

**ANIMAL LIVES MATTER:
DEATH, SENTIENCE, AND UTILITARIANISM**

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ABSTRACT

The killing of nonhuman animals is a controversial topic in utilitarian ethics. As an ethical theory mainly concerned with well-being, utilitarianism usually grants moral status to sentient animals, and thus, animal suffering is considered a moral problem. However, the painless killing of animals is frequently considered morally neutral. This position is therefore not based on the denial of the moral status of animals, but on beliefs about the value of animal life and death. My objective is to challenge these beliefs and argue that the killing of animals is, in fact, a serious moral issue. I contend that the loss of a positive balance of well-being is a sufficient condition for the badness of death, and as such, death can be a misfortune for sentient animals. I argue that this gives us a *pro tanto* reason to oppose the killing of animals. Moreover, I maintain that the loss suffered by the animal is a significant one, which implies that, although utilitarians accept interpersonal trades of utility, weighty reasons are needed to outweigh the frustration of this interest. I then address the two main problems for a utilitarian account of the wrongness of killing merely sentient beings, namely, the replaceability argument and the logic of the ladder argument. I maintain that we have reasons to reject both of these arguments. Finally, I apply my position to the more relevant instances of killing animals in the real world, in particular the killing of farm animals, of wild animals, and of companion animals. While the killing of farm and wild animals are the most relevant ones in terms of numbers, my analysis of the killing of animal companions sheds light on complex questions about animal euthanasia and the value of animal life. I conclude that most of our killing of animals cannot be morally justified under a utilitarian approach, even in cases where the animals have lived lives worth living and die painlessly.

STATEMENT OF ORIGINALITY

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

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INTRODUCTION

Human beings kill billions of land animals for food each year (FAO, 2019), and if we factor marine animals into the equation, the number skyrockets into the trillions (Mood, 2010). Notably, this number does not even include animals, both domestic and wild, killed for other reasons, such as entertainment, fashion, experimentation, or land management. Furthermore, aside from the animals that are killed intentionally, humans also kill innumerable animals unintentionally, due to environmental degradation, development, and agricultural practices. However, despite these staggering numbers, the killing of animals is often considered a non-moral issue. Although the plight of animals is receiving growing attention by the media and in the public mind, this concern is commonly restricted to the topic of suffering. Simply, although many in our societies are outraged by images of animal suffering, most are unconcerned with animal death (with the exception, perhaps, of the killing of pets and some emblematic animals, such as elephants or whales). In short, it is considered that the killing of animals is not a moral issue, so long as they have not suffered during their lives and deaths.

Although such indifference to animal death is often based on a disregard for the moral status of animals (or a negation of this moral status), this is not always the case. Many of those who grant moral status to animals and are committed to treat animals morally still do not oppose their killing.¹ Furthermore, as we will see, some animal advocates engage in the killing of animals themselves. Can their position be morally justified? Philosophically, the idea that animal suffering matters, but animal lives do not, is not without support. It is possible to argue that animals matter morally, and as such we should consider their interests, but still hold the belief that killing them is not a moral issue. So, this position is based, not in the negation of the moral status of animals, but on judgements about the value of animal life and death. Namely, on the idea that death is not a misfortune for animals, either because animal life contains little value (and as such its loss not a moral issue), or because the badness of death hinges on some characteristic that animals, but not humans, lack.

¹ It has been recently argued (Rowlands, 2019) that many animals, and not only those who have intentional self-awareness (as opposed to pre-intentional self-awareness), can be considered persons. Taking these arguments into account, I have tried to avoid referring to animals and other merely sentient beings as 'it'.

The goal of my dissertation is to show that death is a misfortune for animals, and that we have morally compelling reasons to refrain from killing them. In doing so, I will adopt an act-utilitarian approach to ethics. This may be surprising to some, as utilitarianism is often criticised (Francione, 2009; Regan, 2004) for its weak stand against killing in general, and the killing of nonhuman animals in particular. In animal ethics, a distinction is often made between welfarist and abolitionist theories: that is, between those that care uniquely about welfare, and those who seek the abolition of animal use. These two positions are commonly identified with utilitarianism and theories of rights, respectively. The reason for this distinction is that those which are uniquely concerned with welfare may accept the use, and even the killing, of animals when doing so does not affect the animals' well-being level. For this reason, welfarism is often considered a pejorative term in animal advocacy circles, as it refers to theories that merely modify (instead of challenge) a framework of systematic oppression (Francione, 2009). I will argue that, while it is true that the focus of utilitarianism is on welfare, and as such may accept some uses of animals, it can nevertheless account for the morality of killing animals.²

Utilitarianism

Before I go on any further, I would like to offer an outline of utilitarianism and why I consider it to be a valuable theory in animal ethics. As I mentioned, I am addressing the topic of the killing of animals from an act-utilitarian perspective. Rule-utilitarianism is also a plausible moral theory, which can be highly valuable for animal ethics (Varner, 2012). However, for reasons that will be clear later in the dissertation, the ethics of killing is not as controversial for rule-utilitarians as it is for act-utilitarians. Thus, showing that rule-utilitarianism is capable of accounting for the ethics of killing animals may be an easier task. Yet, my goal is to demonstrate that utilitarianism can account for the wrongness of killing animals, even in its more controversial form of act-utilitarianism.

² Although a considerable part of this thesis is concerned with a scholarly discussion of the ethics of killing on a utilitarian approach, many of the arguments offered will be appealing to non-utilitarians, particularly those in the first section of the thesis, regarding the relationship between death, well-being, and harm. Likewise, my response to the logic of the larder argument hinges, not on utilitarian theory, but on the concept of moral risk and the values of coming into existence and ceasing to exist. Finally, most of my arguments on the third section of the thesis, centred on the application of my position to the real world, will be appealing to those who share my views about the moral status of animals and the badness of animal death.

So, what is act-utilitarianism? Act-utilitarianism claims that “an act is permissible if and only if no other act open to the agent at the time had greater (actual or expected) utility, utility being understood as aggregated well-being for sentient creatures” (Hooker, 2000: 5). In other words, utilitarianism is a consequentialist and welfarist account of morality, meaning that it judges actions based on how they affect the welfare levels of everyone involved. Utilitarianism is compatible with different theories of well-being, and the assessment of the consequences can vary depending on which theory one adheres to. The most common positions are hedonism and preference-based theories of well-being, but objective-list theories are compatible with utilitarianism too.

Here, I will take a broad approach to well-being, as these theories will evaluate the consequences similarly in the relevant (for our purposes) cases. After all, most creatures have strong preferences for avoiding suffering and experiencing happiness. In line with the tradition in the animal ethics literature, I will discuss well-being by speaking of interests (Singer, 1995b & 2011; McMahan, 2002; Cochrane, 2012; Lamey, 2019b).

Importantly, I will use ‘interest’, to refer to ‘having an interest in’, and not ‘taking an interest in’. In the sense I am using, ‘having an interest’ means having a stake in something, and includes those cases where the subject is unaware of this interest. For instance, a human infant can have an interest in receiving a vaccine, even if she cannot comprehend, or desire, the benefits of a vaccine.

As well-being is the basis according to which the consequences of an action are judged, utilitarianism has traditionally set sentience as the criteria for moral status. This means that the interests of all sentient creatures are taken into consideration. Sentience has been defined as being “capable of having feelings (mental states, such as sensations or emotional states, that are typically pleasant or unpleasant)” (DeGrazia, 1996: 99). Sentient beings are those capable of experiencing different levels of well-being, and consequently, those whose well-being levels can be affected by the different possible actions an agent can perform. For this reason, utilitarians argue that sentient nonhuman animals have moral status. This implies that creatures that are not sentient, like plants, non-sentient animals, or pre-sentient fetuses, are outside the circle of moral concern (and thus, outside the scope of my investigation).

Another characteristic of utilitarianism that is relevant to animal ethics is the focus on impartiality (Višak, 2013; Singer, 2011; de Lazari-Radek & Singer, 2014). Act-utilitarians assess the consequences of an action based on its effects on those involved. The morality of the action will depend on whether the action maximises utility, or in other words, whether it delivers the best consequences overall. This assessment weighs the effects on different individuals, trading off benefits and harms among them. That is, interpersonal trades of utility are considered morally acceptable, which implies that an individual can bear the costs for benefits enjoyed by others, as long as total utility is maximised³ (Norcross, 1997). Importantly, a key element of this assessment is that the interests of all affected need to be considered impartially; that is, equal interests are given equal weight, no matter whose interests they are. In practical terms, this implies that nonhuman interests are considered at the same level as human ones. This feature explains why utilitarians have historically been in the forefront of the animal welfare and liberation movements (Bentham, 1996; Singer, 1995b).

Due to this historical concern for the well-being of animals, and given the radical implications of utilitarianism's egalitarian stance, I consider this moral theory as particularly appropriate to address issues in animal ethics. Furthermore, I believe that some of the problems for which utilitarian theory is often criticised in animal ethics are not so much rooted in utilitarianism itself, but in axiological positions, such as the badness of animal death, the value of animal life, and the strength given to the interests of animals. However, as utilitarianism is compatible with different theories of value, other assessments of these moral questions are possible. For this reason, my first concern in this dissertation will be to examine these axiological positions. Moreover, as utilitarianism is regularly used (often not by utilitarians, and even more frequently not correctly) to justify the morality of dubious practices with regard to animals, such as their killing (Lamey, 2019: 129), I consider an analysis of the question regarding the morality of killing animals in utilitarian theory is imperative for those concerned with the fate of nonhuman animals.

³ Not all strands of utilitarianism are maximising in nature (see, for instance, Norcross, 2006 and Slote, 1985). However, as maximising utilitarianism is the most accepted variant of this moral theory, I will focus solely on this version.

Structure and chapters

This dissertation is divided in three parts, each of them composed of three chapters. The first two parts deal with theoretical principles, namely the badness of death and the wrongness of killing, while the third one is concerned with the application of these principles to the real world. In the first section I deal with the badness of animal death, where I will claim that death is a misfortune for animals. This, I believe, is the key to the debate over the morality about killing animals. If death does not harm animals, it would be reasonable to maintain that there are no direct reasons against their killing. However, I will argue that death does indeed harm animals, and thus, they have an interest in continued existence.

In the first chapter, I discuss the badness of death in general, and engage with arguments that have been presented in the discussion regarding whether death is a misfortune for human beings. I believe that, given the controversial nature of the debate about animal death and its moral implications, it would be more enlightening to start by discussing the less contentious badness of human death. I will argue that death is bad because of what it takes from us, a position frequently known as the *deprivation account*. As death implies the termination of all possible well-being, it affects us negatively (if we were to experience positive well-being), and as such, it is a misfortune for us. Precisely, I claim that the loss of well-being is a *sufficient* condition for death to be a misfortune, which in turn, leaves the possibility open of death being bad for additional reasons.

A key implication of my position about the badness of death is that sentience, and not self-awareness, is the minimum psychological requirement to be affected (positively or negatively) by death. This is the topic of the second chapter, where I argue that death can also be a misfortune for nonhuman sentient animals, regardless of their level of self-awareness. I then tackle several arguments that have been made against my position, which maintain that the badness of death depends on psychological traits not possessed by animals. Such positions commonly focus on self-awareness, although not all authors coincide on why this trait is relevant for the badness of death. The first of the arguments I discuss focuses on well-being, and argues that animals do not possess the type of well-being whose loss makes death a misfortune. The remaining arguments I examine focus on preferences that only self-aware beings can have, like preferences for one's

life as a whole or a preference for continued existence. They hold that death is an evil only when it frustrates these types of preferences. I contend that these authors are not successful in showing that death is not a misfortune for animals.

In the third chapter I address how much of a misfortune death is for animals. I maintain that, as death takes all possible positive well-being from the animal, this is a considerable loss. However, it has been argued that animals can only experience limited well-being, and thus, their loss is never, or minimally, significant. This is a popular opinion, but not one that we frequently find well supported by arguments. As it appears to be a commonsense position, many authors simply take it for granted. In this chapter, I will engage with McMahan's arguments regarding the well-being of animals. Although this is not the main focus of his theory of the badness of death, he offers compelling arguments to support his position. As we will see, he claims that regardless of their cognitive abilities (in particular, psychological connectedness), death is a greater misfortune for a human infant than for an animal, like a dog or a pig, given that a much greater well-being is available to the infant in the future. I will argue against this position, claiming that the idea that humans experience higher levels of well-being not available to animals is at least dubious, and as such, we should limit our considerations to the psychological abilities of the victim. The importance of this position will become apparent in subsequent chapters.

Part two deals with the wrongness of killing. In its first chapter (chapter four), I claim that utilitarians can account for the wrongness of killing animals. I have argued that death can be a misfortune for animals, and this can be a considerable harm that needs to be taken into account when performing a utilitarian calculus. This gives us a *pro tanto* reason against killing animals. In this chapter, I also argue that it is particularly difficult for us to fairly appraise the weight of animal interests, a position that is supported by recent findings in moral psychology (Greene, 2014; Kahneman, 2011). For this reason, I contend that we should compare, in cases of conflict, the interests of animals to those humans at the same level of cognition. This is akin to the argument from marginal cases, but instead of focusing on a dialectical use, I employ it as a heuristic tool, to elucidate the importance of the animal interest.

The next two chapters deal with two different arguments that pose a problem for my utilitarian account of the wrongness of killing animals. The first of these arguments, discussed in chapter five, is the replaceability argument, as presented by Singer (1979, 1993, 2011). This position claims that killing of some individuals can be morally permissible, as long as we replace them with new beings that will restore the previous level of well-being in the universe. I will argue that Singer's efforts to restrict the scope of the replaceability argument to merely sentient beings fail, and thus, it also applies to self-aware beings, including human beings. I contend that this fact should make us question those versions of utilitarian theory that support replaceability. The second of these arguments is the logic of the larder (Stephen, 1896), a position that maintains that humane farming is beneficial for the animals, given that it allows them to experience a life worth living. And, given that this practice may bring additional utility, such as benefits to farmers, those consuming animal products, or even the universe, humane farming may be, not only morally permissible, but obligatory. I will argue, against de Lazari-Radek and Singer, that we have risk-related reasons to reject such a practice. My argument focuses on the risks associated with coming into existence and ceasing to exist, thus offering a completely new response to the logic of the larder argument. Note that in these two chapters, my arguments against these positions will limit themselves to the realm of ideal theory, and will not discuss whether their implementation is realistic or will in fact bring the mentioned benefits. I will address the myriad of practical problems associated with the possibility of humane farming in the third and final part of the thesis.

In section three, I will explore the implications of my positions about the badness of animal death and the wrongness of killing in the real world. In other words, I will examine how our treatment of animals should be modified to take their interest in a continued existence seriously. I contend that most of our killing of animals cannot be justified. This does not mean, however, that I completely oppose any killing of animals. For one, we can kill animals for compassionate reasons. That is, we may kill animals when it is on their best interest to die. But more importantly, I have argued that we have a *pro tanto* reason against the killing, meaning that this reason can be overcome by other concerns. As utilitarians accept interpersonal trade-offs of utility, it can be the case that killing someone maximises utility. In this case, the sacrifice of an individual (human or nonhuman) is morally justified. Thus, although I argue that animals have a serious interest in

continued existence, my position takes a big departure from more absolutist positions on animal ethics, such as theories of rights, that forbid some acts no matter the consequences.

I have divided my discussion into three chapters. In the first of these chapters (chapter seven), I examine the killing of domesticated farm animals, and continue by discussing the morality of killing wild animals in chapter eight, and the killing of companion animals in chapter nine. This separation is not because I believe that we have different special duties towards some of these animals but not others, thus owing a greater respect to the interests of some of them. My goal was to organise the different instances of our killing of animals in a way in which is simple to elucidate which interests, both human and nonhuman, are at stake in these situations. The killing of farm animals for food production is, I believe, straightforward. As the animals have a serious interest in experiencing positive well-being and also a significant interest in continued existence, and as we can be healthy and thrive without the consumption of animal products, we are not justified in thwarting the key interests of the animals for this purpose. Furthermore, in this chapter I discuss additional reasons why we should not breed and kill animals for human consumption, such as environmental or distribution consequences. These reasons commonly lead utilitarians to reject positions like the logic of the larder in the real world, as animal agriculture can be extremely harmful, even without considering the plight of animals. More complicated is determining the morality of killing wild animals, as these killings can be linked to different interests, which are often of considerable weight. Finally, I explore the wrongness of killing companion animals and examine the topic of animal euthanasia deeper. In particular, I will investigate which of these killings can be legitimately called euthanasia.

It can be questioned why my investigation is limited to these cases of killing animals. There are other relevant instances of our killing of animals, like domesticated animals killed for recreation (such as bullfighting or cockfighting), fashion, or experimentation. Generally speaking, I have chosen the most relevant instances of our killing of animals, that is, those that include greater numbers. This is without doubt the killing of animals for food, both domestic and wild.⁴ But there are additional reasons to justify my

⁴ However, my findings are easily applicable to practices such as killing for fashion, and I will make my position on this explicit when discussing the killing of wild animals. Likewise, I will address some cases of recreational killing, such as hunting, and the discussion can also be easily translated to other killings done for this reason.

choice. For instance, determining the morality of experiments with animals may be very difficult, given that different experiments support different interests. Experimenting to cure cancer can be more easily justified than experimenting to produce a new shampoo. Also, the probability that the experiments give fruitful and definite results need to be factored in. I suspect that most of the killings of animals done in the name of science are not morally justified (Knight, 2011), however, this is difficult to establish without looking at specific experiments. On the other hand, the killing of pets has been chosen, not because the relevance of its numbers, but because it can shed light on complex questions about animal euthanasia. So, although in numbers the killing of farm and wild animals is overwhelmingly higher, I believe that analysing the morality of killing companion animals can offer us an insight into how suffering and death are related in the case of animals: that is, how much animal suffering justifies euthanasia.

SECTION 1: THE BADNESS OF DEATH

CHAPTER 1:

THE BADNESS OF DEATH

Whether death is a misfortune for animals is not only a controversial topic in philosophy, but an issue of great moral significance. If we grant moral status to animals, and death harms them, we should take this harm seriously. Conversely, if death is not a misfortune for animals, even if they have moral status, we may be morally justified to kill them for our own reasons. Thus, if we aim to treat animals morally, we need to elucidate the badness of animal death. However, this may be a difficult task, given that our response may determine the morality of our daily habits, and as such, it can be difficult to be objective. For this reason, I start my investigation by addressing the badness of death in general, and from there, I will progress to the badness of death for animals in subsequent chapters.

Is death bad for the person who dies? We normally judge it to be so, but do we have a rational basis to justify this belief? Epicurus (1994) defended the claim that death cannot harm us and therefore we should not fear it. His argument is simple and powerful: if death entails the annihilation of the subject, and it is necessary to exist to be harmed, it follows that we cannot be harmed by death (or by anything else once we are dead).

In opposition to Epicurus and his school of thought, I will defend the view that death can be a misfortune for the victim, and its badness is constituted by the deprivation it causes. If death is the end of any form of existence, it implies the termination of all experience. Whilst it is true that no new harm can affect us, the termination of all experience can in some cases be a misfortune for the victim. Thus, death can be an evil, if not for what it produces at least for what it prevents. This position is commonly known as the *deprivation account* and most of the replies to the Epicurean challenge take this form, with some variations (Kaufman, 1999: 1).

In what follows, I will try to delineate the main concepts in the debate about the badness of death. Secondly, I will briefly explicate the drawbacks of Epicurus' evaluation of death, exposing the mismatch between his account of the badness of death and some deeply held intuitions. Subsequently, I will elaborate what I

consider to be the most plausible version of the deprivation account. Finally, I will explain how the Epicurean argument, and other challenges, threaten the deprivation account, and how it can counter these objections.

MAKING SENSE OF DEATH

It may be useful to briefly clarify some concepts related to the debate about the badness of death. First, it is common in the literature on death to speak about the loss of well-being for the person who dies. The concept of well-being is a complicated one, but, for our purposes, it is enough to say that it tries to capture the idea that life can go well or badly for someone. It refers to what has prudential value for the person, that is, what is good or bad for their interests, or more plainly, what is ‘good for’ (or ‘bad for’) them. In short, we use well-being to denote whether their life is worth living, for their own sake.

A theory of well-being has to be tied to a theory of value,⁵ as it needs to specify the *value atoms* (Bradley, 2009) that will make the being better or worse off. For example, a possible theory of value is hedonism. For the pure hedonist the only intrinsic value in the world is pleasure (and the only disvalue, pain), so, from this perspective, the well-being of a person depends on the amount of pleasure and pain in her life. For the present discussion, there is no need to commit to a specific theory of value, as the deprivation account can function within different concepts of value. The deprivation account affirms that death can be an evil because it may prevent us from living a good life, with no mention of what a good life consists of.

When speaking about value it is important to distinguish between intrinsic and extrinsic value.⁶ Something with intrinsic value is something that is good in itself for the recipient. For example, if we adhere to a hedonistic approach, pleasurable states of mind are the only bearers of intrinsic value, in other words, having pleasurable experiences is the base of all that matters to the being. On the other hand, extrinsic value refers to

⁵ A theory of value can be broader than a theory of well-being, as we may value things outside the reach of our well-being. Some would argue, for example, that goods like knowledge or friendship are valuable regardless of their contribution to our well-being. A discussion of this issue in regards to hedonism can be found on Goldsworthy, 1992.

⁶ Extrinsic value is very often also called ‘instrumental value’. However, it has been argued that these are two different distinctions (Korsgaard, 1983). To avoid any misunderstandings, I will refer to it as ‘extrinsic value’.

something that brings an intrinsic good to the subject. For example, going to the beach can have extrinsic value, if activities like swimming or sunbathing give the person pleasure. It has value because it produces something good, not because it is good in itself. Additionally, something can also be extrinsically good if it prevents something bad from happening, and extrinsically bad if it prevents something good from happening.

For our purposes, it can also be useful to briefly explore the concept of harm. According to what is known as the *counterfactual account of harm* (Feinberg, 1986), a harm is something that makes the life of the receiving person worse than it would have been otherwise. For the present discussion, two types of harms are relevant. On the one hand, the concept of an *all-things-considered* harm accounts for all the consequences of an event that impact a person's life. On the other hand, a *prima facie* harm refers to something that is bad for a person in one way, not considering all the implications in the person's life. A vaccine shot, for example, can be interpreted as a *prima facie* harm, as it hurts when given. But taking the whole person's life into consideration, a vaccine shot will not be an *all-things-considered* harm, as it is protecting the person from something worse than the small discomfort of the shot. Therefore, *all-things-considered*, the vaccine shot is good for the person getting it.

Counterfactual accounts are not without difficulties, and in the last few years their validity has been controversial (see for instance, Harris, 1998; Shiffrin, 1999; Kahane & Savulescu, 2012). However, I contend that these difficulties can be overcome (for a full defence of counterfactual accounts, see Purshouse, 2016 and Klocksiem, 2012). A key problem, patent in the definition of harm I have offered, is the overdetermination problem: imagine Y and X shoot me with the intention of killing me. Either shot, by itself, would have killed me. Consequently, when I die, neither of them made me worse off as I would have died anyway. I will deal with the overdetermination problem in a later section when I address the difficulties of the deprivation account (for further discussion of how the overdetermination problem can be addressed see Parfit (1984: 70-73) and Norcross (2005)). Additionally, in this chapter I will also deal with another key problem of counterfactual accounts, namely, determining which is the right comparison to make.

THE IMPLICATIONS OF THE EPICUREAN ARGUMENT

According to Epicurus, death is nothing to us. His claim is not only that we should not fear death as much as we do, but that any fear of death is irrational. Death cannot touch the victim as, by the time it arrives, the victim is gone. At first sight, the argument seems convincing. Nonetheless, the implications of the argument are strikingly counter-intuitive. First, virtually all moral systems include a strong condemnation of killing innocent people. However, if Epicurus is right and death does not harm the victim, this condemnation lacks a strong justification. We may be able to censure murder based on the effect it will have on others, such as the family and friends of the victim, or the effect in society as a whole, like the fear that would surely arise in others of being murdered as well. Nevertheless, according to Epicurus' position, we could not say that the murder victim has themselves been harmed by their death.

Secondly, Epicurus' argument implies that all deaths are equal, in the sense that it would be irrational to lament some deaths more than others. In assessing the badness of death and the plausibility of Epicurus' argument, it can be useful to consider this second implication. Is it irrational to deem some deaths worse than others? Imagine two people. Andrew is 26 years old and has a promising career as a space engineer. He works in NASA, where he also met his partner with whom he has a satisfying romantic relationship. They just bought a house and have adopted a dog, Pumpkin. Unfortunately, one day on his way to work, his car is hit by a truck whose driver had fallen asleep. Andrew dies instantly.

Now, imagine a person who is in the final stages of a terminal illness. Her name is Carol. Carol is 90 years old and has lived a life full of purpose and happiness. At present, her condition cannot improve, and her death is only a matter of time. Unfortunately, she suffers terrible and constant pains that cannot be mitigated by medication. Furthermore, all her family and friends have already passed away and she is alone in the world. She has no one to console her in her final days. At this point, aware of her poor prognosis and the impossibility of alleviation, she hopes to die. However, voluntary euthanasia is illegal in her country, so she has to continue suffering for days, maybe weeks.

If Carol dies tomorrow, should we consider her and Andrew's deaths equally bad? This seems unlikely; whilst Andrew's death is clearly a misfortune for him, Carol's life did not contain any positive well-being. This disparity suggests that the situations require different evaluations. It can be argued that in Carol's situation, dying would be good for her (or at least, better than her present life), given that her life consists mostly of suffering, and death appears to be the only way to alleviate it. Epicurus, in denying that death can be bad for the victim, is committed to the belief that all deaths are equal in their value. According to him, death cannot be anything for us, neither good, nor bad, nor even indifferent. This seems clearly wrong. A valid theory of the badness of death must adequately account for the difference in value of different deaths. If pain (or any other value atom) is intrinsically bad, surely being relieved from that pain must be a good thing. However, Epicurus cannot account for this intuition.

Nonetheless, the epicurean theory could be modified to accommodate this intuition. The epicurean may object that the difference between the two cases lies in the discrepancy in value of what their deaths take away from them. It could be argued that Carol is better off dead as her life is full of pain with no hope of improvement, but this, however, does not imply that Andrew's death was bad for him (note that this would mean a substantial modification of the epicurean theory, given that, according to Epicurus, death cannot be good for the victim either). Whilst Carol's death is a relief, Andrew's is just neutral. Thus, it could be argued that both cases are different and, at the same time, that death does not harm the victim. Yet, there is an asymmetry in the treatment of both cases that the epicurean should be able to explain: if being spared from an intrinsically bad thing is good, why is it not bad to be deprived of an intrinsically good one?

One way of supporting this modification would be to appeal to an asymmetry between the effect of positive and negative inputs into our well-being. It is possible that the potential suffering of Carol is radically different in value from the potential happiness of Andrew. As a matter of fact, Epicurus seems to have held a version of this position, called *negative hedonism* (Luper, 2009: 102).⁷ Epicurus defended the view that our well-being is only to be defined in terms of an absence of negative mental states, characterising happiness as a mere lack of suffering (Epicurus, 1994: 28- 29). Thus, in this position, pain and its absence are the only

⁷ Note that not all authors agree with Luper's interpretation of Epicurus, for instance, see Feldman, 2004.

intrinsic values. This view provides an axiological foundation for the corrected version of the epicurean account. Whilst Carol avoids intense pain (making her intrinsically better off), Andrew has not been spared from anything intrinsically valuable. However, negative hedonism has problematic implications. Notably, if the avoidance of negative states of mind is the sole relevant issue for our well-being, the best course of action would be to commit suicide, as long as we can perform it painlessly. Furthermore, from this perspective, killing painlessly should not only not be considered immoral, but praised. Few would be willing to accept these implications.

Maybe a less radical approach than negative hedonism could support the difference between the two cases. Some authors (Shriver, 2014) have claimed that there is an asymmetry in how negative and positive states of mind affect our well-being, with suffering having a stronger impact than happiness. Although I am sympathetic to this view, it is not enough to demonstrate the difference in the cases of Andrew and Carol in the way the epicurean supporter needs. What this asymmetry claims is that an X amount of suffering cannot be compensated by the same amount of happiness. In the case of Carol and Andrew, assuming that they lose the same amount of suffering and happiness respectively, Carol would still be better off than Andrew is worse off, as suffering has a stronger impact on our well-being. However, this does not imply that Andrew is not worse off at all, just that he is not affected as much as Carol. Therefore, it seems that the radical asymmetry between the two cases defended by the epicurean cannot be supported.

THE DEPRIVATION ACCOUNT

According to the deprivation account, death can be a misfortune if it deprives the victim of the good things she would have otherwise experienced. Similarly, death can be good for the person if her life is not worth living any more. Thus, the deprivation account captures a fundamental intuition about life and death: the value (or disvalue) of death depends on what life has in store for an individual had they not died at that moment.

Arguably, the badness of death may also depend on additional features besides the loss of future well-being.

On the one hand, we may lose more than our future well-being. For instance, Benatar (2017) has argued that the annihilation of one's self is a misfortune itself. This implies that death may be a misfortune even if no positive well-being is lost. This is also the implication of Jamieson's proposal (1983), as he argues that consciousness itself may be valuable, and thus, its loss is bad in itself. On the other hand, it is also possible that the possession of different psychological attributes aggravates the badness of death. For example, it has been argued that personhood (Norcross, 2004) or psychological connectedness (McMahan, 2002) may also be relevant when assessing the badness of death. This implies that death is worse for those beings who are self-aware and connected to their future selves. I will not discuss these positions here as the main argument of this thesis merely requires that death is bad due to the loss of positive well-being. Therefore, my objective is to argue for a *minimal* interpretation of the deprivation account, that is, I contend that the loss of positive well-being is a *sufficient* condition for the badness of death. Thus, I leave open the possibility that death is bad (or worse) for additional reasons.⁸

As mentioned, the deprivation account evaluates the badness of death by quantifying the amount of welfare loss that death inflicts on the victim. This evaluation is based on a comparison between two possible well-being levels of the person: the well-being level in the person's life at the time of death, and the well-being level of the possible life they could have had. If the value of the comparison is negative, this is, if death makes the well-being level lower than it would have been otherwise, death is a misfortune for the person. Let us now detail how the deprivation account is able to evaluate the badness of death.

As per the deprivation account, to evaluate Carol's death, we compare the value of her life if she dies tomorrow to the value of her life if she dies, for example, in a month (as we know that she will not survive more than a few weeks). But, how do we do this comparison when one of the terms of the comparison does not exist? How can we compare both situations? This is where the concept of counterfactuals, or possible

⁸ I believe some of these theories are highly plausible, but I will not discuss them here as they are compatible with my own position about the badness of animal death (and it will distract us from the main argument of this thesis). For instance, Benatar's and Jamieson's positions support the idea that death is bad for animals, as animal death also implies the annihilation of an individual and the loss of a consciousness. Likewise, both McMahan and Norcross claim that death harms animals, although they argue that this harm comes in different degrees, and those beings with higher cognitive abilities generally suffer a greater misfortune. However, I will discuss McMahan's theory further in chapter three, as I disagree with his evaluation of how much of a loss animals suffer with death.

worlds (Lewis, 1973), comes in. It is possible to imagine a world identical to ours in every respect apart from Carol's death. In one world Carol dies tomorrow, in the other relevant (for our purposes) possible world Carol dies a month from today, whilst all the rest of the characteristics of the world remain constant (apart, of course, from those changes in the world that would spring from Carol's death, such as her funeral or the attitudes of those who care about her situation). We refer to this as the *closest possible* world. The difference in value between the two worlds is the value of Carol's death.

Now, the question is, which one is the right comparison? Here we encounter our first difficulty. There is some discussion in the literature (McMahan, 2002; Williams, 1973) regarding the pertinence of comparing our deaths to the total absence of death, that is, to immortality. Nonetheless, whether immortality is a desirable state is a controversial issue that we do not need to discuss here. The focus of the investigation into the badness of death is not whether dying at all is harmful to the person, but whether their particular death is. This may be because we know that death, at some point, is inevitable; so our concern is mainly with the timing of death. What we commonly try to assess when discussing the badness of death is how bad it is that a person dies now, compared to a hypothetical death at another moment in time. Thus, our comparison is, as McMahan puts it, a '*token comparison*' (2002: 103).

In pursuing this comparison, we encounter two main problems, one epistemological, one metaphysical. The epistemological complication alludes to the fact that we do not know what would have happened in the person's life had they not died. We can speculate about the person's future, but we cannot have any certainty. However, even if this is a real and unavoidable problem, it is not limited to the subject of death. Every time we speculate about the future of a person we are merely hypothesising, and whilst it is true that we cannot claim certainty, probability and common sense can help us to reach a plausible conclusion. Think of Andrew: we do not know what would have happened to him had the truck not hit his car, but we can recognise that smart, educated, hardworking people, that have meaningful relationships with others, tend to have good lives. Of course, some other horrible circumstance may have occurred to him, had the truck not hit him, but the odds are that he would have had a good life. Likewise, we know that this is not the case with Carol. Maybe a cure for her condition would be discovered in a week and she could have lived for another five

years free of discomfort, but unless this discovery was already on its way, it is only wishful thinking. In sum, most of the time we have a rough idea of how life could go for a person, although we always need to keep in mind the conjectural and uncertain nature of this judgement.

On the other hand, the metaphysical problem is more pervasive. Imagine the case of a young cancer patient (McMahan, 2002: 108):

During a holiday at the beach, a child was exposed to radiation from a leak in a nearby nuclear power plant. The radiation damaged a strand of DNA, causing a mutation in a cell. Later, when the child had grown to young adulthood, a certain catalyst precipitated the uncontrolled replication of the damaged cell, resulting in the person's developing acute leukaemia. When this person was twenty, he suffered a severe haemorrhage that deprived his brain of its blood supply, thereby causing the death of his cerebral tissues, the cessation of brain function, and systemic organ failure.

There are several ways in which the death of the young cancer patient could have been avoided. A long chain of events brought on his death and this chain could be broken at different points; he could not have, for instance, been exposed to radiation, developed leukaemia, experienced the haemorrhage, died from the haemorrhage... each one of these possibilities implies a different past (dissimilar to the real one in varying degrees) and would lead to a different future.

In some cases more than one comparison may be pertinent, as we may want to address different aspects of a particular death, but not all comparisons are equally appropriate. How do we discriminate between the value of different comparisons? We have mentioned before the concept of the closest possible world. In his theory of counterfactuals, Lewis (1973) signifies the closest possible world as the one where everything is the same apart from X. This entails a couple of implications. First, we cannot radically alter the person's past. For example, if a person dies from an illness that she suffered for most of her life, and we image a counterfactual in which she does not suffer from this condition, we are not exactly evaluating the value of the death, but the value of both the death and the condition. If what we want is to evaluate just the death, we cannot change other circumstances in the person's life. And secondly, the alternative that we imagine has to be realistic, this is, in accord with the life of the person until that moment, and taking into account the real possibilities in the

person's life.

The epicurean could still object that, even if we are able to determine which one is the closest possible world, the person does not exist anymore, so she cannot be harmed by anything. Is it possible that something is bad for someone when they do not exist? According to the deprivation account, death is only extrinsically bad, as its badness relies on death depriving us of the good things that we would have experienced otherwise. From this perspective, death cannot be intrinsically bad, as it cannot harm the victim in that way: the victim no longer exists, so cannot feel pain or have desires frustrated. Death is bad because the victim is no longer able to enjoy intrinsic goods, not because it adds some intrinsic evils.

In the same way, the deprivation account evaluates the harm death produces *all-things-considered*. If Carol dies tomorrow morning, maybe she loses something she would have enjoyed tomorrow afternoon. Maybe her pain would have gone into remission for a few hours and she could have enjoyed her favourite TV show. So, her death could be a *prima facie* harm for her. However, if we consider the month of terrible suffering in front of her, her death was *all-things-considered* beneficial for her. Likewise, this conceptualisation can help us explain why death can be considered a misfortune even if the person was suffering at that very moment. A person with cancer will have to experience the evils of chemotherapy and other aggressive treatments in order to survive, but experiencing that discomfort will be worth it if the person survives and goes on to live a good life for many years after that. All-things-considered, going through that suffering is better than dying of cancer.

In sum, according to the minimal interpretation of the deprivation account that I have presented, death can be understood as a deprivational evil, something that harms us by what it stops us from enjoying. This type of harm is extrinsic, meaning that is not bad in itself and its badness depends on whether it deprives us of intrinsic goods. This entails that death is bad when what the person is missing has positive value.⁹ With the separation of *prima facie* and all-things-considered harms, the deprivation account can also explain why it is possible to consider death as an evil even if the person was suffering at that moment and vice versa. Thus,

⁹ As mentioned, this does not preclude the existence of additional reasons that make death a misfortune.

the deprivation account provides us with a rational justification for many of our common intuitions about the badness of death, such as the belief that death can be a misfortune for the victim and that some deaths are more tragic than others.

So far, my discussion has focused on an explanation of the deprivation account. First, I delineated the main concepts involved in the discussion of the badness of death. Subsequently, I considered the mismatch between the epicurean account of death and some deeply held intuitions, such as the morality of killing and the assessment of different deaths. The examples of Andrew and Carol revealed that we have reasons to assess these cases differently. The fact that Epicurus cannot account for these intuitions, suggested that an alternative approach was needed. Finally, I sketched a popular view of the deprivation account, based on the idea of counterfactuals, concluding that death can be an extrinsic harm for the victim. In the next section I will explain some of the problems that the deprivation account faces and how it can respond to them.

A Defence of the Deprivation Account

Although the deprivation account was designed to counter Epicurus' argument, it has been argued that it is still threatened by the Greek philosopher's challenge. Even if we can elucidate how to account for the loss of value in the person's life, we still need to address the fact that the person no longer exists, and therefore, establishing the time and location of the harm becomes problematic. However, not all authors agree on where the core of the challenge lies, perhaps due to the broad nature of the Epicurean argument.¹⁰

¹⁰ There are two main interpretations of the Epicurean argument (Rosenbaum, 1989). The first one understands the challenge as addressing the fear of death. The second one interprets it as an objection to the badness of death. These two questions can be treated separately: it is possible that human beings fear death too much, even though death is bad for them. It could also be possible (but less likely) that death is not bad for us, but it would be rational to fear it, for reasons other than our well-being. On the one hand, there are intra and extra textual reasons to maintain that Epicurus is addressing the fear of death. First, epicureans were committed to the *tetrapharmacus*, or the medicine of the soul (Rosenbaum, 1989). This remedy for existential suffering attempted the alleviation of four primordial fears: god, death, suffering, and the difficulty of having a good life, giving arguments showing how these fears were irrational. Epicurus' argument naturally fits into this framework. Secondly, in his letter to Menoeceus, Epicurus seems to be writing about the good life, giving Menoeceus advice on how to achieve a life worth living. In the letter, Epicurus speaks about our attitudes towards death, and, more specifically, about fear: "For there is nothing fearful in life for one who has grasped that there is nothing fearful in the absence of life." (Epicurus, 1994, 29). Conversely, one can argue that Epicurus' argument addresses the badness of death. The core of his argument conveys an interest in this subject: "So death, the most frightening of bad things, is nothing to us; since when we exist death is not yet present, and when death is present, then we do not exist. Therefore, it is relevant neither to the living nor to the dead, since it does not affect the former, and the latter do not exist." (Epicurus, 1994, 29). Here he seems to be preoccupied with what is relevant to the person and whether the *post-mortem person* (Pitcher, 1984) can be harmed. Given that our present concern is the badness of death, my investigation focuses on this interpretation of the challenge.

So then, what is the core of the problem exposed by Epicurus' argument? Three main positions arise. For the first one, the main concern is that the victim is not able to experience anything, and therefore nothing can harm her. This concern is denominated the *experience condition* and its validity has been defended by Rosenbaum (1986). Authors like Nagel (1970; 2012) and Fischer (1997) have addressed the experience condition to argue that experience is not a requirement of harm. The second interpretation focuses on existence, and it is called the *existence condition*. Feldman (1991), McMahan (1998) and Bradley (2009) have contested this version of the epicurean challenge. Finally, the third analysis concentrates on the question of time, specifically, when does the harm take place. Feldman (1991), Bradley (2009) and Johansson (2012) have elaborated arguments to resolve this problem.

It is clear that all three interpretations deal with the same problem: how is it possible to be harmed once we are dead. The difference between the three views lies in how they treat the way in which death and harm relate to one another. Death may preclude harm due to the fact that the victim cannot experience anything, due to her non-existence, or due to the impossibility to mark the time when the harm takes place. Most philosophers recognise that all three elements are closely interconnected but, as they focus on different aspects of the problem, their arguments go in different directions. I will briefly elaborate on each one of them.

In order to elucidate the focus of the *experience condition* it is important to differentiate three possible meanings of the word 'death' (Rosenbaum, 1986). First, it is possible that when we speak about 'death' we are speaking about dying. Dying is the process that culminates in the annihilation of the person. Its duration can vary, a person can die instantly or, in the worst cases, it can drag for a vast amount of time. Normally, the person dying can experience this process, unless they are sedated, unconscious, or in a coma. This meaning of 'death' is not, therefore, touched by Epicurus' criticism. Secondly, we could be talking about the moment of death, the very moment where the person goes from existence to annihilation. We do not know if this is only an instant or a process and it is difficult to determine if it is part of the life of the person. Finally, 'death' could refer to the state of annihilation, that is, to *being dead*. This is a state of being that, by definition, we

cannot experience, and therefore, the focus of Epicurus' argument.

Epicurus argues from a hedonistic framework; the premise of his argument is that only conscious experience can be bad (or good) for us. "For all good and bad consists in sense-experience, and death is the privation of sense experience," he writes (Epicurus, 1994: 29). If being dead equals the privation of all experience, then death cannot be bad for us. Nagel (1970; 2012) famously replied to Epicurus' challenge arguing that not all harm is limited to negative sensory experience. He illustrates his position with an example: imagine a man that has been betrayed by his closest friends. It could be argued that this state of affairs is bad for him, even if he never finds out about it. According to Nagel, the badness of the betrayal does not depend on his negative experience. On the contrary, it is because the action is evil that he will experience (if he ever finds out) a negative state of mind. Rosenbaum (1986) claims that the badness of the betrayal relies on the fact that the betrayed man could find out, even if he never does. This would imply that the evil resides not in the conscious experience, but in the possibility of conscious experience. However, the example could be redesigned to make it impossible for him to ever discover the betrayal, although it is not clear whether this would render the betrayal harmless (Fischer, 1997).

Regardless of our intuitions about Nagel's example, it shows that there may be harms beyond sensory experience, or, to put it simply, that not all evils in our life are like stubbing a toe. Furthermore, even if we accept a hedonistic theory of well-being, similar to Epicurus', it is possible to account for this fact. On a hedonistic approach an intrinsic evil is a negative state of mind, however, there are also extrinsic evils, for example, a state of affairs that diminishes our well-being can be an extrinsic harm, that is, not bad in itself, but bad due to its negative effect on our well-being. In the case of death, death is not an evil for the victim because *being dead* causes discomfort, but because it curtails all possible positive well-being. Even if we consider pleasure and pain as the only value atoms, we can recognise that states of affairs that curtail positive well-being are bad for us. And death is, by definition, the end of all possible pleasurable experience.

Similarly, the existence condition is rooted in a confusion. At first sight, one would think the existence condition is reasonable: if we consider harms like 'stubbing a toe' or 'being hit by a bus', it appears that

existence is a necessary condition for those harms. I cannot be hit by a bus unless I exist, nor can I stub my toe unless I have one. However, are all bad things like stubbing a toe or being hit by a bus? We have agreed that nothing intrinsically bad (or good) can affect us once we are dead. Nevertheless, all-things-considered, one can be better or worse off; states of affairs can enhance or diminish our well-being. Arguably, a state of affairs that terminates all positive experience leaves the person worse off. Death is such a state of affairs; therefore, death can harm the victim.

The epicurean could argue that this defence of the deprivation account is incoherent as one of the terms of the comparison does not exist. How can we compare the well-being of a living person to the well-being of a dead one? This too is based on a misunderstanding (Feldman, 1991). The comparison is not between the well-being of the person alive and the well-being of the person once dead. As previously noted, the comparison is between two possible lives or, more specifically, between the life of a person in two possible worlds: one where the person dies now, and another where the person dies in the future. It is a *life to life* comparison: we imagine how a person's life could have been had death not taken them, which enables us to understand how death has affected their well-being.

Finally, the question of time: when is death a misfortune for the victim? Several answers have been given to this problem. On the one side, Feldman argues that the badness of death does not occur at one specific moment, but eternally. He says:

It seems clear to me that the answer to this question must be "eternally." For when we say that her death is bad for her, we are really expressing a complex fact about the relative values of two possible worlds. If these worlds stand in a certain value relation, then (given that they stand in this relation at any time) they stand in that relation not only when Lindsay exists, but at times when she doesn't. (1991: 221)

Similarly, Johansson (2012) defends the claim that the time when the person is worse off is eternally, or atemporally. On the other hand, it has also been claimed (Pitcher, 1984) that death is a misfortune for the *ante-person*, that is, for the person before they die. This position, denominated *priorism*, defends the view that the harm is done to the person before their death. Conversely, *subsequentism* (Bradley, 2004; 2009) maintains that death is an evil after it happens.

Priorism seems to be the most implausible of these positions as it arguably implies the existence of backwards causation. Priorists, understandably, deny that their position truly necessitates backwards causation, arguing that we frequently accept that events in the present modify the meaning, or explanation, of events in the past. Nevertheless, we are not discussing the timing of changes in meaning, but the time at which our well-being level is affected by death. If I stub my toe tomorrow, my well-being will be affected by this event tomorrow, not today (even if I intensely desire today not to stub my toe tomorrow). Thus, this approach asks us to accept that someone can be affected in the past by something that happens in the present. It is unclear how such a counter-intuitive proposition can be supported.

On the other hand, although eternalism is more in line with our metaphysical assumptions, we do not normally think of every evil as harming us eternally. While it is true that the relation between both possible worlds remains the same at all possible times, the more interesting question of when the victim is harmed still remains. Finally, subsequentism has the advantage of being consistent with the common idea of harm, where the bad things that happen to us harm us after they have happened. Or, more specifically, from the moment when they happen until their effects fade away. Its drawback is that it needs to postulate a well-being level for the dead person, even if it is zero. Some (Silverstein, 2010) have contested this possibility, claiming we cannot assign properties to non-existing entities. However, if we can assign properties to other non-existent entities, such as fictional characters or historical figures, it is hard to see why it is not possible to do it with dead people. And, as we commonly assign other properties to non-existent people (including dead ones), it would be necessary to justify why well-being is considered an exception (Bradley, 2009).

An additional problem for the deprivation account is posed by Lucretius (1975), one of Epicurus' followers, in what has been called the *asymmetry argument*. In his assessment of the badness of death, he contests the idea that annihilation is bad for us, alluding to the non-existence we endured before birth. His argument focuses on our different attitudes to these two instances of non-existence: whilst we fear the *post-mortem* one, we are indifferent to our non-existence before birth. According to Lucretius, this indifference shows that our fear of death is irrational; if that first non-existence did not entail any harm, there is no reason why the

second one should be different.

Confronted with this asymmetry, the defenders of the deprivation account of the badness of death can either engage with the argument at the level of our attitudes, or investigate the nature of the two instances of non-existence and determine whether it is reasonable to regard them differently. The most accepted counter-argument against Lucretius aligns with the first strategy. Parfit (1984: 174-177) detects a covert irrationality in our different assessment of both situations, understanding the asymmetry as a bias or a failure of our rationality. According to him, we have a future bias that compels us to over-prioritise future events over past events. Whilst this bias makes sense in evolutionary terms, Parfit shows through his famous surgery patient example (1984: 177-178) that it is not completely rational.

However, appealing to a bias does not address the more interesting question: is there an asymmetry between non-existence before birth and after death? Are there objective reasons that justify our different attitudes to both situations? Nagel (1970, 2012) argues that there is a radical difference between them, as it is not possible for us to exist before we did. An earlier existence may be possible in the case of a soul that, let us say, reincarnates in one being or another, but not if we understand ourselves as biological beings. We came into existence through a unique event and would be different people if we had started our lives before. Nevertheless, it has been argued (Feldman, 1991) that an embryo, for example, can now be frozen to be implanted in the future. The same can be said about eggs or sperm. Thus, nowadays it could be possible for a specific child to have been born before it was.

It could be argued, however, that the question is not whether the biological being 'me' could have started her life earlier, what really matters is if me, the person, could have existed before (Kaufman, 1999). The answer to this question seems to be no. The person I am now is the product of a biological body and, more importantly, a personal history. Had I started my existence significantly earlier, my parents and the rest of my close family would have been in a different situation in life, all my childhood friends and references would have been radically distinct, likewise with my city, school, etcetera, making me a different person. So, it has been argued (Kaufman, 1999) that unless we accept that we are absolutely determined by our biology, and

that the environment has nothing to do with our personality, it is impossible to hold that we could have been born earlier. This supports the idea that we, as we are, cannot be born before. Thus, the asymmetry in our attitudes is justified. However, this position assumes that personhood is the key to our personal identity, as it considers that what is relevant to the discussion is not the biological me, but the biographical one. This may not be acceptable for those with different theories of personal identity, so I would like to offer a further argument to support the asymmetry between both types of non-existence.

The difference between these two types of non-existence lays in the interests that the person has. Once a person exists she may have reasons to stay alive, meaning that she has an interest in continuing to live. Not only can she have a direct interest in her continued existence, she may also have other interests that can only be satisfied if she lives on. She may want to travel to Italy next summer, or learn a new language, and she can only achieve these goals if she does not die. Before she exists, however, she does not have any interests of any kind. This gives us an additional reason to understand our non-existence prior to birth and after death in a dissimilar way. This fact allows Benatar (2006: 212-213) to argue that the threshold of well-being for starting a life should be higher than for continuing a life. In other words, it may be rational to continue a life that should not have been started, given that the person already has interests and the satisfaction of these can outweigh the harms in their life. This is not the case with the non-existent, as they do not have interests. This disparity gives us another compelling reason to maintain that the asymmetry is rational.¹¹

A final obstacle for the deprivation account is the *problem of overdetermination*. This alludes to the fact that a death can be overdetermined, in the sense that it can be brought about by several causes. As mentioned earlier, this problem is not restricted to the badness of death, but is a general issue for the counterfactual account of harm. McMahan's *cavalry officer* case (McMahan, 2002: 118-120) is a paradigmatic example of this problem. When charging against the Russian army in the Prussian war, a cavalry officer dies after being shot by a Russian soldier named Ivan. Had Ivan missed his target, the officer would have been killed by a shot from Boris a few seconds later. So, Ivan's bullet caused both (1) the loss of a few additional seconds,

¹¹ Those utilitarians who ascribe to impersonal views of value, such as the Total View, would disagree with my (and Benatar's) position, as they argue that non-existing beings, when they are destined to have a fulfilling life, have at least an interest in existing. However, I believe we have weighty reasons to reject this position. I will present these reasons in the next section, when discussing the replaceability argument.

given that he was going to die anyway, and (2) the loss of his life, as it was the one that killed him. The deprivation account has difficulties in dealing with this problem. According to the deprivation account, death is bad for the victim when it implies a well-being loss, but, as the officer would have died anyway in a few seconds from a separate cause, *this* death did not really imply a real loss of positive well-being. Thus, the deprivation account seems to be unable to account for the badness of the loss of the officer's life.

The problem may be that the question is too vague: is his death a misfortune for him? It depends on what we mean by 'death'. We could be evaluating different relations, such as the time or the cause of the death (Bradley, 2009), or we could be questioning alternative states of affairs (Feldman, 1991), such as his death at a particular time, his death by a gun shot, or his death in his youth. Normally, when we speak about the evil of death, we are talking about the time of the death, or whether one dies too young. In the case of the cavalry officer, we may ask if his *death by Ivan* implied a great loss. The answer is, most likely, no, as another bullet from Boris was waiting for our officer. However, we may also ask whether his *dying is his youth*¹² was a misfortune for him, to which the answer will be most likely yes. This strategy has been accused of being *ad-hoc* (McMahan, 2002: 120), as it is posing the question in such a way to give us the answer in line with our intuitions. Nonetheless, this criticism seems unfair. There may be a number of states of affairs (or relations) that we may want to evaluate; in choosing one we are not invalidating the others, but merely focusing on the particular aspect we want to address. This selection is not arbitrary: on the contrary, it is the only one that will help us establish the value of a particular event (for a comprehensive argument for this position, see Bradley, 2009: 53-60).

CONCLUSION

In sum, Epicurus' argument seems to be based on a confusion about the concepts of value and harm and the problem evaporates when these concepts are elucidated. Likewise, Lucretius' challenge fades when we explore it more closely, given that we do not have an interest in existence before we exist. Furthermore, there

¹² There is some ambiguity in this question, as the concept of youth has varied during historical times and cultures. What we today consider dying young could be considered as dying in old age in, for instance, Palaeolithic times. This fact, I believe, is in line with the idea of the closest possible world that I defended earlier: our comparison varies depending on what was realistically possible in the life of the victim.

is an asymmetry between the non-existent and the existent in that the former cannot have any interests. Once a person exists he may have an interest, direct or indirect, in continuing his life. Finally, the overdetermination problem can be resolved once we focus on the specificity of the question we are asking. Thus, the deprivation account seems to be a solid elucidation of the badness of death.

In this chapter, I have addressed the question of the badness of death. I have argued that death can be a misfortune for the victim, as long as she was destined to enjoy a positive balance of well-being. First, I have analysed the implications of the Epicurean argument, and how these implications give us reasons to reject Epicurus' position. Then I have detailed a counterfactual approach to the deprivation account and how it deals with the difficulties it encounters. Finally, I have dealt with the main criticisms faced by the deprivation account to show that these can be easily overcome by this position. In sum, I conclude, we have solid philosophical reasons to support our intuitions that death is a misfortune for the victim.

In the next chapter I will address the topic of animal death. My objective is to give an answer to the question: is death a misfortune for animals? As I have claimed that the loss of a positive balance of well-being is a sufficient condition for the badness of death, and that sentient animals can experience positive levels of well-being, I conclude that death can be a misfortune for animals. Subsequently, I will address several arguments that have been devised to argue that death does not harm animals, the first on them focusing on a specific conception of well-being, the rest centred on particular instances of desires or preferences. I will contend that these arguments, at best, support the idea that death is *worse* for self-aware beings, but they fail to show that death is not a misfortune for merely conscious beings. I will address the question of how bad death is for animals in the third chapter, where I examine what I consider the most complete argumentation given to support the idea that the loss animals suffer with death is, though genuine, minimal.

CHAPTER 2:

THE BADNESS OF ANIMAL DEATH

Is death a misfortune for animals? I argue that it is. My position is that, since animals can experience different levels of well-being, they can lose positive well-being when they die. Therefore, if one accepts the deprivation account, that is, the idea that death harms the victim due to the loss of future well-being, death can be a misfortune for animals. In the previous chapter, I have argued that we have reasons to accept the deprivation account as the right account of the badness of death. In this chapter, I will offer my argument in support of the idea that death is a misfortune for sentient animals. Subsequently, I will address some of the positions that argue that death does not harm animals. These positions are both common and diverse, but they frequently boil down to the idea that animals are not self-aware, and thus, they cannot contemplate their life as a whole or project themselves into the future. I will argue that self-awareness is not necessary for the badness of death, albeit it may condition how much of a misfortune death is

SOME PRELIMINARY QUESTIONS

In this chapter, and the rest of my thesis, my argument will focus on sentient nonhuman animals (or animals, for short). There is a significant reason for this decision: since, according to the deprivation account, the harm of death depends on whether the victim loses positive well-being due to their death, beings that are not sentient, and therefore do not experience well-being, cannot, by definition, be harmed by death on this account. Consequently, I will focus on those animals that could be harmed by death. This also implies that, on my account, animals that are not sentient are not harmed by their death (or anything else, for that matter). Additionally, on occasion I will use the distinction between ‘persons’ and ‘merely conscious beings’. In philosophical jargon, *person* commonly refers to self-aware beings. *Merely conscious beings* are those that are conscious but not self-aware. It is sometimes believed that ‘person’ is co-extensive with ‘human being’. However, not all human beings are self-aware, such as infants or severely mentally impaired people. Likewise, there is evidence that some nonhuman animals are self-aware, such as chimpanzees, elephants,

whales, or dolphins (Bekoff, 2002 & 2003; Bekoff & Sherman, 2004).¹³ I will assume, however, that most animals are not persons in a strict sense, but merely sentient beings.¹⁴

So, before going any further, it is important to clarify what sentience is. Sentience has been defined as being “capable of having feelings (mental states, such as sensations or emotional states, that are typically pleasant or unpleasant)” (DeGrazia, 1996: 99). Are all animals sentient? Although more evidence is needed, scientists are fairly confident that some species of animals are not sentient. Others, we are unsure about. A safe assumption is that all vertebrates are sentient. There are morphological, behavioural, and evolutionary reasons to support this idea (DeGrazia, 1996). In contrast, invertebrates, although showing complex behavioural patterns, are believed to have nervous systems too rudimentary to sustain sentience (Proctor, 2012). This, however, does not seem to be the case for cephalopods and decapod Crustacea, that are considered sentient (Broom, 2014). Nevertheless, more research is needed, especially regarding invertebrates, and we should therefore act with caution when making decisions regarding these animals.

My argument focuses on whether death can be a misfortune for animals, and I will not discuss whether the harm of death is the same for human and nonhuman animals (or for different types of animals). It is possible that, in line with the standard common sense position, death can be bad for an animal, but not as bad as it is for a human. In contrast, it could also be possible that the harm of death is generally similar for all animals, including humans. For instance, according to hedonism, it is not clear that a human loses more well-being with death than any other sentient animal, as an animal may be able to experience the same amount of pleasure as a human (de Lazari-Radek & Singer, 2014). This issue exceeds the scope of my argument, as my objective is to defend the claim that death is a serious misfortune for animals, not to assess how bad it is compared to the death of humans. Likewise, death may be bad, not for the animal herself, but for other individuals, the ecosystem where they live, or even the universe. This too exceeds the scope of my writing,

¹³ Although it is not clear that they reach the levels that are often considered relevant for the badness of death, such as the capacity of contemplating your life as a whole or setting life-time goals.

¹⁴ Along with the scientific data showing that some animals exhibit intentional self-awareness, Rowlands (2019) has recently argued that even animals not exhibiting this type of self-awareness can be considered persons. I find his arguments extremely convincing. However, as this position is still controversial, I will work on the assumption that most animals are not persons. As I assume a worse scenario perspective, my position will only be strengthened if it turns out that animals are persons.

as I am concerned with whether the animal himself is harmed by death.

Nor will I address the empirical evidence of self-awareness in animals in detail. Although we have a growing body of evidence showing that many animals display signs of self-awareness (expanding the group of self-aware animals from great apes and cetaceans to many other species, including birds and fish), I will not follow that line of argument here. Even though I find those discoveries fascinating and relevant in the discussion of our treatment of animals, my position is that death harms all sentient animals. Thus, I believe, the discussion of animal self-awareness will distract us from the main argument. This does not mean, though, that the level of self-awareness is not relevant in the discussion about the badness of death: it could be possible, as I just mentioned, that death is worse for some beings than for others. If this is the case, it is likely that different levels of self-awareness are involved in this difference. However, as my position is that death is a misfortune for all sentient animals, I will leave the empirical discussion of self-awareness aside.

THE BADNESS OF ANIMAL DEATH

My argument, in line with the deprivation account, defends the claim that death can be a misfortune for animals. The argument is simple, and, if one accepts the deprivation account, difficult to dispute:

- The elimination of all future possibilities for positive well-being is a sufficient condition for the badness of death (1).
- Animals can experience positive well-being (2).
- Death will curtail all possibilities of future positive well-being for the victim (3).
- Therefore, death can be a misfortune for nonhuman animals.

As it seems unlikely that (3) can be refuted, opponents of my argument can either deny that animals experience positive well-being (2), or deny that the badness of death depends (or only depends) on the loss of future positive well-being (1). The former argument, focusing on well-being, holds either that nonhuman animals lack a particular type of well-being necessary to be harmed by death, or that their general level of

well-being is not rich enough to make death a misfortune for them.¹⁵ The latter is often based on a desire-based theory of well-being, arguing that, in order to be harmed by death, one needs to hold desires or preferences¹⁶ of a certain type – a type of desire, that is, allegedly, closed to animals. Alternatively, other authors focus on the level of psychological connectedness of nonhuman animals, arguing that nonhuman life is not unified enough to make their deaths a loss for themselves, even if they lose their future well-being.

Subsequently, I will review some of the arguments that have been made to defend the view that animals are not harmed by death. First, I will address the question of well-being. In particular, I will examine Velleman's argument claiming that animals do not have the type of well-being necessary to make death a misfortune for the victim (I will discuss the question of well-being further on the next chapter, when addressing McMahan's arguments). Secondly, I will focus on the position that argues that animals lack the types of desires or preferences necessary to make their deaths a misfortune for them. I will review the arguments of three philosophers, all arguing for the relevance of a specific type of desire for the badness of death, but arriving at slightly different conclusions. I will claim that these arguments are not successful in demonstrating that animals are not harmed by death, and that given that animals can lose positive well-being, all sentient beings can be negatively affected by their deaths.

WELL-BEING

Velleman: Death and narrative structure

According to Velleman (1993) well-being has two dimensions. On the one hand, momentary well-being encompasses the singular moments of well-being across our life. This is a synchronic conception of well-being, built from temporary local instances of it. On the other hand, lifetime well-being is formed by, not the sum of individual moments, but the consideration of an extended period as a totality. Thus, lifetime well-being is diachronic, acknowledging the importance of order and structure in the story of our lives. It captures

¹⁵ One could also argue, in keeping with the Cartesian tradition, that animals are not sentient and therefore do not experience any well-being. However, this claim is not substantiated by our contemporary scientific knowledge of animals, nor by common sense and our daily experiences with animals. Hence, I do not consider this as a line of argument worth pursuing.

¹⁶ For simplicity's sake, I will treat desires and preferences as being the same.

the relevance of the narrative structure in our lives; that is, not only what happens in our life, but when and how.

Why is this relevant? Velleman's position arises from the observation that the sequence in which our life develops is relevant to our happiness. Even if two lives contain the same amount of total well-being, we would likely prefer one that has a bad start and a good end, rather than one that has a good start and a bad end. To put it simply, we prefer a life that gets better with time, rather than worse. Velleman argues that the reason for this is that later events alter the meaning of earlier ones, which implies a change in the total value (but not, according to him, in the momentary one). The general trend is what determines the meaning of the events, and thus, their value.

Velleman's position has, he claims, profound implications for nonhuman animals. He argues that, as animals cannot conceive themselves as enjoying goods over time, and as one cannot care for something that they cannot conceive, continuing life is not a good that animals can enjoy. His position relies on the idea that nothing can be intrinsically good for a being unless that being is able to care for the good. Furthermore, as he defines lifetime well-being as non-accumulative, the single moments of well-being do not add up to anything (1993: 356). Whilst animals can care for their well-being at singular moments, they cannot care for their life as a whole. A moment can be better or worse, but a sequence cannot (except insofar as the moments it is comprised of can be better or worse). Since the animal cannot care about extended periods of time, the totality of their life cannot hold any value for them. For this reason, Velleman argues, Epicurus is right about the badness of death, but only in the case of animals: since there is not a moment at which the animal is harmed by death, and momentary well-being is not cumulative, the animal has no interest whatsoever in their life as a whole.

However, Velleman's proposal has problematic implications. An animal, according to him, has no interest in a continued life, since they cannot care about their lifetime well-being. The animal can only be concerned about the well-being of each moment, and nothing else. Hence, the animal cares about, for instance, not suffering in a particular moment. The argument holds that nothing can have value for a being unless that

being can care for it. Thus, if the animal cannot care about their continued life, they cannot care about their future either (Bradley, 2009). However, it is clear that some futures are better than others for an animal. Accordingly, animals have an interest in some possible futures over others, regardless of their cognitive capacity to understand life as a whole.

Imagine the life of a cow.¹⁷ In scenario one, the cow lives the rest of her life free and happy in an animal sanctuary. In scenario two, the cow is bought by a sadist and is tortured to death. It is difficult to deny that the cow has an interest in living scenario one over scenario two, since, regardless of what she can care about now, she will suffer immensely in scenario two. Now imagine scenario three, where the cow dies painlessly now. Most people would agree that it will be better for her to die now, than to be tortured to death. Her immediate death would spare her immense suffering. In contrast, if we compare her death to scenario one, it robs her an immense amount of positive well-being. If she dies now, she loses a life full of enjoyment and happiness. Thus, if we agree that dying now is better than prolonged torture, living a contented life should be preferable to an immediate death. Once we agree that some futures are better than others (and I cannot see how this could be denied), and that these preferable futures are in the interest of the animal, denying that the animal can have an interest in avoiding (or not avoiding) death seems arbitrary. Hence, lifetime well-being, as outlined by Velleman, cannot justify the idea that death does not harm nonhuman animals.

Yet, it could be possible that life well-being is relevant when assessing the badness of death. Narrative structure can affect our levels of well-being, since the story we tell ourselves about our life determines how we feel about it (there is scientific evidence in support of this position, see for instance, Kahneman, 2011). Hence, when death curtails this story, the person may lose an additional component of well-being. It could be, as I have acknowledged previously, that the frustration of someone's narrative structure makes death worse. Nonetheless, as I have argued, it cannot, on its own, determine the badness of death.

¹⁷ This example is a modification of Bradley's (2016: 61).

DESIRES

Some philosophers argue that the badness of death depends on the frustration of desires; that is, that death can be a misfortune due to the closure of future desire satisfaction. Commonly, these theories rest on desire-based theories of value. Generally speaking, desire-based theories of value can account for animal well-being, as animals have desires and preferences. Likewise, these theories could account for the badness of animal death. It is worth mentioning, though, that some authors (Davidson, 2001; Frey, 1980) deny the possibility that animals can have desires at all. If they are right, accepting a desire-based theory of well-being would imply that animals do not have well-being at all. However, I will assume the relatively uncontroversial (and well supported (Searle, 1994; DeGrazia, 1996: 129-143; Regan, 2004: 35-81)) idea that nonhuman animals can possess desires for goods such as food, warmth, and companionship. If this is the case, death can thwart these desires, and therefore dying can be a misfortune for the animal. Nonetheless, this is not accepted by many philosophers, on the basis that the badness of death does not depend on the frustration of desires in general, but on the frustration of a certain type of desire. This is a type of desire that, according to these philosophers, animals cannot have.

There are problems associated with desire-based theories of the badness of death. It has been argued (McMahan, 1998) that this type of theory cannot account, not only for the badness of death of nonhuman animals, but also of other marginal cases, such as human infants, or those with severe mental impairments. Moreover, this position has difficulties accounting for the loss of future goods currently undesired, but that the victim will desire if she continues living. Furthermore, it appears that desire-based theories suffer problems when dealing with well-being in general, given that one can desire things that are detrimental to their well-being. This problem has been addressed by adding the requirement that the desires have to be rational and well informed; that is, desires that take into account what is good for the subject. However, this definition appears to appeal to 'what is good for the subject' as the ultimate criteria, rendering the satisfaction of the desires themselves secondary (Bradley, 2013). Furthermore, it is not clear how this requirement can be applied to those that are not rational in the strict sense, such as nonhuman animals and human infants. Nonetheless, I will accept the general framework of desire-based theories of the badness of death, in order to

be able to discuss the specific arguments about the badness of death for animals.

Singer: Self-conscious and merely conscious beings

Peter Singer does not discuss the badness of death for animals, but he considers the morality of killing animals in *Practical Ethics* (2011),¹⁸ where he presents arguments that appear to be based on the badness of death for different types of beings (Norcross, 2004). Singer distinguishes between the badness of death for persons (self-conscious beings) and non-persons (merely conscious beings). In accord with the preference utilitarianism that he then endorsed, he argues that, given that persons hold preferences for the future and for their life as a whole, and killing them will thwart these preferences, the killing of self-conscious beings is a morally problematic action. This seems to imply that the main harm that death brings to this type of being is the frustration of their preferences. Meanwhile, merely conscious beings do not entertain preferences for the distant future or for their lives as a whole, and therefore they cannot be harmed by death in this way. Yet, merely conscious beings have an interest in continuing to experience pleasure (or in having their hedonistic preferences satisfied). However, given that these creatures do not see themselves as beings existing over time, they do not have an interest in those future goods. As Singer points out “These beings are, in a sense, ‘impersonal’. Perhaps, therefore, in killing them, one does them no personal wrong, although one reduces the quantity of happiness in the world.” (2011: 111).

What does this mean for the badness of death? Assuming that the morality of killing is a function of the badness of death for the victim, it means that, first, death is a misfortune for (human and nonhuman) persons due to the frustration of their long-term preferences. Secondly, for those animals that are not self-conscious, death is not a loss, given that no long-term preferences have been thwarted. The question is, therefore, which animals are self-conscious and which are merely conscious. This is an issue that is not devoid of controversy. First, self-conscious beings, or persons, is a label that not restricted to human beings. If self-consciousness is the mark of personhood, Singer argues, animals such as chimpanzees, whales, and dolphins, may be persons too. Singer leaves the door open for other animals, such as dogs, pigs, or chickens, also to be persons. Thus, Singer argues that, given the advances in our knowledge of animal minds, it is reasonable to believe that

¹⁸ I will focus on the third edition of *Practical Ethics*. All page numbers refer to this edition.

many of the animals we use and consume are aware of themselves and their future (2011: 102).

Although it is possible that death is a greater misfortune for self-conscious beings, there are two main problems with Singer's proposal. The first one is primarily related to the relevance of personhood for the *morality of killing*. The different characteristics that Singer uses to classify nonhuman animals appear to be relevant to the discussion, however, the demarcations are remarkably vague. If the possession of these characteristics will grant different protection against being killed, there should be a deeper discussion about the defining features that will allow us to sort animals into the relevant categories. Singer suggests (2011: 104) that these capacities come in degrees and thus the moral protection they render exists in a continuum. We need to consider "whether the being was fully a person or was a near-person or had no self-awareness at all, the extent to which, by our best estimate, the victim had future-oriented desires, and how central those desires were to the being's life." (2011: 104) However, it is unclear how much self-awareness and ability to be future-oriented is needed. Is there a threshold? And are these two capacities equally relevant to the discussion?

But more importantly, does this division accomplish its objective? In trying to deem the killing of (at least some) innocent beings as morally wrong, Singer alludes to the concept of personhood. Those beings that are aware of themselves are protected against killing, in Singer's theory, as they project their existence into the future, creating plans and holding preferences for their life. The reason why it is wrong to kill persons is that these preferences will be thwarted with their untimely death, thus harming the victim. Subsequently, Singer declares that it would be wrong, in normal circumstances, to kill persons. This clearly protects adult human beings and some animals, leaving out other human beings, such as babies, and a considerable number of animals. Singer, always consistent, does not shy away from this conclusion, declaring indeed that babies and animals with lower cognitive abilities are replaceable. That is, it is permissible to kill them as long as we bring new ones into existence to compensate for the loss of (impersonal) utility in the universe (Singer, 2011: 120).

However, the allusion to personhood may be not as inclusive as Singer believes. Apart from adult human

beings, it is not clear that other beings hold preferences for the distant future or their life as a whole, even if they are aware of themselves. For instance, although there is some evidence that dogs are aware of their own selves (Cazzolla Gatti, 2016), they only appear to be able to project themselves into the near future.

Likewise, there is evidence that other primates have a sense, not only of their own self, but also of time, including future events (Osvath & Martin-Ordas, 2014), but does this mean they make plans for their lives as a whole? At the moment, we do not seem to have enough evidence to support this view. Although self-consciousness is a necessary condition for projecting oneself into the future, it may not be sufficient, at least at the level of self-consciousness that other animals have. Importantly, the same could be argued about young children: they are self-aware but they do not appear to project themselves into the distant future. Hence, if we take Singer literally, we may deem two year old children replaceable too.

The second complication deals directly with the *badness of death*. Although merely conscious animals have preferences, we are told that these are not relevant when evaluating the badness of their death. Singer argues:

For preference utilitarians, taking the life of a person will normally be worse than taking the life of some other being, since persons are highly future-oriented in their preferences. To kill a person is therefore, normally, to violate not just one, but a wide range of the most central and significant preferences a being can have. Very often it will make nonsense of everything that the victim has been trying to do in the past days, months or even years. In contrast, beings who cannot see themselves as entities with a future cannot have preferences about their own future existence. (2011: 80)

This, however, only give us reasons to hold that, due to their preferences, the death of a person is worse than the death of a non-person, not that the preferences of the non-person are irrelevant when discussing the badness of their death.

It is plausible that having long term preferences and preferences for one's life as a whole may result in a victim's death being a greater misfortune (than the death of a merely conscious being). Arguably, death results in a higher number of preferences being frustrated and, additionally, these preferences were more significant to the victim's life. Yet, this does not mean, by itself, that the rest of their preferences are irrelevant. I contend that we do not have sound reasons to exclude the rest of preferences from the

assessment of death, and as such death is a misfortune for the victim, given that it makes the satisfaction of these preferences impossible. Thus, death can also be bad for those that do not have long-term preferences.

Two arguments are possible in defence of Singer's proposal. First, it could be argued that the type of desires non-persons have are too short-lived to count for the badness of their deaths. Not only are their preferences limited to short term goods, but they also hold them for a limited time. It could be claimed, for example, that the desires of animals disappear after sleeping. This would imply that if you kill them in their sleep, you would not frustrate any preferences. Nevertheless, this objection ignores the relevance of dispositional desires, that is, desires that one is disposed to have (given the right circumstances). The object of these desires can be both simple things, such as warmth, company, or food, and more complex goods, such as the welfare of their offspring (at least when the offspring are still under their care). Furthermore, being alive is instrumental for being able to enjoy these goods, so, even if the non-person cannot comprehend the value of life, it still has an instrumental interest in continuing to live. This has been interpreted as an implicit preference to remain alive (Višak, 2013: 37).

Secondly, it could be the case that the only preference that counts for the badness of death is a preference for a continued existence. If one does not have this preference, death may not be harmful, as no preference has been frustrated. If preferences are the measure of value, and S does not have a preference for its life as a whole, it would seem that S does not lose any value by dying. But what about other preferences? As Singer (2011: 85) himself recognizes, non-persons may lose the pleasurable experiences in their life, and it is reasonable to postulate that some of these experiences will have corresponding preferences. Surely, some of these preferences will be negative¹⁹ and will, therefore, be cancelled by death, such as the desire to not be hungry or the desire of to not be in pain. Nonetheless, some of these preferences will contain positive content: a pig may want to bathe in the mud, a hen may desire to build a nest. The question is whether these preferences just disappear with death or, on the contrary, will be frustrated.

What do I mean by this? It is important to consider that death is not like other harms, as it results in the

¹⁹ Negative preferences refer to those preferences that desire the termination of a state of affairs. By contrast, positive preferences refer to states of affairs that we desire to exist in the world.

permanent discontinuation of all experience. This is what lead Epicurus to dispute the badness of death (1994), arguing that, since we no longer exist when death occurs, we cannot be harmed by death. Similarly, Singer appears to accept some version of the idea, known as the existence requirement, that to be harmed (or benefited) by something we need to exist at the time of its occurrence.²⁰ Singer says:

This means that we cannot move automatically from valuing a pleasant life rather than an unpleasant one, to valuing a pleasant life rather than no life at all. For, it may be objected, being killed does not make us worse off, it makes us to cease to exist. Once we have ceased to exist, we shall not miss the pleasure we would have experienced. (2011: 87)

So, perhaps Singer does not deny that short term (and dispositional) preferences exist or that there is a loss when death prevents their satisfaction. What Singer may be claiming is that the loss of this well-being is not experienced by the victim, and thus, it cannot matter to them.²¹ Therefore, this loss can be only accounted in impersonal terms: that is, as a net loss of utility in the universe.

I have already argued that Epicurus' challenge is not in line with our common intuitions about death, as it implies that death cannot have value for us, neither positive nor negative. In this position, death is not bad for the victim, and neither can it be good, even when the quality of the victim's life is unbearable. Furthermore, this value judgement has serious ethical implications. Epicurus' position implies that the victim is not harmed in a case of murder, as she is not affected by her death; thus, we lack direct reasons to condemn murder as immoral. Nevertheless, and despite its counter-intuitive implications, this challenge continues to be a central topic in the contemporary philosophical discussions about the badness of death, as it captures a key aspect of death: we cannot experience death, nor the deprivation it brings.

That said, it may not be necessary to experience death's deprivation in order to be harmed by it. I have argued that we can assess the badness of death comparatively (Feldman, 1992; Bradley, 2009): that is, we can compare two different worlds or states of affairs, one where the person dies and another one where the person continues to live, to discover whether the person has lost any well-being by dying. This is a type of

²⁰ As already discussed, Epicurus' position can alternatively be interpreted as demanding an experience requirement (that is, it is necessary to consciously experience something to be harmed or benefited by it), I will interpret Singer as holding the less restrictive and more plausible existence requirement.

²¹ If this is the case, though, it is not completely clear to me why the absence of experience is considered relevant in the frustration of short-term preferences, but not in the frustration of the long-term preferences.

judgement we routinely engage with: we compare two different possible scenarios and our level of well-being in each one to evaluate which one is preferable. For instance, would I prefer to spend my holidays on the beach or on the mountain? Or, was my career choice adequate or should I have chosen a completely different path? The deprivation account applies this logic to the badness of death: it appraises the badness of death by quantifying the amount of welfare that the victim loses with death. If the level of well-being of the person's life up to their death is lower than the well-being of the life they could have had (if they had not died), their death has a negative value, and therefore, it has been a misfortune for them.

Consequently, even if it is undeniable that the victim cannot suffer the consequences of her death, the overall level of well-being of her life is still negatively (or positively) affected by it. In this manner, the deprivation account is able to explain the badness of death and to justify our intuitions about it. Hence, I contend that the deprivation account is a more plausible explanation of the badness of death than the Epicurean position, and therefore, we should not accept the existence requirement. Certainly, if this is true of human beings, it applies to nonhuman animals too, both persons and non-persons. As they can experience different levels of well-being, there is no reason why, comparatively, their deaths may not leave them worse (or better) off.

Thus, against Singer, we can conclude that merely conscious animals can also be harmed by their deaths. First, I have argued that all preferences should be taken into account when assessing the badness of death, not only those regarding the distant future or one's life as a whole. Moreover, even if some of these preferences are short-lived, once we factor in implicit and dispositional preferences, something that preference utilitarians already do (Višak, 2013: 38), it is clear that non-persons' preferences can also be frustrated by death. Furthermore, even if some of the short-term preferences are not frustrated, but merely fail to come into existence, once we eliminate the existence condition, it is clear that the victim's well-being is affected (either in a positive or negative way) by death. Likewise, although the concepts of self-awareness and time-awareness are undoubtedly relevant to the discussion about the badness of death, the categories of personhood and merely conscious beings may not support Singer's own conclusions, making the killing of beings that are normally considered within the moral circle, such as young children, morally acceptable.²²

²² Although this is not Singer's position, taking the idea that personhood is necessary for the badness of death seriously may lead to an acceptance of infanticide, even in cases where no severe medical conditions are involved (see for

Therefore, these categories should be abandoned for more inclusive ones. In sum, although Singer offers desire-based reasons to interpret the death of a person as more tragic than the death of a non-person, this does not necessarily entail that the death of a non-person is not a significant misfortune for them.

Cigman: The capacity to understand death and the desire to continue life

Cigman's position is that death can only be a misfortune for human beings. In the case of nonhuman animals, death cannot be a misfortune at all, not even a minor one. Furthermore, this applies equally to all nonhuman animals: death does not harm them, even if we speak about animals with higher cognitive capacities, such as chimpanzees.

Cigman (1981) considers the badness of death of nonhuman animals when discussing whether they should be granted the right to life. According to Cigman, one can only hold a right to X when losing X will be a misfortune for them. A subject may lack X in their life, but if this absence cannot be considered a misfortune for them, they do not have a right to secure X. And when is an absence of a good a misfortune? Cigman unites the concepts of misfortune and desire, to argue that losing X can only be a misfortune for someone if they desire X. Furthermore, and importantly for our discussion, in order to desire X, one must be able to understand X. To put it simply, if a subject does not understand X, they cannot value or desire it. Therefore, losing it cannot be a misfortune for them.

Applying this position to our discussion, in order to be harmed by death, one needs to understand the concept of death. Cigman relies on the concept of categorical desires²³ (Williams, 1973) to argue that the desires that give us reasons to live are those that are concerned with the meaning of life and are unconditional on dying (that is, desires that are not just cancelled by death). And arguably, those desires are only possible for beings that understand what is at stake with death.²⁴ Therefore, her argument goes, animals cannot desire life given that they cannot understand death. Cigman claims that, to possess a desire to continue living, a being needs

instance, Giubilini & Minerva, 2013).

²³ Although Bernard Williams and the concept of categorical desires are frequently cited in the literature of the badness of death for animals, I find the concept obscure. Furthermore, it seems that even by Williams' definition of the term, animals are still harmed by death (Bradley, 2013).

²⁴ Recently, it has been argued that animals do possess categorical desires (Bower & Fischer, 2018); however, I will grant her point here to discuss a deeper problem with Cigman's position.

to understand death in the same way as we humans do. Specifically, the harm of death depends on a grasp of immortality, the understanding of the closure of possibilities in one's life, and the comprehension of a few other complex concepts, such as agency, the value of life, and tragedy. With these criteria for the badness of death, it comes as no surprise that she considers animals to be excluded from it.

Although the idea that misfortune depends on the desire of the subject is by no means uncontroversial, I will accept it for the sake of the argument. However, I find the position that the understanding of a concept is necessary to desire it, even to be affected by it, deeply puzzling. Nonetheless, Cigman offers no argument to support her counter-intuitive position. The implications of her proposal are profoundly problematic. If Cigman is right, and we need to comprehend something to be harmed by it, a lack of vitamin D cannot be bad for someone with no understanding of health. Thus, a baby could not be harmed by a lack of vitamin D. Likewise, death could not be bad for someone with the wrong beliefs about death, such as believing in an afterlife or believing that death is not a radical transition to another state (Bradley, 2016). Furthermore, death cannot be bad for other marginal cases, such as babies, since they cannot grasp the concept of death. Cigman anticipates this last criticism and argues that what matters is the capacity of understanding, not the actual understanding, which according to her, bestows the right to life on all human beings, but no animals (1981: 61).²⁵ This, however, is not in line with her previous arguments. If the badness of death depends on the evaluation of life that arises from our understanding the concept of death, a being with no concept of death cannot be harmed by it. Furthermore, even if we grant her that is the capacity that matters, this will only solve her problem in the cases of fetuses (giving us moral reasons to ban abortion) and babies, but it will make no difference in the case of the mentally disabled and demented.

Thus, given that Cigman offers no arguments to justify her demanding requirements for the badness of death, and the bizarre implications of these requirements, I argue that we have no reason to accept the understanding of the concept of death and its subsequent desire for life, as the criteria to assess the badness of death.

²⁵ Obviously, an infant does not have the capacity to understand death, so I interpret Cigman as arguing that is the potential capacity that matters.

Belshaw (2012 & 2016) argues that death is a misfortune when it cuts short a life that one wanted to live. He agrees that death can be bad in the absence of this requirement, but only bad in a way that does not matter. That is, death can be bad in the same way that rust is bad for a tractor. The rust reduces the general condition of the tractor, and in that sense, it is bad for the tractor. However, the tractor does not suffer this badness, and thus it is not harmed by the rust. Consequently, the rust is bad for the tractor in a way that does not matter for it. Belshaw goes as far as to add that the tractor has an interest in preventing the rust, although this interest is not a morally relevant one.

Similarly, according to Belshaw, death can be bad for a nonhuman animal, but in a way that does not matter. Why? Because, they cannot have a conception of time, an idea of themselves over time, or future plans. Thus, animals cannot have the relevant desires to make death a misfortune for themselves. Although he acknowledges that there have been serious criticisms of this concept (Bradley, 2016), Belshaw identifies the minimum requirement of the badness of death with categorical desires (2016: 37-39). This implies that death cannot be bad for babies or nonhuman animals. As they do not have desires for more life, or desires that give them reasons to continue living, Belshaw concludes that they do not seek to avoid death or want to continue living (in the relevant way).

Furthermore, the lives of animals lack psychological connectedness, so losing their lives does not imply that the victim is losing a future. According to Belshaw, the lives of animals are formed of separate stages that are unconnected to each other. In his view, the experiences of a possible future would not belong to the same life, but to a different stage. That is, to a completely different life (2016: 43). Although animals can experience suffering during the separate stages that comprise their lives, they cannot experience life as a whole. Consequently, they cannot be affected by death. This is also the reason why present suffering cannot be compensated by later pleasure (or the other way around), and thus, according to Belshaw, animal life is never worth starting and frequently not worth continuing. Nor are babies' lives, for the same reasons. Nevertheless, babies grow into adults, whose lives are commonly worth living, and as such there is a reason for them to continue living.

As we can see, Belshaw's position resembles Singer's. When evaluating the badness of death, they both rely on whether the victim possesses any desires for their life as a whole. Yet, there is a key difference between the two views. Whilst Singer allows for a considerable number of animals to be persons, and thus to be harmed by death, Belshaw believes that the majority of animals cannot hold this type of desire. Although Belshaw leaves the door open for 'higher mammals' to hold these desires, he states that none of the animals we eat can be harmed by death. This statement is confusing, as higher mammals, according to the standard dictionary definition, include *ungulate* animals, encompassing species such as cows and pigs. Nevertheless, we can assume that Belshaw means mammals with higher cognition, such as primates or cetaceans.

Due to their similarities, Belshaw's position is subject to some of the same criticism as Singer's proposal. That is, there is no justification for only taking desires for one's life as a whole into consideration when assessing the badness of death. Whilst it could be easily argued that the frustration of these desires makes death worse, it proves difficult to justify that only these desires contribute to the badness of death. Belshaw argues that the simple version of the deprivation account, where the badness of death is a function of the future well-being lost, has counter-intuitive implications and thus needs to be modified. For instance, the implication that babies are the ones most harmed by death cannot be accepted.²⁶ As such, Belshaw argues that a desire for your whole life is needed. Nevertheless, even if we accept, for the sake of the argument, that an account of the badness of death needs to accommodate the idea that death is worse for adults than for babies, it does not mean that it needs to be modified in this particular way. Other arguments have been offered to justify that death is a greater misfortune for adult human beings (McMahan, 2002). Moreover, Belshaw's requirement for the badness of death appears to have bizarre implications. Harman (2011) imagines the case of a young woman who is depressed and thus has no long term plans or hopes for the future. Nonetheless, if she recovers, she will enjoy a fulfilling life. I believe that most people would agree that it would be bad for her to die now, even if she lacks a vision of her life as a whole right at this moment. Hence, the idea that the badness of death depends on fostering desires for your life as a whole is not justified.

²⁶ To put it simply, if the badness of death depends on the amount of well-being lost, death right after birth must be the highest expression of the badness of death. However, many philosophers find this conclusion problematic (McMahan, 2002).

Belshaw could respond that, even without the requirement of fostering desires for your life as a whole, non-human animals cannot be harmed by death, given that their psychological life is limited to separate stages unconnected to each other. Arguably, death cannot be a misfortune for a completely unconnected being since the animal that will enjoy the future goods is different from the animal now. However, this statement is controversial, since we are frequently prepared to sacrifice some of an animal's well-being now for a future good (Harman, 2011). It is common, for example, to subject one's pet to an unpleasant veterinarian procedure in order to ensure a healthier future. According to Belshaw, this behaviour is not justified, but it strikes one as extremely counter-intuitive that even mild suffering cannot be compensated by a long and happy life.

Moreover, the question of whether animals are completely unconnected to themselves is problematic too. My dog, for instance, clearly recognizes people that he has not seen in months or even years. If he is able to remember people from his past, can we be certain that that he is psychologically unconnected to his past and future self? Pigs and other farm animals seem to be as psychologically complex as dogs, if not more. Ultimately, the question about the psychological connectedness of animals is an empirical question and no amount of armchair philosophy will settle it. There may be some animals that are completely unconnected to themselves, for whom each moment is a new existence; but whether we can say this of all animals is highly doubtful. It is safe to assume, in accord with evolutionary theory, that this psychological trait appeared in nature in a gradual way, and thus, humans and other primates are not the only ones connected to themselves. Finally, given that the well-being of sentient beings is at stake, we should act with caution and look for the scientific evidence, something that many authors hardly ever do.

As we have seen, Belshaw does not properly justify his claim that fostering a desire for your life as a whole is necessary to be harmed by death. Although it could be the case that holding this type of desire can make death a greater misfortune for the victim, it is not clear why other desires do not count when evaluating the victim's losses. Similarly, the claim that a majority of animals, including mammals and birds, are completely psychologically unconnected, and thus not affected by their deaths, needs further empirical justification,

given that our common beliefs about these animals says otherwise. Therefore, I contend that Belshaw has failed to properly justify his position that death does not harm nonhuman animals.

CONCLUSION

In sum, although desires may be an important criterion in evaluating the badness of death, there is no reason to claim that just one type of desire is relevant to the badness of death, whether it is a long-term desire, a desire for your life as a whole, or a desire for a continued existence. Whilst holding these desires may imply a bigger loss when one dies, not enough justification is being offered to support the notion that the frustration of other desires is inconsequential. I considered whether Epicurus' challenge to the badness of death could support the idea that short-term preferences are irrelevant when evaluating a death. As we saw, this position carries extremely counter-intuitive implications, both axiological and normative. In contrast, the deprivation account can easily avoid these implications by evaluating the loss of the victim in a comparative manner. I thus argued that the deprivation account offers a more plausible interpretation of the badness of death, and the existence requirement should be abandoned. Finally, although the level of psychological connectedness of the animal likely plays a role in the magnitude of the loss caused by death, further investigation is needed in order to discover how psychological connectedness works and how it is distributed in the animal kingdom. As previously mentioned, given that the answer to this question may have extremely substantial implications for the lives of billions of animals, we should act with caution and examine the empirical data as it becomes available to us, especially when we are arguing against the common-sense view we have about animals. Hence, I claim that these authors have failed to show that death does not harm animals.

Up to now, I have shown that the arguments claiming that death is not a misfortune for animals fail, and we have weighty reasons to support the idea that death harms animals. This, however, says nothing of how much of a misfortune death is for animals. It could be the case that the loss caused by animal death is negligible, and thus, insufficient to bestow a moral obligation on us. In the next chapter I will claim that, as death implies the final loss of all possible well-being (that is, everything that is of value to the animal), this loss is a significant one. And, therefore, it is morally relevant. Against this position, it can be argued that animal

well-being is necessarily low, even when the animal is living their best life, and its loss never important. This is because it is considered that animal well-being lacks the characteristics that make our well-being truly valuable. I will argue, against this position, that we do not have an appropriate value theory to account for animal well-being, nor the necessary empirical knowledge about animal minds. In doing so, I will engage with the arguments offered by McMahan (2002). Although the position that animal well-being is necessarily low is a popular one, not a great number of arguments have been offered to support it. I consider McMahan's to be the most coherent argumentation, and thus I will examine his position, along with his general (and influential) theory about the badness of death.

CHAPTER 3:

THE SIGNIFICANCE OF ANIMAL DEATH

It has been argued that the deaths of nonhuman animals are not a misfortune for them, or if they are, just a minor one. This has significant practical consequences, as, if death does not make them worse off (or only does so minimally), there would be no direct reasons to stop us from killing them, even if they are granted moral status. Thus, it could be morally acceptable to kill animals for trivial reasons (unless there are relevant indirect reasons against such killing). So, in order to be able to treat animals morally, we need to determine, not only whether death is bad for animals, but also how bad it is.

Let us recapitulate our discussion about the badness of death so far. Leaving aside religious interpretations of an afterlife, for which there are no empirical evidence, it is safe to say that death is the end of all conscious experience. From this we can conclude that death is not in itself a bad state to be in, as the individual is no longer present and cannot suffer any negative well-being. Why is death bad then? I have defended a popular philosophical position which claims that death is bad precisely because it is the end of all experience. Death is bad due to the deprivation it causes: it robs us of the future we could have had. And, if that future was, on balance, worth living, death leaves us comparatively worse than we could have been. This position is frequently known as the *deprivation account of the badness of death*.

In principle, those adhering to the deprivation account can claim that death is bad for animals, as animals can experience different levels of well-being, and thus, their well-being level is affected by death. If the animal loses a positive balance of well-being, death has harmed them, and thus, it has been a misfortune for them. I have also discussed some of the positions claiming that death does not harm animals, either because they do not have the type of well-being loss of which makes death a misfortune, or because death does not thwart any relevant preferences. All these positions converge on the idea that self-awareness is a necessary condition to be harmed by death. Against this, I have claimed that sentience, and not self-awareness, is the sufficient condition for the badness of death.

Now, I contend that the harm death inflicts on an animal can be significant. As well-being (however we measure it) comprises everything that can be valuable for an individual, losing all future well-being is a matter of great consequence. This means that, when assessing the morality of killing an animal, we need to take their interest in a continued existence seriously. Yet, it has been argued that, even if death harms animals, this is not morally relevant (or only marginally), as the loss they suffer, however real, is not substantial. Note that the idea that death harms animals less may also be consistent with the deprivation account: since the badness of death depends on the loss of future well-being, if the amount of well-being lost is modest, the harm would be minimal. And, if the amount of well-being lost is non-existent, the death may not be a misfortune at all. Different theories of the badness of animal death spring from here, depending on how much well-being the animals are believed to lose and whether other requirements are added to the loss of well-being, such as self-consciousness or particular types of preferences.

Previously, I mentioned that I leave open the possibility that death is more harmful for some beings than for others. This may be due to greater cognitive abilities, or the capacity to experience a higher well-being level. However, even if I acknowledge this, I contend that the badness of animal death is often underestimated. In this chapter, I am interested in the position that claims that death is bad for animals but not as bad as it is for humans, particularly, when this position is based on an assessment of the well-being lost. This position is particularly relevant, as it has been used by some animal advocates to justify the killing of animals in particular situations: as animals are considered to experience a considerably lower level well-being, it is judged that their lives are of a lesser value and thus, their lives are more expendable.

A clear instance of this position is Tom Regan's famous *lifeboat case*. In his seminal book *The Case for Animal Rights* (2004: 285-286), Regan argues that animals are harmed by death, and thus have a right to life. However, in exceptional situations in which we need to choose between human and animal lives, all things being equal, we are required to save human life over an animal's, every time. For example, in the lifeboat case, we are presented with a scenario where, after a shipwreck, a lifeboat with a capacity for four people, ends up occupied by four people and a dog. The lifeboat will sink if they all stay, so one of the lives needs to be sacrificed to save the others. In this context, Regan argues that, since human life can reach peaks of well-

being unattainable to dogs, we should always choose to sacrifice the dog. Furthermore, as one of the main tenants of Regan's theory is the rejection of the utilitarian principle of accumulative harm, he claims that we should always choose to save the human life, no matter the number of dogs. Even if it we need to sacrifice a million dogs to save one human being, the human should always be saved. This position has been highly controversial in animal ethics, and it may have greater consequences for the status of animals in Regan's theory than its proponents are prepared to acknowledge (Singer, 1985; Jamieson, 1990).

The focus of this chapter, however, will not be Tom Regan, but instead on the arguments advanced by McMahan. I will concentrate on McMahan's position about the badness of death for animals, and in particular, his ideas concerning well-being. I am aware that this is not the main component of McMahan's theory, but he has offered what I consider the most coherent arguments to support this position (many authors simply assume that human well-being is greater than nonhuman well-being and do not feel the need to offer any arguments to support their position). Furthermore, this aspect of his theory has frequently been overlooked by other philosophers. In particular, I believe he is not justified when he argues that death is worse for human infants than for adult animals. While I find plausible the idea that death is worse for psychologically complex beings than for those with less complex mental lives, it is important to remember that not all humans exceed nonhuman animals in this regard. Take self-awareness, for instance, a trait closely related to psychological connectedness: infants are less aware of themselves than many animals. So, the idea that death is worse for these humans cannot be based on self-awareness, and needs to be justified on concerns regarding well-being.

I will first present McMahan's theory. His contribution to the philosophical discussion about the badness of death has been crucial and extremely influential. I will explore how and why he distances himself from the standard deprivation account and then analyse what this departure means for the badness of animal death. Secondly, I will delve into his arguments about the lesser well-being lost by animals when they die, and examine the practical consequences of this position. Finally, I will argue that McMahan is not justified to claim that the well-being level of animals is so low as to make their deaths less bad than those of humans at a lower level of cognition.

MCMAHAN: TIME-RELATIVE INTERESTS AND WELL-BEING

McMahan's theory of the badness of death tries to solve what he also considers a problem for the deprivation account, namely, the badness of death for fetuses and newborns. As we have seen, the deprivation account evaluates the badness of death based on the amount of good the person loses when they die: death is a misfortune if the person loses a future with a positive balance of well-being. Furthermore, this loss is cumulative, meaning, the more positive well-being lost, the greater the misfortune. Consequently, an implication of this position is that, everything else being equal, the death of a younger person is a greater harm than the death of an older one. Clearly, this is in line with our intuitions: we normally believe that the death of a twenty-year old is a tragedy, whilst the death of an eighty-year old is not, even if we are saddened by it.

Nevertheless, not all common intuitions are compatible with this position. It is commonly held that the death of a fetus or a baby is not as bad as the death of a child or an adult.²⁷ We appear to have the notion that a child or an adult loses more in dying than a fetus or a newborn baby. However, if the deprivation account is right, the death of a baby should be seen as a far worse occurrence. The logic of this judgement is simple: imagine a newborn baby (Baby) and a twenty-year old (Young). If they do not die now, they would both live until they are sixty, when they will die of a heart attack. Also, suppose that they would have had a life worth living, full of meaning and happiness, both enjoying a similar level of overall well-being (from the time of their birth to the time of their death at sixty). In this case, if the loss of welfare is our sole concern, it is clear that the death of Baby is worse than the death of Young: Baby loses 20 more years of happiness, so she is clearly worse off.

How are we to deal with the incongruence between the mentioned intuition and the deprivation account?

Some authors decide in favour of the deprivation account, abandoning the intuition, and declaring, therefore,

²⁷ It is also possible to give an evolutionary explanation of this intuition (see Robert Wright (1994) based on the work of Daly and Wilson (1988)). However, I will not discuss the merits of this account here, as it is reasonable to believe that it can co-exist with McMahan's proposal.

that the death of a baby implies a greater loss than the death of a child or an adult (Bradley, 2009). According to McMahan, however, it is the deprivation account that needs revision (McMahan, 2002: 165-188), as he believes the theory fails to capture one of our primary insights into the badness of death: the importance of the connection between the victim and the goods lost.

As an alternative, he proposes to supplement the deprivation account with a new criterion, that succeeds in accounting for these cases. Thus, his theory is not opposed to the deprivation account, but is a modification of it. This alteration is based on his position on personal identity, or more specifically, the basis of prudential concern. Following Parfit (1984), McMahan (2002: 69-86) argues that what matters for prudential concern is not personal identity itself, but psychological connectedness. In his perspective, known as the *Time-Relative Interest Account* of the badness of death (TRIA), he combines both ideas to explain the badness of death as a function of (1) the amount of well-being lost, and (2) the level of psychological connectedness between the individual now and the time when the future goods would be enjoyed. When the connections are weak, the amount of goods lost is discounted proportionately, as the person is not strongly related to those future goods. In his own words:

The evaluation must be based on the effect that the death has on the victim at the time of death rather than on the effect it has on its life as a whole. This is what the Time-Relative Interest Account of the badness of death does. It discounts the importance of the death to the victim at the time for any weakness there would have been in the prudential unity relations that would have bound him to himself in the future.

(McMahan, 2002: 170)

This approach illuminates the cases of Baby and Young in a new light. Although Baby loses a greater amount of well-being (twenty years, to be specific), her psychological connections to her future self are radically limited, if in fact she has any. In contrast, Young is strongly connected to his past and future, making his death an immense loss for him. This is not the case in Baby's life at the time of her death, making her death not such an enormous misfortune for *herself*.

Hence, the main difference between the two accounts is what is considered to be the basis for prudential

concern. Although they both understand the badness of death as a function of the loss that the victim has suffered, there is a radical divergence in how this loss is measured. Whilst the deprivation account holds that the basis for prudential concern is personal identity, and thus evaluates the loss in terms of the whole life, the Time-Relative Interest account holds that prudential concern rests in psychological connectedness, granting a special importance to how bad the death is for the individual at the time when it happens. Thus, TRIA introduces a new factor: how reasonable would it be for the victim to care about their own death and the goods lost.

McMahan acknowledges that, in most cases, the results of both accounts would be quite similar, as in normal situations, the (*simpliciter*) interests²⁸ and time-relative interests of a person largely coincide. Nevertheless, his modification proves relevant in what has been called *marginal cases*. In some instances, the reason why marginal cases seem problematic is the weakness of the psychological connections, as for instance, in the cases of abortion, infanticide, dementia, or nonhuman animals. Thus, McMahan provides a theory that can account for these complex cases based on how much basis for prudential concern the victim could have.

Furthermore, McMahan agrees that, in most instances, there would be no practical difference, even in the cases where the present time-relative interest in a particular future event is weak, as the later time-relative interests (at the time of the future event) have to be taken into account too (2002: 283). Thus, TRIA is especially relevant when we are dealing with cases of *ceasing to exist*, as, in this situation, there will be no future time-relative interest in the event, only the present ones. The reason for this is clear if we examine the difference between abortion and prenatal damage. In McMahan's own words:

Whereas abortion affects its victim only when the victim is a fetus with weak time-relative interests, prenatal harms affect its victim later, when the victim is a person whose time-relative interests are much stronger. (McMahan, 2002: 282)

²⁸ When speaking about interests, I refer, not to what one is interested in, but more generally, about what one has an interest in. That is, to what one has a stake in. In this second meaning, preferences or desires can be an instance of a person's interests. McMahan uses interest in this second sense as well (2002: 80). These interests reflect what you have an stake in in your life as a whole. In contrast, McMahan's time-relative interest, consider "what one has egoistic reason to care about *now*" (2002: 80), that is, the interests one has at a particular time.

THE BADNESS OF DEATH FOR ANIMALS

What can TRIA add to the debate about the badness of death for nonhuman animals? McMahan acknowledges that death can harm an animal, but argues that this harm is not as severe as it is in the case of a normal adult human being (2002: 199). He offers two main reasons to support this claim. First, animals' moderate cognitive abilities can only support weaker psychological connections. According to McMahan, although the animals we are discussing are conscious beings, their mental capacities do not allow for much psychological unity. That is, their mental states do not normally refer to earlier and later mental states. Thus, there is hardly any psychological connectedness over time. Consequently, whilst it is true that, if they live, in the future they would have time-relative interests in enjoying goods, their present interest in enjoying those goods is low.

Secondly, the amount of goods lost is smaller than the amount a normal adult human loses with death. Note, however, that even if this is a widely held view, it is by no means uncontroversial. For instance, if we accept hedonism as the right theory of well-being, there is no reason to believe that humans lose more well-being when they die, as the capacity of pleasure of an animal may be equal, if not higher, than that of a human being (Singer, 2011: 92). So, McMahan needs to provide us with arguments to support this position. He offers two reasons. On the one hand, the goods enjoyed by animals are of a lesser quality. According to McMahan, the lack of higher cognitive and emotional abilities of nonhuman animals implies that they cannot reach the peaks of well-being achievable for humans. Even if they can experience positive well-being, they are blind to what humans consider to be its highest expressions; for example, they cannot nurture deep relationships based on mutual understanding, enjoy aesthetic pleasure, or pursue complex goals.

On the other hand, animals lose a smaller quantity of well-being when they die. First, generally animals have shorter lives than humans. Whilst human beings can now live more than ninety years, most animals (although not all) do not live that long. This implies that, when they die, the amount of well-being lost is considerably smaller. Furthermore, and more importantly, animals do not possess the characteristics that often contribute to human well-being. According to McMahan, there are several attributes humans, but no

other animals, possess, that enhance our well-being to heights unattainable to animals, which makes their loss a minimal one compared to ours.

Thus, an animal's interest in continuing to live is doubly weak, based on the weakness of their psychological connections and the lesser level of well-being they enjoy, in both quality and quantity. However, this does not mean that death does not harm animals at all. McMahan acknowledges that death can be a misfortune for an animal, given that they may lose positive well-being, and that they are connected to themselves in the future, even if this connection is weak. Hence, his position is that death can be a harm for animals, but, importantly, not as harmful as it is for humans.

Nevertheless, not all humans are psychologically connected to their future selves. Conscious fetuses and babies, for example, have no (or extremely weak) psychological connections with their future selves. Furthermore, even if we grant them some connectedness, it would be weaker than in the case of many animals. My nine year old dog is, arguably, more connected to his past and future than a one month old baby. Does this mean that my dog's death is worse than the death of a human baby? Not according to McMahan (2002: 199). Even if the dog has a stronger reason for prudential concern, his death is considered a lesser misfortune (for the dog himself) than the death of the baby, since the baby has more good coming her way. So, even if the dog's prudential unity relations are stronger, their time-relative interests are weaker, as the loss is insignificant in comparison (2002: 198). Given McMahan's evaluation of the type of well-being possible for a being like my dog, the amount of well-being lost cannot compare to the loss caused by the death of a normal human being, even if it is a late term fetus or a newborn baby.

I find McMahan's arguments about animal well-being unconvincing. In the next section I will argue that, while TRIA and its reliance in psychological connectedness seems to be relevant to the discussion about the badness of animal death, its plausibility does not justify an underestimation of the negative value of animal death due to differences in well-being. While it may end up being true that human beings have a higher level of well-being, I contend that, at present, we do not have reasons (philosophical or empirical) to justify this belief.

HOW MUCH LESS BAD IS DEATH FOR ANIMALS?

The Time-Relative Interest account of the badness of death has been criticised in its application to both human and nonhuman animals. The main criticism has been that the time-relative interests are not relevant for establishing the badness of death. Bradley (2009: 113-117) has criticised the idea that death is less bad for babies and gets worse as one ages. Bradley advocates for measuring the amount of good lost in a way that accounts for the whole life of the victim, disregarding psychological connectedness. Hence, given a similar amount of well-being during both lives, the death of Baby would be a greater loss than the death of Young. Additionally, Harman (2011) has criticised the application of TRIA to animals. To be specific, she has argued against the claim that death can be only be a minor misfortune for animals. This leads her to reject McMahan's conclusion that suffering is worse than death for animals, but not for humans.²⁹

Even if these criticisms offer valuable counter points to TRIA, I will not examine them here. I consider TRIA a plausible explanation of the badness of death, including animal death. Unlike some accounts of the badness of death of animals, TRIA offers a plausible explanation for common intuitions about the value of death for different beings, without alluding to irrelevant features. Which are these intuitions? As mentioned before, we frequently believe that the death of some beings entails a greater loss than the death of others. Importantly, not only do we judge this to be the case when a human being is involved (as this could be the product of a species bias), but also in the case of other animals: for instance, as a general rule, we judge the death of an elephant to be a greater misfortune than the death of a lizard. TRIA is capable of explaining this divergence without underestimating the richness of animal lives, or referring to irrelevant traits. On the contrary, the difference is explained by a feature that seemingly plays a role in the strength of the being's prudential concern: psychological connectedness. Moreover, its explanatory power encompasses other marginal cases, such as abortion and the death of babies.

I do, however, have a serious concern about TRIA and its interpretation of the badness of animal death;

²⁹ For McMahan's reply to this criticism, defending the claim that suffering is worse, see McMahan (2016).

namely, the lack of empirical evidence of psychological connectedness in animals. This is not so much a problem with the theory as with its application: while psychological connectedness may be relevant to the discussion, discovering how psychologically connected a creature is poses a serious empirical problem. McMahan says, for instance, that an animal is only slightly more psychologically connected than a human infant (2002: 199). While I see psychological connectedness as a plausible criterion (perhaps among others) for evaluating the badness of death, I find the evaluation of this trait in nonhuman animals too rushed. First, we seem to have reasons to support the idea that many animals have strong psychological connectivity. Take dogs, for example. Although they do not seem to be able to plan for the far future, they do anticipate events in the near future (Bekoff, 2018). Furthermore, we all have heard stories of dogs travelling for weeks or months to get back to their families, a venture that appears to require the entertainment of a distant end goal. Moreover, even if their future-regarding skills are not highly developed, they appear to have some strong memories of their past, as they are able to recognise places and people they have not seen in years. So they are, at least, somehow connected to their pasts. Secondly, it appears that, even when these comparisons between animals and human infants are made, not from pure prejudice, but from a scientific standpoint, they may not be truly reliable, as our testing methods seem to favour the performance of human testing subjects (de Waal, 2016) (I will discuss this further in chapter four). However, as my main objective is to analyse whether we can assert that humans generally lose a considerably greater amount of well-being than animals, I will not pursue this concern here. Let us now turn to the arguments regarding well-being.

As we have seen, although TRIA does not need to allude to a lesser value of animal life to justify the disparity in life-death judgements, McMahan does in fact claim that animal existence lacks in quality and quantity of well-being, compared to humans. This leads him to argue that the death of a fetus or a newborn baby is worse than the death of an animal, regardless of their level of psychological connectedness. Note, therefore, that this last claim is not supported by TRIA itself (as TRIA judges that death is worse for those with higher psychological connectedness), but in judgements about the value of animal life. However, are these value judgements sufficiently justified? I will argue that, while TRIA offers a plausible and coherent account of the badness of death, McMahan fails to adequately support his statements about the value of non-human life.

The first thing we need to question is not whether animal well-being is inherently lower than human well-being, but how could we know if this is the case? How could we measure well-being across different species in a way that captures what is relevant to the members of each species? It has been argued that this is an unsolved problem in animal ethics (DeGrazia, 1996: 212). Note that after centuries of philosophical discussion, we have yet not agreed on a theory of well-being and, while it could be possible (although not easy) to agree about the sources of human well-being, it is still unclear whether this would tell us anything about the well-being of other animals. As DeGrazia has argued, perhaps we value some components of well-being so much, precisely because they contribute to *our* well-being. Yet, can these standards be applied objectively to other animals? For example, most of us would agree that cultivating deep relationships is fundamental to human flourishing. From a biological point of view, this fact is hardly surprising, given that *Homo sapiens* is a social species. However, this alone does not prove that deep relationships are an objective marker of well-being across species, given that not all animals are social animals. Similarly, the fact that we rely on our higher rationality as a source of well-being does not necessarily imply that its lack should be interpreted as a mark of lower well-being in nonhuman animals. After all, we do not know the pleasures of, for instance, echo-location, flying, or living underwater. Thus, without criteria that are relevant across different species,³⁰ we cannot make definite arguments about the levels of well-being of different types of beings.

Setting aside the problem of objective interspecific criteria to assess value across different types of life, what can we say about McMahan's arguments? As we have seen, he claims that an animal's well-being cannot reach the peaks of human well-being, based on the comparative lack of quality and the quantity of the goods in animal life. I maintain that some of the arguments provided are based on problematic assumptions about the value of self-awareness and animal minds. Hence, whilst I will not defend any particular position about animal well-being, I will claim that we have reasons to doubt common sense intuitions about the value of animal lives. For this reason, I contend that McMahan does not appropriately justify his position on animal

³⁰ It could be argued that hedonism offers an objective way to measure well-being in different types of beings, given that all beings that have interests, can at least experience pleasure and pain (Sapontzis, 1989). However, hedonism remains a controversial theory among philosophers (Crisp, 2006: 619-620), so I will not pursue that line of argument here.

well-being.

First, let us address the topic of the *quality* of well-being in nonhuman life. In discussing the lesser quality of well-being in merely conscious life (likely encompassing the majority of nonhuman animals), McMahan (2002: 195) considers the counter-argument that the evils in a self-conscious life can also be greater. This is not a new idea. Throughout human history, the capacity for self-awareness has frequently been understood as a curse of humanity, rather than as an advantage. As the existentialists (Camus, 2013; Sartre, 2014) painfully exposed, human life can be defined by tribulations such as lack of meaning, awareness of our own death, or the absurdity of being. Arguably, none of these sorrows are inflicted upon animals. Therefore, it is not obvious that human beings ordinarily exceed nonhuman animals in the quality of their well-being. How does McMahan deal with this problem?

McMahan acknowledges that, unlike an adult human, a dog's moment of happiness does not appear to be tainted by any worries about the past or the future. Similarly, small children seem to have a capacity for joy that adults lack. Thus, their happiness appears as a pure expression of an unadulterated emotion, and hence, it may be of a superior quality. Nonetheless, according to McMahan, this is not enough to fill the gap between the levels of well-being of human and nonhuman animals, as our lives still contain more goodness as a whole. The good in our existence is more continuous, dense, and varied, over longer periods of time. And arguably, this amounts to more than separated ecstasy bursts.

However, note how McMahan's response is not truly engaging with the counter-argument. This argument draws our attention to the increase in suffering that comes along with self-consciousness, not with the capacity of happiness. Even if we grant, for the sake of the argument, that humans exceed nonhuman animals in the quality of their positive well-being, this still says nothing about the possibilities that self-consciousness opens for negative well-being. In the same way that the aesthetic pleasure of contemplating a fine work of art is closed to nonhuman animals, so also the depths of human despair appear to be unavailable for them. In fact, in some cases, even the understanding of art depends on the recognition of those depths. I cannot appreciate *Anna Karenina* without an understanding of human despair. Likewise, Picasso's *Guernica* may

not be comprehended by an alien race that does not know the horrors of war.

Do humans possess a higher capacity for misery? Schopenhauer (2004) argued that the lives of humans are more miserable than those of animals; based on the fact that all animals (human and nonhuman) share the same capacity for physical pleasure, generally achieved by activities like eating, resting, or sex, but the scope of human suffering is far more substantial. To support this claim, he offers several reasons. First, humans seek to intensify their pleasure by others means, such as luxury, material goods, elaborate pleasures, etcetera; thus creating a new range of needs, that ultimately lead them to increased frustration. Along with the Stoics and some Eastern schools of thought, Schopenhauer believes that an increment in desire necessarily carries an increment in unhappiness: the more things one desires, the more possibilities open for frustration. Secondly, he also interprets our capacity to enjoy intellectual pleasures as a burden, as, even if it provides us with additional pleasure, it also carries an augmented need for mental stimulation. Subsequently, our higher intellectual abilities end up leading us to boredom and frustration. Additionally, pleasures that are unadulterated in animals are tainted by complexity in human beings. A clear example of this is sex, which in our species gets intertwined with love, a major source of grief in our lives. Finally, given that humans are subjected to the same needs and emotions as the rest of the animal kingdom, our capacity for higher thought and emotion can be interpreted as a further strain. For instance, considering that both human and nonhuman animals experience a powerful will to live, our understanding and anticipation of death can be elucidated as a cruel joke of the universe.

Schopenhauer's arguments, along with those of the existentialists and other pessimist schools of thought, may not be definitive: the value of self-awareness for our well-being still remains a controversial issue. However, I argue that we have reasons to be suspicious of the contribution of self-awareness to the quality of our well-being. Even if its contribution creates a great amount of positive well-being, it also brings along negative inputs, such as lack of meaning, existential angst, and despair. We should not ignore the negative side of our capacity in contemplating our existence as a whole. Moreover, when we speak about our positive well-being, exemplified in activities like culture or art, and judge them to be higher in quality to those of animals, it may be possible that we are expressing a bias towards our own pleasures, given our inability to

understand those of others. Is listening to a classical symphony a higher form of pleasure than the ‘symphony’ of smells a dog experiences in nature? How are we to evaluate this judgement given that we can only comprehend one of the experiences (Nagel, 1974)?

Secondly, as we have seen, McMahan also mentions a lesser *quantity* of well-being for animals. He offers several reasons to support this claim. First, the lack of a previous desire implies a lesser value for the goods in animal life:

It may be, for example, that a good contributes more to the value of a life to the extent that it has been and continues to be desired when it occurs. If so, we should discount the value of most goods in an animal’s life, which tend to arrive unbidden and indeed unanticipated, for the absence of prior desire. (2002, 196-197)

I find the idea that desire is an important component of the goods in our life appealing.³¹ However, I fail to see how it applies to “most goods in an animal’s life”. The attribution of desires to nonhuman animals has been a controversial issue in philosophy for decades. Whilst some (Davidson, 2001; Frey, 1980) have argued that we cannot attribute desires to animals, the contrary position has been convincingly defended too (Searle, 1994; Sapontzis, 1989; DeGrazia, 1996). Given the controversial nature of the subject, an argument should be offered to support this stance, especially taking into account that the commonsense view attributes desires to animals: I have yet to encounter a dog or cat owner that believes that their pet lacks desires and preferences.

Furthermore, the position that nonhuman animals possess desires enjoys greater explanatory power (DeGrazia, 1996). How are we to explain the complex behaviour of higher animals without the presupposition that there are things in the world that they want to attain or avoid, even if these are simple objectives, like food or companionship? What would be the evolutionary ‘purpose’ of sentient and conscious beings if these features do not help them to direct their behaviour in a flexible way?³² And finally, how are

³¹ Note the difference between Cigman’s and McMahan’s position about the value of desire in our well-being. While the former argues that one can only have an interest in those things that one understands and desires, McMahan’s claim is more modest, as he merely argues that the goods in our life have a greater impact in our well-being if they have been previously desired.

³² By this I do not mean that evolution has ‘created’ animals with any purpose, what I mean is that consciousness is a complex and costly trait, and as such, it must serve an evolutionary purpose. It has been argued that the function of consciousness is to allow for flexibility (Earl, 2014; Levy, 2014).

we to explain the neurophysiological similarities between us and them if these produce radically divergent mental lives? If the focus is on simple pleasures, like food, sunshine, and companionship, the more parsimonious explanation is that this behaviour is intentional: nonhuman animals foster a desire for the end result.

Nonetheless, McMahan could be talking about complex desires (as I do not believe that McMahan would deny that animals have desires). A person can desire to write a Ph.D. thesis, or to buy a house and start a family. Likely, fully developed members of *homo sapiens* are the only animals that can entertain these thoughts. It could be argued that these long-term desires bring a deeper sense of fulfilment when they are achieved. This appears to be a plausible position: the more time and effort spent in an enterprise, the more joy it will bring when attained. Moreover, the process of pursuing it can be enjoyable too, adding an extra possibility of well-being. However, as we have seen, this alone does not imply that the accomplishment of desired simple pleasures is void of meaning and satisfaction. Nor does it entail that non-human animals cannot desire anything, just because they do not desire to write a Ph.D. thesis. And finally, it fails to recognise that, while these types of desires can be a source of happiness, they can also be a major source of frustration.

Another reason McMahan adds to support the lesser quantity of well-being in animal life is the lack of narrative structure in their lives (2002: 197-198). Human beings appear to be able to make decisions about the direction of their lives, creating a coherent story and identity for themselves. Previously, McMahan had argued (2002: 174-177) that the frustration of this narrative can intensify the badness of death as it may render past efforts meaningless. Likewise, he argues that the concept of desert does not apply to animals, since their efforts spring from instinct and not from an autonomous choice. Setting aside questions about free will, it looks as if humans have a capacity that nonhuman animals lack: the ability to contemplate their life as a whole and make decisions about it. Whilst I do not wish to deny this difference, I have a couple of concerns with this argument.

First, it appears to me that the ability to create a life narrative can be a major source of suffering too.

Although the search for meaning in our lives and the universe can be mentally stimulating, it can also lead to hopelessness and desperation. However, to be fair, McMahan is not arguing that it improves our lives, but that, when death frustrates the achievement of the goal towards which we have dedicated our efforts, death is a greater misfortune. And, the argument follows, this cannot be the case for nonhuman animals as their efforts are merely instinctual. McMahan says:

There is, of course, a sense in which a squirrel's efforts in gathering nuts for the winter are rendered futile if it is run over by a car. But the squirrel's action was merely instinctive, not deliberate; there was no goal that the squirrel was seeking to achieve. (2002: 198)

Hence, my second worry is concerned with the distribution of agency for human and nonhuman animals. It has been argued (Pinker, 2003; Miller, 2011) that, even if we set extraordinarily complex goals for ourselves, our motivations can still be linked to the basic evolutionary forces that have shaped our psychology. Whilst McMahan does not deny this biological reality, he appears to imply that the relevance of instincts voids animal life of the possibility of desert. Now, although humans can and do act intentionally, it seems that we are frequently driven by instincts we are unaware of. If our pursuit of a career, or a creative enterprise, although intentional itself, can be traced back to the satisfaction of more primal impulses, such as the search for status in the group or the improvement of one's value in the mating market, will this render our efforts meaningless in terms of desert?

Nevertheless, perhaps the core of McMahan's argument is not in instinct but in intentionality.³³ Whilst humans are influenced by Darwinian drives, we are also able to reflect, plan, and act according to reasons. If nonhuman animals lack this capacity, McMahan may have a reason to deny that animals deserve anything due to the efforts they make in their lives. However, it is not clear to me that most nonhuman animals completely lack the ability to purposefully direct their actions. Are nonhuman animals agents? As it is common in the discussion about animal minds, there are two antithetical positions. One side of the argument, championed by authors like Davidson (2001) and Frey (1980), argues that, given that animals do not have

³³ In philosophy, the use of 'intentionality' can lead to confusion as it has two different meanings, both with extensive philosophical traditions. On the one hand, Brentano referred to the ability of the mind to be directed to objects (or states of affairs, etc.) outside itself. On the other hand, it can refer to an agent's ability to act due to reasons, that is, to deliberately direct their behaviour. I am using intentionality in this second sense.

language, they cannot deliberate about their reasons and, therefore, cannot make decisions. However, there is no consensus about this, and it has been argued, from a range of different theoretical positions, that animals can act according to their own reasons (DeGrazia, 1996; Steward, 2009; Glock, 2009). In fact, according to some leading action theorists, many ordinary and responsible human actions are intentional without being preceded by thought of any kind. That is, they are made without deliberation and therefore do not seem to require language (Mele, 2017).

Probably, like other mental abilities, and in accord with Darwinian theory, intentionality is a continuum and we can find different degrees in different creatures. Whilst it seems clear that making complex long-term plans or making life decisions is not a capacity available to most animals, it also appears too extreme to deny that animals (at least mammals and birds) can have their own reasons to direct their actions. Given that they have their own goals (however simple), gather information about their environment, and are able to show flexible behaviours, it is reasonable to think they can act following their own reasons. How can their behaviour be flexible if they cannot choose between different courses of action? How are animals capable of navigating extremely complex environments without this flexibility? As MacIntyre (1999: 56) put it, one can only deliberate on reasons, if previously one had reasons. Thus, given the continuity of nature, it makes evolutionary sense to believe nonhuman animals have reasons to direct their actions.

However, even if we accept that animals have reasons to act, humans still exhibit an extra capacity, that is, to deliberate about their reasons. In philosophical jargon, and following the Kantian tradition, we say that humans are autonomous beings. That is, we can reflect on our own reasons and subject them to the scrutiny of our rationality. Most likely, this is what McMahan refers to when he denies that animals deserve anything due to their actions: desert must be necessarily linked to autonomy.³⁴ However, the use of ‘desert’ may lead

³⁴ Given that I do not think that the key of the argument is centred on desert, I will not develop this argument here. However, we have reasons to doubt that desert can only be predicated of autonomous beings. Some authors (Rachels, 1978) have designated responsibility as the base of desert, meaning that, in order to deserve something, the person has to be responsible for possessing the desert base. This will exclude most nonhuman animals (and non-living entities), since they are not autonomous beings and thus, cannot be held responsible for their actions. Nonetheless, it has also been argued that desert can be predicated of, not only non-persons, but also non-living entities, such as cities, art pieces, or ecosystems (Feinberg, 1970). Furthermore, we occasionally grant recognition to some animals, for example when service dogs are honoured after a catastrophe for their efforts in helping the victims. Moreover, despite the fact that animals cannot be considered moral agents if the criterion is rational autonomy (in a Kantian sense), it has nevertheless been argued (Rowlands, 2015) that nonhuman animals can

to confusion here, as it appears to me that McMahan is predominantly discussing not desert, but *meaning*. That is, how the efforts we make to fulfil our goals are relevant in the narrative of our lives, and how, when we die before these goals are achieved and our efforts are rendered useless, death is a greater misfortune. This focus on meaning is clear if we go back to the discussion about the squirrel:

And even if the squirrel has been consciously pursuing a goal, that goal would merely have been survival itself. It would not have been a goal that gave the squirrel a *reason* for surviving or for wanting to survive.
(2002: 198)

Thus, McMahan argues that death can rob us our efforts and sacrifices of meaning when it prevents us from achieving our goals. Now, although I am sympathetic to the idea that the waste of past efforts can be considered a tragedy, I fail to see how this supports the idea of a supposed higher well-being in humans. If the lives of human beings are opened to greater misfortunes, should this not be considered as a negative feature of our lives? Against this idea, it could be argued (and many surely would argue) that the value of narrative structure and the search for meaning is so relevant, that it outweighs the possible negative consequences. They would maintain that tragedy is the other side of the coin of a meaningful and rich life. But I disagree. It is extremely difficult (if not impossible) to maintain, from a secular perspective, that there is objective meaning in the universe, which means that our search for cosmic meaning is doomed to fail (Benatar, 2017). And, even if we can create our own meaning in life, this often leads to existential angst and hopelessness. This is a problem that, almost certainly, no other animal has. Thus, death may be worse for humans, on occasion, because our lives can be worse than those of animals.

Additionally, McMahan alludes to the importance of comparison when evaluating the badness of death: a human death can be considered a greater misfortune if the person did not achieve those goods that are prevalent within their peer group. Nonetheless, he claims that this does not apply to animals:

Again, however, these comparative dimensions to the evaluation of death seem inapplicable or irrelevant in the case of animals. The death of an animal does not, in general seem worse simply because some of the goods it loses are the ones that are common in the lives of most of the other members of its species.

exhibit moral virtues, such as loyalty, bravery, or kindness. And, if these animals truly exhibit moral virtues, are they not deserving of recognition?

(2002: 198)

The truth of this statement does not appear obvious to me. Imagine we live in a society in which dogs are generally respected and, although kept as pets, live rich and fulfilling lives (this can be said of many dogs in our societies, but whether it can be said of *most* dogs in our societies is doubtful). In this society, there is a dog called Matilda. Matilda dies at age ten after a miserable life. During her life, she spent years as a breeding dog in a puppy mill, mistreated and abused, witnessing her puppies being taken away on a regular basis. When she was no longer profitable, she was abandoned and roamed the streets, hungry and cold for months, until she was caught by the authorities and sent to an overcrowded pound. There, she remained in a cage for the rest of her life, bored and frustrated, until her death. In knowing about Matilda's life, I cannot help but to wish that her luck would have changed at some point, allowing her to enjoy at least part of her life. However, her death closes that opportunity forever. To me, it seems unjust that some animals like Matilda have miserable existences, especially when they live in a world in which a fulfilling existence is available to most of their peers. It is true that perhaps Matilda cannot make the comparison herself, but nor could an infant that dies after a miserable life. Thus, I see no reason why a comparison is not relevant in the case of non-human animals.

In sum, these questions concerning well-being and its application to animals are complex and often controversial. My objective has been to show that these questions are still open and we cannot take the answers for granted. Although we cannot give a definitive answer to the question of animal well-being, I have argued that McMahan does not offer a sufficient justification for the claim that nonhuman animals comparatively lack in well-being. First, it may be true that self-consciousness increases the quality of our positive well-being, but it may also increase the intensity of our negative well-being. Whether the first can outweigh the effects of the second is open to discussion. Likewise, humans may exceed animals in the quantity of well-being, due to particular features of our lives, such as desire and intentionality. However, we need to examine whether humans and other animals are so different in these regards. This is particularly urgent as evidence from ethology and evolutionary psychology keeps steadily increasing to show that there is more continuity in the animal kingdom (including humans) than most philosophers are comfortable with. In the same way, the comparison with others may also lead us to consider whether the death of an animal is

particularly tragic, if this individual did not enjoy the goods that are open to other members of their species. Furthermore, even if humans excel in these features, we still do not know if they are relevant to the well-being of animals or not, in the same way that nurturing a relationship would not contribute to the well-being of a non-social animal.

Importantly, these value judgements about animal lives are not necessary to defend TRIA. The time-relative interest account argues that, when evaluating the badness of death, we should take into account how bad the death is for the victim, at the time of the death. Does the victim have reasons to care about the loss of future well-being? Is the victim now connected to that future well-being? Psychological connectedness appears to be relevant when evaluating the badness of death, since it reveals a connection between the victim and the goods lost, and whether the victim has prudential reasons to care about her future. While it is true that the question remains of whether prudential concern has to be based on personal identity or on psychological connectedness, TRIA gives a plausible and coherent account of the badness of death.

However, TRIA, like the deprivation account, does not commit us to a specific position about the value of animal life. Nevertheless, McMahan argues that death harms animals, due to their loss of well-being, but this loss is negligible compared to the case of a normal adult human being, due to the lack of strong psychological connections with their future selves. He adds that the death of a baby or a late term fetus would be a greater tragedy than the death of, for instance, a dog, even if the psychological connections are weaker in the case of the baby. Note that he is not claiming that the death of the baby would be worse for other humans, like her parents, but that it is worse for the baby itself. The reason for this is that the losses that the baby faces are so significant as to outweigh her comparative lack of psychological connections. But, I contend, this judgement introduces additional values that are not justified by the theory, and McMahan does not properly support.

CONCLUSION

In sum, my position is that, while there are reasons to defend the relevance of psychological connectedness

when evaluating the badness of death, the justification of a lesser well-being of animals by default is still up for debate. It is plausible that there are reasons to argue that a normal adult human being is more harmed by death than a dog. However, McMahan has failed to show that we also have well-being related reasons to support this idea. Thus, I contend that he goes too far when he argues that a conscious fetus or a newborn baby is more harmed by death than an adult dog. And, if we take psychological connectedness seriously, our assessment should be that the dog is the one suffering the greater loss. This would imply that, in lifeboat type situations, if the loss suffered by the victim is the criterion, TRIA points to the nonhuman animal as the one who needs to be saved, instead of the baby. Arguably, we may have additional indirect reasons that would lead us to choose the life of the human baby, for example the grief of the parents or the alarm in society over the killing of a human baby, but these reasons, however powerful, do not say anything about the loss suffered by the victim.

In this section, I have argued that death harms animals, and that the loss they suffer with death is a considerable one. I examined arguments against both statements, to find them unconvincing. Although we may have reasons to believe that death is a greater misfortune for some kinds of beings (particularly, self-aware beings), this does not mean that the loss suffered by merely sentient beings is not considerable. I contend that, as this loss encompasses everything that is valuable for the being, it is a significant loss. In the next section, I will address the moral implications of this discovery. As previously mentioned, I am interested in how utilitarians deal with the morality of killing animals, as it is often thought, in both academic and animal advocate circles, that utilitarian theory cannot account for the morality of killing animals. I will offer, in the next chapter, an overview of how utilitarians can account for the wrongness of killing animals. Then, in the two subsequent chapters, I will address two arguments that pose a serious problem for this account, namely, the replaceability argument and the logic of the larder argument. I will argue that we have sufficient reasons to abandon both positions. And thus, utilitarians should, other things being equal, oppose the killing of animals for trivial reasons.

SECTION 2: THE MORALITY OF KILLING

CHAPTER 4:

UTILITARIANISM AND THE MORALITY OF KILLING

The utilitarian response to the morality of killing is one of the most controversial aspects of this theory. This is also the case when discussing the morality of killing animals: although utilitarians have been at the forefront of the animal welfare movement, their stance on the killing of animals is frequently criticised as too weak. In this chapter, I will analyse the utilitarian arguments against killing and how these bear upon nonhuman animals. I will argue that, while it may be true that utilitarianism's stance on killing is weaker than that of other moral theories, it can nevertheless offer substantial arguments against the killing of innocents, including nonhuman animals.

The structure of this chapter goes as follows. First, I will outline the main characteristics of utilitarian theory, establish the scope of this chapter, and offer some terminological clarifications. In the next section, I will discuss the utilitarian arguments against killing. In doing so, I will try to show that utilitarians have compelling arguments to oppose killing. Furthermore, I argue that such reasons also apply to the killing of nonhuman animals. In the third section, I will address criticisms of the utilitarian view on the morality of killing, the main one being that utilitarians have to condone the morality of some killings. This is frequently considered a fatal criticism of the theory. I will claim that, although utilitarians do not have as strong a stance against killing as other moral theories, it nevertheless offers enough reasons to account for our main intuitions about killing. Next, I will further expound my position on the killing of nonhuman animals, to argue that they deserve as much protection against killing as humans at the same level of cognition. This is akin to the argument from marginal cases, which is by no means new in animal ethics, but, I contend, such protection is not only far from being achieved in practice, but still considered controversial by many in theory. The comparison with marginal humans is devised to draw attention to our total disregard of the nonhuman interest in continued existence, and to give us a specific direction in which to advance. Finally, I deal with possible criticisms, including perhaps the most problematic issues for the killing of non-persons in utilitarian theory: the replaceability argument and the logic of the larder argument.

TERMINOLOGICAL CLARIFICATIONS

Before I present my arguments regarding the morality of killing, it is necessary to define some of the terminology I will use. First, *utilitarianism*. Utilitarianism holds that “the right thing to do is to bring about the best consequences, where ‘the best consequences’ means, for all those affected by our choice, the greatest possible net increase in the surplus of happiness over suffering” (de Lazari-Radek & Singer, 2017: xix). This definition, however, only covers classical utilitarianism, as it defines the consequences in hedonistic terms. But, as other theories of value are possible, it would be more accurate to understand the “‘best consequences’ in terms of the greatest possible net increase in well-being, however that term is understood” (de Lazari-Radek & Singer, 2017: xix). Utilitarianism is, therefore, a welfarist theory, meaning that well-being is considered the ultimate and only value. Thus, it is not surprising that utilitarians have historically been in the forefront of the animal welfare and liberation movements, given that animals are sentient, and can experience different levels of well-being.

Other key aspects of this definition are that utilitarianism is a universalist and impartialist theory, meaning that when assessing consequences it is necessary to account for the interests³⁵ of all involved (regardless of their non-moral characteristics, such as race, gender, species, etcetera), and that these interests are all valued equally. That is, interests of equal force receive equal weight, regardless of who the interest holder is. Additionally, it is crucial to note that this aggregation of interests can be done *across individuals* (Višak, 2013: 19), meaning that interpersonal trade-offs of well-being are accepted. Finally, utilitarianism is a maximizing theory, defining the right action as the one which brings about, not merely good consequences, but the (actual or expected) best possible ones.

It is customary to divide utilitarianism into *rule* and *act* utilitarianism. Here, I will focus on act utilitarianism, as it is in this kind of utilitarian theory where the problem of the morality of killing is more pressing (more on this below) (Hooker, 2000: 145). In contrast, rule utilitarianism, as its name indicates, accepts general

³⁵ As previously mentioned, when I speak about ‘interests’ I refer to what one has a stake in, in terms of their well-being.

rules, which can protect individuals in cases where interpersonal trade-offs can maximise utility when considered on a case to case basis. Thus, rule utilitarians may accept a rule against killing, even when the killing could maximise utility in a particular case, as this rule might maximise overall utility in a society abiding by it (Hooker, 2000: 134-136). The same principle could be applied to the killing of animals.³⁶ Thus, I will focus on the version of utilitarian theory in which the ethics of killing is controversial.

WHY IS KILLING WRONG?

Here, I will argue that utilitarians can account for the wrongness of most killings. Given that utilitarians judge the morality of acts depending on their effects on the well-being of those involved, the utilitarian theory of killing cannot be separated from the discussion of the badness of death. Whether death negatively impacts the well-being of the victim is key to determine the morality of killing. In previous chapters, I have argued that the deprivation caused by death is a sufficient condition to consider death a misfortune for the victim. Taking this into account, I will argue that utilitarians can provide solid reasons to condemn killing. And given that animals are also deprived of their future by death, I will argue that these reasons also apply to them.

How can utilitarianism account for the wrongness of killing? The response to this question is complex. On the one hand, utilitarians allude to both direct and indirect reasons against killing, so they can condemn the killing of innocents. However, on the other hand, as utilitarians accept interpersonal trade-offs to maximize utility, the reasons against killing can be outweighed. In other words, if the killing of someone maximises utility, utilitarian theory justifies the morality of the act.³⁷ This means that an individual can be sacrificed for the greater good, as long as the benefits outweigh the harm suffered by the victim and others affected by the killing (as, for instance, the victim's relatives or friends). So, although utilitarianism does offer reasons against killing, some killings can be morally justified. This is an enormous departure from more absolute moral theories, such as theories of rights, where some acts are forbidden, no matter the gains we can get from

³⁶ Note that, as previously explained, although I speak of 'animals', I do not refer to all animals, but to those who are sentient, and thus have interests in the relevant moral sense.

³⁷ Or omission: utilitarians do not make a distinction between acts and omissions, as their focus is on the consequences themselves, not in how these were brought about.

them. For this reason, utilitarian theory has been harshly criticised as not having a strong enough stance against killing innocents (Francione, 2009; Regan, 2005).

What are the reasons utilitarians offer against killing? First, it is common for utilitarians to refer to indirect reasons to condemn a killing. Indirect reasons are those that do not concern the victim directly, but refer to the effect of the act on others. Examples of this can include, for instance, the grief that the friends and family will suffer due to their bereavement. Or the fear that knowing about the killing will spark for others when they find out, as they may suspect that they will suffer the same fate. In the case of human beings, we can also invoke far-reaching effects, like the impact on the broader society. Imagine, for example, what will happen if members of the police force, or doctors, kill innocent people. This would create distrust in the institutions of society that will make it difficult for that society to function in a healthy manner. Additionally, some utilitarians invoke the loss of net utility in the universe, as the death eliminates the well-being of the victim, and thus, makes the universe a worse place.

Secondly, we have the obvious direct reason of the harm done to the victim. This harm can arise from different sources, like the fear or pain caused to the victim in the act of killing. However, these reasons allude to suffering and not so much to the killing itself. What happens if the victim is killed without any suffering? It is possible to imagine a situation where someone is killed with an injection during their sleep. In this situation, the victim has not suffered any distress or discomfort, so can we still say that the victim has been harmed? This would depend on the type of victim, and also on the theory of the badness of death that one adheres to. In the same way that utilitarianism is compatible with different theories of well-being, it is also compatible with different theories of the badness of death (Jamieson, 1983).

However, although theories of the badness of death differ enormously from one another, they broadly agree on one thing: death is bad for the person that dies. Most philosophers, with the notable exception of Epicureans, accept that death is a misfortune for the person that dies. The position that I have presented in previous chapters, frequently known as the *deprivation account*, argues that death is instrumentally bad, that

is, bad because it robs us of what is intrinsically good.³⁸ Moreover, I have argued that this loss is a sufficient condition for the badness of death, meaning that there may be additional reasons that make death a misfortune, or that exacerbate its badness. In the cases where death is a misfortune for the victim, that is, when death harms the victim, they have a stake in not dying. Or in other words, they have an *interest in continued existence*. Furthermore, as the victim loses everything that is of importance to them, this loss is a morally significant one. Hence, I argue, this interest should be considered a fundamental one.

How is this applied to the killing of animals in utilitarian theory? First, let us explore *hedonistic utilitarianism*. Animals experience happiness, so, from a hedonistic approach, their lives contain value. And, as this value would be eliminated by death, their deaths can be a misfortune for them. Moreover, as it is not clear that humans have a greater capacity for happiness than other animals (and even if we do, we could also have a broader capacity for suffering), their deaths may be as bad for them as our own deaths are for us (de Lazari-Radek & Singer, 2014: 265). However, it has been argued (Singer, 2011: 77) that in a hedonistic approach, it is not possible to maintain that death harms the victim, as the victim is no longer around to experience this deprivation.

This argument, reminiscent of the Epicurean challenge to the badness of death (Epicurus, 1994), is puzzling. If one accepts that pleasure, or more generally happiness, are the only intrinsically good things in the universe, how is losing the possibility of experiencing them not a harm for the victim? This position seems to hold that the only bad thing is to experience negative states of mind, and, as death does not involve a negative state of mind (as far as we know), it cannot be a misfortune. But is not the absence of good a type of bad too? Imagine one administers a drug to an unknowing person. The drug causes that person to lose the capacity of experiencing pleasure and pain during life, rendering her in an anhedonic state so profound that she does not even care about this loss. While it is true that she is not experiencing any negative states of consciousness, we can still say that she has been harmed, as she has lost the possibility of positive intrinsic value in her life. Similarly, in death one does not experience any negative value, but has lost all positive one.

³⁸ This implies that death can be good, or neutral, if our life did not contain on balance any positive well-being. This is not a great problem for theories of the badness of death, as we are frequently happy to acknowledge that some lives are worse (or not better) than death. However, as we will see, it can be a problem for theories, such as utilitarianism, in which the wrongness of killing hinges on the badness of death.

Thus, I argue that death can harm the victim. Moreover, if the Epicurean argument is right, it would equally apply to both human and nonhuman animals, implying that killing an adult human being does not harm the victim at all. This is a highly counter-intuitive position. So, I have argued, the Epicurean approach is not the correct representation of the badness of death.

As for indirect reasons, some apply equally to both human beings and animals, but others do not. For instance, the positive well-being of both human and nonhuman animals is lost when they are killed, so the indirect reason³⁹ of a loss of utility in the universe applies equally to both. Similarly, many animals can also experience grief when their loved ones are gone (Bekoff, 2010; Pierce, 2012; de Wall, 2013). And, if the killing is done in their proximity, they will also experience fear. In the case of linguistically developed human beings, though, this reason is expanded, as we can find out about killings that are performed when we are not present. And the repercussions of our knowledge can be deeper, as it may alter our understanding of societies' institutions. So, indirect reasons point to a greater loss in the case of the killing of self-aware human beings. This does not mean, however, that the loss caused by killing an animal is negligible: the animal loses their future positive well-being, there is a net loss of utility in the universe, and the killing can cause grief and distress in other animals.

In the case of *preference utilitarianism*, it is common to argue that the harm suffered by a human victim can be far greater (Singer, 2011), at least in the cases where they are self-aware. As self-aware creatures can have preferences for the far future and for their life as a whole, and the killing will frustrate these preferences, there is a strong direct reason against their killing. Thus, the killing of a person is a considerably worse wrongdoing than the killing of a merely conscious being, of whom only minor preferences will be frustrated. As I discussed in chapter two, it is often argued that the harm done to a merely conscious being is negligible on a preferential account of well-being. However, against this view, I have argued (along with Višak, 2013) that we need to take into account that dispositional preferences will be frustrated by death, and also that being alive is instrumental to the satisfaction of everyday preferences. So merely conscious beings can also

³⁹ This could also be interpreted as being a direct reason, given that it refers to the actual loss of well-being of the victim. However, as it refers to the effect of this loss on the universe and I define (following Singer, 2011: 77) direct reasons as those affecting the victim directly, I consider it an indirect reason.

be harmed by their deaths, even if they cannot envision their lives as a whole. Although it can be argued that this harm is still less considerable than the one suffered by persons, it is by no means negligible.

So, as we have seen, utilitarians have reasons to oppose the killing of innocents, but is this enough as a stance against killing? It has repeatedly been argued that it is not. This is because utilitarians do not have absolute reasons against killing, but only *pro tanto* reasons: that is, morally significant reasons that should be taken seriously but that can, in cases, be overridden by other considerations. This fact motivates different criticisms against utilitarian theory, from a specific criticism of the ethics of killing (Henson, 1971; Carson, 1983; Pluhar, 1990), to a more general criticism that utilitarianism does not respect the separateness of persons (Rawls, 1971), meaning that the utilitarian idea that we can aggregate harms and benefits across different persons is immoral. This is a complex problem that exceeds the scope of this chapter, so I will assume that interpersonal trade-offs of utility are in fact morally defensible (a good defence of this position can be found in Norcross, 1997) and focus on the ethics of killing.

A DEFENCE OF THE UTILITARIAN ACCOUNT OF THE WRONGNESS OF KILLING

While it is true that utilitarianism does not have a stance as strong against killing as other moral doctrines, such as deontological theories, it still judges most killings as immoral. And although according to utilitarianism it can be justified to kill someone when it maximises utility, this will not commonly be the case. First, there need to be strong reasons. If a being has an interest in continued existence, and we nevertheless kill it, we are frustrating a fundamental interest. In order to justify the frustration of this fundamental interest, it is necessary to be protecting at least similarly strong interests. This, in practical terms, would mean that we can kill someone to save, for instance, two other people. Notably, this excludes killing for frivolous or unimportant interests.⁴⁰ Additionally, it is crucial to remember that utilitarianism is a maximizing theory, so the killing will only be justified if there is no other better alternative. Given that the frustration of such an interest will imply an enormous loss of utility (as all the future positive well-being of

⁴⁰ Given utilitarianism's accumulative nature, it is possible for frivolous interests to outweigh a fundamental one, as long as there are enough of them. However, in practical terms, and given how fundamental the interest in continued existence is, this will not often be the case. I will discuss some instances of this problem later in the dissertation.

the victim will be lost) for both the victim and the universe, we need to confirm that there is no other course of action in which the costs are not so high, and thus, will maximise utility. Finally, as mentioned above, it is necessary to take into account indirect reasons, and these will commonly speak against the killing.

Nevertheless, all these reasons are sometimes not enough to prevent utilitarianism condoning some killings. Particularly, sacrificial dilemmas clearly show the utilitarian permissibility of killing. Take the famous trolley problem (Foot, 1978; Thomson, 1976), where a runaway train is about to kill five railroad workers. It is too late for a bystander to alert the workers, but it is possible for the bystander to switch a lever and the train will divert to a different track. However, on that alternative track there is a lone worker, who will be killed if we pull the lever. Now, is it justified to switch the train to the alternative track? For utilitarians the answer is clear: one death (however tragic) is better than five deaths, so acting to save the five workers is not merely justified but morally required. Note that, as argued above, the death is justified due to (1) avoiding a greater harm, and (2) the lack of any other possibility to save the five workers. So, although utilitarians condone some killings, these are exceptional situations.

The presented version of the trolley problem is likely to be in accordance with the intuitions of many, as most people agree that one death is better than five (regardless of whether one is emotionally capable of switching the lever or not). However, there are other versions of the trolley problem where the majority's intuitions diverge from the utilitarian response (See Greene (2014) for an exhaustive analysis of the different versions of the trolley problem). I will not discuss them here, as I want to mention another sacrificial dilemma that is commonly used as a rebuttal of utilitarianism: the transplant case.

Imagine a doctor who is about to perform a risky operation. She is confident in her ability to save the patient, but if the patient dies, no one would investigate further, as death is not uncommon in this type of surgery. The doctor also has five other patients, who are all in need of a transplant, each of a different organ, and who will die if they do not receive a replacement organ soon. In this case, and following the logic of the trolley problem, should the doctor kill the surgery patient to distribute his organs to the other five? Although the stakes in this hypothetical dilemma appear similar to those of the trolley problem, it elicits remarkably

divergent intuitions and most will harshly condemn the doctor's act if she kills her patient. There may be a different range of reasons why both cases excite different intuitions (Greene, 2014). Nevertheless, it is frequently believed that utilitarianism has to accept the killing of the surgery patient as moral, as it would save a larger number of people; and this is frequently considered as a rebuttal of utilitarian theory. However, this may not be the case. What this criticism forgets is that utilitarians need to calculate the utility created by an act not only in the immediate consequences, but also on a wider scale (Singer, 1977). As argued before, it is crucial to take into account indirect reasons and the ramifications of different acts on society and human psychology. If the doctor kills the patient, and this fact becomes known, this would create a distrust of doctors and that could have negative consequences for society (de Lazari-Radek & Singer, 2014: 297-299). And given that well-guarded secrets are routinely made public, this is an enormous risk to take, so it would be better to abstain from killing the patient.

Arguably, it is true that this argument is weaker than most people (including many utilitarians) would like, as we tend to think that the wrongness of killing someone primarily springs from the harm caused to the victim, and consider indirect reasons as accessory. However, note that the harm caused to the victim does play a role: it is the reason why it is not morally justified to kill the victim for trivial or selfish reasons. It is only when a greater harm might be averted by this death that we need additional reasons not to kill him. Likely, this would not be enough for many, as it is common to believe that one person should not be sacrificed for the good of others. However, those believing that we cannot sacrifice a life will have problems explaining different versions of the trolley problem, where it seems justified to kill some people to save others (Greene, 2014).

An additional problem of the account of the wrongness of killing I am presenting is that it cannot condemn the killing of those with no prospect of positive well-being in their future life. If the loss of positive well-being is our only concern, killing someone that has (and will continue to have) a life not worth living should not be considered wrong. Note that we commonly accept this position in the case of animals, as we frequently consider the killing of a pet that is suffering with no hope of recovery as a kind act. We understand this as an instance of non-voluntary euthanasia, that is, a killing done for the benefit of the victim when they

cannot consent to it. It is also possible to accept this in the case of severely sick infants, and sometimes even in the case of adults who cannot give consent. However, a case of involuntary euthanasia, where a human being is killed to be relieved from his suffering without their consent (when they could have been asked for their consent) is considered murder.

These different evaluations could be explained by alluding to indirect reasons, as the killing of sick but unwilling individuals would cause fear to others in that situation. In this case, preference utilitarians can also refer to the preferences of the victim, as the desire to continue living is a crucial preference in the life of a person. Alternatively, it could also be possible that there are additional reasons why killing these persons is wrong, as for instance, respect for the autonomy of the victim⁴¹ (Singer, 2011: 83-85). Importantly, my account of the utilitarian wrongness of killing does not pretend to be an exhaustive explanation. My argument is that, in killing, the loss of positive well-being is a *sufficient* condition to grant the victim a serious interest in continued existence, which we should take into account in our utilitarian calculus. But, as I have argued for a minimal interpretation of the deprivation account, it is possible that death harms the victim in other ways. And, if this is the case, there will be additional ways in which killing someone harms them, and therefore additional reasons to refrain from the killing. In turn, this also opens the possibility of some killings being a greater moral issue than others. A comparative account of the badness of death and the wrongness of killing exceeds the scope of this chapter, but I do not preclude the possibility of some beings losing more than others when killed.

Finally, it has also been argued (Henson, 1971; Carson, 1983) that utilitarianism not only condones some killings, but also requires them. According to this argument, as utilitarians look for the maximization of happiness, unhappy individuals are to be eliminated, as they lower the average/total of overall utility. The scope of this imperative killing varies according to which type of utilitarian theory we are discussing: while in the case of average utilitarianism (that is, where the utility is calculated as an average) all individuals

⁴¹ It is often believed that autonomy cannot be valued in a utilitarian approach. This is, I believe, incorrect. Utilitarianism can easily accept the value of autonomy if it is considered a component of our well-being. I have previously stated that utilitarianism is compatible with different theories of value, including objective-list theories, that commonly accept autonomy as having intrinsic value. In other theories of value, autonomy can still be extrinsically valued, if it contributes to our well-being.

under the average should be eliminated (this would make the average go up and then we should start the killings again), in the case of total utilitarianism (where the utility is merely aggregated) only unhappy individuals should be eliminated. This criticism, however clever, is misleading. It is difficult to imagine a possible world in which killing great parts of the population will make everyone happier: will these deaths not cause fear, distress, grief? And more importantly, is there not a better way of maximising utility? These unhappy people could be made happier by other means like psychotherapy, drugs, or playing with puppies. As previously argued, as killing would harm the victim (except, perhaps, in cases where the life is not worth living (Jamieson, 1984)), it is likely that other options that do not need to involve any harm done to the victim would maximise utility. Given that utilitarianism requires the maximisation of utility, it is unlikely that an act that will produce a great harm is the moral option, unless we are in an extreme situation.

So far, I have argued that death can be a misfortune for sentient beings, due to the loss of future positive well-being, and that, given that according to utilitarianism well-being is the ultimate value, this is a loss of great moral significance. Thus, sentient beings have a strong interest in continued existence. This interest needs to be taken into account when aggregating utility and therefore, even if utilitarians accept interpersonal trade-offs, strong reasons are needed to countervail this interest. Likewise, we need to make sure that no better course of action is possible. In this way, utilitarians can account for the wrongness of killing. This, arguably, will not be enough for those looking for more absolute moral rules, but these positions have their own issues when dealing with sacrificial dilemmas. I have also acknowledged that there may be additional reasons for both the badness of death and the wrongness of killing, but these need not detain us here: sentient creatures have an interest in experiencing future well-being and this is a fundamental interest that should be given considerable weight. Whether some or all sentient beings have additional interests to make us refrain from killing them is the topic of another thesis.

THE KILLING OF NONHUMAN ANIMALS

I have argued that sentient animals, as they can experience positive well-being, have an interest in continued existence. I have also argued that utilitarians have weighty reasons to oppose most killings, including the

killing of animals. In a moment I will address several arguments that have been made to oppose this position, but first I would like to explore what this interest means in real-world situations. While I have argued that we should give weight to this interest I have not clarified how much significance it should carry. Commonly, the human interest in continued existence is given extraordinary weight. Although utilitarians do accept trade-offs of this interest, as we have seen, this is frequently only permitted when it is required to save a greater number of lives.⁴² So restrictive is this position that it has been argued (McMahan, 2002: 347) that even a hardcore utilitarian like Peter Singer has a two-tiered account of the morality of killing, where non-persons are to be considered in utilitarian terms but persons are granted respect, meaning that their fundamental interest cannot be sacrificed for the greater good.

Regardless of whether this is an accurate account of Singer's position or not, it is true that the interest of persons in continued existence is given a remarkable weight in the utilitarian calculus. Is the same weight to be attributed to this interest in the case of animals? According to utilitarian theory, we should give equal weight to equal interests, so the question we should ask is whether this interest is equally important for the animal victim? It has been argued that death is worse for self-aware creatures, for a variety of reasons. For instance, self-aware beings have preferences for their own future (Singer, 2011; Kuhse & Singer, 1985; Tooley, 1972), are more closely connected to their future selves (McMahan, 2002), have a life narrative (Velleman, 1991), or simply have a greater amount of well-being (Regan, 2004). Although I am agnostic about this issue, I have acknowledged that death may be worse for a self-aware being, so in killing them we are frustrating a more significant interest.

However, not all human beings are self-aware: infants, little children, and those with severe mental impairments (congenital or acquired) are not aware of themselves or their future lives. Nevertheless, these humans are commonly granted far greater protection than animals. It is common in the animal ethics literature to refer to what is known as the *argument from marginal cases* (AMC) when discussing moral

⁴² We accept trade-offs of this interest more readily when we are not discussing the killing of a person, but a risk of death. For instance, in public policy we accept that some people will die for reasons of convenience for the general public. A clear example is the speed limit when driving. If we truly wanted to avoid fatal road accidents, the speed limit would be considerably lower. This, however, will imply that society will function in a considerably less efficient way and thus, we are willing to pay the price. This is in line with utilitarian thought (Norcross, 1997), and also, it seems, with the moral intuitions of our societies.

status: if we grant moral status to these ‘marginal’ humans, we should similarly grant moral status to nonhuman animals, as they often equal or exceed marginal humans in their cognitive abilities. This argument is also frequently used in discussions about our treatment of animals. I believe it is highly revealing to do this comparison, as it highlights our disregard for nonhuman interests (for an illuminating discussion of the use of this argument, see Dombrowski, 1997). While there may be reasons why we still want to treat marginal humans to a higher standard, this does not preclude the realization that their interests are similar and should not be disregarded in the case of animals.

Note that my use of the comparison with other marginal cases is slightly different than the common usage of it. The argument from marginal cases is generally used to support the position that animals have moral status: given that we grant moral status to humans of the same (or lower) level of cognition, impartiality impels us to grant moral status to animals too. I agree with this argument. The use I am proposing, though, is not merely dialectical but heuristic. I propose to use it as a kind of test, to elucidate whether we are considering the interests of the animal fairly. The reason for this is that it seems difficult for us to grasp the weight of an animal’s interests, in part due to the dissimilarity of the elements that conform our well-being, but also due to the conflict with our own interests. Moreover, our incapacity to assess their interests fairly may be even greater in the case of death. After all, we can see the effects of suffering in the animal, and these may impel us to put an end to that suffering, but the effects of death are not visible, particularly when the victim had a mental life very different from ours. Thus, there is a tendency to underestimate the moral significance of animal death.

There are, I believe, powerful psychological impulses behind the disregard for animal interests. There is plenty of evidence for what is called *biased fairness* (Greene, 2014: 83-89). That is, even when we are trying to be fair, we are biased. This happens in an unconscious way, as perception is distorted by self-interest. There are plenty of psychological mechanisms that can contribute to this distorted perception. For instance, Kahneman (2011: 129-136) shows that humans tend to evaluate the importance of something based on how available instances of it are to our mind. The more available to our mind, the more relevance we grant it. This is unfortunate for animals, as the negative effects of the frustration of our interests are infinitely more

available to us, compared to theirs. Likewise, it has also been argued (Moore & Lowenstein, 2004) that the assessment of our own interests, compared to those of others, has a stronger grip in our psychology, given that the former one is done on an affective level, while the other requires the input of an intellectual effort. Both mechanisms are at work not only in the case of nonhuman animals, but also in our dealings with other human beings. However, as the lives of animals are so different to our own, the effort needed to evaluate their interests fairly is even greater. And given that biased fairness increases with greater asymmetry of interests (Greene, 2014), the plea of animals is seldom fairly assessed. For this reason, given how pervasive these tendencies are, it would be useful to make the comparison with human infants (or even young children in the case of some animals), as it can help us appreciate the depth of the loss suffered by the animal.

Thus, when assessing whether the killing of a nonhuman animal is justified, we should question whether we will accept the same treatment of a human infant. While there are reasons to believe that the cognitive level of many nonhuman animals far exceeds that of infants (Bekoff, 2010; de Waal, 2016), granting animals the same level of protection will greatly improve their conditions. Nowadays we kill animals for the most trivial reasons, such as preferences in taste, fashion, and entertainment; reasons we would never accept for comparable treatment of human infants. Unless we find significant moral reasons to sustain this immense difference in consideration, we should equalise our treatment of them. And, as it does not seem desirable to start killing infants for trivial reasons, we should start giving greater protection to animals.⁴³

A possible reply to my position is that utilitarians do not offer any protection to infants. And in truth, some utilitarians are infamous for permitting infanticide. Peter Singer, for instance, has been harshly (and unfairly) criticised for his defence of infanticide (Kuhse & Singer, 1985; Singer, 2011). This view is often urged as an argument against utilitarianism. However, note that even this supposed permissibility is far more restrictive than our current treatment of animals. Take Singer, for instance. He argues that parents should have the option to kill babies when they are born with severe disabilities. This disability may cause the baby to have a life that is not worth living: in these cases, arguably, killing is an instance of non-voluntary euthanasia. But

⁴³ This is compatible with the philosophical arguments that support infanticide in some cases (Singer, 2011; Tooley, 1972; McMahan, 2006). It is possible that it is morally necessary to raise the level of protection of animals from being killed while also abandoning the idea of sacredness of all human life, and hence deeming the killing of some humans morally justified (a similar point is made in McMahan, 2006: 228-232).

Singer argues that infanticide can be justified even when the baby may be able to have a life worth living, as many people with disabilities do, if their existence would considerably lower the well-being of those around them, like parents and siblings. Additionally, the argument goes, as the positive well-being of the baby will be lost, the parents would need to replace the baby with a new, healthy, one, that would compensate for this loss. If this new baby is healthy, they will (arguably) exceed the well-being level of the disabled baby, and thus, utility would be maximised.

I will argue against the replaceability argument in the next chapter, but even if we only consider the argument related to well-being of the relatives, we can appreciate that the justification of the killing rests on the loss of a considerable amount of well-being, due to financial hardship, the necessity of abandoning life projects, social isolation, etcetera. Regardless of whether one agrees with Singer's position, it is clear that the interests used to justify the killing are very much more significant than those used to justify the actual killing of animals nowadays. Moreover, Singer offers a restriction of time, one month, after which the baby will become part of the human community. But in our actual killing of animals there are almost no restrictions, apart from scanty limitations on the methods of killing, not to make the animal suffer unnecessarily ("necessary" suffering is commonly accepted). Even if the utilitarian requirements to justify the killing of an infant are considered too lax by many, applying them to animals would greatly improve their situation.

Additionally, my position has to deal with the obvious empirical problem of how to make these comparisons. In some cases, we have estimations from ethology. For instance, dogs are commonly compared, cognitively, to two-year-old children (APA, 2009), and pigs are compared to five-year-olds (Broom, 2010).

Unfortunately, there are many animals for whom such information is lacking, leaving us on shaky ground when making pronouncements about the cognitive differences between various animals and human infants. How are we to compare the cognitive abilities of a mouse to those of a human infant? Furthermore, where we do have information, we face the additional problem of whether or not it is reliable. Cognition has many facets and not all of them manifest equally in each species. For instance, dogs are much better at relying on human cues to solve problems than chimpanzees (Hare & Tomasello, 2005), and chimpanzees greatly surpass human beings (including university graduates) in working memory tests (Inoue & Matsuzawa, 2007).

So, we should be careful and not make assumptions about the cognitive level of a species based on only one, or a few, mental abilities. Evolution has endowed species with those abilities that play a role in their survival and reproduction, so the fact that they score low on a particular trait (such as being able to understand cues from human subjects) may not say anything about their general intelligence and level of self-awareness.

Moreover, it has been argued that our investigations favour human beings. For instance, we commonly test self-awareness by using the mirror test, but this test heavily relies on visual information, and some animals may recognise themselves, not by vision, but by scent, or even sound. Thus, in many experiments we may be merely testing whether animals are similar to us in a particular characteristic, instead of testing whether they have the characteristic itself. Moreover, in many of the experiments where human infants and children are compared to animals, the experimental setting is more favourable to the human subjects (de Waal, 2016). For instance, they are brought to a nurturing environment surrounded by individuals of their own species and they have their parents close to them, allowing for the transmission of involuntary cues. This is not the case with nonhuman animals, as they cannot be accompanied by their carers (unless these are the experimenters themselves), and, particularly in the case of wild animals, the testing environments will be unfamiliar and likely stressful for them. Furthermore, not only may they be feeling scared or confused at the time of the testing, their general well-being level should be considered, as many animals may be depressed or simply bored due to their living conditions. Thus their level of engagement is likely to be very different from that of a happy human infant playing with toys. For these reasons, we should always err on the side of caution, and give the benefit of the doubt to the animal in cases of conflict. After all, sentient animals are able to navigate and survive in complex and changing environments (thus showing a capacity for analysing information and creating innovative responses) a feature that is lacking in human infants and very young children.

POSSIBLE COUNTER-ARGUMENTS

In this chapter, I have argued that as death harms sentient beings, they have an interest in continued existence, and this interest, I claim, needs to be accounted for when doing the utilitarian calculus. As existence is a necessary condition for utilitarianism's ultimate value, well-being, I claim that this interest is a

crucial one to which we should give considerable weight. So, the killing of a sentient being can only be morally justified if there are strong reasons to countervail this interest. This also applies to nonhuman animals, as they can experience different levels of well-being. Thus, although the killing of animals (and humans, for that matter) can be morally justified in utilitarian terms, this is only possible when other key interests are at play. And, my argument goes, this implies that we should radically modify our current treatment of animals. I have also claimed that, as a rule of thumb, we should not do to animals anything (killing or otherwise) that we would not do to a human at the same level of cognition, or, to simplify it, to a human infant.

In this section, I will analyse possible criticisms of my position. Each one of these possible objections delves into highly complex matters, such as the badness of death, how to account for utility, or the value of coming into existence, and many papers and books could be written about each one of them. However, due to space constraints, I will strive to give a concise answer to them. Furthermore, to some of these problems I have already responded in the previous section, and others will be further analysed in the next chapters, where I will offer arguments to claim that these positions should be abandoned, so I will only offer succinct presentation of the topic here.

First, it has been repeatedly argued that death does not harm animals. As we have seen, this has been argued on the basis of different theories of the badness of death. It is common, for instance, to argue that death cannot harm those that cannot have certain types of desires or preferences (Williams, 1973; Singer, 2011; Tooley, 1972, Cigman, 1981), in particular preferences about one's life as a whole or for the far future. As most animals cannot hold these types of preferences, it is concluded that death does not harm them. However, even if we accept a desire-based theory of well-being, it is not so clear that death does not harm merely conscious beings. As previously argued, other preferences are also frustrated by death, some of them short-time preferences, but also dispositional preferences, that project into the future. And, as being alive is a necessary condition to satisfy these preferences, merely conscious beings have an interest in continued existence.

Additionally, it has been argued that a hedonistic approach is incompatible with death being bad: as the only values are pleasure and pain, death cannot be a misfortune as it is not experienced. This is the argument Epicurus used to claim that death is nothing to us. And it seems to be Singer's (2011) position in relation to merely sentient beings. As I addressed this problem in a previous section, I will not do it again here. My position is that, even in hedonistic terms, it is possible to account for the badness of death (Bradley, 2009): as death is the termination of all possible experience, and positive states of mind are the ultimate value, death leaves the victim comparatively worse off. And for this reason, the victim has an interest in continued existence.

An additional and related problem is *replaceability*. Singer (2011) has argued that some beings are replaceable, that is, we can kill them as long as they are replaced with another being to compensate for the impersonal loss of utility in the universe. According to Singer, this is only possible in the case of merely conscious beings, as self-conscious beings have their long-term preferences frustrated, and this creates an excess of negative utility that cannot be compensated by the creation of a new being. This argument, however, has been challenged (Višak, 2013; Jamieson, 1983; Sapontzis, 1989; McMahan, 2008). It is not clear why this negative utility cannot be compensated by, for instance, creating a happier new being, or by creating several beings instead of one. A possible answer is that this loss of utility cannot be compensated because the creation of the new life does not bring positive utility (de Lazari-Radek & Singer, 1993) (I will discuss this further in the next chapter). Conversely, if the new life cannot compensate for the loss of utility caused by the previous death, how is the creation of a merely conscious being enough to compensate for the death of a similar being? It appears that Singer needs to either accept replaceability for both persons and merely conscious beings, or reject it for both. In fact, Singer (2014) has recently acknowledged that persons can be replaceable too (if there are no indirect reasons of sufficient weight to rule it out). However, this appears to be, not only a highly counter-intuitive position, but one with nefarious consequences. Thus, I contend that we have reasons to abandon replaceability altogether. Given the highly unstable basis for replaceability, and the momentous consequences of its acceptance, for both persons and non-persons, I contend that it should be abandoned altogether, a position for which I will argue in more detail in the next chapter.

There is a related problem, known as *the logic of the larder argument* (Salt, 1914), that is frequently treated as one with the replaceability argument but is in fact a different topic (Višak, 2013). This argument is used, commonly, in the defence of so-called humane meat (Stephen, 1896); that is, meat produced in a farming system where animals do not suffer, during their lives or at the time of their slaughter. This position claims that this type of farming is in fact beneficial for animals, as long as they have lives worth living. These animals would not be alive if it were not for a system that breeds them in order to kill them for their meat, and thus they ‘owe’ their good lives to the meat industry. And the argument goes, as their lives are on the whole positive, the whole practice (including, of course, their deaths) is beneficial for them. Therefore, it is acceptable to kill animals under certain conditions.

This position is commonly confused with the replaceability argument because its plausibility (when stated in utilitarian terms) depends on that of replaceability. First, the logic of the larder implies the view that coming into existence is a benefit if the life is destined to be a happy one, and therefore, a brief happy life is better than no life at all. Secondly, the logic of the larder argument implies that nonhuman lives are interchangeable. And finally, for the practice to be moral, we need to keep replacing the dead animals with new ones. Proponents of the argument do not need to argue that death is not harmful to animals (although they commonly do), merely that the overall benefit of existence at least balances out the harm. Importantly, this overall benefit does not need to be for the animal: it could be that for the animal the practice is just neutral, meaning that the coming into existence and being killed cancel each other out. But there are other benefits that could make the practice worthwhile, such as the pleasure experienced by the meat eaters, the financial advantages for the farmers, and the increase in the total amount of utility in the universe.

Nonetheless, this position also shares its main problems with the replaceability argument. First, as we have seen, it is not clear that those defending replaceability can exclude persons from being replaceable. Few people would accept the implications of this argument for persons. And secondly, even if the defenders of this position find a way of avoiding including adult human beings, they would still need to accept it for those humans at the same level of cognition as farm animals. It is important to remember, that animals like pigs

have been compared to five-year-old children (Broom, 2010), so we are not merely discussing late-term fetuses and newborn babies. In moral terms, this is a great price to pay to be able to eat bacon. I have yet to encounter a humane meat advocate who would accept the implications of their argument for humans. This indicates that the acceptance of the argument may be grounded in a species prejudice, rather than a rational assessment of the interests at play. Why it is not acceptable to kill a child who has been created with the mere purpose of harvesting their organs? It has been argued (McMahan, 2008) that once a being with an interest in continued existence is alive, it does not matter why we created them, and their interest should be taken into account. So, it does not matter whether an individual is brought into existence with the purpose of their slaughter, once they are alive, we should take into account their interests. And, as the interest in continued existence is a key one, it cannot be trumped by frivolous interests, such as taste preferences. In chapter six, I will offer a further argument to support the abandonment of the logic of the larder position, based on the idea of moral risk.

Finally, it could be argued, against my position, that death harms animals, but we cannot compare the loss they suffer with the loss suffered by a human infant. As we have seen, McMahan (2002) has argued that even though a baby is less psychologically connected to her future than a nonhuman animal, the baby has more good coming her way, and thus her death is a greater tragedy. This judgement is based on an assessment of the amount of well-being available to a human and a nonhuman animal. It is frequently believed that there are peaks of well-being accessible only to self-aware beings. This is not obviously true, though, as it depends on which theory of well-being one subscribes to.

I offered my arguments against McMahan's position about animal well-being in the previous chapter, where I claimed that we do not have a proper value theory to engage in a comparative account of well-being for different types of creatures (DeGrazia, 1996). And, even if we did, we do not seem to have enough empirical knowledge about animal minds to determine whether different categories of well-being apply to them. Furthermore, I have argued that there are weighty philosophical reasons to disregard the idea that human beings have a greater capacity for higher levels of well-being than other animals (Schopenhauer, 2004). I also claimed that, even if we accept a theory of well-being in which persons exceed merely conscious beings,

it is not clear how much weight we should give to the potential future well-being of the infant versus the actual cognitive abilities of the animal. Regardless of the amount of future well-being each one of them would enjoy, the cognitive abilities of many animals exceed those of human infants: they are more self-aware and more connected to their past and future selves, meaning that their present interest in continued existence is more pressing. Finally, the empirical evidence from ethology, cognitive science, and evolutionary psychology show that animals have rich and complex emotional lives. Losing these lives is undoubtedly a misfortune for them, and this is something that we should give its proper weight.

Moreover, even those that remain unconvinced by my arguments regarding animal well-being do not need to reject my present argument. Those that disagree with my arguments about well-being should consider how uncertain our understanding of both well-being and animal minds is, and how often in history we have underestimated the richness of animal lives. Given these facts, I contend, we should consider the risk of being wrong, and act conservatively. That is, granting considerable weight to the animal interest in continued existence, as we will do, for instance, with a mentally impaired human infant. Unless one is prepared to deny that a cognitively disabled human baby that will nevertheless experience a positive life has an interest in continued existence, and as such, they should not be killed for trivial reasons, one cannot reject the idea that non-human animals have a morally significant interest in continued existence.

CONCLUSION

In this chapter, I have discussed the utilitarian morality of killing and its application to animals. First, I analysed why, from a utilitarian perspective, killing is wrong. I claim that death harms the victim due to the loss of positive well-being, and thus, the victim has an interest in not being killed. While it is true that not all utilitarians accept this position, and merely allude to indirect reasons against killing, utilitarianism is compatible with different theories of the badness of death. I contend that the position that death does not affect the victim has profoundly counter intuitive implications and that the deprivation account is a better explanation of the badness of death. I then evaluated some of the common criticisms of the utilitarian view of killing. While it is true that utilitarians do not absolutely forbid determinate acts, it is also the case that in

order to justify a killing in a utilitarian perspective, it is necessary to have strong counter-balancing reasons and it must be the least bad alternative. This, together with the indirect reasons against the killing, make killing difficult to justify in real life.

I then applied this position to the case of nonhuman animals, to argue that, given that animals experience well-being and thus can be harmed by their deaths, utilitarianism will generally deem their killing morally wrong, other things being equal (in subsequent chapters I will discuss how seldom things are 'not equal'). I leave open the possibility that some beings can be more harmed by death than others. If this is the case, it is highly plausible that this difference depends on the creature's cognitive abilities, such as self-awareness and psychological connectedness. Arguably, this interest may not be as strong in many nonhuman animals as it is in self-aware beings, but it exists nevertheless, and should be acknowledged when doing the utilitarian calculus. And, as this is a primary interest, it should be only trumped when there are similarly strong reasons to counterbalance the harm done to the animal. Hence, I have argued that we should grant animals the same level of protection as we do humans with the same level of cognition. I believe this comparison is a good way to show how we systematically disregard the interests of animals. Subsequently, I explored possible criticisms to my stances on the badness of death, the utilitarian morality of killing, and its application to nonhuman animals, concluding that these criticisms were not successful.

Thus, I have argued that utilitarianism can account for the wrongness of killing sentient animals. However, two serious problems, already mentioned, arise. The first one is the replaceability argument, the second one the logic of the larger argument. These two arguments are considered, by those involved in the plight of animals, one of the key reasons why utilitarianism cannot account for the wrongness of killing animals, and as such, fails as a theory of animal liberation (and can only be considered a theory of welfare within a frame of systematic oppression). Utilitarians commonly retort that these arguments are valid only in the realm of ideal theory, and that in the real world, practical reasons against these potential practices abound. Or in other words, these two arguments may apply when everything else is equal, but in the real world, other things are never equal. For these reasons, they argue, utilitarianism does not morally justify the breeding and killing of animals to satisfy our trivial interests. I agree. My argument, however, goes further. I contend that we have

reasons to reject both the replaceability argument and the logic of the larder argument, and I will deal with each of these two arguments in the next two chapters. Subsequently, on the last and third section of the thesis, I will address the killing of animals in the real world, and how my position can respond to these killings.

CHAPTER 5:

KILLING ANIMALS AND THE REPLACEABILITY ARGUMENT

I have argued that utilitarianism can account for the wrongness of killing animals, yet this may not be the case in all versions of utilitarian theory. While utilitarian thinkers generally regard animals as moral patients, and as such take a strong stance against animal suffering, the same cannot be said about the killing of animals. For some utilitarians, killing an animal is a morally neutral act, as long as the killing is done without causing any suffering and the animal is not self-aware. This evaluation of killing animals depends on the idea that death does not harm (merely sentient) animals, or if it does, this negative utility can be compensated, a position known as the *replaceability argument* (RA). In particular, the replaceability argument holds that the killing of an innocent being can be a morally neutral act, as long as the victim is replaced with a similar creature, which will restore the previous level of overall utility in the universe. This argument was first presented in its most prominent form by Peter Singer in *Practical Ethics* (2011: 106-107),⁴⁴ and has been intensely debated since.⁴⁵

I will argue that both hedonistic and desire-based utilitarians can account for the wrongness of most killings, however, some versions of this ethical theory need to endorse replaceability. And those accepting replaceability may be unable to deem the killing of (at least some) innocent beings as wrong, leading them to highly controversial implications. To show this, I will analyse the utilitarian reasons against killing in both hedonistic and desire-based accounts, and how these reasons can be applied to the case of nonhuman animals. Then, I will elaborate on how the replaceability argument, as devised by Singer, undermines these reasons. Finally, I will discuss the main issues with the replaceability argument, to highlight the unsettling implications of this argument when taken seriously, and to conclude that these implications are weighty

⁴⁴ Although it has been claimed (Zuolo, 2016) that the second edition of *Practical Ethics* (1993) offers the most coherent argument for the wrongness of killing from a preference utilitarian perspective, I am particularly interested in the replaceability argument. Given how much Singer's view has been modified over the years, I want to address Singer's latest version of the argument. Thus, I will focus on the third edition (2011). All page numbers refer to this edition, except the occasions where I cite different editions for comparison purposes.

⁴⁵ It has been argued (Dombrowsky, 1997: 43-44; Uniacke, 1997; Kemmerer, 2007) that replaceability implies that utilitarian theory cannot account for the wrongness of killing merely conscious life. Consequently, accepting replaceability may imply that utilitarianism fails to account for the value of (at least some) life. And even more, some have argued that this includes, in some instances, the wrongness of killing self-conscious beings (Lockwood, 1979). This is frequently regarded as a fatal criticism of utilitarian theory (Regan, 2004: 206-211).

enough to make us abandon those versions of utilitarian theory that support replaceability.

THE WRONGNESS OF KILLING

Before we examine the utilitarian assessment of the wrongness of killing, a couple of clarifications are needed. First, for simplicity's sake, I will assume that the killings are done painlessly and without creating any distress for the creature. We can imagine, for instance, that the creature is killed by administering a lethal dose of a drug, that will make them go to sleep and then die. They are never aware of their imminent death or the process that leads them to it. I am aware that this is hardly ever the case with our actual treatment of non-human animals. However, utilitarianism already condemns the unnecessary suffering of sentient creatures, so killing which involves animal suffering can already be labelled as morally wrong by utilitarians (other things being equal). For this reason, and to illuminate the topic in question, it is best to limit the discussion to those cases where we are uniquely dealing with the morality of killing. Secondly, a relevant distinction when assessing the morality of an action is the differentiation between direct and indirect reasons. Direct reasons are those that affect the victim themselves, such as their pain, frustration, etcetera; whilst indirect reasons are those that affect others, such as the grief or the fear that the act may inspire in others if/when they discover the action. In my discussion, I will assume (unrealistically) that the killing will not affect other sentient beings. That is, I will ignore indirect reasons. My focus of inquiry is whether killing sentient creatures harms them, and whether this harm can be compensated by bringing a similar being into existence; for this reason, I will exclusively focus on the harm done to the victim themselves.

Let us examine the utilitarian reasons against killing. In the previous chapter, I argued that, leaving aside indirect reasons, a utilitarian could argue that painlessly killing someone negatively impacts on their well-being. As the victim's well-being has diminished, they have been harmed; therefore, and other things being equal, we have committed a morally wrong act. However, to accept this as a direct reason against the killing of innocent beings, first it is necessary to determine whether it is true that death has a negative effect on the victim's well-being. In the previous section, I claimed that death harms the victim due to the deprivation it causes. Death takes our future from us, and with it, all possible positive well-being. I have argued that we

have reasons to abandon the epicurean position for a version of the deprivation account that elucidates the effect death has for an individual in a comparative way. Whilst it is true that the victim cannot experience this frustration, it has nevertheless been negatively affected by their death: their overall well-being level is lower than it could have been. Thus, it is possible to argue that the victim has been harmed.

When discussing the morality of killing, Singer appeals to the loss of future pleasure that the victim will suffer. However, as I mentioned previously, he adds that the victim will not be present to suffer this deprivation and thus, is not affected by it. As we have seen, Singer argues that being killed does not make us worse off, but merely cease to exist, and as such, one cannot miss the pleasure lost (2011: 87). Hence, it would appear that Singer accepts some version of Epicurus' existence condition: he acknowledges that pleasure may be lost with the killing, but this loss is not suffered by the victim herself.

Let us clarify Singer's position and his acceptance of the existence condition. Imagine I need to decide whether to kill Sally, whose future life is destined to be a happy one, with a positive balance of overall well-being. As mentioned, I will assume that she can be killed in a way free of negative emotions for her and that there are no indirect reasons opposing her killing. If we are measuring utility in a hedonistic way, it is necessary to account for the loss of value that her death will cause: pleasure will be eliminated. However, note that whilst value will be destroyed, no disvalue will be created: assuming that her death was painless and caused no fear, the killing will not create a surplus of suffering. Furthermore, this loss is merely accounted in impersonal terms, as the victim does not experience her loss. Thus, according to Singer, although pleasurable lives are valuable, the killing may not harm the victim herself.

However, this does not mean that the killing is morally justified. First, even in Singer's own terms, we can still deem her killing as wrong, given that the amount of pleasure in the universe has been reduced, making the universe worse (although not worse for anyone in particular). Hence, as reducing the amount of utility in the universe (in both personal and impersonal terms) is wrong, we can conclude that killing the creature is wrong (other things being equal). Secondly, I have claimed that Singer is mistaken when he declares that the victim has not been harmed. Even if the death has created no additional disvalue, the well-being level of the

victim has been negatively affected by her death, thus making her worse off. Moreover, as she has lost all possibilities for positive value in her life, I contend that this harm is a great one, giving us a strong personal reason to condemn her killing.

This approach takes into account pleasure and pain, that is, it sets the discussion in hedonistic terms, but can preference utilitarianism also condemn the killing of innocent beings? As we have seen, the response of preference utilitarians is similar in the case of merely conscious beings: their killing will prevent the satisfaction of future preferences. Note that, similarly, the victim will not experience this frustration, so the loss of utility is also impersonal. However, the preference utilitarian's response goes further in the case of self-conscious beings: a creature that is self-aware has an idea of itself through time, and can project itself into the future. Killing a self-conscious being will mean, not only that future preferences will not be created and satisfied, but that present preferences about the future will be frustrated. This frustration means that killing a self-conscious creature is worse, as along with the impersonal loss of value, there will be a personal loss. This means that killing one of these creatures is a seriously wrong act.

Thus, utilitarians can, in principle, deem the killing of innocent beings morally wrong. This may not be enough to award these creatures the right to live, as utilitarians may agree with harming a creature if it maximizes overall utility; but it gives them a *pro tanto* reason to oppose the killing of innocent beings. How is it possible that some sentient beings are considered to be replaceable then? Here, it is necessary to explore the question of the creation of disvalue. Although the mere loss of value is enough to resolve the question of the morality of killing, the fact that disvalue is not being created is relevant to the discussion of replaceability.

REPLACEABILITY

First, let us consider hedonism. When discussing replaceability, it is important to notice that, although the loss of pleasure created by the victim's untimely death could be used to condemn her killing, this loss can be compensated. Namely, it is possible to restore the previous level of pleasure in the universe by bringing a

similar being into existence, as long as their life will be as pleasurable as the victim's. Importantly, as according to Singer, the loss is only measurable in impersonal terms, it makes no difference *who* experiences the pleasurable experiences. This implies that sentient beings are replaceable: it is morally acceptable to kill them, provided that they are replaced by a future being with a similar level of well-being.

At this point, Singer faces a serious challenge. Namely, he needs to determine whether all sentient beings are replaceable, and if not, which of them are. Are adult human beings replaceable? What about nonhuman animals? In Western cultures, we consider that some sentient beings are replaceable, such as pigs, others are somewhat replaceable, such as dogs, and others are never replaceable, such as human beings. However, species, in itself, is a morally irrelevant feature (such as race or gender), so it cannot be the defining line. What is important, in utilitarian terms, are the being's interests; thus, the right question to ask is which animals (if any) have an interest in continued existence.

Given this criterion, and in accord with a lengthy philosophical tradition (Locke, 2008; Tooley, 1983), Singer alludes to the division between persons (self-conscious beings) and non-persons (merely conscious beings). This, together with a desire-based approach to utilitarianism, will allow him to claim that, while merely conscious beings are replaceable, self-conscious beings are not. As we have seen, persons not only have pleasurable states, but also preferences for the distant future and for their life as a whole. Importantly, these future-oriented preferences will be thwarted if they are killed, creating additional disvalue. Thus, these beings have a personal interest in continued existence, and therefore, killing them is an immoral act (other things being equal).

At this point we might ask why this wrongness cannot be compensated by bringing a similar being into existence, as done with merely conscious beings. To reply to this question, we need elucidate the values attached to the morality of killing.⁴⁶ Imagine two creatures. The first one is Sally the cow, a merely conscious being (for the sake of the argument, let us assume that cows are not self-conscious beings). The other being is Kelly, a self-aware human being. Both their lives have a positive balance of well-being, faring at a positive

⁴⁶ My example is based on Jamieson's (1983) take on replaceability.

five on a scale of utility. In the case of Kelly, though, of those five points, three are related to present hedonistic concerns, but the remaining two are linked to plans that are projected into the future, such as the desire to see her children grow, or the preference for a continued existence. How will each version of utilitarianism address the loss suffered by their death and their possible replacements?

In a hedonistic approach, when Sally the cow dies she loses five utility points. Similarly, when Kelly the human dies, she also loses her five utility points. Furthermore, it can be argued that both these losses are only accounted in impersonal terms, as they do not experience their loss. Moreover, and importantly, as their deaths have been void of suffering, the amount of negative utility in the universe has not increased. Value has been lost but disvalue has not been created. This means that all we need to do to compensate for their deaths is to bring into existence an equally happy being, which will restore the previous level of well-being in the universe. Thus, in a hedonistic approach, both Sally and Kelly are replaceable in a similar manner. Some will try to counter this evaluation arguing that a human being will score higher in happiness than an animal. In a Millian (2002) fashion, they will allude to the higher intellectual capacities of human beings to declare that an intellectual life is a life of higher pleasures, and thus, of higher value. However, note that even if we accept this for the sake of the argument, it does not mean that human beings are not replaceable, it only means that they are not replaceable by a cow, as their score would be lower. Nevertheless, it is still possible to replace a human with another human (or, perhaps, with multiple cows).

Here is where preference utilitarianism differs in its evaluation and helps Singer avoid the undesired implication that persons are replaceable. When Sally the cow dies, she loses five utility points. However, when Kelly the human dies, she loses all her five points of utility, but given that two of them are linked to long-term preferences, and have therefore been frustrated, she now scores a negative two. The key difference here is that, in a desire-based approach, the death of a self-conscious being creates disvalue, as the long-term preferences have been frustrated (in contrast to future ones that have simply not been created).⁴⁷ This negative score implies that Kelly cannot be replaced by the creation of a similar creature.

⁴⁷ As I discussed previously, this view poses that death only frustrates preferences that are about one's future, and thus, it cannot harm those that do not have these type of preferences. However, it is not clear why dispositional and implicit preferences are not taken into account when assessing the badness of death.

Self-conscious beings, therefore, are not replaceable. This implies that adult human beings are not replaceable, nor are other animals such as chimpanzees, whales, or elephants. It also implies, however, that some human beings, such as fetuses and babies, are replaceable. In the case of nonhuman animals, there is some uncertainty. Singer gives the benefit of the doubt to animals such as dogs, pigs, and chickens, as they show signs of limited self-awareness (2011: 102). Animals with lower cognitive abilities than those ones may be replaceable, although we should always be open to new evidence. Note that although Singer's replaceability argument has been used to justify animal-friendly farming⁴⁸ (Pollan, 2006; Scruton 2004), Singer allocates farm animals to the person category, or at least to a quasi-persons division, that deserves protection. Those using the replaceability argument to defend animal husbandry, frequently ignore Singer's claims about personhood in animals, and unsurprisingly, they also overlook the implications the argument carries for some human beings.

PROBLEMS WITH SINGER'S APPROACH

The moral ledger

One could question, however, whether the frustration of future-oriented preferences is enough to deem self-conscious beings irreplaceable. As we have seen, death can cause a merely conscious being to lose their future pleasure. However, according to Singer, this loss of pleasure can be compensated by bringing a similar being into existence. In the case of a person, besides the loss of pleasure, there is a frustration of relevant preferences that the person has for her life as a whole. This frustration adds a further (and personal) loss of utility, giving us direct reasons to condemn their killing. Yet, I argue, this disvalue could still be compensated by the creation of another being with similar preferences. It is possible, for instance, to create a being that will exceed the happiness level of the previous one. For instance, if we bring Mark into existence, he will enjoy a happy-go-lucky and optimistic personality that will allow him to fare a positive well-being of seven. This is enough to compensate for the negative two of Kelly, and still restore those five impersonal points

⁴⁸ The question of the badness of death is not relevant to the discussion about factory farming, as utilitarians can deem factory farming immoral simply taking into account the appalling quality of the animals' lives. For this reason, the badness of animal death is mainly discussed in debates about the morality of animal friendly farming, where the animals lead worth living lives, but are killed to be consumed by humans.

lost. Alternatively, it would also be possible to bring into existence, two cows or several rabbits, as they are cheaper to raise than a human being, and their aggregated positive welfare will in fact exceed that of Kelly. Therefore, it would seem that, even in a desire-based approach, persons are still replaceable.

A possible reply available to Singer is to claim that the loss of the merely conscious being is impersonal, while the loss of the person is (as its name indicates) personal. However, Singer never indicates that personal losses carry an extra weight in comparison with the impersonal ones. And, as I will show later, his position is the opposite. Thus, it is not clear what this distinction means. If it refers to the relevance of the loss for each being, it is not obvious that the life of a chicken is less important to the chicken than the life of a human is to the human. Singer could be referring, though, to the level of psychological connectedness between the being now and the future goods lost. If there is no connection between the subject and the goods, it could be argued that the being experiencing the goods is not the same as the one that dies, and thus, the loss would be impersonal. I have already discussed McMahan (2002) and his theory of the badness of death and the morality of killing around the concept of psychological connectedness. However, there is no indication that Singer is basing his position, as McMahan does, on a specific theory of personal identity and prudential concern.

Contrastingly, Singer's justification is to be found in his theory of value, that is, on the method used to assess value in the universe. Singer claims that, whilst the frustration of a preference carries a negative value, the satisfaction of a preference does not bring any positive value. Using the image of an accountant's ledger, Singer (1979) explains that having an unsatisfied preference is similar to being in debt: one is in the negative. However, when the preference is satisfied, it does not bring any excess positive value: the debt is merely cancelled out and the balance returns to zero (2011: 114). Thus, the frustration of the preferences cannot be compensated by the creation of new preferences, as the satisfaction of the new preferences does not entail positive value. When someone is killed, their future-oriented preferences will be frustrated, and the creation (with the creation of a new being) and satisfaction of new preferences cannot compensate for this loss. Hence, the *debit model*, as this position is known, allows Singer to declare that persons are not replaceable, as the utility lost with their deaths cannot be balanced out by new preferences. Additionally, Singer claims

that his model offers a plausible explanation to other common population problems (2011: 114).

However, this model encounters serious problems. The first one is that it is not consistent with the replaceability argument. The replacement of the victim is needed to compensate for the loss of utility that the death of the victim causes, but if according to the moral debit model, one cannot be higher than zero in the scale of well-being, what is there to compensate for? It would seem that for those that do not have future-oriented preferences, death leaves them as they already were, at zero (Višak, 2013: 61). Hence, it would seem that the replaceability argument is not required. Moreover, this means that there is no difference, for a merely conscious being, between life and death. Thus, I contend, the moral debit model cannot account for the badness of death of merely conscious beings. This last criticism could be responded to by arguing that merely conscious animals, while not holding preferences for their life as a whole, must certainly hold some preferences. Even if these preferences are short-term oriented, some of them will be frustrated by death. This is even clearer if we count in dispositional and implicit preferences, as utilitarians commonly do (Višak, 2013). Consequently, their deaths imply some loss of value, however small. That said, this is still problematic for the replaceability argument: if a positive value over zero is not possible, how is the next animal going to compensate for this loss of utility? The moral ledger implies that either, there is nothing to compensate for when killing a merely conscious being, or that, if there is a loss, it could not be compensated for. In sum, the moral debit model and the replaceability argument are not consistent.

The second difficulty is even more problematic. The moral debit model is not only inconsistent with the replaceability argument, it is inconsistent with Singer's general theory. This has led some authors to dismiss the moral ledger as *ad hoc* (Višak, 2013: 60). Let us explore the implications of the moral ledger. The first obvious implication is that it is a highly pessimistic account of value. According to this view of value, the value of a life can only be negative, unless one is very lucky, in which case one may achieve a neutral value. However, this appears to be at odds with our experiences in life, as we sometimes experience periods of positive well-being. Moreover, notice that to achieve a neutral state of well-being, one needs, not just to be lucky, but extremely lucky, as even a person with all her preferences satisfied but a minor one, will be in the negative. To achieve a neutral state of well-being in life, according to this position, one needs to have every

single one of her preferences satisfied. Even a minor preference frustrated years ago will render a life a bad life. Certainly, this conception of well-being does not capture everyday judgements about our lives and the lives of other people. Aware of this problem, Singer (1979) argues that we could lower the point at which we consider a life worth living, and understand ‘the negative as the new positive’. But this move itself appears to be *ad hoc* as well.

This pessimistic interpretation of well-being has further implications for the value of our lives and procreation. First, given that our lives are always in the negative, as even the best lives in the real world will experience some preference frustration, it is natural to infer that our lives are never worth living. Whilst it is true that philosophers disagree on what can be considered as a life worth living, lives that are condemned to be always in the negative seem to be good candidates not to be. Furthermore, regardless of whether these lives are worth continuing, they are definitely not worth starting.⁴⁹ Why would one bring a child into the world if this child cannot achieve any positive well-being? Singer’s moral ledger leads us into an antinatalist position. In line with this position, Fehige (1998) developed a similar theory, antifrustrationism, where the satisfaction of a preference carries the same value as a non-existing preference: a neutral value. This position leads him to declare that an empty world is the best possible world. Clearly, Singer’s thought does not align with this position, as he frequently grants positive value to coming into existence (de Lazari-Radek & Singer, 2014).

The moral ledger and pluralistic value

Singer himself is aware of these implications and the contrast with the rest of his views, which has lead him to modify his theory in each edition of *Practical Ethics*. Whilst in the second edition (1993) he abandons the moral ledger, in the third edition (2011) he revives it along with a pluralistic theory of value. In this latest version, preferences are only part of what brings value to our lives, along with other goods, such as happiness, friendship, or knowledge. In this way, this preference-independent value could add the extra value

⁴⁹ As previously mentioned, I follow Benatar (2006) in breaking down the concept of life worth living into ‘life worth continuing’ and ‘life worth starting’, as it is plausible that the standards for these two concepts are different. Benatar claims that the standard for starting a life should be set higher than the standard for continuing a life. Once a life has already started, the individual has an interest in continuing this life. This is not the case, however, before a life has started, given that the individual does not exist yet.

that we need to make our lives worth living (both starting and continuing). However, it is not clear how this would work. First, it is necessary to clarify how the two, or several, values relate to each other. And secondly, it is not obvious how this affects the potential replaceability of persons. If these values are part of well-being, it would appear that we can experience a positive level of well-being. However, this would imply that persons can be replaceable, as the positive value of the new person could compensate for the lost value of the previous one. If, on the contrary, these values are independent of well-being, it is uncertain how they would fit in a utilitarian framework, as utilitarianism is essentially a welfarist moral theory (Višak, 2013).

Furthermore, even if we grant, for the sake of the argument, that these newly introduced goods can provide the extra value needed to make the lives of persons worth living, while still protect them from being replaceable, would this not also apply to merely conscious beings? Whilst values like knowledge may be too complex to apply to the lives of merely conscious beings, surely they experience goods such as happiness and friendship. This will bring extra value to their lives (along with hedonistic pleasure), therefore increasing the loss of value that they suffer with death. And given that it appears that these goods possess intrinsic (rather than extrinsic) value, their loss is undoubtedly bad. Moreover, in the same way that the frustration of a preference creates negative utility, regardless of whether the being experiences its frustration or not, the loss of these intrinsic goods will create disvalue too. In other words, the disvalue their loss creates does not hinge on the unpleasant experiences of the being, but on the loss itself. This implies that merely conscious beings, that benefit from these goods, suffer a loss with their deaths that is not affected by the Epicurean challenge to the badness of death. The loss of these intrinsic goods creates disvalue regardless of whether the creature is present to experience that loss. Thus, introducing these additional goods invalidates the replaceability argument as it renders merely conscious beings non-replaceable (or at least non-replaceable by beings with a similar well-being level). However, as mentioned before, it is unclear that introducing these additional intrinsic goods can indeed protect any creature from being replaceable in the first place.

Taking all this into account, it would seem that Singer needs to choose between two positions. On the one hand, if he wants to retain the moral ledger model to protect persons from being replaceable (assuming that it does protect them), he needs to accept an antinatalist position. On the other hand, he could maintain his

standard pro-natalist position, abandoning the moral ledger model, but at the price of allowing persons to be replaceable.

Hedonism

It may be argued, however, that all this discussion of the debit model is futile, as Singer no longer ascribes to a preference-based theory of value; hence, it is safe to assume that he has accordingly abandoned the debit model. At present, Singer (de Lazari-Radek & Singer, 2014) adheres to a classical view of utilitarianism, greatly influenced by Sidgwick. This classical approach to utilitarianism is based on a hedonistic account of value, and furthermore, it does not differentiate between lower and higher pleasures. Thus, in this perspective, the difference between merely conscious and self-conscious beings is not intrinsically relevant when discussing the ethics of killing (de Lazari-Radek & Singer, 2014: 265). Consequently, in this approach both merely conscious and self-conscious beings are considered replaceable. This is a conclusion that many would consider disturbing.

Singer (2016: 235) addresses this issue arguing that, in practice, the capacity to know that others have been killed and they may be killed too is relevant in the discussion about the morality of killing, as this knowledge will create suffering. Likewise, we need to count in the grief of friends and relatives, as this will create disvalue (note that this will also apply to many merely conscious beings). I wholeheartedly agree with Singer that these are relevant concerns to consider. However, note that these concerns are indirect reasons against killing, not direct ones. What this means is that we can condemn the killing (or more accurately, the replacement) of an innocent being not due to the harm the victim has suffered, but due merely to its effects on others. This position is highly counter-intuitive. Furthermore, it provides support to the common criticism that utilitarianism cannot account for the wrongness of killing.

THE IMPLICATIONS OF REPLACEABILITY

Is this criticism fair? I have argued that both versions of utilitarian theory can account for the wrongness of killing, as long as the victim was destined to enjoy a positive balance of overall well-being. Killing the

victim eliminates what utilitarianism considers to be the unique value, positive welfare, thus robbing the victim of all the good things in their life. This loss negatively affects the overall well-being of the victim, therefore harming her. Consequently, and other things being equal, killing the victim is morally wrong. In this way, utilitarianism can account for the wrongness of killing. The problems arise, however, when replaceability is introduced. As the harm inflicted on the victim can be compensated by the creation of another being, this harm becomes irrelevant, leaving utilitarians with no means to justify the wrongness of killing.

The question is, then, do utilitarians need to accept replaceability? Note that the replaceability argument is based on a controversial (although popular) version of utilitarianism (Višak, 2013). The argument relies on the idea that the interests of the being we will create to replace the one we kill are to be taken into consideration in the same way in which the interests of existing beings are. But importantly, this being does not exist at the moment, and furthermore, it may not even exist in the future. Its existence completely depends on our decision. That is, it is not an actual being (existing or future), but a contingent⁵⁰ one (sometimes also known as ‘potential’).

The key question is, then, do contingent beings have interests? Some versions of utilitarian theory declare that this is impossible, but Singer adheres to an impersonal view of accounting for value, named the Total View. This view gets its name from the idea that we should count in the well-being of all beings, those that exist, those that will exist but do not yet, and those that are merely potential; in short, we should account for the value of the total amount of beings in the universe.

As mentioned, this view is controversial. But so are the rival views (Kagan, 2016). All these views have their fair share of counter-intuitive implications. As Singer writes when discussing the relation between the total view and replaceability: “There is no consistent solution to the problems we are discussing that does not involve biting at least one bullet” (Singer, 2016: 235). The key to the debate may be, then, to discover which is the least unpalatable bullet. I claim that replaceability has not been properly taken into consideration when

⁵⁰ In this context, ‘contingent’ is not opposed to necessary, but to *inevitable*, that is, those beings that will end up actually existing no matter what decision we make (Kagan, 2016:141).

assessing the plausibility of the Total View.

Traditionally, two problems have been attached to this view. First, under the Total View, having a child that is destined to have a life worth living is a moral obligation, as long as its existence does not significantly lower the well-being level of others (Singer, 2011). Suppose a couple is trying to decide whether to have a child. Parenthood will imply abandoning some of their hobbies, creating a decline in their well-being; however, the existence of the child will bring joy to their lives, balancing out this loss. No one else will be affected by the existence of their child. In this case, most people would think that it is morally neutral whether they have the child or not. However, the Total View implies that, if the child can reasonably be expected to lead a happy life, the couple is morally obliged to have it, as its interest in a future positive existence is to be taken into account too (along with the obligation to increase the amount of positive well-being in the universe). Furthermore, and even more counter-intuitively, they are obliged to have as many children as they can, as long as they can all be reasonably happy. Creating new happy people is a moral obligation under the Total View.

Secondly, and in close relation to this, the Total View implies the Repugnant Conclusion (Parfit, 1984). Imagine a world with 100 people and the highest standard of well-being. Parfit has shown that, in the Total View, an overpopulated world where the lives of the inhabitants are barely worth living is better (or at least not worse) to the first happy world, as long as the total amount of utility does not decrease. This implication is considered ‘repugnant’ as it completely ignores the diminished well-being level of the inhabitants of the world when evaluating which one of the worlds is preferable. This, like the replaceability argument and the obligation to create happy children (or happy animals, for that matter), is a direct consequence of taking the interests of contingent beings into account when evaluating a possible scenario.

However, these two problems have been widely accepted as the price of the least bad option, given that the alternatives are considered unacceptable (Kagan, 2016). On the one hand, person-affecting views, as they are only concerned with the well-being of actual beings (present or future), frequently cannot account for our intuitions about contingent beings. For instance, we frequently think that it is morally wrong to knowingly

bring into existence a child that is destined to have a miserable life. Similarly, we generally believe that we should take measures to counter climate change, even if these measures will potentially change which beings will become actual. In other words, we care about the future state of the planet for contingent beings. Yet, person-affecting views cannot account for this intuition. On the other hand, asymmetrical views, holding that there is an asymmetry in the values of happiness and suffering, commonly imply that coming into existence is never, or rarely, justified, and thus, we should not reproduce. This is a view that most philosophers reject.⁵¹

In view of these problems, many authors accept the Total View, despite its own problems. As mentioned, its main problems are considered to be the obligation to have children and the Repugnant Conclusion. However, I contend that the implications of the replaceability argument are a weighty consideration against the Total View. Whilst some non-utilitarian philosophers have considered replaceability a major problem for a utilitarian approach, efforts to limit the scope of the replaceability argument to merely conscious beings have, I believe, distracted utilitarian thinkers from the seriousness of its implications.

I have argued that these efforts are unsuccessful, and that all sentient beings, self-aware or not, are replaceable if replaceability applies at all. Furthermore, this is not restricted to hedonistic utilitarianism, but applies to also desire-based versions. If I am right, and replaceability can be predicated of all beings, it is fair to say that Total View utilitarianism can only account for the wrongness of killing by alluding to indirect reasons, such as the fear or grief of others. However, when these conditions do not apply, no argument against the killing can be given. Thus, it would be morally neutral to kill lonely people as long as no one finds out and we replace the victim. Furthermore, even if we accept that indirect reasons would abundantly apply in real world situations (and surely they would), this position still fails to capture our main intuition against killing: that it is wrong due to the harm caused to the victim.

Note that my argument is not that the Total view should be abandoned because it is counter-intuitive. As I

⁵¹ Despite this, my own view is that some kind of asymmetrical view is true. I will not argue for this position, as my main concern here is to assert that the Total View should be abandoned, not what should substitute it. Population ethics is an extremely complex subject and the defence of a particular position will take us far more space than this thesis allows. Furthermore, as both main alternatives to the Total View (person-affecting and asymmetrical views) are in line with my position, rejecting the morality of the killing and replacement of sentient beings, I do not consider that it is necessary to choose between them here.

will discuss in the next chapter, I do not believe that the popularity of a position can be used as a proxy for its plausibility. We are justified, however, in assessing the consequences of a theory to evaluate whether those consequences are morally acceptable, according to our principles. In this fashion, I contend that the consequences of the Total view are unacceptable. And, my argument goes, this is not only due to the moral requirement to continue to have children and the repugnant conclusion, but also due to the implications of the replaceability argument. Utilitarians value positive well-being above all other things, and, as we have discussed, death implies the loss of all possible well-being for the victim. Given this immense loss for the victim, I contend that the Total View does not have a strong enough stance against the killing of sentient beings (including persons). For this reason, I claim that this particular bullet is too big to bite.

CONCLUSION

Although I agree with Singer's claim that none of the alternatives are free of serious and problematic implications, my view is that, along with the traditional problems related to the Total View, replaceability is a weighty reason against it. As we have seen, it can morally justify the killing of all kinds of beings, including self-aware persons, even for trivial reasons. In sum, I believe that the fact that a moral theory cannot account for the wrongness of killing should give us pause and prompt us to investigate further into the available alternatives. For this reason, I argue that we should question the principles that lead us to an untenable position, namely, that the killing (and replacement) of innocent beings is a morally neutral act. Hence, I contend that replaceability, seriously taken, gives us enough reasons to question the tenability of the Total View. If we need to bite any bullets, let us find a more palatable one.

In the next chapter, I will turn my attention to the logic of the larder argument. This argument holds that the breeding and killing of farm animals is not only morally justified, but obligatory in cases where the animals lead happy lives. As these lives and the value they contain will be lost if we stop farming animals for food, it is our moral responsibility, the argument goes, to create (and maintain) humane farming practices. As we will see, the logic of the larder argument, when given on utilitarian terms, is based on the replaceability argument,

and as such, in the Total View.⁵² So if, as I have argued, we have reasons to abandon the Total View, the logic of the larder cannot be sustained.

Nevertheless, I want to offer an alternative argument to reject the logic of the larder argument. There is a simple reason for this decision: some might dismiss my arguments against the Total View, given that, even if we have reasons to abandon it, so too do we have good reason to question the rest of the possible positions in population ethics. Given the intractability of the debate of population ethics, arguing for a single correct view is likely to be doomed to be more of an academic exercise than a moral argumentation with an impact in the real world. After decades of controversy, not much has advanced in population ethics. This concerns me, given how much is at stake for animals. For this reason, I shall tackle the problem as a situation of moral uncertainty, and that, as such, should be addressed from the perspective of moral risk.

⁵² In fact, replaceability could be supported by other impersonal views of how to account for utility in the universe, of which the Total view is one example, and its most popular form. As the Total View is the most common of these views, and the one preferred by Singer, my arguments have focused on it. However, my argument can be easily extended to other views supporting replaceability.

CHAPTER 6:

MORAL RISK, HUMANE FARMING, AND THE LOGIC OF THE LARDER⁵³

While factory farming has been condemned by ethicists all over the philosophical spectrum, humane farming is still considered a moral option by many. By ‘humane farming’, I refer to those farming practices in which the animals lead happy lives but are nevertheless killed in order to use their carcasses for human consumption. Additionally, the killing is supposed to be humane as well, that is, to cause no pain or distress to the animal. This practice, arguably, does not exist nowadays. Although the animals raised in extensive, organic, or traditional farms are in many respects better off than their counterparts in factory farms, their lives are by no means free of suffering, both physical and psychological. Moreover, it seems to be the case that in some respects they are worse off than those in factory farms, as, for instance, in many cases they do not receive medications to treat their diseases. Furthermore, and importantly, these animals are slaughtered at the same abattoirs, where they experience not only physical pain but fear and distress. However, even if humane farming does not exist now, it could exist in the future, and many argue, for a variety of reasons, that it should exist, so it is imperative that we examine the moral implications of such a practice.

My objective is to evaluate one of the arguments⁵⁴ used in the utilitarian debate on humane farming, in particular, how utilitarians deal with the uncertainty associated with this practice. First, I will explain the main tenets of utilitarian theory and what the common utilitarian response to animal suffering is, and why this position does not help utilitarians in devising a consensus answer to humane farming. Then I will address the question of moral risk and which possible principles could guide us in these cases. Following this, I will show how this notion is relevant to our discussion and which risks we need to consider. I will focus on the position of Singer and de Lazari-Radek to argue, against them, that we do have risk-related reasons to abstain from this practice. Finally, I will discuss what I consider to be the more plausible counter-arguments to my position.⁵⁵

⁵³ A modified version of this chapter has been accepted for publication in *Utilitas* (Fuentes López, 2019).

⁵⁴ This argument can be presented in non-utilitarian terms as well, and many of those defending the ‘humane’ use of animals in this way do not adhere to a utilitarian framework. Yet, the argument in its more powerful version hinges on some versions of utilitarian theory, and as such, it is often considered a problem for utilitarians.

⁵⁵ Note that, in this chapter, my focus is a theoretical one, centred in the realm of ideal theory, and not its practical application. There are plenty of reasons why, in the real world, utilitarians can -and do- oppose the farming of

UTILITARIANISM AND ANIMAL ETHICS

As we have seen, utilitarianism is a moral theory that claims that actions (and omissions) are to be evaluated morally depending on their consequences. More concretely, utilitarians focus on how the consequences of the action impact on the well-being of those involved⁵⁶ (utilitarianism is compatible with different theories of well-being, hedonistic and preference satisfaction views being the most common ones). As well-being is the criteria against which the consequences are appraised, utilitarianism grants moral status to all beings that can experience well-being, that is, the criterion of moral worth is sentience. Furthermore, according to utilitarian theory, the objective of morality is to maximize utility (that is, well-being, determined by whichever standard we are using), and in order to measure this maximization, the interests of all involved are to be considered impartially. This means that equal interests are to be valued equally, regardless of who is the holder of the interest. Thus, the same interest in a human or a nonhuman animal is to be given the same weight. For these reasons, utilitarians have historically been ahead of society in caring for the interests of animals.

It comes as no surprise, then, that so many utilitarian philosophers have spoken against animal cruelty (see for instance: Bentham, 1996; Singer, 1995a & 2011; Norcross, 2004; Rachels, 1990). However, in the case of humane farming, there seems to be no such general agreement. This is because the question of (legitimately) humane farming cannot be solved by appealing to suffering, as the animals lead happy lives (and their deaths do not entail suffering). In contrast, the morality of humane farming depends on complex and more controversial topics, such as the badness of death for nonhuman animals and the value of coming into existence. There are, nevertheless, other questions related to the possibility of humane farming that might lead a utilitarian to reject the morality of humane farming, such as the impact on the environment,

animals for human consumption, even so-called humane farming. These reasons are varied, from the impossibility of a truly animal friendly farming, to environmental concerns. These are serious issues that show the impracticability and immorality of this practice. Yet, I will leave all those worries aside for now, to focus on the axiological and normative issues underlying the defence of humane farming, as I believe these also give us weighty reasons to reject the implementation of humane farming. I will examine the real world implications of farming in the next section, where I deal with the practical application of my position.

⁵⁶ Here I will focus on act-utilitarianism. Rule-utilitarianism may in fact be more apt to deal with general practices than act-utilitarianism, as act-utilitarians may need to evaluate the specificity of different farms (I owe this insight to an anonymous reviewer). However, the particular argument I am countering has been presented in act-utilitarian terms.

sustainability, the effects on human health, or the distribution of resources. These issues, not directly related to the effect of the practice on the animals, lead many utilitarians to deem this practice immoral (Singer, 2006).

My argument in this chapter, however, will not focus on these issues, as I will explore them in the next section. Nor will I directly engage with the discussion of the practical effects on the animals themselves. As mentioned before, the key elements of the discussion seem to be (1) whether death is bad for animals, and (2) the value of coming into existence, specifically, whether non-existing beings have an interest in coming into existence, and whether a short and happy life is better than no life at all. Although I find both questions extremely interesting, I recognize that both subjects are highly controversial and nothing close to an agreement has been reached after decades of debate. While academic discussions regarding the value of life and death are valuable in themselves, we nevertheless need to offer a prompt response to a pressing moral issue. As the animal welfare and liberation movements are getting more attention, and factory farming is being deemed immoral by large parts of the population, we are in need of a new model. Whether this model is to be a vegan one, or one based on humane farming, is a moral question that needs an urgent answer.

THE LOGIC OF THE LARDER AND MORAL RISK

Putting things simply, we need to make a decision when we do not have all the information required for that decision to be fully informed. Thus, we are in a situation of what philosophers call *moral uncertainty* (this uncertainty springing from either moral or non-moral questions). Making decisions in these situations puts us in a position of *moral risk*, that is, a situation in which we are risking something of moral value. For this reason, I will focus on an approach to this question from the perspective of moral risk. In particular, my objective is to elucidate whether we have sufficient reasons to abstain from the practice of humane farming from a perspective of moral risk when it comes to its impact on the animals themselves. In doing so, I will engage with the arguments of Singer and de Lazari-Radek (2014), to claim, against their position, that we do have reasons to do so. I will accept, for the sake of the argument, two of their premises, namely, that animals have moral status, and that it is in fact possible to farm animals without making them suffer. Furthermore,

although other strategies of dealing with moral risk have been devised (a good review of the literature can be found on Hayenhjelm and Wolff, 2012), I engage with the argument on its own terms, using a strategy that utilises principles that belong to the family of *precautionary principles*. There are two reasons for this decision. First, I wanted to show that, even using this kind of strategy, there are reasons to reject humane farming. Secondly, my main focus of interest are the values of coming into existence and death, and the discussion of the different theories of moral risk management would distract us from these topics.

Two main arguments are used in this debate. First, those arguing that humane farming is morally acceptable need to claim that death does not harm animals, or if it does, that this harm can be compensated. After all, if animals have an interest in continued existence, we would need to take this interest seriously. And taking such a basic interest seriously would imply not thwarting it for trivial reasons, such a taste preference. Indeed, as we have seen, many authors claim that death does not harm animals, alluding to a variety of reasons, that generally converge on animals not being self-aware (see for instance: Belshaw, 2012 & 2016; Cigman, 1981; Williams, 1973). However, note that even if the animal itself is not being harmed by their death, there is nevertheless a reduction of overall happiness in the universe. As the animal was happy and their happiness has been eliminated, the universe is now worse than it was prior to the animal's death. Yet, this reduction can be compensated by bringing another being into existence, as long as the new one is as happy as the previous one. Here we can recognise the recently discussed *Replaceability Argument* (RA), as devised by Peter Singer (2011). To be fair to Singer, he excludes farm animals from being replaceable, as they show some signs of self-awareness. But if this argument is applicable to farm animals, and they are indeed replaceable, that implies that killing them is permissible, and then, humane farming could be permissible too.

Some go further, and declare, not only that breeding and killing animals is not bad for them, but that is beneficial for them (Scruton, 2004; Pollan, 2006). If this position is right, humane farming may not only be permissible, but obligatory, other things being equal (although it appears that other things are not equal, for the reasons mentioned above). This position is known as the *Logic of the Larder Argument* (LLA), and it incorporates the replaceability argument together with the idea that coming into existence is a benefit, and

thus, a short life is better than no life at all.⁵⁷ This benefit could be for the animal herself, as she benefits from a happy life, or for the universe, meaning that the total amount of happiness in the universe is increased, or for both the universe and the individual animal.

It is fair to say that the foundations of the RA and the LLA are based on highly controversial issues, on which we have not reached a general agreement. This, however, does not mean that they are wrong. For instance, the moral status of nonhuman animals is still considered highly controversial, and countless people believe that almost any human interest has precedence over fundamental nonhuman interests. In fact, this is a mainstream view: although no one likes to be presented with images taken in factory farming facilities, most people continue to support this industry through their daily choices. Yet, this support is difficult to justify morally: other things being equal, fundamental interests (such as the interest in avoiding extreme suffering) should not be relegated to the same status as frivolous interests (such as the preference for one flavour over another). So, how controversial a position is cannot be understood as a proxy for how morally right it is. In fact, utilitarianism itself accepts ideas that are considered extremely controversial by other moral theories, but most utilitarian thinkers do not shy away from these conclusions merely because they are not widely accepted.

When I say that the RA and the LLA arguments are founded on controversial ideas I do not mean that they are not popular. What I mean is that there is no agreement among competent and well-informed thinkers about a reasonable answer. Furthermore, in some of the cases, there is not even agreement about what an answer to these topics would look like. There is uncertainty, not with regard to the acceptance of principles, but on the status of truth of the principles themselves. And uncertainty in moral decisions matters, as it means that we are making life-changing decisions based on principles of which we are unsure. When we do this, we are taking a moral risk, meaning that our action is risking harm to something that has moral value. Or, in other words, we are risking doing something seriously morally wrong.

⁵⁷ When I say “a short life is better than no life at all” I mean a very short life, as many (if not most) of the animals humans consume die in infancy or shortly thereafter. A good visual summary of the average life span of farm animals (and further bibliography) can be found on the Four Paws website (2019).

Where does the uncertainty lie in these debates? Some of it is confined to the limits of morality, but it extends to other areas as well. Even if one was confident about the status of truth of utilitarianism and its basic tenets, there are a number of other issues to consider, from axiological issues to factual knowledge. For instance, what is the value of life and death for nonhuman animals? Do they have an interest in continued existence? Is self-awareness a relevant trait when assessing the badness of death? And if so, are these animals self-aware? Do harms and benefits have the same weight? Do non-existing beings have interests? And, if so, do these interests have the same weight as those of already existing beings? Should we care about the amount of happiness in the universe or merely about how happy its inhabitants are? So, there can be uncertainty springing from both moral and non-moral spheres, but they all place us in the realm of moral risk: we may be risking something of moral worth. The question is, therefore, what to do in these cases.

The topic of moral risk has been ignored by philosophers for a long time (Hayenhjelm and Wolff, 2012), but is getting increasing attention. As mentioned before, this chapter will focus on a specific answer to these situations: a strategy that belongs to the family of the *precautionary principle*. Principles like this have been stated in different ways and applied to different spheres of moral inquiry. For instance, Moller (2011) has argued that, when the stakes are high (as in the case of killing), and one of the options is risk free, one should take that option. This applies to the killing of animals, as there is no theory telling us that we should kill animals, but merely that is permissible. In choosing not to kill animals, then, we ensure we take the option where no duty or moral obligation has been forfeited. The same would apply, for instance, to abortion, the actual topic of Moller's paper (although not all those advocating for precautionary principles agree with his conclusion). He argues that given the intense disagreement in the abortion debate, we should admit our ignorance about key issues, such as the relevance of personhood, questions about personal identity, and the epistemic value of thought experiments, and acknowledge that we are operating under moral risk. Given this ignorance, the argument goes, we should take the morally safe option and choose not to have abortions. The safety, as in the animal case, resides in the fact that no theory claims that we should kill fetuses (at least not in cases where there is no physical risk for the mother and the future baby will not be severely disabled), but merely that it is permissible. Given this asymmetry, and the possibility of seriously harming something of moral value, we should abstain from abortion. Note that the argument is not that the pro-life side is morally

right, but merely that their arguments are plausible, and thus, we should take them seriously. And taking them seriously implies accepting that there is a real possibility that we are seriously harming someone.

Guerrero argues in a similar fashion in a paper appropriately titled *Don't know, don't kill* (2007). Guerrero is mainly concerned with the problem of moral responsibility in cases of ignorance, that is, when is one morally culpable in cases where a morally wrongful action is performed from ignorance. Traditionally, it has been considered that one is only culpable in these situations when one is also culpable for the ignorance. If one refuses to find out about a morally charged issue, or is reckless in doing so, then his ignorance is not an excuse, but an aggravation of the wrongness of the action. Arguing against this idea, Guerrero defends the application of epistemic contextualism (the position that the standards of knowledge vary with the context) to morality. *Moral epistemic contextualism* argues that how much one should do epistemically depends on the action (or omission): the more morally significant the action, the more stringent the epistemic demands. In other words, whether one is culpable for a given act performed from ignorance would depend on the moral implications of such an act. If the moral stakes of the act are high, the agent is held to higher epistemological standards. In turn, this implies that, when the stakes are sufficiently high, it may be morally impermissible to perform the act. That is, there are moral blockers.⁵⁸

This leads Guerrero to his principle '*don't know, don't kill*' (there could be other similar principles when the risk of serious harm is real, such as don't know, don't injure, or don't know, don't destroy), claiming that when one is unsure of a being's moral status, it is morally blameworthy to kill it, unless there is substantial moral reason to do so (2007: 79). Note that, as before, the morality of the action does not depend on the being having moral status, but on our killing it when we are uncertain about its status. Thus, killing a being with no moral status is still morally wrong if we are uncertain about their moral status. Furthermore, Guerrero argues that this principle can be directly applied to the killing of animals, given that there is much discussion about their moral status and that there is nothing of moral significance to justify their killing. Human gustatory preferences are not sufficient to trump the interest in continued existence of a being with

⁵⁸ Guerrero does not deal at length with the issue of deep ignorance, that is, cases where the agent not only acts from ignorance, but is also ignorant of their ignorance. He claims that in this type of case the agent would only be culpable for the act if they are culpable for the ignorance. However, according to him, these cases are uncommon.

moral status. However, his assessment of abortion is different of Moller's, given that he is open to the possibility that the interests of the pregnant woman are of enough moral significance to justify the killing of the fetus.

Not all those advocating these type of principles have limited themselves to the issue of killing. Vilhauer (2009), for instance, has developed an argument against retributive punishment based on a precautionary principle too. His discussion is based on the perennial debate about free will between libertarians, compatibilists, and sceptics. Some sceptical thinkers argue that, as there is no free will, it is unfair to retributively punish wrongdoers, as they cannot be held morally culpable for their actions. Vilhauer claims that, given that punishment implies, by definition, harm to the punished person, we have a moral reason to take the disagreement seriously, and thus, refrain from retributive punishments (other reasons for punishments, such as deterrence, can still be morally justified). Again, his argument that does not depend on the sceptical side of the argument being right, but on their arguments being plausible, and the possibility of serious harm real.

MORAL RISK AND HUMANE FARMING

Some kind of precautionary principle is already used in animal ethics. For instance, it is a common idea among those considering sentience as the base of moral status that we need to give the benefit of the doubt to those animals whose sentience is uncertain. For this reason, many moral vegetarians and vegans abstain from eating animals on the fringe of sentience, such as molluscs. The justification is that these animals may be sentient, and thus, we may be doing something morally wrong if we deny them moral status, especially given that we can do this at no high cost to ourselves. Singer and de Lazari-Radek (2014: 348) have also applied this precautionary principle in cases of moral risk to the issue of moral status of animals. Using Moller's argument, they claim that denying moral status to animals might cause enormous unnecessary suffering and death, whilst the alternative is risk free, given that "there are no strong moral arguments that would make it wrong for me to become vegetarian". Note that here Singer and de Lazari-Radek are talking about suffering, so this argument does not apply to our discussion about humane animal farming.

So, the question is, can this precautionary principle be applied to the topic of humane animal farming? Not according to Singer and de Lazari-Radek (2014: 374). When considering the early animal ethics discussion between Lesley Stephen (1896) and Henry Salt (1914), they claim that principles of caution cannot lead our decision in this matter. Stephen had argued that the practice of breeding, killing, and eating animals was in fact beneficial for the individual animals, given that it allows them to exist. In contrast, Salt thought that this idea was absurd, as we cannot predicate happiness or unhappiness (or anything else, for that matter) of non-existing beings. Once one exists one can be happy to do so, but discussing the happiness of non-existing beings is nonsensical. A non-existing being cannot benefit from a future existence, as there is no one to benefit from anything until it actually exists.

Today, after decades of debates in population ethics, it is easy to identify these positions as the *Total View* and the *Prior Existence View*. These views deal with how utilitarians account for utility in the universe. Whilst the first one is an impersonal view in which the interests of all beings count the same, whether they are existing, future or merely potential; the second one is a personal view in which only the interests of existing and future beings are to be taken into account, excluding those beings that are merely potential, that is, that do not exist now or might possibly exist in the future. These two views have radically different implications when applied to practical problems, the main one being that in the Total View creating new beings is considered an acceptable way to increase the amount of utility in the universe, whilst in the Prior Existence View, utility can only be increased by making existing beings happier.

At first sight, this problem would be an ideal one to assess on the basis of risk, given that the stakes are high, the discussion is extremely complex, and competent thinkers hold radically different ideas on the matter. So, why do Singer and de Lazari-Radek argue that this topic cannot be resolved by alluding to moral risk? The reason is that if one takes the Total View seriously, there are risks on both sides. On one side, if we implement a practice of humane animal farming, we have the obvious risk of killing creatures with an interest in continued existence. On the other, if we reject this practice, we may be depriving beings of happy and fulfilling lives, and thus preventing the amount of happiness in the universe from increasing. So,

according to them, in this case, there is not a risk free option.

However, that there are risks on both sides does not mean that the risks are equally distributed. I contend that these authors have failed to properly assess the risks on each side of the bargain. Allow me to elaborate: on one side there is a risk concerning death, on the other, a risk concerning existence. Are these risks of equal weight? In the case of death, the relevant sides of the argument claim that death is either bad, or neutral for the animals. No one, to my knowledge, argues that death is beneficial for animals. Even the defenders of humane animal farming through the LLA do not argue that death is beneficial for the animals, but rather that the whole practice is, as the possibility of existing compensates for the downsides of an extremely short life. As in the abortion debate, the disagreement is whether killing these beings is permissible, not whether it is obligatory. There are several reasons why it may be permissible: the animals may not be made worse off by death, and thus it is a morally neutral enterprise. Or, the animals could be affected by death, but this harm can be compensated, either with benefits enjoyed by themselves, or by others, or even the universe. In any case, the arguments do not claim that these beings, when already leading a happy life, are better off dead, and this is the reason why we should kill them.

Once we have clarified the value of death in this argument, let us analyse the value of coming into existence. Singer and de Lazari-Radek rightly point out that there are serious arguments claiming that bringing new happy beings into existence is the right thing to do, as it increases the amount of happiness in the universe. Here, I will ignore problematic implications of the Total View, such as that it implies that we ought to have children if their lives are to be happy (Singer, 2011), and the Repugnant Conclusion (Parfit, 1984), the idea that a universe filled up with barely happy beings may be at least equally good as one with a smaller but extremely happy population. Given the risk framework and the fact that the Total View is taken seriously by competent and informed thinkers, I will accept that it is a plausible view. This would imply that there is a risk in not bringing these animals into existence, as we are failing to increase the amount of happiness in the universe. The risk involved in the other alternative, namely, bringing the animals into existence is not considered by these authors. This omission springs from the assumption that this option is either beneficial for the animals (as it would be if the Total View is true), or merely neutral (as it would be if the Prior

Existence View is true).

But are these the only two alternatives? I contend that Singer and de Lazari-Radek fail to account for all the risks involved, and thus, they fail to correctly assess the risks involved in humane animal farming. An act can be good, neutral, or bad. In the case of death, there are plausible arguments claiming that death for animals is either bad or neutral, and we dismissed the idea that death can be beneficial for those leading a life worth living. However, is coming into existence the same? We have discussed the Total View and the Prior Existence View, defending the goodness and the neutrality of coming into existence. But can coming into existence be bad, even for those whose life is worth living?

The idea that coming into existence is a harm has been a marginally-held but ongoing worry in Western thought since ancient times. This philosophical position is nowadays most commonly encountered in the form of antinatalism, a theory that includes a value judgement about the quality of human (or sentient) life, but also a moral precept that we should abstain from reproduction. That is, antinatalists contend that creating new life is a morally wrong act. Many would be tempted to ignore this position given how few adherents it has, but antinatalism's unpopularity may be overestimated.⁵⁹ Although it is true that antinatalist positions as such are uncommon, antinatalist sentiments have been voiced by a number of genuinely significant thinkers and artists across human history. It has been argued (Coates, 2014) that *rejectionism* (that is, the idea that sentient existence is faulty and should be rejected) has had a major presence in human history throughout all three major cultural forms: religion, philosophy, and literature.⁶⁰ While rejectionism and antinatalism are

⁵⁹ Furthermore, there are many non-philosophical reasons why a sound philosophical position can fail to become mainstream, from prejudices to self-interest. Moreover, we also need to keep in mind that, as animals shaped through natural selection, we have a strong biological drive to reproduce, and this may create a powerful bias against views that oppose this drive.

⁶⁰ In religion, we can find rejectionist sentiments in both Western traditions (such as Ecclesiastes (Benatar, 2017) and gnostic philosophies, including some early Christians, like the Cathars), and Asian traditions, such as Hinduism and Buddhism. Some of these traditions, like Hinduism and Buddhism, do not consider that the general solution for the problem of existence is to abstain from procreation, but transcendence (Coates, 2014), but others, like the Cathars, did. Moreover, some traditions reserved the mandate of not reproducing to a selected class, like Hinduism (Coates, 2014) or Catholicism. In literature, we encounter rejectionist sentiments often. Benatar, for instance, cites Flaubert, Heine, and Sophocles (Benatar, 2006). Others come easily to mind too, such as Beckett or Sartre (Coates, 2014). Non-contemporary philosophers have also voiced deep concerns about existence. Schopenhauer is undoubtedly the most famous (Coates, 2014), being one of the most influential philosophers of the XIX century, but there are others, like those in the existentialist tradition. In our time, Benatar's *Better Never to Have Been* (2006) has been cited close to 500 times according to Google Scholar.

frequently treated as one in the contemporary literature, they are distinct positions, an axiological and a moral position, respectively. Although the arguments I am about to examine are antinatalist (due to the contemporary linkage of both positions), note that the risk argument only requires the weaker option, namely, rejectionism. That is, the idea that coming to existence is harmful, either because existence is bad or because it is worse (or not better) than non-existence is sufficient for the risk argument.⁶¹

While it is not possible here to delve deep in the history of this philosophical position, I will give a quick outline of a few relevant contemporary antinatalist arguments, as these are perhaps not readily available to all readers. First, Shiffrin, although not declaring herself an antinatalist, presents an argument that amounts to the antinatalist position. She claims (1999) that there is an asymmetry in the justification of inflicting harm when this harm is inflicted to either avoid a harm or to bestow a benefit. Whilst inflicting harm seems to be uncontroversially justified when the objective is to avoid a bigger harm, the same cannot be said of cases in which we are merely trying to bestow a pure benefit. So, in cases where the victim cannot consent, we are justified to assume consent in the first case, but not in the second. For instance, one would be justified to break someone's arm to save them from death, but not to do it to be able to subject them to cosmetic surgery to improve their already good looks. This is relevant to the ethics of reproduction as, clearly, this is a case in which the interested party cannot give consent. Given the impossibility of getting the consent of the future human being and that non-existence is not a harmful state, Shiffrin argues, we are infringing the consent rights of those that we bring into existence. Note, importantly for our discussion, that she does not need to argue that life is bad, or not worth living, merely that non-existence is not harmful. Thus, there is no reason for us to assume consent, even if the future life of the being would be perfectly happy.

Similarly, David Benatar (2006 & 2017) bases his antinatalist position on an asymmetry. Benatar argues that there is a basic asymmetry that explains other commonly held procreational asymmetries, such as, for instance, the common idea that we have moral reasons not to bring a miserable child into existence, but not to create happy children. This basic asymmetry deals with existence versus non-existence: whilst in existence

⁶¹ The fact that not all rejectionist thinkers have endorsed an antinatalist position may be due to the inextricable link between sex and reproduction until the 20th century. It was only after the possibility of separating sex and reproduction arose that the ethical antinatalist movement could emerge.

the presence of pain is bad and the presence of pleasure is good, in non-existence the absence of pain is good while the absence of pleasure is merely not bad (2006: 38) (the argument is commonly given in hedonistic terms for simplicity's sake, but it can be translated into other value theories). The reason for this asymmetry is that suffering is so bad that its absence is always good, while the absence of pleasure is only bad if someone experiences that absence. This gives non-existence an advantage over existence, as there is no downside to non-existence: there is no one to experience suffering or the absence of happiness. Here, as in the case of Shiffrin, Benatar does not need to argue that existence is bad, as even the best life will have at least a single moment of pain or discomfort, and given his asymmetry, this is enough to render this life worse than non-existence. Thus, according to Benatar, one is already put in a bad situation when brought into existence. Furthermore, Benatar also argues that existence is, generally speaking, not worth living, and that human beings generally are lousy judges of the quality of their own lives.

Another author who discusses the quality of life is Häyry (2004). His argument, like our own, is an argument based on risk assessment. He convincingly argues that given that life can be horrible, it is irrational to bring new beings into the universe, as this huge risk can be avoided by an alternative completely devoid of risk: if one does not have children no one gets hurt. Again, his position does not rely on every life being wretched, but on the mere possibility that such a life is possible for the being we are creating. Ignoring this risk is irrational, he claims. Furthermore, procreation is not only irrational, but immoral, as it disregards the real possibility of suffering, and the creation of avoidable suffering is morally wrong.

Going back to our discussion of the logic of the larder argument, we can appreciate that the question is even more complex than it appeared to be at first. While it is true that there are risks on both sides, the risks are not equally distributed. On the one side, if we do not breed animals with the purpose of killing them, we may be depriving them of a happy life, and failing to increase the amount of happiness in the universe. On the other side, if we breed these animals we may be acting morally wrongly not only when we kill them, but also when we bring them into existence. Note that this argument, like the previous ones regarding risk, does not need to prove that actions that result in animals being brought into existence are morally wrong, merely that there is a reasonable doubt that they may be morally wrong. Therefore, the risk on the side of breeding

animals is double, as both actions may be morally objectionable (the breeding and the killing), instead of just one of them (the failure to breed).

For this reason, I contend that an assessment of the risks involved leads us to refrain from breeding and killing animals for human consumption, even if these animals experience a positive balance of well-being during their short lives. While it is true that this case is not as clear cut as some of the ones we have discussed, such as retributive punishment or the moral status of animals, where one of the options involves no risk, there is nevertheless an uneven distribution of risks. Thus, when we breed and kill animals, we may be doubly harming them and given this risk, we are not justified to breed and kill animals by appealing to their own interests. Guerrero's proposal can help us to further elucidate the issue. Recall that, according to Guerrero, we need more stringent epistemic standards as the risk of harm increases. In our discussion we have seen that the risk involved in one of the options is higher, so there would be stronger blockers on this option.

Moreover, as Guerrero bases his precautionary principle on the possibility of causing harm to creatures with moral status, it is not clear that the other option involves a comparable risk, given that even if one accepts the Total View idea that these animals have an interest in coming into existence, and this interest is frustrated, they do not experience the frustration. The harm done to them, thus, seems less severe than if done to those that can experience the frustration of their interests. A further and related argument hinges on the difference between personal and impersonal harms. Admittedly, even if we consider the personal harm done to the non-existing beings less severe, we still need to contemplate the risk of failing to increase the amount of happiness in the universe, and I take that risk seriously. However, I cannot but feel that failing to fulfil an impersonal duty is not as serious as harming a living and sentient being for no good reason. After all, the universe itself is not conscious or sentient, and thus, cannot care about the amount of happiness in it. This argument, I am aware, may not work with those utilitarians committed to the Total View, who may interpret this further argument as begging the question. They may be right, but I find it difficult to come to terms with the idea that an impersonal loss of utility is morally equivalent to personal harm done to a sentient being. As my main argument does not hinge on this intuition, I leave it to each reader to decide whether they do or

should share this intuition.

As previously mentioned, there is one more possibility when assessing the value of coming into existence: it might be considered neutral. The Prior Existence View is one position that entails that this view. Proponents of this view argue that we should not count the interests of contingent beings, which implies that one cannot be benefited (or harmed) by coming into existence, and that happiness in the universe can only be increased by making existing beings happier, not by creating new beings. This commonly leads proponents to dismiss both the replaceability argument and the logic of the larder argument (Višak, 2013), especially when they accept that death can be bad for animals, given that the negative utility created by the death cannot be compensated by any benefits, to either the animal or the universe. Singer and de Lazari-Radek consider this possibility, which leads them to acknowledge the risk in humane farming. However, as we have seen, they argue that there is also risk in abandoning the Total View. They therefore conclude that this issue cannot be resolved alluding to risk-related reasons. However, now that we have discussed the possibility that coming into existence can be a harm too, we can appreciate the stakes differently. On the one side, we have the Total View, that declares the practice permissible (or even obligatory), but on the other, we have *two* utilitarian positions that reject the practice, alluding to greater harms. Thus, if we want to minimize the probabilities of harm to something of moral value, we need to reject the LLA and with it, the possibility of humane animal-husbandry.

A further argument is possible, one not directly related to the values of starting and ending existence. Although most utilitarians adhere to the position that benefits and harms have symmetrical value, there are also different versions of what are commonly known as *asymmetrical views*. This strand of utilitarian theory argues that benefits and harms are not of equal value, with benefits having less impact in the utilitarian calculus, or even no impact at all. A well-known instance of these views is Popper's negative utilitarianism (2012), which argues that we have a duty to minimise suffering, but not to increase happiness. Theories of this kind have appeared outside utilitarian theory as well (see, for example, Mayerfield, 1999). These views also support the idea that humane animal-husbandry is to be rejected on moral grounds. First, if death is indeed bad for animals, this negative utility could not be compensated by a similar amount of positive utility

experienced during the animal's life. Furthermore, as our efforts are to be aimed (totally, or for the most part) at alleviating suffering, the justification of humane farming as a way of increasing the amount of happiness in the universe is not available. Thus, this alternative version of utilitarian theory also points to the immorality of the practice.

We could allude to further reasons that would direct us to reject the possibility of humane animal-husbandry coming from theories other than utilitarianism, such as theories of rights (Regan, 2004), or even virtue ethics (Cooper, 2018). However, as our objective was to assess how utilitarians should address the risks in this practice, I will not venture into different theories, and their criticisms of utilitarianism. I hope I have shown that, even staying within the boundaries of utilitarian theory, we have enough risk-related reasons to reject the practice of breeding and killing animals for human consumption, even if these animals lead happy lives and are killed painlessly.

POSSIBLE CRITICISMS

Those who reject my argument, but who are not dismissive of the relevance of moral risk, could counter my position by arguing that there is a risk in not killing animals. In other words, they might argue that we are morally obliged to kill animals and failing to do so is morally wrong. However, I cannot see how such a statement could be justified. I have come across only one argument of this kind. In *Meat*, Belshaw (2012) argues that death can be better than existence for an animal. He argues that the animal may experience agony, either at the present moment or in the future, and given that, according to him, these animals experience life only as a series of isolated events, previous or future happiness cannot compensate for it. As I already claimed in chapter two that this is not an accurate representation of animal minds, I will not pursue that line of argument again. My main concern here is with the jump from the possibility of suffering to the acceptability of death. We can accept that, even if these farm animals lead happy lives, some of them would eventually be in agony due to statistically inevitable sickness, and that for them death is the better choice. However, this that does not support the idea that death is better for all animals. Imagine I have three dogs and one of them, being seriously ill, should be killed to alleviate her suffering. This killing appears to be morally

justified. What this does not justify is me killing my other two dogs when they are healthy. Belshaw's argument shows, at best, that euthanasia is more readily justified in animals, not that death is the best option for all animals.

A further criticism of my argument could be based on the relation between antinatalism and the badness of death. It could be argued that, given that the antinatalist position considers coming into existence as a harm, the contemplation of death should be seen as a relief from a miserable state, and not as a negative event. When applied to the logic of the larder argument, this means that, if we accept the antinatalist position, animals are harmed when brought into existence, but not when killed. This would imply that there is only one risk on that side of the bargain. This, however, is not the right assessment. First, although some antinatalists accept a pro-death position, this is by no means the standard stance. For instance, none of the authors we have discussed are pro-death: they hold that being brought into existence can violate our consent rights, put us in a bad situation compared to non-existence, or expose us to unnecessary risks, but once we exist, we have additional interests, and some of these will be frustrated by death.⁶² This means that once we exist, continuing to exist may be the best option, at least while we have a life worth living. So, the antinatalist position is compatible with the idea that death harms the victim. Furthermore, this criticism seems to misunderstand the very key of the risk argument. As mentioned, the argument is not that the antinatalist position is right, but that we should take its arguments seriously. At the same time, we should also take seriously other arguments, such as those which hold that death is bad for animals. This leads us to the possibility that there is a double risk when breeding animals with the intention of slaughtering them.⁶³

CONCLUSION

I have analysed the risks that humane animal farming involves for the animals themselves. My objective was

⁶² At least not for already conscious beings. See Benatar (2006: 132-162) for his views on the abortion of pre-conscious fetuses.

⁶³ A related criticism could argue that antinatalists have no stake in concerns about farming, because they are committed to human extinction, and if there were no humans there would be no farming. However, note that having confidence in the plausibility (or even the truth) of a moral position does not mean believing that the state of affairs that it regards as best will be achieved soon (or ever). While antinatalists claim that abstaining from procreation is the moral option, there are still billions of humans on the planet and countless moral issues that we should deal with.

to counter an argument offered by Singer and de Lazari-Radek where they claim that although concerns about moral uncertainty can help us solve issues involving the moral status of animals, it does not offer a solution in the case of humane animal farming. These authors argue that in this case there are risks on both sides and thus, there is not an option that allows us to minimize the risk of harming something of moral value. I contend that they have failed to take into account the rejectionist position and the fact that coming into existence can be a harm too. Therefore, if we are committed to avoiding the risk of harming individuals with moral status, we should take the option that minimises the risk, namely, not breeding these animals.

Furthermore, other concerns not limited to the effects of this practice on animals also point to its rejection. As the human interests involved in the practice are frivolous (limited to preferences in taste) and marginal (limited to the difference in pleasure between enjoying a meat-based or a plant-based meal), there are no relevant human interests that can justify the practice. Moreover, as the consumption of animal products is linked to serious environmental, health, and distribution problems, there seem to be no alternative arguments supporting the practice. I will examine the reality of breeding and killing animals in farms, including the so called humane farms in the next section, where I will apply of my position to the real world, and I will claim that we are generally not morally justified to kill animals as we currently do. The first chapter of this next section is dedicated to the killing of animals in farms. Subsequently, I will address the killing of wild animals, and finally, the killing of companion animals.

SECTION 3: KILLING ANIMALS IN THE REAL WORLD

CHAPTER 7:

KILLING FARM ANIMALS

Billions of animals are killed every year to serve human purposes. In the case of food, it is estimated (FAO, 2019) that around 70 billion land animals are killed each year⁶⁴ (this figure does not include marine animals, both farmed and wild, which are counted in trillions (Mood, 2010)). The objective of this chapter is to elucidate whether the practice of breeding and killing animals for food can be morally justified. As consumers, our daily choices grant support to the practices used to produce our food, both morally and practically, as we tacitly approve of their business practices and back them financially. Our choice implies supporting some industries over others, thus favouring some practices over others. This is no small matter given the questionable morality of these practices, how many resources are used to produce our food, and the amount of money and time that we spend on it. So, our dietary choices carry enormous moral weight. This is even more patent in the case of animal products, as the well-being and lives of billions of sentient beings are at stake. It is crucial, then, to determine whether the breeding and killing of animals for food is morally justified.

In this chapter, I will apply the axiological and moral principles that I have discussed in the two previous sections to the killing of farmed animals for food.⁶⁵ This involves, first, examining the effects of these practices on the animals themselves. I have claimed, in accord with standard utilitarian theory, that nonhuman animals have moral status, and as such, their suffering matters morally. Secondly, I have argued that nonhuman animals have an interest in continued existence, an interest that we should take into account when performing the utilitarian calculus. However, the impact of our food preferences is not restricted to its effects on farm animals. Therefore, I will also expose other morally problematic consequences of our animal husbandry practices.

⁶⁴ The FAO (2019) does not account of each individual animal killed, but merely for kilograms of processed meat, so all the data we have is an estimation based on the averaged weight of the different species we consume.

⁶⁵ Note that the group of animals that we kill for food is not restricted to farm animals, as we also kill wild animals in great numbers, such as fish. Nor it is limited to the animals we kill for their meat. All animal farming implies the killing of the animal at some point (unless they die first). And sometimes it also includes the killing of other animals. For instance, the milk industry sends the male newborn calves to slaughter as they cannot be used for milking. Likewise, the male chicks in the egg industry are killed on the day of their birth, as they are not used for their meat and they cannot provide any profit to the farmers.

In my analysis, I will first discuss the different interests involved in farming animals for food, for both the humans and the animals. Then, I will examine the consequences of factory farming, for animals, humans, and the planet. Subsequently, I will analyse the possibility of humane farming, and its effects. Although much has been said against factory farming, humane farming is still considered a moral option by many. Finally, I will consider possible criticisms to my position, to conclude that they fail in justifying the breeding and killing of animals for their consumption. Thus, I claim that none of these practices can be morally justified from a utilitarian perspective, due to their pernicious consequences.

INTERESTS AT PLAY

As my objective in this chapter is to address the morality of killing farmed animals for food using a utilitarian framework, I would like to recapitulate the basic tenets of this theory in regards to nonhuman animals. As (act) utilitarianism is a moral theory in which the morality of an action is judged based on its effects on the well-being of those involved, it is no surprise that utilitarians set sentience as the base of moral status. Thus, for utilitarians, sentient animals are within the circle of moral consideration. This implies that animals' interests and humans' interests are given the same relevance when performing the utilitarian calculus. Interests of similar weight are granted similar consideration, regardless of who is the interest holder. This fact, taken seriously, has profound implications for our treatment of animals. Although utilitarianism is often considered a mere welfare theory, I will argue that utilitarianism, when the reality of animal exploitation practices are taken into account, can only argue for the end of these practices, as they are incompatible with an impartial assessment of the interests of the animals. This is particularly true, I believe, in the case of farm animals.

Given this framework, in order to evaluate the practice of killing and consuming animals, I will commence by identifying which key interests are at play. On the animals' side, as they are sentient, they have a clear interest in not suffering (Singer, 1995b & 2011). This is a basic interest and needs to be taken seriously, meaning that it cannot be easily trumped by trivial interests. I say 'easily' because the numbers matter too. If

making an animal (or a human) suffer would improve the lives of others, it could be morally justified if the positively affected ones are sufficient in number, even if the improvement is slight. But given how basic this interest is, if the harm done is considerable, it would take improvements in the lives of many others to be justified. And, as we are discussing the eating of animals, this cannot be the case, as an animal can be consumed by a handful of people at most. Also, the satisfaction that the eaters get is only marginal, as the alternative (at least in industrialized countries)⁶⁶ is not to refrain from eating at all, but to consume a plant-based meal.

Additionally, animals have an interest in continued existence (Višak, 2013; Bradley, 2009). As we have seen, this is a controversial statement in philosophy, as it is often considered that animals do not have the characteristics that make death a misfortune for humans. Against this, I have claimed that death is bad because of what it takes from us. Death prevents us from enjoying our future life, and as such, it is a misfortune. Note that this position is congenial to utilitarian theory, as both place well-being as the main criteria to take into consideration. So, regardless of whether there are additional reasons that exacerbate the badness of death, I contend that, as animals have an interest in experiencing positive well-being, and death is the end of all experience, animals have a serious interest in continued existence.

Let us now turn to the interests of human beings. Human beings have, like other animals, an interest in not suffering. This implies that we have an interest in our health. Likewise, we have an interest in continued existence, that is, in survival. This interest can be trumped by others, as in cases of extreme suffering with no hope of recovery, where euthanasia is often seen as the only possible relief from the suffering, and thus, a better option. Yet, in normal circumstances, death is commonly seen as the greatest harm possible. So, in order to assess the consumption of animals, it is key to consider the health requirements of human beings. For instance, it could be the case that the consumption of animal products is indispensable for our health and survival, and therefore, the use of animals for food could be justified as long as they do not suffer exceedingly (that is, if we do not make them suffer more than we will suffer without consuming them). However, this is not the case. Human beings can thrive on a plant-based diet, a fact that is proven by the

⁶⁶ I will discuss the interests of those living in areas other than the industrialised world in more detail below.

existence of strict vegetarians, in both traditional and modern cultures, and by countless scientific studies. For example, vegetarian and vegan diets have been deemed as healthy in all stages of human life by the American Dietetic Association (Craig & Mangels, 2009). Furthermore, there is also evidence supporting the idea that a diet free of animal products can be healthier than an ‘omnivorous’ diet. (See Greger & Stone (2016) for an exhaustive review of the scientific literature on the benefits of a plant-based diet).

As humans can thrive on a vegan⁶⁷ diet, and our survival or health does not depend on consuming animal products, there is no need to breed and kill animals for food. So, when we consume animals we do it for pleasure, convenience, or habit. These, compared to the animal interests in play, are remarkably trivial. Furthermore, as previously mentioned, these interests are only partially frustrated. Take pleasure, for instance. Plant-based food can be enjoyable too, so the amount of utility lost (if any) would be merely the difference in pleasure between enjoying a non-vegan meal versus a vegan one. And this is definitely not enough to justify a life full of physical and psychological suffering for the animal (I will discuss this suffering in more detail below). Likewise, it can only be slightly more inconvenient to buy and cook a plant-based meal than an animal-based meal, given that one needs to buy it and cook it anyway. So, unless one does not have access to plant-based food, the loss in utility is minimal (I will discuss later the case of cultures that traditionally have had animal products as the basis of their diet). Moreover, as the consumption of animal products appears to be linked to several chronic diseases (Greger & Stone, 2016), it would seem that the human interest in health is better served by avoiding (or at least dramatically reducing) animal products in our diets.

Up to this point, in this chapter, I have given a general idea of utilitarian theory and discussed the key interests at play in the killing animals for food. I have argued that both human and nonhuman animals have an interest in not suffering and continued existence. These interests are basic ones that should be considered seriously. However, in the present discussion, these interests are only relevant in the case of nonhuman animals, as humans do not need to consume animal products for their well-being or survival. On the contrary,

⁶⁷ ‘Vegan’ and ‘plant-based’ are not synonyms as veganism is a moral position and plant-based merely describes what one eats. However, in practice, when discussing the morality of what we eat, a vegan diet is generally understood as a plant-based one. For this reason, I will use both terms interchangeably.

the human interests at play are minor ones. In the next section, I will elucidate the reality of factory farming, and how this practice damages not only animals, but the environment, and human health and communities. Subsequently, I will examine the reality and the stakes involved in humane farming. Against popular opinion, I will argue that the consequences that humane farming has for the environment, human beings, and (importantly) animals make it an undesirable model to implement.

FACTORY FARMING

Animal suffering

The conditions in which animals live in factory farms can be described as torture. They are perpetually confined to small spaces, in cramped conditions (which frequently generates aggressive behaviour among them), without access to fresh air or sunlight; they are routinely mutilated without anaesthetics (for instance, the clipping of tails and beaks is a standard practice); they cannot exhibit any of their natural behaviours (such as foraging, building nests, etcetera); and when they are sick, they are normally left to die on concrete floors or in dumpster containers. Furthermore, their deaths are no better than their lives. Many animals will have to travel for hours or days to the slaughterhouses, again in cramped conditions, with no access to water or food, and no shelter from weather conditions. Once they arrive at the abattoirs, as they can hear the screams of other animals and smell the stench of blood, they experience fear. Many will not be properly stunned and will be killed, dismembered, and skinned while still alive and conscious. Some animals, like chickens or fish, are not even stunned before they are killed. And male chicks in the egg industry are killed on the same day they are born, either by suffocation or by being ground alive. It is obvious that the animals in factory farming lead lives that are not worth living, full of pain, frustration, boredom, and fear, so it is easy to see why utilitarians frequently deem this practice as morally wrong.

However, according to utilitarian theory, it can still be morally permissible to harm a sentient being if it maximises utility, that is, if it renders the best possible outcome when considered overall. Furthermore, such an action may be not only deemed permissible, but morally obligatory. For instance, in sacrificial dilemmas, where one needs to decide between harming a single person to save a higher number of people, a utilitarian

is committed to saving the highest number of people possible, everything else being equal. For this reason, it could be possible for factory farming to be morally justified regardless of the unavoidable suffering of the animals, if it created more happiness than suffering. However, as we have established that the human interests at play are trivial ones, those pursuing this line of defence of factory farming are doomed to fail, as the fleeting gustatory pleasure of humans eating meat cannot justify the immense suffering endured by these animals during their whole existence.

So far my dissertation has focused on questions such as the badness of death, how it applies to animals, and how can utilitarians account for the wrongness of killing them, as my main interests are the value of animal life and the moral consequences of such value. However, once we delve into the evaluation of real world practices, it is necessary to assess the issue more broadly, and elucidate the effects of these practices globally. A full utilitarian analysis needs to consider all the consequences, even those not immediately evident (Singer, 1977). In the case of large scale animal husbandry, there are weighty reasons, apart from animal suffering, that suffice to deem the practice immoral. I will briefly discuss these now. First, I will examine the environmental consequences of factory farming, to then consider the negative consequences on humans themselves.

Environmental consequences

According to 2006 FAO's report, *Livestock's Long Shadow* (Steinfeld et al., 2006), livestock has become one of the most serious environmental problems, as it generates 18% more greenhouse emissions than driving cars. In particular, livestock amounts to as much as 9% of CO₂ deriving from human activities, 65% of human related nitrous oxide (with 296 the global warming potential -GWP- of CO₂⁶⁸), 37% of human-induced methane (23 times as warming as CO₂), and 67% of ammonia (a key contributor to acid rain). According to the report, livestock also poses a problem in regards to land use, with 30% of Earth's land

⁶⁸ GWP defined as "Global Warming Potential (GWP) was developed to allow comparisons of the global warming impacts of different gases. Specifically, it is a measure of how much energy the emissions of 1 ton of a gas will absorb over a given period of time, relative to the emissions of 1 ton of carbon dioxide (CO₂). The larger the GWP, the more that a given gas warms the Earth compared to CO₂ over that time period. The time period usually used for GWPs is 100 years. GWPs provide a common unit of measure, which allows analysts to add up emissions estimates of different gases (e.g., to compile a national GHG inventory), and allows policymakers to compare emissions reduction opportunities across sectors and gases." (United States Environmental Protection Agency, 2019)

surface used for this purpose. Importantly, 33% of all arable land in the world is dedicated to growing grains to feed factory farmed animals. If we were to grow all these crops on a single location, a field the size of the US or the EU would be needed (Lymbery, 2017). Likewise, livestock is a major contributor to land and water degradation. For instance, it is a major driver of deforestation, especially in Latin America, where 70% of former forests in the Amazon have been cleared for grazing. Animal farming also affects the quality and quantity of our water. Many sources of water have been contaminated, by both the use of chemicals (as pesticides and antibiotics) and the leaking of animal waste. Animal farming also produces water depletion, as animal protein is extremely inefficient in water use. Finally, it is also a key contributor to biodiversity loss, with 15 out of 24 important ecosystems in decline linked to livestock practices.⁶⁹ Note that these figures do not merely speak about factory farming, but they include all types of animal husbandry. However, factory farming accounts for the majority of animal husbandry worldwide, with around two thirds of the animals raised in factory farms. And in some countries, like the US, as much as up to 98% of the animals raised in factory farms (A Well-fed World, 2019).

Consequences for humans

The effects of large scale farming on humans are by no means positive. Although factory farming has made most animal products affordable for all sectors of the population, the associated increase in the consumption of animal products has had an adverse effect on human health, as animal products have been linked to diseases like cancer (for instance, processed meat has been declared a Group1 carcinogen, and red meat a Group2 carcinogen by the World Health Organisation, 2015). The consumption of animal products has also been linked to some of the other more prevalent diseases in our societies, such as type two diabetes, and heart disease (Ornish, 1990; Campbell, 2004; Barnard, 2007; Greger & Stone, 2017). An additional health problem related to intensive animal husbandry is the widespread use of antibiotics. As the animals live in extremely crowded conditions and have poor general health, they are subject to suffering serious infections. This poses a risk for the individual animals, human health (historically, animal husbandry has been a

⁶⁹ These declines are directly related to animal husbandry practices, such as the mentioned case of the Amazon forest. In other cases, the link is indirect. For instance, the emblematic struggle of orangutans, Asian elephants, and tigers in Sumatra due to the production of palm for palm oil is inextricably linked to animal husbandry, as the meal left from the oil production process is fed to farm animals all over the world. This is a booming market, with the European Union having increased their import as much as 50% in the last years (Lymbery, 2017).

continuous source of new diseases (Diamond, 1998)), and consequentially, for the financial gain of the farmer. For this reason, animals are routinely fed antibiotics with their food. This has been identified as a major contributor of the rise of superbugs (Lymbery, 2017) that do not respond to antibiotics, and pose a major threat to humanity in the years to come.

Secondly, we need to question the costs behind the apparent affordability of animal products. It is now common to speak about the hidden price of animal products, that is, how the costs are externalised in the form of impacts on nature, wild animals, and human communities. On the one hand, the environmental problems created by the industry are suffered by many in the neighbouring areas, often creating severe and lifelong health problems. Importantly, many of those affected live in impoverished areas and have no means to change their situation. These people pay a great price for our consumption of animal products, and this creates an additional social justice problem. On the other hand, many Western governments heavily subsidise animal farming (Simon, 2013), with the consequence that the taxpayers' money is unwillingly funding practices that are harmful to their communities instead of having their taxes invested in areas such as healthcare, education, etcetera.

Finally, large scale animal farming has been linked to distribution and world poverty issues (Singer & Mason, 2006). Producing animal protein is extremely inefficient, as several kilograms of plants are needed to produce a kilogram of meat. The same is true of water. Given the inefficiency of animal protein, it makes more sense to consume the plants directly, as their production uses fewer resources and space. Note that 33% of all arable land is used to grow crops destined for animal consumption. In the case of US corn, for instance, only a fifth of the production is used for human consumption, with as much as 40% destined for animal agriculture (Lymbery, 2017: pos. 1004). Such crops, instead of being used to produce a non-essential product for industrialised societies, could be used to feed the World poor. It has been pointed out that the grain we use in animal husbandry is enough to feed four billion extra people (Lymbery, 2017: pos. 143). Thus, it has been argued that if the world shifted to a plant-based diet, we could solve a major moral issue of our time.

In sum, given that factory farming has harmful consequences for animals (both domesticated and wild), the

environment, and human beings, and that it merely serves the trivial human interest of a taste preference, this practice cannot be morally justified from a utilitarian perspective. Therefore, we should abandon large scale animal farming as the way of producing our food. As individuals, this means that we should stop supporting and funding these industries through our purchases. However, this does not immediately mean that we should stop farming animals, as alternative animal husbandry practices may be possible. And these may maximise utility more than transitioning to a vegan diet. In the last years, after the horrors of factory farming and its devastating consequences have been exposed to the public, there has been a growing number of advocates (Pollan, 2006; Porcher, 2017) of what has been called humane meat (other denominations have been used too, as conscientious carnivorism (Pollan, 2006), or conscientious omnivorism (Singer & Mason, 2006)). This movement calls for a return to more traditional farming practices (Scruton, 2004), but with a new regard for animal welfare and sustainability. However, whether this is the most desirable agricultural model has yet to be proven.

HUMANE FARMING

Let us analyse the morality of humane farming. In this case, as in the case of factory farming, we will consider the implications that this system has for animals, human beings, and the environment, to discover whether this is a morally desirable option. But first, what is humane farming? Imagine a scenario where the farmed animals lead lives worth living and die painlessly. The animals would be killed before the end of their natural life-span to be processed and consumed, but they will not suffer during the process, neither during their lives nor during their slaughter. Additionally, these practices should be environmentally sustainable and foster human welfare. Declaring this type of practice a moral one would imply that we can continue breeding and killing animals for food, even after we have deemed intense farming practices as immoral. Conversely, if this is not a morally sound option, we should transition to a plant-based diet, to avoid the sustainability and animal welfare problems.⁷⁰

⁷⁰ In reality, this is an oversimplification, as more options are available. One can, for instance, consume meat from hunting (Demetriou & Fischer, 2018) or road kill (Bruckner, 2015). However, as my main concern here is animal husbandry, that is, the breeding and killing of animals for food, I will not analyse these options in detail. Furthermore, I will discuss hunting in the next chapter, dedicated to the killing of wild animals. For now, suffice to say that hunting, even if is somewhat more environmentally sustainable and the animals have not suffered the horrors of factory farms, still creates an immense quantity of animal suffering. In the case of road kill, it seems

In the previous chapter about the logic of the larder, I mentioned that this argument (if successful) could justify the morality of humane animal farming other things being equal. But, I clarified, other things are not equal. Hence, before analysing the morality of using animals for food, I want to explore other consequences of humane farming that may lead utilitarians to reject the practice of humane farming. Although my main concern here is the impact on the animals, this practice still raises serious concerns related to sustainability, efficiency, and wealth distribution; so we may already have additional reasons (not concerned with animal welfare) to oppose a system of this kind. So, even for those that deny the moral significance of animal death, there are weighty reasons to support the transition to a plant-based diet.

Environmental consequences

As we have mentioned, a key environmental concern with farming is land use. Generally speaking, livestock uses 30% of the earth's surface, including the 33% of total arable land that is used to produce feed for farm animals. This is frequently interpreted as a failure of factory farming, given that it encompasses most farming nowadays. For this reason, environmentalist and humane meat advocates often argue that we should transition to an extensive farming model (as opposed to intensive farming, as factory farming). According to these advocates, we could use pastures, thus eliminating the need for growing crops for these animals and

altogether a more moral option, given that the animals are already dead and nothing can be done to change that fact. However, it has been argued (Abbate, 2019) that a more moral use of this meat would be to feed it to obligate carnivores, like cats, or even leave it for those people who refuse to transition to a plant-based diet. Additionally, in eating road kill we are taking food that could be consumed by wild animals, like scavengers or many carnivores. Note that many of these animals need the nourishment more than us (who can easily consume plant-based meals), and that many of them are suffering due to human caused habitat degradation. Moreover, when these animals consume road kill, they need to kill fewer other animals to survive, thus reducing the total amount of suffering in the universe. This is a serious concern that we should consider before advocating for road kill consumption. A third possibility is consuming non-sentient animals, such as molluscs, as many ethical vegan and vegetarians do, or even insects (Fischer, 2016). Assuming that these animals are not sentient, I do not consider the practice morally impermissible. However, it is necessary to contemplate the risk of these animals being sentient (science has often been wrong about the sentience of animals), and investigate whether there are other problems to consider, such as sustainability issues. Also, so-called freegans consume products (both plant-based and from animal origin) that have been discarded from markets, supermarkets, etcetera. As their consumption does not involve giving support to any morally problematic industries, it seems less morally problematic. However, Julia Driver (2015) has argued that this practice involves benefiting from the immoral actions of others, and as such, it is morally dubious. Finally, note that I speak of the killing of animals for food, and not of 'eating meat'. The possibility of eating meat without killing animals is nearer, as lab-grown meat (also known as clean meat) is being developed. At the present moment, this meat cannot be considered vegan, as some animal products are still used to grow the meat. However, most producers are confident that this is a problem that will be solved in the near future. Once this meat does not involve the suffering of any animals, I do not see any moral problems with its consumption, with the exception, perhaps, of the noxious effects of meat on human health. However, I consider this to be a case of personal freedom, as long as no harm to another sentient being is done.

freeing that 33% of total arable land currently used for this purpose. Additionally, this model implies better conditions for the animals, as they allowed to pasture, they have a dramatic increase in the amount of space they have, allowing them to exhibit species-specific behaviour and express their individuality.

However, this is an erroneous interpretation of the relevant factors. Something important to consider is that factory farms have been created to meet a growing demand. And meeting this demand may not be possible using less intensive methods, as the space and resources needed for extensive animal husbandry are remarkably vast. First, not all animals can survive on grazing and still need to be fed grain, such as pigs, turkeys, and chickens (their numbers are staggering with 66 million pigs, 242 million turkeys, 5 million sheep and almost 9 *billion* meat chickens – not counting those used by the egg industry – in the US alone (North American Meat Institute, 2019)), so enormous amounts of grain will still need to be grown. Secondly, those that can live out on grass would need immense extents of land. According to the USDA 2012 Census of Agriculture, in the US alone 89.9 million cows are raised each year, and each cow needs from 2.5 to 35 acres of land to survive, depending on the quality of the land. Even with the lower estimation of 2.5 acres, it will take 10% of all US land to raise them. If we take a more realistic estimation (but still quite conservative) of the space needed, let us say, 10 acres per cow, it would need half of the US total land. And this would still not allocate any space for all the other animals that are used and killed for human consumption.

An additional problem is that cows still need to consume grain in the winter months, so it is still necessary to grow crops for them, even if they have all the space mentioned. A way of getting around this problem is raising them in tropical climates. This fact has led to an increase of these so called free-range farms in the rainforest. In this way, the animals are not fed grain (and can be advertised as ‘grass-feed’),⁷¹ but more forest needs to be cleared for their existence. As mentioned previously, animal farming is a major driver of rainforest deforestation, so moving more of our farming facilities there does not seem desirable. Apart from deforestation, land degradation is also an issue. Pastures are often destroyed, as land can become “cow-

⁷¹ This label, like many others regarding animal products is highly unreliable, as there are no real regulations to control its use. In this particular case, it seems that even animals that have only been pasturing for a portion of their lives and then sent to feeding lots (factory farms for cattle) can be labelled as grass-fed. The American Grassfed Organisation (2019) says in their website “Like other mostly meaningless label terms like natural, cage-free, and free-range, grassfed will become just another feel-good marketing ploy used by the major meatpackers to dupe consumers into buying mass-produced, grain-fed, feedlot meat.”

burned” due to manure. Currently, as much as 20% of pastures worldwide have been degraded (FAO, 2019). Therefore, increasing the amount of land that is used for grazing animals implies a real risk of dramatically decreasing the soil quality of that land, sometimes up to the point where the land cannot be used any more.

A problem closely related to land use is the threat to wildlife. If we increase the amount of land required for animal farming, we will decimate the natural ecosystems where these animals live, some of them which are already endangered. In destroying their habitats we either make survival impossible for them or force them to move to human-used areas, where conflicts arise. These conflicts are already common, not only in human populated areas, but also in farming areas, where wild animals are killed by humans to ‘protect’ farm animals, either from predation or from competition over the resources (more on this on the next chapter). Likewise, in expanding the amount of space we use for animal farming we limit the general biodiversity, like plants, fungus, etcetera, as these lands need to become pastures where the animals graze.

Finally, another key environmental issue to consider is the contribution of animal farming to global warming. First, it appears that cattle produce as much as four times more methane when on pasture than when fed a grain diet (Harper et al., 1999). Secondly, as pasture raised cows take longer to grow enough to be sent to the slaughterhouse (as grazing is less calorie efficient than eating grain), they live for longer, thus emitting more greenhouse gases over time than their counterparts feeding on grain. They also consume more water, for similar reasons. This would create a further strain on the environment and our limited resources.

Distribution

One may be tempted to argue, then, that we should raise animals for food but in lower numbers than we currently do, as it is obvious that we cannot use so much land for the production of our food. For instance, the US would need to use 10% or half of their land to raise cows, and this will still not include the production of other animal products or other foods, such as grains. Therefore, perhaps the solution is to raise fewer animals. This would allow us to continue consuming animal products, but reducing the amount we consume. This could result in an improvement in human health and in animal welfare without carrying disastrous environmental consequences. However, the morality of this model has been questioned due to distribution

concerns (McMahan, 2008). If these animals are raised in small numbers, due to the law of supply and demand, their price would increase dramatically, making these products only affordable to a minority of wealthy people. Moreover, we can expect that this problem will worsen as the consumption of meat increases globally, due to the present increase in meat consumption in developing and emerging countries (Nigatu & Seeley, 2015). Although I do not object to the existence of luxury products as such, this case is particularly problematic, given how much space and how many resources farmed animals need to be raised in an extensive way and that many of these resources are natural and communal goods, such as water, wildlife, or biodiversity. And, as there is a link between these goods and the quality of life on Earth, it is necessary to question whether the decimation of these goods for the trivial enjoyment of a few is worth it.

Animal well-being and death

Let us now move to what I consider to be the key question: whether the use of animals in humane farming is morally justified. Here we encounter a different question than the one raised by factory farming. The question related to factory farming is whether animal suffering matters. The answer utilitarians give to this question is clear, as animals have moral status, we need to consider their interest in not suffering. However, the question is now different, as we have defined humane farming as a system where the animals do not suffer (in a moment, I will question whether that is possible). The main question here is concerned with the value of animal life and death. Does death harm animals? Do they have an interest in continued existence? Additionally, we will need to determine whether using animals (without making them suffer) poses a moral issue. These questions require us to deal with complex issues in value theory, and the fact that we bestow moral status on animals does not solve the problem: even if animals matter morally, we still need to elucidate whether they have an interest in not dying and an interest in not being used. In the previous chapter, I offered a risk-related argument against the implementation of humane farming. Here, I would like to set that issue aside, to focus on the practical implications of such a practice.

1. The significance (and reality) of 'humane' farming

Some may regard humane farming as unrealistic, pointing out that the lives of animals in free-range, organic, or traditional farms are at best only marginally better than those in factory farms. In fact, it could be argued

that in some respects the lives of the animals in these farms are worse than their counterparts in factory farms, as for instance many do not get antibiotics to prevent or cure infections (so their meat can be sold as ‘organic’ or ‘chemical-free’). And looking at the situation of the animals in the real world, both are justified concerns. There are several problems with the idea of humane animal husbandry, starting with its definition. When speaking about farming, ‘humane’ is presently understood as avoiding cruelty or unnecessary suffering (Cochrane, 2016). That implies that ‘necessary’ suffering is accepted as morally unproblematic. And what is ‘necessary’ is commonly determined by financial gain, thus routinely allowing brutal practices on animals.⁷²

For instance, in the real world, these animals experience the same horrible deaths in the same slaughterhouses as the animals coming from intensive facilities. This is a serious concern, especially when we know that death in a slaughterhouse is by no means free of fear, distress, and pain. For instance, Temple Grandin, known for her designs of more humane slaughterhouses, has declared (Lamey, 2019a) that it is impossible to stun all animals before being killed, and that we need to come to terms with this reality. Note that this implies that a portion of animals will be killed when fully conscious, commonly by being stabbed in the neck. And due to the speed of the slaughterhouse line, some will still be alive and fully conscious while they slowly bleed to death, and even when they are dismembered or skinned. Furthermore, for many animals, like chickens or fish, stunning is not even a requirement, due to its impracticality. Importantly, and in relation to the previous point, one cannot help but notice that the humaneness of the slaughter as presently designed relies on the animal being stunned before they are killed. But note that the stunning is commonly done by a shot of a bolt in the head before their necks are slit. Is this a humane death that we would choose for ourselves? For a human baby? Or even for our pets? Definitely not.

This leads us to the key problem with the label ‘humane treatment’ of animals: it deals with the morality of *how* we do things to animals, not the morality of *what* we do to them. To use Cochrane’s (2016) example, a rapist could inflict only the necessary amount of suffering on a woman to complete a sexual assault, but we will still not consider it morally acceptable. The fact that there is not extra unnecessary suffering does not

⁷² Additionally, we need to consider the existing problems with labelling and its regulations and enforcing: right now, these labels are generally meaningless. As consumers, buying products with these labels does not guarantee avoiding immoral husbandry practices.

make a difference, as we already consider rape as morally unacceptable. Similarly, as it exists now, the label “humane” does not tell us much about the morality of animal husbandry practices. Therefore, it is necessary for us to assess the morality of, not only the particularities of our animal husbandry practices, but the morality of the whole enterprise: is it moral to breed and kill animals for food? Specifically, we need to question whether it is moral to use animals for our own purposes, and whether it can be morally justified to kill them to serve our interests. This is relevant as, even if animal-friendly husbandry system arguably does not currently exist, it could exist in the future. And if, as some argue, this is a beneficial scheme for animals, perhaps those concerned with animal well-being should strive to achieve such a system. So, it is crucial that we determine whether it is a morally sound option.

2. Using animals

It has been argued (Francione, 2009) that the immorality of farming animals does not hinge on the harm done to the animals, but more fundamentally, on the fact that we are using them for our own purposes. This implies that our use of them is morally wrong even in cases where they are not harmed and lead happy lives. This position is based on a rights position in the Kantian tradition, as Kant famously argued that we should treat others not merely as a means to an end but as an end-in-themselves (although Kant himself excluded animals from the range of moral concern). This is in stark contrast with utilitarianism. Utilitarians consider that the morality of an action hinges on its effects on the well-being of those affected. So, a case where a being is used but suffers no harm is commonly considered as morally unproblematic by utilitarians. The justification for this position is simple and (I contend) sound: if well-being comprises everything that matters to the individual (however we measure it), and an action does not negatively affect this individual, why should the action be morally problematic for the sake of the individual? So, if it was really possible to raise and kill animals without harming them, their use would be morally unproblematic (for their own sake).

Yet, this response may be taking a too narrow approach, as the consequences of an action may extend beyond the limited consequences to a particular individual. It is possible, for instance, that this use of animals will have far reaching consequences, not on the farmed happy animal himself, but on other (actual or future) animals. For example, it could foster a disregard for their interests in other spheres. After all, if one can

dispose of the life and freedom of another being for trivial purposes, one may be tempted to conclude that their interests are not truly relevant. Whether this would be a real consequence of humane farming is an empirical question to be elucidated from fields such as social psychology, but nevertheless, it is a significant concern that needs to be considered seriously.

3. *Badness of death*

I have argued that death can be a misfortune for animals, so they have an interest in continued existence. And, as death entails a considerable harm, this is a fundamental interest. That implies that we have a *pro tanto* reason against killing them as we need to take into account the interests of beings with moral status. However, this is not an argument without its complications. First, we cannot forget that utilitarians accept interpersonal trades of utility, so it could be the case that an act harms someone but still is the right act to perform, as it maximises overall utility. This is why I have argued that the harm caused to the animal by death gives us a *pro tanto* reason against the killing, that is, a serious reason that should be taken into account but that can be overcome. Yet, as I have argued, if animals do have an interest in continued existence, as this interest is a crucial one, so it is highly unlikely that it can be trumped by frivolous interests, like taste preferences.

Secondly, whether death is a misfortune for animals is a controversial issue and many have argued against this notion. I will not engage with those arguments here as I have done it elsewhere in this dissertation, but suffice to say, those denying that death is bad for animals are committed to also deny that death is bad for human infants, small children, and people with severe cognitive disabilities, even when they have lives worth living. I believe the comparison with other humans clearly shows that the badness of death does not hinge on self-awareness, or other high order cognitive capacities. Our intuitions about the badness of death for these marginal cases are better preserved by the idea that death is a misfortune mostly due to the loss of the future well-being that we would have enjoyed otherwise.

Thirdly, and as we have seen, even if death is bad for animals, this badness can still be compensated. The *replaceability argument*, as devised by Singer, claims exactly this. Finally, and in close relation with the

replaceability argument, some argue that this practice is not only permissible but obligatory, as the animals are not harmed overall and there are additional benefits to the practice. On the one hand, some argue that this practice is beneficial for the animals themselves. Given that they are only brought into existence for human consumption, they would not have existed if it were not because of farming. So, if they had a life worth living, farming has been beneficial for them (Stephen, 1896). This is known as the *logic of the larder argument* (Salt, 1914). On the other hand, some utilitarians can argue that humane farming is also better for the universe. If this practice was put in place, there would exist many more happy beings in the universe, notably increasing overall utility. And while true that there is a slight decrease in utility with an animal's death, the creation of a new animal can compensate for it. Additionally, it has also been argued that farming is valuable because it fosters other things that are valuable, like the preservation of a traditional lifestyle or a particular type of relationship between humans and other animals (Scruton, 2004; Porcher, 2017).⁷³

There is, however, a serious issue for those defending the replaceability and the logic of the larder type arguments. In previous chapters I presented the *argument from marginal cases* (AMC). This argument draws attention to the fact that we would not accept the same treatment of human beings, even of those with the same level of cognition as a farmed animal. Commonly, when proponents of the use of animals try to justify their position, they focus on the cognitive differences between human and nonhuman animals. That is, they argue that animals lack one (or several) mental characteristic relevant to the discussion. These characteristics are commonly linked to higher cognition, such as rationality, autonomy, or self-awareness. Thus, it is argued that as they are not rational (or autonomous, or self-aware), animals are not truly harmed by the ways in which we use them. Or alternatively, that this harm is not morally relevant as beings without these characteristics lack moral status. Although it is disputable that nonhuman animals do not possess these traits in different degrees, I will set that worry aside, as there is a more serious problem for these positions. Even if one accepts that adult human beings display these characteristics and animals do not, it is also clear that not all human beings do. Infants, small children, and the severely mentally disabled do not share these traits. So, if the justification of the treatment of animals is the lack of one of these characteristics (and not plain prejudice), those defending these arguments should accept the same treatment for 'marginal' humans.

⁷³ Note that these arguments claiming that humane farming is beneficial only work when everything else is equal, but as I have already shown, other things are not equal due to the environmental and distribution problems it entails.

Additionally, I have argued that the comparison posed by the AMC is also useful when we seek to determine whether we are evaluating an animal's interests fairly. In the case of humane farming, it is highly unlikely that we would accept treating these humans as we do animals. Imagine an institutionalised practice of breeding and killing human infants. These infants would not be destined for human consumption, as our culture (like most cultures in human history) has an innate repugnance for cannibalism, but they could be used to harvest organs, tissues, and perhaps even for experimentation. Thus, as this practice would advance the medical sciences and enable medical treatments, the amount of utility gained from this practice could greatly surpass that created from the practice of eating meat. Let us imagine too that we do not have indirect reasons to oppose this practice: no one else would suffer. The infants, perhaps, are orphans and their parents do not care for their future existence, or maybe, we could breed them in an artificial womb. Would we be content with this practice as long as the infants lead lives worth living during their short pass through the earth? I seriously doubt it. But, can we identify a reason why this is different to our treatment of animals? Given that the level of self-awareness and engagement with the outer world is definitely higher in most (if not all) farm animals than in human newborns, it is very difficult to identify a morally relevant difference between the two cases (in favour of the human babies).

Those opposing the argument from marginal cases could point out that the babies are human and the animals are not, but, as previously mentioned, species is not a morally relevant characteristic in itself. Like race and gender, species is a mere biological marker, and in itself not morally relevant. To avoid operating from prejudice, we must allude to a characteristic that makes a difference in moral terms, and only if this characteristic (or set of them) is coextensive with the concept of a species, would it be justified to treat the members of this species differently. But can we find this characteristic? No psychological traits of the infant right now justify different treatment from the animal.

It could be argued that it is the future of the child that makes the difference: the baby will grow up to be an adult human being and thus, a self-aware person. As we commonly protect persons from being killed for the mere profit of others we should, the argument goes, protect future persons too. However, the role of

potentiality in ethics is highly controversial. For instance, if we accept that potential possession of a characteristic should be treated identically to having the characteristic, a prince should have the same power as a king. Yet, this is not the case: the prince will enjoy the prerogatives of being a king when he is one and not before⁷⁴ (Singer, 2011: 138). Similarly, if we accept the supposed moral value of potentiality, we should ban all forms of abortion, even those operating in the first days of conception, when the embryo is merely a bunch of cells. Furthermore, it would also be possible to avoid this issue altogether by using humans with severe psychological disabilities who will never become self-aware. Would our society be happy to breed and kill these impaired infants for the benefit of the rest of us? I highly doubt it. So the question remains, can we find a way of justifying the different treatment of beings with similar cognitive and psychological capabilities? If we cannot find a compelling reason to do so, we should question the difference in treatment. And, as I hope no one will want to start breeding and killing disabled babies, we should challenge the breeding and killing of animals for human pleasure.

A possible opponent of my position could say that, as most Western societies accept abortion, at least in some cases, we do treat human infants as if they were nonhuman animals. This counter-argument has a grain of truth in it, as it could be argued that the fetus is not given the same moral status as an adult human being (although, importantly, not all pro-abortion arguments rely on the moral status of the fetus (Thomson, 1971)). Abortion could mean that in fact we treat fetuses as if they were replaceable, and some have even made this explicit argument (Singer, 2011). Furthermore, this argument has also been extended to newborn babies with disabilities under some conditions (Singer, 2011; Kuhse & Singer, 1985). But this comparison may not be as accurate as some believe. First, most of the abortions are performed before the 12 weeks limit, a stage of development where the fetus is not sentient (Benatar & Benatar, 2001). Yet, the animals we are discussing are sentient and I have argued that it is because of their sentience that they have moral status. So this is not

⁷⁴ Against this, it could be argued that, although we do not have reasons to treat the prince like a king, we do have reasons to treat him differently than we do the rest of his siblings. Yet, this fact could be explained by alluding not to potentiality, but to his present state as the heir to the throne. Returning to our discussion, the assertion that the baby does not have the interests of a self-aware being right now still allows for the recognition that the baby will have the interests of a self-aware creature in the future. For instance, as the baby grows we should socialise them and provide them with an education so they can function as a person on a human society. But this does not mean that the baby has an interest in education right now. Similarly, I argue, their interest in continued existence is not different from that of other merely sentient animals. All this is compatible with the possibility that we may have additional indirect reasons to morally oppose their killing, like the grief of the parents or distress in society.

the right comparison. Cases in which the fetus is already sentient (the best data we have indicates that the fetus becomes sentient around 24 weeks into the pregnancy (Benatar & Benatar, 2001)) are not common, and are frequently performed when there are serious medical conditions involved, either for the mother or the baby. Similarly, those advocating for the moral permissibility of infanticide, generally only do so in cases of severe disability that will drastically diminish the quality of life of either the newborn or their family (or both). Regardless of whether one shares these moral positions, it is clear that the arguments allude to key interests, such as health, survival, or quality of life. These are very different to the interests linked to our consumption of animal products.

POSSIBLE PROBLEMS

Here, I have argued that we have weighty moral reasons not to breed and kill animals for food. These reasons encompass not only the effect this practice has on animals, but also on the environment and human beings. Furthermore, I have claimed that we have reasons not only to reject factory farming, but also humane farming. I have also argued against the position that humane farming is not only permissible but obligatory, as it benefits animals (or humans or the universe as a whole). I contend that this position arises, not from an equitable assessment of the interest at play, but from prejudice and a disregard of animals' fundamental interests, like the interest in continued existence. This partiality is clearly shown in the fact that we will not accept the same treatment for human beings with the same level of cognition. If my arguments are sound, then we need to conclude that we should not support the animal husbandry industries, and we should move towards a vegan model, in which our food is plant-based, or at least only includes those animals that are not sentient (if in fact they are not sentient). In this section, I will consider some possible problems for the position I hold.

A common retort to those advocating for a vegan lifestyle is that veganism is not a lifestyle open to everyone. Commonly, poor communities in our society are mentioned along with the notion that plant-based food is prohibitively expensive.⁷⁵ Along with this argument another one is frequently provided, alluding to

⁷⁵ For instance, a google search with the words 'veganism' and 'privilege' returns about 235,000 results.

communities living in isolated places where they do not have access to plant-based foods. The stereotypical example is the Inuit culture, but other hunter-gatherer societies may be in a similar situation, where they require animal products in their diet, as no other sources of food are available to them. The underlying idea is that if a moral position is not universalizable, it cannot be morally required to follow it. First, let us assess the facts. It is baffling that some people consider a plant-based diet expensive, considering that items like rice, beans, and potatoes are the cheapest options one can purchase. Meat and dairy products are almost invariably more expensive. Although some fake meats and vegan cheeses are expensive, these are by no means the basis of a plant-based diet. Thus, in industrialised societies, there is not a financial impediment to become vegan.⁷⁶ The other scenario has more merit, because although the number of such communities is in decline, it is reasonable to think that there are some communities with no access to other sources of sustenance. This may include not only hunter-gatherer societies, but also poor global communities that depend on subsistence farming (although frequently this will not involve the killing of the animals, as it is too costly to raise an animal to get only a few meals out of their carcass, and often it is more efficient to consume their by-products, such as milk and eggs).

However, does this say anything about our obligations in industrialised societies? Although ethics should be universalizable, this does not mean that the particular circumstances are irrelevant: our moral judgement should be universalizable to everyone that is on the same situation as us. The idea that one should take care of their children is not threatened by the existence of child-free people. Similarly, the judgement that one should avoid harming others when it is not necessary for our well-being is not threatened by the existence of people that cannot survive without doing so. In the same way that we have a strong position about killing human beings, but understand that some killings are morally justified, it is possible to contend that we should properly value the nonhuman interest in continued existence, while recognising that this interest can be outweighed by other interests in certain specific situations. And this recognition does not alter the fact that, in industrialised societies, our consumption of animals is based on trivial reasons. Whether it can be morally justified in other societies depends on whether they can access sufficiently nutritious plant-

⁷⁶ In other spheres of our lives, the vegan option is frequently the cheapest too, as happens with leather versus vegan leather, or wool versus acrylic. Similarly, nowadays, it is not more expensive to buy cosmetics that have not been tested on animals than those that have been tested.

based alternatives. This, I suspect, is the case in many developing societies as well, as rice, vegetables, and beans seem to be the subsistence food for many impoverished people around the world.

Another possible rebuttal of the position I have defended is that if we dispose of (extensive) animal farming, something of more value will be lost. This loss, as mentioned above, can be the preservation of a traditional lifestyle (Scruton, 2004), a particular type of relationship between humans and other animals (Porcher, 2017), or the ecosystems that have allowed some wild animals to thrive for centuries (LyMBERY, 2017). This position could bypass the problem posed by the argument from marginal cases by alluding to a greater value that would be lost, and that does not exist in farming children or mentally disabled people. The main problem with these positions is that they need to show that this greater value exists and that it cannot be sustained otherwise. In the case of the appeal to tradition, for instance, it is necessary to show which goods this produces, as it is highly debatable that tradition is valuable in itself. Commonly, things like landscape or conservation are mentioned. But as we have seen, environmental conservation and contemporary animal husbandry are not compatible. Moreover, it is dubious that an appeal to landscape can justify the suffering and death of millions of sentient beings. Additionally, these positions commonly idealise the relationship between farmers and animals. This is somewhat ironic, as it is a common complaint that the animal liberation movement is formed by urbanites that do not understand the deep significance of farming. Meanwhile, those advocating these positions paint an idyllic picture of animal farming, quasi-Edenic, where the farmers and the animals live in a peaceful symbiosis and the animals are happy to be farmed and merrily go to their slaughter. This cannot be further from the truth, as the animals in traditional farms are a raw material from which to harvest financial gain, and thus, their interests are routinely ignored. Furthermore, if there is a real interest in conserving the positive features of traditional farming but acknowledging the animals' interests, other models could be found. For example, those advocating these positions could promote the existence of farm sanctuaries, where farm animals live lives truly worth living (Delon makes a similar point (forthcoming)). In this way, we could get the better of both worlds: it is possible to preserve the existence of ecosystems, landscapes, and meaningful relationships while at the same time fostering true animal welfare. Again, their failure in supporting sanctuaries shows that the real motives of those defending traditional

farming are often self-serving.⁷⁷

CONCLUSION

In this chapter, I have argued that breeding and killing animals for food cannot be morally justified from a utilitarian perspective, and thus, we should transition to a vegan diet. I have shown the enormous consequences that our preference for animal products have on the environment. These consequences extend to other spheres of human societies, negatively impacting the global poor and marginalised communities in our societies. And importantly, our treatment of farm animals is deeply immoral, as we disregard their basic interests, such as their interests in not suffering or in continued existence. Additionally, through our destruction of the environment and some standard farming practices, we also harm wild animals. I have also demonstrated how these consequences are not limited to factory farming, but extend to extensive farming models. While it is true that factory farming is more harmful in all regards, the noxious consequences of humane farming cannot be easily dismissed. Crucially, as the interests we have in consuming these products are trivial, like a marginal taste preference, it is not possible to justify supporting these industries anymore. This implies that we should advance, as a society and as individuals, towards a vegan model, in which our food is plant-based.

In the next chapter, I will address the killing of wild animals. This topic is more complex than the killing of farm animals, given that we kill wild animals for a variety of reasons, and some of them may be linked to weighty interests, either of humans or of other animals. For this reason, I will examine the killing of wild animals, paying special attention to the different instances of these killings to further appreciate the different interests at play. I will start by discussing the killing of wild animals for recreational purposes, before analysing the killings related to environmental issues. Next, I will address the killing of wild animals for food, both directly and indirectly. Finally, I will explore the ethics of killing wild animals for compassionate reasons, that is, euthanasia.

⁷⁷ Utilitarians assess the morality of an action based on its consequences on the well-being of those affected by it, and as such, the motives that promote an action do not carry moral weight. However, an investigation of the motives of an agent can illuminate whether the agent is reliable and their arguments trustworthy.

CHAPTER 8:

KILLING WILD ANIMALS

When one discusses the morality of killing animals, the first thing that comes to mind is the killing of domesticated animals in the food industry. However, wild animals are also killed routinely by human beings for a variety of reasons, from entertainment to population control. Moreover, although we do not have accurate data about the number of wild animals killed each year, if we include fish, the number definitely exceeds that of domesticated animals killed by the food industry. While we kill billions of land animals for food (FAO, 2019), the number goes up to trillions in the case of fish (Mood, 2010). And this figure still does not account for all other wild animals killed in other ways. Unfortunately, although the fate of wild animals is starting to get attention in academic circles, the morality of issues concerning wild animals is still understudied in animal ethics.

The aim of this chapter is to elucidate the morality of killing wild animals. First, I will recapitulate the philosophical positions that I will use throughout the chapter. I have discussed these positions in detail elsewhere in this dissertation, so here I will merely present these positions as succinctly as possible for our purposes. Subsequently, I will address different instances of our killing of wild animals. It is not possible to address all types of killing of wild animals, so I have tried to focus on the most representative instances. I will organise these different cases, not by activity, such as hunting, but by the motive that leads us to the killing, such as recreation or food production. This is not because I think motives are a determining issue in ethics, but because it will allow us to further illuminate the interests involved in each particular case.

PRELIMINARY QUESTIONS

In this chapter, as in the rest of my dissertation, I am taking a broad act-utilitarian perspective to analyse the morality of our killing of wild animals. So far, I have argued that together with an interest in not suffering, animals have an interest in continued existence that should be taken seriously when assessing the morality of killing them. I have also claimed that death is bad for the victim due to the loss of future positive well-being,

a position commonly known as the deprivation account. Given that animals experience different levels of well-being, I have argued, their deaths can be a misfortune for them. In this section, I will apply these ideas to real world situations, analysing the interests and the different circumstances that determine the morality of killing wild animals in each case.

First, it is necessary to determine what I mean by ‘wild’ animals. I have already clarified that, when speaking about animals, I only refer to sentient nonhuman animals. Commonly, we use wild animal as opposed to domestic animal,⁷⁸ but the scope of this chapter is further limited to free-ranging wild animals, meaning that I will not discuss the deaths of wild animals in captivity, like zoos, circuses, and such. Likewise, I will limit my investigation to vertebrates. Invertebrates, such as insects, are not only also animals, but the vast majority of animal life, by both biomass and number (Ray, 2018). However, as their sentience is still controversial, I will only discuss those animals whose sentience is not controversial, that is, vertebrates (Proctor, 2012).

In my discussion of different instances of our killing of wild animals, I will distinguish these situations primarily by the motive that is driving the killing, as it can help us to illuminate the interests of all parties involved. First, I will discuss killings done for recreational reasons, that is, when humans kill animals for fun or enjoyment. Secondly, I will address lethal methods of population control. This is a complex subject, as humans attempt to control wild animal populations for many reasons, from trivial ones, such as preventing gardens from being cosmetically damaged, to serious ones, such as addressing the consequences of drastic changes in an ecosystem. To complicate matters further, these killings are done in a variety of ways, not all of them equally humane.⁷⁹ Subsequently, I will discuss our killing of wild animals in our food production. This category includes field deaths in plant agriculture, the killing of wild animals in animal agriculture, and what is known as the new hunting, where animals are killed for food, but with a concern for sustainability

⁷⁸ Domestication has been defined as “as that process by which a population of animals becomes adapted to man and to the captive environment by some combination of genetic changes occurring over generations and environmentally induced developmental events recurring during each generation” (Broom, 2010).

⁷⁹ As mentioned in the previous chapter, I use ‘humane’ to mean ‘avoiding unnecessary suffering’. That is, humane methods are those that minimise suffering. This, however, does not determine whether something is moral, as it only refers to how we do something, not whether what we do is morally justified. Of course, other things being equal, less suffering is better than more suffering, and thus, easier to justify. But often a reduction in the amount of suffering inflicted in an act does not affect our moral assessment, as in the previously discussed case of rape. So, although ‘humane’ is often used as a synonym of ‘ethical’ in debates in animal ethics, I reject this use.

and even perhaps for animal suffering. Finally, I will address euthanasia, or the killing of wild animals for compassionate reasons, that is, to alleviate their suffering.

RECREATIONAL KILLING

The first activity that comes to mind when discussing the killing of wild animals for mere enjoyment is hunting. Trophy hunting has received a lot of attention in the media in the last few years, encountering generalised contempt. This type of hunting, however, is not as common as the hunting of smaller and less exotic animals, such as ungulates, lagomorphs, and different types of birds.⁸⁰ Common carnivores, such as wolves or foxes are routinely hunted too. Hunting is a massive business worldwide. For instance, in my country, Spain, it is estimated that hunting generates more than two *billion* euros each year (Oliveros & Hernández Soria, 2017: 14). This comes with an enormous cost for animals, as 21.6 million animals are killed by hunters by legal methods each year, with countless others killed illegally, either because the methods used are illegal, such as poison or traps, because they are killed off-season, or because they belong to a protected species (Oliveros & Hernández Soria, 2017: 25).

Although not always readily present in the public imagination when discussing the killing of wild animals, another activity that has enormous consequences, both economically and for the animals, is recreational fishing. Fish, being quite apart from us in the evolutionary tree, do not show their emotions in a way that is easy for us to understand. Accordingly, we show an even deeper lack of empathy for fish than for terrestrial animals, such as mammals and birds. Fish, however, are sentient (Michaelson & Reisner, 2018). And in recent years, we have learned that they show complex emotions and behaviours, comparable to those of land vertebrates (de Waal, 2019). Fishing is a big business too. For instance, it has been calculated (Font & Lloret, 2013: 9) that 10% of the developed world's population practices recreational fishing, and in some countries, such as Norway, as much as 50% of the population do. In Europe alone, 25 million people practice recreational fishing. And in the Mediterranean Sea, a staggering 10% of all fish captures are due to recreational fishing (Font & Lloret, 2013: 9).

⁸⁰ For instance, in Spain in 2013, 490,432 animals died due to (legal) big game hunting, whilst (legal) small game hunting took the life of 21,162,916 animals (Oliveros & Hernández Soria, 2017: 18).

In truth, not all these killings can be uniquely attributed to the mere enjoyment of the killer, as sometimes they can be also linked to other motives, such as population control. For instance, in the case of hunting, hunters are allowed, and even encouraged, to kill animals that are considered to be overpopulating an area. This is often referred to as ‘therapeutic hunting’ (Varner, 2011; Lamey, 2019). This happens, for example, with deer in the US, wild boars in Europe, and foxes and kangaroos in Australia. I will consider those cases in a later section; for now, I want to focus on the animals that are killed for the enjoyment of their killer. This enjoyment can arise from different reasons. Hunters often mention the thrill of the chase, the contact with nature, the pride of winning a battle, or to be able to fend for yourself (Scully, 2002; Anderson, 2012). Whatever the source of the enjoyment, the interest of the hunter (or fisherman) in hunting is quite trivial. Even if one considers pleasure an important part of our well-being (as I do), experiencing a fleeting pleasurable sensation cannot be as significant as the interests on the side of the animal.

Allow me to outline the animal’s interests. First, animals have a clear and fundamental interest in not suffering. Neither fishing nor hunting are activities free of suffering for the animal. Hunters sometimes try to kill the animal with a single shot to avoid inflicting suffering, but this is not always the case. And even when they try, they often fail: animals are injured but not killed, and are left to die a slow and painful death (Eskander, 2017). Also, their deaths can cause suffering in their social circle, as other animals in their social group experience fear or grief due to the death of their companion (Bekoff, 2010; Pierce, 2010; de Waal, 2013). Likewise, the animal could have a litter, that will suffer a slow death by starvation. Importantly, some of the methods used cause suffering not only when they fail but as a rule. Fishing, for instance, commonly implies death by suffocation. This is a long and slow death (fish can survive for longer outside water than we can underwater (Mood, 2010: 66)). In the case of hunting, there are many inhumane methods, such as trapping, which often condemns the animal to a slow and stressful death by starvation and dehydration.⁸¹

⁸¹ Trapping is also a common method used by the fur industry. As humans do not need to use the fur of animals to clothe ourselves, these killings merely serve a frivolous fashion preference. Thus, my criticism of recreational hunting can easily be also applied to hunting for fur. Many wild animals are also kept captive in fur farms. All my arguments regarding the killing of farm animals for food apply here too, with the aggravation that it is reasonable to believe that wild animals suffer even more from being confined than domesticated animals. The same arguments also apply to their deaths (these are commonly painful, as the primary objective of those performing the killing is not to spoil the fur). In sum, as humans can create their clothes (and shoes and other accessories) from materials from not animal origin, we are not justified to inflict suffering or kill animals for their skin or fur.

Secondly, animals have an interest in continued existence. This interest is a key one, that cannot be outweighed by the trivial interest of entertainment of a human being. Note that we are comparing a short period of enjoyment for the hunter to the loss of all future pleasurable experiences for the animal.

Additionally, given that there are other activities that humans can find enjoyable, the utility gained by hunting (or fishing) can only be the difference between this activity and other possible ones, so the loss on the side of the hunter is merely partial at most.

Yet, it could be argued that what is gained by the killing is not limited to the enjoyment of the hunter or fisher at the time when the killing takes place, but it also includes the utility gained when the carcass of the animal is consumed. While this utility should be taken into consideration, I contend that the fact that one eats the remains of the animal does not make it moral. As humans do not need to eat animal products to thrive,⁸² the consumption of an animal's corpse can only be attributed to gustatory preferences.⁸³ Furthermore, as the utility lost is not the difference between the pleasure of eating the animal versus not eating at all, but between the pleasure of enjoying a meat-based meal versus a plant-based one, the loss can only be a minor one. Once again, a trivial interest like gustatory pleasure is not strong enough to counterbalance the fundamental interests of the animal. According to utilitarian theory, however, minor interests can outweigh fundamental ones. That is, a big loss in utility could be outweighed by minor increases in utility for others, as long as the minor ones are enough in number. But as most animals can only be eaten by a handful of people, and the increase the eaters get in utility is small, this is not a likely situation. It may be objected that there are animals that are big enough to be eaten by many people, like elephants and whales, and this could possibly be enough to offset their interest in continued existence. I think it is unlikely, though, as the animal's loss is enormous and the benefit for the humans is minuscule (as plant-based food can be enjoyable too). Moreover, note that the two mentioned animals are among the few (according to the current scientific consensus) self-aware species in the world (de Waal, 2016), so they are persons in the full moral sense. And, as I mentioned before, there may be additional reasons that make the killing of persons immoral.

⁸² Resources to support this claim were offered in the previous chapter.

⁸³ Here, I limit my discussion to the morality of killing animals in industrialised countries, as I have addressed the morality of killing animals for subsistence elsewhere in this dissertation. In short, killing an animal could be morally justified in cases where one's survival depended on it (the same may be true when killing a human being), however, I believe those cases are remarkably uncommon.

However, as we have seen, there may be powerful economic reasons to continue these practices, given that they bring wealth to many communities. This wealth may improve the well-being of human beings, and could be even be used to have a positive impact on the well-being of other animals. Here, we need to examine whether this is the option that will create more utility, as for utilitarians the question is not whether an action increases utility, but whether it *maximises* it. Could these communities (whose wealth partly depends on the hunting/fishing industries) create similar financial gains that do not imply inflicting enormous amounts of suffering and death on other animals? This can be difficult to determine without assessing each particular case, but I suspect the answer would often be positive. As these places tend to be close to nature, they would just need to focus on conservation instead of killing. Indeed, many of the businesses, for instance accommodation or catering facilities, would not even need to change. There are world famous examples of these type of transitions, such as whaling towns in Australia and New Zealand that have successfully become eco-tourism destinations (see for example Cansdale, 2017; Grzelewski, 2002).

POPULATION CONTROL

Humans frequently engage in wild animal population control, that is, we intervene to manage the numbers of an animal population. Mostly, this is in done in cases where we consider that a population of animals is too numerous, so we decide to reduce their growth rate, stop their growth, or eliminate the population altogether. The methods by which this is done can be lethal or non-lethal, and not all of them are equally humane, with some causing considerable amounts of suffering to animals. Similarly, the reasons behind the various population control efforts vary in the degree in which they can be morally justified. Thus, whether this human behaviour can be deemed as moral will depend on the interests that it promotes (in both human and nonhuman animals) and the methods by which is done. And, as animals have a serious interest in continued existence, this is especially true in the case of lethal methods of population control.

Leaving aside for now the interests of animals in continued existence, and focusing only on the morality of the different lethal methods of population control, not all of them are equally justifiable. As animals have a

fundamental interest in avoiding suffering, lethal control methods that make the animal suffer will be more difficult to justify. In this realm, the method that is commonly considered as most humane is a single shot in the head, as at least it involves a speedy death. Interventions that advocate for a humane approach commonly recommend this method (see, for example, Centre for Invasive Species Solutions, 2011). This recommendation, however, needs to be taken with caution, as the single shot in the head is an ideal that is frequently not attained. Often, several shots are needed, and regularly, the animal is shot but not killed, experiencing a slow and painful death (Eskander, 2017). Another method that is commonly advocated as humane is the use of carbon dioxide. This is used to kill foxes during the breeding season (Eskander, 2017). This involves blocking the exits when the vixen and her pups are in their den and pumping the gas inside. Ideally, the gas induces loss of consciousness in the animals and a painless death shortly after. This could be, therefore, a morally acceptable method of killing animals when this is morally permitted (or required). However, it is not clear that this death is always free of distress. It is well documented (Rollin, 2009) that this method, when used to kill rodents and chickens, can cause the animals to suffocate for at least 30 seconds before they lose consciousness. This is clearly not a humane way of killing a sentient being, and thus, it should not be used unless we are certain this is not the case with the species we are targeting.

Other methods are undoubtedly inhumane, not only when they malfunction like the two we have just discussed, but even when they work perfectly. A clear example is trapping. Traps are set, often with some kind of bait, with the aim of capturing the animal in order that they will be killed at a later time. The trap can be a cage in which the animal is fully enclosed. This, if the killer does not arrive soon, leaves the animal exposed to the elements (heat, cold, rain, snow, etcetera) and in great distress (being trapped is particularly stressful for wild animals). In other cases, it is a leg trap, which along with all other the mentioned problems with traps, implies intense physical pain. Also, this method leaves the animal completely exposed to predators, with no possibility of escape. Animals will sometimes chew off their own limbs to be able to escape the trap, which proves the desperation they are experiencing. This will likely involve their death afterwards, either by starvation or infection, both causing intense suffering. Another cruel way of killing wild animals is poison, as it commonly causes slow and extremely painful deaths (Eskander, 2017). The same can be said of the inoculation of diseases that will eventually kill the animal and infect others to suffer the same

fate (Eskander, 2017). An additional problem with these methods is that they are not truly selective and can affect animals other than those targeted, thus causing unnecessary death and suffering, and on occasion, serious environmental problems (Oliveros & Hernández Soria, 2017: 22-23).

However, the main question has not been addressed yet: given a humane method to kill the animal, are we morally justified to kill animals for population control? The answer to this question hinges on two issues, first, which interests it promotes, and secondly, whether there is a better way of achieving our goals. Let us start with the discussion of the interests. Clearly, some of the reasons why we kill animals are not morally justifiable. For instance, in suburban areas animals are frequently killed for aesthetic reasons (Boulanger et al., 2012). An overabundance of a species can drive these animals to forage in private gardens, thus spoiling the aesthetic integrity of the garden in different ways: eating the plants, burrowing, leaving their droppings, etcetera. Although many humans enjoy the aesthetic pleasure of these curated environments and the time and effort they invest in their care, this is not a fundamental interest. Although it creates positive well-being for some, this is not enough to compensate for the loss of all future well-being in the case of the animal (as well as the suffering the killing will likely create). Furthermore, many of these animals are small and numerous, so many of them die in each garden. And importantly, there are non-lethal alternative ways of dealing with these animals, and that can be easily found with a simple Google search.

Yet, there are more relevant reasons for controlling wild animal populations. Ecological reasons are often brought up: as the populations of some species increase, others fall, and this is often considered a problem. However, it is crucial to understand why (and whether) this is a problem. In some cases, this worry is a speciesist one (Ryder, 1971; Singer, 1995), as our preference is merely based on our predilection for one species over another, instead of an assessment of the capabilities and the interests of the particular individuals. This is often the case when one of the species is native to the environment and the other is not. However, this in itself is not a justification for harming an individual. A speciesist preference for one species is a form of prejudice, similar to sexism or racism, and this cannot be justified in a utilitarian perspective.

Nevertheless, there are cases in which the motive is not a simple predilection for one species, but the

avoidance of a major ecological disaster. This is a serious concern, as the overpopulation of a species could lead to radical changes in an ecosystem, causing much suffering. From a utilitarian perspective, then, if the animals are causing more harm than will be involved in their culling, it could be justified to use lethal methods of population control. However, experience tells us that, given the human tendency to vilify animals we dislike (especially when they interfere with the economic interests of particular groups) we should be cautious when accepting these claims, at least until we have enough scientific information. For instance, an exemplary case is the proliferation of the American mink⁸⁴ in parts of Europe. As their population grew in numbers, so did the public animosity against them. Mink have been portrayed as voracious, bloodthirsty, and insatiable, destroying everything in their path, including other species and their habitats. In Britain, they have been blamed for the decrease in population of many species, including the otter, and have been subjected to intense culling (Lymbery, 2017). Yet, in reality, a “balanced view [of the data] seems to be that they have caused no demonstrable impact on other species, except to the water vole in certain areas where the river is in an unhealthy state due to pollution, the clearance of vegetation and where banks have been revetted.” (Animal Aid, 2019). In the case of otters, for example, the reverse seems true. As otter numbers have increased due to the ban on the pesticides that caused their decline, mink numbers have plummeted, and there is evidence that otters kill and eat mink (Lymbery, 2017).

That said, although some instances of culling are motivated by the economic interests of a few and fuelled by public prejudice, others may not be. For instance, it is believed that the introduction of small land predators, such as domestic cats and foxes, has been exceedingly detrimental to native animals in Australia, given that they have not been equipped by evolution with ways of protecting themselves from these predators. This, in itself, does not tell us enough, as the suffering these predators cause could be outweighed by the positive well-being they experience in their lives, but let us assume they cause an excessive amount of suffering. Are we justified in killing them to reduce their number? Given how the killings are currently carried out, my initial answer is no. Presently, red foxes, feral cats, rabbits, and feral pigs are killed in Australia through baiting programs using a poison called 1080 (Australian Department of Primary Industries, 2019), which is

⁸⁴ While the presence of these animals in European soil is frequently attributed to liberations by animal rights activists, the reality is that in most cases they have escaped from the fur farms, or have been liberated by the farmers themselves, when their declining business is no longer profitable (Animal Aid, 2019).

based on a naturally occurring enzyme to which Australian animals have built a tolerance. This product causes death by heart failure in herbivores and by respiratory failure in carnivores. Both deaths are painful and not immediate. Additionally, when ingested in sufficient quantities by non-targeted animals, it can cause serious illness and death. For these reasons, it has been declared one of the least humane methods ever tested (Eskander, 2017).

Yet, other methods of killing these animals could be used, and if these methods do not cause excessive suffering perhaps the culling could be justified. The answer to this question depends, as we mentioned before, on the amount of suffering they cause (minus the positive well-being they experience and that they will lose if killed), and on whether there are other methods to deal with the problem. Although it is very difficult to give a reply to the first issue I have granted, for the sake of the argument, that a species can create an excess of suffering by their presence in an environment.⁸⁵ But what about the second issue? Can we control animal populations without resorting to culling? Maybe. Although still understudied, in the last years the possibility of using contraception for wild animals has been getting increased attention. Presented as a more ethical way of population control, different methods of contraception for feral and wild animals have been developed and tested in both captive and free-ranging populations (Brennan, 2018). These methods vary widely: surgical sterilization, hormonal contraception, immunocontraception, or genetic modification. Morally, contraception seems a better option overall, given that it allows us to manage population growth, the animals are not apparently harmed, and it also reduces the harm done to the next generation (those that are never born do not need to be managed or culled).

However, contraception is not the panacea that some believe it to be. Several issues make it problematic. First, on the human side, it is presently a costly enterprise, in both resources and human power. Prices vary depending on the methods and on the targeted animal, but generally it is believed to be more costly than killing (Brennan, 2018) (especially as some government agencies sell the permits to kill these animals, so not

⁸⁵ Although I grant this point for the sake of the argument, note that the excess of suffering created would need to be very high to offset the animals' interest in continued existence. In accord with my arguments in previous chapters, we need to consider whether the same treatment would be acceptable for marginal human beings. Would we be willing to kill mentally impaired humans to minimize the disastrous impact we have on the planet? As there is no doubt of the damming ecological consequences of our population growth, if we accept this treatment for animals, impartiality indicates that we should accept it for humans at the same level of cognition.

only do they spend less, they also earn money from the killings (Boulanger et al., 2012)). This is relevant because it may be difficult to convince private or public agencies to spend more than they are currently doing on population control, but also because, if we are concerned about animal well-being, there may be other interventions on which our money is more effectively spent. This is particularly relevant when approaching ethics from a utilitarian perspective, as we are obligated to perform the action with the best consequences. Moreover, contraception can be a slower method of population control (Brennan, 2018). Other practical problems can arise, such as the difficulty of identifying which animals have been treated with long-distance methods, or which ones need to be treated again, for those methods that require repeated treatment.

An additional problem is the effects on the animal. Although contraception does not cause the pain and loss associated with killing the animal, it can be invasive. For instance, for surgical sterilization, the animals need to be captured and sometimes transported. This is commonly done after the animal is given a tranquillizer, but this process can also cause stress. In some of the methods, there may be physical consequences, such as the wounds caused by the surgical sterilization, or reactions to the injections. Other effects may be less apparent. For example, African elephants live in matriarchal societies, where the presence of offspring is extremely important for both the group's cohesion and the individual elephant's social life (and thus their well-being). It has been claimed that female elephants show signs of depression when they cannot breed (Brennan, 2018). In this case, the problem has been solved alternating the individuals that are targeted for receiving contraception each year. This case shows that we need to keep in mind that our actions may have unintended consequences and closely study the targeted populations for changes in their well-being. Additional difficulties may arise when the contraception interferes with the animal's behaviour, and perhaps even their social groups, as these can lead to a decrease in well-being and other unintended consequences (such as a negative impact on the ecosystem, thus affecting animals of other species).⁸⁶

Yet, these issues may not be as problematic as initially thought, so contraception may still be the most moral

⁸⁶ Some authors (Palmer, Corr & Sandøe, 2012; Wayne, 2017) find the contraception of nonhuman animals morally problematic for other reasons, like the violation of their autonomy, or the infringement on their right to reproduce. As I am addressing this issue from a utilitarian perspective, I do not consider these questions to be a determining issue. I will, however, reply to these concerns when discussing contraception for companion animals in the next chapter.

option. For instance, when discussing the costs, something to consider is that the resources that we spend extend into the future. It has been repeatedly documented that the effects of culling may not be long-lasting, as the surviving animals can live longer and even breed more due to the lack of competition for resources (Sanchez, 2018; Bromley & Gese, 2001). Similarly, a lack of animals in an area can increase the amount of mobility, and other animals from neighbouring areas may move in to enjoy the lack of competition for resources (Boulanger et al., 2012), or the surviving animals may move to a neighbouring area causing similar problems there (Santiago-Avila, Cornman, & Treves, 2018; Treves, Trofel & McManus, 2016). This can often be avoided with contraception, as the animals are still there to utilise the resources, and this minimises mobility from (and to) other areas and excessive breeding of the remaining animals (Sanchez, 2018; Boulanger et al., 2018; Brennan, 2018). Likewise, in cases of species with a hierarchical structure in which there is a breeding male or couple, sterilizing them will stop the breeding in the group altogether, as long as they do not lose their position in group (Bromley & Gese, 2001; Brennan, 2018; Eskander, 2017) (this loss is more likely if the method used interferes with their hormones, so other methods are to be preferred in these cases). Furthermore, as some of these methods are permanent, no repetitions are needed, and as the next generation is reduced, the costs keep decreasing over time.

Contraception can also generate a positive impact on the animal's well-being. Using contraception does not only mean that the animal is spared death and the misery associated with the culling, but that their well-being can also improve. From an evolutionary perspective, breeding is a costly enterprise. Animals, particularly females, spend abundant resources and effort in both the pregnancy and the care of their litter. Thus, reducing their breeding can be beneficial for them. It has been found that treated white-tailed deer were healthier than non-treated ones, in terms of body weight and general physical condition (Boulanger et al., 2012). The same can be said of wild horses. In the case of horses, one of the species in which contraception has been better studied, the females not only have better health but an increase in life expectancy so considerable that have surpassed what was considered possible for wild horses (Brennan, 2018). Moreover, it is possible to use these interventions to further enhance their well-being through other means. For instance, we could provide them with vaccines or needed medical treatment, as we already do with feral cats in Trap Neuter and Release (TNR) programs (Sanchez, 2018).

Unfortunately, when considering wild animal contraception, the main problem we face is a lack of research. More data is required on the effects of the existing methods, and further investigation is needed to find improved methods of contraception. Given the growing interest in this topic, and the public's concern with (some cases of) lethal methods of population control, more research on these topics is desirable. Hopefully, an improvement in the quality of the methods and on our knowledge of the complete effects of animal contraception will lead to the possibility of better management of animal breeding, that will improve, not only population control, but also the well-being of wild animals. Immunocontraceptives and genetic contraception (Bax & Thresher, 2009) appear to be particularly well suited to deal with the needs and difficulties of wild animal population control (Eskander, 2017), so more resources should be directed to research of these techniques.

FOOD PRODUCTION

When we think of the animals we kill for food, one commonly pictures domestic animals, such as pigs or chickens. However, many wild animals die in our food production, both in intentional and unintentional ways. The most relevant of these food production practices, in both numbers and environmental impact, is the fishing industry. Additionally, I will address what is known as the new hunting, a practice particularly concerned with sustainability. We also kill animals that we do not directly consume, like the ones we kill to protect farm animals, or the ones that we kill in plant agriculture. In this section, I will discuss these killings, the moral issues that they raise, and possible alternatives to implement.

Fishing

Although we do not immediately think of fish when discussing the animals we kill for food, we kill fish in significantly higher numbers than land animals. While it is estimated (FAO, 2019) that around 70 billion land animals are killed each year, we kill trillions of marine animals (Mood, 2010). Not all these animals are free-ranging, as some are kept in the fish equivalent of factory farms, but they cannot be said to be domesticated animals either. Nevertheless, even counting only sea free-ranging animals, the number would be at least a

trillion each year (Mood, 2010: 70). As previously discussed, although there is a common belief that fish are not sentient, or not as much as other animals, this is a misconception. We have enough data to ascertain that fish are sentient (Michaelson & Reisner, 2018), and there is even evidence that some fish pass the mirror test (de Wall, 2019), which indicates that they may be self-aware.

The capturing, handling, and slaughtering of these animals cause immense amounts of suffering (Mood, 2010). Moreover, as they are sentient and can experience positive well-being, their deaths are a misfortune for them. Thus, we have serious reasons to question the practice of commercial fishing. What human interests does this practice promote? As previously discussed, humans in industrialised societies merely have frivolous interests in eating animals. These interests pale in comparison with those of the animals we kill. Furthermore, the stakes against commercial fishing are even greater when one considers that a considerable amount of the fish we catch goes to waste as by-catch (that is, animals unintentionally captured when targeting other species), so we do not even consume them. This is no small matter, as it involves a large part of the total number of killed animals. For instance, the EU calculates that between 40 and 60% of the fish captured by trawlers at mixed fisheries of the North Sea is discarded (Mood, 2010: 74). Moreover, besides the direct harm done to the captured fish, our current commercial fishing practices create a myriad of environmental problems (which in turn harms more sentient beings), from overfishing, to the destruction of habitats, to the pollution of the oceans with abandoned fishing gear (a comprehensive review of these issues can be found on Moore & Jennings, (2000)).

The new hunting

In the last few years, a new interest in hunting has blossomed in the media and popular books (see List (2018) for a good review of this literature). Here, hunting is presented as an ethical alternative to animal factory farming, for both the animal and the environment. And in some instances, it has been argued that it is even more ethical than humane meat.⁸⁷ This position is based on the fact that the animal is free, the hunter

⁸⁷ Not that I agree that humane meat is ethical. As I argued in the previous chapter, given that animals have an interest in continued existence, and humans do not need to consume animal products to be healthy, I do not believe humane farming, if such a thing exists, can be morally justifiable in developed countries. Additionally, there are plenty other reasons, from its environmental effects to distribution problems, that speak against the morality of raising and killing animals for food.

takes responsibility for the killed animal (what supposedly checks any possible excesses in their consumption of animal products), the avoidance of the environmental problems associated with animal farming, and a general appeal to nature (List, 2018). However, as humans do not need to consume the flesh of other animals for their survival or well-being, and the animals have an interest in continued existence and in avoiding suffering, there is no need for us to kill animals to eat them at all, regardless of whether they are domesticated or wild animals. As for the claim that it is a more natural way of sourcing our food, an appeal to the naturalness of something does not say anything about its morality, given that nature is not a source of normativity (Moore, 1959).

There are arguments, however, that may be more successful in defending an ethical approach to hunting. In particular, I am thinking of Demetriou and Fischer's (2018) argument regarding dignitarian hunting. As we will discuss later, a considerable number of animals die in large scale plant agriculture. Taking these deaths into consideration, they argue, those that care for animals, instead of going vegan, should minimise harm by hunting animals. In particular, they propose to hunt big animals to ensure that the number of hunted animals does not exceed the number of field deaths in plant agriculture. Additionally, and importantly, they argue that the hunted animal dies with more dignity than the field animal, and, as more dignity is better than less dignity, this type of death is to be preferred. Thus, as similar numbers of animals die, but the death of the hunted animals is better (as they die with dignity), they conclude that dignitarian hunting is to be preferred. Unsurprisingly, as the matter of field deaths in plant agriculture is currently a hot topic, these authors are not alone in arguing for the consumption of animals for animals' sake (an excellent review on this new trend can be found in Lamey, 2019b). Similar proposals have arisen, advocating for the consumption of large domesticated animals (Davis, 2003), or the collection and consumption of roadkill (Bruckner, 2015).

Others have positioned against these proposals arguing, for instance, that intentions are relevant to the morality of an action (Abbate, 2019; Lamey, 2019b), meaning that we are not morally responsible for the harm we produce unintentionally. Respect is also commonly invoked in this debate, as some argue that eating an animal is using them as a means, and that is morally problematic (Abbate, 2019). However, this is not an option open to those advocating a utilitarian response (at least not in the terms that I have presented it), as

utilitarians are not concerned with intentions but with consequences. I will discuss the topic of field deaths in plant agriculture further in a later section; here I will just say that I find puzzling that those concerned with animal suffering and death argue that the solution to the killing of some animals is to kill different animals. While it is true that utilitarians accept trade-offs in utility, and thus, it may appear that killing fewer animals should be preferred to killing more, these are not the only two options. Yes, killing fewer animals, or even a similar number but inflicting less suffering, is morally better than killing more, but this does not mean that this is the best alternative. We could, for instance, focus on reducing the number of wild animals killed. Given that alternative agricultural models more respectful to animals than large scale farming already exist, why not explore these further?

That said, not everyone has access to the alternatives to large scale agriculture. Not everyone can, for instance, grow food in their own home, or a community veggie garden, and some will not even have access to a farmers' market, but I suspect that this is more readily available to most people than the ability to kill a wild animal by a single shot on the head. And, if one has the necessary infrastructure for big game hunting, such as a big truck to carry the animal, the monetary capacity to acquire guns and other hunting equipment, as well as facilities to dismember the animal (and the knowledge to do it) and to store enormous quantities of meat at a time, it is difficult to see how this person could not drive to an organic farm to buy ethically grown produce, or use her facilities to grow it herself. As long as these options are open to those that could hunt in this way, utilitarianism cannot condone the morality of the killing, given its maximizing nature.⁸⁸

The killing of wild animals in animal agriculture

Humans kill billions of land animals for food each year. These animals are frequently made to suffer, too often in horrible ways, until they are eventually sent to slaughter. I have argued that, as humans do not need to consume animal products for their well-being or survival, these killings are not morally justified. But the animal death associated with the human consumption of animal products does not end here: it is necessary to consider the wild animals that also die for our taste for animal products.

⁸⁸ In fact, Demetriou & Fischer present their argument from a rights perspective, not on a utilitarian one.

The first issue to consider is the death caused by the destruction of their habitat. Much has been said in the last years about the environmental consequences of our husbandry practices (Lymbery, 2017; Steinfeld et al., 2006), from pollution to global warming, or the destruction of the rainforest. As I discussed these topics in the previous chapter, I will not detain myself here. It is clear that, if we take the interests of animals seriously, destroying their habitats is a morally questionable enterprise. And, as it merely serves trivial human interests, it is quite unlikely that this can be morally justified from a utilitarian perspective. This is even more evident when one realises that if the destruction of habitats continues, it will eventually lead to a major ecological crisis, affecting humans too.

But our desire for animal products in our diet harms wild animals in ways more direct than the destruction of their habitats. The killing of wild animals in animal husbandry is a standard practice and has been for centuries. These killings are done with the purpose of ‘protecting’ farm animals, either from competition for resources, or from predation. In some cases, it is difficult to distinguish between these killings and those motivated by population control concerns, as often the targeted animal is considered to be overpopulating an area. This, however, is not always accurate. Often, like the above discussed case of American mink, the species population is not a threat to the well-being of other animals or themselves, but they are portrayed as pests because they negatively impact the profit of farmers (in this case, that of pheasant farmers) (Animal Aid, 2019). Likewise, on occasion, the killing of wild animals for the production of animal products is difficult to distinguish from the industry itself, as there is a direct economic incentive for the killing. This is the case with kangaroos in Australia, that are believed to be overpopulating (a highly contested claim (Boom & Ben-Ami, 2010)) and also cause considerable costs for farmers (although this cost had also been highly overestimated (Ben-Ami et al, 2011)). Kangaroos are therefore routinely culled (despite the evidence that this is unnecessary (Boom & Ben-Ami, 2010)). This culling not only benefits the farmers, but also a thriving industry of kangaroo meat and leather (Kelly, 2003: 1).

As mentioned, the two main reasons why the existence of some wild animals conflicts with our raising domestic animals for food is either competition for resources or predation. An example of the first instance is the killing of wild horses in the US (Brennan, 2018). A common example of the second is the killing of

predators such as wolves, coyotes, foxes, and big felines. This practice has driven these animals to extinction in many areas, and to be endangered in others. Wolves, for instance, have practically gone extinct in all Western Europe (Sánchez et al., 2017). In Spain, with only between 2000 and 2500 Iberian wolves left (WWF España, 2019), it is estimated that between 500 and 650 wolves are killed each year, both legally and illegally (Sánchez et al., 2017). These killings cause death and suffering not only for these animals, but to many others in the ecosystem, as (surprisingly) the elimination of apex predators can lead to negative consequences on the well-being of other animals in that habitat. For instance, it has been claimed that with the re-introduction of the wolf in Yellowstone National Park in the US the well-being of other animals in the area increased (Yellowstone Park, 2019).

Furthermore, these killings may be completely counterproductive, as they may actually cause a spike in the number of domestic animals hunted by the predators. There is evidence (Bromley & Gese, 2001) that the killings can destabilise the hierarchy in the pack, causing more pairs to breed, resulting in more prey animals being hunted and killed. Moreover, as it is difficult for a pack flooded with pups to move around, they turn their attention from the wild prey they commonly prefer to more stationary prey, thus hunting domesticated farm animals. For this reason, it seems that the use of contraception is not only more ethical, but also more effective (and therefore, long-term, more cost-effective). Trials have been conducted with surgical sterilization in coyotes, showing that it is more effective in preventing their hunting sheep than culling (Bromley & Gese, 2001). Other non-lethal systems have proved to be effective too, such as the use of flags, guarding dogs, or proper fencing (Shivick, 2004).

However, there is a deeper issue that we need to consider: are we justified to breed and kill animals for food? My answer is no, not even when the animals are raised outdoors for part of the year, like the ones that are hunted by these predators. As I have already argued against farming, both extensive and intensive, my reasons for this answer should be clear by now. Humans do not need to consume animal products for their well-being or survival, so we have only minor interests in this consumption. These minor interests cannot be compared to those of the animals, mainly, the interest in avoiding suffering and continued existence. Given the immense difference between what animals lose and what we gain, the consumption of animals cannot be

morally justified. Thus, the practice of killing wild animals to ‘protect’ farm animals is doubly immoral, as it involves causing unjustified harm to both farmed and wild animals.

The killing of wild animals in plant agriculture

An issue that is gaining interest is the death of wild animals in large scale plant agriculture. Some of these deaths are intended, as when poison is used against mice (Caughley, 1998), but others are unintended, as when small mammals are crushed in their dens due to the weight of agricultural machinery. These deaths are often seen as a powerful counterargument against those advocating for a vegan lifestyle, and claiming that vegans kill more animals than meat eaters has of late become a commonplace. This type of criticism, if true, would be a serious concern for those advocating for a vegan lifestyle from a consequentialist perspective. Those advocating for animal liberation from a rights position would not be so concerned with this argument, as they could retort that the key factor here is the difference between intentional and unintentional acts, and that when accidentally killing animals one can still respect them, but this is not the case when we kill them to use them as a resource (Abatte, 2019). Yet, for consequentialists, including utilitarians, the numbers are relevant, regardless of the intentions of the agent.⁸⁹

So, do we really kill more animals by growing plants than by animal husbandry? The first issue to consider is that 33% of all arable land is used to grow crops destined for animal consumption (Steinfeld et al., 2006). In the case of US corn, for instance, only a fifth of the production is used for human consumption, with as much as 40% destined for animal agriculture (Lymbery, 2017: pos. 1004). So, when one consumes an animal that has been fed crops, one doubly contributes to animal death and suffering. It is worth noting that most of the animals in extensive farms are fed crops for part of the year, as grazing is not possible in winter (unless they are raised in warm climates such as that of the rain forest, thus contributing to the deforestation of these key ecosystems) (Steinfeld et al., 2006). Likewise, most of these animals are sent to feeding lots close to the time of their slaughter to make them gain weight faster (as crops have greater caloric density than grass). Importantly, these animals can still be advertised with the label ‘grass-feed’, so there is no way for the

⁸⁹ In fact, although the first proponent of these arguments, Davis (2003), framed his argument within a theory of rights, such as that of Regan (1984), it has been argued (Lamey, 2019b) that his argument can only be successful by introducing consequentialist principles.

consumer to avoid buying meat that has been fed crops (AGA, 2019). Therefore, the idea that normal meat eaters kill fewer animals than vegans is absurd.

However, buying the body parts of farmed animals is not the only way of procuring meat. And other alternatives may be morally superior if they cause less harm and death than plant agriculture. This has led some authors to advocate for alternative ways of eating meat with the purpose of reducing harm. In a previous section, I discussed the proposal of dignitarian hunting. There are others. Davis (2003) has famously claimed that eating large grass-fed mammals is morally preferable. But, as I just mentioned, grass-fed cattle are routinely fed crops, and there is no way for the consumer to find out whether this is the case with the meat they buy. Furthermore, it seems that in his calculations he did not take into account the disparate conversion rates of different ways of growing food, and how much more space-efficient growing plant foods is (Matheny, 2003).

Other proposals direct us to the consumption of roadkill (Bruckner, 2015) or insects (Fischer, 2016). In the case of roadkill, as the animal is already dead and nothing can be done to alleviate that fact, I do not have any concerns with regards to the animal itself. I do, however, with the tenability of it: as mentioned with the case of dignitarian hunting, the abundant resources needed to consume these animals could be spent in procuring plant-based foods for oneself from ethical origins (Abatte, 2019), thus maximizing utility. An additional concern is the possible effect on other animals such as scavengers and carnivores, as we will be taking food they need more than us. Furthermore, if a predator eats the carcass of a dead animal, they will have to hunt fewer other animals, thus reducing the amount of animal suffering in the world. In the case of insects, and most other invertebrates, the morality of this proposal will depend on whether these animals are sentient or not. Although still controversial, the evidence seems to show that most invertebrates are not sentient (Proctor, 2012). As I see it, there is not a morally relevant difference between eating a plant or a non-sentient animal. However, the risk of being mistaken about their sentience needs to be factored in.

A final word on the topic of field deaths in plant agriculture: it appears that the initial calculations (Davis, 2003) of the number of field deaths were overestimated. Fischer and Lamey (2018) point to several problems

with the data, both with the figures used and with the calculations done. Thus, initial estimations seem too high. It seems that, presently, we do not have enough data to generate accurate estimations (Fischer & Lamey, 2018; Lamey, 2019). Moreover, the estimations assumed controversial philosophical positions. For instance, in one of the studies used by Davis, they found that 17 mice died as a result of the harvest. However, only one of them died due to the machinery, while the other 16 were caught by predators. Fischer and Lamey point out, correctly I believe, that we need to consider the morality of exposing them to this risk. However, as the predators need to eat, it is highly likely that a similar number of animals would have died anyway. So, it is difficult to argue that we have made a substantial difference. Another issue to tackle, particularly relevant for utilitarians, is that possibly the death of these individuals is only part of the story. Given that the crops provide food and shelter for these animals for a considerable part of their lives, perhaps there is an overall gain for them, even if some die in the process. As many wild animal lives are full of suffering (Horta, 2017; Tomasik, 2015), it is possible that living in a secure and plentiful environment (at least for part of the year) makes a substantial impact in their well-being. Although I am not certain that this is the case, it is nevertheless a relevant issue to consider when discussing this topic.

This, however, does not mean that we should not strive to find better farming systems that do not harm wild animals. There are several issues to consider, from the pesticides we use, to the ways we till (or do not till) the land. We could also modify plant farms to eliminate the presence of wild animals (and therefore any harm we inflict on them), using measures like fencing or moving the farms indoors, in greenhouses or what is known as vertical farming. Additionally, contraception could be used as a way of population control, and this could even improve the overall well-being of these animals. Additionally, as I mentioned before, there already are several alternatives to large scale plant agriculture, such as private or communal veggie gardens and farmers markets. Thus, we should consume as much as possible from these alternative methods, and direct more resources to finding sustainable and ethical ways of producing our food.

COMPASSIONATE KILLING

A final motive for the killing of wild animals we need to consider is compassionate killing. This, perhaps the

easiest motive to justify morally, is undoubtedly the least common. This fact is hardly surprising, given that humans routinely disregard the interests of animals, resources for alleviating their suffering are rarely spent. However, there have been cases of killing wild animals for compassionate reasons. And, as the effective altruism movement and the number of those interested in wild animal suffering grow, we will need to ask ourselves whether killing animals to alleviate their suffering is a morally desirable enterprise.

As a moral theory particularly concerned with well-being, utilitarians have often advocated for the morality of euthanasia (Kuhse & Singer, 1985; Rachels, 1975). While positive well-being is the unique positive value in utilitarianism, and as such, death can imply a considerable loss for the victim, it is also clear that some lives are not worth living. On occasion, nothing is left in life apart from suffering. This can be due to sickness, injury, or extremely harsh living conditions. It is difficult to say when a life crosses the line and becomes no longer worth living, and the answer will also depend on which theory of value one adheres to. Yet, this need not detain us here, as even if there are some fringe cases, there will also be clear cases, as when an individual is enduring immense suffering with no hope of improvement. In these cases, it is often believed that euthanasia is morally permitted. In the case of humans, though, there may be additional issues to consider. In the case of self-aware beings, autonomy is commonly considered a value (either in itself or because it contributes to our well-being). Thus, in humans that are able to consent, their desires are key. The case of nonhuman animals is more similar to that of humans that cannot consent, like infants or those with severe cognitive disability. In these cases of non-voluntary euthanasia, we should judge whether the quality of the life and the possibility of improvement is sufficient to compensate for present suffering. This, of course, is no easy task, but there will be at least some cases in which the suffering is extreme and the probability of recovery slim. In these cases, I argue, the non-voluntary euthanasia of wild animals can be morally justified. And, if the suffering is severe enough, it may perhaps even be obligatory.⁹⁰

⁹⁰ Given that it has been argued (Horta, 2017, Tomasic, 2015) that many wild animals endure lives full of suffering, it could be argued that they will be better off dead. If this is the case, euthanasia may be acceptable, or even required, for most wild animals. So are wild animal lives worth living? Benatar (2006) distinguishes, correctly, I believe, between life ‘worth starting’ and life ‘worth continuing’, and argues that the standard for the first should be higher than the second, given that those that are alive already have an interest in continued existence that the non-existing do not have. Additionally, note that often a life may be decent for a long time, and then become not worth living at its end, due to sickness or infirmity. This may be particularly the case with wild animals (Tomasic, 2015) as most suffer horrible deaths (like being eaten alive). Taking this into account, I suspect that the lives of wild animals may generally not be worth starting. Whether they are worth continuing is a more difficult question, given that they experience some positive well-being, and thus have an interest in continued existence. When this ceases to be the

An issue to consider is whether euthanasia is a good solution long-term. This may not always be the case, or even in cases when it is, it should make us question future recurrences of the issue. Allow me to elaborate. Imagine we have found an injured animal for which recovery is not a realistic option. In this case, there is nothing else we can do for that animal or future animals in a similar situation other than to alleviate their present suffering, so euthanasia is the moral option. But this is not always the case. For instance, kangaroos have been killed in Australia in years of extreme drought, in cases where they cannot move to other areas in search of resources (for instance, when they are fenced inside an area), as many will experience slow and distressful death by dehydration and starvation (Clarke & Ng, 2006). In a situation like this, even if a speedy death is the best we can do for the currently suffering animals, there may be more efficient ways to deal with the problem in the future. Given that droughts are recurrent in some parts of the country, we should consider future occurrences before they happen. For example, controlling the population through contraception to keep it at numbers low enough for the drought not to cause a resource crisis. Likewise, there may be other cases in which prevention can also be the best option. For instance, when an epidemic breaks out, even if it is necessary to kill some animals to put them out of their misery, preventive measures (such vaccination or contraception) will be more effective long-term.

The mentioned case of killing of kangaroos in cases of drought seems especially problematic, as it involves the killing of perfectly healthy individuals (as being dehydrated is not an illness and can be easily addressed), so it is not one of those clear cases where there is no hope of recovery. Still, if the suffering we prevent is extreme, and there is no other way of avoiding it, the killing may still be justified. Importantly, this could also be the case for persons, including human beings (Lazari-Radek & Singer, 2014: 263-264). However, in some situations, other interventions may be possible, like providing food and water to the kangaroos. I understand that this may be a costly intervention and that needs to be considered on a utilitarian approach. Yet, in this case, it is relevant to consider the origin of the problem. After all, we have fenced the animals in such a way as to make their survival impossible. And we may have a moral responsibility to aid those whom we have harmed. In a world where animal interests were impartially considered, we would need to consider

case can only be assessed on a case by case basis, so it may be extremely complex to design and implement interventions to address this problem.

the costs of aiding these animals when the fenced infrastructures were planned. Truly, we do not live in a world where animal interests are considered impartially, and therefore we find ourselves in these situations in which the harm is already being done, so killing may sometimes be necessary. But looking into the future, we need to take animal interests seriously and factor their well-being in the potential costs of our enterprises.

A final and related problem to consider is whether the use of euthanasia is an effective way of increasing well-being. For instance, it has been questioned (Brennan, 2017) whether it would be ethical to kill elderly elephants that have lost their last set of molars, as they slowly starve to death. This is something that eventually happens to every elephant that does not die earlier, so it has the potential of alleviating the suffering of extremely sensitive animals. However, the technical difficulties and the small number of individuals that live long enough indicate that there may be more effective ways to use our limited resources. So, as this example indicates, along with the suffering endured and the probabilities of its alleviation, the practicality and costs of the intervention should be considered too. This may seem harsh, as one wishes that no sentient being suffers enormously for no reason, but given our limited resources, the moral option can only be the most effective one (Singer, 2010).

CONCLUSION

In this chapter, I have employed a utilitarian perspective to deal with the topic of wild animal killing, applying my position about the badness of animal death and its moral implications to different instances of the killing of wild animals in the real world. First, I have claimed that it is morally unjustifiable to kill animals for recreational purposes (including fishing, as there is evidence that fish are sentient). Then I approached the topic of population control. This is a complex problem, as there are a myriad of reasons why we engage in this behaviour. I have claimed that we are not justified in killing animals for trivial reasons, such as cosmetic damage to gardens. In the case of morally compelling reasons, such as the avoidance of more suffering associated with an ecological disaster, we can be justified in killing the animal in cases where the amount of suffering avoided is large enough and there is no other alternative that will produce less harm, such as contraception. I have also warned against the use of ecological language covering up less altruistic

motives, such as the financial gain of farmers. Finally, I have argued that contraception may have additional positive effects on the well-being of wild animals, and we should consider this when evaluating the utility associated with the different alternatives open to us. For this reason, further investigation into these methods and their effects on wild animals are urgently needed.

Next, I considered the killing of wild animals for food production motives. I argued against fishing as a method to get our food, given the immense quantity of suffering and death it involves. Then I considered what has been called ‘new hunting’, finding its justification lacking. I have also considered more plausible arguments for hunting, such as those that compare the death of field animals in plant agriculture with those of hunted animals, to conclude that such a position cannot be sustained on a utilitarian approach. I have also examined the killing of wild animals to ‘protect’ farm animals. I established that, as we do not need animal products to survive, and our interests in this topic are reduced to gustatory pleasure or convenience, we are not morally justified to kill farm animals to consume them, or wild animals to ‘protect’ farm animals. Finally, I addressed the controversial topic of the death of field animals in plant agriculture. Although it seems that this issue has been overblown, we nevertheless ought to strive to reduce suffering in the universe, and this includes the harm caused to field animals, regardless of whether this is intentional or not. There are promising alternatives to current large scale plant agriculture that we should support and promote. In the meantime, we should make an effort to reduce the amount of harm we are individually involved in as much as possible. This includes, obviously, stopping consuming the meat and by-products of farmed animals as an astonishing amount of our crops are directed to their consumption, but also trying to purchase plant-based food with ethical origins.

Finally, I have addressed whether we should kill animals for compassionate reasons. Utilitarianism compels us to minimise negative well-being and maximise positive as much as it is possible. For this reason, when euthanasia is the unique way of dealing with an animal’s suffering, it is morally justified to kill them (other things being equal). We need to consider, however, whether this intervention is an effective one, compared to other possible interventions to reduce suffering (or increase happiness). This should also be done when considering the issue long-term, as prevention is frequently a more effective strategy. In sum, animal lives

matter morally, and recognising this fact implies refraining from killing them for frivolous reasons. Killing wild animals can be justified, however, in cases when no less harmful alternatives exist and it will prevent a bigger amount of suffering, either for the victim animal or for other sentient beings.

In the next chapter I will address the killing of companion animals. These killings are less abundant than those of farmed and wild animals, however, I consider it is important to examine them as it will allow us to illuminate further the value of animal lives. In particular, I am interested in the contraposition of suffering and death for animals. Or in other words, I want to elucidate further the issue of animal euthanasia, and its justification. In order to be able to tackle this issue, I will first address some preliminary questions, common in the ethical debates about companion animals, such as the appropriate terminology to use, the responsibility we have towards our animal companions, or which characteristics are needed to be a companion animal. Then, I will address different instances of our killing of these animals, all frequently referred to as 'euthanasia', to argue that most of these practices should not, in fact, be called that.

CHAPTER 9

KILLING COMPANION ANIMALS

Humans have lived with companion animals for thousands of years. Although it is still unclear, and somewhat controversial, how these animals became domesticated, it is undeniable that they have accompanied us for millennia. So much so, that in the case of dogs, there is evidence of co-evolution (Pierce, 2016: 11). In the present day, pet-keeping is as popular as ever, and the pet-industry a booming business. For instance, in the US, the pet population has grown faster than the human population since the 1970s, and nowadays there are more companion animals than people (Pierce, 2016: 3). In addition to a population increase, it can be argued that the importance they have in our lives has also grown. In the Western world, the current narrative around pets is that they are part of our family. This narrative is supported by a 2015 poll (Harris Poll, 2015) in which 95% of Americans declared that their pet was a member of their family. So, notwithstanding serious criticism of pet-keeping practices from the animal liberation movement (Francione, 2012; Tuan, 1984), the notion that pets are members of our families seems to be the standard position nowadays. Also standard is the idea that pet-keeping is a beneficial practice for both human and nonhuman animals. The reality, however, is far from this rosy picture, and in fact, quite disturbing. Although many companion animals live pampered lives, these are a minority. As we will see, large numbers of companion animals are abused, mistreated, or abandoned by their human guardians. Many live miserable lives on the street. Millions are killed in shelters each year. And even those whose primary needs are satisfied by their owners often lead lives of boredom, loneliness, and frustration.

In this chapter, I want to analyse the morality of killing companion animals. Although the numbers of companion animals we kill is radically lower than that of farm and wild animals, an analysis of the morality of killing companion animals can, I believe, shed light on the value of animal life, and its relation to suffering. In order to elucidate this issue, first I will address a few preliminary questions. I will start by considering the terminological controversy regarding these animals and their human guardians. Then, I will briefly discuss what we owe to these animals, morally speaking. I will also explore which animals should be pets. Once I have dealt with these preliminary questions, I will examine the morality of killing them,

addressing the more controversial instances of our killing of pets, that is, the killing of animals for human convenience and the killings performed in municipal pounds and shelters, to finally focus on moral questions regarding animal euthanasia.

PRELIMINARY QUESTIONS

Terminological controversy

Almost every text dealing with the morality of pet keeping starts with a discussion on the appropriate terminology to use, as there is a sharp disagreement about the terms that we should use for the animal and the human that is responsible for their well-being. Are these animals pets or companion animals? And are the humans their guardians or merely their owners? It is notable that the discussion of terminology is not a key part of other areas of animal ethics (with some notable exceptions, such as Dunayer, 2001; Scully, 2002), although farmers are also (legally) the owners of the animals they farm, and the laboratories own the animals they experiment on. This fact may show that we generally consider that there is more to pet-keeping than domination, and that a language that does not show that special relationship makes us uncomfortable.

Is ‘pet’ a morally acceptable way to address these animals? Some argue that is patronizing and condescending (Palmer, 2006; Pierce, 2016) while some claim that it is acceptable (Bok, 2011), with others even preferring it as it shows affection and care (Dunayer, 2001). Personally, I do not find ‘pet’ particularly problematic. However, it is possible that, as a non-native English speaker, some of the connotations of the word are lost on me. If I think of the Spanish equivalent, ‘*mascota*’, I find it somewhat condescending, but not terribly so. However, some of the alternatives do not connote any condescension at all, so perhaps these should be favoured. ‘Animal companion’ is considered the currently preferred expression, but note that it is one of those expressions that define animals for the use they have for humans, which some also consider morally problematic (Dunayer, 2001; Pierce, 2016). For this reason, it may be preferred to use animal companion, or animal friend. Personally, none of these options strike me as particularly wrong or right.

Similarly controversial are the terms we use to refer to the human part of the equation. ‘Owner’ is the

mainstream term, and also the accurate one, legally speaking. However, morality is different from the law, so the fact that something is legally accurate does not imply that is morally appropriate. And, in contrast to my position on the previous terminological discussion, I find the use of ‘owner’ highly problematic. There are, however, good arguments to defend its use. Bok (2011) argues that we should use ‘owner’, as this is the reality in which we live, and using ‘guardian’ or ‘caregiver’ is factually untrue, given that many pet-owners are none of these. Yet, there are serious problems with this term. First, many argue that animals are not things that can be someone’s property (Francione, 2009). Although I agree that in the present conditions being property is harmful for animals, I do not believe that it is harmful in itself, and an alternative system of property could be designed to protect animals (Cochrane, 2012; Cooke, 2011). Still, conceptualising animals as property may have noxious consequences, as it can hinder our capacity to recognise their interests. After all, property does not commonly have interests.

Furthermore, and more directed to Bok’s argument, I find that ‘owner’, although factually correct, fails to show a significant dimension of the relationship we have, or should have, with our animal companions. Bok argues for the use of ‘owner’ pointing out that often the humans in charge of the animals are not true guardians or caregivers. This is sadly true. But when this is the case, they are forfeiting a responsibility they have towards their animals (that I will discuss in the next section). Those that acquire an animal to share their lives with have a responsibility to provide for the well-being of that animal. In a similar way, parents have a duty of care towards their children, and we do not stop using the expression ‘parent’ because some parents are abusive. We simply judge that those people are bad parents. For this reason, I argue that we need to use a term that recognises the obligations we have towards these animals, and that allows us to identify those that have failed to fulfil them as negligent. This is not the case with ‘owner’. An owner cannot fail to fulfil a duty towards an inanimate object. If someone does not oil their car and it breaks, the only one that has being harmed is the owner. The only duty an owner has regarding their property is that of self-interest.⁹¹ This is not the case with sentient nonhuman animals: they have their own interests. For this reason, I will refer to the

⁹¹ This may be an overstatement, as it is true that there can be restrictions to ownership, as in cases of fine art, historical buildings, etcetera. But importantly, and related to my point, the objective of these restrictions is to take the interests of other humans into account, such as the artist, art lovers, or the general public, not the property itself. If an owner has the duty to preserve their property is because it is of value to others, not because it is considered that the property has interests itself.

human as ‘guardian’. Other valid terms can also be used, such as ‘caregiver’, or ‘caretaker’. ‘Parent’ has also been proposed (Burgess-Jackson, 1998), and many people refer to themselves as parents and their animals as children, or similar expressions. I will not use this term here, though, as it may not be appropriate for all relationships we have with these animals. For that reason, I will use the more general term, ‘guardian’.

What do we owe to pets?

A big part of the literature on the ethics of pet-keeping revolves around the idea of special duties. Do we have special duties towards our animal companions, given the special relationship that we have to them? This would imply that we owe more to these animals than to, let us say, wild animals or farm animals. It has been argued, for instance, that we only have negative duties towards other animals, while we have positive duties to companion animals (DeGrazia, 1996: 273).⁹² The idea that we have special duties towards the animals we decide to live with seems to be a standard position (Burgess-Jackson, 1998; Palmer, 2006; Rollin, 2009; Cooke, 2011). I both agree and disagree with this statement. First, as I favour a utilitarian approach to ethics, I value impartiality over duties based on special relationships. Thus, I believe that the interests of all involved should be taken into account equally, regardless of our relationship to the interest-holder. This implies that the interests of other animals can take precedence over those of our animal companion (or even our own). For example, it is quite likely that the mouse’s interest in continued existence has more weight than the cat’s interest in free-roaming the neighbourhood. Secondly, utilitarianism also implies that we owe animals more than refraining from harming them. It has been argued, for example, that we should aid wild animals when possible (Horta, 2017; Tomasik, 2015). Using the language of duties, this implies that we have positive duties towards all animals, regardless of our relation to them.

That said, I believe that there is value in the concept of special duties. And, as DeGrazia (1996: 274) argues, there may be consequentialist reasons to support some special duties to companion animals. To begin with, it would seem that many (if not most) domesticated animals have an interest in human care. As domestication has changed their physical and psychological characteristics, their survival abilities are not on par with those

⁹² In fact, what DeGrazia claims is that we have positive duties to all animals but these “are limited to actions necessary to eliminate unnecessary harm to animals *caused by humans*” (2006: 273). This means that our duties are essentially negative, that is, to refrain from causing harm, but, as other humans continue to harm animals, this duty compels us to intervene.

of their wild counterparts. Therefore, they generally need support from humans to have decent lives (and thus, we have a special responsibility of care that we do not have toward other animals). This is extremely unfortunate for them, as humans often exploit animals instead of caring for them,⁹³ thus making domesticated animals doubly victimised. Additionally, our special relationship may situate us in the best position to care for our companion animals. It is easier for me to know how to care for my dog than, for example, how to care for a wallaby. This is, first, because humans are much more acquainted with dogs than we are with wallabies, but also because I know my dog as an individual, and this gives me a deeper understanding of his needs.

So, given that there are reasons to provide for the well-being of our animal companions, it is necessary to elucidate their interests. I have argued that animals have an interest in avoiding suffering and in experiencing positive well-being. And as such, they also have an interest in continued existence. Both the interest in not suffering and in experiencing positive well-being are quite straightforward and, I believe, widely accepted in Western societies. Although people do not generally align their actions with these ideas, it is uncommon to find positions defending the idea that animals do not have an interest in a positive balance of well-being (Cartesians and neo-Cartesians aside). As we have seen, the idea that death is a misfortune for animals is far more controversial, both in academic and non-academic circles. However, it seems clear to me that, if animals have an interest in experiencing positive well-being (and this is difficult to deny), and death implies the final termination of that well-being, the animal victim has lost something of importance. They have lost, in fact, everything that can be of importance, and as such, death should be considered as a serious misfortune for sentient animals. With these basic interests in mind, it is now easy to determine which are the obligations the guardian has towards the animal. As the animal is totally dependent on their care, the guardian has to provide for the well-being of the animal. Note that this implies basic necessities, such as nourishment, shelter, or veterinary access, as well as needs not related to survival, such as companionship, exercise, enrichment, etcetera. This also implies that the animal's interest in a continued existence should be taken into account and given its proper weight.

⁹³ Those not accepting this statement can find extensive literature about the abusive treatment of animals, both coming from academic circles and from animal liberation/welfare activists. Extensive lists of both books and documentaries can be found with a simple Google search. See, for instance, <https://www.goodreads.com/shelf/show/animal-rights> and <https://www.imdb.com/list/ls053306864/>.

Who should be pets?

It is also common in the literature to find definitions of what pets are, determining which conditions need to be met to identify an animal as a companion animal (Hanrahan, 2007; Varner, 2002; Burgess-Jackson, 1998). From there the authors go on to examine which duties we have towards these animals (generally, from the perspective of special relationships), and this sometimes leads a discussion of which animals we should keep as our companions. I want to challenge this approach. I find the discussion of the possible definitions of pet, irrelevant. I do not mean to deny that this discussion has philosophical value, but my interest is not so much descriptive as prescriptive. As I see it, the morally relevant question is not: what is a pet, but, who should be pets? This implies a change of focus, from external circumstances, such as living conditions or access to the exterior, to the animals themselves, paying close attention, not only to their generic needs, but also to their personal history and particular circumstances.

The practice of keeping animals as companions has ambiguous implications. On the one hand, the life of an animal companion can be better than that of a wild or feral animal. While animals in the wild experience hunger, thirst, extreme weather conditions, and fear (Horta, 2017; Tomasik, 2015), the life of a companion animal can be relatively free of these negative experiences. Companion animals can also have access to veterinary care, to alleviate their pain and sickness, and can have comparably painless deaths, in contrast to the gruesome deaths of the wild, such as being eaten alive or plagued by infections or other illnesses. On the other hand, companion animals depend absolutely on our willingness to provide them with decent lives. And this is, more often than not, not a willingness we show. Abuse, abandonment, and mistreatment are rampant (Pierce, 2016). For those that have their basic needs covered, lives full of loneliness and boredom are not uncommon (Pierce, 2016; Bekoff & Pierce, 2019). And, finally, millions of these animals are killed when they become an inconvenience to humans (more on this in next section). So, although the protection offered by humans could be a good thing for them, this is not generally the case. Furthermore, even if most companion animals were treated properly, this complete dependence on humans is undoubtedly a problem, as it leaves them powerless and defenceless. This situation is, I believe, not something that should be encouraged. This implies, among other things, that we should not intentionally breed animals to create new

However, it would be both unrealistic and irresponsible to call for a total ban on the practice of pet-keeping. For one, there are currently millions of animals in the world that depend on us for their survival and well-being, and thus, we have a responsibility towards them. If these animals that need us are treated as they deserve, taking their interests seriously, they can have fulfilling lives. They may even enjoy a higher well-being than animals in the wild. I argue, therefore, that keeping a companion animal can be morally justified in cases when the individual animal needs a guardian. This implies that the morality of the practice depends not merely on how our duty is carried out, but on what the animal requires to have a fulfilling life. In answering the question of who should be kept as companion animal, my position shifts the focus from generic characteristics of the species to the particular interests of a specific animal. In particular, I contend that an animal should be a companion animal if, and only if, (1) the animal needs a guardian to have a fulfilling life; and (2) the prospective guardian can adequately provide for the animal's needs and a positive well-being.

Allow me to flesh out my proposal by discussing some specific cases. For instance, most dogs will easily fulfil both conditions. Dogs generally do not fare well when feral (Beck, 2001). Domestication has taken them too far from their wild counterparts and for them, having a good life is linked to living with humans. For this reason, it is also relatively easy to be able to provide for dogs' needs: we have a large amount of knowledge about the needs and language of dogs. These topics are not without controversy (Bekoff, 2018), but generally we have a good grasp of their interests. The case of cats is slightly more complicated, as cats do not generally bond with (or even tolerate) humans unless they are socialized shortly after birth. Thus, for

⁹⁴ It is often argued that the problem could be solved by breeding fewer animals, mainly or exclusively purebred, animals. It is sometimes thought that the exclusivity and price of these animals exclude them from negligent "owners". However, this is a red herring: shelters and municipal pounds are full of purebred animals, and they are not less prone to be mistreated or abandoned than other dogs. For instance, according to the Humane Society, 25% of dogs in US shelters are purebred (2019). Similarly, it has been claimed that almost 20% of the dogs admitted to shelters between 2008 and 2013 in Spain were purebred (Fatjo et al, 2015). Moreover, as many suffer from chronic congenital conditions, they are often surrendered or killed for health issues. Finally, note that the commercial breeding of pure breeds creates enormous problems, such as puppy mills and the killing of innumerable healthy puppies when they are not sold on time. And even when these animals within this trade are rescued, they are commonly deeply scarred, and many never recover psychologically.

feral cats, life in a controlled group of community cats,⁹⁵ in which basic resources are provided, may be more appropriate. Other animals that could fulfil both conditions are, for instance, domestic rabbits or domesticated rodents, such as rats or hamsters. Moreover, other domesticated animals may also be in need of guardians, such as chickens, pigs, horses, goats, etcetera. This will not always be the case: for example, some pigs can fare well when feral, and so can some other domesticated animals. Furthermore, some wild animals may be in need of guardians, either due to injury, illness, or some other characteristic that makes it impossible for them to survive in the wild.

Importantly, both of the mentioned conditions are necessary. This means that we need to look not only to the need of the animal for a guardian, but also to whether the prospective guardian can provide for the animal's needs. This will often not be the case, especially with wild, feral, or big domesticated animals, either because of space constraints, because the animal is aversive to humans (as most wild prey animals are), or because they do not have the necessary knowledge to care for the animal (which is often the case with the so-called 'exotic' pets). For many of these animals, a transitional wildlife recovery centre (if the animal can be re-introduced to the wild), or an animal sanctuary (if re-introduction is not possible) would be more appropriate. However, there will still be some cases in which being a companion animal will be in the best interest of the animal. For instance, in Barcelona, there has been a dramatic increase of the monk parakeet (*Myiopsitta monachus*), which is considered an invasive species by the authorities. These highly intelligent and social animals often need to be rescued from illegal hunters, free-roaming cats, sadistic children, or simply because they have been injured or suffer an illness. Sometimes the rescue is performed when the bird is a chick and will afterwards lack the necessary socialization to survive in the wild, other times the bird suffers an illness or injury that makes independent survival impossible. As they are considered an invasive species, wildlife sanctuaries do not accept them, and if given to the authorities they will be invariably killed. In these cases, a human guardian can offer a safe and stimulating environment (although this is not easy task, given their high intelligence and demanding social needs) that will be the best chance the animal will have for a fulfilling live. This could be the case for other feral or wild animals too, and thus it would be morally justified (and

⁹⁵ Community cats are defined by the advocacy group Alley Cat Allies (2019) as "unowned cats who live outdoors in virtually every landscape on every continent where people live. Like pet cats, they belong to the domestic cat species (*Felis catus*). However, community cats, also called feral cats, are generally not socialized – or friendly – to people. They live full, healthy lives with their feline families (called colonies) in their outdoor homes."

perhaps obligatory) to offer them a home.

Crucially, although my proposal accepts the morality of keeping as companions animals that are not commonly thought of as ‘pets’, this does not imply that it is morally justified to keep any individual of these species captive in our homes. Whether this is morally justified depends on what is in the best interest of the animal, and this should always be considered on a case by case basis. This does not negate the importance of species. It is obvious that members of the same species will have equal, or very similar, mental and physical needs. This implies that it would be, generally speaking, easier to care for the members of some species over others, and also that the members of some species will require our assistance far more often than those of other species (this has also to do, in some cases, with our shared evolutionary history). What I am claiming is that we need to go beyond that. In some cases, the well-being of a cat would be better served by allowing her to continue her life as a feral community cat, and providing her support in doing so. In contrast, in other cases, the well-being of a wild animal can only be sustained keeping him as a pet, as in the discussed example of the monk parakeet in Barcelona.

Additionally, my view condemns the commercial breeding and the selling of animals. Given how much suffering it is created by the pet industry, it is not in the best interest of the animals to be born in this system, nor is it in the best interest of the parent animals. Note that this rejection is not based on the classic argument (Francione, 2012) turning on the status of animals as property, but on the suffering caused by the industry of pet-keeping, as it brings immoral breeders, puppy mills, the breeding of congenitally sick animals for aesthetic reasons, the killing of sick and unwanted puppies, the pain caused to the mothers when their babies are taken away, and the major population problems that we face, with millions of animals living and being killed in shelters.

KILLING ANIMAL COMPANIONS

Now I have laid out a basic understanding of the ethics of living with companion animals, let us turn to the morality of killing them. Given what I have argued in previous chapters, and what I have claimed here

regarding the well-being of companion animals and our responsibilities towards them, it is easy to infer that my position is that the killing of a companion animal is only justified in cases in which death is in the best interest of the animal or their death promotes similarly relevant interests of others (as in the case of sacrificial dilemmas and lifeboat situations). However, companion animals are routinely killed for all kinds of reasons. It is often argued that these killings are in the best interest of the animal. That is, it is claimed that these killings are instances of non-voluntary euthanasia. While I believe that euthanasia, both voluntary and non-voluntary, is often morally justified, for both human and nonhuman animals, I will argue that many of these killings are not in the best interest of the animal, and as such, not instances of euthanasia. More often than not, moreover, these killings are not morally justified.

Convenience killing

In some industrialised countries, as in the US, is still legal to kill a companion animal for reasons of *convenience* (Kleinfeldt, 2017), as long as the killing is performed by a veterinarian in a legally accepted manner (commonly by a lethal injection). This is hardly surprising, given that animals are considered property under the law, and one often has the right to destroy one's property, as long as so doing does not inconvenience others. What is considered as a justified reason for a convenience killing is not specified, and the human guardian does not need to provide evidence to prove the truth of the claim. Thus, people kill their animals because they are too big or too small, bark too much or too little, scratch the furniture or are not house-trained (surprisingly, puppies do not house-train themselves). People kill their animals because they have a new partner, and the partner does not like the animal, because they are moving to a new apartment, or because they are going on holidays. It is also possible to request the killing of your animal after you die in your will, so you can be buried or cremated together. These are all trivial reasons and cannot compare to the interest the animal has in continued existence, so these killings are not morally justified. If one is in a situation in which they cannot,⁹⁶ or will not, care for an animal any more, they can part with the animal (after all, this may be the best for the animal too), but this needs to be done in a way that respects the interests of the animal – namely, a new home needs to be found or some other suitable arrangement should be made.

This may be an inconvenience for the humans, but this is part of the responsibility they acquired when they

⁹⁶ In some cases legitimate reasons why one cannot care for an animal can arise, either due to change of circumstances in the human's life, or because some particularity of the animal (Bok, 2011).

adopted the animal. This is a responsibility, moreover, that they took on their own free will, and that one can easily avoid.

These killings are commonly referred to as euthanasia. However, as it merely serves the interests of the human guardian and it is not in the best interest of the animal, it cannot legitimately be called euthanasia. It could be argued, though, that this is in the best interest of the animal, as she would be abandoned or even killed by the owner anyway, causing more suffering. So, to avoid future suffering, it may be better for the animal to be killed by a trained veterinarian. While it is true that less suffering is better than more suffering, this is a twisted argument. Forfeiting one's responsibilities towards a defenceless being is not a justification for a greater harm, but an aggravation of it. For instance, although there are situations in which a parent cannot take care of a child, we would require the parent to look for a solution, such as putting the infant in the care of the state or a relative, and will not consider the parent's refusal to engage with the problem a justification for killing the baby; quite the contrary. The animal's interest in continued existence does not disappear when it is convenient for the human guardian, and still needs to be taken seriously. Thus, the fact that a guardian fails to fulfil the responsibilities they have towards an animal does not give us reasons to ignore the rest of the animal's interests.

The position that it is better for the animal to be killed by a veterinarian when the guardian desires it (to avoid a worse fate), also creates an interesting empirical question about which I have not found any information: are there more illegal killings of animal companions in countries in which convenience killings are not legal? This could be the case, but it could also be that a greater social and legal regard for animal life leads people to respect animals more (if only for the social consequences) and seek more humane alternatives. I am inclined to think the second option is more plausible, at least long-term. True, some of these animals will be surrendered to shelters or animal pounds, and that creates further problems (that I will discuss next), but at least gives them a chance of a future life.

Killing in shelters

A common theme in the literature about companion animals is the question of overpopulation. The

mainstream narrative tells us that it is due to overpopulation that there are so many animals in shelters, and this is also why the shelters need to kill these animals: as new animals need to be taken into the shelter, it is necessary to make room for them, and killing the resident ones seems to be the only way of doing it. I have my doubts about the validity of the companion animal overpopulation idea. As I see it, the problem is not so much the number of pets, but the irresponsibility of people who keep abandoning their animals, allowing them to breed with no intention of keeping the offspring,⁹⁷ and purchasing new animals from an industry that only cares about profits. So perhaps the problem is not the high number of animals but the low number of responsible animal guardians (Pierce makes a similar point, 2016). Regardless of whether or not there is an overpopulation problem, there definitely is a problem with the number of unwanted animals. Animals whose well-being often depends, as we have seen, on being cared by a human guardian.

The killing of animals in shelters and pounds is by no means a small matter. For instance, in the US around three million dogs and cats are killed each year, of whom it is estimated that 80% are healthy and adoptable (The Humane Society, 2019). In Australia, where I write these words, almost 44,000 dogs are killed each year, amounting to almost a fifth of all dog admissions in municipal pounds and shelters (Chua, Rand & Morton, 2017). The number of animals admitted in pounds and shelters in Spain is smaller than that of Australia, around 137,000 (both dogs and cats), and a lower percentage of animals are killed, 2% (Fundación Affinity, 2019). This figure has been steadily declining in the last years, with 10% of the admitted animals killed just a couple of years ago (Fundación affinity, 2017). A possible cause of this decline is the shift in the model, from opaque for-profit organizations running the municipal pounds (as they received payment from the local governments for each killed animal, it was profitable to kill the animals), to higher transparency and accountability, and even not-for-profit organizations running the municipal pounds (Ruiz, 2015). Additionally, it is illegal in some regions of Spain to kill companion animals, unless they are irreversibly sick or they pose a real danger to others, and that prohibition encompasses the animals in municipal pounds and shelters (Peracho et al., 2003)).

A particularly unsettling figure is the number of mass killings are performed by some animal protection

⁹⁷ This can lead to feral populations, that will in turn keep breeding if we do not intervene, thus exacerbating the problem.

organizations. For example, some of PETA's shelters in the US killed as much as 88% of the animals in their care in 2015, and before that year, they sometimes killed up to 97% of the animals (Kleinfeldt, 2017). Why would an animal protection organization kill most of the animals in their care? According to these organizations (PETA is the most infamous, but by no means the only one), it is on the best interest of these animals to die. Their argument is two-fold. First, as shelter life can be very hard for these animals, and life as a stray is even worse, the humane course of action is to end their suffering as soon as possible. And secondly, they maintain that death is not a misfortune for animals, or only a minor one, so killing them is an acceptable way of dealing with their suffering. For these reasons, they claim, these are cases of legitimate euthanasia. Note that both parts of the argument are needed, as we recognise that the lives of many humans can also be full of hardships, but do not kill them for it. For instance, we do not kill homeless people (Kleinfeldt, 2017), even if they live in harsh conditions, as we believe that killing them harms them (either because it is an infringement on their autonomy, or because we believe that the value of human life exceeds that of present well-being).

Although I strongly disagree with the killing of animals in shelters, there is nevertheless some truth to their argument. Animals suffer enormously when abandoned: shelters, even the best ones, are commonly noisy, crowded, and stressful. Stray life is also tough on animals, and survival is often impossible, particularly for some species or specific breeds, like those extremely small or brachycephalic ones. Philosophically speaking, the 'PETA position' is not without support. As we have seen, the idea that animal suffering matters morally, but animal death does not, is not an uncommon position in animal ethics. The core of this position is that, as animals cannot conceptualise themselves as individuals existing over time, death does not significantly affect them. And, the argument goes, given that death does not harm them, it is not against their interests to kill them. In animal protection circles, this position is commonly denominated as *welfarism* (that is, merely caring about welfare) and identified with utilitarianism in general and Peter Singer in particular.⁹⁸ Others have intermediate positions, such as McMahan (2002), claiming that, although death harms animals,

⁹⁸ This interpretation of Singer's thought is, I believe, incorrect. Although Singer argues that death does not harm non-persons (that is, not self-aware beings), he clearly situates animals such as dogs, pigs, and chickens in a quasi-person category, as they show some signs of self-awareness (2011: 102). This implies that they have an interest (albeit modest) in continued existence. There is no reason to think that other companion animals would be excluded from this group, given that their cognitive abilities are similar.

this harm is much less considerable than that of suffering. For this reason, he argues, death is better than considerable suffering for animals, which implies that less suffering is needed to justify their euthanasia.

Although I find McMahan's idea that euthanasia is more readily justified in animals plausible to a certain extent, the killing of healthy animals in pounds and shelters is not a case of euthanasia.⁹⁹ We kill these animals because it suits our purposes, not for their own good. And because it is convenient for us, we underestimate their interest in continued existence. To prove this, we can imagine if the same treatment would be accepted for human beings at the same level of cognition. Think of an orphanage that does not have the necessary resources to care for the orphans in the area. Would they be justified in killing the babies? And would it make a difference whether the babies are mentally disabled? I doubt it. Furthermore, a baby absolutely cannot survive by itself, but a dog, a cat, or a rabbit might, so if anything, there are further reasons not to kill them.

While it is true that life in a shelter or in the streets is hard, many animals can have decent lives in these conditions, particularly if we offer them our support. A clear example are community cats. These are groups of feral cats living in close quarters with humans, and that are commonly provided with resources, such as food, water, shelter, and veterinary care. For years, I volunteered to take care of some of these cat colonies and some of them have high standards of welfare, perhaps higher than many house cats. Similar measures could be taken with other animals. Additionally, well-being in shelters can be improved by commitment, not only from the authorities, but from the public. Something as simple as walking dogs for a few hours each week can completely change their lives. Fostering is also a simple way of helping homeless animals, and – depending on the characteristics of the individual – not a highly demanding activity. The problem is not that there are no alternatives for these animals, but that their existence is a nuisance for us. A nuisance because they can be a health safety hazard, but also because their existence bothers us morally: their suffering is the proof of our failure to care for those that depend on us. So, rather than take responsibility for this suffering, we choose to put an end to our uneasiness by eliminating its source: the life of the animal.

⁹⁹ McMahan would, I suspect, disagree with my statement (2002: 199-200).

Contraception

Although I have argued against the idea that the problem of companion animals is an overpopulation problem, I have acknowledged that we have a problem with the number of stray and unwanted animals, and as such, we should take measures to tackle this issue. I have already argued for the immorality of the commercial breeding of companion animals, and the problem with unwanted animals offers a further argument to support this position. Breeding new animals for financial gain while others die or lead miserable lives in shelters and the streets cannot be morally justified. However, this alone cannot solve the problem, as the number of unwanted animals increases, not only due to commercial breeding, but also the breeding of feral animals and those already in human homes. For this reason, I contend that part of the care that we owe to these animals includes the provision of contraception. This is commonly done in the form of neutering, as it is a permanent means of contraception. Contraception is necessary because they cannot regulate their own reproduction, and this can lead to dramatic increases in number, making caring for these animals increasingly difficult.

The use of contraception to control companion animal populations, however, is an increasingly controversial topic. Traditionally, this practice has been justified by alluding to benefits to the health of the individual animal, an improvement of the animal behaviour, and the collective benefit of population control. Note that only the first reason is concerned with the well-being of the individual animal. The second one could imply a benefit if it makes it easier for the animal to find a home, or not to lose the current one, but it is generally concerned with the preferences of humans, not of the animals themselves. The final reason is centred in benefits for future generations (that is, the idea that non-existence is better than an existence with poor welfare), and also, perhaps, for humans. Furthermore, it is not even clear that these alluded reasons are factually true. The first one, concerning the animal's health, is at least dubious. Although there are health benefits to sterilisation (such as a decrease in the probability of certain types of cancer), there can also be damaging effects (Pierce, 2016). Likewise, the benefits to behaviour have been highly contested, and seem limited to very specific cases, such as tom cats marking territory inside a home (Pierce, 2016). Thus, the only reason that has unambiguous empirical support is population control.

This situation makes many advocates uneasy about neutering, given that the individual animal pays a price for benefits reaped by others. This, obviously, is problematic for those approaching animal ethics from theories of rights (Palmer, Corr & Sandøe, 2012; Wayne, 2017). The price that the animal pays is, first, the pain and discomfort caused by the surgery and its complications, but also, the fact that they are prevented from experiencing pleasurable and meaningful experiences, such as sex or parenthood. Furthermore, this is done without their consent, which may infringe on their autonomy rights. As someone approaching ethics from a utilitarian perspective, I believe we have good reasons to accept interpersonal trade-offs of utility (Norcross, 1997), as long as the stakes are reasonable. Although the discomfort caused by the surgery needs to be taken into account, this can prevent the intense suffering of innumerable future individuals.

Additionally, the losses of the individual animal may also be overestimated. First, pain and discomfort can be managed by medication. Secondly, sex is not equally enjoyable for all animals, and for some, as for example female cats, seems to be quite painful. For these animals, there is no loss. Thirdly, although parenthood is meaningful for many animals, it is of no consequence for many others, as they are not involved in the raising of the offspring (like, for example, male cats). And even if it is a meaningful experience for others, it also takes a large toll on the health of many female animals (neutered females tend to have a better health condition than breeding females, in terms of weight and general physical condition (Brennan, 2018)). Finally, there are also benefits for the individual animal that are not commonly discussed (Cochrane, 2012: 133-134), for instance, the evidence that non-neutered animals get lost and suffer more injuries than neutered ones, as they go out looking for partners. Another issue that is often ignored (Pierce (2016) is the only exception that I have found) is the psychological pain the mothers suffer when their offspring die (due to starvation, weather conditions, predation, etcetera) or are taken from them to be put up for adoption. This, I suspect, is a greater pain than being denied motherhood, as they have already bonded with their babies. Thus, all things considered, I contend that contraception is a morally desirable way of dealing with animal populations. Notwithstanding this, we also need to consider whether there are less invasive ways to deal with their fertility than major surgery, and choose those interventions that cause the least suffering.

Euthanasia

I have argued that, although commonly designated in that way, the killing of companion animals for convenience reasons and the mass killings occurring in pounds and shelters, should not be considered euthanasia. But I have not, so far, delimited what euthanasia is. Tom Regan (2004: 110) defined three conditions for a killing to be euthanasia: (a) the killing method is the least painful possible, (b) the killing must be done with the belief that it is in the animal's best interest, and this should be a true belief, and (c) whoever is killing the animal must be motivated to do it for the animal's best interest. In the case of convenience killing, merely the first one applies, when it is done by a veterinarian. In the case of shelters, (b) does not apply, as it is not in the best interest of the animal to die. We can acknowledge that many of the workers believe that they are doing it for the animal, but this is not a true belief. Sadly, (a) often does not apply either, as the killings are not done by veterinarians, but by poorly trained technicians (Pierce, 2012).

Although animal euthanasia is far less morally controversial than human euthanasia, it is by no means an easy topic. An animal cannot tell us whether they want to die, or when is the moment to do it. In the literature about human euthanasia, autonomy is a key element: what does the patient want to do about her life. If she can decide and wants to die (what is called voluntary euthanasia), many argue that her autonomy should be respected. This is not possible for nonhuman animals, not only because they cannot communicate complex desires, but also because they may not have the capacity to make such a decision, or even understand its terms. Although there is evidence that some animals understand the deaths of others (Pierce, 2012; Bekoff, 2010; de Waal, 2013), we cannot at present be sure that they understand their own deaths. This puts their euthanasia in the same category as that of infants and the severely mentally impaired, what is known as non-voluntary euthanasia. In non-voluntary euthanasia, the interested party cannot give their consent, or even their opinion, and others must make this decision for them.

When is non-voluntary euthanasia justified? The simple answer is when quality of life is so low that the patient has a life not worth living, and the chances of improvement are non-existent or slim. But at this point we need to deal with the quasi-intractable problem of setting the limits of a life worth living, with the additional problem of dealing with a type of conscious experience very different from ours. Furthermore, we

need to decide not only whether euthanasia is necessary, but when. How do we know when it is the right moment? And how do we assess it objectively when it is intertwined with our own interests? In the case of animal companions, the deaths often occur too early or too late (Pierce, 2012). Some guardians do not want to deal with the inconvenience of a sick animal in the house, and decide to kill the animal as soon as they have a diagnosis.¹⁰⁰ Conversely, others do not want to depart from their beloved animal, and make the animal suffer horribly before they make the decision. There have been some attempts to develop *quality of life* (QOL) measures for animals (McMillan, 2000; Villalobos, 2007), that can help us assess the quality of life of our animals. These are necessarily tentative, as they are not done by the animal, but by a human proxy, but at least they set a number of objective criteria. When the animal fulfils a sufficient number of these criteria, euthanasia may be the best option. Generally speaking, it may be better to act too soon rather than too late. Nonhuman animals lack some of the attributes that help us dealing with suffering (Akhtar, 2011), and thus, their suffering may be more pressing than ours, and thus, their euthanasia more readily justifiable.

Finally, who should make the decision? There seem to be consensus (Milligan, 2009; Pierce, 2012; Varner, 2002) that the guardian should be ultimately responsible for making the decision. The guardian has privileged epistemic access to key information about the animal, from her day-to-day experience, to her personality (mood has a strong influence on how we experience suffering (Pierce, 2012)), and their personal history. Although I agree with this, we must be careful. First, it is sometimes difficult to perceive the signs of suffering in animals, either because we do not understand how they communicate or because they hide it, as a stoic attitude can be evolutionarily advantageous. A veterinarian, in contrast, has been trained to find these signs. Additionally, it is necessary to keep in mind that many guardians will act in a selfish manner, and prioritised their interests over their animals'. Sickness and old age can be messy, and many people do not want to deal with it. Others will not want to part with the animal, no matter how much she is suffering. For this reason, I believe veterinarians should have some kind of vetting powers to protect these animals in extreme cases. This could be done, for instance, appealing to a third party, like a veterinary committee.

¹⁰⁰ Additionally, some people decide to kill their animals when they have conditions that do not impede the animal from having a satisfying life, such as the loss of a limb, loss of hearing, old age, etcetera. In these situations, as the animal can still experience a positive balance of well-being, death is not in their best interest, and therefore, these are not instances of euthanasia.

CONCLUSION

In this chapter I have examined the ethics of killing companion animals. I started by addressing some preliminary questions, the first of which was how to refer to these animals and the humans in charge of their care. Although I do not have strong views about the terms we use to refer to the animals, I do object to the use of ‘owner’, and I have advocated for the use of ‘guardian’. It is my view that ‘owner’, although presently factually true, leaves us excessively off the hook in terms of the responsibility we have towards these animals. In contrast, ‘guardian’ reflects the responsibility of care we have towards animals which often cannot survive, or have a satisfactory life, without our care. Subsequently, I addressed our responsibilities towards these animals. I have claimed that sentient animals have a fundamental interest in not suffering, in experiencing positive well-being, and in continued existence. And, as for many of these animals is impossible to satisfy these interests without human support, guardians have the responsibility to provide for these interests to their best of their abilities. Finally, I considered who should be pets. I contend that it is morally justifiable to keep an animal as our companion when they need a human guardian to have a satisfying life, and we can properly provide for their needs (and these will not be better served in some other environment, such as a rehabilitation centre or a sanctuary). This takes the focus of the debate from the suitability of particular species, to the specific needs of a determinate individuals, and the different alternatives available for their care.

I then turned to the morality of killing companion animals. As we need to take their interest in a continued existence seriously, and this is a fundamental interest, we are not justified in killing them when their existence is an inconvenience to us, especially when this is for reasons as trivial as going on holidays or cosmetic damages to our furniture. In the debate about the mass killing of companion animals in municipal pounds and shelters, it is commonly argued that death is better than life for these animals. This is because life in both the streets and shelters can be harsh, but also because it is widely believed that death is not a misfortune for animals, or merely a minor one, and thus, death is better than (almost any) suffering. I disagree with both the factual and the axiological parts of this argument. I contend that death is indeed a misfortune for animals, and, given that death eliminates any possibility of future positive well-being, this is a

major loss. Thus, animals have a fundamental interest in continued existence. As such, being killed when a positive balance of well-being is still possible (either in the present or in a relatively near future) cannot be morally justified (other things being equal). I also disagree with the factual assessment of the present well-being of these animals. Some domestic animals can fare well in some non-home settings, particularly when we offer them our assistance with the resources they need. This can often be done with a low cost to ourselves, as can some other alternatives, like fostering or volunteering in shelters.

Finally, I addressed cases of real euthanasia, in which the killing is truly performed for the best interest of the animal. These cases are less problematic morally speaking, but there are still relevant questions that need answers, as how to decide if, and when, an animal should be euthanised, and who should make that decision. I have argued that we should assess, as objectively as possible, the quality of life of the animal, and try to err on the side of caution, minimizing the risk of pointless suffering. This task should primarily fall on the human guardian, but I believe there should be provisions that allow veterinarians to intervene in extreme cases when the best interest of the animal is not been properly taken into account. In sum, our current treatment of companion (and other) animals shows a blatant disregard for their basic interests, particularly for their interest in a continued existence, but also their interests in enjoying life and avoiding suffering. Taking these interests into account will imply a complete transformation of the practice of pet keeping as it currently exists.

CONCLUSION

I commenced my dissertation by noting the staggering numbers in which we currently kill animals. For food alone, billions of land animals are killed each year, a number that goes up into the trillions when we include marine animals. To these figures, we should add those that we kill for experimentation, fashion, entertainment, or land management. Moreover, animals that are killed unintentionally should be factored in too, especially as many of these deaths could be easily prevented. As we have seen, it is often considered that it is only animal suffering, and not animal death, that deserves our moral concern. In this fashion, it is frequently argued that, as long as these animals do not suffer during their lives and deaths, their killing is not a moral issue. The reality nowadays, however, is that most of these animals suffer immensely, and this fact allows many advocates to reject these practices without discussing the badness of animal death. In contrast, I have argued that animals can be harmed by death, and as such, their killing poses a moral problem.

In my argumentation, I first analysed whether death is a misfortune at all. I claim, against Epicurus and his school of thought, that death can be considered an evil due to the deprivation it causes. While it is true that the victim cannot experience this deprivation, her well-being level has nevertheless been altered. The enjoyment of her positive well-being has been curtailed, and thus, she has suffered a considerable loss. Furthermore, as death implies the loss of all possible positive well-being in the future, this is a great loss for the victim herself. So, although there may be additional reasons that make death a misfortune for the victim, or that accentuates its badness, this loss alone is sufficient to claim that the victim has been harmed by death. In sum, the loss of a positive balance of well-being is a sufficient condition for the badness of death.

The emphasis on well-being implies that everyone who can experience different levels of well-being can be harmed by death. Thus, sentience (or more concretely, the capacity to experience positive well-being) is a sufficient condition for the badness of death. This means that all sentient animals can be harmed by death, including human infants and small children, even if they are not self-aware. This is more in line with our intuitions than the position that personhood is necessary to be harmed by death. Those adhering to the personhood requirement have problems explaining the badness of death for non self-aware human beings,

leading them to accept a wider permissibility of infanticide, not only in cases of serious medical conditions, but even for frivolous reasons. Conversely, I argue that sentient beings have an interest in continued existence, and this interest gives us a *pro tanto* reason against their killing.

This leads us to the question of how strong is the interest of merely conscious beings in continued existence. I claim that, as all possibilities of positive well-being are curtailed by death, this is a significant interest. However, it has been argued that, comparatively, this interest pales in animals compared to humans. This belief leads some advocates to argue that, in *lifeboat situations*, we should always choose the human being over the nonhuman animal. As I have accepted that there may be additional reasons that contribute to the badness of death, it is at least plausible to believe that death entails a greater misfortune for self-aware beings. I do, however, disagree with some of the particulars of this assessment of lifeboat situations. Particularly, I contend that this is not a judgement that we can support on the levels of well-being possible for human and nonhuman animals. For one, the contribution of self-awareness to well-being is at least dubious, and there are powerful arguments positing that its contribution may be negative. Additionally, I maintain that we do not have a suitable value theory to account for animal well-being, given the diverse range of experiences available to different species. Humans tend to value the features that contribute to their well-being higher than those available to other animals, but, do we have an objective criterion to make this comparison? It seems that we do not. Furthermore, we have reasons to doubt our evaluations of the mental capacities of animals and the goods animals can enjoy, as we tend to underestimate them. For these reasons, we should reject the idea, defended by McMahan, that the death of a human infant is a greater misfortune for the infant than the death of a dog is for the dog, even if the dog's mental capacities greatly surpass those of the infant.

This allows me to argue that when trying to decide whether the killing of an animal is morally justified, we should question whether we would accept the same treatment for a human being at the same level of cognition. This question has value beyond its common dialectical use in animal ethics. I have presented evidence from moral psychology arguing that human beings have biases that make it difficult for us to evaluate the stakes fairly when our own interests are involved. This is accentuated in cases where there is an

asymmetry between the interests, as it is in the case of animals, given the differences between our mental lives. Thus, the comparison with human beings at the same level of cognition is devised to help us apprehend the strength of the animal interest in continued existence.

In my discussion of utilitarianism, I have emphasised the importance of impartiality to this moral theory. In particular, utilitarians claim that equal interests should be given equal consideration. After my discussion of the badness of animal death, we can better appreciate the stakes involved in the killing of animals: sentient animals have an interest in continued existence (when their life is worth living), and this interest is a serious one. As significant, comparatively, as that of a human at the same level of cognition. This gives utilitarians a *pro tanto* reason to oppose the killing of animals, particularly when this is done for trivial or minor reasons. The interest in continued existence can nevertheless be outweighed by other interests, given that utilitarians accept interpersonal trades of utility. This, however, is not a speciesist position, given that it applies to all sentient beings, including humans. And, importantly, considering that most of our present killing of animals is done for the satisfaction of extremely trivial interests, such as taste preferences, a utilitarian approach cannot support these killings.

I have also dealt with the most controversial aspects of utilitarian theory when it comes to killing merely sentient beings: the replaceability argument and the logic of the larder argument. I claim that we have reasons to reject both. In the case of replaceability, given that it is not possible to circumscribe it to merely sentient beings, its acceptance involves allowing self-aware beings to be replaceable as well. It has been argued that this is not a great problem, given that there are indirect reasons to reject the replacement of self-aware beings. Yet, this response fails to grasp our intuitions regarding the killing of persons. We commonly believe that the main reason we have against the killing of a person is the loss they suffer with death, not the effect their death has on others. I contend that this gives us an additional reason, along with the traditional problems associated with this position, to reject the Total View, and with it, the replaceability argument.

I approached the Logic of the Larder argument from a perspective of moral risk. Given the extremely controversial state of population ethics, in which highly competent and informed thinkers hold radically

different ideas, we should take the disagreement seriously. This means that we need to acknowledge the serious moral risk of making decisions with high stakes based on positions of which we are unsure. The possibility of humane farming involves incredibly high stakes, given that the lives and deaths of millions, perhaps billions, of animals depend on it. It has been argued that this is not a position that we can assess from the point of view of moral risk, given that there are risks on both sides. However, the fact that there are risks on both sides does not mean that the risks are of equal weight. Although it is necessary to acknowledge the possibility that the Total View is right, and as such, we should increase the amount of happiness in the universe by increasing the number of happy individuals, it is also crucial to assess the risks on the other side adequately. I have argued that the notion that coming into existence is a harm, even for those that will have lives worth living, is a serious and ongoing idea in philosophy, nowadays championed by antinatalist thinkers. Taking this position seriously implies that there may be a double risk when breeding and killing animals for food, as both acts may harm them. This risk becomes more significant if we factor in other utilitarian positions, like those adhering to prior existence views in population ethics, or asymmetrical views, such as negative utilitarianism. Likewise, non-consequentialists theories that grant moral status to animals generally speak against this practice too. For these reasons, and given that the stakes are higher on one of the sides of the bargain, we have significant risk-related reasons to refrain from breeding and killing animals for food.

Hence, I have argued that death harms animals, and thus, they have an interest in continued existence. Moreover, this interest is a significant and key one, which ought to be taken into account as such when performing the utilitarian calculus. In cases of doubt, when one is unsure of the strength of an animal's interest in continued existence, we should compare this interest with that of a human being at the same level of cognition. If an act is deemed morally unjustifiable with regard to a human being at a similar level of cognition, for their own sake (that is, ignoring indirect reasons against the act), it should be unacceptable to perform it on an animal. Making this comparison will, of course, not always be easy. I have discussed the possible empirical problems which we can encounter when doing this comparison, from a lack of available scientific information to problems with the existing data. Considering this, we should always err on the side of caution, and give the benefit of the doubt to the animal in cases where our interests collide.

Taking all this into account, I contend that most of our present killing of animals cannot be morally justified. A clear case is the killing of animals for food, given that it merely serves the frivolous interest of a taste preference. This applies to both factory farming and extensive models of farming, including the so-called humane farming. Furthermore, there are plenty of other reasons why we should not engage in breeding and killing animals for food, from environmental to distribution concerns. For those who find value in the different facets of extensive farming, it could be possible to maintain these without the cruelty to animals, in the form of farm sanctuaries. Similarly, it should be obvious that killing for entertainment or recreation cannot be morally justified if we take the animals' interest in continued existence seriously (and commonly their interest in not suffering too). Nor is it justified to kill animals when their existence is not convenient for us, such as we often do with companion animals, farm animals that cannot be used or are no longer profitable, or wild animals when they damage our gardens or when their existence conflicts with some other minor human interest.

That said, killing an animal can be justified when doing so maximises utility, as in cases where we are at risk of an ecological catastrophe. I have, however, warned against the use of ecological language in these settings, as often it merely provides cover for the selfish interests of humans, like those of farmers. It is particularly crucial to assess the interest in continued existence of the animal fairly in these cases of real conflict, as we often show bias, and underestimate animal interests. My position also accepts that it may be acceptable to kill animals in lifeboat situations, as this may maximise utility. Yet, this will not always be the case, given that many animals have a stronger interest in continued existence than some humans, particularly non self-aware humans. In these cases, though, indirect reasons may be powerful and frequently support the killing of the animal. However, opposing Regan, and in line with the utilitarian position I favour, I believe that numbers are relevant. Thus, although persons may have a stronger interest in continued existence, there will be some number of non-persons whose combined interests are enough to counterbalance the person's greater interest. So, using Regan's example, I disagree that, between a human person and a million dogs we should always choose the human being (and I suspect the number of dogs necessary to come to such a conclusion will be far smaller than one million).

There are many animals that we kill unintentionally. I have discussed the case of wild animals killed in large scale plant agriculture. Many other examples are available, like those that die in road accidents, due to environmental degradation, or damage to their ecosystem. We should do our best to minimise these deaths. While some of these activities should be avoided as much as possible (such as environmental degradation), others may be indispensable to the survival of our societies, like agriculture. Nevertheless, we should strive to find less harmful ways to carry out these activities. Importantly, I contend that the unintentional killing of animals does not give us a moral justification to kill other animals. Surely, if the only two options are killing fewer or more animals, we should, other things being equal, kill fewer animals. However, often these are not the only two options, and there are less harmful alternatives. In these cases, as utilitarianism is a maximising theory, we are obligated to perform the least harmful option (or more precisely, the act with the best balance of harms and benefits).

Finally, my position illuminates the question of animal euthanasia in a new light. I claim that euthanasia is often morally justified, for both human and nonhuman animals, as frequently it is the only option to avert immense suffering. However, as animals have a serious interest in continued existence, euthanasia should be only performed in cases when the suffering is great and the possibility of improvement low. For this reason, I contend that the killing of animal companions in shelters and pounds is not a case of genuine euthanasia. Nor is it euthanasia when an animal with a medical condition that allows for a worth living existence is killed. In the case of wild and feral animals, euthanasia is often justified, as they frequently suffer painful or gruesome deaths, and in many cases their lives may not be worth living. This evaluation should be attenuated by the acknowledgement that prevention will frequently be a more efficient way of dealing with this suffering. By this I mean that we have a negative responsibility not to put animals in situations in which euthanasia is the only course of action, as in the mentioned case of kangaroos; but also that we have positive duties, that involve interventions to aid suffering animal populations. This will often take the form of contraception. As I do not believe that non existing beings have an interest in coming into existence (and often coming into existence will prove to be against their interests), the prevention of their existence is an appropriate way of avoiding this suffering.

In sum, all sentient animals have a significant interest in continued existence, which should be taken seriously. So, against the popular position that the killing of animals is not a moral issue, I claim that the killing of animals is in fact a moral problem, and as such, needs a solid moral justification. Thus, our current practices regarding animals should be scrutinised, not only taking suffering into account, but also death. Unfortunately, nowadays we condemn animals to miserable lives and untimely deaths in numbers so high that they are difficult even to comprehend. And this, merely to serve frivolous human interests. For this reason, I contend that our current treatment of animals is a moral catastrophe. Moreover, in my dissertation, I have adopted a worse case scenario perspective and assumed that the animals we kill are not self-aware. However, as discussed, we have weighty reasons to maintain that many of the animals that we kill have different levels of self-awareness. If I (and most of the available literature) am right, and the killing of self-aware beings is worse, we have further reasons to assert that our current treatment of animals is an even greater moral emergency. Thus, it is time we acknowledge that animal lives matter, and change our world accordingly.

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