she thereby harms you.

In particular, actively and physically interfering with a person in such a way that she is deprived of a benefit does typically harm that person. And if this is true of persons, it should also be true of animals. But killing an animal does actively, physically interfere with the animal in such a way that the animal is deprived of a benefit. So killing an animal is harming that animal.

4. Second View: Death Is Not Bad for Animals Because Animals Lack Sufficient Psychological Connection with Their Futures

In this section, I will consider [another] view on which the Surprising Claim is true. [The view is a] more specific elaboration of the following basic idea:

When a person dies, she *loses out* on the future she would have had. She had expectations, hopes, plans, and dreams that are thwarted. Animals, however, do not *lose out* on their futures. They do not have the right kind of psychological connection to their future lives to be losing out on them.

Here is one way of making this basic idea more precise. It is an argument that would be offered by someone who endorses the Second View:

- (i) The death of a person is bad for her only because it frustrates her desires and plans for the future.
- (ii) Therefore, death is bad in general only because it frustrates desires and plans.
- (iii) Animals do not have desires and plans for the future.
- (iv) Therefore, animals' deaths are not bad for them.

The Second View is more radical than the First View. The First View granted that death is bad for animals but denied that animals are harmed by being killed. The Second View denies that death is bad for animals at all. It follows that animals are not harmed by death, and that claim 3 is false.

The Second View is false because its claim (i) is false. It is true that *one way* death is bad for most persons is that it frustrates their desires and plans for the future. But a person might not have any desires and plans for the future, yet her death could still be bad for her. Consider someone who is depressed and wants to die; she is so depressed that she lacks any desires about the future and has no plans for the future. Suppose she in fact would recover from her depression and have a good future if she continued to live (because her family is about to intervene and get her treatment). If she dies now, then death deprives her of a good future and is bad for her. But death does not frustrate her desires and plans. In a more far-fetched example, consider someone who *truly* lives in the moment. She enjoys life but has absolutely no expectations or desires about the future, and no plans for the future. If she dies now, her death is bad for her, although it frustrates no desires or plans.

Just as a person's death may be bad for her because she is losing out on a future life that would be good for her (even if she lacks desires and plans for the future), similarly an animal's death may be bad for it because the animal loses out on a future life that would be good for it, even if the animal lacks desires and plans for the future. This is why the Second View is false. . . .

5. [Third] View: McMahan's Time-Relative Interests View

In this section, I will discuss a [third] view on which the Surprising Claim is true. Like the First View, the [Third] View grants that we have *some reasons* against killing animals; the [Third] View denies that these reasons are *strong*. . . .

The [Third] View is a view of Jeff McMahan's. He calls it the "time-relative interests view."² On this view, the badness of death for a morally significant being is not a direct function of what the being loses out on in dying; the badness of death is not simply a matter of how good the lost life would have been. Rather, it also matters what the being's *psychological relationship* is with that potential future life. If a being is such that, were it to continue to live, there would be only weak psychological connections between its current stage and its future life, then the goodness of that future is *less of a loss* for it than if the being would have stronger psychological connections with its future life: the being currently has less of an interest in continuing to live than if the psychological connection he would have to a future life would be stronger. This view has the virtue that it can explain why, as is plausible, the death of a ten year old is worse for the ten year old than the death of a one month old is bad for the one month old: while the infant loses out on more life, so loses more, the ten year old would have much greater psychological connections with its future if it continued to live. According to the time-relative interests view, the one month old has a weaker interest in continuing to live than the ten year old has.

The implications of the time-relative interests view for animal death are that animal death is not very bad for animals because animals do not have very strong psychological connections to their future selves: they do not have *strong interests* in continuing to live. But the view does not hold (nor is it plausible) that animals lack any psychological connections to their future selves: so the view does not hold that animal death is not bad for animals, nor that we have no reasons against killing animals. The view grants that animals have *some interest* in continuing to live.³ The view supports the following claim:

We have strong reasons against causing animal pain, and we have some reasons against painlessly killing animals in the prime of life, but these reasons are weakened by animals' lack of deep psychological continuity over time.

(Note that I stipulated at the beginning of the paper that I am only concerned with animals of intermediate mental sophistication, including dogs, cats, cows, and pigs, and excluding humans, apes, fish, and insects. My claims about the time-relative interests view's implications regarding animals are restricted to these animals of intermediate mental sophistication.)

2. Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford University Press, 2002). [Harman's note.]

3. Note that what a being "has an interest in" is a matter of what is *in the being's interests*, not a matter of what the being desires or wants. [Harman's note.]

The [Third] View can grant claims 1 and 2 of the argument of section 2. But the [Third] View denies claim 3: it holds that, while death is a harm to animals, it is a minor harm. On this view, killing an animal does not *significantly* harm the animal, and it is not the case that killing an animal is wrong unless justified by other considerations.

I will now argue that the time-relative interests view is false. . . . My argument relies on some substantive claims about the nature of the psychological connections that animals have over time, and the way the time-relative interests view would handle these connections.⁴ In particular, I assume that on the time-relative interests view, an animal now has greater psychological connection to its nearer future life than to its farther future life, and that an animal now has negligible psychological connection to its future life a sufficient amount of time into the future, such as five years into the future. It follows from this that, on the time-relative interests view, while it is currently in an animal's interest to continue to live for the next several months (at least), an animal currently lacks any interest in being alive five years from now, currently lacks any interest in having particular good experiences five years from now, and currently lacks any interest in avoiding particular bad experiences five years from now—any experiences it would have five years from now are so psychologically remote that the animal currently has no interests regarding those experiences.

My objection relies on two cases.

Billy is a cow with a serious illness. If the illness is not treated now and is allowed to run its course, then Billy will begin to suffer mildly very soon, the suffering will get steadily worse, Billy will be in agony for a few months, and then Billy will die. If the illness is treated now, Billy will undergo surgery under anesthetic tomorrow. Billy will suffer more severely over the next two weeks (from his recovery) than he would have from the illness during that time, but then he will be discomfort-free and he will never suffer agony; he will be healthy and able to live a normal life.

It is permissible to do the surgery on Billy. This is permissible because, while the surgery will cause Billy to suffer, which he now has an interest in avoiding, it will prevent worse suffering to Billy, which he also now has an interest in avoiding.

Tommy is a horse with a serious illness. If the illness is not treated now and is allowed to run its course, Tommy will live an ordinary discomfort-free life for five years, but then Tommy will suffer horribly for several months and then die. If the illness is treated now, then Tommy will undergo surgery under anesthetic tomorrow. Tommy will suffer over the following two weeks, but not nearly as severely as he would five years from now. Tommy will be completely cured and will be able to live a healthy normal life for another fifteen years.

4. I am also assuming that the time-relative interests view sees the badness of the death of animals as sufficiently diminished that it does not count as the kind of significant harm that is pro tanto wrong to cause. [Harman's note.]

It is permissible to do the surgery on Tommy. This is in fact permissible because Tommy has an interest in getting to live a full life, and though he has an interest in avoiding the pain of recovery from surgery, it is overall in his interests to have the surgery.

But the time-relative interests view cannot explain why it is permissible to do the operation on Tommy. On that view, Tommy has a reasonably strong interest in avoiding pain in the immediate future; he has no interest in avoiding suffering five years from now or in avoiding death five years from now. While the time-relative interests view can easily account for the permissibility of the surgery on Billy, it cannot account for the permissibility of the surgery on Tommy.

Because the time-relative interests view cannot accommodate the truth that it is permissible to do the surgery on Tommy, and the truth that the two surgeries on Tommy and Billy are permissible for the same basic reasons, the time-relative interests view must be false.

6. Conclusion

What lesson [has] emerged from our examination of the Surprising Claim and the [three] views? The basic lesson is that if we have strong moral reasons not to cause animal pain, we must also have strong moral reasons not to kill animals, even painlessly. In section 2, I argued that this is true. I have considered [three] ways one might reject this argument and argued that each one fails. . . .

TEST YOUR UNDERSTANDING

1. Consider this claim: we have strong reasons against causing animal suffering, but we have no reasons against painlessly killing animals. Harman discusses this claim. Does she argue that it is true or that it is false?
2. Harman disagrees with the claim that the death of a person is bad for her only because it frustrates her desires and plans for the future, because Harman thinks that there is another way that death can be bad for a person. What is that way?
3. Why would Harman disagree with the following claim? "Killing a person just deprives her of a *benefit* (future life); killing a person does not *harm* her."
 - a. Future life is not always beneficial, but it is still wrong to kill someone.
 - b. Sometimes the deprivation of a benefit does harm a person, and if there is physical interference with a person to deprive them of a benefit, this does typically amount to harming them.
4. What is the time-relative interests view?
 - a. The view that a person should spend time with her relatives (such as grandparents).

- b. The view that animals have no interest in continuing to live because they cannot form elaborate life plans.
- c. The view that how much of an interest a being has in enjoying particular future experiences depends on how psychologically connected those experiences would be with its present state.

NOTES AND QUESTIONS

1. Harman does not argue for the claim that there are strong reasons against causing animal suffering. But if we assume that there are strong reasons against causing animal suffering—as many people believe—then Harman’s argument implies that there are also strong reasons against painlessly killing animals. What does this mean about so-called “humane” farms that raise animals in pleasant conditions and then painlessly kill them? Does it follow from Harman’s argument that “humane” farms are no better than factory farms, which cause animals to suffer during their lives before the animals are killed?
2. How could we argue for the claim that there are strong reasons against causing animal suffering? Peter Singer has argued as follows:
 - (i) It is not arbitrary to draw a moral line at *sentience* (the ability to have experiences).
 - (ii) It would be arbitrary to draw a moral line anywhere else, such as between animals and persons; indeed, this would be just as arbitrary as drawing a line between men and women or between people of different races.
 - (iii) Morality does not draw arbitrary lines.

Therefore:

- (iv) Morally speaking, persons and animals count equally.⁵

If persons and animals count equally, then it seems to follow that we have strong reasons against causing animals to suffer. Is this argument convincing? Do we have strong reasons against causing animals to suffer?

3. The time-relative interests view holds that an animal’s interest in having certain experiences in the future is *relative* to the degree of psychological connection the animal would have with that future.
 - a. Imagine an animal that has no capacity to form memories at all but does have experiences in the moment. Would the time-relative interests view say that death is bad for this animal?
 - b. McMahan developed his view partly to defend a liberal, permissive view about the ethics of abortion. How can the time-relative interests view help to support a permissive view of abortion? Do fetuses have strong or weak psychological ties to their future lives?

5. Peter Singer, “All Animals Are Equal,” in ed. Tom Regan and Peter Singer, *Animal Rights and Human Obligations* (Oxford University Press, 1989), 215–26.