

Moral Considerability

In this chapter, I claim that wild animals are morally considerable beings. I argue that because nonhuman animals are sentient, they have a well-being of their own – a necessary and sufficient condition for having moral consideration. I further argue that nonhuman animals' interest in avoiding suffering is morally relevant and that taking this interest into account may require different courses of action from moral agents. Finally, I assess whether (and to what extent), under certain theoretical assumptions, death may be bad for nonhuman animals.

I.1 Moral Considerability Explained

Arguments about the moral considerability of nonhuman animals (i.e., about whether animals are the sort of entities that should be taken into account in our moral deliberation) usually proceed as follows:

- (i) A certain attribute (e.g., a capacity) *x* bestows moral considerability.
- (ii) Animal *P* possesses *x*.
- (iii) Therefore, *P* is morally considerable.

The attribute possessed by many animals, which is usually considered relevant for moral considerability in the animal ethics literature, is *sentience*. By “sentience” I will refer here to the capacity to have conscious experiences of positive or negative valence. Even if it is still a matter of contention whether some animals do have such capacity, it is well beyond any reasonable doubt that many of them do.¹ The scientific consensus is now that vertebrates and octopuses are sentient, whereas the jury is still out

¹ See, for instance, Dawkins (2012 [1980]); Griffin (1981, 1992); Rollin (1989); Smith (1991); Sandøe and Simonsen (1992); De Grazia (1996); Allen and Bekoff (1997); Mather (2001); Gregory (2004); Eaton et al. (2006); Haynes (2008); Braithwaite (2010); Broom (2014).

regarding other invertebrates and we have various degrees of evidence regarding different taxa.²

Although far from uncontroversial, this view nowadays enjoys wide acceptance. Many authors have argued for the moral relevance of the capacity for positive and negative conscious experiences, claiming it is sufficient for an individual to have a well-being of their own.³ From this position, these writers have often arrived at a series of conclusions about the unjustified character of the human exploitation of nonhuman animals. Nevertheless, they have seldom explored the implications that accepting sentience as sufficient for moral considerability has for those animals that live in the wild. Particularly, they have rarely approached the problem of whether we should intervene in nature to help them when they are in need.

The aim of this book is to examine whether these implications indeed follow for nonhumans living in the wild once we accept this premise. It lies beyond the scope of this book to provide a complete argument about the relevance of sentience for moral considerability.⁴ My point of departure, then, shall consist in accepting the view that if an individual has a well-being of their own, then they are morally considerable. Most of us would agree that having a well-being is a condition satisfied by most nonhuman animals, given that they can have positive and negative experiences.⁵ Certainly, some have denied this by claiming that nonhuman animals are automata without mental states, but nowadays few philosophers still agree with such a view. Because it is sufficiently uncontroversial, in this book I will not argue either for the claim that there are animals that are

² See, for instance, Low et al. (2012); Birch (2020). See also Rethink Priorities (2020) as a remarkable example of an NGO that takes the topic very seriously and attempts to assign degrees of credence to the sentience of different invertebrates.

³ See, for instance, Gompertz (1997 [1824]); Salt (1980 [1892]); Nelson (1956); Godlovitch (1971); Godlovitch et al. (1971); Singer (2009 [1974], 2011 [1979]); Ryder (1975); Regan (1975, 2004 [1983]); Clark (1977); Rollin (1981); Sapontzis (1987); Rachels (1990); Pluhar (1995); Dombrowski (1996); LaFollette and Shanks (1996); Bernstein (1998, 2015); Rowlands (1998); Francione (2000, 2008); Cavalieri (2001); Dunayer (2004); Garner (2005); Korsgaard (2005); Aaltola (2012).

⁴ I will attempt to sketch out the argument very briefly. Our criteria of moral considerability should be grounded on whatever attributes are relevant for the purposes of moral decision-making. When engaged in moral reasoning affecting different individuals, an agent deliberates about which of the different available courses of action to undertake, given (at least in part) how they affect themselves and other individuals. The fact that a being can be affected by a certain action or event and, thereby, be harmed or benefited by it is, therefore, sufficient grounds for moral considerability. Those beings who can be harmed or benefited by agents are those who have a well-being of their own. Thus, moral considerability should be granted to those entities who can have a well-being of their own. For a detailed discussion, see Horta (2018).

⁵ Bernstein (1998, p. 16).

sentient. As stated, my aim in this work is to examine what follows if we accept this, together with other plausible views.

Therefore, it can hardly be claimed that many nonhuman animals are not morally considerable by claiming that they are not sentient. A different way to do so, however, would be to claim that, even if many nonhuman animals are sentient, they do not have a well-being of their own. I will examine this view in the following section.

1.2 Nonhuman Well-Being

The best way to proceed in order to examine whether nonhuman animals have a well-being of their own seems to be by considering, first, what the most accepted accounts of well-being claim it encompasses. That will enable us, later, to determine whether nonhuman animals can indeed possess well-being. According to the most widespread classification,⁶ there are three such accounts: hedonism (also called experientialism or mental state welfarism),⁷ the desire-based theory (also known as desire satisfactionism),⁸ and the objective list theory.⁹ I will now discuss what each of these views claims, as well as their implications for nonhuman animals in light of the criterion for moral considerability presented above.

From a hedonist perspective, an experience of pleasure – generated, say, by P satisfying an intense thirst – contributes to P’s well-being, whereas an experience of intense suffering – caused, for instance, by an illness – detracts from it.¹⁰ Thus, P has an interest in having their thirst satisfied and an interest in avoiding pain and other negative experiences. P is, therefore, harmed when their interests in having positive experiences and in avoiding adverse ones are disregarded, so that either P is led to suffer from negative experiences or they are deprived of positive experiences they might otherwise have had. Conversely, P is benefited when these interests are satisfied.

⁶ Parfit (1984, pp. 493–501).

⁷ Sumner (1996); Feldman (2004). Strictly speaking, not all forms of experientialism are hedonist. For instance, a position that valued the variety of experiences would not qualify as hedonist. For simplicity, though, I will refer to the general account as “hedonism.”

⁸ Griffin (1986); Heathwood (2006). ⁹ Hurka (1993); Nussbaum (2006).

¹⁰ I shall use the term “suffering” in its inclusive usage so as to denote any negative affective state that includes an unpleasant consciousness or feeling. Suffering and its positive counterpart – pleasure (or happiness) – conjointly comprise the full valence of affective experience. Moreover, a negative axiology, although it does not need to deny that feel-good mental states exist, would claim that they have no positive moral value. See Gloor (2019 [2016]).

Now suppose we accept the aforementioned assumption that the possession of a capacity to have a well-being suffices for moral considerability. If hedonism is right and the only thing that matters for well-being is the value of experiences, then all beings with the capacity for having such experiences are morally considerable. If we have reasons not to harm, as well as reasons to benefit, individuals with a well-being of their own, nonhuman animals' interests in having positive experiences and in avoiding negative ones give us reasons for acting on their behalf.

An alternative account of well-being, the desire-based theory, would claim that what contributes to an individual's well-being is how the said individual's desires are satisfied and frustrated, rather than their positively or negatively valenced experiences. Suppose that P desires that p. According to this theory, P has an interest that their desire be satisfied, as well as an interest in avoiding the frustration of that desire, independently of the conduciveness of their desires to positive or negative experiences regarding p. Preventing P from fulfilling their desire that p thus harms them whereas satisfying P's desire that p benefits them.¹¹

Some might say that we can escape bestowing moral consideration to nonhuman animals if we believe that a desire-based theory such as this offers a more compelling account than hedonism of what makes an individual's life go well or badly. The reason would be that the formation of desires allegedly requires a more sophisticated cognitive capacity than mere sentient experience. Thus, so the argument goes, by lacking the relevant desire formation capacity, merely sentient beings (e.g., many nonhuman animals but also human infants) would not have a well-being of their own. Only those who do have those sophisticated capacities would. However, this seems counterintuitive. One may plausibly ask,

Assuming one was convinced of an infant's incapability of forming desires, would a mother be acting irrationally by requesting anaesthesia for her daughter during an operation? Surely, we are diminishing the welfare of a dog by mercilessly beating it [*sic*], even if the dog is incapable of desiring that the beating be stopped.¹²

The point is that if an individual is in great pain or in any other aversive state, it seems implausible to claim that because they lack the cognitive endowment necessary to form desires about their own subjective experience, their life is not going badly for them.

¹¹ In antifrustrationist versions of this view, frustrated desires are harmful, whereas satisfied desires are neutral, and thus equivalent to having no desires. See Fehige (1998).

¹² Bernstein (1998, p. 77).

Nonetheless, it is possible to account for this within a desire-based theory. One way to do so would be to claim that desires must be understood counterfactually. That is, desires whose satisfaction counts for an individual's well-being are not necessarily those they actually have but those that they would have with the relevant information and under certain specified conditions of rational reflection.¹³ Of course, if that is so, the same applies to both human and nonhuman sentient beings since there is, in principle, nothing that prevents the same counterfactual situation from obtaining in either case.

In addition, there is a more straightforward way in which desire satisfactionists can deny that one needs to have complex cognitive abilities in order to form the appropriate sort of desires. They can argue that if an individual has a certain negative experience, then that entails that such an individual will develop a desire against having that experience. Some have even argued that it is the fact that such a desire is formed that bestows negative valence to an experience.¹⁴ If one accepts this view, then it must be concluded that the domain of the beings that can be benefited or harmed according to a desire-based account will, at least, include¹⁵ the domain that would be drawn by those who claim that only mental states can be valuable or disvaluable.

Therefore, each of these two ways allows us to conclude that sentient nonhuman animals can have a well-being of their own. Again, if that is what is necessary for moral consideration, then, according to desire-satisfactionist theories, nonhuman animals are morally considerable.

Finally, an objective list account of well-being would consider that well-being is determined by the presence or absence of certain elements that are objectively good or bad, in a mind-independent way, for the individuals who are capable of accessing them. Thus, if P has an interest in x, then that would be so independently of x generating any positive or negative experience for P or x being the object of P's desire. The mere presence or absence of x would be what harms or benefits P. Something can be of interest to an individual even if it does not generate any valenced state.

Some may claim that on the best objective list account of well-being there are no objective goods that are present in the lives of nonhuman animals. Likewise, they could claim that there are no objective bads in

¹³ Singer (2011 [1979]); de Lazari-Radek and Singer (2014, pp. 225–227).

¹⁴ See Sidgwick (1996 [1874]).

¹⁵ Just to be safe, I do not rule out the possibility of an artificial agent with valenced states, the grounds of which valence are desires all the way down, without there being a fundamental level of feeling-based valence.

their lives either that we might have reason to prevent from happening. This view is, however, very difficult to accept. The claim that it is not bad for an animal in intense pain to suffer appears to be highly implausible.¹⁶ In addition, this view also has counterintuitive consequences for the human case since it implies that there are no objective goods or bads in a life of a human being with similar psychological capacities. If some item in the objective list is valuable for an individual, then it must be so as well for others who can enjoy it. For instance, if, as an objective list theorist might claim, knowledge is good for you, then it seems difficult to deny that it can be good for me too. Accordingly, if suffering is in itself bad for a human being, it must be bad also for other beings who can experience it. Thus, it must be bad for nonhuman animals.

For that not to be the case, it should be for reasons different from the nature of suffering itself. Some may argue that suffering is bad for a human being, but for a nonhuman animal, because only the former has certain complex cognitive capacities. Yet this contradicts the usual view about why suffering is bad. Suffering (as we experience it when we feel extreme pain) seems to be bad for us simply because of how it feels. We do not believe that, if our cognitive capacities were higher, the pain of a burn would be worse for us. Moreover, if pain was bad for us because of our cognitive capacities, we would have to reject the assumption presented before that whether a certain item in the objective list is good or bad for someone depends on the capacity an individual has to possess it. Denying that, however, seems to be unjustified.

According to this, it seems that any plausible version of the objective list theory must include basic hedonic experiences at least as part of what is objectively good (or bad). According to these positions, therefore, sentient nonhuman animals have a well-being of their own. If this is what matters in order to be morally considerable, then again sentient nonhuman animals will be so.

To conclude, as Parfit famously put it,

These three theories partly overlap. On all these theories, happiness and pleasure are at least part of what makes our lives go better for us, and misery and pain are at least part of what makes our lives go worse. These claims would be made by any plausible Objective List Theory. And they are implied by all versions of the Desire-Fulfilment theory. On all theories, the Hedonistic Theory is at least part of the truth.¹⁷

¹⁶ See, for instance, Sapontzis (1987); Nussbaum (2006). ¹⁷ Parfit (1984, p. 4).

Accordingly, on any plausible account of well-being, sentient nonhuman animals are individuals with a well-being of their own that can be harmed or benefited by our actions. First, either hedonic experiences are all that matter or they are at least part of what is objectively good. In either case, nonhuman positive and negative hedonic experiences necessarily matter too. Second, if what matters instead is how individual desires are fulfilled, then on the most plausible accounts of desires positive and negative hedonic experiences give rise to desires for and against their presence that can be fulfilled or thwarted.

This implies that sentience is a necessary and sufficient condition for any individual P to have a well-being. Sentience is defined as the capacity for valenced mental states. It is therefore a precondition for possessing such states, such as suffering and enjoyment. Thus, if a being is sentient, they can be affected positively or negatively by events.

Many nonhuman animals satisfy this condition. They can suffer and enjoy what occurs to them and hence their lives can go well or badly insofar as their interests are negatively or positively affected.

Given all this, if we accept the assumption pointed out above that those beings that have a well-being must be morally considerable, there are strong reasons to conclude that sentient animals should be morally considerable individuals. The question that may now arise is the *extent* to which their well-being matters. This will be assessed in the following sections.

1.3 Equal Consideration

The principle of equal consideration states that equal interests of different individuals count the same, regardless of the identity of those individuals. Yet, in order to understand this claim, one must first characterize what an interest is. The term “interests” can actually be understood in several different ways. But here I will simply employ it according to its widespread usage in the animal ethics literature. In that sense, P has an interest in x if and only if x contributes to P’s well-being.¹⁸ Accordingly, a being has an interest in what contributes to their well-being and in avoiding what detracts from it. Of course, the answer to what would be most in an individual’s interests will depend on the theory of well-being one endorses.

What the principle of equal consideration states is that if a being has an interest in not suffering, their suffering must be accounted for just as it

¹⁸ See Feinberg (1980).

would if it were the equal suffering of another individual. Two equal interests are two interests that are comparatively equally important to those who have them. Accordingly, an equal interest in not suffering is an interest of the same weight, corresponding to an instance of suffering of an equivalent intensity and duration. All things being equal, any change in the weight of an interest in not suffering obtains just in case there is a change in the intensity or the duration of the suffering experienced. Thus, if P and Q instantiate equally intense suffering and for an equally long time, P and Q have equal interests in not suffering. The principle of equal consideration claims that, if this is so, then P's and Q's interests in not suffering should have the same weight in moral deliberation. In other words, it claims that those interests provide us with equally strong reasons for action.

An important implication of this principle is that independently of the species to which P and Q belong, their equal interests should be equally considered. Thus, giving greater weight to the similar interests of Q (e.g., human) over P (e.g., nonhuman) would be unjustified.

Of course, one may wonder about the reasons for accepting this principle. The first reason is that it appears to be the default view on the consideration of individual interests. This is so because if we accept that the interests of all individuals matter, and we are not provided with any further reasons to take into account that may draw differences among them, it then seems that these interests must matter equally. If that were not the case, it would have to be because of other, additional reasons. Yet until those reasons were provided, and until they were verified as sound, we ought to conclude that equal interests count the same, given that we have the same reasons to consider them – that is, that they are all interests of some weight.

Some may dispute that the interests of humans and nonhuman animals should count the same. They may claim that when making interspecies comparisons of suffering, it is false that humans and other animals have an equal interest in not suffering. Due to human beings' higher cognitive capacities, so may the argument go, their suffering is much worse compared to that of nonhuman animals under similar circumstances. This objection, however, is controversial, and it also misses the point. Whether humans suffer more than nonhuman animals under similar circumstances is not something that affects the normative claim that, when humans suffer just as much as other animals, their suffering should count the same. The principle of equal consideration claims that equal interests count the same, not that unequal interests count the same.

Moreover, while there are circumstances in which humans do suffer more than nonhuman animals, the opposite can also be the case. Consider, for example, a hypothetical experiment on a human individual in which a significant amount of pain was inflicted on them over a long period of time. Insofar as the human being would be able to conceptualize the suffering inflicted upon them, the argument goes, their suffering would be worse than the suffering of an animal of another species undergoing the same experiment but lacking such capacity. Thus, the argument concludes, human interests in not suffering are stronger than nonhumans' and should thus be favored over the interests in not suffering of members of other species.

Yet the objection is misguided, as it has been successfully shown in the literature.¹⁹ Possession of higher cognitive capacities does not necessarily lead to experiencing worse instances of suffering. In fact, it can have the opposite effect. As Rollin says,

In terms of countering the pernicious moral power of the claim that animals can't anticipate and remember pain and that therefore their pain is insignificant, the most relevant point has little to do with the presence or absence of concepts. It comes rather from the following insight: That if animals are indeed, as the above argument suggests, inexorably locked into what is happening in the here and now, we are all the more obliged to try to relieve their suffering, since they themselves cannot look forward to or anticipate its cessation, or even remember, however dimly, its absence. If they are in pain, their whole universe is pain; there is no horizon; they *are* their pain. So, if the argument is indeed correct, then animal pain is terrible to contemplate, for the dark universe of animals logically cannot tolerate any glimmer of hope within its borders.²⁰

The point can be pressed even further. Consider a slight qualification of the previous example. Imagine that the experiment is necessary to make the life of the affected individual worth living. While the individual with a higher cognitive apparatus would be able to understand the net value of the procedure, it would be impossible for the low-capacity individual to apprehend it, and thus their suffering would be comparatively much worse. Moreover, even if it were the case that high-capacity individuals had a stronger interest in not suffering than low-capacity individuals, the argument would still fail to show that *human* interests in not suffering are stronger than nonhuman ones since many human beings would also fail to

¹⁹ For instance, Singer (2009 [1974]); Rollin (1981); Sapontzis (1987); Pluhar (1995); Bernstein (1998); Cavalieri (2001); Horta (2010b).

²⁰ Rollin (1989, p. 144).

exemplify the alleged relevant capacity (this will be discussed in more detail in Chapter 2). So, if our reasons to reduce someone's suffering depend on the weight of their suffering and not on their species, it is false that human interests in not suffering provide us with stronger reasons to prevent it than similar interests in not suffering of nonhuman individuals.

Nevertheless, as stated above, this is not to deny that satisfying the interest in not suffering of different individuals may require, sometimes, different actions from moral agents. In fact, when facing the same event, different individuals may not suffer equally. In that sense, the principle of equal consideration does not necessarily entail an obligation of equal treatment. For example, when punched with the same strength, a human baby and a human adult may experience a different intensity of suffering. Likewise, a similarly strong punch, when given to a piglet, may cause greater suffering than when given to an adult human being. Equal consideration of interests requires, then, accounting for such differences among individuals.

1.4 The Badness of Death

Thus far, it has been argued that if we accept that it is bad that nonhuman animals suffer, and that we have reasons to prevent this from happening, then, whenever we can, we should help them when they are in need. This is sufficient to build a positive case for aiding wild animals.

A different topic is whether nonhuman animals are harmed by death and whether, due to this, we should intervene to save their lives when possible. It is not really necessary to examine this problem in order to assess whether we should help animals in the wild since, as indicated, for this purpose it is enough to take their suffering into account. Nevertheless, it can be useful to proceed with such an examination. If nonhuman animals are harmed by death, then there will be further reasons to aid those animals whose lives are at risk, and these reasons should be added to those we already have to prevent their suffering.

As argued in the previous section, because human and nonhuman animals have an interest in not suffering, whenever death causes sentient beings to suffer to the same extent, it necessarily harms them equally. Yet the question we are asking here is a different one. It is not whether *painful* death harms nonhuman animals, but rather whether, independently of the suffering experienced at the moment of dying, animals are harmed by

ceasing to exist.²¹ For simplicity, I will henceforth use “death” to refer to death as such, independently of the suffering that may accompany it when it occurs.

This debate is independent of the one about what death consists in and the underlying ontological views about the persistence conditions over time of sentient individuals. In this section, I will put these ontological issues aside and focus exclusively on how to determine whether and to what extent death can be bad for nonhuman animals. In order to examine this problem, I will first assess a standard account of the harm of death, the one that claims that death is bad insofar as it deprives us of future goods.

a) *The Deprivation Account*

There is widespread – even if not universal – agreement that if death is bad, then it is because of what it deprives us of. Since Thomas Nagel’s influential article “Death,”²² the Deprivation Account has now been established as the “orthodox view” about the badness of death.²³

The Deprivation Account. Death is bad for an individual because it deprives them of a further life that would have been good for them.

Death thus harms individuals because it takes away from them all the goods that life would contain if they had remained alive. One implication of this is that sometimes death may be good. This happens in those cases in which it deprives individuals of a life not worth living. For example, if by dying at a certain time someone is prevented from experiencing excruciating suffering over a period of 24 hours after which they would have died anyway, then compared to the remaining life they would otherwise have experienced, death was not bad for them. Another implication of this is that depending on the amount of good that a life might include, death can be more or less bad for individuals. Consider, for instance, the case of someone dying at 20 when they could have lived a good life until 80, and the death of someone dying at 80 that could have lived 5 more good years. While we could consider both deaths to be harmful, we would think of the

²¹ Singer (2011 [1979]); McMahan (2002); Višak (2013); Višak and Garner (2016).

²² Nagel (1970).

²³ In present times, the Deprivation Account has been defended by Feldman (1992); Feit (2002); Bradley (2009). For objections to the Deprivation Account, see Epicurus (1964 [ca. 300 BC]); Silverstein (1980); Suits (2001). For a critical discussion of this view, see also McMahan (1988, 2002); Kamm (1993); French and Wettstein (eds.) (2000); Scarre (2007); Belshaw (2009); Luper (2009).

death of the twenty-year-old (compared with the future life they could have lived) as a greater misfortune since the eighty-year-old would have lost fewer years of life.²⁴

Note that this account is not committed to any particular view about what makes a life go well or badly for someone. In fact, the Deprivation Account might be further completed with different axiological assumptions, such that

- (i) Death at t is bad for the individual P who dies if it deprives P of a future of net positive experiences (hedonism).
- (ii) Death at t is bad for the individual P who dies if it deprives P of a future of net desire-fulfillment (desire-based theory).
- (iii) Death at t is bad for the individual P who dies if it deprives P of a future containing a net amount of objectively good things (objective-list theory).

Thus, according to the Deprivation Account, in order to decide whether the death of an individual is bad for them, their actual level of well-being must be compared to the well-being they would have had if they remained alive. For example, suppose that Nico died at age 20. Let us assume, for simplicity, that the right theory of well-being is hedonism. The total sum of positive and negative experiences Nico suffered during their lifetime has a net positive amount of 250 units of well-being. Had they remained alive, they would have had 20 more good years and then suffered during their final 5 ones. Had they not died, their lifetime well-being would have been 450. Subtracting this value from their actual lifetime well-being level of 250 gives us -200 . This is the disvalue of Nico dying at age 20 instead of at 45. We can thus consider that their death was very bad for them. If, however, the last years of Nico's life had been spent in misery, their death at 20 instead of at 45 would have been good for them.

Now, if we accept that the Deprivation Account offers an adequate explanation of why the death of human beings might be a bad thing for them, we might then ask whether under the same assumption death may be bad for nonhuman animals as well. Since the death of nonhuman animals also involves the deprivation of the goods they might have otherwise enjoyed if they had not died, it seems to follow that death harms them too. Thus, all things being equal, they have an interest in not being harmed, by continuing to live.

²⁴ According to a more radical, egalitarian, deprivationist view, the harm of death grows in a way inversely proportional to how much one has lived in the past. See Cavalieri (2001).

There have been, however, different attempts to dispute this implication. The first one, which assumes a desire-based view, consists in denying that death is bad for nonhuman animals since they cannot be attributed the relevant desire, which is the desire to continue to live. The second attempt consists in claiming that while it is true that death deprives nonhuman animals of their future life, what they lose in dying must be discounted by some other variable.

b) The Attribution of Desires

As previously mentioned, from a desire-based view, death can be bad for an individual insofar as it deprives them of a future of net desire-fulfillment. Some desire satisfactionists, however, understand differently the way in which death can be harmful. According to Ruth Cigman, for instance, death is harmful just in case it frustrates some desires we now have.²⁵ This can happen in two ways:

- (i) P can be harmed by death if, and only if, P has an actual desire to live, which presupposes the capacity to formulate certain relevant concepts (such as the concept of themselves as a temporally extended individual).

Or,

- (ii) P can be harmed by death if, and only if, P has long-term future-oriented desires for whose satisfaction continuing to live is instrumentally necessary (e.g., having a career).

Either of these views requires a strong cognitive apparatus for the formation of a desire to live, which most animals fail to possess (e.g., self-awareness). Only long-term future-oriented individuals, with a capacity to see themselves as extended over time, can have a desire to continue to live and can have long-term future-oriented desires. Only they, these views conclude, can be harmed by death, which thwarts those desires. Allegedly, most humans can project themselves to the far future, covering the whole extent of their lives. Therefore, death would deprive them of that whole future. On the contrary, most nonhuman animals, by lacking the necessary psychological capacities to harbor the relevant desires, cannot be harmed by death. Hence, they have no interest in continuing to live that gives us reasons against killing them or preventing them from dying.

²⁵ Cigman (1980).

Against these views, what the desire-fulfillment version of the Deprivation Account implies, as we saw above, is that death harms an individual merely if it deprives them of a future of net desire-fulfillment. For that to be possible, the only condition that needs to obtain is the following one:

- (iii) P can be harmed by death if P has short-term future-oriented desires for whose satisfaction continuing to live is instrumentally necessary (e.g., eating, resting, avoiding suffering . . .).

Unlike the previous criteria, this one seems to be satisfied not only by humans but also by other animals. There seems to be extremely strong evidence that many nonhuman animals qualify for having the relevant desires according to (iii). Although controversial, this view is capable of accommodating strong intuitions about the desire to continue to live of human beings that would also fail to qualify for the relevant desire on (i) and (ii). That would be the case, for example, of human beings lacking complex cognitive capacities to form a desire to live or humans lacking self-chosen future projects or goals. Under (i) and (ii), these human beings would simply lack an interest in continuing to live. According to (iii), however, their short-term desires would sufficiently ground an interest in remaining alive.

Against this view, it could be argued that even if we accept that having short-term desires is sufficient to have an interest in living, the strength of that interest would still be proportional to how far in time one can picture future life events that concern them. The implication of this would be that the interest in not dying of an individual with a similarly valuable future, but with lesser capacity to project themselves into the future, would be less weighty than the interest of an individual who can be attributed a desire to live that covers their whole future. Individuals with no capacity to project themselves into the future would still not qualify for having the relevant desire. All else being equal, the strength of our reasons to prevent the frustration of such an interest would therefore have to be correspondingly adjusted. This would be a combination of the Deprivation Account of the Badness of Death and the claim that death is harmful as long as we have long-term future-oriented desires. Nevertheless, if, as argued, the Deprivation Account adequately explains why death is a harm, we do not need to accept such a view.

Another objection would consist in claiming that only those beings with complex intellectual capacities can form desires. However, as previously mentioned, on the most plausible versions of the desire-based view, this is

not so. We can thus conclude that all beings with a capacity for positive and negative experiences can be said to have desires. This conclusion follows clearly if we assume the view that whenever we have a positive or negative experience, we automatically develop a preference for and against it. This view implies that all beings who can have a positive experience will have a satisfied preference whenever such a benefit occurs. If this is so, that means that such a being will satisfy the condition of having short-term desires that the Deprivation Account of the Badness of Death requires for someone to be harmed by dying.

Consider now the view that the desires we should care about are not those that individuals actually have but those that they would have formed under ideal conditions of deliberation. These desires would thus exist in a non-actual possible world. One could oppose this by claiming that nonhuman animals are harmed by death by saying that we must only care about ideal desires that exist in possible worlds that are closest to ours in some respect. Some believe²⁶ that those possible worlds are the ones in which the individual in question has psychological capacities similar to those they possess in the actual world. That would exclude the worlds in which nonhuman individuals have the necessary capacities to desire to live. It is unclear, however, how this restriction may be justified.

The appeal of an ideal version of the desire-based view, as opposed to an actual desire version, is that it tells us to be concerned for the desires an individual would have if they possessed all the relevant information and conducted a faultless reasoning. On the view we are considering here, we are thereby excluding from our consideration those possible worlds in which a sentient individual possesses the psychological capacities that would allow them to deliberate in that way. Thus, we are settling for desires which, in the case of beings with complex cognitive capacities, we would not consider as determinant of the interests of individuals, as given by their well-being.

There is a straightforward way, then, in which an appeal to ideal desires leads us to conclude that it is justified to attribute a desire to live to any sentient individual with a net valuable future. Actually, it follows that it would be unjustified not to do so. This is because that is a desire which that individual would actually entertain if they had all the information and deliberated under ideal conditions. In such a version of the desire-based view, the interest in continuing to live of a nonhuman sentient is as strong

²⁶ For instance, Singer (2011 [1979]).

as the interest in continuing to live of a cognitively complex human with a similarly worthy future.

Therefore, there are adequately plausible versions of the desire-based view in which death may harm nonhumans. These accounts can grant that death harms nonhumans as much as it harms humans, depending on the future they are deprived of. If this is correct, then no matter which of the three broad theories about well-being we hold onto (hedonism, desire satisfactionism, or objective list views), it is defensible to claim that there is no distinctive sense in which death is less bad for nonhuman animals – or, in general, for individuals lacking complex cognitive capacities.

Now, two final remarks are in order. First, the previous line of reasoning still holds even if it turns out to be true that most wild animals have unpleasant lives and are not therefore being deprived of a good future by dying. The fact that many wild animals may not be contingently deprived of a good future given the likely prevalence of suffering in their lives does not entail that death may not in principle harm them as much as it would harm a human being with a similar expected level of well-being. In addition, the fact that *some* wild animals may plausibly have lives worth living (e.g., elephants, primates, cetaceans) entails that these animals are, in fact, being deprived of a good future when they die.

Second, recent research in animal cognition has cast serious doubts on the traditional way of thinking about nonhuman animals and death. In particular, the alleged inability of nonhuman animals to have a concept of death would prevent the formation of the relevant desire and thus the possession of the interest in living. It has been suggested that possession of a concept of death, far from being a uniquely human feature, is a fairly common trait in other animals, ranging from chimpanzees to opossums.²⁷ While it is true that there is much more to learn about animals' understanding of death, at the very least, desire-based views need to be revised so as to accommodate the implications of the possibility of the concept of death requiring much less cognitive complexity, and likely to be widespread among nonhuman animals.²⁸

c) *Time-Relative Interests*

Let us now consider a different account of the harm of death that also differs from the Deprivation Account – the Time-Relative Interest Account, whose first and main proponent is Jeff McMahan.²⁹ According to the

²⁷ Monsó and Osuna-Mascaró (2020). ²⁸ Monsó (2019). ²⁹ McMahan (2002).

Time-Relative Interest Account, the Deprivation Account of the Badness of Death tells us only part of the truth regarding why death is a harm. It must be further refined in order to accommodate the notion that we can be connected to different degrees with our own future – which in turn conditions the way in which being deprived of it may harm us. On this view, the badness of death is a function of two variables:

- (i) The amount of good P is deprived of at a certain time t_1 , considering the value a certain event would have for them at a later time t_2 .
- (ii) The prudential connection between P at t_1 and P at t_2 .

McMahan believes that the prudential connection an individual has with their own future self is determined by the degree to which they are psychologically related to that future. Specifically, in McMahan's words,

The following relations are instances of *direct psychological connections*: the relation between an experience and a memory of it, the relation between the formation of a desire and the experience of the satisfaction or frustration of that desire, and the relation between an earlier and a later manifestation of a belief, value, intention, or character trait. When there are direct psychological connections between a person P_1 at time t_1 and a person P_2 at t_2 , P_1 and P_2 are *psychologically connected* with one another. Because the number of such connections may be many or few, psychological connectedness over time is a matter of degree. It may be strong or weak.³⁰

This implies that the interest of P at t_1 in continuing to live is relative to the amount of good P at t_1 loses by dying, discounted by the psychological distance with their future. The least psychologically related the individual is with their future, the less prudentially connected P at t_1 is with their future self (P at t_2), and hence the less P at t_1 is harmed now by not living in the future. In other words, P at t_1 's interest in continuing to live weakens in direct proportion to the psychological connection P at t_1 has now with P at t_2 .

On the version of the Time-Relative Interest Account defended by McMahan, the case previously discussed regarding the prudential value of Nico's life would now have to be assessed in the other terms. In order to decide whether Nico's death is bad for them, their actual level of well-being must be compared to the well-being they would have had if they remained alive, but now discounted by the degree of psychological connectedness between Nico at t_1 and Nico at t_2 . Again, let us assume hedonism and suppose that Nico died at age 20. The total sum of positive

³⁰ Ibid., p. 39.

and negative experiences Nico suffered during their lifetime results in a net positive amount of 250 units of well-being. Had they remained alive, they would have had 20 more good years and then suffered during their final 5 ones. Had they not died, their lifetime well-being would have been 450. Subtracting this value from their actual lifetime well-being level of 250 gives us -200 . So as to factor in Nico's prudential connection with their future, McMahan suggests we proceed as follows:

The prudential unity relations in effect function as a multiplier with respect to the value of the event. If, for example, the prudential unity relations would be of maximum strength, we calculate the importance of the event from one's present point of view by multiplying the value the event will have when it occurs by 1; thus the extent to which one ought rationally to be egoistically concerned about the event is proportional to the value the event will contribute to one's life. If, however, the prudential unity relations would be weaker, the extent to which the event matters from one's present point of view declines. We should multiply the value that the event will have when it occurs by some fraction representing the strength of the prudential unity relations. There is, in short, a discount rate for weakened prudential unity.³¹

Then, the disvalue of Nico's dying at 20 must now be calculated by factoring in the degree to which prudential unity relations (i.e., psychological connectedness) would hold between Nico now and Nico at a later time when future valuable events would occur. If their prudential unity relations are of maximum strength, we multiply -200 by 1. The disvalue of Nico's death then coincides on this account with -200 . If contrariwise Nico's prudential unity relations are weak (e.g., we can assume that Nico* has a severe mental condition that weakens their prudential unity relations to half the strength of Nico's), then we have to apply a 0.5 fraction to -200 . The result then becomes -100 . The important implication is that although Nico and Nico* have the same lifetime well-being, the badness of their deaths differs. While Nico is greatly harmed by dying at 20 and thus has a strong interest in continuing to live, Nico* is harmed to a much lesser extent and thus their interest in continuing to live is significantly weaker.

Applied to nonhuman animals, the argument is straightforward. Although death may often deprive nonhuman animals of a life of net positive value, their death cannot be understood as a great misfortune. At least, death is not as bad for them as it is for adult human beings. The reason is that nonhuman animals are usually weakly psychologically

³¹ Ibid., p. 80.

related to their futures. Due to this psychological discontinuity, when they die, they are deprived of very little and death does not harm them significantly. Thus, a greater discount should be applied when calculating how much nonhuman animals lose in dying. Of course, due to the difference in psychological capacities among nonhuman animals, the discount rate will vary greatly among individuals.

Notwithstanding the prominence of this view, neither the Time-Relative Interest Account nor the way McMahan understands it are immune to criticism. The ways in which it can be disputed have different implications regarding the assessment of the badness of death for nonhuman animals. In any case, the claim that it is worse for humans to die is consistent with the claim that it is extremely bad for nonhuman animals to die, and this could suffice for present purposes. One may, however, challenge McMahan's view.

It is possible to accept the Time-Relative Interest Account, in general, but to reject, in particular, the calculus of the degree of psychological connectedness it assumes. According to Jeff McMahan, an individual's degree of psychological connectedness is directly related to the degree of psychological complexity it possesses. More psychological complexity amounts, according to McMahan, to a greater number of contents of consciousness. As he says,

An infant is unaware of itself, unaware that it has a future; it therefore has no future directed mental states: no desires or intentions for its future. Because its mental life is so limited, there would be very few continuities of character or belief between itself now and itself as a person. And if it had lived to become a person, it would then remember nothing of its life as an infant. It is, in short, almost completely severed psychologically from itself as it would have been in the future. This is the principal reason why its time-relative interest in continuing to live is so weak. It is almost as if the future it loses might just as well have belonged to someone else.³²

Hence, an individual with higher cognitive complexity has more contents of consciousness that connect them to their future. Under this assumption, nonhuman animals, who generally possess less complex cognitive capacities, have less contents of consciousness relating them to their future. Therefore, death is not as bad for them as for other individuals with higher cognitive complexity but with a similarly valuable future.

There is, however, some discrepancy regarding the calculation of the degree of psychological connectedness between an individual at some time

³² *Ibid.*, p. 170.

and their future self. For example, it has been claimed that higher complexity (and hence quantity) of mental contents does not necessarily amount to higher psychological connectedness.³³ It is, in fact, possible that an individual with fewer mental contents has higher psychological connectedness than an individual with a higher amount but a more changeable psychology. Consider two individuals with different levels of mental complexity at different points in their existence, as well as their corresponding mental states. This could be represented as follows:

Phoenix:

t_1 : {m1, m2, m3, m4, m5, m6, m7, m8}

t_2 : {m1, m2, m3, m4, m11, m13, m19, m21}

Quinn:

t_1 : {m1, m2, m3, m4}

t_2 : {m1, m2, m3, m7}

The first observation is that, compared with Quinn, Phoenix has a greater amount of mental contents that relate them to their future. Thus, according to the Time-Relative Interest Account, Phoenix is more psychologically connected to their future than Quinn and hence their interest in continuing to live is stronger than Quinn's. Nevertheless, though Phoenix's total amount of connected mental contents is greater than the total amount of Quinn's in absolute terms, that is not the case in relative terms. That is, while Phoenix retains 50 percent of their mental contents between t_1 and t_2 , Quinn retains 75 percent of them with their future self. One might plausibly claim that what is relevant in determining the degree of psychological connectedness is precisely how much qualitative similarity there is between individuals at some time in their existence and their future selves, and not how many connected mental contents they have in total.

A different example may more clearly illustrate the point. Consider Zoe at a certain time in their life t_1 with a certain amount of mental contents. Imagine two different possible scenarios. At t_2 Zoe has the same amount of mental contents except for one that was irreversibly lost and a new one that appeared. At t_2' Zoe has been greatly enhanced, such that although all the mental contents they had at t_1 remain at t_2' , at t_2' they have a huge amount of new mental contents. This could be represented as follows:

³³ See Horta (2010c).

Zoe:

t_1 : {m1, m2, m3, m4, m5, m6, m7, m8, m9, m10}

t_2 : {m1, m2, m3, m4, m5, m6, m7, m8, m9, m11}

t_2' : {m1, m2, m3, m4, m5, m6, m7, m8, m9, m10, m12, m13, m14, m15, m16, m17, m18, m19, m20, m21, m22, m23, m24, m25, m26, ... m99, m100}

Although Zoe at t_1 is 90 percent connected to Zoe at t_2 and only 10 percent connected to Zoe at t_2' , McMahan's account of the Time-Relative Interest Account tells us that the psychological connectedness between Zoe at t_1 and Zoe at t_2' is higher because the total amount of connected mental contents is also higher. But this seems hard to accept. The extent to which this appears to be implausible might be further observed if we conduct a backward-looking assessment of the mental connectedness of Zoe – that is, for instance, between each of Zoe's two possible future scenarios and Zoe at t_1 . It then becomes clear that Zoe at t_2' is only very weakly related to their past (i.e., with Zoe at t_1) – only 10 percent connected – whereas Zoe at t_2 is very strongly related to their past (i.e., with Zoe at t_1) – 90 percent connected.

If this proportional approach to the calculus of psychological connectedness is sound, then an individual with less complex psychology does not necessarily have a weaker interest in continuing to live. And if so, nonhuman animals could be as strongly psychologically related to their future (or even more) as the more cognitively endowed individuals (many human beings).

If this is so, then the notion that humans typically lose much more by dying than nonhuman animals, based not only on the assumption that their lives will be better but also because they are more prudentially connected to their own future, can be rejected. This is because although humans may have more mental contents, such mental contents typically vary more throughout their lives. It seems reasonable to think that the mental contents of, say, a mouse will remain more similar throughout their whole life than those of a human being. If this is correct, then the interest in living of human beings and of other animals will not differ in the way that McMahan's version of the Time-Relative Interest Account entails.

Another way to dispute the conclusion that the interest in living of nonhuman animals is comparatively weaker than that of human beings is to endorse a Time-Neutral Account of the badness of death instead. According to such an account, the badness of death is a function of the amount of goods that someone is deprived of at a certain time, which are

those that would have accrued to them in the future if they had remained alive. Thus, an individual's interest in being alive depends solely on the full amount of benefits they would have obtained in the future, independently of the psychological distance between the actual individual and their future self. This means that no discount is applied on the basis of diminishing degrees of psychological connectedness.

The major implication of this is that if Phoenix and Quinn have a future of similar net value, then their deaths are similarly bad for them. Hence, their interests in continuing to live are similarly strong, independently of their species or their degree of psychological complexity.

If this is the view we ought to endorse, then the interest in living of human beings and of other animals will depend exclusively on the amount of good (and bad) each of them is deprived of by death. It would not differ in the way the Time-Relative Interest Account entails, either on McMahan's version of it or on the proportional version presented above.

d) Impersonal Views

In the previous section, I examined different positions on how to assess the interest in living of nonhuman animals. There remains the alternative, however, of approaching the problem of the badness of death by denying the assumption on which all the previous positions rely. Namely, what has normative importance is the prudential disvalue of death, that is, how bad it is for the individual that ceases to exist. In other words, one can deny that what gives us our reasons against killing, or preventing someone from dying, is the person-affecting value of death. Instead, one might claim that what provides us with such reasons is the badness of death impersonally conceived. If that is the case, then the only thing that matters is the loss of value in the world impartially considered and not to whom that value accrues. For those assuming this view, all other considerations are irrelevant, such as individual desires to continue to live or an individual's relation with their future.

Thus, even if ceasing to exist could not be said to be bad for the one who dies, we would still have reasons to prevent an individual with a life worth living from dying based on the loss of the impersonal value that a life of positive net value would entail. Because the possession of certain desires or of psychological complexity is no longer significant for the badness of death conceived in this way, it follows that the deaths of a nonhuman or a

human with a similar future of net positive value are similarly bad. Thus, our reasons to ensure that they continue to exist would be as strong.³⁴

On an impersonal view of the badness of death, the fact that humans or other animals die is bad if they would otherwise have had net positive lives. Nonetheless, on this view, their death would not qualify as bad if because of their death other individuals came into existence who had lives of greater net positive value than the first ones would have had. In addition, this view implies that the deaths of humans or other animals would not be bad if their lives had been net negative.

e) *Final Remarks*

In this section, I examined the problem of the badness of death as applied to nonhuman animals. That is, the problem of whether ceasing to exist may harm animals and, if so, the extent to which it may comparatively harm them relative to human beings. In other words, I assessed the strength of nonhuman interests in continuing to live. I disputed the widespread view according to which, under almost any theoretical assumptions, nonhuman animals lack an interest in being alive or, at most, that the strength of such interest is always comparatively weaker than that of human beings.³⁵ Given the divergence of competing views on this debate, my conclusions are conditional. If death harms human beings for such and such reasons, then, under the same assumptions, there are many nonhuman animals that are also harmed by ceasing to exist. This allows, of course, for the possibility that often the interest of a human being in continuing to live may be stronger than the interest of a nonhuman animal. Nevertheless, it also allows for the possibility that many times the opposite is the case. Animals can, *in principle*, be as harmed by death as

³⁴ Singer now explicitly endorses an impersonal view on the badness of death (2015). For a detailed analysis of Singer's commitment to this view, see Paez (2017).

³⁵ Note that, even so, we could certainly think of many cases in which a nonhuman animal's future has the same surplus of positive value than the future of a human being. Alternatively, we can also think of other cases in which some human beings have a much lower psychological connectedness than some nonhuman individuals. This is the case of human babies and infants, but also of severely cognitively impaired adult human beings. On McMahan's account, because of the greater discount rate that we must apply to these humans' future with lower psychological connectedness, these humans have a weaker interest in continuing to live, and so death is less harmful for them than would be for nonhuman individuals with higher psychological connectedness. Thus, according to this position, the interest in continuing to live of a great number of nonhuman individuals will be stronger than the interest in continuing to live of many human beings. This shows that the interest in continuing to live is not something coextensive to the species individuals belong to but rather variable across and within species.

human beings even if, *in practice*, that might not be common. Therefore, when discussing the badness of death, we must reject the view that human and nonhuman animals harbor fundamental different interests in being alive and favor instead the view that such interest (if it exists) simply varies among individuals across species.

In this chapter, I defended the view that due to their capacity for conscious experiences, nonhuman animals have a well-being of their own – a necessary and sufficient condition to be morally considerable. I further claimed that this is the case independently of the theory of well-being one might endorse (hedonism, the desire-based view, or the objective-list theory). I then argued for the quite uncontroversial claim that nonhuman interests in not suffering are morally relevant and that equal instances of suffering should be equally considered, irrespective of the species individuals belong to. It follows that our reasons to prevent or alleviate nonhuman suffering are as strong as our reasons to prevent equal instances of human suffering.

I then argued for a conditional claim: If death is bad at all, then under certain theoretical assumptions, death is also bad for nonhuman animals and, sometimes, it may be comparatively worse than for human beings. If so, under certain views, the nonhuman interest in continuing to live gives us additional reasons to prevent them from dying. On that assumption, we would thus have not only compelling reasons to prevent or reduce the suffering nonhuman animals endure in the wild but also to avoid their deaths whenever we can – with the proviso that they would have lives of positive net value.