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THE ETHICS OF
WILD ANIMAL SUFFERING

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ABSTRACT

In this thesis I aim to achieve two objectives. The first is to show that we are required to intervene in nature to assist suffering wild animals. The second is to offer some morally permissible ways of carrying out such intervention. After presenting an extensive critical analysis of the *laissez-faire view*, according to which we have no *general* obligation to assist wild animals, I challenge various arguments commonly put forward against intervention in nature and show that they fail to defend the non-interventionist view. Next, I propose general principles of a successful and morally permissible form of intervention in nature, which I collectively label as *moral supervision on nature*. Then I provide a critical assessment of various forms of intervention in nature that have been put forward in the relevant literature in order to determine whether they should be granted a moral approval. Most importantly, I address the notorious problem of predation. I show that all existing responses to the predation problem are inadequate and misguided. Then I present what I believe to be the most adequate approach to that problem.

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INTRODUCTION

Wild animal suffering as a moral problem has received little attention in the philosophical literature and nowadays remains as the most neglected topic within animal ethics. In fact, the nature-caused suffering experienced by animals living in the wild has not been recognized as a moral problem until recently. We can name a few reasons for this. First of all, a number of prominent animal ethicists straightforwardly denied that we have *positive* duties toward wild animals.¹ Their views are now collectively called the *laissez-faire intuition*, according to which although we may have *special* duties to assist wild animals, there are no *general* requirements to care for them.² So, on this view, the suffering occurring in the wild due to natural causes simply is not our moral business. Another underlying cause of animal ethicists' dismissive attitude toward wild animal suffering has been a common misconception about the quality of animal lives in the wild. This misconception is now referred to as the *idyllic view of nature*, according to which wild animals generally fare well, requiring no significant human assistance.³ Of course, the lack of awareness of the true magnitude of wild animal suffering encouraged neglecting the issue in question but this is hardly the crucial factor. Despite not being fully informed, animal ethicists surely must have known that many animals endure considerable suffering in the wild – predation being one widely known cause and natural disaster being another. Yet, despite that, they were reluctant to address the problem. Their reluctance, I suggest, could be explained by the fact that arguing for assisting wild animals at a time when the moral considerability of animals in general was still a controversial matter would be a strategically wrong move to convince the opponents to take animals seriously. Perhaps animal ethicists thought that requiring moral agents to provide assistance to wild

¹ See Regan, Tom (1983/2004). *The Case for Animal Rights*, 2nd edition, University of California Press, pp. xxxvii, 357; Pluhar, Evelyn (1995). *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Duke University Press, p. 276; Francione, Gary (2000). *Introduction to Animal Rights: Your Child or the Dog?* Temple University Press, p. 185; Gruen, Lori (2011). *Ethics and Animals*, Cambridge University Press, p. 182.

² See Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 63.

³ See Horta, Oscar (2010). "Debunking the Idyllic View of Natural Processes: Population Dynamics and Suffering in the Wild", In: *Telos* 17 (1), pp. 73-90.

animals in addition to requiring them to recognize animals in general as morally considerable and thus stop harming them unjustifiably would be too much to ask for. As a result, the early debates in animal ethics had been primarily, or even exclusively, focused on the discussions concerning only the moral considerability of animals and our *pro tanto* duties not to harm them.

Whatever was the reason for the insufficient attention paid to the natural suffering experienced by animals living in the wild, the fact is that wild animal suffering as a moral problem has remained largely unaddressed in the philosophical literature. Once the moral considerability of animals was more or less secured within the debates, only then were animal ethicists able to shift their attention to the plight of wild animals and recognize their suffering due to natural causes as a moral concern.⁴ Although this shift may seem a little belated, better late than never.

In this thesis I hope to provide new insights into the complex questions concerning the ethics of wild animal suffering and further enrich the existing discussions on this matter. The following is a detailed breakdown of the contribution of this thesis (chapters 4 and 5):

- Current debates concerning wild animal suffering primarily center around the question of whether we have duties to assist wild animals. The proponents of the laissez-faire intuition famously answer this question in the negative. The denial that we have *general* duties toward wild animals is in fact the first and fundamental principle of the laissez-

⁴ See Ng, Yew-Kwang (1995). "Towards Welfare Biology: Evolutionary Economics of Animal Consciousness and Suffering", In: *Biology and Philosophy* 10 (1), pp. 255-285; Nussbaum, Martha (2006). *Frontiers of Justice: Disability, Nationality, Species Membership*, Harvard University Press, p. 379; Tomasik, Brian (2009/2015). "The Importance of Wild Animal Suffering," In: *Relations* 3 (2), pp. 133-152; McMahan, Jeff (2010). "The Meat Eaters", In: *New York Times*, available at <https://opinionator.blogs.nytimes.com/2010/09/19/the-meat-eaters/>; Horta, Oscar (2010). "The Ethics of the Ecology of Fear against the Nonspeciesist Paradigm: A Shift in the Aims of Intervention in Nature", In: *Between the Species* 13 (10), pp. 163-187; Sözmen, Beril (2013). "Harm in the Wild: Facing Non-human Suffering in Nature", In: *Ethical Theory and Moral Practice* 16 (5), pp. 1075-1088; Faria, Catia (2016). *Animal Ethics Goes Wild: The Problem of Wild Animal Suffering and Intervention in Nature*, PhD Thesis, Pompeu Fabra University; Moen, Ole Martin (2016). "The Ethics of Wild Animal Suffering", In: *Etikk I Praksis – Nordic Journal of Applied Ethics* 10 (1), pp. 91-104; Johannsen, Kyle (2020). "To Assist or Not to Assist? Assessing the Potential Moral Costs of Humanitarian Intervention in Nature", In: *Environmental Values* 29 (1), pp. 29-45.

faire view. Against this, a growing number of animal ethicists argue that we do have general duties to assist wild animals. However, these authors leave unaddressed another, no less important claim that underlies the laissez-faire view. This is the claim that even if we have duties to assist wild animals, these duties are considerably weaker than our duties to assist domesticated animals. Critically examining this claim is important especially when we recognize the situations in which we may find ourselves where we are able to assist either domesticated or wild animals but not both. In a lengthy discussion in chapter 4, I consider various factors that are often thought to render our duties to assist domesticated animals stronger than our duties to assist wild animals. Then I show that, contrary to what the proponents of the laissez-faire view claim, these factors fail to make our duties toward domesticated animals any stronger than our duties toward wild animals, other things being equal.

- In the relevant literature, the criticisms of the laissez-faire view commonly proceed by demonstrating the implausible implications of its underlying account of positive duties when applied to human cases. In contrast to this strategy, I propose a different way of challenging the laissez-faire view that targets not the implication of this view but the very intuition that underlies this view. In section 4.5, I offer a novel critique of this intuition and argue that not only is it a mistaken intuition but also that it is not a *genuine* intuitive thought and thus should be dismissed. This section has been published in a peer-reviewed journal *Between the Species*.⁵
- The obligation to assist suffering wild animals is commonly based on the intuitively plausible argument claiming that we ought to help the victims of a considerable misfortune if we can do so without an excessive cost to ourselves. Evidently, the proponents of the laissez-faire view remain unconvinced and continue their commitment to the view.

⁵ See Jalagania, Beka (2021). “Wild Animal Suffering and the Laissez-Faire Intuition”, In: *Between the Species* 24 (1), pp. 39-50.

In light of the failure of the intuitive argument to convince the supporters of the laissez-faire view that we have duties toward *all* suffering wild animals, it would still be a success if we could convince these people that at least *some* of us are required to assist *some* wild animals. In chapter 4, I develop an original argument, called the *contribution argument*, in an attempt to do just that. The main advantage of this argument is that it is compatible with the account of positive duties endorsed by the proponents of the laissez-faire view. On their account, duties of assistance are generated only on the basis of special circumstances. My argument identifies the fact that some of us benefit from some wild animals as one such special circumstance. This argument piece has been published in a peer-reviewed journal *The Journal of Agricultural and Environmental Ethics*.⁶

- In chapter 5, I offer new insights into the complex questions concerning intervention in nature for the benefit of wild animals. First, I propose general principles of a successful and morally permissible form of intervention in nature, which I collectively label as *moral supervision on nature*. Second, I provide a critical assessment of various forms of intervention in nature that have been put forward in the relevant literature in order to determine whether they should be granted a moral approval.
- Lastly, I provide a thorough examination of the notorious problem of predation. The standard view on the predation problem is non-interventionist, claiming that we should not intervene in predator-prey relationships. In a lengthy discussion in subsection 5.2.3, I challenge the standard view by calling the arguments in its support into question and argue that non-interventionism in predation is unjustified. My discussion shows that all existing responses to the predation problem are inadequate and misguided. In the end, I propose what I believe to be the most adequate approach to that problem.

⁶ See Jalagania, Beka (2021). “Wild Animals and Duties of Assistance”, In: *The Journal of Agricultural and Environmental Ethics* 34 (2), <https://doi.org/10.1007/s10806-021-09854-3>.

▪ *Structure of the Thesis*

In this thesis I aim to achieve two main objectives. One is to show that we are morally required to intervene in nature to assist wild animals. Another is to offer some morally permissible ways of doing so. The thesis is structured as follows.

In the *first* chapter I establish the moral considerability of wild animals. In particular, I defend the sentience view, according to which all and only sentient entities are morally considerable. I go on to discuss what it means to say that an entity is morally considerable. To say that an entity is morally considerable is to say that while performing an action, moral agents are required to consider the interests of individuals affected by that action. One way to consider the interests is suggested by the principle of equal consideration of interests, according to which we ought to give equal consideration to the interests of different beings, where the moral weight to be assigned to the interests is determined solely by the strength of these interests. But this principle is not uncontroversial. Some views, speciesism and personism in particular, endorse the opposite – unequal consideration of interests. I challenge these views and show that they are indefensible.

In the *second* chapter I discuss some of the common causes of wild animal suffering. This is necessary to show that throughout their lives many wild animals suffer greatly and are in need of our assistance. The discussion shows that, contrary to what the idyllic view of nature claims, the lives of many wild animals are far from enjoyable and are instead filled with pain and misery.

In the *third* chapter I argue that wild animal suffering is a serious moral concern and that we are required to take active steps to eliminate or at least reduce it. I maintain that the requirement to assist suffering wild animals rests on an intuitively very plausible claim that we ought to help the victims of a considerable misfortune if we can do so without an excessive cost to ourselves. I also acknowledge that the requirement to assist wild animals is merely a *pro tanto* requirement and will remain so unless it is shown that it defeats all competing considerations that can be put forward against it. I take on this task in the later chapters.

In the *fourth* chapter I provide a comprehensive critical analysis of the laissez-faire intuition and challenge its underlying principles. Then I present a new argument, called the *contribution argument*, which demonstrates how some of us can be required to assist wild animals from whom we benefit. The advantage of this argument is that it is compatible with the account of positive duties endorsed by the proponents of the laissez-faire view. I then address the question of whether, in conflict cases, our duties to assist domesticated animals are stronger than our duties to assist wild animals. In the end I examine the origins of the laissez-faire intuition and assess its reliability.

In the *fifth* chapter I tackle the complex questions concerning intervention in nature. First, I critically assess common arguments against intervention in nature and show that they fail to render intervention in nature impermissible. Next, I propose the *moral supervision on nature* as a morally permissible form of intervention in nature and defend its underlying principles against some major objections. I then go on to critically examine various forms of intervention in nature that have been put forward in the relevant literature and explore whether these proposals ought to be granted a moral approval. In the end, I address the notorious problem of predation. First, I challenge two main arguments often invoked against intervention in predation and show that they fail to defend the non-interventionist view on predation. Then I propose what I believe to be the right approach to the predation problem.

▪ *Method of Moral Inquiry*

In this thesis I do not adopt any particular moral theory. Instead, I employ an *intuitionist* approach to moral inquiry. To be sure, many moral theories are intuitionist to a certain extent as intuitions play some role in constructing and/or testing these theories. However, the approach I have in mind is *fully* intuitionist, meaning that a moral inquiry is conducted relying solely on moral intuitions without appealing to any supreme principle of morality.

The intuitionist approach to moral inquiry seems to me an optimal choice for two reasons. First, in my view, there is no adequate moral theory. All existing theories are, I believe, seriously defective and fundamentally mistaken. Second,

without intuitions we have nowhere to go. That is to say that if we are to do moral philosophy, appeals to moral intuitions will be inevitable. In that respect, the intuitionist approach may offer us a promising method of resolving moral problems. In its reliance solely on intuitions, the intuitionist approach presupposes *moral intuitionism*, which is the view that moral intuitions can serve as a source of moral knowledge.⁷ On this view, moral intuitions are commonly understood as non-inferential moral beliefs or judgments and are taken to be “the data of ethics”⁸.

Concerning the authority of moral intuitions, it is noteworthy that they play a significant role in contemporary philosophical debates. It is quite common to appeal to moral intuitions in order to substantiate or refute certain normative views. This is done by demonstrating how the implications of particular views conform to or conflict with our powerful and widespread intuitions. Despite their prevalent use in moral debates, questions remain as to whether moral intuitions are reliable and how they can lead us to justified moral beliefs.

There are two main theories of epistemic justification of moral beliefs: *coherentism* and *foundationalism*. Coherentism maintains that moral beliefs are justified insofar as they represent a coherent set of beliefs. So, a particular moral belief would be justified if it coheres with a coherent set of beliefs.⁹ Foundationalism comes in two forms: *strong* and *modest*. Strong foundationalism maintains that some beliefs are basic and that they are self-evident or self-justified, providing a justificatory foundation for non-basic beliefs. On this view,

⁷ For more on moral intuitionism, see Audi, Robert (1996). “Intuitionism, Pluralism, and the Foundations of Ethics”, In: Sinnott-Armstrong, Walter and Timmons, Mark (eds.). *Moral Knowledge?* Oxford University Press, pp. 101-136; Huemer, Michael (2005). *Ethical Intuitionism*, Palgrave Macmillan; DePaul, Michael (2006). “Intuitions in Moral Inquiry”, In: Copp, David (ed.). *The Oxford Handbook of Ethical Theory*, pp. 595-623; Kaspar, David (2012). *Intuitionism*, Bloomsbury; McNaughton, David and Rawling, Piers (2013). “Intuitionism”, In: LaFollette, Hugh and Persson, Ingmar (eds.). *The Blackwell Guide to Ethical Theory*, 2nd edition, Wiley-Blackwell, pp. 287-310; Russell, Bruce (2013). “Intuitionism, Moral”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 2779-2788; Stratton-Lake, Philip, (2020, Summer). “Intuitionism in Ethics”, *The Stanford Encyclopedia of Philosophy*, retrieved on July 25, 2020 from <https://plato.stanford.edu/archives/sum2020/entries/intuitionism-ethics/>.

⁸ Ross, William David (1930/2002). *The Right and the Good*, Oxford University Press, p. 41.

⁹ See DePaul, Michael (2013). “Coherentism, Moral”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 866-875.

a belief is justified insofar as it is a basic belief or is inferred from such belief. Modest foundationalism, by contrast, maintains that basic beliefs have merely a *pro tanto* justification that can be defeated in case there are considerations that undermine this justification.¹⁰ Among modest foundationalists, incoherence with other basic beliefs generally counts as undermining this *pro tanto* justification, while coherence is often seen as enhancing or amplifying the justification of such beliefs.¹¹ Modest foundationalism seems to be a more plausible version of foundationalism as it avoids the dogmatism objection.

I do not wish to take a stance on what the right theory of epistemic justification in ethics is. Instead, I will merely note that both theories – coherentism and foundationalism – are compatible with the intuitionist approach to moral inquiry and then proceed by sketching the methodology of epistemic justification employed by each theory.

The methodology of the coherentist theory of epistemic justification is best exemplified by the method of *reflective equilibrium*.¹² The central aim of this method is to bring coherence within one's moral beliefs and ensure that they are in full harmony with each other.¹³ In other words, it is a way of sorting out our moral beliefs so that they form a coherent set. We start the process of reflective equilibrium by considering our *initial moral judgments*. To ensure that the judgments we are working with are reasonably reliable, we need to filter out the ones that reflect the distorting influences of irrelevant factors such as evolutionary dispositions, self-interest, culture, religion, prejudices, etc. as well as the judgments that were formed in conditions that generally impair our

¹⁰ See Ebertz, Roger (1993). "Is Reflective Equilibrium a Coherentist Model?", *Canadian Journal of Philosophy* 23 (2), p. 201.

¹¹ See De Lazari-Radek, Katarzyna and Singer, Peter (2014). *The Point of View of the Universe: Sidgwick and Contemporary Ethics*, Oxford University Press, p. 109.

¹² This method was termed as "reflective equilibrium" by John Rawls. See Rawls, John (1991). *A Theory of Justice*, Revised edition, Harvard University Press, p. 18. It is worth noting here that the method of reflective equilibrium is commonly used to construct and justify a moral theory, and since I do not adopt any particular moral theory, my use of reflective equilibrium may be seen as inappropriate. Instead of reflective equilibrium then, my chosen intuitionist approach to moral enquiry may employ a methodology that very much resembles that of reflective equilibrium.

¹³ See DePaul, Michael (2013). "Reflective Equilibrium", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 4466-4475.

judgment. The remaining judgments that withstood critical scrutiny and reflection are called *considered moral judgments*. The next step is to work out general moral principles that account for these judgments. Once such principles are worked out, our task will be to ensure that the principles and judgments cohere with each other. Initially, they will more likely be incoherent, so we will need to mutually adjust them until they are in equilibrium. Once such an equilibrium is reached, we can be reasonably certain that our intuitive moral judgments and principles are reliable and that we are justified in holding them.

The methodology employed by the proponents of modest foundationalism need not be very different from that of reflective equilibrium. This is because first, reflective equilibrium is compatible with modest foundationalism and second, reflective equilibrium can best ensure coherence among basic beliefs, enhancing the justification these beliefs already possess. In fact, it has been argued that reflective equilibrium is best interpreted in modest foundationalist terms.¹⁴

To conclude, whether it is coherentism or modest foundationalism that is the right theory of justification in ethics, the intuitionist approach to moral inquiry can endorse either of them and be a promising method of resolving moral problems.

▪ *Key Terms*

In this thesis I employ various terms, some of which are in need of clarification.

The term “animal” is central to this thesis; so is it to the field of animal ethics, understandably. For brevity, in the animal ethics debates it is common to use the term “animal” to refer only to a non-human animal. In this thesis I will follow this practice and employ the term “animal” to denote only a non-human animal.

The next term is “wild animal”. By this term I will mean an animal who is undomesticated (i.e. has not been bred by humans) and lives independently in a

¹⁴ See McMahan, Jeff (2013). “Moral Intuition”, In: LaFollette, Hugh and Persson, Ingmar (eds.). *The Blackwell Guide to Ethical Theory*, 2nd edition, Wiley-Blackwell, pp. 111-115; Cath, Yuri (2016). “Reflective Equilibrium”, In: Cappelen, Herman et al. (eds.). *Oxford Handbook of Philosophical Methodology*, Oxford University Press, pp. 218-220.

natural environment that is generally undisturbed and unaffected by human actions (i.e. wilderness). There is a small controversy concerning the use of this term in the animal ethics literature that I would like to address. Sometimes it is claimed that the term “wild animal” is derogatory and its use should be avoided.¹⁵ I can only speculate on why someone would claim this. Perhaps it is believed that referring to animals as wild suggests that these animals are primitive or savage, or even ferocious. However, the ordinary meaning of the term “wild animal” suggests nothing like that. In the animal context “wild” is the opposite of “domesticated” and denotes an animal that is undomesticated and lives in the wilderness. I thus believe that the above-mentioned claim is groundless as well as exaggerated and because I find the suggested alternative terms “free-living animal” and “free-ranging animal” inconvenient, I will continue using the term “wild animal”.

Another term is “suffering”. For the purposes of this thesis I will employ the term to describe a highly unpleasant mental state caused by the experience of a significant physical and/or psychological pain.

Animal ethicists often use the term “wild animal suffering” in such a way as to imply the aggregated suffering that occurs in the wild. However, this is *not* how I will use the term here. As it will become clear in later chapters, I do not accept interpersonal aggregation as I believe it is a deeply mistaken and misguided idea. My use of this term will merely make reference to the fact that there are many wild animals that endure significant suffering and thus are in need of our assistance. It is worth noting that since a premature death of an animal is not an instance of suffering, the term “wild animal suffering” will not concern it. But a premature death is nevertheless a harm and is thus morally relevant. Although in this thesis I will not separately argue that death harms animals, in section 5.2.2 I will show how the *deprivation account* best explains the harm of a premature death to animals.

¹⁵ The *Journal of Animal Ethics* makes it clear that the use of the term “wild animal” is not accepted in its articles and suggests “free-living” or “free-ranging” as alternatives to “wild”. See The *Journal of Animal Ethics*, Submission Guidelines, available at <https://www.press.uillinois.edu/journals/jane/submissions.html>.

In this thesis I will understand “intervention in nature” as a deliberate alteration and modification of the natural processes or course of nature for the purpose of benefiting wild animals. I should note that this is the definition of a *large-scale* intervention in nature. Because small-scale interventions, such as feeding, rescuing or vaccinating small groups of animals, do not involve significant changes of the natural ecosystems and thus are less, if at all, objectionable, I do not discuss them here.

Finally, in the philosophical discussions the terms “duty” and “obligation” can be distinguished from each other – “duty” being a *special* requirement and “obligation” being *general*. But this is less common. More commonly, these terms are treated as synonymous.¹⁶ I will do the same and throughout this thesis will use these terms interchangeably.

¹⁶ See Zimmerman, Michael (2013). “Duty and Obligation”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 1483-1496.

1. ON WHO MATTERS MORALLY

Before I discuss what we owe to wild animals, it is necessary to show that they are the kind of beings to whom we may owe something. In other words, it should be demonstrated that wild animals are the kind of beings that are worthy of direct moral consideration and toward whom certain obligations may arise. This chapter serves that purpose. First, I discuss various candidates for the ground of moral considerability and defend sentience against others. Then I go on to argue why the interests of different beings should be considered equally in moral deliberations. In the end I critically examine and reject the views that endorse the opposite – unequal consideration of interests.

1.1 THE GROUND OF MORAL CONSIDERABILITY

In moral philosophy, an entity can be of two kinds: an entity that matters morally and an entity that does not. When an entity matters morally it is meant that it matters in its own right; that is to say that it is morally considerable intrinsically. For example, every sane person would agree that torturing a child or a cat for trivial reasons is morally wrong. But this is so not primarily because this will wrong the parents of the child or the adopters of the cat, but because this will wrong the *child* or the *cat*. Entities that are regarded as direct objects of a moral concern receive moral consideration, while entities regarded as morally worthless are left out of the moral community.

But where does moral considerability come from? Why do some entities matter morally and some do not? To answer these questions, we need to look at what makes entities worthy of direct moral consideration.

In the relevant literature, various properties have been suggested as candidates for the ground of moral considerability: personhood, autonomy, rationality, self-consciousness, moral agency, sentience, etc. It is commonly argued that these properties, taken separately or in conjunction with others, grant moral consideration. In this section I provide a critical assessment of these properties to find out what makes an entity morally considerable.

In order to avoid establishing an arbitrary ground of moral considerability, each of the properties should be assessed whether they, separately or in conjunction with others, constitute *necessary* and *sufficient* conditions for granting direct moral consideration. The ground will be arbitrary if, as a result of it, certain entities will be included in or, most importantly, excluded from the moral domain without valid reasons. Since the exclusion from the moral domain signifies a complete disregard of an entity in question, our task becomes utmost important.

To determine whether a particular property or capacity is a necessary and/or sufficient condition for granting moral consideration, we will need to answer the following test questions:

Necessary condition: *Will the entity in question remain worthy of moral consideration without this capacity?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

Sufficient condition: *Will the entity in question remain worthy of moral consideration if this is the only capacity it has?* (Yes – the capacity is sufficient; No – the capacity is not sufficient.)

In answering these questions, we will have to rely on our common sense and intuitions, for any other way of answering these questions will presuppose or imply our acceptance of a particular view on the ground of moral considerability. Moreover, the starting point for posing these questions will be the situation in which certain entities are already morally considerable according to our intuitions. Let me note further that if the property in question is not a necessary condition for granting moral consideration, then I will not bother finding out whether it is sufficient. Now we can move on to the examination of the candidates for the ground of moral considerability.

▪ *Moral Agency*

A moral agent is a being who has the capacity to make moral judgments, to distinguish between what is morally right and wrong action and to be held

morally responsible. A moral agent is also able to critically reflect upon the grounds and reasons for his actions and hence can be a subject of moral praise or condemnation. It is argued that moral agency is a prerequisite for moral consideration as moral obligations exist only toward entities that can themselves take moral responsibility for their actions.¹⁷ On this view, moral obligations are mutual or reciprocal.

Necessary condition: *Will the entity in question remain worthy of moral consideration without being a moral agent?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

Although there is still an ongoing debate whether some animals can qualify as moral agents,¹⁸ let us grant that none of the animals are moral agents. Consequently, none of them would be worthy of our moral concern on this view. If we do not find this conclusion alone intuitively implausible, we can move on. Can all humans satisfy the criteria for moral agency? Considering the capacities that are required for exercising moral agency, the question should be answered negatively – not all humans are moral agents. Marginal or non-paradigm humans – infants and severely mentally impaired adults – are not moral agents and therefore are excluded from the realm of morality. How convenient is it to accept this conclusion? Intuitively speaking, many would find this implication utterly unacceptable. However, one could make an attempt to include marginal humans within the moral community. The potentiality argument has been put forward as such an attempt. According to this argument, despite the fact that human infants are not moral agents, they should still be accorded moral consideration for the reason that they have a potential to become moral agents. The main objection to this argument is that even though a being has a potential of becoming some kind of being, we do not treat him as such kind of being in

¹⁷ See McCloskey, H.J. (1987). “The Moral Case for Experimentation on Animals”, In: *The Monist* 70 (1), p. 79.

¹⁸ See Shapiro, Paul (2006). “Moral Agency in Other Animals”, In: *Theoretical Medicine and Bioethics* 27 (4), pp. 357-373.

present time. In other words, actual cannot be derived from potential.¹⁹ For example, even though a prince has a potential of becoming a king, he is not treated as a king before becoming an actual king. The same can be said about the presidential candidates. All of them are potential presidents yet they are not granted the rights or a status of a president. Similarly, despite the fact that a human fetus has a potential of becoming a moral agent, it cannot still be said that it should be granted the respective moral status. Furthermore, the potentiality argument, even though proved unsuccessful, cannot be applied to severely mentally handicapped humans, for they are deprived of even a potential to become moral agents.

To sum up, if moral agency is required for granting moral consideration to an entity, then we will have to embrace the fact that some humans will be considered as morally worthless. As most of us will find this view inadequate, we can conclude that an entity can be morally considerable without actually being a moral agent and thus, moral agency is not a necessary condition for granting moral consideration.

▪ *Autonomy*

Autonomy, simply speaking, is the capacity to make free choices. In other words, it can be understood as the capacity to have authority over one's actions or to be one's own person, to live one's life according to reasons and motives that are taken as one's own and not the product of manipulative or distorting external forces.²⁰ The idea behind autonomy being a necessary condition for moral considerability is that only autonomous beings can be ends in themselves and worthy of intrinsic moral consideration.²¹

¹⁹ See Feinberg, Joel (1992). *Freedom and Fulfillment: Philosophical Essays*, Princeton University Press, pp. 48-49.

²⁰ See Christman, John (2015, Spring). "Autonomy in Moral and Political Philosophy", *The Stanford Encyclopedia of Philosophy*, retrieved on February 10, 2018 from <http://plato.stanford.edu/archives/spr2015/entries/autonomy-moral>.

²¹ See Kant, Immanuel (1785, 1992). *Groundwork of the Metaphysics of Morals*, trans. by Herbert James Paton, New York: Harper Torchbooks, pp. 95-96.

Necessary condition: *Will the entity in question remain worthy of moral consideration without being autonomous?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

Considering the provided definition of autonomy and the biological characteristics of all animals, it is highly unlikely that any of them can meet this criterion. Consequently, all animals are excluded from the moral community and regarded as morally worthless. Personally, for that reason alone, I would find this view inadequate, though I accept that not everyone may share my intuition. Moreover, if we accept autonomy as a foundation of moral considerability, then animals will not be the only beings left without moral consideration – some non-paradigm humans, in particular, infants and severely mentally impaired adults also will fail to meet this necessary condition. As a result, we will be committed to accepting that together with all animals, at least some humans also will be excluded from the moral community. This, I am certain, will contradict the convictions many of us hold deeply. This shows that the entity in question will remain morally considerable without being autonomous. Given this, autonomy is not a necessary condition for moral considerability.

▪ *Rationality*

Rationality refers to the capacity to reason. Generally speaking, rationality can be understood as the ability to be aware of the grounds of one's beliefs and actions, also the ability to reflect on the reasons for actions.²² Social contract theorists often consider rationality as an important property for their theory. Rationality, which implies the capacity to contract, is required when one enters with others into an agreement that is grounded on the mutual self-interest (contractarianism²³) or respect for persons (contractualism²⁴).

²² See Korsgaard, Christine (2013). "Personhood, Animals, and the Law", In: *Think: Philosophy for Everyone* 12 (34), p. 26.

²³ See Cudd, Ann and Eftekhari, Seena (2017, Spring). "Contractarianism", *The Stanford Encyclopedia of Philosophy*, retrieved on February 10, 2018 from <https://plato.stanford.edu/archives/spr2017/entries/contractarianism/>.

Necessary condition: *Will the entity in question remain worthy of moral consideration without being rational?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

According to the provided definition, being rational requires sophisticated cognitive capacities that some humans and all animals lack. Accepting rationality as the ground of moral considerability results in exclusion of all animals and marginal humans from the moral realm. As it appears, rationality, just like previously discussed possible grounds of moral considerability, has similarly intuitively undesirable implications that are very hard to accept. For that reason, rationality as a necessary condition for the ground of moral considerability should be rejected. But again, if our only worry is the fact that marginal humans are denied direct moral consideration, then one could attempt to rectify this situation by including such humans within the moral circle. In the previous subsections I already discussed such an attempt – the potentiality argument. Now, with regard to mentally disabled people the potentiality argument, even though already proved unsuccessful, cannot be appealed to. However, the social contract theorists have another way of including marginal humans within the moral domain. It is argued that, prudentially speaking, every contracting agent would agree to grant moral consideration to severely mentally disabled humans assuming that, one day, they themselves may become profoundly mentally impaired. Given this, only humans will have an intrinsic moral worth, while animals will be deemed morally worthless. Against this strategy it is argued that the cognitive change caused by the severe mental impairment is not identity-preserving and for that reason, the contracting individual cannot self-interestedly establish moral rules that apply to severely mentally handicapped humans.²⁵

Accepting rationality as a necessary condition for moral considerability entails that non-rational humans do not matter morally. But this implication

²⁴ See Ashford, Elizabeth and Mulgan, Tim (2012, Fall). “Contractualism”, *The Stanford Encyclopedia of Philosophy*, retrieved on February 10, 2018 from <https://plato.stanford.edu/archives/fall2012/entries/contractualism/>.

²⁵ See Carruthers, Peter (1992). *The Animals Issue: Moral Theory in Practice*, Cambridge University Press, p. 114.

flies in the face of our basic intuition that such humans still matter morally, meaning that rationality is not a necessary condition for granting moral consideration. Of course, another reply to the social contract theorists' strategy to include severely mentally impaired humans within moral community is to question their very theory. However, since their strategy has already been shown to be unsuccessful, challenging their theory is not needed.

▪ *Self-consciousness*

Self-consciousness or self-awareness is the capacity of being aware of one's own existence. In other words, being self-conscious means being able to see oneself as a distinct entity existing over time. It has been argued that this capacity alone gives one's existence a special significance and raises one above all other beings, making him the only object of direct moral consideration.²⁶ On this view, then, all self-conscious beings matter morally while merely conscious beings are exempted from our moral concern.

Necessary condition: *Will the entity in question remain worthy of moral consideration without being self-conscious?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

Most of us share the strong intuition that all humans, perhaps except the ones who are in a permanent vegetative state, deserve intrinsic moral consideration. However, the view that self-consciousness is necessary for being morally considerable, contradicts this shared intuition. This view, like previously discussed other views on the ground of moral considerability, faces the objection from marginal cases. According to this objection, marginal humans – infants and profoundly mentally impaired adults – do not possess the capacity to be aware of their own existence and should thus be excluded from the moral circle. This is the implication that many of us will not be ready to accept. If our intuitions are the reliable guide in this case, then we should conclude that without the capacity

²⁶ See Kant, Immanuel (1785/2006). *Anthropology from a Pragmatic Point of View*, trans. by Robert B. Louden, Cambridge University Press, p. 15.

for self-consciousness an entity still remains intrinsically morally considerable and thus, self-consciousness is not a necessary condition for being a direct object of a moral concern.

▪ *Personhood*

Personhood is a cluster of morally relevant capacities that in conjunction with each other make a being a person. It is difficult to specify which capacities exactly make an individual a person since the exact way to define personhood is a matter of debate among philosophers. For example, according to Joel Feinberg, “persons are those beings who, among other things, are conscious, have a concept and awareness of themselves, are capable of experiencing emotions, can plan ahead, can act on their plans, and can feel pleasure and pain.”²⁷ According to Peter Singer’s definition, beings qualify as persons if they are “rational and self-conscious beings, aware of themselves as distinct entities with a past and a future.”²⁸ Michael Tooley considers a long list of properties and capacities (including self-consciousness, rationality and autonomy) that may play an important role in defining someone as a person.²⁹ Gary Varner makes the definition stricter than that of Singer’s by adding the biographical sense of self or the capacity for storytelling as a requirement for personhood. The possession of this capacity presupposes other properties such as rationality, autonomy, self-consciousness and the capacity for language. Varner claims that the capacity for storytelling gives its possessor’s life a special moral significance.³⁰ Though these definitions consider different capacities as necessary conditions for personhood, we can identify at least some of the capacities that are common to all of them. Without necessarily adopting any of the above-mentioned definitions, we can

²⁷ Feinberg, Joel (1992). *Freedom and Fulfillment: Philosophical Essays*, Princeton University Press, p. 43.

²⁸ Singer, Peter (2011). *Practical Ethics*, 3rd edition, Cambridge University Press, p. 94.

²⁹ See Tooley, Michael (2009). “Personhood”, In: Singer, Peter and Kuhse, Helga (2009). *A Companion to Bioethics*, 2nd edition, Wiley-Blackwell, pp. 133-134.

³⁰ See Varner, Gary (2012). *Personhood, Ethics, and Animal Cognition*, Oxford University Press, p. 147.

conclude that capacities like self-consciousness, rationality and autonomy can be said to be crucial for personhood.

Necessary condition: *Will the entity in question remain worthy of moral consideration without being a person?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

Before answering this test question, let us consider what kind of beings would qualify as persons taking into account the provided definition. If self-consciousness, autonomy and rationality are said to be the key properties for personhood, then it appears that all and only normal adult humans will qualify as persons, for these capacities in a fully developed state are present only in normal adult humans. If we are not too strict about the degrees of these capacities, then one could argue that certain animals, such as great apes, could possibly be considered as persons. But again, personhood as a necessary condition for moral considerability is open to the objection from marginal cases, for infants and intellectually severely disabled adult humans do not meet the criteria for personhood. However, the advocates of personhood approach do not give up easily. They attempt to include non-paradigm humans within the moral circle by appealing to *potentiality* and *misfortune*. The potential to become a person, they argue, is sufficient to ground moral considerability of potential persons. The appeal to potentiality applies to human infants, for although they are not persons, they nevertheless have a potential to become persons. In earlier discussions I have shown that appeal to potentiality is inadequate and cannot succeed in including human infants into the sphere of morality. Thus, I will say no more about it here and will directly move on to the examination of the plausibility of the appeal to misfortune. According to the argument from misfortune, human non-persons who can never become persons suffer a misfortune, for if the process of their development as a human organism had gone right, they would have been persons. Such unfortunate humans, so the argument goes, should be compensated for their loss and ought to be accorded moral status similar to that of fortunate (normal) humans. Allan Holland puts this point as follows:

Defective humans have status in their own right, not by virtue of the fact that others of the species convey it to them. They do not any more than do normal humans, have to justify being counted in; and a misfortune cannot be grounds for counting them out. They have status by virtue of what they, as the individuals they are, might have been but by misfortune are not.³¹

I believe that this move is self-defeating. First of all, if personhood is necessary for being morally considerable, then it follows that non-persons do not matter morally and thus, cannot be wronged in any way. Then why bother granting such humans moral consideration? Why does Holland feel the need for including severely defective humans within the moral circle? Holland's response that such humans suffered a misfortune that needs to be compensated for is not satisfactory. Consider the case of a human who, once being a person, is now reduced to a human-vegetable after falling into an irreversible coma. Clearly, such a human has suffered a great misfortune and is far more unfortunate than severely defective humans but, somehow, speciesists like Holland are not so diligent about according such humans moral consideration. Why? If it is misfortune that has moral relevance here, then all humans who suffered a similar, or especially greater, misfortune ought to be granted moral status similar to that of human persons as a compensation for their loss. But most people, including speciesists, are not willing to grant any moral consideration to human-vegetables, probably because doing so does not make sense, at least intuitively, which suggests that misfortune is not a real reason for Holland's concern for defective humans. At this point, it is clear to me that Holland's insistence on according defective humans moral consideration reveals his intuition that such humans, despite being non-persons, still matter morally and can be wronged in some way. This suggests that personhood is not a necessary condition for moral consideration.

³¹Holland, Alan (1984). "On Behalf of Moderate Speciesism", In: *Journal of Applied Philosophy* 1 (2), p. 289.

▪ *Sentience*

Sentience, generally speaking, is the capacity for experiencing sensations. In particular, it refers to the ability to feel pain and pleasure. On the sentience view, mere experience of pain and pleasure matters morally and can ground moral considerability of a subject of such an experience.³² The moral relevance of pain and pleasure is derived from the effect they have on an individual experiencing painful and pleasurable sensations. Pain being, by nature, unpleasant and undesirable because of how it feels – pain is painful, and pleasure being, on the contrary, pleasant and desirable because of its pleasurable nature, we can deduce that pain is negative while pleasure is a positive experience. It is argued that the beings who are capable of having positive and negative experiences can be affected for better or worse and can thus be the proper objects of direct moral consideration.

Necessary condition: *Will the entity in question remain worthy of moral consideration without being sentient?* (Yes – the capacity is not necessary; No – the capacity is necessary.)

One plausible feature of the sentience view is that it is in full harmony with our intuition that painful and pleasurable experiences matter morally. We believe such experiences matter morally because they matter to the being who has these experiences. Sentience is that unique capacity that allows a being to feel whatever happens to him. For a sentient being things are not just good and bad; such a being *feels* things that are good and bad for him.

Another plausible aspect of the sentience view is that we intuitively believe that non-sentience is morally irrelevant. We cut down trees, pick flowers, walk on the grass, demolish buildings, etc. without feeling remorse that we might be doing something wrong to plants or buildings, or that we might be actually harming them. While we are comfortable with stepping on the grass, we feel immediate regret while accidentally stepping on the tail of a dog or a cat. So,

³² See Singer, Peter (1979/2011). *Practical Ethics*, 3rd edition, Cambridge University Press, p. 50; DeGrazia, David (1996). *Taking Animals Seriously: Mental Life and Moral Status*, Cambridge University Press, p. 226-231.

our intuitive judgment supports the view that sentience is a morally relevant capacity. However, one can challenge the claim that non-sentience is morally irrelevant. A critic may argue that non-sentient entities such as plants and trees also possess intrinsic moral worth and they too should be the recipients of direct moral consideration.³³ I believe that this objection does not stand, for it does not derive support from our intuitions. Although when living things like trees are burned down we often feel bad, we never feel bad *for* them. Although we believe that something bad happens when ecosystems are destroyed, we do not believe that bad happens *to* non-sentient beings that are part of the ecosystems. This suggests that we do not, intuitively, believe that non-sentient beings matter morally. But if we ever pity for the trees or nature in general, it is because we personify them – that is, attribute to them human-like traits that they do not possess and we are surely mistaken in doing so, for this attribution rests on irrational beliefs and imaginations.

Finally, as it has already been pointed out above, we intuitively believe that marginal humans are morally considerable in their own right and the only reasonable way to explain this intuition is to appeal to their capacity for sentience. Marginal humans, even though they lack most capacities that are characteristic of normal adult humans, can have negative and positive experiences and they can be harmed or benefited respectively. Moreover, intuitively speaking, we believe that humans after falling into a permanent vegetative state or an irreversible coma do not retain direct moral worth. This intuition is well manifested by our acceptance of withdrawing a life-sustaining treatment from such people in order to let them die.

Given the discussion above, we can conclude that non-sentient beings who lack the ability to perceive the world in any way and are thus deprived of any conscious experiences cannot be a subject of our direct moral concern. This suggests that sentience is indeed a necessary condition for moral considerability. But is sentience also sufficient?

³³ See Schweitzer, Albert (1923). “Reverence for Life” and Taylor, Paul (1981). “Biocentric Egalitarianism”, In: Pojman, Louis et al. (2017). *Environmental Ethics: Readings in Theory and Application*, 7th edition, Cengage Learning, pp. 169-192.

Sufficient condition: *Will the entity in question remain worthy of moral consideration if sentience is the only capacity it has?* (Yes – the capacity is sufficient; No – the capacity is not sufficient.)

As it has been noted above, most of us have a strong intuition that marginal humans, despite their lack of certain cognitive capacities, still matter morally in their own right. However, it is difficult to determine the exact reasons that generate such an intuition. For example, do most of us believe that marginal humans deserve our direct moral consideration because they have the capacity to suffer (sentience) or because, after all, they are humans (species membership)? If it is the membership of *Homo sapiens* that gives rise to an intuition that marginal humans are morally considerable, then such an intuition will not support the claim that sentience alone is a sufficient condition for moral consideration. Appealing to the real-life practices may help us overcome uncertainty surrounding this matter. For example, it has been said above that most people do not find the withdrawal of life support from humans in a permanent vegetative state or an irreversible coma morally objectionable. If the species membership was the main determinant of the intuition that marginal humans are morally considerable, then letting such people die would contradict our intuitive judgment. After all, they are still living humans belonging to our species. But letting people in a permanent vegetative state die does not come into conflict with our intuitions. This indicates that it is not the species membership that forms people's intuition that marginal humans matter morally but the fact that marginal humans can still suffer. Then we can conclude that sentience makes marginal humans morally considerable and therefore it is a sufficient condition for granting moral consideration.

As it turns out, sentience is a necessary and sufficient condition for being the recipient of direct moral consideration, and the search for the property possession of which makes an entity morally considerable ends here. We have found that sentience is such a property. On this view, all sentient beings ought to be granted direct moral consideration. But what does moral consideration imply? It is argued that when we consider beings morally, we take their *interests* into

account in our moral deliberations. What the concept of interests entails will be discussed in the following section.

1.2 THE CONCEPT OF INTERESTS

Within ethics, philosophers usually distinguish between two ways of understanding what it means to have interests.³⁴ To say that an entity has an interest in X is to mean that either a) X is in an entity's interest or b) an entity is interested in X. Let us discuss each in more detail.

X being in an entity's interest means that X is beneficial to an entity; it increases his well-being. Accordingly, whatever benefits an entity is in this entity's interest. Thus, X must increase an entity's well-being. For example, a healthy diet and exercising enhance human welfare, thus eating healthy and doing exercises are in every human's interest. We can call this understanding of interests *welfare-based*.

An entity being interested in X means that an entity desires or wants X. In this case, X does not necessarily have to increase an entity's welfare. Rather, X can even decrease it. For example, an individual might be interested in trying drugs even though this might be harmful for him. For this sense of interests what is important is that X must be desired or wanted by an entity. This understanding of interests can be called *desire-based*.

For the purposes of this thesis interests will be employed in the welfare-based sense. In this sense, the term "interest" entails a benefit accrued to an entity in terms of its welfare. Accordingly, the satisfaction of interests will constitute a benefit – an increased welfare, while the frustration of interests will amount to harm – a decreased well-being.

Now, what kind of beings can be said to have interests? According to the definition of a welfare-based interest, having well-being is a necessary and sufficient condition for having interests. Thus, only beings with a well-being of

³⁴ See Gruen, Lori (2011). *Ethics and Animals*, Cambridge University Press, p. 29. For a discussion on other kinds or senses of interests see Benatar, David (2006). *Better Never to Have Been: The Harm of Coming into Existence*, Oxford University Press, pp. 135-144.

their own can have interests. But what kind of beings can have a well-being of their own? In other words, what kind of beings are the welfare subjects?

Before answering this question, it is worth noting that in some sense this question may seem to be irrelevant. This is because if all and only sentient beings are morally considerable, as I have argued previously, then even if non-sentient entities are the welfare subjects and thus have interests, we will not be required to consider their interest in our moral deliberations since such entities are not intrinsically morally considerable. However, there is a plausible way to show that only sentient beings can be the proper subjects of welfare and thus, the possessors of interests. By looking at various theories of well-being, we can identify what well-being consists in or what makes an entity's life go well for that entity. In order to be a welfare subject, an entity then will have to have the ability to have what is constituent of well-being.³⁵ Following Derek Parfit's suggested classification, it is common to distinguish between three theories of well-being: *hedonistic* theory, *desire-based* theory and *objective list* theory.³⁶ The hedonistic theory claims that the greatest balance of pleasure over pain is what makes an entity's life go well for it, while the desire-based theory holds that the fulfillment or satisfaction of desires that an entity has, constitutes an ultimate good for that entity. And the objective list theory maintains that there are multiple intrinsically good things, such as pleasure, freedom, knowledge, love, friendship, etc., possession of which makes up one's well-being. It is easy to see why all and only sentient beings can be the welfare subjects: on these theories, sentience is that minimal condition that is necessary for having well-being. One cannot experience pleasure or have desires and preferences or possess various intrinsically good things (including pleasure) without being sentient.

In the previous section I noted that when moral agents perform actions that affect morally considerable beings, they are required to consider the interests of affected individuals. But how ought we to consider these interests? This question is discussed in the following sections.

³⁵ See Sumner, L. W. (1992). "Two Theories of the Good", In: *Social Philosophy & Policy* 9 (2), pp. 1-14; Moore, Andrew and Crisp, Roger (1996). "Welfarism in Moral Theory", In: *Australasian Journal of Philosophy* 74(4), p. 598.

³⁶ See Parfit, Derek (1984). *Reasons and Persons*, Oxford University Press, pp. 493-501.

1.3 EQUAL CONSIDERATION OF INTERESTS

One way to consider interests is suggested by the principle of equal consideration of interests. This principle, broadly construed, commands that we ought to give *equal* consideration to the interests of different beings. An equal consideration should not be confused with an equal treatment. What this principle requires is that we treat different beings in accordance with the *interests* they have, irrespective of who they are as *beings*. So, the general aim of this principle is to ensure that the interests of different beings receive an unbiased, non-disadvantageous and non-arbitrary consideration.

The main plausible feature of this principle is that it is an extension of another, broader and almost universally accepted moral principle – the principle of equality, which rests on a firm and intuitively appealing maxim that likes should be treated alike. This maxim is a basic normative principle which dictates that if we judge that a particular case should be treated in a certain way, then like (or relevantly similar) case should also be treated in the same way. In fact, this is one of the aspects of what the principle of universalizability or formal justice requires: treat equal (like) cases equally (alike), and unequal (different) cases unequally (differently). From this principle it follows that if the subject treats two cases differently, it should be because these cases are relevantly different and the burden of proving the relevant difference between the cases falls upon the subject.

Following the discussion above, if A's and B's interests are like or relevantly similar, then we should treat them alike. If the subject treats A's and B's interests unequally, it should be because he judges that their interests are not relevantly similar. At this point, it would be helpful to note what makes the interests of different beings equal or relevantly similar to each other. Two interests are equal if they are equal in strength, and they are equal in strength if the satisfaction of them has an equal prudential value to an interest holder. Recall that according to the definition of the welfare-based interest, an entity has an interest in whatever contributes to its welfare. From that it follows that the strength of an interest is proportional to the amount of welfare benefit (or loss) an agent will derive from the satisfaction (or frustration) of this interest. Thus, if

two beings derive an equal amount of welfare benefit from the satisfaction of their respective interests, then these beings have equal interests.

Now, what does treating like interests alike mean? When moral agents deliberate on which course of action they should take, they consider the interests of those affected by their action. In the process of considering the interests of affected individuals, moral agents assign some moral weight or importance to these interests. On the principle of equal consideration of interests, treating equal interests equally would entail assigning them an equal moral weight or importance. As Singer puts it:

The essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions. This means that if only X and Y would be affected by a possible act, and if X stands to lose more than Y stands to gain, it is better not to do the act. We cannot, if we accept the principle of equal consideration of interests, say that doing the act is better, despite the facts described, because we are more concerned about Y than we are about X. What the principle really amounts to is: an interest is an interest, whoever's interest it may be.³⁷

It is important to note that according to the principle of equal consideration of interests, it is the strength and only strength of an interest that determines the moral weight that should be given to that interest. Thus, assigning unequal moral weight to different interests is justified only if these interests differ in strength. If the strength of an interest is the sole determining factor of the amount of moral weight that should be given to that interest, then this suggests that on this principle, all morally considerable beings have an equal moral worth, although their interests (even the same kind of interests) may differ in strength in case there is a difference between morally relevant capacities that these beings possess. Consider an interest in continued existence. Most of us would agree that, all other things being equal, a normal adult human in his prime has a stronger interest in continued life than a normal adult chimpanzee in his prime. This is because a future life is prudentially more valuable for such a human (due to his sophisticated cognitive capacities that far exceed those of chimpanzee) than it is for a chimpanzee. Thus, the satisfaction (or frustration) of

³⁷ Singer, Peter (2011). *Practical Ethics*, 3rd edition, Cambridge University Press, p. 20.

an interest in continued existence will benefit (or harm) such a human more than it will benefit (or harm) a chimpanzee. The same cannot be said about an interest in continued existence of a terminally ill human who is expected to live for no more than just 2 years. For such a human, the future life, despite his sophisticated cognitive capacities, will no longer be prudentially more valuable than it will be for a young and healthy chimpanzee who is expected to live for another 20 years, since he will have a very limited time left to live. Thus, it will be reasonable to say that, all other things being equal, a healthy chimpanzee in his prime will have a stronger interest in continued life than a terminally ill human. These examples show that according to the principle of equal consideration of interests, in assigning certain amount of moral weight to the interests, what matters is the strength of these interests and not the nature of the beings who have them. However, this claim is not unchallenged. Various views insist that the strength of the interests is not the only relevant factor that needs to be taken into account in assigning a certain amount of moral weight or importance to the interests in question. These views propose different properties as morally relevant that allegedly justify unequal consideration of interests. These views will be examined in the following section.

1.4 UNEQUAL CONSIDERATION OF INTERESTS

According to the unequal consideration of interests, it is justified to give unequal consideration to the interests of different beings. This is because, on this principle, the interests in question are not the only relevant factors to take into account in the process of consideration. Additionally, what bears moral relevance is the nature of the beings these interests belong to. Thus, on this view, considering the interests of different individuals would involve taking into account 1) the strength of these interests and 2) the nature of these individuals. It is the nature of the interest holders that allegedly justifies assigning an unequal moral weight or importance to the equal or relevantly similar interests. Before I move on to the examination of the various forms of this view, I would like to make a final note on the distinction between equal and unequal

consideration of interests. Recall that according to the equal consideration of interests, all morally considerable beings have an equal moral worth and the sole determining factor of the moral weight of interests is their strength (which is proportional to the amount of prudential value the satisfaction of an interest has to an interest holder). While on the unequal consideration view, all the members of moral community are not moral equals to each other and an additional factor that determines the moral weight of an interest is the moral worth of an interest holder. Now we can move on to the critical examination of the views that endorse unequal consideration of (equal) interests.

1.4.1 SPECIESISM

In 1970, Richard Ryder coined the term “speciesism” to describe the practice or tendency of giving a preferential treatment to human species over non-human ones that he believed to be morally unjustified.³⁸ Thus, according to Ryder, speciesism is an unjustified favoritism toward human interests over the animal ones. Later, Peter Singer popularized the term in his works and defined it as “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of the other species.”³⁹ Oscar Horta offers a somewhat different and more elaborate definition of speciesism: “speciesism is the unjustified disadvantageous consideration or treatment of those who are not classified as belonging to one or more particular species.”⁴⁰ It is noteworthy that there is a considerable disagreement over the definitional issues concerning the notion of speciesism, in particular, how best to define it.⁴¹ Although, what most of the definitions of speciesism have in common is that they include a normative claim that the practice in question is unjustified or at least morally problematic.

I disagree with the inclusion of a normative claim within the definition of speciesism. To avoid any redundant conceptual disagreements, I suggest that we

³⁸ See Ryder, Richard (1970). *Speciesism*, Oxford: privately printed leaflet.

³⁹ Singer, Peter (1975/2015). *Animal Liberation*, Open Road Media, p. 35.

⁴⁰ Horta, Oscar (2010). “What is Speciesism?”, In: *The Journal of Agricultural and Environmental Ethics* 23 (3), p. 244.

⁴¹ For a full discussion, see Horta, Oscar (2010). “What is Speciesism?”, In: *The Journal of Agricultural and Environmental Ethics* 23 (3), pp. 243-266.

come up with a normatively neutral and preferably simple definition of speciesism on which both sides of the debate would agree but may disagree on normative issues concerning the concept. I also suggest that we define speciesism as the *belief* rather than the *practice*, for practice is acting upon a particular belief. Thus, speciesism first is the belief and then is the practice. Here is my suggested definition: *Speciesism is the belief that the members of some species are morally superior to the members of the other species.* Moral superiority here should be taken to mean that some species matter morally more or are morally more important that justifies giving them preferential treatment or consideration over others. Now, depending on what kind of species – human or animal – is privileged due to the speciesist belief, we can distinguish between two forms of speciesism: *human speciesism* and *animal speciesism*. According to human speciesism, the interests of humans count more or have more moral weight than those of animals. Within animal ethics, this view is more commonly known as *anthropocentrism*, which I discuss in the following subsection. Thus, the present subsection will be limited to the discussion concerning animal speciesism only.

According to animal speciesism, the members of some animal species are morally superior to the members of the other species. Thus, on this view, the interests of certain animals matter more than the equal interests of other animals. It is worth noting that in the philosophical literature this form of speciesism is rarely discussed at length, let alone defended. However, this belief finds wide acceptance among the general public. Indeed, most people have a deeply held belief that companion animals (e.g. dogs and cats) are morally more important than farmed animals (e.g. cows and pigs), meaning that there are some things that can be done to the latter but cannot be done to the former. This belief is best manifested by the fact that in most places cows are commonly considered as food, while dogs are often treated as friends or family members. Because of this speciesist belief, most people find the concept of “animal cruelty” inapplicable to farmed animals, while even the mildest abuse of companion animals causes a public outcry. Does the belief that some animals matter more than others have a rational basis? In order to answer this question, we need to

ask what reasons these people have for holding such a belief and whether these reasons are in fact good. I am afraid that people who wholeheartedly welcome companion animals to the circle of their moral concern but, at the same time, refuse to extend their moral sympathies to farmed animals, cannot give reasons for their actions other than culturally influenced ones. Even though the belief that some animal species are food animals is prevalent throughout the world, it is not omnipresent and varies from culture to culture. For example, while most people would find the idea of killing dogs and cats for food appalling, the very same animals are proudly considered as an indivisible part of the cuisine of some Asian cultures. What this example demonstrates is that the belief that some animal species are morally superior to others is not consistently held among various people. Rather, the acceptance of this belief is contingent upon one's cultural background. This is a problem, for we need to be consistent in holding our beliefs: either 1) some animals matter more than others, or 2) all animals matter equally, or 3) no animal matters at all. I cannot accept the third claim, since in the second section of this chapter, I have argued that all sentient beings matter morally, including sentient animals. On a closer examination of the first claim, it became clear that the speciesist beliefs that most people hold deeply are shaped by the influence of one's cultural upbringing and are not supported by valid reasons. Also, animal speciesists characteristically fail to indicate morally relevant differences between different animal species that could justify the differential moral status of these animals. Thus, we are left with the second claim that all animals matter equally. If this is true, then animal speciesism turns out to be an unjustified and implausible view that needs to be rejected. Combining the claim that all animals matter equally with the principle of equal consideration of interests will demand that equal interests of different animals ought to be considered equally regardless of the species they belong to.

1.4.2 ANTHROPOCENTRISM

In the previous subsection I noted that anthropocentrism, also known as *human exceptionalism*⁴², is a form of speciesism. It is so by definition. Anthropocentrism claims that humans – the members of the species *Homo sapiens* – are morally superior to the members of the other species. In this definition, the term "humans" conveys nothing else but one's membership of a particular species. This notion cannot convey anything else, for it is an empty notion. Thus, the appeal to "humans" is the appeal to species membership. By replacing "humans" with "the members of the species *Homo sapiens*" we get: anthropocentrism is the belief that the members of the species *Homo sapiens* are morally superior to the members of the other species. Anthropocentrism is speciesism by definition.

Anthropocentrism claims that there is something special about the beings that are members of the species *Homo sapiens* and this distinctive feature justifies giving priority to the interests of human species over the animal species. At this point, it would be reasonable to ask what this distinctive feature is that sets humans apart from animals and justifies their superior moral status.

Some anthropocentrists, especially the ordinary people, defend the claim that humans matter more than animals by appealing to the species membership alone. They believe that the mere fact of being the member of the species *Homo sapiens* is a sufficient condition for favoring human interests over the equal interests of animals. But this does not seem to be a promising way to defend this view. For by saying that humans matter more simply because they are humans, one does not state any further fact about humans being special nor does it provide any reason for privileging human interests over those of animals. Such a defense is question-begging. However, there is a more charitable way to interpret the appeal to species membership. When people say that humans have superior moral status simply because of their humanity, what they could mean is that there are morally relevant characteristics that are present in humans and are

⁴² See Gruen, Lori (2017, Fall). "The Moral Status of Animals", *The Stanford Encyclopedia of Philosophy*, retrieved on February 11, 2018 from <https://plato.stanford.edu/archives/fall2017/entries/moral-animal/>.

absent in animals, and the reference to the human species is intended to convey this difference. James Rachels puts this point as follows:

But there is a more sophisticated view of the relation between morality and species, and it is this view that defenders of traditional morality have most often adopted. On this view, species alone is not regarded as morally significant. However, species-membership is correlated with other differences that are significant. The interests of humans are said to be more important, not simply because they are human, but because humans have morally relevant characteristics that other animals lack.⁴³

Does this modified defense of anthropocentrism succeed? I think not. Recall that according to anthropocentrism, *all* and *only* humans have superior moral status. Accordingly, in order for this modified defense to work, it should be demonstrated that *all* and *only* humans possess morally relevant characteristics (e.g. sophisticated cognitive capacities). Even if it was an empirical fact that *only* humans possess these characteristics to a required degree, it is not true that *all* humans possess them. This empirical fact that *not all* humans are endowed with the same morally relevant qualities, renders the appeal to species membership useless and irrelevant. For the species membership is not a guarantee that an individual belonging to a particular species will necessarily possess the capacities that are characteristic of that species. We know for a fact that non-paradigm humans – human infants and severely mentally handicapped adult humans – lack the morally relevant qualities that are characteristic of human species. The species membership would be relevant *only* if it was guaranteed that the morally relevant qualities that are typical to that species would be present in *all* the members of this species at any stage of their lives. For this very same reason we do not consider the general biological fact that males are physically stronger than females (due to more total muscle mass) relevant to the individual cases. Suppose you run a company that requires your employees to endure a heavy physical labor. In order to guarantee employing the best personnel possible, during the hiring process your best option would be to give preference to men over women but only if it was the case that all men were

⁴³ Rachels, James (1990). *Created from Animals: The Moral Implications of Darwinism*, Oxford University Press, p. 184.

stronger than all women. But we know for a fact that on an individual level this is not the case, meaning that some women always surpass some men in strength, rendering the general fact of men's physical superiority irrelevant. Similarly, since the general fact that human species are cognitively more advanced than animal species does not apply to *all* members of the human species, anthropocentrism turns out to be inadequate. To rectify this inadequacy, a committed anthropocentrist may suggest that individuals should be treated according to what is characteristic of the species they belong to, regardless of what characteristics they themselves possess. Rachels exposes the irrationality of such reasoning by the following thought experiment: Suppose that an extraordinarily intelligent chimpanzee learns the language and develops all the skills necessary to study at the university. One day, he decides to take a university entrance exam and attend classes. Should he be allowed to proceed? On this view, he would be denied the entrance to the university, since the qualities that this chimpanzee possesses are not characteristic of the species he belongs to and for that reason chimpanzees are not eligible to study at the university.⁴⁴ Clearly, this is absurd.

With that I conclude that anthropocentrism is indefensible and cannot justify assigning more moral weight to the interest of humans over the equal interests of animals.

1.4.3 PERSONISM

Personism can be defined as the belief that persons are morally superior to non-persons. To be sure, personism could also express the belief that all and only persons matter morally. However, as I have shown in the earlier sections, it is sentience not personhood that grants moral consideration. Therefore, personism will be taken to imply the moral superiority of persons. Thus, personism is a view that endorses unequal consideration of (equal) interests. It claims that the

⁴⁴ See Rachels, James (1990). *Created from Animals: The Moral Implications of Darwinism*, Oxford University Press, p. 187.

interests of persons count more than the (equal) interests of non-persons. Before I examine this view, what it means to be a person needs to be clarified.

In the second section of this chapter I noted that there is a considerable disagreement on how best to define personhood. The disagreement primarily concerns with the characteristics that are necessary and sufficient conditions for personhood. It is noteworthy that different views on personhood more or less overlap each other, making it possible to identify some characteristics that are common to all of them. I identified autonomy, rationality and self-consciousness as such characteristics. Hence, a person can be said to be an individual who is autonomous, rational and self-conscious. In discussing anthropocentrism, I pointed out that one of the influential reasons why human species is considered to be morally superior to others is the morally relevant sophisticated cognitive capacities that are characteristic of that species. As we have seen, the very same capacities are deemed crucial for an individual to be a person. Thus, one may be tempted to assume that there is a close connection between personism and anthropocentrism. However, this need not be so. Anthropocentrism is clearly a speciesist view, meaning that it is the membership of species that determines one's moral superiority or inferiority. After all, anthropocentrists claim that all and only humans have superior moral status, regardless of whether some humans (e.g. non-paradigm humans) fail to possess sophisticated cognitive capacities. On the other hand, personism insists that it is persons who are morally superior, without stipulating which species they may belong to. Thus, according to personism, any being who happens to be possessing characteristics required for personhood will obtain superior moral status. Such a being may very well be any animal, just in case he satisfies the requirements for personhood. Hence, a consistent personist will allow for the possibility that some animal species (e.g. great apes and elephants) may have superior moral status than some humans (e.g. infants and severely mentally handicapped adults). Having clarified some conceptual issues concerning personism, it is time to move on to the examination of the defense of this view.

Immanuel Kant, arguably one of the forefathers of personism, infamously stated the following:

The fact that the human being can have the “I” in his representations raises him infinitely above all other living beings on earth. Because of this he is a *person*, and by virtue of the unity of consciousness through all changes that happen to him, one and the same person – i.e., through rank and dignity an entirely different being from *things*, such as irrational animals, with which one can do as one likes.⁴⁵

This passage articulates what most, if not all, proponents of personism take to be the central tenet of their doctrine. It captures their deep conviction that rationality and self-consciousness (or I-ness) are the characteristics that give their possessors a special moral significance. These characteristics allegedly justify favoring the interests of persons over the equal interests of non-persons.

The defense of personism can take other forms, although an underlying principle is always the same. Some authors claim that certain morally relevant capacities entitle persons to a special privilege, such as the possession of rights, while the absence of these capacities results in having weaker or no rights at all. Carl Cohen expresses his view as follows:

Between species of animate life, however – between (for example) humans on the one hand and cats or rats on the other – the morally relevant differences are enormous, and almost universally appreciated. Humans engage in moral reflection; humans are morally autonomous; humans are members of moral communities, recognizing just claims against their own interest. Human beings do have rights; theirs is a moral status very different from that of cats or rats.⁴⁶

What Cohen tries to demonstrate here is that there are morally relevant differences between different beings – normal adult humans and animals – and these differences justify according different moral status to these beings.

To be sure, neither Kant nor Cohen is a personist in the strict sense of this concept, for they do not restrict granting superior moral status to persons only. Rather, they extend equally superior moral status to all humans, despite the fact that not all humans satisfy the requirements for personhood. However, the core principle of their views is the key feature of personism, which is that certain

⁴⁵ Kant, Immanuel (1785/2006). *Anthropology from a Pragmatic Point of View*, trans. by Robert B. Louden, Cambridge University Press, p. 15.

⁴⁶ Cohen, Carl (1986). “The Case for the Use of Animals in Biomedical Research”, In: *New England Journal of Medicine* 315 (14), p. 867.

qualities that are characteristic of persons determine one's moral status and accordingly, the moral weight of one's interests.

When personists face the burden of proving the moral relevance of personhood, they contend that characteristics that are prerequisite for personhood (e.g. autonomy, rationality and self-consciousness) are morally relevant and therefore, being a person necessarily implies the possession of these morally relevant capacities. This, personists claim, explains why personhood is morally relevant. This explanation suggests that the concept of personhood constitutes a convenient shorthand for indicating the possession of morally relevant characteristics. From that it follows that it is not personhood *per se* that bears the moral relevance but the capacities that accompany personhood. When we talk about the moral relevance of the capacities that make up personhood, we need to keep in mind that according to personism, these capacities are morally relevant not only in general but also (and probably most importantly) they are relevant to according superior moral status. Before I question the moral relevance of personhood-conferring capacities to according superior moral status to persons, for the sake of argument I will grant that these capacities are indeed relevant to according superior moral status and examine the implications (that I believe to be hard to swallow) of accepting this claim.

If, as the proponents of personism claim, the possession of certain morally relevant capacities grants superior moral status, then it would be quite reasonable to expect that, assuming that these capacities come in degrees, the higher degree of these capacities will grant higher or more superior moral status. I take it that personhood-conferring capacities such as autonomy and rationality come in degrees. This means that among persons some possess these capacities to a higher degree than others. Then it follows that among persons more rational and autonomous ones are morally superior to less rational and autonomous ones, that is – the interests of more rational and autonomous persons are morally weightier than the equal interests of less rational and autonomous persons. As I anticipate, most personists will disagree. They may object that the model of moral status I have in mind is scalar or hierarchical, while they may opt for the threshold model of moral status. Endorsing the threshold model of moral status

would allow them to argue that there are only two degrees of moral status: superior and inferior. All persons above the certain threshold have the *same* moral status that is superior to the moral status of non-persons that fall under the threshold. But how can personists justify attributing the same moral status to all persons even though they possess different degrees of capacities that personists take to be essential for having superior moral status? If these capacities, as I assumed, come in degrees, then there are certainly some non-persons who possess these capacities to some degree (but not to an extent to qualify as persons). Then why is it that the difference between the degrees of personhood-conferring capacities has no bearing on moral status when it exists among persons, while the same difference is deemed to be crucial for moral status when it exists between persons and non-persons? The likely answer personists may offer is that the difference between the degrees of personhood-conferring capacities that exists among persons is not big enough to make a moral difference, while the difference that exists between persons and non-persons in terms of the degree of personhood-conferring capacities is substantial. However, this answer invites further questions: How big should the difference be to make a moral difference? How to determine whether or not the difference is big enough? Unless the proponents of personism provide satisfactory and well-substantiated answers to these questions, the plausibility of their view will remain questionable and their suggested moral divide arbitrary. Moreover, while it is obvious that the difference in terms of cognitive capacities that exists between persons and non-persons is substantial, it is also more than clear that the disparity in terms of cognitive capacities between a genius and dullard is significant. Consistency, then, would require personists to grant superior moral status to a genius and accept that the interests of a genius would carry more moral weight than the equal interests of a dullard. But to say that the pain of a genius matters more than the same amount of pain of a dullard simply because a genius can perform sophisticated intellectual tasks seems to be blatantly elitist. Resisting this conclusion that follows from holding personist beliefs consistently will expose an arbitrary nature of personism.

So far, I have attempted to demonstrate that personism is an inadequate view even if we grant that certain cognitive capacities are relevant to having superior moral status. Now we can question whether these capacities are in fact relevant to giving an individual a special moral significance. But before that, it would be useful to clarify the meaning of moral relevance. A capacity can be said to be morally relevant if its possession influences the strength of an individual's particular interest. In other words, a capacity is morally relevant if it plays a significant role in how the well-being of an individual possessing this property will be affected. But demonstrating the moral relevance of cognitive capacities is not enough. Personists further need to show that superior cognitive capacities are relevant to considering equal interests of persons and non-persons unequally, since this is the central claim of their view. But if certain interests of persons and non-persons are already equal, then it is unclear how personists can show that the cognitive advancement of a person can make his interest matter morally more than the equal interest of a non-person without facing the charge of elitism.

Probably personists can avoid the charge of elitism by claiming that it is not the possession of advanced cognitive capacities *per se* that gives persons a special moral significance but what these cognitive capacities allow. Some personists argue that personhood-conferring capacities allow persons to have lives that are more complex, versatile and richer in experiences than those of non-persons. They maintain that a typical life of a person contains more of what is good for an individual than a typical life of a non-person, and for that reason, the lives of persons are prudentially more valuable and thus, morally more important than those of non-persons. This, personists allege, explains why persons are morally superior to non-persons. This defense of personism is inadequate. First of all, even if granted that the *lives* of persons are morally more important, it does not follow that persons *themselves* are morally more important. The mistake is to think that morally more important life somehow makes the subject of such a life morally superior. Second, the only reasonable conclusion that follows from accepting the claim that the lives of persons are prudentially more valuable than the lives of non-persons is that, all other things being equal, persons have a stronger interest in continued life than non-persons.

Since having more valuable life concerns *only* one kind of interest, namely an interest in continued life, the appeal to it cannot justify assigning more moral weight to other kind of interests of persons over the equal interests of non-persons.

I would like to end this subsection by briefly mentioning the view that is closely connected with personism. This view, called *modal personism*, has been put forward by Shelly Kagan who argues that not only persons are morally superior beings but also beings who are not persons but *could have been* persons.⁴⁷ Kagan calls such beings *modal persons*. But how could a being have been a person? As Kagan explains, if a being is a member of a species whose typical adult members are persons, then such a being could have been a person if, for one reason or another, he is not and cannot be a person. Kagan insists that the interests of modal persons count more than the equal interests of beings who are neither persons nor modal persons. This view, quite unsurprisingly, has already received a fierce criticism in the literature,⁴⁸ emphasizing its fatal flaws and I do not wish to critically examine it here any further, except to note that if general personism is an inadequate view, as I attempted to demonstrate, it is unreasonable to expect that modal personism would be any better.

1.5 CONCLUSION

In this chapter I have attempted to lay the groundwork for the central claim of the thesis that we have an obligation to assist wild animals in their struggle to live lives free from suffering. For that, first, I had to show that animals are the kind of beings to whom we may have obligations at all. After critically examining various possible grounds for moral considerability suggested in the literature, I concluded that *sentience* is the most plausible candidate for granting moral consideration. According to the sentience view, all and only sentient beings count

⁴⁷See Kagan, Shelly (2015). “What’s Wrong with Speciesism?”, In: *Journal of Applied Philosophy* 33 (1), pp. 1-21.

⁴⁸See DeGrazia, David (2015). “Modal Personhood and Moral Status: A Reply to Kagan’s Proposal”, In: *Journal of Applied Philosophy* 33 (1), pp. 22-25; McMahan, Jeff (2015). “On ‘Modal Personism’”, In: *Journal of Applied Philosophy* 33 (1), pp. 26-30; Singer, Peter (2015). “Why Speciesism is Wrong: A Response to Kagan”, In: *Journal of Applied Philosophy* 33 (1), pp. 31-35.

morally and are proper subjects of our direct moral concern. Since many wild animals are sentient beings, they can plausibly be said to be the kind of beings to whom we may owe something.

Next, I discussed what it means to say that some beings count morally. I argued that whenever moral agents intend to perform an action that has a direct effect on the welfare of morally considerable beings, they ought to take the interests of affected individuals into consideration. This requirement invites the question of how to consider the interests of different beings. I defended the principle of equal consideration of interests, which demands that in assigning moral weight to the interests of different beings, we should be guided by the strength of these interests and not by the nature of the beings who have these interests. However, this principle is not unanimously accepted. In fact, there are some views that accept just the opposite – an unequal consideration of interests. I critically evaluated the plausibility of such views, namely speciesism (human and animal) and personism. I rejected speciesism on the ground that this view abuses the term “species” by unjustifiably attaching moral relevance to it and using it as a moral divide that is clearly arbitrary. I also rejected personism for the reason that it is an inherently elitist view. To say that the pain of a cognitively more developed being matters more than the same amount of pain of a cognitively less developed one is indeed blatantly elitist. The implication of rejecting these views is that an unequal consideration of interests is indefensible and that the principle of equal consideration of interests stands.

What is next? If all sentient beings have an equal moral status and their equal interests ought to be assigned equal moral weight, then the suffering experienced by wild animals is as important morally as the like suffering experienced by other individuals (e.g. domesticated animals and humans). But in order for this claim to make sense, first, wild animal suffering as a fact needs to be established. The following chapter will serve that purpose.

2. DOCUMENTING WILD ANIMAL SUFFERING*

One of the main challenges to the claim that we are required to intervene in nature on behalf of wild animals is the commonly held belief that in the wild, undisturbed by human actions, animals generally live pleasant and peaceful lives. However, this belief is far from being true. In reality, many wild animals often suffer a lot and die prematurely due to various natural causes. In this chapter I review diverse sources of wild animal suffering in an attempt to paint a realistic picture of the harsh lives of wild animals.

2.1 SOURCES OF WILD ANIMAL SUFFERING

Our attempts to convince others that we have obligations to prevent or relieve wild animal suffering will be futile if we are not, first, able to convince them that many wild animals, throughout their lives, suffer greatly. Here the challenge is that most people seem to believe that animals living in the wild generally have good lives. These people would probably concede that the lives of wild animals may be occasionally affected negatively by unfortunate events such as natural disasters and harmful accidents and/or they may be cut short by predation but apart from that, these people believe, wild animals generally fare well. This belief, however, is a misconception.⁴⁹ The truth is that due to various natural causes many wild animals often endure significant suffering. In what follows I discuss some of the most common sources of wild animal suffering.

* In writing this chapter I greatly benefited from the illuminating discussions on various sources of wild animal suffering provided by Animal Ethics organization. For a more detailed discussion on that matter, see Animal Ethics (2020). *Introduction to Wild Animal Suffering: A Guide to the Issues*, Oakland: Animal Ethics, retrieved from <https://www.animal-ethics.org/introduction-wild-animal-suffering>; See also <https://www.animal-ethics.org/wild-animal-suffering-section/situation-of-animals-wild/>.

⁴⁹ For more on challenging the *idyllic view of nature*, see Horta, Oscar (2010). “Debunking the Idyllic View of Natural Processes: Population Dynamics and Suffering in the Wild”, In: *Telos* 17 (1), pp. 73-90; Horta, Oscar (2015). “The Problem of Evil in Nature: Evolutionary Bases of the Prevalence of Disvalue” In: *Relations* 3, pp. 17-32.

2.1.1 FOOD AND WATER SCARCITY

A lack of sufficient food and water is a common source of suffering among wild animals. Food scarcity is especially severe during the winter times. In many cases the snow does not melt in time so that the areas where wild animals forage is uncovered. As a result, many animals such as deer often starve to death once their fat reserves are used up.⁵⁰ Other causes of starvation include disease, injuries, predation and old age. Due to these factors many animals are unable to feed themselves even if food is abundant nearby. For example, injuries like damaged beak prevent birds from consuming food. Fear of predators forces many prey animals to remain in hiding and refuse to forage in places where predators are roaming. Elderly elephants become unable to consume and chew food due to the loss of teeth.

At the initial stage of starvation, the organism starts using fat reserves as an energy source. Once fat reserves are depleted the organism resorts to protein. At this stage, a considerable weight loss occurs and the organism becomes increasingly susceptible to disease as the immune system weakens. In many cases, the cause of death of a starving individual is not starvation *per se* but starvation-induced disease. Other common causes include heart attack. It can take from three weeks to seventy days for an individual to die by starvation.⁵¹

Water scarcity is common during the drought seasons. As a result, many wild animals are unable to find sufficient amount of water and often suffer and die from thirst. Thirst is a powerful form of suffering. A thirsty individual develops a dry-mouth sensation and a craving for a drink. Ultimately, thirst results in faintness, dizziness and collapse.⁵² Dehydration forces organism to slow down the blood flow. As a result, blood no longer reaches non-vital organs

⁵⁰ See Indiana Wildlife Disease News (2009). "Starvation and Malnutrition in Wildlife", In: *Indiana Wildlife Disease News* 4 (1), pp. 1-3; Wooster, Chuck (2003, February). "What Happens to Deer During a Tough Winter?", retrieved on May 14, 2020 from https://northernwoodlands.org/outside_story/article/what-happens-to-deer-during-a-tough-winter.

⁵¹ See Weiss, Thomas (2016, February). "What Happens When We Starve? Phases of Starvation", retrieved on May 15, 2020 from <https://www.disabled-world.com/fitness/starving.php>.

⁵² See Gregory, Neville (2004). *Physiology and Behaviour of Animal Suffering*, Blackwell, p. 83.

such as kidney and causes their damage. A common cause of death by thirst is a kidney failure.

Many animals respond to the threat of hunger and thirst by migrating. However, this measure is not always successful. This is because they have to walk so long distances in search of food and water that many of them never reach the destination and die on the way.

It is surprising that the various accounts of how painful it is to die of starvation or dehydration can be quite contradictory. But what seems to be widely agreed is that hunger and thirst is painful at their initial stage, while the pain tends to subside as they progress.⁵³

2.1.2 DISEASE AND PARASITISM

There seems to be a common belief among people that wild animals are generally resistant to disease. This belief, however, could not be further from the truth. Wild animals may be less vulnerable to various diseases than their domesticated counterparts but they are not immune to them. Many wild animals are often infected with various diseases that cause them to suffer greatly.

Among the diseases from which wild animals suffer are the ones that are common to humans: flu, pneumonia, tuberculosis, cholera, Ebola, salmonella, diphtheria and rabies.⁵⁴ Cancer is another disease that is shared by humans and animals.⁵⁵ Other diseases common to wild animals include chronic wasting disease, African swine fever, distemper and various fungal infections.⁵⁶

⁵³ For a useful survey of these accounts, see Tomasik, Brian (2016). "How Painful Is Death from Starvation or Dehydration?", retrieved on May 16, 2020 from <https://reducing-suffering.org/how-painful-is-death-from-starvation-or-dehydration/>.

⁵⁴ See Simpson, V. R. (2002). "Wild Animals as Reservoirs of Infectious Diseases in the UK", In: *The Veterinary Journal* 163 (2), pp. 128-146; Williams, Elizabeth and Barker, Ian (eds.) (2001). *Infectious Diseases of Wild Mammals*, 3rd edition, Iowa State University Press; Vicente, Joaquin et al. (2007). "Diseases Shared Between Wildlife and Livestock: A European Perspective", In: *European Journal of Wild Research* 53 (4), pp. 241-256.

⁵⁵ See Albuquerque, Thales et al. (2018). "From Humans to Hydra: Patterns of Cancer Across the Tree of Life", In: *Biological Reviews* 93 (3), pp. 1715-1734.

⁵⁶ See Cole, Rebecca and Friend, Milton (1999) "Field Manual of Wildlife Diseases: Parasites and Parasitic Diseases", In: Friend, Milton and Franson, Christian (eds.). *Field Manual*

Cholera is a disease to which many birds are particularly susceptible. Avian cholera is present in many birds in a passive mode, meaning that it becomes harmful only when birds undergo physical and emotional stress, causing their immune system to weaken. Common effects of avian cholera include weight loss, diarrhea, mucous discharge and rapid breathing. The disease can often result in death.⁵⁷

Some wild animal species such as deer, elks and bison are common victims of chronic wasting disease. This disease is highly contagious, progressive and always fatal. It impairs the animal's neurological system, leaving holes in the brain. Weight loss, drooling, thirst, poor coordination, and losing fear of people are common effects this disease has on infected animals. Currently there are no vaccines or treatments for this disease.⁵⁸

Brucellosis is another widespread, major bacterial disease that infects various wild mammalian species such as elk, bison, African buffalo, European wild boar, moose and cetaceans. Among animals it is usually transmitted through contact with infected birthing tissues and fluids such as aborted fetuses, fetal fluids and vaginal discharges. Inconstant fevers, miscarriage, muscular and bodily pain, nausea, vomiting, diarrhea and weight loss are characteristic effects of this disease. Brucellosis can last from a few weeks to several months or even years. Currently there are no effective vaccines against this disease in wildlife.⁵⁹

Another source of wild animal suffering, closely related to disease, is *parasitism*, which is a symbiotic relationship between two different species in

of *Wildlife Diseases: General Field Procedures and Diseases of Birds*, U. S. Geological Survey, pp. 188-258.

⁵⁷ See Iverson, Samuel et al. (2016). "Injecting Epidemiology into Population Viability Analysis: Avian Cholera Transmission Dynamics at an Arctic Seabird Colony", In: *Journal of Animal Ecology* 85 (6), pp. 1481-1490.

⁵⁸ See Salman, Mo (2003). "Chronic Wasting Disease in Deer and Elk: Scientific Facts and Findings", In: *Journal of Veterinary Medical Science* 65, pp. 761-768; Cordova, Melanie (2019, July). "Expert Testifies on Deadly Deer Disease to House Committee", retrieved on May 19, 2020 from <https://news.cornell.edu/stories/2019/07/expert-testifies-deadly-deer-disease-house-committee>.

⁵⁹ See Godfroid, Jacques et al. (2013). "Brucellosis in Terrestrial Wildlife", In: *Revue Scientifique et Technique de l'OIE* 32 (1), pp. 27-42; Guzmán-Verri, Caterina et al. (2012). "Brucella ceti and Brucellosis in Cetaceans", In: *Frontiers in Cellular and Infection Microbiology* 2 (3).

which one organism (parasite) lives on or in another organism (host) from which it derives nourishment. This relationship is usually detrimental to the host and sometimes can be even fatal to it.⁶⁰ Common parasites include leeches, ticks, mites, hookworms, lice, tapeworms, flukes, fleas as well as various protozoans, bacteria and viruses.⁶¹

Sarcoptes scabiei is a parasitic mite that burrows into skin and causes sarcoptic mange – a highly contagious skin disease that primarily affects dogs, cats, foxes, wolves, coyotes, bears and wombats. Mite's bites and feces cause allergic reactions in hosts and is exemplified by hair loss, crusting, excessive scratching and biting, weight loss and dehydration. Some extreme forms of sarcoptic mange may result in emaciation and death of the host animal.⁶²

Bovine tuberculosis is a major bacterial disease caused by *Mycobacterium bovis* affecting numerous wild animal species, including buffalo, bison, wild boars, deer, antelopes, mink, badgers, primates, elks, elephants, rhinoceroses, possums, ground squirrels, otters, seals, raccoons and coyotes. Depending on a species, the disease can be transmitted through various ways. It can be spread by inhaling air containing bacteria, also by direct contact with infected animals or with excrements of such animals. Common effects of bovine tuberculosis on infected animals include general state of illness, weakness, fluctuating fever, pneumonia, weight loss and eventual death.⁶³

Birds are particularly affected by worms such as roundworms and stomach worms. These parasites are common among crow, blue jay, catbird and numerous other songbirds. Infected birds become emaciated, unable to fly fast

⁶⁰ See Poulin, Robert (2007). *Evolutionary Ecology of Parasites*, Princeton University Press, pp. 4-5.

⁶¹ See Rollinson, David and Hay, Simon (2012). *Advances in Parasitology*, Oxford: Elsevier Science, pp. 4-7.

⁶² See Government of Northwest Territories (2017). *A Field Guide to Common Wildlife Diseases and Parasites in the Northwest Territories*, 6th edition, pp. 16-17.

⁶³ See World Organisation for Animal Health (2020). "Bovine Tuberculosis", retrieved on May 22, 2020 from <https://www.oie.int/animal-health-in-the-world/animal-diseases/bovine-tuberculosis/>.

and therefore very susceptible to predators.⁶⁴ Trichomoniasis is an infectious protozoan-caused bird disease affecting primarily pigeons, doves, and raptors. Infected birds develop lesions that interfere with eating and drinking, causing them to become emaciated and listless. Other common effects include diarrhea and difficulty with breathing. Developed lesions in the mouth of the infected birds make it impossible for the birds to swallow or breath as these lesions block the trachea. As a result, infected birds usually die from starvation or suffocation.⁶⁵

Finally, some reptilian and amphibian species are also common victims of parasites. For example, tortoises, turtles, lizards and frogs are the hosts of a protozoan parasite called *Haemoproteus* causing several health complications in its hosts. These complications include the enlargement of the spleen, liver and kidneys as well as anemia and anorexia.⁶⁶

2.1.3 EXTREME WEATHER AND NATURAL DISASTERS

Although many wild animal species have evolved to live and thrive in severe climates, unusual and extreme weather conditions are nevertheless common threats to their well-being. Weather-induced hunger and thirst have been identified as such threats in previous discussions. Extremely cold weather during the winter season prevents the snow from melting on time, causing many non-hibernating and non-migratory wild animals such as deer and rabbits to starve to death. Extremely hot weather is not any better. Droughts, that are common during hot summer, often condemn many wild animals to death by thirst.

Certain wild animal species are not properly suited for extreme weather conditions and, as a result, suffer greatly. For example, opossums are non-

⁶⁴ See Michigan Department of Natural Resources. "Proventricular or Stomach Worm", retrieved on May 22, 2020 from https://www.michigan.gov/dnr/0,4570,7-350-79136_79608_85016-27255--,00.html.

⁶⁵ See Cole, Rebecca (1999). "Trichomoniasis", In: Friend, Milton and Franson, Christian (eds.). *Field Manual of Wildlife Diseases: General Field Procedures and Diseases of Birds*, U. S. Geological Survey, pp. 201-206.

⁶⁶ See Olsen, Oliver Wilford (1986). *Animal Parasites: Their Life Cycles and Ecology*, Dover Publications, p. 147.

hibernating animals, meaning that even in the coldest periods of winter they have to seek food to survive. Their situation is further exacerbated by the fact that some parts of their body are not properly covered by the protective fur, making them vulnerable to frostbite and hypothermia. Among the lucky ones who make it through the harsh winter, frostbitten tails and ears are commonly observed.⁶⁷

Some bird species survive extremely cold temperatures by building a shelter underneath the snow, however, this is not a risk-free solution. Ruffed grouse are known to completely submerge themselves in the snow, creating a shelter which is then warmed by their own body heat. Unfortunately, these seemingly safe shelters sometimes turn into a trap as the surface of the snow freezes due to a cold temperature, trapping the birds under the snow. Being unable to break the frozen surface, grouse eventually die from hunger and thirst.⁶⁸

Some sea animals are particularly susceptible to the changes in water temperature. Manatees are aquatic mammals commonly suffering from the cold stress syndrome. This syndrome is a consequence of two factors: cold water and manatees' limited ability to adapt to low temperature extremes. Once these animals are exposed to a cold water, their metabolism slows down, causing digestion problems, decreased appetite and a weight loss. Other negative effects include weakened immune system, making manatees susceptible to various health complications such as pneumonia, intestinal infections and heart degeneration. Some manatees do not survive these complications.⁶⁹

Many wild animals are especially vulnerable during natural disasters. Extreme natural events such as wildfires, floods, hurricanes, tornadoes,

⁶⁷ See Tudish, Catherine (2002, December). "Opossums Find Cold Comfort in New England's Winters", retrieved on May 26, 2020 from https://northernwoodlands.org/outside_story/article/opossums-find-cold-comfort-in-new-englands-winters.

⁶⁸ See Miller, Matthew (2018, January). "How Does Extreme Winter Weather Affect Wildlife?", retrieved on May 26, 2020 from <https://blog.nature.org/science/2018/01/04/how-extreme-winter-weather-affect-wildlife-polar-vortex/>.

⁶⁹ See Harbor Branch Oceanographic Institution (2003, August). "How A Little Bit Of Cold Can Kill A Big Manatee, And What It Might Mean For The Species", In: *ScienceDaily*, retrieved on May 26, 2020 from www.sciencedaily.com/releases/2003/08/030805071937.htm.

earthquakes, volcanic eruptions, tsunamis and other geologic processes pose a grave threat to the well-being of wild animals. Death, injuries, diseases, psychological stress and malnutrition are common harmful consequences of these events.

Wildfires often claim the lives of many wild animals. Common direct victims of wildfires are small, young and elderly animals who, due to their limited abilities, cannot manage to escape the flames. Other animals such as squirrels and koalas die as a result of choosing a wrong strategy to flee from the fire – they climb the trees.⁷⁰ Fires in the wild cause death indirectly as well. Many wild animals die of starvation as their food source is destroyed in the fire.⁷¹ Many others become the easier targets of predators either during the fire as prey animals desperately try to escape or after the fire as the burnt flora no longer provides a hiding place from predators.⁷² Many birds and small animals often die or suffer due to smoke inhalation, causing poisoning and respiratory complications.⁷³

Small animals such as rodents are particularly vulnerable during floods, while many birds have a hard time coping with hurricanes.⁷⁴ These disasters often kill and seriously injure some animals, leaving many others homeless and starving as their homes and regular food supplies are destroyed.⁷⁵ Extremely strong winds that are characteristic of heavy storms often interfere with migrating birds by changing their flight course and redirecting them to new

⁷⁰ See Campbell, Meagan (2016, May). “What Will the Fort McMurray Fires Mean for Wildlife?”, retrieved on May 27, 2020 from <https://www.macleans.ca/news/canada/where-the-wild-things-are-2/>.

⁷¹ See Wallace, Abigail (2019, December). “What Happens to Wildlife During a Wildfire?”, retrieved on May 27, 2020 from <https://www.nationalforests.org/blog/what-happens-to-wildlife-during-a-wildfire>.

⁷² See Zielinski, Sarah (2014) “What Do Wild Animals Do in a Wildfire?”, retrieved on May 27, 2020 from <https://www.nationalgeographic.com/news/2014/7/140721-animals-wildlife-wildfires-nation-forests-science/>.

⁷³ See Cope, Rhian (2019) “Overview of Smoke Inhalation”, retrieved on May 27, 2020 from <https://www.merckvetmanual.com/toxicology/smoke-inhalation/overview-of-smoke-inhalation>.

⁷⁴ See Maxwell, Sean et al. (2019). “Conservation Implications of Ecological Responses to Extreme Weather and Climate Events”, In: *Diversity and Distributions* 25 (4), pp. 613-625.

⁷⁵ See Dilonardo, Mary (2018, September). “What Happens to Animals During a Hurricane?”, retrieved on May 27, 2020 from <https://www.mnn.com/earth-matters/animals/stories/what-happens-wildlife-during-hurricane>.

habitats. Also, weaker and younger birds often get separated from their flock, which is usually detrimental to them. Strong winds can throw baby squirrels out of their nests, killing or injuring them.⁷⁶

Earthquakes and resulting tsunamis often have devastating effects on wild animals. Many nesting birds are buried alive as a result of landslides caused by earthquakes. Other animals are displaced due to their destroyed habitat and may become more vulnerable in the unfamiliar areas. Earthquakes occurring at the bottom of the seas and oceans cause powerful tsunamis that flood the nearby wilderness area. Many animals who survive the flooding may not fare well in the aftermath as salty seawater and sand damage or cover the vegetation, leaving herbivorous animals with no food.⁷⁷

Other destructive natural events such as volcanic eruptions often constitute a significant threat to many wild animals, particularly affecting small and nesting animals as they are unable to escape or unwilling to leave their nesting places. Animals inhabiting nearby the eruptions are burnt to death or seriously injured by the flowing lava and mudflows. Indirect negative effects of eruptions include the destruction of the breeding and foraging habitat. Moreover, resulting volcanic ashes cause respiratory complications as well as dental problems in surviving animals, making their lives in devastated areas even harsher.⁷⁸

⁷⁶ See Horton, Helena (2017, September). “What Happens to Wild Animals in a Hurricane – and Which Species Do Surprisingly Well?”, retrieved on May 27, 2020 from <https://www.telegraph.co.uk/news/2017/09/11/happens-wild-animals-hurricane-species-do-surprisingly/>.

⁷⁷ See Goldman, Jason (2011, March). “Impact of the Japan Earthquake and Tsunami on Animals and the Environment”, retrieved on May 27, 2020 from <https://blogs.scientificamerican.com/guest-blog/impact-of-the-japan-earthquake-and-tsunami-on-animals-and-environment/>; Bressan, David (2016, November). “Earthquakes Can Have Devastating Impacts on Wildlife”, retrieved on May 27, 2020 from <https://www.forbes.com/sites/davidbressan/2016/11/30/earthquakes-can-have-devastating-impacts-on-wildlife/#56c760d81a55>; Roy, Eleanor (2016, November). “New Zealand Earthquake: Fears for Wildlife Along Devastated Coastline”, retrieved on May 27, 2020 from <https://www.theguardian.com/world/2016/nov/16/new-zealand-earthquake-fears-for-wildlife-along-devastated-coastline>.

⁷⁸ See Williams, Jeffrey et al. (2010). “Initial Effects of the August 2008 Volcanic Eruption on Breeding Birds and Marine Mammals at Kasatochi Island, Alaska”, In: *Arctic, Antarctic, and Alpine Research* 42 (3), pp. 306-314; Leggett, Rochelle (2018, April). “Plants & Animals Around Volcanoes”, retrieved on May 27, 2020 from <https://sciencing.com/happens-lava-after-erupting->

2.1.4 PHYSICAL INJURY

Like all living beings, wild animals too are susceptible to physical injuries. Wild animal injuries may originate from various sources such as conflicts among animals, accidents and natural events. Some of these injuries result in death, some others – in prolonged suffering. Below I review some of the common causes of injuries among wild animals.

Physical injuries often occur due to inter- and intra-specific conflicts. Many wild animals fight and injure each other while competing for food, water, territory, social status and mates.

One of the most common types of physical injuries is predation-induced. Predation is an instance of an interspecific conflict, where one animal (predator) preys upon another (prey) for nourishment. But predation is not always successful; sometimes prey animals manage to escape the claws of predators, although at the cost of serious bodily injuries. Prey animals, if they escape, are sometimes left with broken bones or serious wounds and are thus condemned to a great suffering.

Conflicts between animals of different or the same species often occur over the territory. In times of food and water scarcity, animals are drawn to the areas that have more to offer to hungry and thirsty animals. In cases like this, conflicts among animals is unavoidable. These conflicts are commonly resolved by fierce fights, often resulting in serious injuries. Animals fighting over territory include various species of mammals and birds.⁷⁹

Within many animal species, males are biologically wired to mate with as many females as they can, often giving rise to conflict between males over females. Males usually engage in violent fights with each other to claim nearby females for themselves.⁸⁰ But fighting over mates is not limited to injuring and

volcano-8764829.html; Flueck, Werner et al. (2013). “Severe Dental Fluorosis in Juvenile Deer Linked to a Recent Volcanic Eruption in Patagonia”, In: *Journal of Wildlife Diseases* 49 (2), pp. 355-366.

⁷⁹ See Mazák, Vratislav (1981). “*Panthera Tigris*”, In: *Mammalian Species* 152, pp. 1-8; Ritchison, Gary (2009). “Bird territories”, retrieved on May 31, 2020 from <http://people.eku.edu/ritchison/birdterritories.html>.

⁸⁰ See Huntingford, Felicity, and Turner, Angela (1987). *Animal Conflict*, London: Chapman and Hall, p. 244-246.

defeating or sometimes killing other males. It also includes infanticide – killing the offspring of the female with whom the winning male intends to mate. Males turn to infanticide since the female becomes available for mating only after she has no offspring left to care for.⁸¹

Another instance of conflicts among animals is a sibling rivalry. Newborn animals often attack their siblings, injuring or killing them in order to ensure that they get the most care from their parents. Sibling rivalry is especially common during food shortages, when siblings become each other's competitors. Overpowering the competitors ensures the survival of the winning sibling.⁸²

In certain animal species employing some kind of a social hierarchy or order, a higher status comes with certain privileges. Privileges include priority access to food resources and mates.⁸³ These attractive features encourage animals to seek higher ranks, which can be obtained only if the current holders of such ranks are defeated. The attempts to defeat high-ranking individuals often result in serious injuries and sometimes death.

Many wild animals are often injured due to various accidents. For example, the offspring of animals nesting on the trees are vulnerable to falling out of their nests and getting injured as they land on the hard ground. Birds become injured due to flight accidents – collisions with other birds, trees or hard surfaces. Many deer are commonly observed to injuring their eyes as they come in contact with low-hanging branches while trying to escape from predators. Walruses often fall from the cliffs, receiving injuries that are severe and often fatal.⁸⁴ Baby elephants are especially susceptible to falling in holes, waterfalls or getting stuck in muds. They are unable to get out on their own and, unless

⁸¹ See Palombit, Ryne (2015). "Infanticide as Sexual Conflict: Coevolution of Male Strategies and Female Counterstrategies", In: *Cold Spring Harbor Perspectives in Biology* 7 (6), pp. 1-29.

⁸² See Huntingford, Felicity, and Turner, Angela (1987). *Animal Conflict*, London: Chapman and Hall, p. 309.

⁸³ See Huntingford, Felicity, and Turner, Angela (1987). *Animal Conflict*, London: Chapman and Hall, p. 287-293.

⁸⁴ See West, Amy (2019, April). "David Attenborough's 'Our Planet' leaves fans traumatised with 'heartbreaking' walrus scene", retrieved on October 21, 2019 from <https://uk.news.yahoo.com/david-attenboroughs-planet-leaves-fans-traumatised-heartbreaking-walrus-scene-095709472.html>.

assisted, are condemned to die of thirst or starvation, or become easier prey to predators.⁸⁵

As the previous subsection showed, many wild animals receive serious injuries during various natural events. They suffer from severe burns, cuts, fractures, frostbites and sunburns.⁸⁶ Untreated injuries, if they ever heal, often heal improperly, causing other complications and discomfort. In most cases, however, untreated injuries only become worse as they are more prone to be infected with various bacteria, viruses and parasites. Severe injuries render animals unable to perform regular activities that are necessary for their well-being, exacerbating their suffering even more. For example, injured animals are often unable to access food and water, find a shelter or escape from predators. The more serious an injury is, the less likely it is that an animal will survive it.

2.1.5 PREDATION

Predation is perhaps the most vivid and one of the most pervasive sources of wild animal suffering. Predation is a biological phenomenon where one organism (predator) kills and consumes another (prey). The extent of suffering caused by predation usually depends on the methods of pursuit, capture and killing of prey animals. Some predators kill their prey before eating them, while others do the opposite – they eat prey animals before killing them when prey are still alive. Depending on a species of a predator, the process of killing prey may be quite slow and agonizing or rather quick. Below I discuss various ways in which different predators hunt their prey.

Big cats such as lions, tigers and cheetahs normally kill their prey by suffocation. They commonly target zebras, gazelles, wildebeests and ungulates.

⁸⁵ See Fobar, Rachel (2020, January). “Elephants are falling into trenches on Indian tea plantations”, retrieved on May 31, 2020 from <https://www.nationalgeographic.com/animals/2020/01/elephants-falling-into-tea-garden-trenches-india/>; BBC (2019, October). “Six elephants die trying to save each other at Thai waterfall”, retrieved on May 31, 2020 from <https://www.bbc.com/news/world-asia-49944885>.

⁸⁶ See Karasin, Ekin (2016, March). “Hippos dying from SUNBURN amid Kenyan drought: Extreme heat has dried up mud baths the animals use to protect their skin”, retrieved on May 31, 2020 from <https://www.dailymail.co.uk/news/article-4321014/Hippos-dying-SUNBURN-amid-Kenyan-drought.html>.

Once the pray is caught, using their powerful jaws and canine teeth, big cats strangle their prey by biting its neck, depriving the heart, lungs and brain of the necessary oxygen. Death by suffocation is painful and terrifying. As the organism no longer receives oxygen, the suffocating individual experiences a chest pain, which is accompanied by the feeling of panic and desperate attempts to breath. It takes approximately five to six minutes for big cats to asphyxiate their prey.⁸⁷

Hyenas and wild dogs are notorious for eating their prey alive. Their primary goal is to catch and incapacitate the prey and do not mind at all if the prey remains alive while eating it piece by piece. Wildebeests, antelopes and ungulates are among their prey. Hyenas and wild dogs often hunt in packs and take down their prey by biting off its body parts while chasing it. Excruciating pain, blood loss and a torn open abdomen weaken the prey, forcing it to collapse. Once the prey is incapacitated, the predators disembowel it alive.⁸⁸

Like hyenas, bears too are known to consume their prey alive. Bears are extremely powerful animals capable of killing small animals with the strikes of their paws. However, their strikes are not strong enough to kill large mammals like deer and moose. Bears are notorious maulers. To kill large prey, they opt for mauling and biting. As long as the prey resists, bears will keep mauling and biting it, especially around the spine and neck area, tearing mouthfuls from the body. Because bears do not have a definite kill bite, their prey often suffers a lot before succumbing to severe injuries.⁸⁹

Wolves and coyotes primarily target small animals such as rabbits, rodents and reptiles, but since they usually hunt in packs, they also attack moose, deer and elk. They catch their prey by chasing and biting it on the hind legs. Once the weaken prey collapses due to the blood loss, these predators either

⁸⁷ See McGowan, Christopher (1997). *The Raptor and the Lamb: Predators and Prey in the Living World*, New York: Henry Holt, pp. 12-13; Conover, Adele (2003, August). "Educating Cheetah", retrieved on June 6, 2020 from <https://www.nwf.org/en/Magazines/National-Wildlife/2003/Educating-Cheetah>.

⁸⁸ See Kruuk, Hans (1972). *The Spotted Hyena: A Study of Predation and Social Behavior*, University of Chicago Press, p. 149; McGowan, Christopher (1997). *The Raptor and the Lamb: Predators and Prey in the Living World*, New York: Henry Holt, pp. 18-22.

⁸⁹ See Schooler, Lynn (2010). *Walking Home: A Journey in the Alaskan Wilderness*, Bloomsbury, pp. 230-231.

suffocate it or tear out its throat. Alternatively, they may rip stomach hide of the prey and disembowel it.⁹⁰

Crocodiles are ferocious and powerful predators capable of hunting large and muscular prey such as zebras, wildebeests, giraffes, buffalos, wild boars, etc. They usually hunt in water by stealthily stalking the prey and ambushing it. Once crocodiles grab the prey by some body parts, they then drag it into the water and drown it before eating.⁹¹ When crocodiles hunt in groups, they usually grab and tear the prey apart.

Raptors prey on birds as well as various small mammals. Their killing methods include neck-breaking, suffocation and disembowelment. Massive raptors such as eagles and falcons can easily suffocate small birds by constricting their powerful feet. Larger preys are often pinned to the ground and disemboweled with extremely sharp beaks.⁹²

Snakes, depending on whether they are constrictor or venomous, kill their prey either by stopping their blood flow or poisoning. Although, some species of snakes are known to swallow their prey and digest them alive. After capturing the prey, constrictor snakes squeeze it very tightly, preventing the blood from flowing to vital organs such as the brain and heart, causing the prey to lose consciousness. Once the prey stops resisting, the snake consumes it. Venomous snakes kill or immobilize the prey by injecting a venomous saliva into it through biting. Bitten prey either dies quickly by poisoning or becomes paralyzed and dies slowly due to internal bleeding.⁹³

Predation inflicts great suffering not only to the animals that are killed or maimed in gruesome ways but also to the ones who are not captured but are

⁹⁰ See Mech, David et al. (2015). *Wolves on the Hunt: The Behavior of Wolves Hunting Wild Prey*, University of Chicago Press, pp. 1-9; Bekoff, Marc and Gese, Eric (2003). "Coyote", In: Feldhamer, George et al. (eds.). *Wild Mammals of North America: Biology, Management, and Conservation*, 2nd edition, Johns Hopkins University Press, pp. 467-470.

⁹¹ See Basic Biology (2015, December). "Crocodile", retrieved on June 3, 2020 from <https://basicbiology.net/animal/reptiles/crocodile>.

⁹² See Yong, Ed (2009, November). "Neck-breaking, disembowelling, constricting and fishing - the violent world of raptors", retrieved on June 3, 2020 from <https://www.discovermagazine.com/planet-earth/neck-breaking-disembowelling-constricting-and-fishing-the-violent-world-of-raptors>.

⁹³ See PetPlace (2015, September). "How Snakes Kill", retrieved on June 3, 2020 from <https://www.petplace.com/article/reptiles/general/how-snakes-kill/>.

nevertheless stressed and terrified by the mere presence of predators around them. As it has been noted in the previous subsections, many prey animals refuse to leave their hiding places due to the fear of predators, even if this means for them to starve or be thirsty for some time. Thus, even if some prey animals manage to avoid the brutalities of predators, they cannot avoid the stress and terror that are characteristics of being a prey.

2.1.6 REPRODUCTIVE STRATEGY

In order for a given species to continue to exist, it needs to reproduce. Additionally, it needs to be guaranteed that the produced offspring reaches maturity and reproduces. Through evolution, different animal species have developed different strategies to ensure that their offspring, at least one per parent, survives and reaches maturity. In terms of how much parental care is involved in making sure that the offspring survives and reaches maturity, it is common to distinguish between two main reproductive strategies in nature: *K*-selection and *r*-selection.⁹⁴

Animals employing the *K*-selection strategy give birth to very few offspring, usually one each time they reproduce, and devote all their attention and resources to ensuring its survival. This strategy is least common among wild animals and is followed mostly by large mammals such as primates, cetaceans, elephants, bears, horses, etc. These animals are referred to as *K*-selected species or *K*-strategists. Given the enormous parental care *K*-strategist animals invest in raising their offspring, the survival rate among these offspring and the quality of their lives are quite high.

Animals employing the *r*-selection strategy give birth to a very high number of offspring and invest very little or no care and attention in their offspring. Due to a lack of an adequate care, limited resources and other harmful factors, most of these offspring die shortly after birth and never make it to

⁹⁴ See MacArthur, Robert and Wilson, Edward (1967). *The Theory of Island Biogeography*, Princeton University Press; Pianka, Eric (1970). "On *r*- and *K*-Selection", In: *American Naturalist* 104, pp. 592-597.

maturity. But because the number of these offspring is enormous, it is highly likely that at least very few of them will survive to adulthood and reach reproductive age. This strategy is prevalent among wild animals and is followed mostly by rodents, reptiles, amphibians, fishes, and most invertebrates. These animals are referred to as *r*-selected species or *r*-strategists. Given the insufficient parental care *r*-strategist animals invest in raising their offspring, the survival rate among these offspring and the quality of their lives are quite low. As mentioned, most of these offspring die soon after they are born – either by being eaten alive by predators or starved to death.

The *r*-selection strategy is one of the common sources of wild animal suffering as it condemns many offspring to a painful and early death.

2.2 CONCLUSION

Many people seem to be under the impression that animals living in the wild generally fare well. In this chapter I tried to undermine this belief. For that, I reviewed some of the common sources of wild animal suffering and showed that contrary to the common belief, many wild animals endure significant suffering throughout their lives and are in need of our assistance. Whether we are required to provide that assistance is the question of the next chapter.

3. THE CASE FOR ASSISTING WILD ANIMALS

As the previous chapter demonstrated, many wild animals suffer greatly throughout their lives. Does this fact constitute a moral concern? Ought we to do something about it? In this chapter I argue that we ought to help wild animals and take active steps to prevent or alleviate their suffering. The requirement to assist wild animals is based on an intuitively very plausible claim that seems to be widely held. This is the claim that we ought to help the victims of a considerable misfortune if we can do so without an excessive cost to ourselves. However, this requirement is merely a *pro tanto* requirement and will remain so unless it is shown that it defeats all competing considerations that can be put forward against it. But this is the task of the later chapters.

3.1 AN INTUITIVE BASIS OF DUTIES OF ASSISTANCE

Most of us intuitively believe that we ought to step in to prevent or alleviate others' suffering rather than allow them to suffer if we can do so without an excessive cost to ourselves.⁹⁵ Most of us believe that not only is it morally good to help the sufferers but also that we *ought* to help them. This is probably because we believe that the very fact that someone is suffering and others can provide the necessary aid without a significant cost to themselves is *sufficient* to ground the duty or obligation to assist. Usually, when people witness the tragic accidents, they immediately rush to help the victims without taking a moment to think whether they are obligated to provide any assistance in the first place. It seems that they intuitively know that this is what they ought to do. However, a critic may object that the fact that people are normally willing to help does not necessarily mean that they consider it to be their duty. For believing that a

⁹⁵ Perhaps it will be helpful to clarify here how much cost can be considered *excessive*. First, let me note that when I speak of costs, I mean prudential costs to a moral agent; that is, sacrifice that a moral agent has to make in terms of his own well-being. So, how much prudential cost is excessive for an agent? One reply to this would be to say that if assisting others significantly reduces the well-being of a moral agent, then such assistance is too costly. Another, perhaps, more helpful reply would be to borrow Peter Singer's famous suggestion that every relatively well-off individual is required to spend 10% of his income on assisting others. While many affluent people could spend more than 10% of their income to assist the needy without compromising their own well-being significantly, 10% seems the amount that is not an excessive sacrifice for most moral agents.

particular action is morally good is one thing; believing that this action is also morally obligatory is quite another. It could be that, a critic may argue, these people believe helping others, especially the victims of great misfortune, to be good, something admirable but not obligatory and they may assist others only out of kindness, and not out of duty at the same time. This objection can be challenged. Few years ago, on the internet appeared a video showing how a two-year-old Chinese girl, left unattended, was run over by two cars.⁹⁶ At least 18 people were seen walking past the accident but none of them stepped in to help the bleeding girl. Eventually, she was noticed by an elderly lady and was sent to a hospital but died few days later. The footage of the accident was widely shared all over the world and stirred widespread reaction. Most people, after watching the video, were outraged by the indifference of the passers-by toward the suffering of a helpless child and immediately rushed to condemn their callous behavior. Now, if our critic was right in saying that what our intuitive judgment expresses is that helping others is good but doing so is by no means obligatory, then condemning the passers-by would be inexplicable, not making any sense. Let me explain why. It is commonsensical to hold that when we condemn an agent for his action, we judge that an agent was required not to act this way. Otherwise, condemning his action would be unreasonable, or rather inappropriate, if we did not find the action in question unacceptable, something he was required not to perform. To say that an agent *was required* not act the way he acted is to say that he had the *obligation* not to do what he did. For example, when we condemn the murderer for killing an innocent human, we judge that the act of killing was something he should not have done. In other words, killing an innocent human was the act he had the obligation not to commit. This argumentation suggests that an appropriate act of condemnation necessarily presupposes the judgment that an agent had the obligation to act in a certain way and he is condemned for failing to do so. From that it follows that it is precisely the obligation of the agent that explains and makes sense of the act of condemnation. Now, if our critic is right in saying that the passers-by did not

⁹⁶ See BBC News (2011). "Anger and debate over hit-and-run toddler Wang Yue", retrieved on March 4, 2019 from <https://www.bbc.com/news/world-asia-pacific-15401055>.

have the obligation to help the child, then condemning the passers-by seems rather inappropriate, not making any sense whatsoever. But as public reaction after seeing the footage of the incident demonstrates, most reasonable people believe that what passers-by did – completely disregarding the suffering child – is morally condemnable, suggesting that the act of condemnation is indeed reasonable and appropriate. Then how can our critic make sense of condemnation without accepting that the passers-by had the obligation to assist the child? The critic may suggest that the passers-by are condemnable not for failing to fulfill their obligation to assist, because they have none as he insists, but for being unkind and insensitive toward others' misfortune. However, this move is unsuccessful, for condemning people for being unkind implies obligating them to be kind. The latter, in its turn, entails that people are generally obligated to assist others in distress. It seems that our critic cannot avoid accepting that if the passers-by were condemnable, they were precisely because they failed to fulfill their obligation to assist the suffering girl. Thus, I suggest that the public's eagerness to condemn the passers-by for leaving the helpless child without any assistance should be interpreted as conveying the moral intuition that the passers-by had the obligation to assist the child when they could do so at no or little cost to themselves. This intuitive judgment is also best exemplified by Singer's famous drowning child thought experiment which goes like this:

On my way to give a lecture, I pass a shallow ornamental pond and notice that a small child has fallen in and is in danger of drowning. I look around to see where the parents, or babysitter, are, but to my surprise, I see that there is no one else around. It seems that it is up to me to make sure that the child doesn't drown. Would anyone deny that I ought to wade in and pull the child out? This will mean getting my clothes muddy, ruining my shoes and either cancelling my lecture or delaying it until I can find something dry to change into; but compared with the avoidable death of a child none of these things are significant.⁹⁷

Most people respond to this thought experiment the same way they respond to the case of an injured Chinese girl. They intuitively believe that it is our

⁹⁷ Singer, Peter (2011). *Practical Ethics*, 3rd edition, Cambridge University Press, p. 199.

obligation to assist the helpless child in both scenarios and failing to do so would be wrong and condemnable. But why do we, one may ask, have such an intuition? The plausible answer, I think, is that we believe, quite reasonably, that allowing harm, such as letting the healthy child die, is wrong. We also believe that the passers-by in both cases are in a position to save the child and not doing so would be allowing harm to occur.

We can apply the same reasoning to the case of wild animal suffering. If we are in a position to prevent or alleviate the suffering that wild animals experience, then not doing so would be allowing them to suffer and this, as I have argued, seems wrong according to our moral intuition.

This seemingly intuitively plausible claim that we are required to assist wild animals will not go unchallenged, especially when it is acknowledged that a *pro tanto* requirement to assist wild animals implies a *pro tanto* requirement to intervene in nature. The case for intervening in nature to assist wild animals can be challenged on two grounds. First, the intuitive judgment that we have positive duties toward wild animals can be questioned. Second, given the changes that intervention in nature presupposes, there may be various considerations that speak against bringing about these changes. Unless these competing considerations are overridden, our duty to assist wild animals and thus intervene in nature will remain merely a *pro tanto* duty. Thus, to show that we have a final or all-things-considered duty to intervene in nature, competing considerations must be dealt with. The remainder of this thesis, among other things, will do that.

3.2 CONCLUSION

In this chapter I presented the case for assisting wild animals. Taking into account that wild animals are morally considerable beings and that they suffer greatly throughout their lives, I argued that wild animal suffering is a serious moral concern which calls for taking active steps on our part to prevent or reduce it. The requirement to assist wild animals rests on an intuitively very plausible claim that we ought to help the victims of a considerable misfortune if we can do

so without excessive cost to ourselves. However, this requirement is merely a *pro tanto* requirement unless it is shown that it overrides all competing considerations that can be put forward against it. This is the task I take on in the remaining chapters.

4. WILD ANIMAL SUFFERING AND THE LAISSEZ-FAIRE INTUITION

In this chapter I provide an extensive analysis of the laissez-faire intuition and critically examine its fundamental principles. First, I challenge Palmer's defense of the claim that we do not have general duties to assist wild animals. Next, I consider the claim that humans as a whole have special duties to care for domesticated animals and critically assess Palmer's beneficiary argument which purports to defend this claim. Drawing on the idea that benefiting from others is morally significant, I develop a new argument – called the *contribution argument* – which demonstrates how beneficiaries can be required to assist animals from whom they benefit. I then address the question of whether our duties to assist domesticated animals are stronger than our duties to assist wild animals. I end this chapter by examining the origins of the laissez-faire intuition and assessing its reliability.

4.1 THE LAISSEZ-FAIRE INTUITION

The second chapter of this thesis showed that the idyllic view of nature, according to which wild animals mostly live pleasant lives, is simply false. Drawing on this empirical fact, the third chapter presented the positive case for assisting wild animals. In particular, it was noted that given our ability to prevent or alleviate wild animal suffering without excessive cost to ourselves, we have a *pro tanto* requirement to assist wild animals in their struggle to live lives free from suffering. Yet this view is not shared by many. Most animal rights theorists seem to endorse the view that places wild animal suffering beyond our moral concern. They insist that we would do best if we simply leave wild animals alone. This view seems to closely coincide with most people's attitude toward wild animal suffering. This attitude is grounded in their intuitive judgment that we do not normally have a moral obligation to assist wild animals. In the animal ethics literature this intuition is referred to as the *laissez-faire intuition*. The term was introduced by an animal ethics philosopher Clare Palmer who presented the most comprehensive and detailed defense of the view that “while

we have obligations to assist and care for domesticated animals, we have no such obligations toward animals in the wild.”⁹⁸

The *laissez-faire* intuition seems especially widespread among ordinary people. Indeed, Palmer draws support for her view from people’s intuitive reaction to two well-known cases: the mass drowning of wildebeests while crossing Kenya’s Mara River in search of better grazing and the domesticated animal neglect that resulted in the death of thirty-two and the suffering of several other horses. Palmer notes that while the case of domesticated animal neglect caused public uproar and provoked widespread moral condemnation, most people did not seem to be concerned about the tragic fate of drowning wildebeests; at least they did not denounce the unwillingness and failure of the witnesses and bystanders to even attempt to prevent the suffering and death of (some) wildebeests. From these stories Palmer draws the conclusion that we have different moral responsibilities toward wild and domesticated animals and that the *laissez-faire* intuition best captures this.

Palmer seems to be right in that that the core of the *laissez-faire* intuition that we just do not have duties to assist wild animals is widely supported by the general public. Although many people are unaware of the true magnitude of wild animal suffering, they are nevertheless aware of the fact that some wild animals do indeed suffer. Yet they seem to be simply *morally* unconcerned about it. The most conspicuous and best-known example of wild animal suffering is animal predation. Surely most of us have seen the scene where a hungry and determined predator chases a terrified and stressed prey who desperately tries to escape from the claws and jaws of the merciless predator in order to stay alive. Some prey animals succeed to escape, some do not. When they do not, they are captured and devoured. Sometimes the death is quick, sometimes it is slow. The immediate emotional reaction most reasonable people have to such scenes is the feeling of sadness and empathy for the tragic fate of the prey animal, but their compassion and sympathies toward the victims of predation do not normally go beyond feeling pity for them. Most people simply do not believe that they ought to intervene and assist suffering animals.

⁹⁸ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 63.

Most importantly, the laissez-faire intuition finds its wide acceptance among the pioneers and champions of animal rights. Indeed, this intuition captures most animal rights theorists' default position that not only we lack the duties of assistance toward wild animals but also that we ought to refrain from aiding them. In his classic book *The Case for Animal Rights* Tom Regan famously claimed that

the total amount of suffering animals cause one another in the wild is not the concern of morally enlightened wildlife management. Being neither accountants nor managers of felicity in nature, wildlife managers should be principally concerned with *letting animals be*, keeping human predators out of their affairs, allowing these "other nations" to carve out their own destiny.⁹⁹

Later, in a new preface to the updated edition of the book, Regan further clarified and defended his view in the following way:

Our ruling obligation with regard to wild animals is to *let them be*, an obligation grounded in a recognition of their general competence to get on with the business of living, a competence that we find among members of predator and prey species... As a general rule, they do not need help from us in the struggle for survival, and we do not fail to discharge our duty when we choose not to lend our assistance.¹⁰⁰

Following Regan, another animal rights philosopher Lori Gruen defends the non-intervention policy in relation to wild animal suffering and argues that "[p]aternalism is appropriate in the case of children, but not so in the case of individuals who are capable of exercising their freedom to live their lives in their own ways."¹⁰¹

Evelyn Pluhar follows the same path and argues that wild animals whose lives have been unaffected by humans should be left alone. She writes:

Nonhuman animals whose lives have *not* already been disrupted by us should be permitted to run their own lives. Domesticated nonhuman animals and many captive wild animals need our protection to survive otherwise hostile environments; wild animals

⁹⁹ Regan, Tom (1983). *The Case for Animal Rights*, University of California Press, p. 357.

¹⁰⁰ Regan, Tom (2004). *The Case for Animal Rights*, 2nd edition, University of California Press, p. xxxvii.

¹⁰¹ Gruen, Lori (2011). *Ethics and Animals*, Cambridge University Press, p. 182.

live in habitats to which their species have adapted over vast stretches of time. They are far better able to realize their purposes if they and their habitats are unmolested by humans. The lives they lead are hardly free from suffering and early death, but these are inextricable parts of lives resulting from morally neutral evolutionary processes.¹⁰²

Gary Francione is another animal rights advocate who eagerly endorses the central view that underlies the laissez-faire intuition. He writes:

If I am walking down the street and see a person lying passed out, face down in a small puddle of water and drowning, the law imposes no obligation on me to assist that person even if all I need to do is roll her over, something I can do without risk or serious inconvenience to myself... [T]he basic right of animals not to be treated as things means that we cannot treat animals as our resources. It does not necessarily mean that we have moral or legal obligations to render them aid or to intervene to prevent harm from coming to them.¹⁰³

It is noteworthy that Peter Singer, another prominent figure within animal ethics, has been accused of adopting the laissez-faire attitude to wild animal suffering.¹⁰⁴ To be sure, since the publication of his groundbreaking book *Animal Liberation*, Singer maintained the non-intervention policy toward animals in the wild. In this book he argued that “once we give up our claim to “dominion” over the other species we should stop interfering with them at all. We should leave them alone as much as we possibly can. Having given up the role of tyrant, we should not try to play God either.”¹⁰⁵ But it is a mistake to view this passage as endorsing the position conveyed by the laissez-faire intuition. Another excerpt on the same page of this book attests this:

Judging by our past record, any attempt to change ecological systems on a large scale is going to do far more harm than good. For that reason, if for no other, it is true to say that, except in a few very limited cases, we cannot and should not try to police all of nature.

¹⁰² Pluhar, Evelyn (1995). *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Duke University Press, p. 276.

¹⁰³ Francione, Gary (2000). *Introduction to Animal Rights: Your Child or the Dog?* Temple University Press, p. 185.

¹⁰⁴ See Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, p. 159.

¹⁰⁵ Singer, Peter (1975/2009). *Animal Liberation*, HarperCollins Publishers, p. 226.

We do enough if we eliminate our own unnecessary killing and cruelty toward other animals.¹⁰⁶

From this passage it seems quite clear that the rationale behind Singer's statement is not that he is critical of the view that we have duties of assistance toward wild animals; rather, his worry seems entirely pragmatic. He is worried that intervention in nature to reduce wild animal suffering may turn out to be counterproductive. And for that reason, it certainly seems unfair to place Singer among the proponents of the laissez-faire approach to wild animal suffering.¹⁰⁷

Now, it should be noted that of all the authors I have mentioned above, none of them offer any detailed and extended discussion on the ethics of wild animal suffering, nor do they provide a thorough defense of their views; rather, their discussions are often limited to superficial and brief remarks that are generally dismissive of the ethical significance of the suffering that occurs in the wild. But we can nevertheless discern some fundamental principles that are characteristic of their views that are now collectively referred to as the laissez-faire intuition. These fundamental principles are the following:

1) *Denial that we have positive duties toward wild animals;*

According to the laissez-faire intuition, we are not required to assist wild animals in their struggle for survival. Hence, there are no obligations to intervene in nature to prevent or alleviate their suffering. This is simply not our moral business.

2) *Affirmation that we have positive duties toward domesticated animals;*

While the proponents of the laissez-faire approach to wild animal suffering persistently deny that we have positive duties toward wild animals, they affirm that we have such duties toward domesticated animals. Usually, they maintain

¹⁰⁶ Singer, Peter (1975/2009). *Animal Liberation*, HarperCollins Publishers, p. 226.

¹⁰⁷ Nowadays it seems that Singer has become more interested in the questions concerning wild animal suffering but as he admits, he does not have clearly well-worked out views on that matter; also, he remains somewhat skeptical about the effectiveness of intervention in nature. For more information, see Singer, Peter (2016). "The Suffering of Wild Animals: Should We Do Anything about It, and if so, What?", available at: <https://www.youtube.com/watch?v=1VYYHLH990A>; See also Animal Charity Evaluators, "Interview with Peter Singer", available at: <https://animalcharityevaluators.org/advocacy-interventions/advocacy-advice/learn-from-professionals/interview-with-peter-singer/>.

that domestication that renders animals vulnerable and dependent on us grounds our collective responsibility to care for them.

3) *Affirmation that we have negative duties toward all sentient animals.*

All animal rights theorists wholeheartedly agree that we have negative duties toward both wild and domesticated animals. They hold that since sentient animals matter morally, we are not permitted to interfere with their lives in a way that results in harming them without a justifying reason.

In contrast to the cohort of animal rights theorists, Palmer took the task of elaborating on the moral problem of wild animal suffering in an attempt to provide a comprehensive analysis and an extensive defense of the laissez-faire intuition and its underlying principles. Thus, it would be sensible to pass over the above-mentioned authors and focus on her view exclusively. In the next section I will provide a critical assessment of the arguments Palmer has to offer in support of her view.

4.2 WILD ANIMALS AND DUTIES OF ASSISTANCE

As we have seen in the previous section, one of the central principles of the laissez-faire intuition is the denial that we have general positive duties toward wild animals. In Palmer's view, this principle is intuitively widely supported and she seems to be right. Indeed, most ordinary people as well as celebrated authors within animal rights theory believe that we can permissibly turn our back on the immense suffering that takes place in the wild and simply ignore it. Even though she acknowledges the fallibility of our intuitions, she seems confident that the laissez-faire intuition is a reliable intuition that can guide us in answering moral questions stemming from the complex problem of wild animal suffering. In light of this confidence, Palmer proceeds with developing what she calls a contextual, relational approach to wild animal assistance that would accommodate or best fit this intuition. In Palmer's view, the need for developing such an approach to animal ethics in general was necessitated by the fact that the existed capacity-oriented approach seems incomplete as it fails to sufficiently address complex

questions concerning wild animal assistance. The relational approach is meant to overcome this challenge and provide us with satisfactory answers.

Recall that in discussing the ethics of wild animal assistance Palmer simply took the truth of the laissez-faire intuition for granted and developed her approach accordingly. In an attempt to explain why we lack positive duties toward wild animals Palmer offers a general relational account of positive duties that emphasizes the moral relevance of special relations. She maintains that “assistance is a special obligation only generated by agreements (such as promises or contracts) or by other kinds of special relations. In the absence of these kinds of special relations, we have no duties to assist others.”¹⁰⁸ From this passage we can discern what Palmer takes to be the necessary and sufficient condition for the duties of assistance to be created. Such a condition is the existence of special relations between the obligor and obligee. On this account then, humans can be obligated to care for wild animals if, and only if, there is an agreement or some other kinds of special relations between them. We certainly have no agreement with wild animals requiring us to render them aid when they are in need. With respect to the other kinds of special relations Palmer further notes that such relations that could generate the requirements to assist wild animals are “human/animal entanglements, histories, and shared institutional frameworks where humans are, or have been, either responsible for harms to animals or for the generation of particular vulnerabilities in animals.”¹⁰⁹ Thus, in Palmer’s view, as long as we are not causally responsible for wild animal suffering – that is, that our past actions did not cause their suffering, nor did we make wild animals susceptible to that suffering, the duties of preventing or alleviating such suffering cannot exist. Palmer claims that humans and fully wild animals are not causally entangled and therefore, the duties of assistance toward them are not generated. She provides a lengthy and detailed explanation of why this is the case:

These animals are in a “social noncooperation situation” with respect to human beings. They live independently of human provision; they may have good or poor access to vital

¹⁰⁸ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 84.

¹⁰⁹ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 89.

resources; some of them do well, some do badly; some are sick, some are healthy. No rational moral agents are causally responsible for their well-being; their rights have not been violated; if these animals are hungry, or suffering, or being preyed upon, there is nothing obviously unjust or (given the animal context) even loosely analogous to injustice about how they fare. So, on the grounds of injustice, at least, there is no reason to assist them, although this does not mean that assistance would be impermissible.¹¹⁰

Not surprisingly, Palmer's relational account of positive duties entirely contradicts with the argument I presented in the third chapter in support of the case for assisting wild animals. In what follows I will critically examine Palmer's arguments as well as elaborate more on my argument in defense of my view.

Recall that Palmer's relational account of positive duties is general in the sense that it applies not only to wild animals but to humans as well. On this account, we are not required to assist other humans with whom we have no special relations – that is, that we neither caused the helpless situation they are in nor are we entangled with them in other ways. Thus, on Palmer's view, we do not have a duty to assist a complete stranger with whom we are not related in any morally relevant sense. Should we accept this implication? I think not. Let me remind you that in constructing her relational account of positive duties Palmer relied exclusively on the *laissez-faire* intuition – an intuition that we are not normally required to assist wild animals. Since this intuition, as she claims, is widely held, she took it as conveying the truth and developed the view that fits it best. Now recall the argument I presented in the third chapter in support of the claim that we ought to assist wild animals. The argument appealed to the widespread and powerful intuition that we ought to help others in distress if we could do so without significant cost to ourselves. The paradigmatic examples are suffering and dying humans who need an immediate assistance. I noted that most people do not hesitate for a second to assist such humans even if they are complete strangers. I also stressed that we eagerly condemn people when they intentionally refuse to assist suffering humans, suggesting that we take it to be our duty to help others in distress when doing so does not require us to sacrifice

¹¹⁰ Palmer, Clare (2011). "The Moral Relevance of the Distinction Between Domesticated and Wild Animals", In: Beauchamp, Tom and Frey, Raymond (2011). *The Oxford Handbook of Animal Ethics*, Oxford University Press, p. 713.

too much. From that I concluded that the claim that we have duties to assist others is intuitively plausible. Evidently, this claim comes in contradiction with Palmer's claim that the obligations to assist others require special relations without which such obligations are not generated. As we have seen, both of these conflicting claims are supported by widespread intuitions. What is the matter here? Apparently, there are two different intuitions at play: on the one hand, the *laissez-faire* intuition that we are not required to assist wild animals and on the other, the intuition that we ought to assist humans in distress. These intuitions conflict with each other; although, at first sight, it may seem that they do not. A critic may argue that there is no real conflict between these intuitions, for one concerns wild animals, while another concerns humans. But unless our critic is a speciesist or personist, I do not see how these intuitions can be reconciled or coexist in one's mind. The implication of the *laissez-faire* intuition is that if we are not required to assist wild animals and this is explained by the appeal to the lack of special relations with them, then we are also not required to assist complete strangers with whom we have no such relations. The implication of another intuition is that if we ought to assist suffering humans regardless of our relations with them, then we should be equally concerned about equal suffering of animals in the wild. So, to be consistent in our moral reasoning, either we are not required to assist wild animals and therefore humans too or we are required to assist both. The conflict between these intuitions is more than clear. Given this, one cannot coherently maintain both intuitions; one of them must be given up at the initial stage of reflective equilibrium. Which one should it be? As we have seen, Palmer sides with the *laissez-faire* intuition. But is she justified in doing so? In the last section of this chapter I will provide a critical analysis of the *laissez-faire* intuition and argue that Palmer commits a mistake in trusting it. But for the time being, to undermine the reliability and our confidence toward this intuition, suffice it to say that this intuition clashes with a much more powerful and predominant intuition that we ought to assist humans in distress. Recall Singer's drowning child thought experiment I quoted in the third chapter. This thought experiment uncovers the intuition most of us share that we ought to save the drowning child even if this would mean ruining our expensive

clothes. Concerning the influence of this thought experiment and the pull of its underlying intuition Singer writes: “I then ask the students: do you have any obligation to rescue the child? Unanimously, the students say they do.”¹¹¹ Indeed, this intuition provides a concrete ground on which Singer’s influential argument for an obligation to aid distant strangers firmly rests. Regarding the paper in which this argument first appeared Singer notes: “The article soon became a staple of courses in ethics. An incomplete list of anthologies in which it has been reprinted runs to fifty. Each year it is read by thousands of undergraduates and high school students in many different countries.”¹¹² The whole point of these references is to demonstrate the prevalence and the force of the intuition that we ought to assist others in distress. This intuition is indeed very powerful and if Palmer’s favored *laissez-faire* intuition clashes with it, so much the worse for Palmer. Thus, if we have to choose between two contradictory intuitions, I suggest, we should side with the one that, other things being equal, has the strongest pull.

Palmer is certainly aware of the contradiction I have just pointed out. In her defense, she appeals to the family of arguments made by various prominent philosophers in support of the claim that the duties of assistance are owed only to the individuals whose situation reflects some kind of *injustice*; that is, that unless these individuals are the victims of injustice no requirements to assist are created. Thus, accidents like child drowning do not generate the obligations to assist because they do not reflect any injustice.

The claim that the created injustice generates the duties of assistance seems intuitively very plausible; however, Palmer and others are mistaken in thinking that the existence of an injustice is a necessary condition for generating such duties. For there is a sense in which it still seems wrong to let others suffer, even if their situation is not a result of an injustice. If Palmer and others are not convinced that letting the child drown is morally wrong, sadly, I have no other means of convincing them. But we could reasonably ask why she fails to see the

¹¹¹ Singer, Peter (1997). “The Drowning Child and the Expanding Circle”, In: *New Internationalist*, available here: <https://newint.org/features/1997/04/05/peter-singer-drowning-child-new-internationalist>.

¹¹² Singer, Peter (2016). *Famine, Affluence, and Morality*, Oxford University Press, p. xii.

wrongness of letting others suffer even if we could prevent or relieve their suffering at no cost to ourselves. The answer to this question lies in her insistence that there is a morally relevant difference between doing and allowing harm. Drawing on the works of various philosophers on that matter Palmer maintains that: “[u]pholding a distinction between harming and not assisting of this kind might suggest that, while we have negative duties not to harm, we do not have any positive duties to assist, unless some kind of special relationship holds between us and relevant others that generates such duties.”¹¹³ Her position seems to imply that while doing harm is morally wrong, allowing harm is not. But this is strange. The question of whether there is a morally relevant distinction between doing and allowing harm is a highly debated and controversial but it should be noted that the discussion normally focuses on the question of whether these actions are morally equivalent in terms of their wrongness – that is, that whether doing harm is as wrong as allowing harm.¹¹⁴ The discussion does not usually concern the question of whether allowing harm is wrong. The wrongness of allowing bad things to happen that could have been prevented easily is taken for granted. But since Palmer questions the wrongness of allowing harm, there is a need to demonstrate why she is mistaken. First, let us consider the following quote:

Whether I do harm or allow it to occur, I behave in such a way that someone suffers harm, when I could instead have behaved in such a way that he would not suffer harm. I had a choice between a scenario in which he would suffer harm and a scenario in which he would not, and I chose the former. Why should it matter whether the harm option was an instance of doing or of allowing?¹¹⁵

Here Norcross defends the moral equivalence thesis regarding doing and allowing harm but we need not go that far. To render Palmer’s position implausible, we could merely show the wrongness of allowing harm to occur. But

¹¹³ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 75.

¹¹⁴ See Woollard, Fiona and Howard-Snyder, Frances (2016, Winter). “Doing vs. Allowing Harm”, *The Stanford Encyclopedia of Philosophy*, retrieved on July 24, 2019 from <https://plato.stanford.edu/archives/win2016/entries/doing-allowing/>.

¹¹⁵ Norcross, Alastair (2013). “Doing and Allowing”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 1443-1454.

the point Norcross made concerning the *choice* is nevertheless relevant and let me elaborate more on it. When you act with intention, whether by action or inaction, you *make a choice*. When you intentionally allow harm to happen, you *choose* harm by inaction. Since this choice is deliberate, you *favor* the presence of harm over the absence of it. By allowing harm to occur, you *approve* it. From the moment you appear in a position to prevent harm from occurring without significant cost to yourself allowing harm becomes a choice. Opting for that choice is what seems to be wrong. The fact that harm is already present prior to your involvement is irrelevant; you are choosing harm from the moment you appeared in a position to prevent it but are refusing to do so. It seems, then, that even if Palmer is right in holding that there is a morally relevant difference between doing and allowing harm, she is wrong to claim that we can permissibly allow harm to occur.

To be fair, Palmer admits that the implication of her relational account of assistance, namely that letting the child drown is morally permissible, is intuitively very troubling. Therefore, she proceeds to examine the ways of reconciling her account with the intuition that we ought to assist others in distress even if their situation does not reflect any injustice. Note that the reconciliation should be done so that it will grant duties of assistance toward humans without, at the same time, granting such duties toward wild animals. Otherwise the account itself would come in contradiction with the *laissez-faire* intuition – its foundational idea that we are not required to assist wild animals. But such reconciliation is possible only if Palmer is successful in demonstrating that there is a morally relevant difference between a suffering stranger human and an equally suffering wild animal.

Drawing on Francis and Norman's "human community" relational approach Palmer claims that the membership of an allegedly morally relevant global community creates the duties of assistance toward the members of such community and this way she intends to show that while we have obligations to assist all humans, we are still not required to assist wild animals, for all humans are part of this community, while fully wild animals are not. She writes:

The relations Francis and Norman identify include mutually recognized communication, the ability of humans to justify themselves to others, reciprocity in economic relations, mutual cooperation, the joint organization of political and other institutions, membership of political communities, the sense of a political “world order”, and membership in families. This network of rich interhuman relations, they argue, generates special moral responsibilities to community members that do not apply to those outside the community... Accepting a view like this provides a reason why the unknown nearby drowning child should be rescued: we should assist members of the richly related human community, at least when we can easily do so and the threat is a strong one.¹¹⁶

It is noteworthy that arguments like this are often invoked in the discussions concerning speciesism.¹¹⁷ Such arguments typically appeal to relations in which all (and only) humans allegedly engage and attempt to justify favoring human interests over the equal interests of animals. All speciesists, including Francis and Norman, characteristically fail to demonstrate, among other things, the moral relevance of such relations or communities to the question at hand and for that reason their arguments suffer from the same flaw – they are all arbitrary. Moreover, the moral significance of the relationships Francis and Norman refer to is overly exaggerated. While familial relationship is probably the most intimate and intense kind of relationship, the relationships involved in political and economic cooperation are in no way so powerful and meaningful so as to constitute morally relevant relationships, let alone justify speciesism or create special obligations. If palmer endorses the view Norman and Francis put forward, she needs to explain the moral significance of such “human community” and in what way it could generate duties toward its members. Palmer admits the shortcomings of this view; however, she does not bother defending it because she believes that her relational approach itself “does not stand or fall by these arguments”.¹¹⁸

Palmer certainly underestimates the force of the drowning child objection. The widespread intuition behind this objection is so powerful that the inability to

¹¹⁶ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, pp. 121-122.

¹¹⁷ For a full discussion and criticism of defenses of speciesism by appealing to the relational features, see Pluhar, Evelyn (1995). *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Duke University Press, pp. 162-166.

¹¹⁸ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 122.

accommodate it would be detrimental to any theory. Palmer's relational account of assistance is no exception. The fact that Palmer cannot convincingly reconcile her approach with that intuition renders her whole account inadequate. Everyone who has such an intuition will find Palmer's relational theory defective and at best incomplete.

4.2.1 TWO KINDS OF POSITIVE DUTIES AND THEIR ORIGINS

The previous section showed that we do have positive duties toward wild animals. For the purposes of this thesis, it would be useful to further categorize these duties. To do that, we will take a closer look at different kinds of positive duties and the ways we come to be bound by them.

It is common to distinguish between two kinds of positive duties: *general* and *special*. In the relevant literature general duties are also called *natural* or *unacquired* duties, while special duties are often referred to as *acquired* duties. This classification of positive duties corresponds to the ways they are generated. Special or acquired duties require special circumstances to be created, while general duties require no such special conditions. Because of this, special duties are owed to definite individuals – individuals to whom we stand in some kind of special relationship, while general duties are owed to all individuals to whom duties can in general arise. In other words, special duties are moral requirements that we acquire through our voluntary actions as well as some other special circumstances; general duties, in contrast, exist without voluntarily assuming or taking on them. In what follows I will discuss the common grounds of both kinds of positive duties.

It is argued that the fundamental justification or explanation of why we have unacquired, general duties is the intrinsic nature of the very individuals to whom these duties are owed;¹¹⁹ that is, the fact that certain individuals are morally considerable beings explains why we have general duties toward them

¹¹⁹ See Jeske, Diane (2014, Spring). "Special Obligations", *The Stanford Encyclopedia of Philosophy*, retrieved on August 5, 2019 from <https://plato.stanford.edu/archives/spr2014/entries/special-obligations/>.

even though we never consented to have such duties. The paradigmatic example of such duties would be our duty to rescue a drowning child or the duty to inform a person sitting next us at the bar whose drink has just been poisoned unbeknownst to him. In these examples, apart from the fact that these individuals are morally considerable beings, of course there are other important considerations that play a role in explaining why we have such duties toward them. One consideration is that these individuals' lives are at risk and preventing their imminent death would be a morally good thing. Another consideration is that allowing their deaths to occur would be a morally bad thing. However, these considerations, as important as they are, are nevertheless secondary, for they are contingent upon the consideration that the individuals in question matter morally, which is the primary factor in explaining and justifying our duties toward them. This discussion highlights an important aspect regarding the ground of general positive duties, which is that the fact that certain individuals are morally considerable and we are in a position to prevent something bad from befalling them is sufficient to ground the duties of assistance toward them, despite the absence of voluntary actions of moral agents.

The most common and uncontroversial way to become bound by special positive duties is to acquire them through voluntary actions. Voluntarily acquired duties are often *promissory* and *contractual* duties. If you make a promise or contract that you provide someone with something you acquire a duty to do so. In such cases you voluntarily declare and agree that performing certain actions constitutes your duty. These ways of acquiring duties are uncontroversial because you genuinely and willfully impose these duties on yourself.

There is another class of voluntary actions that grounds special duties. This class of voluntary actions involves actions that are performed voluntarily but do not *explicitly* indicate taking on positive obligations. Despite that, such actions are nevertheless considered as the grounds of special duties. A typical example would be an action of bringing a child into existence. Even though most parents do not normally declare that they are willing to accept parental obligations toward their children, their action – bringing a child into existence –

implies or presupposes the acceptance of such duties. In such cases, it is said that, parents voluntarily assume special parental obligations toward their children. The rationale behind such reasoning is that every normal parent knows that all children, from infancy to adulthood, are vulnerable and dependent who need constant care and supervision to fare well and voluntarily bringing such beings into existence would imply accepting the duties to care for them.

Our past actions, specifically, harmful actions are often considered as those special circumstances that generate special positive duties. If our actions make someone worse off, we acquire special duties of assistance toward harmed individual. Specifically, we are required to compensate for the loss our victim suffered or assist and restore his well-being to the point where it was prior to the performance of our harmful actions. Taking compensatory measures that aim at doing the “moral repair” and remedying the wrongful harm suffered by the victim are referred to as *reparations*.¹²⁰ The claims concerning reparations are often made in the large-scale context that involves large-scale wrongs and injustices. That is why some philosophers prefer to distinguish reparations from compensations which apply to the individual cases of harms. Be it reparations or compensations, one thing is clear – inflicted harms and injustices generate special positive duties and this seems very commonsensical.

Special relationships that exist among individuals are often thought to be another source of special obligations. Common-sense morality readily accepts the relationships among family members, friends, neighbors, compatriots, etc. as a ground of special duties, however, this is controversial. There is a voluntarist worry that special obligations deriving from the relationships like these are imposed on the agents without their voluntary acceptance or assumption and this seems unfair. Another worry is that some of these relationships are accidental – that is, that we do not get to choose them, and some are so superficial and insignificant that it is questionable whether they provide good reasons for justifying the imposition of respective special duties.

¹²⁰ See Valls, Andrew (2013). “Reparations”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 4538-4547.

How does this discussion relate to wild animals? Given the plurality of the grounds of positive duties, it seems reasonable to suppose that there might be cases in which we may have different kinds of positive duties toward different individual wild animals. What seems to be the case is that while we have *general* duties of assistance toward all suffering wild animals, we may also have *special* duties of care for certain individual wild animals and that these special duties may have *different origins* in relation to different wild animals. In light of this possibility, then, it would be reasonable to ask whether the mere division of positive duties into general and special and the mere origins of special duties can have any moral significance. The answers to these questions could guide us in deciding what we ought to do in terms of assisting different wild animals, especially in cases of limited resources and conflict situations. Answering these questions will also prove especially helpful in dealing with our often-conflicting duties to assist wild and domesticated animals. But since I explore these questions in section 4.4, I will postpone the discussion until that section.

4.3 DOMESTICATED ANIMALS AND DUTIES OF ASSISTANCE

The second principle of the laissez-faire intuition is the affirmation that we have positive duties toward domesticated animals. If this principle is plausible, then there must be a morally relevant property or characteristic that distinguishes domesticated animals from their wild counterparts. As we have seen, Palmer accounts for such a morally relevant difference between wild and domesticated animals by appealing to the relational properties. In particular, she maintains that while we have morally relevant relations with domesticated animals, there are no such relations with fully wild animals.

The morally relevant relations Palmer has in mind are human-caused dependence and vulnerability that links humans and domesticated animals to each other. But how are these relations created? Within animal ethics domestication has been widely regarded as a practice that creates such relations and therefore generates the obligations of care for domesticated animals. To see why domestication has such an effect we need to look closely at what happens to

animals and what changes they undergo when they are domesticated. Here I will follow Palmer in adopting the definition of domestication that refers to “animals intentionally controlled by humans with respect to breeding, in particular by selective breeding.”¹²¹

Generally speaking, the practice of domestication is characterized by the change of the animals’ natural genetic traits into the traits that are profitable and desirable for humans. Such a change, in its turn, significantly diminishes the animals’ skills necessary to survive on their own. Because of that domesticated animals require regular human assistance to fare well. To uncover the essence of domestication, Sue Donaldson and Will Kymlicka, in their book *Zoopolis: A Political Theory of Animal Rights*, identify the main characteristic features of domestication. These are:

- a. The *purpose* of domestication – that is, the breeding and use of animal bodies to 'meet specific requirements or whims' of humans.
- b. The *process* of domestication – that is, the 'human labour' of selective breeding and genetic manipulation to adapt the animal's nature for specific ends.
- c. The *treatment* of domesticated animals – that is, the 'continuous care and solicitude people maintain for them'.
- d. The *state of dependency* of domesticated animals on humans for ongoing care – that is, the fact that animals are 'adapted' to the conditions of continuous care.¹²²

Given the effects domestication has on domesticated animals, it is clear why bringing such animals into existence generates the requirements of care for them. Domestication renders animals unable to be self-sufficient and creating such animals would count as undertaking special positive duties toward them. It is important to note that even though domestication makes animals vulnerable and dependent, it cannot be considered as harm or even intrinsically morally problematic. This is because in order for domestication to count as harm it should make an individual animal worse off and domestication does not meet this requirement. An individual domesticated animal with a particular identity exists because of domestication and if that animal had not been domesticated, he

¹²¹ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 66.

¹²² Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, pp. 74-75.

would not have existed at all. Therefore, through domestication an animal cannot be made worse off than he would otherwise have been, for without domestication he would not have existed at all. Another important point that merits mention is that the origin of an animal's vulnerability and dependence – whether it is human-caused or natural – has no moral relevance. This is because if domesticated animals' condition was a natural phenomenon, creating such animals would still generate special positive duties toward them. To illustrate the point, consider the human analogy: parents who bring their child into existence are not responsible for the child's vulnerability and dependence but this does not prevent them from being morally required to care for the child. Thus, with respect to generating special positive duties toward domesticated animals what seems to be of moral relevance is the mere fact of bringing such animals into existence. Palmer summarizes her relational argument for our duties to care for domesticated animals in the following way:

when humans deliberately create morally considerable, sentient animals who have no other ways of fulfilling their needs and are constitutively profoundly dependant on and permanently vulnerable to humans, then humans create special obligations toward those animals. Likewise, where humans close down animals' options by external constraints on their movements and environments, preventing them from fulfilling some or all of their needs in other ways – then by making animals' potential vulnerability actual, humans create special obligations to assist them.¹²³

This argument is as sound and cogent as it can be. The claim that the creation of vulnerable and dependent animals generates positive duties toward them cannot be denied. To see why this claim is uncontroversial consider again the human analogy: bringing a vulnerable and dependent child into existence creates the duties of care for that child and these duties are plausibly thought to be voluntarily assumed by the parents. Thus, as bringing a child into existence generates special positive duties, so does the creation of vulnerable and dependent animals. Setting aside these uncontroversial matters, the things become more complicated when the questions concerning *who* is required to provide assistance to these animals are raised. What Palmer's relational

¹²³ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 93.

argument establishes in that respect is that whoever is *causally responsible* for creating domesticated animals and/or putting them in a situation of dependence bears moral responsibility for providing care for them. Palmer maintains that people like farmers, breeders, research laboratory technicians and consumers of animal products are causally responsible for the existence of most domesticated animals and thus are required to assist them. Farmers, breeders and laboratory technicians are *directly* responsible for causing vulnerable and dependent domesticated animals to exist because they themselves create such animals. For some of them, the motivating factor is a pure profit, while others seek to advance existing scientific knowledge with the use of animals. With regard to the consumers of animal products, it can be said that they are *indirectly* causally responsible for the existence of many domesticated animals because they themselves do not create domesticated animals but instead encourage, support and provide incentives for people who create such animals. In economic terms, consumers create demand for animal products and this way they play their causal role in the existence of domesticated animals.

No doubt the people I mentioned above have special positive duties toward domesticated animals and Palmer's argument successfully establishes that. However, the argument seems to be limited in its application. What about the people who neither consume animal products nor create domesticated animals? To impose the duties to assist domesticated animals on such people an additional argument is needed. Donaldson and Kymlicka put forward an argument that applies to humankind as a whole and attempts to ground its special positive duties toward domesticated animals. They argue that

human societies, collectively speaking, have acquired special duties to domesticated animals, stemming from centuries of captivity and breeding. Our actions, over generations, have foreclosed for many domesticated animals the possibility of a life in the wild. We can't evade this responsibility by choosing as individuals not to adopt an animal companion, or not to keep chickens in our yard. It is a collective responsibility stemming from the cumulative impact of our treatment of domesticated animals.¹²⁴

¹²⁴ Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, p. 94.

Donaldson and Kymlicka are certainly right in that the captivity and breeding of dependent animals generates special duties of care for them. However, their argument becomes problematic with the introduction of the concept of collective responsibility. First of all, the idea of collective responsibility is highly controversial – that is, whether collective responsibility makes sense is often questionable. Second, even if the possibility of collective responsibility is granted, its defenders acknowledge that in order for collective responsibility to make sense, certain requirements should be met. These requirements are the presence of *collective actions* and *collective intentions*.¹²⁵ Now, if by collective actions Donaldson and Kymlicka understand the captivity and breeding of domesticated animals, then this would impose special positive duties on individuals who took part in breeding domesticated animals and/or holding them in captivity. However, the argument would fail to provide grounds for holding human societies as a whole collectively responsible, for it would still not include individuals who neither consume animal products nor participate in creating and/or confining domesticated animals. Such individuals are not involved in collective actions nor are they causally responsible for the existence of domesticated animals and that renders their inclusion in collective responsibility unreasonable. Thus, we can conclude that this argument does not succeed in establishing more than what Palmer's relational argument does.

Conceding that collective responsibility is a controversial matter, Palmer nevertheless attempts to construct an argument in support of the view that humans, or some groups of humans, can still be held responsible for assisting domesticated animals despite the lack of their involvement in collective actions and intentions that generally give rise to collective responsibility.

Drawing on an argument put forward by Virginia Held, Palmer maintains that most humans share attitudes that together create an attitudinal climate that is hostile to domesticated animals. Such an attitudinal climate encourages or tolerates harmful treatments of domesticated animals and all humans whose

¹²⁵ See Smiley, Marion (2017, Summer). "Collective Responsibility", *The Stanford Encyclopedia of Philosophy*, retrieved on September 11, 2019 from <https://plato.stanford.edu/entries/collective-responsibility/#MakiSensCollRespActiInteGrouSoli>.

beliefs and attitudes contribute to creating such a climate share in moral responsibility, although in varying degrees, for what this attitudinal climate encourages or tolerates. Notice that for this argument to work most humans need not take harmful actions, nor have any bad intentions toward domesticated animals. Even in the absence of such actions and intentions, Palmer argues, most humans, merely in virtue of having certain beliefs and attitudes that are unfriendly to domesticated animals, play their causal role in establishing such an environment that allows or even encourages the mistreatment of domesticated animals. Palmer's argument goes like this:

humans, or some groups of humans, share attitudes toward animals that create an "attitudinal climate" of risk to animals in which harming animals is likely to occur. A number of different beliefs and attitudes could contribute toward creating this attitudinal climate: beliefs that animals do not or cannot feel pain, attitudes of indifference to animal pain, attitudes of deliberate ignorance about animal pain, attitudes that depend on human superiority and animal instrumentality, strong anthropocentrism, attitudes of enjoyment of animal pain, and so on. These different attitudes patch together a shared attitudinal climate in which, while only some are actually directly responsible for harms to individual animals, many others contribute to creating the world in a way that such harms are sometimes institutionalized (as in the meat industry), encouraged, or at least tolerated.¹²⁶

Although the argument contains some grains of truth, it lacks overall plausibility. The fact that this argument attempts to impose collective responsibility on group of humans in the absence of relevant harmful actions and/or intentions is already troubling. A possible response to this worry might be that although some members of this group do not perform harmful actions, they are nevertheless causally linked to the harmful outcome through their belief systems and attitudes that encourage the occurrence of such harms. Even if we grant that the mere possession of certain beliefs and attitudes constitutes a partial cause of a harmful outcome, such a cause would be so weak that it would render the imposition of moral responsibility unreasonable. My concern here is that many people have particular beliefs and attitudes in a passive mode – that

¹²⁶ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, pp. 113-114.

is, they simply possess some beliefs and attitudes that independently of their holders happen to be creating an attitudinal climate in which harm is likely to occur and holding these people responsible for such harms seems unfair. To rectify this shortcoming, we could introduce an additional requirement for group responsibility: non-actor members of a particular group share moral responsibility for the harms caused by other members of the same group *if* they are aware of the harmful potential of their beliefs and attitudes and actively cultivate them. Thus, it seems more plausible to impose moral responsibilities on people who are more articulate regarding their beliefs and attitudes that they know are harmful, who actively express their views publicly and try to influence others. Such people would be more closely and directly causally related to the harms the occurrence of which was encouraged by their shared attitudes. Lastly, even if we accept the overall plausibility of this argument, the argument would still fail to provide grounds for imposing special positive duties to care for domesticated animals on humans as a whole. Many people such as animal rights activists neither have beliefs and attitudes that are unfriendly to domesticated animals nor do they encourage and/or tolerate any kind of mistreatment of these animals. Yet Palmer seems to be committed to the idea that “everyone has special obligations to assist domesticated animals that they do not have toward constitutively and locationally wild animals.”¹²⁷ In an attempt to widen the circle of humans responsible for assisting domesticated animals Palmer presents the *beneficiary argument* to which I will turn in the following subsection.

4.3.1 THE BENEFICIARY ARGUMENT

In this subsection I will critically assess Palmer’s beneficiary argument which intends to establish that virtually all humans have special positive duties toward domesticated animals. In developing a critical evaluation of this argument, I will adopt Palmer’s example which she presented to illustrate her position.

¹²⁷ Palmer, Clare (2011). “The Moral Relevance of the Distinction Between Domesticated and Wild Animals”, In: Beauchamp, Tom and Frey, Raymond (2011). *The Oxford Handbook of Animal Ethics*, Oxford University Press, p. 719.

Suppose that Peter – your ordinary young man – while strolling around encounters newborn kittens in the dumpster discarded by a breeder due to their genetic imperfections. If Peter walks away the kittens will surely die. What is Peter supposed to do in this situation? Does he have an obligation to assist the kittens? Palmer maintains that Peter, even though he did not *himself* breed nor causally contributed to kittens' existence and/or abandonment in any way, can still be said to be morally required to assist the kittens. She grounds this claim on the *beneficiary account* of reparation, according to which the voluntary acceptance of benefits creates the requirements for beneficiaries to compensate the victims for the harms from which they benefit. Palmer explains why this is the case: "Here the thought is that beneficiaries are enjoying an unjust gain; without good reason, their interests have been advanced at the expense of others' being set back, even if the beneficiaries are not directly responsible for having set those interests back."¹²⁸ Thus, Palmer's beneficiary argument employs the thought that the mere acceptance of benefits is sufficient for imposing special positive duties on beneficiaries, even if they are not causally connected to the harm from which they benefit. On this argument, then, if Peter is benefiting or has ever benefited from the institution of pet ownership or domestication in general, he has a duty to assist the kittens. In what follows I will argue that the beneficiary argument fails to establish a sufficient ground for requiring beneficiaries to assist the victims of injustice from which they benefit. Let us begin by considering the following scenarios:

Circus: Suppose you live in a suburban area that regularly hosts an open-air circus involving various wild animals. Due to a convenient location of your apartment building, you have an opportunity to watch the performance right from your apartment window without buying an entrance ticket. Every time you "attend" the show you find it entertaining, especially the part involving wild animals. Yet, as it is common, to perform in circus these animals are subjected to extreme cruelty and abuse regularly.

Slaughterhouse: Suppose you live in a suburban area nearby a slaughterhouse. Next to this slaughterhouse there is a dumpster where the

¹²⁸ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 98.

remains of slaughtered animals are discarded. Because you are an avid craftsperson, you realize that the discarded remains such as bones, horns and hair could be put to good use and start incorporating these materials into your work that will be sold afterward.

Dumpster diving: Suppose that being influenced by an anti-consumerist and anti-capitalist ideology you lead a dumpster diving lifestyle. Practically speaking, you are also vegan as you refuse to support any kind of animal exploitation, especially using animals for food. Technically speaking, however, you are not vegan as you dive into various dumpsters to collect food and other items, including animal products that are still edible and regularly use them.

Recall that the fundamental premise of the beneficiary argument is that “[i]f we accept benefits from an institution that creates dependent, vulnerable individuals, then we should also accept the responsibility to care for those individuals.”¹²⁹ The main problem with this premise is that unless it is strongly defended, it is not at all evident why the mere acceptance of benefits commits one to taking responsibilities. Pointing at the fact that the accepted gains are unjust does not help to make the claim any more acceptable. Thus, this claim, unless adequately explained, will remain strange and arbitrary. To avoid the charge of arbitrariness, one will need to explain how accepting (unjust) benefits is related to the requirement of accepting responsibilities. The only explanation that seems plausible to me is that by accepting (unjust) benefits we support and further encourage a system that commits injustices and by supporting this system we become the part of it and in that sense acquire or share in its responsibilities. However, there is a problem with this explanation. The scenarios I considered above clearly indicate that one can accept the benefits from an institution without supporting it and becoming the part of it. In these scenarios it is clear that you benefit from the practices that harm domesticated as well as wild animals, however, your accepting the benefits is causally separated from the infliction of harms to these animals – that is, you accept the

¹²⁹ Palmer, Clare (2011). “The Moral Relevance of the Distinction Between Domesticated and Wild Animals”, In: Beauchamp, Tom and Frey, Raymond (2011). *The Oxford Handbook of Animal Ethics*, Oxford University Press, p. 721.

benefits produced through harming animals in such a way that you neither support nor encourage an unjust and harmful treatment of these animals. In the absence of a causal connection between accepting benefits and harming animals the central premise fails to show that the mere acceptance of benefits is sufficient for creating special positive duties to assist these animals. In that respect, Palmer's insistence that non-culpable beneficiaries are required to compensate for the harms from which they benefit seems rather arbitrary and unreasonable, and the scenarios considered above, I believe, further demonstrated this.

To substantiate and make sense of the claim that the acceptance of an unjust gain commits one to undertaking duties toward the victims of injustice Palmer would, I suggest, need to show that accepting and/or keeping such benefits without accepting responsibilities to care for these victims would be unjustified. Palmer's argument, as it stands, fails to show that in the scenarios I considered above you are doing something wrong or unjust by accepting benefits and refusing to undertake the duties to assist animals from whom you benefit.

To overcome these challenges to the beneficiary argument one could introduce a different premise that would attempt to explain how beneficiaries could be obligated to assist individuals from whom they benefit, but that would give us an entirely different argument. Such an argument, I suggest, can be developed by drawing on the idea that the mere acceptance of benefit is morally significant. However, in contrast to the beneficiary argument, it will not be necessary that this benefit be harm-based. Recall that from the perspective of the beneficiary argument only the benefit that is produced through harm or injustice (or vulnerability) is morally significant. If the acceptance of non-harm-based benefit was significant – that is, sufficient for creating the requirements to assist, then this argument would apply to wild animals from whom we benefit but are not otherwise harmed. Palmer does not apply this argument to wild animals. Thus, she thinks that for her argument the only relevant benefit is harm-based. In the following subsection I will develop an argument that will maintain that benefiting from animals is morally significant, whether this benefit is harm-based or not, and for that reason it will apply to all animals –

wild or domesticated – from whom we benefit. This argument will establish the ground for requiring beneficiaries to assist animals from whom we benefit.

4.3.2 THE CONTRIBUTION ARGUMENT¹³⁰

In this subsection I develop a new argument that demonstrates how beneficiaries can be required to assist individuals from whom they benefit. This argument, which I will call the *contribution argument*, is applicable to both domesticated and wild animals, but since the main question of this thesis, and this chapter specifically, is whether we have duties toward wild animals, my discussion will be restricted to wild animals.

This argument may seem redundant to people who are at this point convinced that we are required to assist wild animals. However, we should not forget the committed proponents of the LFI who may not be moved by the argument presented in chapter 3 and my criticism of their view in this chapter. In that respect, the main advantage of the contribution argument is that it is compatible with the account of positive duties that underlies the LFI and in that sense, it has a higher potential to convince the proponents of this view. What is more, although this argument does not establish that we are required to assist *all* wild animals, convincing the proponents of the LFI by this argument would still be a victory, for this would significantly widen the circle of wild animals who should be assisted.

Before presenting the contribution argument, it will be helpful to consider some real-life situations to which this argument is intended to apply. Consider, for example, the following scenarios:

Majestic Elephants: Suppose you are a freelance wildlife photographer – you take photos of wild animals, edit these photos and sell them. For the last few weeks, you have been regularly following a herd of elephants and photographing it. Because you are a skillful photographer and the elephants you picture are majestic, the photos turn out to be selling well and you are making a good profit. One day, as you approach the herd of elephants,

¹³⁰ This section, in a slightly modified form, has been published in a peer-reviewed journal. See Jalagania, Beka (2021). “Wild Animals and Duties of Assistance”, In: *The Journal of Agricultural and Environmental Ethics* 34 (2), <https://doi.org/10.1007/s10806-021-09854-3>.

you notice that one of the elephants has an infected wound that causes a significant amount of pain and if not treated an infection will spread and kill the elephant. You are deliberating whether you are required to assist the elephant.

Twittering Birds: Suppose that the stress and anxiety are constituent parts of your life. To lighten the burdens of your life, you regularly seek a calming and quiet environment. In that respect, a small garden next to your house is just the right place for you. A relaxing atmosphere in this garden is significantly enhanced by the twittering birds. Every time you visit the garden, their cheerful twittering fills your mind with positive energy. As approaching winter is going to be unusually cold and hard, you realize that these birds will have a hard time feeding themselves and surviving on their own. You are deliberating whether you are required to provide care for these birds.

In these scenarios, can the fact that you benefited from these animals generate your duty to assist them? In the remainder of this subsection I argue that it can. But before I do so, let us first define and clarify the key terms that form part of the contribution argument.

We can start with the term “benefit”. I will take this term to mean intrinsic and instrumental goods possession of which makes beneficiaries better off. A benefit can be material (e.g., money) or immaterial (e.g., pleasure). Next, the argument concerns a benefit that is produced with a contribution of wild animals. For example, in *Majestic Elephants*, you received a material benefit that is produced with the contribution of a herd of elephants. In *Twittering Birds*, you received an immaterial benefit that is partly produced by the twittering birds. Moreover, benefiting from wild animals may or may not involve harming these animals. That benefiting by harming animals creates the duties of assistance toward the victims is uncontroversial. What is unclear, however, is whether benefiting from animals without harming them creates beneficiaries’ duties to assist these animals. Given this, the argument will concern only a benefit that is produced without harming wild animals.

After clarifying some conceptual issues concerning the contribution argument, we can now turn to the argument itself. The contribution argument employs the thought that the mere receipt of benefits from wild animals is morally significant and is sufficient to ground the beneficiaries’ duty to assist these animals. In a nutshell, the argument goes like this: Throughout our lives

we receive various benefits some of which are produced with a contribution of other individuals. A paradigmatic example would be the benefits produced with the help of our family members, friends, teachers and even strangers through their material and moral support, meaningful relationships, valuable advice, inspiration and so on. Because these individuals contributed to the production of the benefits we receive, the contributors acquire their fair share of these benefits. For that reason, such benefits ought to be shared with the contributors in proportion to their contributory role in producing these benefits.¹³¹ Thus, keeping such benefits all for ourselves would be unfair. Among individuals that may contribute to the production of the benefits we receive are wild animals. For example, we derive great pleasure from observing and interacting with them; photographing these animals and/or documenting their lives are also common ways of making a profit. So, these are some of the ways in which some wild animals contribute to the production of the benefits we receive and thus acquire their share in these benefits. Therefore, these animals ought to be granted their fair share of these benefits. But how are we to share the benefits with animals? One obvious requirement in that respect is that the benefits ought to be shared with animals in such a way that these animals are actually benefited. The most reasonable way to benefit animals, I suggest, is to provide care for them. Therefore, we ought to care for the animals who contribute to the production of the benefits we receive. More formally this argument can be stated as follows:

P1: We ought to share the benefits we receive with whoever contributed to their production;

P2: Some wild animals contribute to the production of some benefits we receive;

¹³¹ Perhaps it is worth mentioning here that the idea that receiving benefits from others (humans) generates the beneficiaries' obligation to make a reciprocal, beneficent response toward their benefactors is central to the discussions concerning the duty of reciprocity. The defenses of the duty of reciprocity vary, however, it is, I think, the argument I am developing here that best explains the requirement for a reciprocal response (see, subsection "Contribution and Benefit-Sharing"). But, since the duty of reciprocity is not relevant to my argument, I will not discuss it any further.

C1: We ought to share the benefits we receive with wild animals who contributed to the production of these benefits;

P3: The best way to share the benefits with wild animals is to provide care for them;

C2: We ought to provide care for wild animals who contributed to the production of the benefits we receive.

In the remainder of this subsection I will elaborate on each premise and defend them against some possible objections.

▪ *Contribution and Benefit-Sharing*

The first premise – a substantive moral principle – is a fundamental premise on which the whole argument rests. The basic idea of this premise is that the benefit that is produced with a contribution of an entity (or entities) other than the beneficiary is a joint, common or collective benefit and belongs to the contributing individuals in proportion to their contribution (even if it happens that, sometimes, the nature of this benefit is such that it can be received only by the beneficiary [e.g., the experience of pleasure]). Such a benefit, I suggest, should be viewed as some kind of shared property in which every contributor's role and thus share is adequately acknowledged. The justification for the requirement to share that benefit comes from the fact that the contributors, through their contribution to the production of this benefit, acquire their fair share of this benefit and in that sense some part of this benefit constitutes their property. For that reason, the beneficiary owes the contributors their fair share of this benefit.

The idea that producing the benefit with the contribution of others requires that this benefit be shared with the contributors can be better illustrated by drawing on the phenomenon known as *biopiracy*.¹³² Biopiracy is a practice of (unauthorized) profiting from natural resources and/or traditional knowledge that had been discovered and preserved by others (e.g., indigenous people, local communities, etc.), without acknowledging and compensating

¹³² I thank Clare Palmer for drawing my attention to the biopiracy phenomenon.

other's contribution that made profiting possible.¹³³ One of the main charges often made against biopiracy is that it is an unfair practice as it takes advantage of others' contribution, namely that it deliberately fails to ensure that the produced benefit is (adequately) shared with the contributors. The basic idea behind this criticism is that the contribution that the individuals make to the production of the benefit entitles them to a fair share of the produced benefit and biopiracy fails to compensate their share.¹³⁴

My defense of the first premise draws on the idea of property rights¹³⁵ of individuals. Since the contribution argument concerns (wild) animals, its success, then, turns on the question of whether animals can be the subjects of property rights – that is, whether certain things can belong to or be the property of animals. The denial of property rights of animals, for one reason or another, can turn into a valid objection to this argument. However, apart from the shamefully inadequate and notoriously speciesist existing legal system that is employed throughout the world, I cannot think of any context in which the idea of property rights of animals would seem inconceivable. In fact, there have been some respectable views put forward arguing that animals do indeed have property rights. For example, one view employs the *interest-based* account of property rights and maintains that some wild animals have sufficiently strong interests that warrant these animals property rights to their natural habitat. The argumentation is as follows: Some wild animals have sufficiently strong interests in remaining alive and having well-being that should be protected from human violations. Since allowing these animals to access and use their natural habitat is essential to the satisfaction of their vital interests, it should be ensured that wild animal habitat is not destroyed or animals are not prevented from using it by humans. Granting animals property rights to their habitat best

¹³³ See Robinson, Daniel (2010). *Confronting Biopiracy: Challenges, Cases and International Debates*, London: Earthscan, p. 21; Satheeshkumar, P.K. and Narayanan, Anoop (2017). "Biopiracy", In: Abdulhameed Sabu et al. (eds.). *Bioresources and Bioprocess in Biotechnology*, Springer: Singapore, p. 185.

¹³⁴ See Magnus, David and Allyse, Megan (2013). "Biopiracy", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 551-554.

¹³⁵ Here, I will understand "property right" as a right to the exclusive use of a given object or a resource.

ensures this. Then it follows that some wild animals should be granted property rights to their natural habitat.¹³⁶ Another view employs the Lockean *labor-mixing* account of property rights and states that some animals come to the possession of unowned objects by mixing their labor with those objects. The argument may run as follows: Some animals engage in activities in which they mix their labor with previously unowned objects. Because the objects used in this process have no owner and these animals add their labor to it, the resulting object or creation becomes their property. For example, many wild animals use unowned natural resources to build their dens or shelters, gather food from unowned sources and store them for later. On this account, then, these animals acquire property rights to whatever they create through their labor.¹³⁷

This discussion should not be taken to suggest that I endorse any of the above-mentioned accounts of property acquisition. This is merely to demonstrate that there is nothing inherently absurd or inconceivable about the property rights of animals. As noted earlier, as far as a joint, shared property is concerned, it is the contribution to the production or creation of that property – in this case the benefits we receive – that grants property rights to contributors. Whether wild animals contribute to the production of the benefits we receive and whether it is a kind of contribution that grounds their property rights to the benefit thus produced will be discussed next.

▪ *Wild Animal Contribution*

The second premise concerns two important claims: an *empirical* claim that some wild animals do indeed contribute to the production of some benefits we receive and a *moral* claim that their contribution is a type of contribution that ought to be compensated. I will address these claims in turn.

An empirical claim that some wild animals contribute to the production of some benefits we receive can hardly be disputed. A paradigmatic example of a

¹³⁶ See Hadley, John (2015). *Animal Property Rights: A Theory of Habitat Rights for Animals*, Lexington Books; Cooke, Steve (2017). “Animal Kingdoms: On Habitat Rights for Nonhuman Animals”, In: *Environmental Values* 26 (1), pp. 53-72.

¹³⁷ See Milburn, Josh (2017). “Nonhuman Animals as Property Holders: An Exploration of the Lockean Labour-Mixing Account”, In: *Environmental Values* 26 (5), pp. 629-648.

practice in which some of us benefit from wild animals is wildlife tourism. Many people are eager to travel to exotic places to see some species of wild animals in their natural habitat. Observing wild animals in person gives the visitors a great excitement and unique experience. However, being unable to travel to exotic places need not prevent one from enjoying wild animals. Viewing photographs and documentary films depicting the lives of wild animals is another source of excitement and satisfaction of our curiosity. Moreover, for many people documenting the lives of wild animals is an effective means to gaining some material benefits – commercial wildlife photography and filmmaking are often considered as one of the fairly profitable businesses. For example, subscription television channels such as National Geographic Wild, Animal Planet and BBC Earth are one of the most successful TV channels whose content is dominated by or entirely devoted to the programs about wildlife. The receipt of the benefits that are produced with the contribution of some wild animals need not be limited to private individuals and corporations. In some countries the beneficiaries can be the whole population too. For instance, wildlife tourism, as one of the forms of tourism, is a major driver of an economic growth in certain countries and in that sense can positively affect the well-being of local people. From this discussion, I believe, it is more than clear that wild animals play a crucial role in the production of some benefits we receive and with that the second premise is partly defended.

A moral claim that wild animal contribution is a type of contribution that ought to be compensated by beneficiaries is more controversial. While it is undeniable that some wild animals contribute to the production of some benefits we receive, it is nevertheless debatable whether such contribution counts as morally relevant – that is, whether their contribution ought to be or deserves to be compensated or rewarded. It could be argued that in order for a contribution to count as morally relevant, and thus be worthy of being rewarded or compensated, it should meet certain requirements. The requirements that determine what beneficiaries owe to their benefactors (or contributors) are often

found in the discussions concerning the duty of gratitude¹³⁸ and reciprocity¹³⁹. In these discussions it is widely agreed that a recipient of gratitude or reciprocal response must *act* and that this action must be *intentional*. Similarly, then, if we are to require beneficiaries to share their benefits with wild animals, wild animal contribution must be an intentional action. Unless wild animals intentionally contribute to the production of some benefits we receive, beneficiaries are not required to share their benefits with wild animals.

While I agree that gratitude and reciprocal response need to be deserved, I disagree that the compensation of one's contribution needs to be similarly deserved. The nature of gratitude and reciprocal response is such that it presupposes an intentional action on a recipient's part. This is because without a recipient's intentional action gratitude and reciprocity would be inexplicable – that is, it would be difficult to see for what we are expressing our praise, gratitude or perform a reciprocal action if a recipient did not act or acted but did not intend what he did. However, the compensation of one's contribution works differently. A contributor need not *deserve* the compensation of his contribution because the requirement that beneficiaries share their benefit with the contributors hinges on the fact that the contributors have their fair share of the benefit and they are entitled to it as their property. It is important to note that the contributors acquire their fair share of the produced benefit with their causal involvement, whether intentional or not, in the production of this benefit and for that reason the requirement of desert in relation to the contributors is misplaced. On this view, then, as long as we can identify one's contribution in the production of a particular benefit, this would be sufficient for the claim that one has one's fair share of this benefit. Because one's fair share of the benefit is one's

¹³⁸ See McConnell, Terrance (2013). "Gratitude", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 2220-2229; Manela, Tony (2019, Fall). "Gratitude", *The Stanford Encyclopedia of Philosophy*, retrieved on September 27, 2019 from <https://plato.stanford.edu/archives/fall2019/entries/gratitude/>.

¹³⁹ See Mackenzie, Catriona (2013). "Reciprocity", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 4430-4438; Becker, Lawrence (1998). "Reciprocity", *Routledge Encyclopedia of Philosophy*, London and New York: Routledge; Becker, Lawrence (1980). "Reciprocity and Social Obligation", In: *Pacific Philosophical Quarterly* 61, pp. 411-421.

property, it ought to be compensated.¹⁴⁰ Against this, the objection can be further specified by claiming that in order for wild animals to *acquire* their fair share of the produced benefit, their contribution must be an intentional action. But is that really so? To counter this objection, consider the following scenario:

Rock Star: Suppose that a paparazzi takes a covert photo of a popular rock star casually standing on the street. The paparazzi then turns this photo into thousands of posters and puts them on sale. Due to a huge fanbase of the famous rock star, the poster sells well and the paparazzi gains a considerable amount of profit. He decides not to share it with the rock star.

In this scenario, it seems very plausible to say that the paparazzi acts wrongly by refusing to share the benefits with the rock star. This is because it is the rock star's much-admired persona and popularity that largely determined the success of the selling from which the photographer benefited, and this contribution seems to entitle the rock star to his fair share of the produced benefit, even if his contribution was not an intentional action.

A critic may concede that, in the scenario above, the photographer should share his benefits with the rock star. This is because, a critic may argue, the rock star put *indirect* efforts into his contribution to the production of the benefits the photographer received, by putting great efforts into gaining much admiration and popularity that made the production of these benefits possible. And it is these indirect efforts that best explains why his contribution should be compensated.

By the same reasoning, then, a critic may continue, in order for there to be a requirement to compensate wild animal contribution, these animals should put at least indirect efforts into their contribution to the production of the benefits

¹⁴⁰ This view can be challenged as follows: If one's contribution to the production of a particular benefit need not be an intentional action, then some inanimate entities, or even animate but non-sentient entities, could be said to be the contributors to some benefit as long as they are causally involved in its production and we may be required to share the benefits with such entities, which seems absurd. I think this objection can be easily dismissed. In the first chapter I defended the sentience view, according to which all and only sentient beings are morally considerable. On this view, then, non-sentient beings are excluded from moral domain and thus it can simply be noted that we cannot owe anything to the entities that are not morally considerable. Therefore, we are not required to share the benefits with them.

we receive. That wild animals do not normally put *direct* efforts into their contribution is apparent. For example, in Majestic Elephants and Twittering Birds, the animals seem to be simply minding their own business – elephants naturally roaming around and birds just twittering – and although they causally contribute to the production of the benefits you receive, they seem to be putting no efforts at all into this contribution. But do wild animals put *indirect* efforts into their contribution? They certainly do, and here is how: In order for us to benefit from wild animals, these animals should exist in the first place – that is, they should remain alive and be around. And it is fair to say that every wild animal makes painstaking efforts to maintain themselves: they search for food, survive harsh weather conditions, escape predators, and so on. So, behind every wild animal there are great efforts put into staying alive, making it possible for us to benefit from them. Given this, wild animal contribution is not really an effortless contribution after all.

The very same reasoning is behind the biopiracy phenomenon that I drew on earlier. In biopiracy, although indigenous or local people do not *intentionally* contribute to the production of the benefits that beneficiaries receive, they are still entitled to the compensation because they put *indirect* efforts into their contribution by, for example, discovering and preserving the traditional knowledge or natural resources that make profiting possible.¹⁴¹ Similarly, then, wild animals are entitled to the compensation because they put indirect efforts into contributing to the production of the benefits we receive, by making great efforts to remain alive and in good condition, which makes benefiting from these animals possible.

Above I have argued that because wild animals make great efforts to remain alive, which eventually makes benefiting from these animals possible, they are entitled to the compensation for their contribution to the benefits thus produced. Let us call these animals the *primary contributors*. But in trying to remain alive, these primary contributor animals themselves are not the only ones who make great efforts. Other animals such as the family and group

¹⁴¹ See Magnus, David and Allyse, Megan (2013). “Biopiracy”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 551–554.

members often make great efforts to provide care and protection for the primary contributor animals. This way, these other animals indirectly contribute to the production of the benefits we receive from the primary contributor animals. Let us call these animals the *secondary contributors*. Does my argumentation, then, imply that the secondary contributor animals too are entitled to the compensation because, after all, they too are the contributors? Yes, it does. Suppose that you benefited from a particular single elephant. It is very plausible to think that some members of his family and herd made great efforts to provide care and protection for him, ensuring his survival. And it seems that it would be unfair to deny these elephants the compensation for their contribution. Thus, the contribution argument would require us that we acknowledge the secondary contributors and their role in the production of the benefits we receive.

▪ *Assisting Wild Animals*

The third premise provides a transition from the requirement to share the benefits with wild animals to the requirement to provide care for them. It does so by suggesting that the purpose of the requirement to share the benefits with animals is best served by requiring beneficiaries to provide care for these animals. This suggestion can be defended as follows: It is rational and commonsensical to claim that if we are to share the benefits with animals, this should be done in such a way that these animals are actually benefited. Animals are benefited when their well-being is increased or they are prevented from having their well-being decreased. The animals' well-being is best increased or prevented from being decreased when these animals are properly cared for – that is, it is ensured that their basic needs are satisfied and safe living environment provided.¹⁴² If providing care for animals is the best way to benefit them, then the third premise can be said to achieve its goal: to convert the obligation to share the benefits with animals into the obligation to care for them.

¹⁴² I use “proper care” as an umbrella term comprising all the essential aspects of species-specific care necessary for an animal to have a well-being or to flourish. Of course, in determining the essential aspects of species-specific care, competent professionals should be consulted.

It is possible to accept that we have an obligation to share the benefits with wild animals but to deny that we have an obligation to care for them because most of us, it could be claimed, fulfill our obligations through the payments for the benefits we receive to which some animals contributed. For example, whether we observe wild animals in their natural habitat in person or view photographs and documentary films depicting their lives on TV or computer, we often pay the fees for that and, one could claim, this should count as sharing the benefits with these animals.

This objection does not hold. First, although big beneficiary corporations such as National Geographic Society and BBC actively direct their funds toward wildlife causes, their primary goal is species preservation and not the well-being of individual animals.¹⁴³ Since species as a whole can be preserved without necessarily ensuring the flourishing of all its individual members, it does not follow that these corporations assist individual animals. Also, many wild animals from whom these corporations often benefit are not the members of the endangered species requiring preservation and thus are not the recipients of these funds. Moreover, among wildlife photographers and filmmakers there is a widespread dogma stating that we should not intervene in natural processes and always let the nature take its course. This non-interventionist dogma is so widely accepted that when a BBC wildlife film crew decided to rescue a group of penguins trapped in a gully, it was seen as an “unprecedented move”.¹⁴⁴ Given this, it seems unlikely that suffering animals receive any help from these beneficiaries.¹⁴⁵ Second, even if some companies or agencies do care for the

¹⁴³ For example, BBC and National Geographic Society state wildlife conservation as one of their missions. They say nothing about helping suffering wild animals not belonging to the endangered species. See BBC (2014). BBC Wildlife Fund, retrieved on December 15, 2020 from <http://www.bbc.co.uk/wild/history/purpose.shtml> and National Geographic Society (2020). Our Impact, retrieved on December 15, 2020 from <https://www.nationalgeographic.org/projects/>.

¹⁴⁴ See Zhang, Michael (2018, November). “BBC Wildlife Film Crew Intervenes to Save Trapped Penguins”, retrieved on October 24, 2019 from <https://petapixel.com/2018/11/21/bbc-wildlife-film-crew-intervenes-to-save-trapped-penguins/>.

¹⁴⁵ The examples of wildlife photographers and filmmakers refraining from aiding wild animals and letting them suffer or die are many. One of the recent ones is the case of walrusess falling off the cliff to their death. The filming crew made no attempts to intervene and rescue them. See West, Amy (2019, April). “David Attenborough’s ‘Our Planet’ leaves fans traumatised with ‘heartbreaking’ walrus scene”, retrieved on October 21, 2019 from

animals, they do so only to maintain the profitability of animals, and since this can be achieved without an adequate and sufficient care, animals are almost never properly cared for and their contribution cannot be said to be proportionally compensated.¹⁴⁶

If we are required to provide care for wild animals from whom we benefit, how much care and for how long should we provide for these animals? The answer to this question very much depends on the amount of the contribution of these animals – that is, the extent and duration of the provided care should be proportional to their contribution to the production of the benefits we receive. For example, you may benefit from wild animals only occasionally. In this case, the provided care will be occasional. Alternatively, if you benefit from wild animals on a regular basis, then the assistance too should be provided on a regular basis.

A follow-up question would concern the animals we are supposed to care for. In some cases, such animals will be identifiable – that is, we will know which animal exactly we are required to provide care for. In other cases, it will be practically impossible to identify or later recognize such animals. In cases of uncertainty concerning the identity of the animals we are required to care for, our best bet would be to provide care for the animals that belong to the species whose members contributed to the production of the benefit we received and reside in the same territory, with the hope that among these animals will be the ones to whom providing care is owed. Moreover, in many places there are various specialized state or private organizations and agencies that are established for the purpose of monitoring wild animal populations and caring for them. In cases

<https://uk.news.yahoo.com/david-attenboroughs-planet-leaves-fans-traumatized-heartbreaking-walrus-scene-095709472.html>.

¹⁴⁶ A paradigmatic example is wildlife tourism. Many tourists travel long distances to see exotic animals in person and capture the encounter. To ensure that tourists have a close interaction with these animals, facility managers keep the animals in captivity, often, in poor and inadequate living conditions since doing so leads to more profit. See Moorhouse, Tom P. et al. (2015). “The Customer Isn’t Always Right—Conservation and Animal Welfare Implications of the Increasing Demand for Wildlife Tourism”, In: *PLoS ONE* 10 (10): e0138939. <https://doi.org/10.1371/journal.pone.0138939>. Of course, this practice involves, mostly, captive wild animals, not free-ranging ones, but if facility managers are so unconcerned about the well-being of captive animals, it would be naïve to suppose that they would be any more concerned about the well-being of free-ranging ones.

of unidentifiable contributor animals, then, it would be best to share the benefits with such organizations (e.g., by donating money to them) that operate in a respective location.

Earlier I have made a suggestion that in case there are unidentified contributor animals, we should provide assistance to the members of the species to which the unidentified animal belongs (assuming that we know the species of this animal), hoping that among the assisted ones will be the animal to whom the assistance is owed. This suggestion could be seen as forcing assistance on the animals who may not really need any at that moment. Of course, this is not how my suggestion should be understood. This suggestion implies a situation in which animals we intend to assist really need such assistance. Otherwise, our efforts would be at best futile and at worst counterproductive. But what happens, then, if animals we are required to assist do not need assistance at a given moment? The simple answer I can give here is that we just postpone the assistance and provide one when animals really need it. I will give more elaborate response to this question later.

▪ *Final Remarks*

The contribution argument, if convincing, can be seen as laying the foundation for a mutually beneficial relation between humans and wild animals, where both sides act as beneficiaries. So far, this relation has been one-sided – humans benefiting from wild animals without acknowledging and compensating the contribution of the latter. This argument would command that the produced benefits be shared between humans and wild animals in proportion to their contribution to the production of the benefits thus produced. More specifically, it would require beneficiaries that they provide care for wild animals from whom they benefit.

There is one more question concerning wild animal assistance that merits a closer scrutiny. As noted earlier, there will be cases in which the animals we are required to assist will be unidentifiable (i.e., unidentified contributor animals). In some cases, it will be physically impossible for us to provide assistance to the animals (e.g., due to a distance). In other cases, the animals in

question may not need assistance at a given moment. In such cases, it is preferable, I suggest, to share the benefits we received from wild animals with specialized state or private wildlife organizations that generally monitor and provide care for wild animal populations and operate in a respective location. The benefits can be shared with such organizations by donating to their funds, in which case, the amount of donation should be made in proportion to the contribution of the animals. This way we can hope (or perhaps ensure to some extent) that the assistance will be provided to the animals to whom it is owed and when they need it most. This suggestion implies that for the contribution argument it is not essential that the assistance be provided by the beneficiaries personally. Depending on the circumstances, it may be even better for the animals if the beneficiaries arrange providing assistance via third parties (e.g., specialists). Finally, in case there are no specialized wildlife agencies in certain locations, the contribution argument would urge establishing such agencies.

I would like to end this subsection by recalling the scenarios considered in the beginning. In *Majestic Elephants and Twittering Birds*, what would the contribution argument require you to do? On the contribution argument, you are certainly required to provide care for the needy animals in both scenarios. These animals have been contributing to the production of the benefit you have been receiving so far. Without their contribution the particular benefit you received would not be produced. Because of their contribution to the production of the benefit you received, these animals acquire their fair share of this benefit, which you ought to compensate in one way or another. Providing care for these animals seems to be the best way to compensate the benefits you owe to these animals, and the situation they are in seems a perfect chance for you to fulfill your obligations. Certainly, assisting these animals would not be an easy task for you, but suppose that at a reasonable cost to yourself these animals could be well taken care of. For example, let us assume that at a cost that does not exceed the value of the contribution of these animals, you could have an injured elephant treated by the specialists and you could buy food and build a small house for the birds. In both scenarios, walking away from the situation would mean refusing to

share with these animals the benefits you received and since their fair share of these benefits is their property, doing so would be unfair.

4.4 ASSISTING DOMESTICATED AND WILD ANIMALS: CONFLICT CASES

What I have shown so far is that we have duties to assist both domesticated and wild animals. However, considering the limited resources we have for fulfilling our obligations, the mere knowledge that we have positive duties toward domesticated and wild animals is of little benefit. What we further need to know is whether our duties to assist these animals have equal or different strength when everything else is equal. Such moral knowledge would prove helpful especially in cases of conflict situations in which we are able to assist either domesticated or wild animals but not both.

Among animal ethicists who accept that we have duties toward wild animals, there are some who maintain that these duties are considerably weaker than the duties we have toward domesticated animals. For example, Martha Nussbaum argues that while we have duties to assist both domesticated and wild animals, our duties toward them are nevertheless different in strength. She states: “It seems plausible that we have less responsibility to protect gazelles than we do to protect domestic dogs and cats, since we are the guardians of the latter and they have evolved in symbiosis with us.”¹⁴⁷ In a similar note, Palmer points out that even if we accept that we are required to assist wild animals, this requirement will be much weaker compared to the requirement we have to assist domesticated animals. She writes: “There might be a different version of this view – that requirements to assist [wild animals] do exist in such cases but that they are much weaker where there’s no prior entanglement.”¹⁴⁸

Drawing on these claims, in the following subsections I will examine the question of whether our duties to assist domesticated animals are stronger than our duties to assist wild animals. To do that, I suggest that we look at the ways

¹⁴⁷ Nussbaum, Martha (2006). *Frontiers of Justice: Disability, Nationality, Species Membership*, Harvard University Press, p. 379.

¹⁴⁸ Palmer, Clare (2013). “What (If Anything) Do We Owe to Wild Animals?”, In: *Between the Species* 16 (1), p. 29.

in which we come to be bound by duties to assist domesticated animals and see whether they provide stronger reasons to assist or care for domesticated animals.

4.4.1 VOLUNTARY CREATION OF DOMESTICATED ANIMALS

While domesticated animals are brought into existence by the deliberate actions of humans, fully wild animals come into existence independently of any human involvement. Thus, while there is a human causal role in the existence of domesticated animals, there is no such role in the existence of fully wild animals. Could this mere fact, then, affect the strength of our positive duties toward domesticated and wild animals?

Suppose you are a laboratory scientist and as a part of your experiment you create a cloned rabbit. After the experiment is over the rabbit is no longer needed and because you created him you feel obligated to take care of him. You bring the rabbit at home and release in your garden, also making sure that his basic needs are satisfied. Since your house is located next to a forest, there is a solitary wild rabbit running around. You know that during winter her food becomes scarce and she starves most of the time. Unless you provide an additional food for your cloned rabbit, he too will have to face starvation frequently. You are concerned about the well-being of both rabbits but you realize that you can feed properly and thus prevent the starvation of only one of them. What are you required to do?

It could be claimed that because you created the cloned rabbit you have the obligation to provide care for him and this would include making sure that he is well-fed. The defense of this claim could go as follows: By creating the cloned rabbit you created a possibility that he can be harmed – that is, you put him in a situation in which it is possible that he can be harmed. Such a possibility did not exist before, nor was the rabbit in a situation in which he could have been harmed. The same cannot be said about the wild rabbit because he came into existence independently of your actions. Now you have the obligation to make sure that the cloned rabbit is not harmed and this obligation is stronger than

your obligation to assist the wild rabbit, because you created the former but not the latter.

I think there are some problems with this argumentation. First, the fact that you created a needy being tells us that you acquired a duty to care for him but this fact does not tell us anything about the strength of this duty – that is, while the creation of a needy being gives you a reason to assist him, it would be a mistake to think that it provides you with an additional reason to give such a being priority over the other equally needy being. Second, intuitively speaking, we do not ascribe moral relevance to the fact that by creating a being we also create a possibility that he can be harmed. If this fact was morally relevant, then it would have moral relevance not only when a created being is needy but even after he is self-sufficient adult, because the fact that we created a being persists as long as this being exists. Most parents believe that after their children become self-sufficient adults, they are no longer required to care for them nor do they feel responsible for the harms their adult children may experience in the future. What thus seems to be the case is that the act of creation has no independent relevance. If we created a being who was self-sufficient from the very moment of his birth, we would not think that we bear any responsibility for the harms he may suffer throughout his life, even though we once created him and this way created a possibility that he could be harmed.

If being causally responsible for the existence of other beings as a property has any moral weight, then this property should have some moral weight in any other circumstances. If the presence of this property cannot make any difference in other circumstances, then it cannot be said to have any moral relevance. Suppose you have two children: one of them is your biological child, while another is an adopted one. If both of them become infected with a deadly virus and you can save only one of them, whom should you save? Would you think that your duty to assist your biological child is stronger than your duty to assist an adopted one simply because you are causally responsible for the existence of the former and not of the latter? I believe most of us would answer these questions in the negative. Then, if your duties to care for both of your children are equal in strength so should be our duties to care for domesticated and wild animals.

The relevance of this scenario can be challenged. It could be argued that in this scenario the only morally relevant difference between your children is not that you created one and not the other. It also matters that you adopted one and not the other. It could be argued, then, that this scenario does not necessarily show that your causal responsibility for the existence of your child has no moral weight. It may nevertheless have some moral weight; it is just that its moral weight might be counterbalanced by the moral weight that adoption carries and that is why we do not see the difference between the strength of the duties toward your biological and adopted children. But what moral weight does adoption carry? By adopting that child, it can be argued, you closed off his opportunities to be adopted, and thus taken care of, by others¹⁴⁹ – that is, you deprived him of the opportunity to have different parents who would be happy to assist and save him in distress. This way, it could be claimed, adopting that child generates a requirement to assist him and that this requirement is as strong as your requirement to assist the child you created. Then, it could be that the moral weight of this requirement evens out the moral weight of the requirement generated by your causal responsibility for the existence of your child and that is why the strength of your duties toward them are equal.

I think this objection can be easily avoided by adding an assumption to the scenario that an adopted child is dying as a result of a genetic disease and that, if not you, nobody would ever adopt him. We can even add that the child would surely die if not adopted by you. I think that even in this modified scenario most of us would still think that your duties to assist both of your children have an equal strength. If this is right, then the mere fact that we created domesticated animals cannot give us an additional reason to give priority to them over the equally needy wild animals.

¹⁴⁹ For a similar point, see Burgess-Jackson, Keith (1998). “Doing Right by Our Animal Companions”, In: *Journal of Ethics* 2, pp. 168-169.

4.4.2 CAUSAL RESPONSIBILITY FOR THE VULNERABILITY AND DEPENDENCE OF DOMESTICATED ANIMALS

If our causal role in the existence of domesticated animals could not provide a ground for asserting that our duties to assist them are stronger than our duties to assist wild animals, can our causal role in the vulnerability and dependence of domesticated animals provide such a ground? Palmer thinks that it can. She claims that humans are responsible for making domesticated animals vulnerable and dependent by selectively breeding them and in some cases, they are made even more vulnerable and dependent once in existence by modifying their anatomical features (e.g. by clipping their coats, declawing, etc.).¹⁵⁰

In the previous sections it was pointed out that domestication, specifically selective breeding, renders domesticated animals unable to be self-sufficient, meaning that such animals need regular care and supervision for survival. However, considering how domestication works Palmer's claim that through domestication humans *make* animals vulnerable and dependent may seem inappropriate. This is because without domestication domesticated animals would not have existed at all and since domestication inherently causes vulnerability and dependence, domesticated animals cannot exist without being vulnerable and dependent. If being vulnerable and dependent is the only form or way of existence of domesticated animals, then it would be inappropriate to say that domestication *makes* animals vulnerable and dependent, for the word "makes" here suggests that there is a state in which these animals are not vulnerable and dependent before being domesticated. But we have seen that in case of domestication such a state does not exist, because without domestication these animals would not have existed at all. Thus, it would be more appropriate to say that domestication *creates* animals who are vulnerable and dependent and, in that sense, through domestication humans can only create such animals. If humans do not make domesticated animals vulnerable and dependent but only create them (or bring them into existence), then they will have causal responsibility only for the existence of domesticated animals and this brings us

¹⁵⁰ See Palmer, Clare (2013). "What (If Anything) Do We Owe to Wild Animals?", In: *Between the Species* 16 (1), p. 28.

back to the previous discussion concerning the question of whether causal responsibility for the existence of domesticated animals gives us a stronger reason to assist them and I have shown that it does not.

While it makes no sense to say that through domestication humans make domesticated animals vulnerable and dependent, it does make sense to say that humans make (or can make) domesticated animals vulnerable and dependent after they are brought into existence. This is because the existing domesticated animals already have certain properties and/or abilities that can be altered in such ways as to make these animals less able and more susceptible to certain harms. Since making a being vulnerable and dependent does not directly affect his well-being negatively and since making him more susceptible to certain harms is not the same as harming him, it cannot be said that such an act is harmful and thus even *pro tanto* wrong. However, since making a being vulnerable and dependent significantly increases the likelihood that he can be harmed, such an act is at least morally problematic. But what does this tell us regarding our main question of whether making existing domesticated animals vulnerable and dependent gives us stronger reasons to assist them? Since answering this question very much relates to the later discussion concerning harming animals and our duties toward them, I will postpone further discussion of this question until later time.

Perhaps Palmer can nevertheless insist that because the vulnerability and dependence of domesticated animals is human-caused or has human origin this alone can justify the claim that our duties to care for domesticated animals is stronger than our duties to care for wild animals. First of all, if domestication as a practice is neither harmful nor morally problematic and if through domestication humans do not make animals vulnerable and dependent, how can the mere fact that domestication has a human origin be of moral relevance? Moving on, to examine whether the human origin of the vulnerability and dependence gives us stronger reasons to assist or care for domesticated animals let us consider the following scenario: Suppose you are a dog breeder – you breed dogs to sell them afterwards. Similar to typical domesticated dogs, the dogs you breed are vulnerable and dependent and require regular care to fare well.

Because you love dogs, you decide to adopt one of them and bring into your family. But the dog is not the only being who is adopted in your family. You also have an adopted child, who, like any other child, requires regular care and supervision. Now, on the assumption that your child and your dog have equal interests and that, if not you, nobody would ever adopt any of them, what would be the strength of your duties to care for them? If it is right that our reasons to assist others are stronger when their vulnerability and dependence is human-caused, then it follows that your duty to care for your dog is stronger than your duty to care for your child, because the vulnerability and dependence in the case of your dog is human-caused, while in the case of your child is natural. But I do not think that many would accept this implication. Most of us would hold that as long as your child and your dog have equal interests, your duties to care for them would be equal, and if this is right, then so would be our duties toward domesticated and wild animals.

4.4.3 SPECIAL RELATIONSHIPS WITH DOMESTICATED ANIMALS

Although most of us do not have special relationships with most domesticated animals, some of us certainly are related to some domesticated animals in a special way. A paradigmatic example of such special relation is pet adoption. For most people adopting a pet means bringing a new member into their families where an animal will be loved and adequately cared for. Most people are not related to wild animals in that way. Although some humans may develop close relationships with some wild animals and may even coexist with them to some extent, special relationships between ordinary people and fully wild animals are almost non-existent. This difference, then, could provide some justification for the claim that our reasons or duties to assist at least some domesticated animals are stronger than our reasons or duties to assist wild animals. In what follows I will examine two possible ways of developing such a justification: the first concerns an act of adoption, while the second focuses on the value of special relationships.

It could be argued that by adopting an animal one closes off his opportunities to be adopted by others who would not only care for him but also prioritize his well-being in conflict situations. Thus, in conflict cases an adopter should do what a different or even better adopter could have done – prioritize the well-being of an adopted animal. For that reason, it could be said, adopting an animal gives us a stronger reason to assist an adopted animal rather than a stranger wild animal.¹⁵¹

This argument is problematic in various ways. First of all, it should be noted that while adoption implies that an adopter undertakes a duty to care for an adopted animal, it by no means implies the requirement that in conflict cases this animal should be favored or given priority over the equally needy animal. This means that in conflict cases favoring or prioritizing an adopted animal requires justification. Second, the premise that one should treat an adopted animal similar to the way a better adopter would treat that animal is question-begging, for it assumes that a better adopter is already justified in prioritizing the well-being of an adopted animal. It might be that a better adopter could have really prioritized that animal but he too would be required to justify doing that. The truth is that in conflict cases any adopter, including a better one, would need a justification for favoring an adopted animal.

The claim that we owe more to domesticated animals than we do to wild animals can be defended by the appeal to special relationships that may develop between humans and domesticated animals. Such relationships are characteristic of humans and animals living together as one family. Indeed, humans and their animal companions often develop deep emotional bonds and powerful loving relationships that are mutual and can be very intense. Considering their value and significance to some humans, such relationships are often thought to provide some justification for giving priority to the interest of individuals to whom we are specially related. Whether special relationships

¹⁵¹ It is worth noting that when it comes to adoption, any kind of animal – wild or domesticated – can be adopted, however, as it typically is the case, adopted companion animals are domesticated ones and the conflict case here refers to conflicting interests of domesticated animals living in human families and fully wild animals living in the wild.

really provide such justification is a subject of a heated debate between the proponents of partiality and impartiality.¹⁵²

The case for impartiality seems rather simple: since all morally considerable beings matter equally, they should be treated as equals. If their needs are equal, special considerations aside, then moral reasons to satisfy their needs are also equal. To say that despite their equal needs our moral reasons to satisfy their needs are not equal requires a justification. For example, if my cat and a feral cat are dying but I can save only one of them, then, on the assumption that they will equally benefit from being saved, my moral reasons to save each of them are equal. To say that my moral reasons are not equal calls for a justification. Thus, the proponents of partiality will need to appeal to the allegedly morally relevant differences between my cat and a feral cat to provide such a justification. They could argue that my reason to save my cat is stronger than the reason to save a feral cat because I have a special relationship with my cat that I do not have with a feral cat. After all, my cat is not just another animal; he is an animal with whom I developed a deep and meaningful relationship that provides a reason for treating him in a special way – to prioritize his well-being over the well-being of an equally needy but a stranger animal.

Simon Keller, in his book *Partiality*, provides a comprehensive assessment of the different defenses of partiality. In a lengthy discussion, he critically examines and rejects *the relationships view*, according to which our reasons to be partial are grounded in the intrinsic value of our special relationships, before he develops his own – *the individuals view*, according to which our reasons to be partial are grounded in the value of individuals with whom we share our special relationships. Keller's main criticism toward the relationships view is that in explaining why we have reasons to be partial this view relies on the intrinsic value of special relationships without making a reference to the significance these relationships have for us, for our well-being. As he notes, this view

¹⁵² See Jollimore, Troy (2018, Winter). "Impartiality", *The Stanford Encyclopedia of Philosophy*, retrieved on October 12, 2019 from <https://plato.stanford.edu/archives/win2018/entries/impartiality/>.

“attempts to explain the importance of human relationships by dissociating them from the contributions they make to human needs and interests. It drags human relationships from their human context.”¹⁵³ Since Keller effectively and persuasively discredits the plausibility of the relationships view, I will not be concerned with examining it further and directly move on to the evaluation of his own view.¹⁵⁴

Unlike the relationships view, Keller’s individuals view states that our motives for being partial toward certain individuals are best explained by the reference to the value of these individuals. Indeed, when we rush to assist the individuals with whom we share special relationships, the motivating factor of our actions seems to be the individuals themselves and not the relationships we have with them. In assisting them we do not think about the value of our special relationships; rather, we think about the value of these individuals. Although the individuals view best explains our actions when we are partial toward certain individuals, if it is to gain any credibility, it further needs to explain why we *should* be partial. In other words, the individuals view owes us a justification for partiality. Keller acknowledges the need for such a justification:

Behind the puzzle of partiality, and behind the main problem for the individuals view, is the assumption that if two entities have the same kinds of value, then any reasons generated by the value of the first entity must also be generated by the value of the second entity. If the individuals view is to succeed, then it must challenge that assumption. It must find a way to say that you can have a reason to give certain treatment to one person, because he has a certain value, without having the same reason to give the same treatment to another person, even though she has the same value.¹⁵⁵

But can Keller’s view solve the puzzle of partiality? Can this view explain why we should treat equally valuable and equally needy beings unequally? This is what Keller has to say in response:

¹⁵³ Keller, Simon (2013). *Partiality*, Princeton University Press, p. 77.

¹⁵⁴ For a thorough and powerful criticism of the relationships view defended by Joseph Raz, Samuel Scheffler, Niko Kolodny, and others, see Keller, Simon (2013). *Partiality*, Princeton University Press, pp. 45-77.

¹⁵⁵ Keller, Simon (2013). *Partiality*, Princeton University Press, p. 114.

The individuals view has the option of saying that that it is a primitive fact, admitting of no further explanation, that the value of an individual generates certain reasons, duties, and permissions for some agents, without generating the same reasons, duties, and permissions for other agents. The main objection to the individuals view is that it seems unable to explain why we have special reasons regarding the particular individuals with whom we share special relationships; it is an option for the individuals view to respond by saying, “We just do.” The puzzle of partiality is the puzzle of saying why we should treat some people differently from others, even when those others are no less inherently valuable; it is an option for the individuals view to respond by saying, “We just should.”¹⁵⁶

This response is as inadequate as it is disappointing. An adequate account of partiality must be able to explain why we should be partial toward certain individuals if it is to outweigh the demands of impartiality, and Keller’s resort to the primitivism about the reasons of partiality seems rather an *ad hoc* move and insufficient. It is also disappointing because, after all, Keller’s “explanation” for our having special reasons of partiality is that there is no explanation. Such an uninformative response will not be able to convince even a hesitating impartialist, let alone change the minds of the avid proponents of impartiality. Thus, I conclude that the individuals view is deeply unsatisfactory and unpersuasive, and that special relationships cannot make our moral reasons to assist animals with whom we have special relationships any stronger than the moral reasons we have for assisting animals with whom we lack such relationships.

4.4.4 PRIOR HARMFUL ACTIONS

The harmful actions of humans often cause the victims to be in need of assistance and thus generate the duties to assist them. Although domesticated animals are the typical victims of human harms, they are not the only ones; wild animals too suffer harms by the actions of humans. Thus, my discussion of the duties to assist the victims of human harms will concern not only domesticated animals but also wild ones. In that sense, this subsection will not resolve the specific question of whether our reasons to assist domesticated animals are

¹⁵⁶ Keller, Simon (2013). *Partiality*, Princeton University Press, p. 138.

stronger than our reasons to assist wild ones. Rather, the question I am concerned with here is whether our duties of assistance that are generated as a result of our prior harmful actions are any stronger than our duties of assistance that have a different origin. Exploring this question will prove useful, for it will provide guidance for conflict cases in which among the animals we are required to assist some are the animals to whom we owe assistance because we harmed them, while some others are the animals toward whom we have duties of assistance on other grounds.

Let us start exploring the question by considering the following scenario: Suppose that as a result of the expansion of your construction business a group of wild animals (Group A) has lost its natural habitat and had to relocate to a new place where they are having hard time finding enough food to feed themselves and most of the time they are starving. On the other side of the forest, due to a natural forest fire, another group of wild animals (Group B) has lost their natural habitat and had to move to a new place which does not provide them with necessary amount of food and most of the time they are starving. On the assumption that you can relieve or end the suffering of only one of these groups of animals and all other things are equal, which one should you assist?

It is clear that you have an obligation to assist both groups of animals, although your obligations to assist each of them differ in their origins. Your duty to assist animals in Group A is special which you acquired through your harmful actions. You made these animals worse off and now you have a special duty to restore the injustice – that is, you ought to compensate for the loss they suffered as a result of your actions and restore their condition to the point it was prior to the infliction of harm. Your duty to assist animals in Group B is general which is imposed on you by morality simply because of the fact that it is within your power to end their suffering and you can do so without excessive cost to yourself. As it seems, your duty to assist animals in Group A is grounded on the requirement of justice, while your duty to assist animals in Group B is derived from the general requirement of morality. Having clarified the difference between the grounds of your duties to assist both groups of animals, we can ask again: Which group are you required to assist?

In conflict cases like this, a standard view is that, all other things being equal, the requirements of justice take priority. This view employs the assumption that negative duties are much more stringent than positive duties.¹⁵⁷ If that is so, then the requirements that are created as a result of the violation of negative duties will be stricter than the general requirements of morality. Such requirements are the requirements of justice that demand that the individuals who are the victims of injustice should be given what they were deprived of or what they would have had had they not been treated unfairly. In relation to animals in Group A you violated your negative duty not to harm them by destroying their habitat and making them starve. That is why your obligation to assist them now is grounded on the requirements of justice. What would, then, a standard view require you to do? For simplicity, let us put aside difficulties associated with collective responsibility and assume that you are directly causally responsible for starvation of the animals in Group A. On the standard view, then, you ought to give priority to their well-being and use all your limited recourses to mitigate or end their suffering. This is because the animals in Group A are the victims of injustice since you unjustifiably made them worse off by destroying the habitat on which their livelihood depends. Consequentialists would deny this. They would insist that since both actions – alleviating or ending the suffering of animals in Group A or Group B – would produce the same amount of value either of them is optional and none of them has a priority over the other.

Admittedly, I find the standard view intuitively plausible. But in order for this view to be more convincing, the mere appeal to the claim that negative duties are more stringent than positive duties will not do. The claim should actually be defended. In the philosophical literature this claim has been defended as well as challenged in various ways and has always been a matter of dispute between consequentialists and non-consequentialists.¹⁵⁸ Before I offer a defense of this claim I should note that the requirements of justice are applicable only to

¹⁵⁷ See Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 88.

¹⁵⁸ See Woollard, Fiona and Howard-Snyder, Frances (2016, Winter). "Doing vs. Allowing Harm", *The Stanford Encyclopedia of Philosophy*, retrieved on August 20, 2019 from <https://plato.stanford.edu/archives/win2016/entries/doing-allowing/>.

the agents who are the perpetrators of injustices and it is the perpetrators' standpoint from which the requirements of justice have more force. Otherwise, if you are in a position to assist two individuals one of whom is the victim of injustice but you are not causally responsible for this injustice, I do not see why, other things being equal, the fact that one suffered injustice and another did not should have a moral significance for you.

Now, how can we explain and substantiate the claim that negative duties are stronger than positive duties? I suggest that the plausibility of this claim rests on the assumption that doing harm is worse than allowing harm. Since the violation of negative duties constitutes doing harm and the violation of positive duties constitutes allowing harm, it follows that the violation of negative duties is worse than the violation of positive duties. The latter claim explains why negative duties are stronger than positive duties: if a particular action is worse than the other, it is natural that the requirement that prohibits the worse action will be stronger than the other. For example, if killing is worse than letting die, then an act of killing will be more strongly prohibited than an act of letting die. As a matter of fact, to say that negative duties are stronger than positive duties is just another way to say that the violation of negative duties is worse than the violation of positive duties. If negative duties are stronger than positive duties, then the requirements of justice that are generated by the violation of negative duties will be stronger as well. But in order for this argumentation to gain any credibility, the fundamental assumption that doing harm is worse than allowing harm must be properly defended.

Frances Kamm offers a valuable insight into why doing harm is worse than allowing harm by demonstrating why killing is worse than letting die. First, she notes that to see that killing is worse than letting die we need to ask whether we would think it permissible to impose the same losses on the individuals who committed the acts of killing and letting die, assuming that the imposition of these losses were necessary to bring the victims back to life. She argues that while most of us would accept the killing of a killer, most of us would think it impermissible to kill the individual who let someone die. She also uncovers the essential features that draw the difference between killing and

letting die and also, arguably, commit us intuitively to the idea that the former is worse than the latter: a) In killing, we introduce a threat that was not previously present, while in letting die, a (potential) threat is already present; b) In letting die, it is always the case that a victim loses a life that he would have had only with our assistance at that time; c) In killing, we initiate an interference with the victim, while in letting die, we avoid being interfered with.¹⁵⁹

Here is another defense of the claim that killing is worse than letting die: If killing and letting die are morally equivalent, then, other things being equal, the use of such harmful means that is justified in preventing one, will be justified in preventing the other.¹⁶⁰ Let us consider the following scenarios: Suppose that in Case 1 an aggressor unjustly attacks you with the intention to kill you. Since you can defend your life only by killing the aggressor you shoot him dead. Now, suppose in Case 2 you fell in a swamp and are slowly drowning. Luckily you notice that there is stranger walking nearby and ask him for help. However, upon approaching he tells you that he would rather watch you die than save you and refuses to offer any assistance. In desperation you realize that if you shoot him dead with your gun his body will fall into the swamp, then you can crawl up the fallen body and get out of the swamp. Since there are no other alternative ways to save your life you kill the stranger.

The situation in Case 1 is a clear case of a justified self-defense. It is more than obvious that you are justified in using a deadly force against the attacker who was going to kill you. But are you justified in using a deadly force against a stranger in Case 2? I highly doubt that you are. Most of us would consider the killing of a stranger grossly impermissible. Yet if killing and letting die were morally equivalent, the use of a deadly force in both cases would be justified, other things being equal. But it seems that you are not justified in killing a stranger in Case 2. Thus, killing and letting die are not morally equivalent. The

¹⁵⁹ See Kamm, Frances (2007). *Intricate Ethics: Rights, Responsibilities, and Permissible Harm*, Oxford University Press, pp. 17-19.

¹⁶⁰ For a similar point, see Frowe, Helen (2007). "Killing John to Save Mary: A Defense of the Moral Distinction between Killing and Letting Die", In: Campbell, Joseph et al. (2007). *Action, Ethics, and Responsibility*, MIT Press, pp. 60-61.

fact that the use of a deadly force is justified only in Case 1 shows that killing is worse than letting die.

In the same manner we could claim that if negative and positive duties are equally strong, then the requirements created as a result of the violation of these duties must have the same strength. To examine this, I suggest that we look at the aftermath of the violation of negative and positive duties. Through the following scenarios I intend to show that the requirements of justice that are created as a result of the violation of negative duties are much stricter and more demanding than the requirements that are created as a result of the violation of positive duties.

Imagine in Case 1 you are walking down the street and notice a massive wooden house. Since you very much enjoy watching fire, you suddenly decide to burn down the house and you set it on fire. Soon, the house is burst into flames. Now, imagine in Case 2 you are again walking down the street and you notice that a small fire has been started next to a wooden house. If you do nothing the fire will reach the house and engulf it in flames. You could extinguish the fire by simply opening the water tap next to it but since you are fond of fires and very much enjoy them decide to do nothing and let the small fire submerge the house.

Now, consequentialists would argue that on the assumption that the houses in both cases have the same material (or any) value and constitute the same amount of loss to their owners, none of the cases is worse than the other – that is, that burning the house is as wrong as letting the house burn. But is it? If consequentialists are right, then our intuitive response must be the same in relation to our failure to fulfill negative and positive duties. To examine this, let us follow the development of the scenarios in Case 1 and Case 2. In Case 1, when you burn down someone's house you fail to fulfill your negative duties – that is, you harm him and this way the requirements of justice are created. Justice will require you to compensate for the loss the owner of the house suffered because of your wrongful actions. Most of us would agree that the most just solution in this case would be to give the owner the house that is almost, if not fully, identical to his own. Another preferable solution would be to give the owner the amount of money that corresponds to the value of the house you burned. But let us assume

that you happen to have a house that is fully identical to the burnt house in every respect and that the house you burnt was the only house its owner had and now he is homeless. From the perspective of justice, would it be plausible to maintain that you ought to give your own house to the owner of the house you burnt? Would others be justified in taking your house against your wish and giving it to the owner of the burnt house? I believe that both questions should be answered in the affirmative. I also believe that most of us would find the affirmative answer to these questions most plausible. The explanation is that since you are causally responsible for the loss of the house you become obligated to compensate for the loss you inflicted on the owner. Moreover, the owner obtains a compensation claim against you which you should satisfy even if doing so would leave you homeless. The justification for the imposition of such demands on you is your culpability – that is, your causal responsibility for the harm. Most importantly, these demands do not seem to be rather strict or excessive in any way. On the contrary, most of us will think of them as fully adequate and proportional to the harm you inflicted and this is where their justification lies. How about Case 2? Do we have the same intuitive response for the failure to fulfill positive duties? Recall that in Case 2 you deliberately let the fire submerge the house. Although you did not cause fire, you did let the house burn. But is this sufficient to impose on you the same demands you were imposed in Case 1? Would it be plausible to maintain that you ought to give up your own house and give it to the owner of the house you let burn down? Would others be justified in taking your house against your wish and giving it to the owner of the burnt house? I believe that both questions should be answered in the negative. I also believe that most of us would find the negative answer to these questions most plausible. This is because the imposition of such demands on you in Case 2 would intuitively seem rather excessive and inadequate. Perhaps the explanation of our response in Case 2 is the absence of your causal responsibility for the loss of the house. Even though you could easily prevent the burning of the house, the house would burn anyway if you were not around. And the fact that you allowed the fire to destroy the house does not seem to be sufficient for the imposition of the same demands you were imposed in Case 1.

Yet if consequentialists are right in that intentionally burning the house is morally on a par with intentionally refusing to save the house from fire, then we should be willing to impose the same demands on you in relation to both victims of the house fire. But as we have seen, our intuitive responses for the violation of negative and positive duties differ. In particular, in Case 1 we think it justified and adequate to impose on you the demands satisfying of which could even make you worse off, while we think it inadequate and excessively strict to impose the same demands on you in Case 2. This, I believe, should count as an indicator of the fact that the requirements of justice are stricter than the general requirements of morality.

I have started this whole discussion in an attempt to find out whether a particular origin of special positive duties, namely our past harmful actions, had any moral significance. This discussion has led us to the view that, other things being equal, special positive duties whose origins reflect injustice should be given priority and satisfied first. How would this view apply to the case of wild animals? If the standard view I defended here is right, then you ought to prioritize the well-being of the animals who are the victims of injustice for which you are causally responsible. This is because, as I argued, the requirements of justice are stricter than the general requirements of morality and the needs of the animals whose situation reflects injustice come first.

Finally, I will now turn to the discussion that I postponed until this moment. The discussion concerns the question of whether making existing domesticated animals vulnerable and dependent gives us stronger reasons to assist them. The reason why I postponed discussing this question until this moment is that this question is morally analogous to the recently discussed question of whether the fact that one's need of assistance is caused by the harmful actions of ours gives us stronger reasons to assist harmed individuals. In earlier discussions I noted that although making animals vulnerable and dependent is not a harm, it is nevertheless morally problematic. This is because making animals less able and less self-sufficient significantly increases the likelihood that they can be harmed. But since making animals more susceptible to certain harms is not the same as actually harming them, the duties that are

created by making animals more vulnerable will not be any stronger than the duties that are created by bringing vulnerable animals into existence. Thus, as long as making animals more susceptible to certain harms does not result in actually harming them, the requirements of justice are not generated. But as soon as they experience harm as a result of being made more susceptible by our actions, the requirements of justice thus created will demand that we give priority to their needs, as I have argued above.

4.4.5 A FINAL REMARK

I would like to end this section with the final remark concerning the implications of the contribution argument for assisting animals in conflict cases.

The contribution argument I presented earlier establishes the requirement to assist animals from whom we benefit. The core idea of this argument is that in contributing to the production of the benefit we receive these animals acquire their fair share of this benefit which ought to be compensated or rewarded in one way or another. I noted that assisting these animals would best serve the purpose of the requirement to share the benefits with them and this way I derived the beneficiaries' duty to assist animals from whom they benefit. The question I want to pose here is whether the duties to assist animals who contributed to the production of the benefits we received are stronger than the duties that are generated by other factors. To examine this question, consider the following scenario: Suppose you are experiencing so severe financial problems that you can barely feed yourself, let alone your adopted dog. Luckily you have remaining 50\$ that you plan to spend on buying food for your dog to feed her for another few days. As you go outside you notice that a fox, living in the forest next to your house, looks malnourished and has been starving for some time because of a hard winter. You recognize that this is the fox whose photographs you have been taking and selling for the last few weeks. You also acknowledge that the contribution of this fox to the profit you made through selling his photographs roughly equals 50\$. You are considering buying some food for this fox with the

last 50\$ you have but doing so would mean that your dog will be hungry for several days. What are you required to do?

I believe that the right thing to do in this case would be to assist the starving fox and spend all your remaining 50\$ on buying the food for him. Although you have a duty to care for your dog and she is as hungry as the fox, your duty to assist the fox is overriding. The reason is that the fox has a stronger claim on this money than does your dog because it is *his* property, his fair share of the benefit that he acquired through the contribution to the production of the benefit you received. So, it seems that on the contribution argument the fox has a stronger claim on your assistance than does your dog and thus you should assist the fox, even if that means that your dog will go hungry for several days.

To conclude, I think it would be plausible to say that, other things being equal, our duties to assist animals from whom we benefit and whom we harmed will be equally strong and they both will be stronger than our duties that are generated by other factors.

4.5 THE ORIGIN OF THE LAISSEZ-FAIRE INTUITION: A CRITIQUE¹⁶¹

In this section I examine the origins of the laissez-faire intuition (LFI) and assess its reliability. Although I discussed and rejected the LFI in earlier sections, I did so only by examining its implications for the grounds of our duties to assist others and I concluded that these implications were unacceptable. But I did not look closely at its origins, nor did I ask deeper questions such as how people who have come to endorse this intuition form it and whether it is a genuine moral intuition. This section will attempt to provide answers to these questions.

¹⁶¹ This section, in a slightly modified form, has been published in a peer-reviewed journal. See Jalagania, Beka (2021). "Wild Animal Suffering and the Laissez-Faire Intuition", In: *Between the Species* 24 (1), pp. 39-50.

▪ *Palmer's Mistake*

The introduction of Palmer's book *Animal Ethics in Context* informs us that the core ideas of this book are developed in accordance with the laissez-faire intuition – the idea that we simply do not have duties to assist fully wild animals. On this very intuition is based Palmer's whole relational account of positive duties that determines to which individuals we owe assistance.

The immediate worries arise when we realize that before completely relying on this intuition, nowhere does Palmer examine whether it is reliable in the first place. This is worrisome especially in the face of the fact that even avid intuitionists acknowledge the fallibility of our intuitions and others, who are skeptical of intuitions, also regularly advise us to take a “critical stance toward common intuitions.”¹⁶² To be sure, Palmer does acknowledge the fallibility of our intuitions and notes that they may be a poor guide to knowing what we ought to do but she takes no measures to ensure that the LFI is reliable.

As it seems to me, Palmer supposes that because this intuition is widely held, it must be trustworthy. But this is implausible, for there are intuitions that are widely or even almost universally accepted but they are nevertheless unreliable. A paradigmatic example is our intuition that incest is *per se* morally wrong. Most of us are very confident that sexual relationship between siblings, for instance, is morally abhorrent, yet when we critically reflect upon this intuitive judgment, we notice that we cannot offer good reasons in its support.

In endorsing the LFI uncritically, Palmer failed to notice a red flag – the fact that the implication of the LFI conflicts with another much more powerful and widely held intuition that we ought to assist others in distress when we can do so without excessive cost to ourselves. I raised this worry in my earlier discussions and argued that these two opposing intuitions cannot be plausibly reconciled. I also noted there that if we were to trust any of these intuitions, other things being equal, we should side with the one that has the strongest pull, and I tried to show that the LFI was not the one. So, it seems to me that Palmer is not justified in trusting the LFI and adopting it as a foundation for her relational account of duties of assistance. But Palmer seems to have an

¹⁶² Singer, Peter (2005). “Ethics and Intuitions”, In: *The Journal of Ethics* 9 (3/4), p. 332.

explanation for doing the opposite: “But rather than abandon the laissez-faire intuition, I wanted to see whether it was possible to construct arguments that would support it or at least render it plausible.”¹⁶³ While I do not think that this is a good reason to write an entire book based on such a problematic intuition, I should admit that the resulting book undoubtedly makes a valuable contribution to the debates concerning our duties to assist animals in different circumstances.

▪ *The Problems with the Defense of the LFI*

In her book *Animal Ethics in Context* Palmer opens the discussion by telling the story of a tragic fate of thousands of wildebeests drowned while crossing the Mara River. She emphasizes the fact that virtually no one present at the tragic scene felt obligated to do anything on behalf of these animals. Most importantly, no criticisms were expressed post factum toward anyone who failed to provide any kind of assistance to the helpless animals. Palmer takes this story to be a clear demonstration of our genuine attitudes toward wild animal suffering – that we just do not have obligations to assist wild animals.

I think Palmer is mistaken to suppose that this story provides any support for the LFI. The problem is that the story is so complex that it does not allow us to confidently infer what we truly believe about wild animal assistance. Palmer insists that if onlookers such as tourists, photographers and the members of conservation organizations really felt obligated to assist the drowning wildebeests, they would have tried to rescue at least some of them or divert the herds toward safer crossing places. I think that the onlookers’ inaction in this case is not best explained by the fact that they did not feel obligated to assist the animals. For it is very well possible that they did feel obligated to help these animals but nevertheless did not act because they thought assisting was unfeasible in this case. After all, one cannot simply redirect the enormous herds consisting of hundreds of wildebeests and one cannot simply pull the drowning panicked animals out of the water either. Whatever was the reason for the onlookers’ inaction, it is not at all clear that it was their intuitive judgment that

¹⁶³ Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 3.

they just do not have obligations to assist wild animals. The absence of the public criticism of their inaction can be explained in the same way – perhaps the public too thought that assisting wildebeests really was impossible in that case.

Palmer's appeal to the drowning wildebeests' case in defense of the LFI seems unconvincing especially in the face of the countless examples showing that many people are in fact seriously concerned about the well-being of wild animals. It is not unusual that many people often demand the onlookers witnessing an instance of wild animal suffering to act and provide assistance to the suffering animals instead of simply observing the tragic moment. The examples of the public concern for the well-being of wild animals include well-known cases such as the starving polar bear¹⁶⁴, walruses falling off the cliff¹⁶⁵ and beached sea animals. Many people were initially furious and outraged by the fact that the photographers did not feed the skeletal polar bear starving to death, nor did the camera crew attempted to prevent several walruses from falling off the cliff to their death. The public anger was slightly reduced after the confronted parties tried to explain and justify their inaction, although many people remained unsatisfied with the explanation. The situations involving beached sea animals also provoke similar controversies. It is quite common to see many people desperately trying to save beached sea animals and when others deliberately fail to provide assistance the public is always up for expressing harsh criticism.

To provide a further defense of the LFI, Palmer explains why most people are committed to believing that we have no duties to assist wild animals. She argues that the requirement to assist wild animals is extremely demanding and that is why people tend to think that there are no such requirements.¹⁶⁶ But even if it is true that the real reason behind people's denial that we have duties to assist wild animals is the fact that assisting wild animals is extremely

¹⁶⁴ See Mittermeier, Cristina (2018, August). "Starving-Polar-Bear Photographer Recalls What Went Wrong", In: *National Geographic*, retrieved on October 21, 2019 from <https://www.nationalgeographic.com/magazine/2018/08/explore-through-the-lens-starving-polar-bear-photo/>.

¹⁶⁵ See West, Amy (2019, April). "David Attenborough's 'Our Planet' leaves fans traumatised with 'heartbreaking' walrus scene", retrieved on October 21, 2019 from <https://uk.news.yahoo.com/david-attenboroughs-planet-leaves-fans-traumatised-heartbreaking-walrus-scene-095709472.html>.

¹⁶⁶ See Palmer, Clare (2010). *Animal Ethics in Context*, Columbia University Press, p. 72.

demanding, this still does not provide any support for the LFI. This is because if the demanding nature of wild animal assistance was the only real reason for people to think that we are not required to assist wild animals, then they would hold the view that assisting wild animals is required *unless* doing so is extremely demanding – that is, that the duties to assist wild animals exist only in cases when wild animals can be assisted without excessive cost to oneself. This view is incompatible with the LFI, for the latter denies in principle that there are duties to assist wild animals. Thus, the LFI cannot draw support from the appeal to the fact that wild animal assistance is extremely demanding.

▪ *The Origins of the LFI*

Although the cases I discussed above clearly display the public concern for the well-being of wild animals, it may nevertheless seem that many people's default position on wild animal assistance affirms the LFI. For example, the wildlife tourists, photographers and camera crew would often rather observe and capture various instances of wild animal suffering than intervene to prevent or mitigate them. Also, people viewing the materials depicting wild animal suffering do not necessarily think that people witnessing the scene should have done something to prevent or alleviate it. In what follows I suggest that there are at least two influential factors that play a crucial role in determining people's actions and/or forming their beliefs concerning wild animal assistance and for that reason I conclude that the LFI does not reflect what people really think about wild animal assistance and thus is not a genuine moral intuition.

Previously I suggested that the *practical impossibility* of providing assistance to wild animals is a major factor that discourages people to act even if they really wish to assist wild animals and I insisted that this should not be taken to mean that people reject the idea that we have duties to assist wild animals. Here I suggest that the *ignorance* of how to prevent a particular instance of suffering can demotivate people to even try it. In many cases people are not in a position to provide help to wild animals because doing so often requires special knowledge and expertise that many ordinary people lack. Even when no special knowledge is required, assisting wild animals nevertheless

seems to be a complicated task due to other factors (e.g. not knowing how to approach and/or restrain a suffering animal, how an animal will react to our help, etc.) that often baffle most people. It is thus a mistake to judge people's reactions in such cases as conveying their genuine stance on wild animal assistance. This seems to be what Bernard Rollin has in mind when he notes that the LFI "may be more a matter of a rationalization growing out of not knowing how to proceed than a genuine moral intuition about one's obligations."¹⁶⁷

In many cases assisting wild animals seems rather easy. Feeding hungry animals and giving water to thirsty ones are one of the simplest ways people can assist wild animals; nevertheless, many people tend to be reluctant to do so. People's reluctance to assist animals in these cases can be, I suggest, explained by what I call the *authority influence*. To see what I mean by that, consider the following quote by David Attenborough:

Sometimes a problem is more complicated than it seems. I watched something which was absolutely agonising – a small baby elephant that was dying of thirst and the whole family was several days from water. This poor little thing was dying and you think, why didn't you give it a bucket of water? But you're in the desert and you don't have a bucket of water and the thing is very close to death and has to walk for another three days if it was going to get to water, so all you're doing is prolonging the death. All you can do there is watch tragedy. But tragedy is part of life and you have to show it. You can't have sunshine throughout your life. To have done anything else would only have made matters worse and distort the truth.¹⁶⁸

Attenborough's main emphasis here is on the fact that assisting wild animals is often more complicated than it may seem at first sight and thus requires cautious approach. But saying that we should be cautious while assisting animals is one thing, while saying that assisting wild animals often "makes matters worse" and it is thus best to leave animals to their fate is quite another. The first message encourages people to be cautious, while the latter discourages

¹⁶⁷ Rollin, Bernard (2012). "Animal Ethics in Context by Clare Palmer", In: *Anthrozoös: A multidisciplinary journal of the interactions of people and animals*, 25 (2), p. 250.

¹⁶⁸ Sherwin, Adam (2019, September). "Sir David Attenborough on *Dynasties*: 'It's agonising but TV crews have to let wounded animals die'", retrieved on October 24, 2019 from <https://inews.co.uk/culture/television/dynasties-david-attenborough-injured-animals-die-227953>.

people to interfere with the natural processes and encourages them to let the nature take its course. It is the latter message that has been established as a dogma among wildlife photographers and filmmakers for a long time. Indeed, this dogma is so strongly followed that a BBC wildlife film crew's decision to assist a group of penguins trapped in a gully was considered as an "unprecedented move".¹⁶⁹

The influence of the authoritative figures like Attenborough can significantly affect people's judgments and their actions when they are in a position to assist animals. The environmentalists' and conservationists' authoritative warnings that any intervention will have disastrous and deleterious consequences often "silence" the ordinary people and prevent them from expressing their honest intuitive reaction to the suffering of wild animals. As a result, people often would rather allow wild animals to suffer than assist them even if circumstances permit people to assist animals without "making matters worse." Given this, to regard people's failure to assist wild animals as their genuine moral stance on what we owe to wild animals would be misleading.

▪ *Summary*

I have argued that Palmer's belief that many people share the LFI is groundless. I have tried to show this by appealing to the countless examples that prove just the opposite – that many people are in fact seriously concerned about the well-being of wild animals and they often require others to assist suffering animals. I have also argued that when people's actions and/or beliefs affirm or align with the LFI, this fact should not still count in favor of the LFI, for these people's actions and/or beliefs are often the result of the influence of external factors and do not represent their genuine moral thought.

¹⁶⁹ See Zhang, Michael (2018, November). "BBC Wildlife Film Crew Intervenes to Save Trapped Penguins", retrieved on October 24, 2019 from <https://petapixel.com/2018/11/21/bbc-wildlife-film-crew-intervenes-to-save-trapped-penguins/>.

4.6 CONCLUSION

In this chapter I provided an extensive analysis of the laissez-faire intuition and critically examined its fundamental principles. Although many animal rights theorists endorse this view, I focused on Palmer's view exclusively since she presented the most comprehensive and elaborated defense of this position.

First, I challenged Palmer's defense of the claim that we do not have general duties to assist wild animals. I argued that Palmer's relational account of positive duties has implications that are intuitively hard to accept. Thus, I rejected her whole laissez-faire approach to wild animal assistance and argued that we do have general duties to assist wild animals when doing so does not require excessive cost to ourselves.

Next, I considered the claim that humans as a whole have special duties to care for domesticated animals. I argued that Palmer's relational account of duties of assistance does not succeed in establishing that *all* humans are required to assist domesticated animals. I then critically assessed Palmer's beneficiary argument which purports to succeed where her relational account of positive duties fails but I found this argument lacking. Drawing on the idea that benefiting from others is morally significant, I developed a new argument – called the *contribution argument* – which demonstrates how beneficiaries can be required to assist animals from whom they benefit.

I then addressed the question of whether our duties to assist domesticated animals are stronger than our duties to assist wild animals. For that, I examined the possible grounds that could provide stronger reasons to assist or care for domesticated animals. My examination of these grounds led me to the view that, other things being equal, our duties to assist domesticated and wild animals have equal strength.

In the end I examined the origins of the laissez-faire intuition and assessed its reliability. I argued that contrary to what this intuition says, many people are in fact seriously concerned about the well-being of wild animals and if it nevertheless *seems* that many people share this intuition, it is not because they genuinely believe that we are not required to assist wild animals but

because their actions and/or beliefs are often influenced by external factors that overpower their genuine intuitive judgments.

5. INTERVENTION IN NATURE

In this chapter I address complex questions concerning intervention in nature. In particular, I argue that we are required to intervene in nature to assist suffering wild animals; then I present morally permissible ways of carrying out such intervention. For that, first, I critically assess the arguments commonly put forward against intervention in nature and show that they do not succeed in rendering intervention in nature impermissible. Next, I propose the *moral supervision on nature* as a morally permissible form of intervention in nature and defend its underlying principles against some major objections. I then turn to the critical examination of the various forms of intervention in nature that are put forward in the relevant literature. In particular, I explore whether these proposals constitute morally permissible forms of intervention in nature and in that sense, whether they ought to be granted a moral approval. In the end I address the notorious problem of predation. First, I challenge two main arguments often invoked against intervention in predation and show that they fail to defend the non-interventionist view on predation. Then I propose what I believe to be the right approach to the predation problem.

5.1 ARGUMENTS AGAINST INTERVENTION IN NATURE

After establishing that we have a *pro tanto* duty to assist wild animals, we might be tempted to say that the very next thing we ought to do is to intervene in nature to fulfil that duty. However, the existence of various objections to intervention in nature should give us pause. As the next step, it should be demonstrated that the case for intervening in nature for the sake of wild animals can successfully withstand all the objections that can be launched against it. The present section aims at doing just that.

In this section I will critically examine the arguments commonly put forward against intervention in nature and show that, ultimately, they all fail. Some other, more specific arguments that target the particular types of intervention will be discussed separately in later sections, along with the proposals I make for preventing or reducing wild animal suffering.

5.1.1 THE ENVIRONMENTALIST ARGUMENT

The environmentalist argument is a family of arguments that oppose intervention in nature on the grounds that it involves the loss of environmental values. The central premise of these arguments is the claim that certain ecological entities possess *intrinsic value*. This premise is followed by another, widely agreed premise that the entities that have intrinsic value ought to be protected and preserved. These arguments allege that any large-scale intervention that presupposes a significant alteration and modification of natural processes is impermissible because it will cause the loss of what is intrinsically valuable.

Depending on what kind of entities are assigned intrinsic value, the environmentalist argument can take two forms: *ecocentrist* and *biocentrist*. Ecocentrism is a holistic view, according to which the ecological wholes – living or non-living – such as species and ecosystems possess intrinsic value.¹⁷⁰ By contrast, biocentrism is a holistic or atomistic view, according to which all and only living beings, individually or as a whole, possess intrinsic value.¹⁷¹ The ecocentrist version of the environmentalist argument holds that the large-scale intervention in nature would be detrimental to the ecosystems and for that reason should be forbidden.¹⁷² The biocentrist version of the environmentalist argument forbids the large-scale intervention in nature because it would endanger the living organisms.¹⁷³

Before I move on to the examination of the environmentalist argument, it is necessary to address the conceptual issue raised by the use of the notion of intrinsic value. The term “intrinsic value” is central to the environmental ethics

¹⁷⁰ See McShane, Katie (2016). “Holism”, *The International Encyclopedia of Ethics*, John Wiley & Sons, DOI: 10.1002/9781405186414.wbiee828.

¹⁷¹ See Attfield, Robin (2016). “Biocentrism”, *The International Encyclopedia of Ethics*, John Wiley & Sons, DOI: 10.1002/9781405186414.wbiee670.

¹⁷² See Leopold, Aldo (1949). *A Sand County Almanac (and Sketches Here and There)*, Oxford University Press, pp. 224-225; Callicott, J. Baird (1980). “Animal Liberation: A Triangular Affair”, In: *Environmental Ethics* 2 (4), pp. 324-327.

¹⁷³ See Schweitzer, Albert (1923). “Reverence for Life”, In: Pojman, Louis et al. (2017). *Environmental Ethics: Readings in Theory and Application*, 7th edition, Cengage Learning, pp. 169-176; Taylor, Paul (1986). *Respect for Nature: A Theory of Environmental Ethics*, Princeton University Press, pp. 99-168; Rolston, Holmes III (1988). *Environmental Ethics: Duties to and Values in the Natural World*, Temple University Press, pp. 94-125.

and is ubiquitous within the debates concerning the moral importance of the ecological entities. However, the pervasive use of this term in such debates has become the source of much confusion and unless its meaning is clarified one can hardly grasp the matter at hand. Within value theory, there is a general consensus that an entity is said to possess intrinsic value if it is valuable *in itself* or *for its own sake*.¹⁷⁴ Within environmental ethics there are several distinct senses of the term “intrinsic value” but in what follows I will focus on the senses that are relevant to the present discussion.¹⁷⁵

One sense of the term “intrinsic value” refers to an entity’s moral status. In this sense, to say that an entity has intrinsic value is to say that this entity matters morally or is morally considerable. Taking this into account, the ecocentrist version of the environmentalist argument, which is necessarily holistic, would hold that it is the ecological wholes such as ecosystems that are the objects of moral concern, not the individuals and therefore intervention in nature is impermissible because it would harm morally considerable entities. Moreover, on the ecocentrist view, wild animal suffering is not a moral concern as long as wild animal species as a whole fare well. The biocentrist version of the environmentalist argument can be holistic or individualistic. The holistic version would hold that only the wholes or communities of living beings such as species are worthy of direct moral consideration and intervention in nature is impermissible because it would harm them. Also, on this view, wild animal suffering does not constitute a moral concern inasmuch as it does not threaten the integrity and diversity of species. The individualistic version would hold that not only wild animals but also all living beings are morally considerable and intervention in nature is impermissible because it would harm them.

¹⁷⁴ See Zimmerman, Michael J. and Bradley, Ben (2019, Spring). “Intrinsic vs. Extrinsic Value”, *The Stanford Encyclopedia of Philosophy*, retrieved on November 13, 2019 from <https://plato.stanford.edu/entries/value-intrinsic-extrinsic/#WhaIntVal>.

¹⁷⁵ For a discussion on various senses of the term “intrinsic value”, see O’Neill, John (1992). “The Varieties of Intrinsic Value”, In: *The Monist* 75 (2), pp. 119-137; Jamieson, Dale (2008). *Ethics and the Environment: An Introduction*, Cambridge University Press, pp. 69-75; McShane, Katie (2013). “Environmental Ethics”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 1653-1665.

Another sense of the term “intrinsic value” refers to impersonal value. In this sense, to say that an entity has intrinsic value is to say that this entity is a bearer of impersonal value that should be protected and preserved. The existence of such an entity is good impersonally or non-relationally; it is good *simpliciter* that such an entity exists, even if its existence is not good for anyone. The loss of such an entity would be the loss of impersonal value which would be bad impersonally or bad *simpliciter*, even if not bad for anyone. The ecosystems, species – sentient or non-sentient – and their diversity are often considered as the bearers of such impersonal value.¹⁷⁶ On this view, we ought to preserve the ecosystems and biodiversity because their loss would involve the loss of impersonal value, making the world a worse place than it would otherwise have been.¹⁷⁷ The environmentalist argument would thus hold that the large-scale intervention in nature that involves a significant alteration and modification of natural ecosystems is impermissible.

The idea that non-sentient entities – individually or as a whole – can be morally considerable was rejected in the first chapter of this thesis. In section 1.2 I defended the sentience view on the moral status of entities and argued that only sentient individuals are morally considerable. On the sentience view, if “having intrinsic value” is understood as “being morally considerable”, then the claim that non-sentient entities such as ecosystems and species have intrinsic value is simply false. This means that the large-scale interventions in nature cannot be opposed on the grounds that such interventions harm the ecosystems or biodiversity, for these entities are not morally considerable and thus we cannot owe anything to them.

How can one respond to the claim that some ecological entities have impersonal intrinsic value? One way to respond to this claim is to point out the

¹⁷⁶ See Dworkin, Ronald (1993). *Life's Dominion*, New York: Alfred A. Knopf, p. 75, Dworkin describes how most people tend to value species and their diversity impersonally and therefore assign impersonal value to them.

¹⁷⁷ Jeff McMahan, while discussing the environmentalist argument, accepts that species have impersonal value and that their extinction constitutes the loss of impersonal value. See McMahan, Jeff (2015). “The Moral Problem of Predation”, In: Chignell, Andrew et al. (eds.). *Philosophy Comes to Dinner: Arguments About the Ethics of Eating*, Routledge, pp. 268-294; For criticism, see Kraut, Richard (2011). *Against Absolute Goodness*, Oxford University Press, pp. 136-139, 206-208.

general difficulty of demonstrating that such entities have impersonal value.¹⁷⁸ How does something come to have intrinsic value and how can we prove it? Here the problem is that there seems to be no credible way of answering these questions. The attempts to answer such questions often lead to carefully devised thought experiments that are collectively called the *Last Person Arguments*.¹⁷⁹ Relying on people's intuitive reactions, these thought experiments purport to establish that some ecological entities are impersonally valuable. The standard versions of such thought experiments run as follows:

The *last person* example: All other humans and sentient beings have been exterminated. The last person is the last sentient being. She stands before the last great Oak tree. Her final act is to set fire to the tree and watch it burn.

The *last people* example: The accident that stops the reproduction of the last people has the same effect on all sentient beings. The world the last person will leave would contain only primitive insects and plants. The last people eliminate all living things.¹⁸⁰

Do last person and last people do anything wrong in these scenarios? Our intuitive response to this question will reveal what we really think about ecological entities having impersonal value. Perhaps some people will hold that the destruction of the last great Oak tree and/or non-sentient biotic system is wrong, even if it does not harm anyone. I for one certainly disagree. My intuition is that last person and last people do absolutely nothing wrong in these scenarios. My view would thus be that the ecological entities do not have impersonal value, although I would not be able to convince anyone. Instead, I would expect my opponent to try to convince me otherwise.

Another way to respond to the claim that some ecological entities have impersonal intrinsic value is to say that there is no such thing as impersonal value, therefore nothing has impersonal value. It is the proponents of impersonal

¹⁷⁸ See Korsgaard, Christine (2018). *Fellow Creatures: Our Obligations to the Other Animals*, Oxford University Press, p. 193; Sober, Elliott (1986). "Philosophical Problems for Environmentalism", In: Norton, Bryan (ed.), *The Preservation of Species: The Value of Biological Diversity*, Princeton University Press, pp. 187-191.

¹⁷⁹ See O'Neill, John (2013). "Last Person Arguments", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 2938-2944.

¹⁸⁰ O'Neill, John (2013). "Last Person Arguments", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 2938-2944.

value who have the burden of proving that certain things have impersonal value. But how are we to decide which things have such value and how are we going to show this? These questions are notoriously difficult to answer. In fact, it is virtually impossible to give credible answers to such questions apart from appealing to intuitions and I have pointed out that our intuitions on that matter vary greatly. Moreover, there is reasonable likelihood that our intuitions concerning an impersonal value of some entities are often influenced by the fact that these same entities have personal value for us, which seems to undermine the reliability of these intuitions. For that reason, appeals to intuitions in claiming that certain things have impersonal value should be avoided.

Finally, even if we accept, for the sake of argument, that non-sentient ecological entities have impersonal value, it is questionable whether their impersonal value would provide moral reasons strong enough to oppose intervention to assist suffering wild animals. Suppose that feeding starving humans or eradicating extreme poverty in some parts of the world requires significant modification of ecosystems leading to the extinction of various rare plant species. Most of us would think it permissible or even required to assist suffering humans despite the fact that doing so would undermine biodiversity and drive some rare species of plants to extinction. Since equal suffering of humans and animals counts equally, as I argued in the first chapter, then it follows that if we should assist suffering humans despite the fact that this would involve the loss of environmental values, we should also assist suffering wild animals in similar circumstances.

As it seems, whether the possession of intrinsic value is understood as being morally considerable or being impersonally valuable, the environmentalist argument fails to show that intervention in nature for the purpose of preventing wild animal suffering is impermissible.

5.1.2 THE COUNTERPRODUCTIVITY ARGUMENT

Some philosophers are skeptical about the success of intervention in nature on behalf of wild animals.¹⁸¹ They insist that large-scale intervention in nature will only worsen the situation of wild animals – that is, intervention will prove counterproductive. This is what Jeff McMahan calls the *counterproductivity objection* to intervention.¹⁸² The basic idea behind this objection is skepticism about our current knowledge of how complex ecosystems work and in order to carry out a successful large-scale intervention in nature the comprehensive knowledge of how complex ecosystems function is necessary.

There are two main points concerning this argument that merit closer scrutiny. The first point relates to the question of who has the burden of proving that a particular form of a large-scale intervention will or will not be counterproductive. The second point relates to the question of what outcome counts as counterproductive. In what follows I will elaborate on these questions.

The counterproductivity argument seems to place the burden of proving that intervention in nature will be successful on the proponents of intervention. It does so by insisting that despite our benign intentions the large-scale intervention will have deleterious consequences for wild animals as we lack proper understanding of how complex ecosystems work. Thus, if the proponents of intervention seek permission for intervention in nature, they need to provide convincing evidence that intervention will be successful. On the other hand, however, one could argue that the opponents of intervention too need to demonstrate that intervention in nature will necessarily be counterproductive. Surely, anti-interventionists cannot simply insist that intervention will certainly be counterproductive without offering any evidence whatsoever. Otherwise their insistence would be irrational and groundless. But anti-interventionists do not

¹⁸¹ See Singer, Peter (1975/2009). *Animal Liberation*, HarperCollins Publishers, p. 226; Simmons, Aaron (2009). “Animals, Predators, the Right to Life and the Duty to Save Lives”, In: *Ethics and the Environment* 14 (1), p. 22.

¹⁸² See McMahan, Jeff (2015). “The Moral Problem of Predation”, In: Chignell, Andrew et al. (eds.). *Philosophy Comes to Dinner: Arguments About the Ethics of Eating*, Routledge, pp. 268-294; In the animal ethics literature this argument is also known as the *fallibility argument*, see Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, pp. 163-164.

have to prove as much as interventionists do. They are right that currently we have a very limited knowledge of how complex ecosystems function and that intervention is rather a risky affair. The lack of a necessary knowledge increases the probability that intervention will turn out harmful to animals rather than beneficial because the problem we are trying to solve is indeed complex. Very simplified analogous example of a counterproductive action is feeding wildlife. Well-intentioned but uninformed people sometimes feed malnourished wild animals with various foods that are often harmful to them, causing health problems and even death.¹⁸³ But the facts like this should not discourage us; instead, they should only encourage us to be more cautious and make decisions to intervene in nature only after carefully considering the risks and probabilities of the counterproductive outcome. To answer the question concerning the burden of proof, we can note that all anti-interventionists need to show is that there is a reasonable probability of the counterproductive outcome, while interventionists need to show that the chances that intervention will go wrong are miniscule.

Setting aside the probabilities, the most important question that needs to be addressed is this: Which outcome is counterproductive? In discussions concerning wild animal assistance, an outcome that is often considered as counterproductive is a scenario in which, as a result of intervention, a smaller group of animals is spared some harms (e.g. suffering, death), while the same harms are caused to a different, bigger group of animals.¹⁸⁴ Understanding the counterproductive outcome this way implies that in conflict situations the mere number of affected individuals, when all other things are equal, has moral relevance. This means that whether this particular outcome really is counterproductive depends on whether the claim that the mere numbers in conflict situations are morally relevant is true. To simplify my discussion here, I will reveal now what I will argue and defend later. In section 5.2.3 I will defend the view often called *numbers skepticism*, according to which in conflict cases the

¹⁸³ See Bittel, Jason (2019, July). “Why you shouldn’t feed wild animals (except maybe birds)”, retrieved on June 5, 2020 from <https://www.nationalgeographic.com/animals/2019/07/dont-feed-wild-animals-except-birds/>; See also <https://www.discoverwildcare.org/wildlife-resources/feedingwildlife/>.

¹⁸⁴ See Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, pp. 163-164.

mere number of individuals we can assist has no moral relevance and thus should be ignored. In the following discussion, then, I will assume numbers skepticism.

Even if the mere number of affected individuals in conflict cases makes no moral difference, the fact that intervention causes harm to others could render intervention counterproductive. Whether or not this is the case, depends on what causing harm entails. “Causing harm” can mean two things: *doing* harm and *allowing* harm to occur. In section 4.4.4 I argued that there is a morally relevant difference between harming and allowing harm to occur. The difference is that, other things being equal, harming is worse than allowing harm to occur. Combining this claim with numbers skepticism would imply that intervention that benefits some wild animals, while *significantly* harms others is counterproductive. This is because, if numbers do not count, significantly harming even a single animal would be worse than allowing harm to occur to other animals, other things being equal. Thus, we should allow a certain harm to occur to some animals if its prevention requires inflicting the same or less but still significant harm to even a single animal.

Now consider a scenario in which preventing some harms from befalling some animals implies *allowing* the same harms to befall other animals. Since the number of affected animals in conflict situations makes no moral difference, and everything else is equal, what we ought to do in this case (i.e. which group should be assisted) should be decided by tossing a fair coin. I will say more about this scenario and coin tossing in section 5.2.3 where I discuss the ethics of predation. Thus, let me postpone discussing this scenario until that section.

Next, suppose that intervention not only does not benefit even a single wild animal but also allows some harms to befall some wild animals. This outcome is a clear case of a counterproductive intervention. This is because instead of making any suffering wild animal better off, intervention allows some animals to become worse off. Moreover, even if such intervention does not allow some wild animals to become worse off, its futility would give us good reasons for rejecting it. Such intervention would only waste our limited resources and would thus be pointless, although not counterproductive.

Now that we have specified which outcome counts as counterproductive, the moral permissibility of intervention will turn on the probabilities of whether or not intervention will be counterproductive. As was noted above, while anti-interventionists need to show the reasonable probability of the counterproductive outcome, interventionists need to demonstrate that the chances that intervention will prove counterproductive are remote.

I would like to end the critical assessment of the counterproductivity argument with two final remarks. First, we should keep in mind that the counterproductivity argument is not a permanent objection to intervention in nature. Rather, it is only a temporary objection. The key premise of this argument is that because we lack the knowledge of how complex ecosystems work, the large-scale intervention that implies a significant alteration of ecosystems will likely result in an outcome that is opposite of what is intended. Although this premise holds true today, it may become false as humanity reaches the necessary level of scientific knowledge and technological advancement. Thus, this argument can at best postpone such intervention temporarily. Second, it is important to note that there can be different forms of large-scale intervention in nature. Among them there can be certain forms of intervention that might be immune to the counterproductivity argument. In the animal ethics literature, the counterproductivity argument is commonly invoked against intervening in predator-prey relationships – that is, against the idea that we should eliminate predation. Perhaps our current scientific knowledge does not allow us to eliminate predation without causing perverse effects but intervention in nature need not be concerned only with eliminating predation. In later sections I will offer what I think to be a morally permissible solution to the problem of predation but for now let me note that other forms of intervention may concern the different sources of wild animal suffering, thereby avoiding the threat of perverse effects. These questions will be discussed in section 5.2.

5.1.3 THE SPECIES COMPETENCY ARGUMENT

Although we are required to assist wild animals, our assistance should not take the form of *systematic intervention* in nature. This is because a) systematic interference in the lives of wild animals undermines their well-being (or flourishing) by compromising their autonomy and b) wild animals, for the most part, do not really need such assistance that alters their way of life, since they are *competent* in responding to the challenges posed by the nature. This is the argument presented by Sue Donaldson and Will Kymlicka in their book *Zoopolis: A Political Theory of Animal Rights*, where they argue, among other things, against systematic and ongoing human intervention in nature and advocate granting the sovereignty rights to wild animals.¹⁸⁵ While the species competency argument is intended to put the restriction on the scope of intervention in nature, the sovereignty rights protect the well-being or flourishing of wild animals against some forms of substantial, large-scale intervention.

The claim that wild animals are competent requiring no significant assistance is a fundamental premise of the argument and, as it seems to me, a fundamental problem as well. Concerning the competence wild animals possess the authors note the following:

What sort of competence is needed for sovereignty? We would argue that for wild animals – as indeed for humans – what matters for sovereignty is the ability to respond to the challenges that a community faces, and to provide a social context in which its individual members can grow and flourish. And in this sense, it seems clear that wild animals are competent.¹⁸⁶

In a later passage the authors articulate in more detail the ways in which wild animals demonstrate their competence in dealing with the challenges they face:

Wild animals are competent both as individuals and as communities. As individuals, for example, they know what foods to eat, where to find them, and how to store them for winter use. They know how to find or construct shelter. They know how to care for their young. They know how to navigate vast distances. They know how to reduce the risk of

¹⁸⁵ See Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, pp. 167-179.

¹⁸⁶ Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, p. 175.

predation (vigilance, hiding, diversion, counter-attack), and to guard against wastage of energy... And wild animals are competent as communities as well, at least amongst the social species. They know how to work together to hunt, or to evade predators, or to care for weak and injured members of the group.¹⁸⁷

In light of the facts cited in chapter 2, the authors' overall impression on wild animals' ability to successfully cope with the hardships of nature tends to be highly exaggerated and overestimated. For that reason, their reliance on the competence of wild animals appears to be rather groundless.¹⁸⁸ Surely, as authors note, wild animals know what foods to eat and where to find them but due to harsh climate conditions, many species of animals are often forced to migrate to find enough food and water for survival. They travel so long distances that many of them never reach the destination and die from starvation and dehydration on the way. Surely, wild animals know how to care for their young but many animal species give birth to so many offspring that they virtually have no opportunity to care for all of them. This means that many newborn animals come into existence only to suffer and then die prematurely from various causes. Surely, wild animals know how to reduce the risk of predation but this hardly guarantees their survival. The very existence of various species of predator animals implies that there are many prey animals who are regularly chased, captured and devoured in gruesome ways.

Considering the empirical data about wild animal suffering, the only reasonable conclusion we can draw is that even if wild animals are competent, their competence simply is not enough for them to successfully cope with the hardships of cruel nature. Donaldson and Kymlicka are thus mistaken to claim that the competence of wild animals renders our assistance unnecessary and even harmful to them. To be sure, the authors admit that some wild animal

¹⁸⁷ Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, p. 175.

¹⁸⁸ For other criticisms of the claim that wild animals are competent, see Horta, Oscar (2013). "Zoopolis, Intervention, and the State of Nature", In: *Law, Ethics and Philosophy* 1, pp. 115-116; Cochrane, Alasdair (2013). "Cosmozoopolis: The Case Against Group-Differentiated Animal Rights", In: *Law, Ethics and Philosophy* 1, p. 137; Cormier, Andr  e-Anne and Rossi, Mauro (2016). "The Problem of Predation in Zoopolis", In: *Journal of Applied Philosophy* 35 (4), pp. 4-6.

species are less competent than the others and thus in need of our assistance but they nevertheless insist that we should still refrain from systematically intervening in nature.¹⁸⁹ To substantiate their position, the authors draw support from the fallibility (or counterproductivity) and flourishing arguments. I have discussed the fallibility argument in the previous subsection already. Now, in response to the flourishing argument it should be noted that this argument does not seem to have much force without the species competency argument. If the premise that wild animals are sufficiently competent in dealing with the challenges of nature is false, and I tried to show that it is, then wild animals would be better off with successful intervention than they would be without it, even if systematic interference in their lives would undermine their autonomy and sovereignty to some extent. But suppose some wild animal species really are sufficiently competent and do not suffer greatly. The systematic intervention would then make them worse off. Perhaps it would, but if we can reduce or eliminate an intense suffering of less competent animals only at the expense of compromising the autonomy and sovereignty of some competent animals, then doing so seems justified considering the significance of the benefit to the former and the insignificance of the harm to the latter.¹⁹⁰ Moreover, it should be noted that Donaldson and Kymlicka seem to highly exaggerate the negative effects the systematic intervention may have on some competent wild animals. It is true that non-paternalistic restriction of autonomy harms individuals but how significant is that harm? Arguably, restricting the capacity to make free choices harms self-conscious beings more than it harms non-self-conscious beings. This is because the beings with sophisticated cognitive capacities can recognize that when their autonomy is restricted, they lack authority over their actions. They also realize that their lives are being governed and in that sense are not fully theirs. This psychological aspect further compounds the harm caused by the mere restriction of one's freedom. By contrast, such psychological aspect is fully

¹⁸⁹ See Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, pp. 176-177.

¹⁹⁰ The justification for inflicting insignificant harm to some animals in order to prevent significant harm to other animals comes from the fact that if animals were moral agents, they would be morally required to make such insignificant or non-excessive sacrifice. Since animals are not moral agents, we can make such decisions for them.

absent in the case of non-self-conscious beings or beings with rudimentary forms of self-consciousness. None of the wild animal species possess sophisticated cognitive capacities that would allow them to experience that psychological aspect of restricting one's autonomy. Thus, the only harm they can experience results from the mere restriction of their freedom. But to what extent may intervention restrict the freedom of wild animals and what would their lives look like under human supervision? To visualize this, we can look at the lives of wild animals within animal sanctuaries. An animal sanctuary is a facility where animals live in their natural habitat, roam freely and are protected from harm. In sanctuaries animals are provided with an adequate care, nutrition and opportunity to satisfy their species-specific needs. Although the lives of animals in sanctuaries are interfered in for the purpose of monitoring and supervision, the animals do not experience a significant reduction of their well-being because of that. The lives of wild animals after a massive intervention in nature would not be much different. The animals would remain in their natural habitat, although supervised and controlled by humans to prevent them from harming each other and ensure the peace. In light of this, then, Donaldson and Kymlicka's prediction that a large-scale intervention will seriously compromise the well-being of wild animals seems rather inflated.

Donaldson and Kymlicka put forward another reason why we should resist intervention and respect the sovereignty of wild animals. They argue that animals "vote with their feet" and show clear preference to be left alone. Their behavior simply suggests that they do not consent to human intervention. The authors write:

In our view, this presumption of competence amongst wild animals, and their demonstrated antipathy to human intervention, is sufficient to establish their claim to be recognized as having legitimate sovereign authority.¹⁹¹

Against this, it has been argued that were the animals fully aware of the fact that the human presence is for their own good and that intervention would make them better off, they would react differently – that is, they would most likely

¹⁹¹ Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, p. 177.

accept our assistance.¹⁹² The problem is that no matter how benign our motivations are and how successful intervention will be, due to their diminished cognitive capacities, the animals seem to be unable to fully grasp and appreciate the benefits of intervention and perhaps it is a really bad idea to judge the morality of assisting wild animals solely based on their reaction to it. In a response article Donaldson and Kymlicka accept assisting wild animals against their will but *only* if such paternalistic interference is temporary and allows wild animals to remain autonomous beings.¹⁹³ But this reply is unsatisfactory. Some sources of wild animal suffering (e.g. reproductive strategy, predation, etc.) are permanent by nature and require continuous solution, hence a continuous paternalism. In other words, if a condition that justifies temporary paternalism remains permanent, then it will justify continuous paternalism.

To sum up, Donaldson and Kymlicka's attempt to resist systematic, large-scale intervention in nature fails. Contrary to what these authors insist, the empirical data about wild animal suffering shows that wild animals are not sufficiently competent to successfully cope with the challenges posed by nature and, as a result, suffer greatly. This, in its turn, creates the need for intervening in nature to assist them. Moreover, the lives of wild animals post-intervention do not seem to be as miserable and impoverished as the authors imagine. On the contrary, after intervention wild animals would live lives much like the animals in currently operating sanctuaries – in peace and free from suffering. Although intervening in the lives of wild animals will diminish their freedom and thus well-being to some extent, this does not seem to be the loss that overrides the benefits brought to these animals by a successful intervention. Besides, we should keep in mind that fully respecting the autonomy of wild animals comes at the price of allowing many of them to undergo intense suffering and/or die prematurely. Since their interest in remaining alive and avoiding suffering is significantly stronger than their interest in freedom, we should give priority to the former over the latter. Finally, even if some species of wild animals are

¹⁹² See Horta, Oscar (2013). "Zoopolis, Intervention, and the State of Nature", In: *Law, Ethics and Philosophy* 1, p. 118.

¹⁹³ See Donaldson, Sue and Kymlicka, Will (2013). "A Defense of Animal Citizens and Sovereigns", In: *Law, Ethics and Philosophy* 1, p. 156.

sufficiently competent, limiting their freedom and thereby harming them to some extent in order to prevent or alleviate the suffering of incompetent animals would still be justified considering the insignificance of the harm to the former and the significance of the benefit to the latter.

5.2 INTERVENTION IN NATURE

Now that the ground for intervention in nature has been cleared from the main objections to it, it is time to present some morally permissible forms of intervention. But before I do so I would like to make a brief remark.

By suggesting some forms of intervention in nature one may think that I am overstepping the boundary of moral philosophy and trespassing on a foreign discipline. A philosopher's task, it might be claimed, should be limited to finding out *what* we ought to do regarding wild animal suffering – that is, whether to intervene and assist wild animals or not. It is not a philosopher's task to be concerned with devising the methods and strategies for intervening in nature, it may be claimed, for intervention should be after all carried out by the competent professionals with necessary expertise in natural science. Thus, the question of *how* to intervene in nature should be left to them to answer. Although in working out different forms of intervention it is essential to be guided with a relevant scientific knowledge, it is a mistake to think that this is all what is needed. As intervention in nature directly affects the lives of wild animals, any method of intervention we will come up with will eventually require a moral approval and justification. And it is a moral philosopher's task to carry out a moral assessment and provide such a justification. Besides, it would be neither sufficient nor adequate for a responsible philosopher to just conclude that we ought to prevent or reduce wild animal suffering without offering any morally licensed ways of intervention in nature for that purpose.

In the following subsections I suggest various forms of intervention in nature and provide a necessary justification beforehand. Also, I review the proposals that have already been made by others in the relevant literature and provide their critical evaluation.

5.2.1 MORAL SUPERVISION ON NATURE

Systematic and ongoing intervention in nature that is motivated by moral reasons and aims at preventing or alleviating the suffering animals experience in the wild I will call the *moral supervision on nature*. In its broad sense, moral supervision on nature should be understood as the inclusion of nature or wilderness within the sphere of morality and recognition of harms occurring in the wild as our moral concern. In its narrow sense, moral supervision on nature should be understood as a set of principles aiming at promoting and ensuring the well-being of animals living in the wild. These principles are the following:

1. Management of wilderness;
2. Management of wild animal population;
3. Management of wild animal species.

In what follows I will elaborate on what each of these principles implies and provide the defense against some possible objections.

The *first* principle entails widening the coverage area of morality. As chapter 4 showed, on the dominant view in animal ethics, called the *laissez-faire* intuition, wild animal suffering simply is not our moral business. On this view, it would be fair to say, the world is divided into two zones: *moral* and *non-moral*. The wilderness area falls into the non-moral zone where moral norms simply do not apply and morally considerable individuals living there are left to their fate. The rest of the world falls into the moral zone – an area where moral norms do apply and harms occurring there constitute our moral concern. This principle advocates widening the boundaries of the moral zone so that it will include the wilderness. This would mean that whatever harms are happening there would require us to be morally responsive. This, in its turn, entails controlling the wilderness – that is, consistently monitoring the lives of wild animals, being proactive in detecting the instances of their suffering and willing to take active steps to eradicate it. The idea of constantly supervising nature may seem intimidating in terms of resources it would require, but once we implement other principles, the first principle will become less demanding and thus, a lot easier to be followed.

The *second* principle entails managing the population of wild animals. In particular, it suggests that the number of animals living in the wild should be controlled not by nature but by us. The total number of wild animals is staggering and in light of our limitations on natural, technological and intellectual resources, this poses an insurmountable challenge for eradicating or significantly reducing wild animal suffering. It will be physically impossible to monitor the lives of so many animals, let alone remedy their suffering. This will mean that the suffering of many wild animals will go simply unnoticed. To overcome this challenge, the significant reduction of the number of wild animals seems a proper solution. The various methods of reducing wild animal suffering by reducing the number of animals who suffer or will most certainly suffer in the future will be discussed in the following subsection. Here my discussion will be limited to the question of reducing the number of wild animals by *preventing many of them from coming into existence*. It is important to note that my proposal does not presuppose that all wild animals who will be prevented from coming into existence need to have lives worth not living – that is, lives filled with pain and misery, in case they come into existence; rather, many of them can very well have good lives in case they are not prevented from coming into existence. Given this, is this proposal morally acceptable?

There are two initial moral reasons in support of this proposal. The first reason concerns the well-being of already existing wild animals. Here the idea is that if new wild animals come into existence, they will enter into competition with existing animals over the limited resources necessary for the well-being of the latter and will make their struggle for survival even harder, thereby making them worse off. Moreover, reducing the size of wild animal population will allow us to provide a better assistance to existing animals. These facts seem to provide a strong moral reason to prevent new wild animals from coming into existence. The second reason concerns the well-being of future wild animals. Here the idea is that many wild animals such as most *r*-strategists come into existence only to suffer and die prematurely and preventing their existence seems the only way to spare them living miserable lives. This fact seems to ground a strong moral reason for preventing such animals from coming into existence. Now, whether

these initial moral reasons will be accepted as valid reasons depends on what views in population ethics and/or ethics in general one is committed to. Below I will discuss the acceptability of these reasons, and my proposal in general, from various ethical perspectives but let me warn you beforehand that due to the lack of space my discussion will be more superficial rather than detailed. But given the purposes of this thesis, this should suffice.

There is a widespread intuition that while the fact that an individual's life would be worth not living gives us a strong moral reason not to bring him into existence, the fact that an individual's life would be worth living gives us no (or only a relatively weak) moral reason to bring him into existence. In population ethics this view is called the *asymmetry view*.¹⁹⁴ On this view, then, the fact that some wild animals will have miserable lives if brought into existence grounds a strong moral reason for preventing their existence. If you endorse the asymmetry view, then you will accept my proposal. However, there is a problem with this view. As Jeff McMahan points out, this view, although widespread, is "notoriously difficult to defend".¹⁹⁵ Perhaps it is so because it is a mistaken view based on a false intuition. Suppose that the lack of adequate defense for this view pushes you toward the opposite – the *symmetry view*. The symmetry view would hold that the fact that an individual would have a life worth living or worth not living would give us equally strong moral reasons to bring or not to bring him into existence, respectively.¹⁹⁶ On this view, then, while we have strong moral reasons for preventing the existence of wild animals who would have lives worth not living, we also have strong moral reasons to bring into existence wild animals who would have happy lives. This view presents us with an interesting problem. The problem is that the animals who are *r*-strategists give birth to several offspring at the same time, some of which will have miserable, while some others – happy lives. This means that the action that will prevent the animals with miserable lives from coming into existence will also

¹⁹⁴ See McMahan, Jeff (1981). "Problems of Population Theory", In: *Ethics* 92, p. 100.

¹⁹⁵ See McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*, Oxford University Press, p. 300.

¹⁹⁶ For a defense of this view, see Persson, Ingmar (2009). "Rights and the Asymmetry Between Creating Good and Bad Lives", In: Roberts, Melinda A. and Wasserman, David T. (eds.). *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem*, Springer, pp. 29-47.

prevent the animals with happy lives from coming into existence, and the action that will allow the animals with happy lives to come into existence, will also allow the animals with miserable lives to come into existence. From the discussion concerning the reproductive strategy of *r*-strategist animals in chapter 2 we know that the number of offspring who have lives worth not living is significantly higher than the number of offspring who have lives worth living. This means that the choice we ought to make is the following: either we ought to prevent a greater number of miserable animals from coming into existence and therefore prevent a fewer number of happy animals from coming into existence or we ought to allow a fewer number of happy animals to come into existence and therefore allow a greater number of miserable animals to come into existence. At this point, what we are supposed to do will depend on how we will answer the following question: Do numbers count? Suppose you believe that numbers make a moral difference, other things being equal. Then you would accept my proposal and hold that we should prevent *r*-strategist animals from coming into existence, for otherwise we would allow developing the scenario in which the number of suffering animals would be higher than the number of happy animals and, given your views, this would be wrong. But suppose you, like me, believe that in conflict cases numbers do not count, other things being equal. Then, given the fact that the moral reasons to bring happy animals and not to bring miserable animals into existence are equally strong, we ought to make a fair choice. Thus, we should flip a coin and a coin should be flipped for each and every *r*-strategist animal who will give birth to her offspring in the future. However, depending on what other views in ethics you endorse, tossing a coin in this case may not be the final verdict after all.

Suppose you endorse what might be called the *impersonal* approach to ethics or the impersonal morality. This view holds that an action can be wrong even if it does not wrong or harm anyone and an outcome can be good or bad even if it is not good or bad for anyone. Thus, this view presupposes the possibility of impersonal wrongdoing. On this view, then, by allowing a miserable individual to come into existence, other things being equal, we commit an impersonal wrongdoing, for we increase impersonal disvalue in the world and

thus make the world a worse place impersonally considered. This view would thus imply that at least some of our moral reasons to bring or not to bring individuals with certain level of well-being into existence will be impersonal reasons. But whether we have such impersonal moral reasons at all depends on whether we are justified in endorsing impersonal morality in the first place. We can question the plausibility of the impersonal view as follows: How can anything be good or bad if it is not good or bad for anyone? Why or how does the action that harms or benefits no one have any moral significance at all? Why does it even matter how the world is affected if no individual is affected for better or worse? If you, like me, find the answers to these questions unsatisfactory, then you may well endorse what can be called the *individual-affecting* approach to ethics or the individual-affecting morality.¹⁹⁷ On this view, an act can be wrong only insofar as it wrongs or harms someone and an outcome can be good or bad only insofar as it is good or bad *for* someone. This view would imply that if there are any moral reasons at all to bring or not to bring individuals with certain level of well-being into existence, they would be only individual-affecting. But do we have any individual-affecting moral reasons here? Again, this depends on what other views you hold.

First, let us suppose that bringing an individual into existence will have neither positive nor negative effect on the individuals who already exist. Thus, the only individual-affecting moral reasons we can have in this case will be grounded in the facts about the well-being of an individual who will or will not be brought into existence. Now, suppose you hold the view that harming (benefiting) an individual implies making this individual worse (better) off than he would otherwise have been. That is, you endorse the *comparative* account of harm. On this account, in order for there to be any individual-affecting moral reasons to bring or not to bring an individual with a certain level of well-being into existence, this individual must be made better or worse off than he would

¹⁹⁷ In the relevant literature this view is also known as the *person-affecting principle/restriction* or the *person-based intuition*. Here, following Jeff McMahan, I merely replace the term “person” with the term “individual” so as to include the entities that matter morally but are not persons. See McMahan, Jeff (2009). “Asymmetries in the Morality of Causing People to Exist”, In: Roberts, Melinda A. and Wasserman, David T. (eds.). *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem*, Springer, footnote 2, pp. 49-68.

otherwise have been. At this point, it is still not clear whether we have such moral reasons. This is because we need to know whether, other things being equal, existence can be better or worse for an individual than non-existence or, in other words, whether bringing an individual into existence can harm or benefit that individual. Suppose you believe that by bringing a miserable individual into existence we harm that individual.¹⁹⁸ Then you would believe that by allowing the existence of a miserable animal we allow this animal to be harmed and doing so would be wrong. Thus, we have an individual-affecting moral reason to prevent miserable animals from coming into existence. And if the symmetry view is right, then we also have an equally strong individual-affecting moral reason to allow happy animals to come into existence. At this point, we are back at coin tossing again. But suppose that the claim that existence can be better or worse for an individual than non-existence does not sound right to you. Perhaps you feel the pull of what is known as the *incommensurability objection*.¹⁹⁹ This objection states that given the comparative account of harm or benefit, in order to judge whether existence can harm or benefit an individual, we need to compare his level of well-being he has in the state of existence with the level of well-being he has in the state of non-existence. The problem here is that in the state of non-existence an individual lacks well-being altogether and in that sense the comparison seems impossible. If such comparison cannot be made, then it would make no sense to say that existence can make an individual better or worse off than he would otherwise have been.

Now, if coming into existence cannot benefit or harm an individual, then it follows that the fact that an animal would have a miserable or happy life if brought into existence does not give us any individual-affecting moral reason for or against allowing this animal to come into existence, keeping the assumption in mind that his life would have a neutral impact on the well-being of existing

¹⁹⁸ For a defense of this view, see Holtug, Nils (2001). "On the Value of Coming into Existence", In: *The Journal of Ethics* 5 (4), pp. 361-384; Holtug, Nils (2016). "The Value of Coming into Existence", In: Višak, Tatjana and Garner, Robert (eds.). *The Ethics of Killing Animals*, Oxford University Press, pp. 101-114.

¹⁹⁹ For a defense of the view that coming into existence cannot benefit or harm an individual, see Višak, Tatjana (2013). *Killing Happy Animals: Explorations in Utilitarian Ethics*, Palgrave Macmillan, Chapter 6, pp. 79-92.

individuals. But the comparative account is not the only account of harm. There are other accounts of harm that can be collectively called the *non-comparative* account of harm.²⁰⁰ On the non-comparative account of harm, an individual can be wronged or harmed without making him worse off than he would otherwise have been. However, the main shortcoming of the non-comparative account of harm is that it lacks an intuitive appeal.²⁰¹ Indeed, intuitively speaking, the concept of harm implies comparison and it seems rather implausible to hold that an individual is still harmed even if he has not been made worse off than he would otherwise have been. Perhaps, then, our best bet would be to stick with the comparative account of harm. The implication of endorsing the comparative account of harm, in conjunction with above-mentioned other views that I find most plausible, is that the only individual-affecting moral reasons we have for reducing the number of wild animals by preventing many of them from coming into existence are moral reasons that concern the well-being of existing wild animals. In particular, these reasons are grounded in the fact that preventing new wild animals from coming into existence and thereby reducing their total number will significantly benefit existing wild animals and this seems to provide strong enough support for my proposal.

The *third* principle entails managing nature in such a way that it will be in our power to decide what type of animal species will be living in the wild. The preceding discussion concerned the claim that the suffering of existing wild animals will be significantly reduced if we prevent many new animals from coming into existence. For example, the reduction of the total number of wild animals will allow the environment to better feed existing wild animals. It will also make it easier for us to detect and locate various instances of wild animal suffering and provide a better assistance to suffering animals. However, as long as there are particular types of animal species such as predators whose existence is especially harmful to other wild animals, our job to reduce wild animal

²⁰⁰ For an overview of the different non-comparative accounts of harm, see Roberts, Melinda A. (2019, Summer). "The Nonidentity Problem", *The Stanford Encyclopedia of Philosophy*, retrieved on February 7, 2020 from <https://plato.stanford.edu/archives/sum2019/entries/nonidentity-problem/>.

²⁰¹ For other criticism of the non-comparative accounts of harm, see Bradley, Ben (2012). "Doing Away with Harm", In: *Philosophy and Phenomenological Research* 85 (2), pp. 390-412.

suffering would be only half done. Thus, we should not only prevent many wild animals from coming into existence but also ensure that certain animal species do not exist at all.²⁰² However, predator animal species may not be the only species that could go extinct. The extinction of some other animal species could be a side-effect of the reduction of the overall wild animal population size. For example, if we keep preventing the offspring of some animal species from coming into existence, eventually all remaining members of these species will die out and the species will become extinct. Surely, we can control whether species remain or go extinct but what I want to explore in the following discussion is whether the species extinction is in itself something that ought to be avoided. In other words, if we could reduce wild animal suffering at the expense of driving some animal species to extinction, would doing so be objectionable on the ground that causing the species extinction is in itself morally wrong?²⁰³ The discussion will not concern any particular species of wild animals but animal species in general.

The argumentative strategy for defending the claim that the species extinction is bad in itself very much resembles the argumentative strategy often employed in defense of preserving ecosystems and biodiversity. The strategy is to claim that certain entities such as ecosystems and biosphere possess intrinsic value and we ought to preserve and care for what is intrinsically valuable. Similarly, the species are thought to be the entities that have intrinsic value and for that reason we ought to avoid their extinction.²⁰⁴ If species really are

²⁰² Certainly, there are other ways to eliminate predation that do not involve the extinction of predator species but here I wish to examine the question of whether causing animal species to go extinct is in itself morally wrong.

²⁰³ Of course, here I am concerned with the *intrinsic* wrongness of species extinction but, perhaps, it will be helpful to say few words about the *instrumental* wrongness of eradication of some species. In particular, whether the extinction of some species could be objected on considerations that appeal to their instrumental value. Certainly, some species have instrumental value for us, especially majestic and elegant animals such as lions and tigers, and eradicating these species would be a loss to us. However, it seems clear that the suffering these animals bring to prey animals will far outweigh the joy they bring to us, and thus their instrumental value cannot disallow the eradication of predator species in defense of prey animals.

²⁰⁴ See Rolston, Holmes III (2013). "Species, the Value of", *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 4972-4980.

intrinsically valuable, then we have a *pro tanto* moral reason against the form of intervention in nature that results in the extinction of species.

In section 5.1.1 I noted that the references to intrinsic value are commonly understood in two ways. On one understanding, to say that an entity has intrinsic value is to say that that entity is morally considerable and whatever happens to it has an intrinsic moral significance. On another understanding, to say that an entity has intrinsic value is to say that that entity has impersonal value loss of which makes the world a worse place impersonally considered.

In section 1.2 I argued that the only beings that matter morally are the sentient ones. On the sentience view, then, a species cannot be a direct object of our moral concern because a species is a non-sentient entity. Thus, whatever happens to the species cannot have any intrinsic moral significance.

The claim that the species have impersonal value can be challenged in two ways. One way is to point out the notorious difficulty of defending the claim. The statement that the species are impersonally valuable in themselves is a purely intuitive judgment that is not shared by some, including myself, and unless one is already intuitively sympathetic to that judgment, it is difficult to see how one may come to accept it. This difficulty is further compounded by the fact that, except trusting our intuitions, there seems to be no particular way for deciding which entities possess impersonal value. Moreover, it seems plausible to suppose that in forming people's intuitive judgment concerning intrinsic value of the species a major role is played by instrumental value (e.g. aesthetic, economic, etc.) of the species. Similarly, perhaps many people's judgment that the extinction of species is bad in itself is influenced by the fact that the extinction of species is often bad for us. Perhaps the badness of the species extinction lies more in the loss to us and not to the world. Judith Jarvis Thomson puts this point as follows:

I gather that hundreds of species of ants (or is it termites?) become extinct every day: Is anyone seriously inclined to call that just plain a bad thing? Pandas are another matter, however. Dear living teddy bears! But that points to the way in which their becoming

extinct would be bad: we would lose something if they became extinct, and thus their becoming extinct would be bad for us.²⁰⁵

Another way to challenge the claim that the species have impersonal value and therefore we ought to preserve them is to express skepticism about impersonal value in general and hold that not only do species not have impersonal value but nothing does. I expressed the same skepticism about impersonal value in discussing the question of whether some ecological entities have impersonal value and noted that various authors ascribing impersonal value to different things characteristically fail to provide plausible grounds for their claims apart from relying on mere intuitions. This is a serious problem, for these intuitions are not shared by everyone and it is even doubtful whether intuitions about impersonal value of things are reliable at all.

As it turns out, my proposed solution for preventing or reducing wild animal suffering, called moral supervision on nature, can successfully withstand the main objections that can be launched against it and in that sense can be ruled as morally approved form of intervention in nature. Other, more specific forms of intervention will be discussed in the following subsection.

5.2.2 OTHER FORMS OF INTERVENTION IN NATURE

In this subsection I will critically examine the proposals to reduce wild animal suffering that have been put forward in the relevant literature. In particular, I will explore whether these proposals constitute morally permissible forms of intervention in nature and in that sense whether they ought to be granted a moral approval.

▪ *Extermination of All Wild Animals*

It has been argued that if we are truly concerned about the well-being of wild animals, then we would do these animals a favor if we painlessly killed them all.

²⁰⁵ Thomson, Judith Jarvis (1997). "The Right and the Good," In: *Journal of Philosophy* 94, footnote 16, p. 294.

Christopher Belshaw advances the view that has this implication for wild animals. This implication follows from his two claims. The first claim is that the death is not bad for animals, or at least not in a way that matters morally. The second claim is that most, if not all, animals live lives of uncompensated suffering, providing a reason to painlessly end their lives even if their overall or lifetime well-being remains net positive.²⁰⁶

Belshaw's view has already received considerable criticism in the literature²⁰⁷ and thus I will not elaborate more on these criticisms here; instead, I will focus on the above-mentioned claims and examine how tenable they are.

Concerning the first claim Belshaw maintains that "death is bad, in the way that matters, not simply when it deprives us of a good life, but of a good life we want to live. It is bad for animals only if, and insofar as, they want to live."²⁰⁸ In other words, what Belshaw claims here is that one needs to have a desire to remain alive in order for death to be bad for him. To assess this claim, I suggest we look into what it is for a death to be bad for someone. To say that the death is bad for an individual is to say that the death *harms* that individual. Harm is quite commonly understood in terms of a setback of interests.²⁰⁹ You are harmed when your interests are violated, frustrated or set back. Thus, death is bad for you just in case it frustrates or sets back your interests. From that it follows that to say that the death is not bad for animals is to say that the death does not set back or frustrate their interests. But what is it to have an interest in something? In section 1.3 I noted that to say that an entity has an interest in X is to mean that either a) X is in an entity's interest or b) an entity is interested in X and called these senses of interest *welfare-based* and *desire-based*, respectively.

²⁰⁶ See Belshaw, Christopher (2016). "Death, Pain, and Animal Life", In: Višak, Tatjana and Garner, Robert (eds.), *The Ethics of Killing Animals*, Oxford University Press, pp. 32-50.

²⁰⁷ For an extensive criticism of Belshaw's view, see Višak, Tatjana (2017). "Preventing the Suffering of Free-Living Animals: Should Animal Advocates Begin the Killing?", In: *Journal of Animal Ethics* 7 (1), pp. 78-95; Bradley, Ben (2016). "Is Death Bad for a Cow?", In: Višak, Tatjana and Garner, Robert (eds.), *The Ethics of Killing Animals*, Oxford University Press, pp. 51-64.

²⁰⁸ Belshaw, Christopher (2016). "Death, Pain, and Animal Life", In: Višak, Tatjana and Garner, Robert (eds.), *The Ethics of Killing Animals*, Oxford University Press, p. 45.

²⁰⁹ See Feinberg, Joel (1984). *The Moral Limits of the Criminal Law: Harm to Others*, Oxford University Press, p. 33.

Belshaw's view presupposes understanding the term "interest" in the latter sense, while I specified that throughout this thesis I would employ "interest" in the welfare-based sense. On the welfare-based sense, one has an interest in whatever benefits him – that is, whatever increases his well-being, regardless of the desires and wants he may have. Thus, to have interests in the welfare-based sense one need not have any wants or desires. From that it follows that sentient animals, whose future lives will be beneficial to them, have an interest in remaining alive. Death of these animals would thus harm them or be bad for them because it would frustrate or set back their interest.²¹⁰

Concerning the second claim Belshaw argues that the lives of animals do not hang together the way the lives of normal adult humans do. He thinks of animal lives as a series of discrete lives, where the goodness of one life cannot compensate the badness of another because, after all, they are different lives.²¹¹ I believe it would be most charitable to understand Belshaw as claiming that over the course of a particular animal's lifespan there are different animal minds or selves living in the same animal body, and these different animal selves each live separate lives that cannot be integrated into one whole life in any meaningful way. This is what I believe to be Belshaw's view, however, in what sense animal minds or selves are different requires a further explanation, which Belshaw avoids to do. This is a serious problem, for the adequacy of Belshaw's view depends wholly on the plausibility of this explanation. Moreover, in light of the existing empirical data on animal minds, it seems very implausible to suppose that over the course of a particular animal's lifespan different animal selves live in the same animal body. If this claim were true, it would be very difficult to explain how these animals manage to have complex social lives, create strong family bonds and distinguish between friends and enemies. Nor would it be any easier to explain how animals form friendship relationships with humans and still recognize them even after a long period of separation. Unless Belshaw

²¹⁰ The badness or harm of death is commonly explained by the standard account of the badness of death – the *deprivation account*, see Nagel, Thomas (1970). "Death", In: *Noûs* 4 (1), pp. 73-80; Kagan, Shelly (2012). *Death*, Yale University Press, pp. 206-224.

²¹¹ See Belshaw, Christopher (2016). "Death, Pain, and Animal Life", In: Višak, Tatjana and Garner, Robert (eds.), *The Ethics of Killing Animals*, Oxford University Press, p. 43.

presents a strong defense of his claim about the disintegrated lives of animals backed by the relevant empirical observations, his view will remain groundless and inadequate.

As it seems, the implications of Belshaw's view are untenable. Death is certainly bad for animals if it deprives them of a good life they would otherwise have had and killing such animals would require a strong justification. In the absence of such a justification killing happy animals would be wrong. Thus, Belshaw's suggestion cannot qualify as a morally permissible form of intervention in nature and should not be granted a moral approval.

▪ *Noah's Ark*

Suppose it is impossible for us to discriminate between happy and miserable wild animals and the only way to put the suffering animals out of their misery is to painlessly and indiscriminately kill most animals, including the happy ones. If our goal is to completely eradicate, or at least significantly reduce, wild animal suffering, sacrificing happy animals could be the price to pay for achieving it. Ole Martin Moen has defended this proposal, which he called the Noah's Ark Suggestion, as a possible form of intervention in nature.²¹²

Following the Biblical story of Noah's Ark, Moen proposes preserving a few members of all wild animal species, while painlessly and indiscriminately exterminating the rest in order to drastically reduce wild animal suffering. It is noteworthy that Moen seems to hold the view that a painless death is not a great harm for animals and this seems to justify sacrificing the lives of happy animals to ending the suffering of miserable ones. This view, I think, is very controversial, if not indefensible, so I believe it would be very charitable to understand Moen claiming that even if death is a great harm to happy animals, the sheer number of suffering animals, including the intensity of their suffering, is so great that it outweighs the sum of present and future pleasures experienced by happy animals, giving us a weighty reason to make a sacrifice and put an end to the suffering of miserable animals.

²¹² See Moen, Ole Martin (2016). "The Ethics of Wild Animal Suffering", In: *Etikk I Praksis – Nordic Journal of Applied Ethics* 10 (1), pp. 100-102.

Moen's proposal, even in its refined form, has serious problems. It is based on the assumptions that are deeply mistaken, rendering the proposal inadequate. The first assumption is that in conflict cases numbers make a moral difference, other things being equal. This view can be defended equally by consequentialists as well as non-consequentialists. Moen's proposal seems to be made from the utilitarian perspective, although it can be accepted by some non-consequentialists as well (e.g. threshold deontologists). Setting ethical theories aside, the fundamental problem with the view that in conflict cases numbers make a moral difference is that it is indefensible, or so I will argue. In the next subsection I will criticize this view and defend just the opposite – the view that in conflict cases numbers are morally irrelevant. If it turns out that numbers do not count in conflict cases, then the first assumption is untenable. The second assumption that underlies Moen's proposal is that doing and allowing equal harm to occur are morally equivalent. I criticized and rejected the moral equivalence thesis in section 4.4.4 where I argued for the view that doing harm is worse than allowing harm to occur. If this view is right and numbers do not count in conflict cases, then we are not justified in sacrificing happy animals in order to put suffering animals out of their misery.

Finally, even if we adopt the utilitarian outlook, Moen's proposal is not promising. The reason is that most members of certain herbivorous animal species such as elephants, rhinos, hippopotamus and great apes have overall happy lives and an adequate utilitarian solution to wild animal suffering would imply retaining all members of these species alive instead of killing most of them, since this would best maximize the overall utility.²¹³

Moen's proposal should thus be rejected on the ground that it lacks a necessary justification. The assumptions that purport to provide such a justification are untenable, rendering the proposal morally impermissible. Therefore, Noah's Ark suggestion should not be granted a moral license.

²¹³ Additionally, it should be emphasized that throughout his article Moen endorses a speculative claim that on aggregate suffering outweighs happiness in the wild, which is controversial. See Plant, Michael (2016, November). "The Unproven (And Unprovable) Case For Wild Animal Suffering", retrieved on May 21, 2020 from <https://www.plantinghappiness.co.uk/the-unproven-and-unprovable-case-for-wild-animal-suffering/>.

▪ *Preemptive Killing of Predators*

When an American trophy hunter killed Cecil the lion, the public was very quick to react. The killing of the beloved lion caused an unprecedented public uproar and was immediately denounced as a despicable act by many.²¹⁴ However, the public sentiments on this story were not shared by some. Amanda and William MacAskill are among those. They maintain that although Cecil was harmed by being killed, his death saved many prey animals who would have most probably become his victims later.²¹⁵ The authors suggest that if by killing individual predators we can prevent the suffering and death of many prey animals at the claws (or jaws) of these predators, then killing predators may be the right thing to do. In the following discussion I do not want to focus on their view exclusively; instead, what I intend to do here is to advance and generalize their suggestion even more and explore its moral permissibility.

Before I formulate more specifically the question I wish to discuss here, let me make several assumptions. First of all, the killing of predators in defense of prey animals may not be the most ethical option, but for the sake of this discussion let us assume that it is the only way to prevent predation. Second, killing in self- or other-defense is often justified granted that the proportionality and necessity conditions are satisfied. However, even if these conditions are met, killing predators may still be problematic. This is because predators are not moral agents and for that reason they count as innocent, even if they are aggressors or attackers, and whether killing innocent aggressors or attackers is permissible remains controversial. These questions will be discussed at length in the next section but let us assume here that killing predators in defense of prey animals is justified. Third, the above-mentioned authors seem to endorse the view that in conflict cases numbers make a moral difference. Here let me assume the opposite – the view that in conflict cases numbers are morally irrelevant.

²¹⁴ See Capecci, Christina and Rogers, Katie (2015, July). “Killer of Cecil the Lion Finds Out That He Is a Target Now, of Internet Vigilantism”, retrieved on February 21, 2020 from <https://www.nytimes.com/2015/07/30/us/cecil-the-lion-walter-palmer.html>.

²¹⁵ See MacAskill, Amanda and MacAskill, William (2015, September). “To truly end animal suffering, the most ethical choice is to kill wild predators (especially Cecil the lion)”, retrieved on February 21, 2020 from <https://qz.com/497675/to-truly-end-animal-suffering-the-most-ethical-choice-is-to-kill-all-predators-especially-cecil-the-lion/>.

Fourth, the way in which the authors formulated their view suggests that killing predators is justified even well before they launch an attack and endanger the lives of prey animals. What thus they suggest is that we can permissibly kill predators even if they are not posing an immediate threat to the victim at the time of their killing. I think it is reasonable to assume here that any healthy adult predator will necessarily attack and pose an immediate threat to some particular prey animal in the very near future. Given the enormous number of predator animals, it is also reasonable to assume that unless we kill predators in advance – that is, well before they attack prey animals, it will be virtually impossible for us to prevent all or most instances of predation. Keeping these assumptions in mind, the question I want to explore can be formulated as follows: Is *preemptive*²¹⁶ killing of predators justified?

If preemptive killing is ever justified, it is so as a form of self- or other-defense, and its permissibility thus depends on whether preemptive killing satisfies the conditions that justify self- or other-defense. These conditions are commonly thought to be the *necessity* and *proportionality* conditions.²¹⁷ While the proportionality condition requires that the defensive harm be proportional to the prevented harm, the necessity condition requires that the used force, even if proportional, be necessary for averting the threat. It is easy to see why preemptive killing of predators satisfies the proportionality requirement. Since predators ultimately kill their prey in order to consume them and the death of predator and prey animals are roughly equal harms, the proportionality condition seems to be satisfied. Does preemptive killing of predators meet the necessary condition? Whether killing a predator who is not posing an immediate threat to any particular prey animal can still qualify as a necessary force may seem controversial. In discussing the moral permissibility of preemptive killing, it is common to consider various imagined scenarios in order to provoke the relevant intuitive reactions and judge the permissibility of such killings

²¹⁶ A defense against an *imminent* threat is called a preemptive defense, while a defense against an *immediate* threat is called a defense *simpliciter*, see McMahan, Jeff (2006). “Preventive War and the Killing of the Innocent”, In: Sorabji, Richard and Rodin, David (eds.). *The Ethics of War: Shared Problems in Different Traditions*, Ashgate Publishing, p. 170.

²¹⁷ See Uniacke, Suzanne (2013). “Self-Defense”, *The International Encyclopedia of Ethics*, Wiley-Blackwell, pp. 4763-4771.

accordingly.²¹⁸ I will do the same. Suppose you are on vacation, living in a small cabin all alone in the middle of nowhere. One day, your best friend informs you via phone that your insidious enemy has just hired an assassin who is already on his way to kill you. The only available means to defend your life against the imminent threat is to plant an explosive on the road nearby and detonate it as the assassin's car approaches, blowing him up. It seems very plausible to maintain that you are justified in killing the assassin well before he actually attempts to kill you. Similarly, it seems to me that we are justified in killing predators well before they actually launch an attack on prey animals. In contrast to this, John Hadley argues that "up until the time they are preyed upon nonhuman animals are not in dire need so we have no duty to aid them."²¹⁹ What Hadley seems to contend here is that in order to justifiably defend prey animals, the threat posed by the predators must be *immediate* and not just imminent. But restricting the use of defensive force to only against an immediate threat seems rather unreasonable to me. The scenario I considered above clearly demonstrates that you are justified in killing the assassin even though the threat he is posing to you is not immediate but only imminent. It seems that the use of defensive force against an imminent threat still meets the necessity condition, granted that preemptive killing is the only means to averting the threat. Is the case of predation any different? I think not. Given that the very survival of predators depends on their catching and consuming prey animals, we can be absolutely certain that as long as there are healthy adult predators around, they will persistently stalk, chase and devour some prey animals. It would be just very naïve to suppose otherwise. So, the threat they are posing to prey animals is indeed imminent and will become immediate in the coming days. If preemptive killing of the assassin is justified, then so is preemptive killing of predators.

²¹⁸ For various examples, see McMahan, Jeff (2006). "Preventive War and the Killing of the Innocent", In: Sorabji, Richard and Rodin, David (eds.). *The Ethics of War: Shared Problems in Different Traditions*, Ashgate Publishing, p. 173; McMahan, Jeff (2004). "War as Self-Defense", In: *Ethics and International Affairs* 18 (1), p. 76; Frowe, Helen (2016). *The Ethics of War and Peace*, 2nd edition, Routledge, pp. 39, 79-80.

²¹⁹ Hadley, John (2006). "The Duty to Aid Nonhuman Animals in Dire Need", In: *Journal of Applied Philosophy* 23 (4), p. 450.

It seems to me that preemptive killing of predators is a morally permissible form of intervention in nature and should thus be granted a moral approval. But this conclusion stands insofar as the assumptions that underlie it are correct. For the sake of this discussion I have also ignored the side-effects of eliminating predators. These assumptions and side-effects will be addressed in the following subsection.

▪ *Reprogramming Predators*

Advancements in science and technology could one day allow us to eliminate predation without killing predators or driving them to extinction. Some have suggested that we could reprogram predators in order to rob them of their predatory instincts or turn them into herbivorous animals.²²⁰ An immediate appeal of this proposal seems to be the fact that we could put an end to predation without harming predator animals. In fact, future technological advancements could allow us to turn the violent and cruel wild into the Garden of Eden – the place where all species of animals live in peace. While this proposal seems rather utopian from today’s perspective, the day when this scenario may actually be realizable might not be too far and thus exploring its moral permissibility today could be in order.

Reprogramming predators could be carried out in two ways. The first way would concern existing predators. For example, reprogramming could modify the behavioral traits of predators, making them friendlier and less aggressive. The second way would not affect existing predators, at least in the relevant sense. Instead, it would involve the modification of their germ cells, leading to producing offspring with desirable traits. This way we could eventually turn the carnivorous species into the herbivorous ones.

²²⁰ See Pearce, David (2009/2015). “Reprogramming Predators”, retrieved on February 26, 2020 from <https://www.hedweb.com/abolitionist-project/reprogramming-predators.html>; McMahan, Jeff (2015). “The Moral Problem of Predation”, In: Chignell, Andrew et al. (eds.). *Philosophy Comes to Dinner: Arguments About the Ethics of Eating*, Routledge, pp. 268-294; On the genetic engineering of *r*-strategist animals whose offspring are more susceptible to suffering and early death, see Johannsen, Kyle (2017). “Animal Rights and the Problem of *r*-Strategists”, In: *Ethical Theory and Moral Practice* 20 (2), pp. 333-345.

Reprogramming existing predators by suppressing their predatory instincts does not seem to be morally problematic. This procedure would benefit existing prey animals as well as the predators themselves who would otherwise have been killed preemptively. However, it could be argued that the predators who undergo significant modifications of their dispositions would not retain their identity. This means that reprogramming existing predators would amount to killing them and replacing them by new animals, thereby harming them not benefiting them. I do not want to challenge this claim. Even if this claim is true, reprogramming predators would still be justified. This is because, as I argued previously, if preemptive killing of predators is justified, then so is their reprogramming that amounts to killing them.

Reprogramming predator species on a genetic level and producing their offspring with desirable traits (e.g. herbivorous, docile, etc.) seems morally even less problematic. However, we can reasonably ask whether what reasons, if any, we have for doing so – that is, whether turning carnivorous species into herbivorous ones via genetic engineering will benefit anyone. The point here is that if we intervene in predator-prey relationships, especially on a genetic level, the animals who will be born afterward would not have existed at all had we not carried out intervention. Thus, prey animals who will be born after intervention cannot be said to benefit from turning carnivorous species into herbivorous ones. It thus seems that we may not have *animal-regarding* (moral) reasons for carrying out such reprogramming.²²¹ But from a prudential perspective, reprogramming predators seems to be a better alternative to exterminating predators or driving them to extinction. It would be good for *us* if there were some majestic species like lions, tigers and others around, even if they would be grass-eating. So, it seems that we have *self-regarding* (non-moral) reasons to reprogram predators instead of killing them or driving them to extinction.

²²¹ Perhaps there are nevertheless *animal-regarding* (moral) reasons for turning carnivores into herbivores. Suppose there is a few days old baby zebra who was born prior to intervening in predator-prey relationships. It makes sense to say that it is in this baby zebra's interest that all future offspring of existing predators be herbivores. For the chances of his survival will be higher in the world with fewer carnivores than in the world with more carnivores.

While addressing the moral problem of predation Christine Korsgaard has questioned the moral permissibility of reprogramming predators. She argues that the groups and communities of animals can be considered as moral patients to whom we may have certain obligations.²²² Reprogramming predators or encouraging their extinction would violate these obligations and would thus be morally impermissible. She writes:

Communities of lions and leopards and sharks are also normatively significant groups, to whom we have obligations, including obligations to support or at least not to undermine the continuing existence of their communities. We should preserve these communities for the sake of the individual animals in them... It seems to me that we would be undermining existing animal communities, especially those of the predators, if we started genetically manipulating the predators or phasing them out of existence.²²³

First of all, given the discussion in section 1.2, where I defended the sentience view about moral considerability, the claim that groups and communities can count as moral patients is false. There I argued that only beings who are sentient and thus have a capacity for well-being can be the proper objects of our direct moral concern. Moral obligations can thus be owed only to such beings. By contrast, the groups and communities of individuals are not sentient, nor can they have a well-being of their own or interests that we would be required to consider in moral deliberations. Thus, the groups and communities do not have an intrinsic moral significance, only an *individual* sentient being does. Second, even if Korsgaard were right in claiming that we have obligations toward animal communities, it would not necessarily follow that killing or driving the predator communities to extinction would be impermissible. The problem is that the predator and prey animal communities cannot coexist peacefully. Predator animals constantly inflict significant *unjustified* harm to prey animals and this requires our moral reaction. The best Korsgaard can do to justify the *status quo*

²²² See Korsgaard, Christine (2018). *Fellow Creatures: Our Obligations to the Other Animals*, Oxford University Press, p. 204-209; For an extensive criticism of Korsgaard's views on *creation ethics*, see Paez, Eze (2019). "A Kantian Ethics of Paradise Engineering", In: *Analysis* 80 (2), pp. 283-293.

²²³ Korsgaard, Christine (2018). *Fellow Creatures: Our Obligations to the Other Animals*, Oxford University Press, p. 208-209.

is to insist that predator animals, after all, are innocent and harming them in defense of prey animals would require a justification. Thus, the moral permissibility of reprogramming predators or encouraging their extinction would turn on whether harming predators in defense of prey animals can be justified. This question will be addressed in detail in the following subsection.

Setting aside Korsgaard's objection, it seems to me that reprogramming predators is a morally permissible form of intervention in nature. Reprogramming *existing* predators, provided that it would successfully prevent all instances of predation, seems to be a better alternative to preemptive killing of predators *at least* from a prudential perspective as we would still be able to enjoy the majesty of some predator species.

▪ *Species Segregation*

Realistically speaking, reprogramming predators is a matter of a distant future and the urgency of the plight of wild animals calls for the immediate measures on our part. Perhaps preemptive killing of predators is too extreme a measure. Can we then eliminate predation without costing predators their lives? Suppose we could isolate all predator species from the rest of the animal kingdom and place each species in separate well-equipped sanctuaries. The predators would then be fed with the laboratory produced meat – real or substitute – that would meet their nutritional requirements. As soon as we would isolate all the predators, we would then need to deal with the side-effects of eliminating predation. I will address these side-effects in the next subsection. Here let me just explore the moral permissibility of species segregation separately from its side-effects.

The argument that is commonly invoked against the forms of intervention in nature that involve some restriction of the free movement of wild animals is one from flourishing.²²⁴ I criticized the flourishing argument in section 5.1.3,

²²⁴ See Everett, Jennifer (2001). "Environmental Ethics, Animal Welfarism, and the Problem of Predation: A Bambi Lover's Respect for Nature", *Ethics and the Environment* 6 (1), pp. 42-67; Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A Political Theory of Animal Rights*, Oxford University Press, pp. 165-167.

where I argued that intervention that diminishes the flourishing of some wild animals by limiting their autonomy is still justified considering the insignificant harm it inflicts to some wild animals and the significant benefit it brings to others. Here the flourishing argument would maintain that isolating the predators and placing them in sanctuaries would restrict their freedom as well as their species-specific activities such as chasing and catching prey animals, thereby undermining their flourishing. For that reason, the argument would allege, such isolation should not be permitted. But the flourishing argument is unreasonable. Are we seriously insisting that we should allow predators to roam freely and thus torment and devour prey animals rather than isolate and place them in separate sanctuaries so that their flourishing is not undermined? What about individual prey animals and their flourishing? We do not hesitate to isolate and confine people – sane or mentally ill – who pose danger to society even though this undermines their flourishing. Why should predators be given carte blanche?

Rejecting the flourishing argument need not commit us to neglecting the well-being of predator animals. Once predators are placed in well-equipped sanctuaries, we will need to ensure that their species-specific needs are satisfied and their overall lives are as good as possible. However, fully satisfying the species-specific needs of predators can be a challenge and many facilities containing predator animals have to be creative to overcome it. Several zoos arrange simulated hunting to give predators the opportunity to exercise their predatory capacities. For example, tigers are given the balls that are attached to powerful springs and by pulling on these balls the predators get the experience of dragging freshly killed prey. Vultures receive dead rats that are wrapped in a brown paper, which they need to tear apart before consuming their meal.²²⁵

²²⁵ See Stewart, Barbara (2002, April). “Recall of the Wild; Fighting Boredom, Zoos Play to the Inmates’ Instincts”, retrieved on February 29, 2020 from <https://www.nytimes.com/2002/04/06/nyregion/recall-of-the-wild-fighting-boredom-zoos-play-to-the-inmates-instincts.html>.

Simulated hunting activities like these seem to satisfy the animals' predatory instincts and compensate for the lack of natural hunting experience.²²⁶

Although species segregation seems to be a morally preferable form of intervention compared to others, it has its own shortcomings. In terms of feasibility, it seems to have a rather limited use in preventing all kinds of predation. For example, species segregation may prove successful in dealing with predation that occurs on land but it is unclear how it can prevent predation that occurs up in the air and down in the water. Here the worry is that to prevent predation among birds and sea animals we would need to confine predators in such a way that avian predators would be unable to fly while the marine predators would have a very limited space to swim.²²⁷ Conceding that limiting the autonomy of these predators to that extent would significantly impoverish their lives, I still want to claim that confining them might still be a better option for them, since the alternative would be preemptively killing them.²²⁸

I conclude that the species segregation is a form of intervention in nature that is the least harmful, especially to predators, and in that sense morally the most preferable. Thus, it should be granted a moral approval.

5.2.3 THE ETHICS OF PREDATION

As chapter 2 showed, predation is one of the most widespread sources of wild animal suffering. It condemns many prey animals to great suffering and premature death. Considering the degree of harm predation inflicts to many prey animals, we have a very strong *pro tanto* moral reason to eliminate it. However, things get complicated when we think of the forms or the ways of eradicating predation. In particular, which means we are morally permitted to employ for

²²⁶ See Wolchover, Natalie (2011, July). "Zoos Fake Hunts to Satisfy Predators' Killer Instincts", retrieved on March 1, 2020 from <https://www.livescience.com/33415-zoos-fake-hunts-satisfy-predators-killer-instincts.html>.

²²⁷ See Donaldson, Sue and Kymlicka, Will (2013). "A Defense of Animal Citizens and Sovereigns", In: *Law, Ethics and Philosophy* 1, p. 156.

²²⁸ Still, it is not entirely certain that the life of an avian predator would be impoverished in confinement. We could build gigantic cages for each avian predator species in their natural habitat where they would have a space big enough to fly around. Building big enough underwater cages for marine predators may turn out less feasible, although not impossible.

eliminating predation depends on whether there are overriding moral reasons against using these means. Among animal ethicists it is widely agreed that all means that are currently available to us for eliminating predation are rendered impermissible by various countervailing considerations. These considerations vary from author to author but what is common to these authors is that they all agree that we have an all-things-considered duty *not* to intervene in predator-prey relationships. So, even if many accept that we have a *pro tanto* duty to eliminate predation, they all doubt that this *pro tanto* duty can become an all-things-considered duty, at least in present circumstances. In what follows I will briefly review considerations commonly put forward against intervening in predation and group them into two distinct arguments. Then I will call these arguments into question and show that they do not succeed in rendering intervention in predation impermissible. Finally, I will offer what I think is the most adequate solution to the predation problem.

▪ *The Standard View on Predation*

Predation is the most widely discussed cause of wild animal suffering in animal ethics literature.²²⁹ Earlier discussions concerning the moral problem of predation had centered on the claim that granting rights to animals would necessarily imply our obligation to prevent predation,²³⁰ which seemed an obviously absurd implication to some.²³¹ This claim – dubbed as a predation

²²⁹ For a useful survey of the debate on the predation problem, see Keulartz, Jozef (2016). “Should the Lion Eat Straw Like the Ox? Animal Ethics and the Predation Problem”, In: *Journal of Agricultural and Environmental Ethics* 29, pp. 813-834; Torres, Mikel (2015). “The Case for Intervention in Nature on Behalf of Animals: A Critical Review of the Main Arguments Against Intervention”, In: *Relations* 1, pp. 1-17.

²³⁰ It will be helpful to clarify here that in these discussions “predation problem” referred to a challenge posed to animal rights theorists who claimed that animals had rights. The challenge was to show that although animals have rights and we have a duty to protect them, this does not imply that we should protect prey animals from predators. In the remainder of this section, however, by “predation problem” I will mean a *moral* problem – the fact that predation inflicts significant harm on prey animals and that we ought to find a morally permissible way of ending this phenomenon.

²³¹ See Ritchie, David G. (1903). *Natural Rights: A Criticism of Some Political and Ethical Conceptions*, London: Swan Sonnenschein, pp. 109-110; Sagoff, Mark (1984). “Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce”, In: *Osgoode Hall Law Journal* 22 (2),

reductio – prompted a good deal of responses from the proponents of animal rights who were eager to demonstrate that either there was nothing inherently absurd about the obligation to prevent predation or that granting rights to animals would not necessarily entail our obligation to save prey animals from predators.²³²

The standard view on the moral problem of predation is that we should not intervene in predator-prey relationships. The supporters of this view accept that we have a *pro tanto* duty to prevent predation but they insist that there are other considerations that prevent this *pro tanto* duty from becoming a final duty. So, given the present circumstances, it is not the case that we have a final duty to prevent predation among wild animals. The defenses of this view vary. I have discussed and rejected some of the defenses already while examining the general arguments against intervention in nature. Here I will examine two main considerations that allegedly render intervention in predation impermissible.

One kind of defense of the anti-interventionist view on predation appeals to the rights or interests of predators. It is argued that since predators are obligate carnivores, they have to kill and feed on their prey to survive and preventing predation would amount to starving them to death or directly killing them in defense of prey animals (assuming that there are no other morally permissible ways of ending predation). If we are required to protect the interests of prey animals, so are we to protect the interests of predators. If protecting the interests of one requires violating the interests of another, on what grounds should we pick sides?²³³ It is noteworthy that much strength of this defense

p. 304; Callicott, J. Baird (1988). "Animal Liberation and Environmental Ethics: Back Together Again", In: *Between the Species* 4 (3), p. 168; Cohen, Carl (1997). "Do Animals Have Rights?" In: *Ethics and Behavior* 7 (2), p. 95; Scruton, Roger (2000). *Animal Rights and Wrongs*, London: Demos, p. 60.

²³² See Clark, Stephen (1979). "The Rights of Wild Things", In: *Inquiry* 22 (1–4), pp. 171–188; Sapontzis, Steve F. (1987). *Morals, Reason, and Animals*, Temple University Press, pp. 229–248; Regan, Tom (1983/2004). *The Case for Animal Rights*, University of California Press, pp. xxxvii, 357; Fink, Charles (2005). "The Predation Argument", In: *Between the Species* 13 (5), pp. 1–15; Simmons, Aaron (2009). "Animals, Predators, the Right to Life and the Duty to Save Lives", In: *Ethics and the Environment* 14 (1), pp. 15–27.

²³³ See Pluhar, Evelyn (1995). *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Duke University Press, p. 276; DeGrazia, David (1996). *Taking Animals Seriously: Mental Life and Moral Status*, Cambridge University Press, p. 277; Aaltola, Elisa

stems from the fact that predators are morally innocent. Although they intentionally harm prey animals, due to their diminished cognitive capacities they are unable to perceive the wrongness of their actions and thus cannot be held morally responsible. In short, predators are not moral agents, hence they are blameless.

Another kind of defense of the anti-interventionist view on predation appeals to the disastrous consequences that would follow the elimination of predation. A commonly envisioned scenario that is highly likely to develop as a result of preventing predators from killing their prey looks like this: Considering that within ecosystems predators function as one of the mechanisms that keep the population of prey animals in check, completely eradicating predation would cause their overpopulation. The absence of predators would allow prey animals to multiply to an extent that their number would exceed the environment's carrying capacity, eventually causing many of them to suffer and die from hunger, thirst and disease.²³⁴

From the discussion of these defenses we can discern two distinct arguments that purport to justify the non-intervention policy on predation. We can call the defense that appeals to the rights and the innocence of predators to oppose intervention in predation the *argument from innocence*. We can call the defense that appeals to the disastrous consequences of eliminating predation the *argument from ecological catastrophe*. I will examine these arguments in turn.

▪ *The Argument from Innocence*

The argument from innocence maintains that predators are innocent – that is, they are morally non-responsible for the killing of prey animals, thus we cannot permissibly kill them in defense of prey animals. The alleged implication of this

(2010). “Animal Ethics and the Argument from Absurdity”, In: *Environmental Values* 19 (1), p. 84.

²³⁴ See Pluhar, Evelyn (1995). *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Duke University Press, p. 276; Rowlands, Mark (2009). *Animal Rights: Moral Theory and Practice*, Palgrave Macmillan, p. 169; Simmons, Aaron (2009). “Animals, Predators, the Right to Life and the Duty to Save Lives”, In: *Ethics and the Environment* 14 (1), pp. 22-23.

argument is that we should not intervene in predation in ways that entail killing predators. However, the argument from innocence alone cannot command that we refrain from intervening in predation. This is because predator's innocence alone cannot provide a necessary justification for maintaining the *status quo* – that is, letting predators kill prey animals. If predators are innocent, so are prey animals and if innocence protects predators, it protects prey animals too. So, if one animal has to die in order for another to stay alive and both are innocent, what the argument from innocence can do at most is to require that the choice between the death of a predator and the death of a prey be made fairly. Flipping a fair coin seems a right solution. However, flipping a coin is required only insofar as the argument from innocence is sound. But is it? I will argue that it is not. In particular, I will argue that killing predators in defense of prey animals is justified. To do that, we will need to look into the ethics of self-defense.²³⁵

The question of whether we can permissibly kill predators in defense of prey animals rests on the question of whether we can permissibly kill harmful innocents in self-defense.²³⁶ In the ethics of self-defense, it is common to distinguish between two types of innocents who are posing a danger to others: innocent threats and innocent attackers. An *innocent threat* is an individual who is posing a danger to another without exercising his agency. An *innocent attacker* is an individual who is posing a danger to another by exercising his agency but, for one reason or another, lacks moral agency. Since predator animals pose a danger to prey animals through exercising their agency but lack moral agency, they should be categorized as innocent attackers. A paradigmatic example of an innocent attacker is a knife-wielding lunatic who is intentionally trying to kill a victim. The victim will die unless he kills the lunatic first. The lunatic is said to

²³⁵ Shelly Kagan offers an interesting discussion of the ethics of self- and other-defense in the context of animals. However, the value of his discussion is diminished by his endorsement of the hierarchical model of moral status, which I rejected in the first chapter. Also, Kagan avoids to take a stance on what is the right account of self-defense. A reader may nevertheless wish to take a look at his discussion. See Kagan, Shelly (2019). *How to Count Animals, More or Less*, Oxford University Press, pp. 248-278.

²³⁶ In discussions concerning the ethics of self-defense it is widely agreed that there is no morally relevant difference between self- and other-defense (i.e. third-party defense). Whatever justifies self-defense, also justifies other-defense.

be morally innocent since he lacks the capacity to judge or evaluate the morality of his actions, at least at the time of the attack.

In the ethics of self-defense, the standard view is that, special considerations aside, it is permissible to kill innocent attackers in self- or other-defense.²³⁷ This view is intuitively very plausible and enjoys wide acceptance among philosophers, lawyers and lay people.²³⁸ However, despite its wide intuitive appeal, the standard view remains unappealing to some.²³⁹ One of the influential opponents of the standard view is Michael Otsuka who advances the moral-responsibility account of self-defense and argues that unless individuals are morally responsible for the threat they pose to others, they are not liable to defensive killing.²⁴⁰ His main argument against the standard view is what has come to be known as the *bystander argument*, according to which killing innocent attackers is impermissible for the same reason it is impermissible to kill innocent bystanders when other things are equal, since there is no morally relevant difference between innocent attackers and innocent bystanders. Since almost no one disputes the impermissibility of killing innocent bystanders when

²³⁷ In the remainder of this discussion I will assume that killing an innocent attacker is the only means to self- or other-defense and that all other things are equal.

²³⁸ See Fletcher, George (1973). "Proportionality and the Psychotic Aggressor: A Vignette in Comparative Criminal Theory", In: *Israel Law Review* 8 (3), pp. 367-390; Thomson, Judith Jarvis (1991). "Self-Defense", In: *Philosophy & Public Affairs* 20 (4), pp. 283-310; Kamm, Frances (1992). *Creation and Abortion*, Oxford University Press, pp. 45-50; Uniacke, Suzanne (1994). *Permissible Killing: The Self-Defence Justification of Homicide*, Cambridge University Press, pp. 194-231; Wallerstein, Shlomit (2005). "Justifying the Right to Self-Defense: A Theory of Forced Consequences", In: *Virginia Law Review* 91 (999), pp. 1029-30; Quong, Jonathan (2009). "Killing in Self-Defense", In: *Ethics* 119 (3), pp. 507-537; Tadros, Victor (2010). *The Ends of Harm*, Oxford University Press, pp. 241-261; Frowe, Helen (2014). *Defensive Killing*, Oxford University Press, pp. 46-71; Doggett, Tyler (2018). "Killing Innocent People", In: *Noûs* 52 (3), pp. 645-666.

²³⁹ See Zohar, Noam (1993). "Collective War and Individualistic Ethics: Against the Conscripted of 'Self-Defense'", In: *Political Theory* 21 (4), pp. 606-622; Otsuka, Michael (1994). "Killing the Innocent in Self-Defense", In: *Philosophy & Public Affairs* 23 (1), pp. 74-94; McMahan, Jeff (1994). "Self-Defense and the Problem of the Innocent Attacker", In: *Ethics* 104 (2), pp. 252-290; Rodin, David (2002). *War and Self-Defense*, Oxford University Press, pp. 79-87; McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*, Oxford University Press, pp. 398-421.

²⁴⁰ See Otsuka, Michael (1994). "Killing the Innocent in Self-Defense", In: *Philosophy & Public Affairs* 23 (1), pp. 74-94; Otsuka, Michael (2016). "The Moral-Responsibility Account of Liability to Defensive Killing", In: Coons, Christian and Weber, Michael (eds.). *The Ethics of Self-Defense*, Oxford University Press, pp. 51-68.

other things are equal, then no one should dispute the impermissibility of killing innocent attackers too.

The bystander argument rests on what Otsuka calls the moral equivalence thesis: the claim that killing innocent bystanders is morally on a par with killing innocent attackers.²⁴¹ Against this, the standard view maintains that there *is* a morally relevant difference between killing innocent bystanders and killing innocent attackers because there *is* a morally relevant difference between innocent bystanders and innocent attackers. The difference, quite simply, is that innocent attackers are posing a threat to others, while innocent bystanders are not and the defense of the standard view rests on that difference. Of course, Otsuka denies that this difference is morally relevant but I believe there are good reasons to think that he is mistaken. The common defense of the standard view goes like this: Most people agree that the infliction of harm on a morally considerable being is *pro tanto* morally wrong. They thus agree that harming others requires a moral justification. The absence of an adequate justification renders the infliction of harm impermissible. Everyone agrees that the danger that innocent attackers are posing to innocent victims lacks a justification, therefore it is impermissible. The fact that the threat of harm posed to innocent victims is impermissible automatically grants victims a permission to exercise their right to self-defense, no matter who or what poses that threat. After all, the right to self-defense entails just that: the right to eliminate an unjustified threat within the boundaries of necessity and proportionality. Of course, an innocent victim may very well refuse to kill an innocent attacker and give up his life instead but that is up to him and doing so will be supererogatory. But if he decides to exercise his right to self-defense and kills an innocent attacker, he will have a sufficient justification and thus, doing so will be permissible.

The opponents of the standard view object that this argumentation ignores the innocence of attackers. This argumentation, they claim, makes innocent attackers bear the costs of the consequences they cannot judge morally, and this

²⁴¹ For an extensive criticism of Otsuka's moral equivalence thesis, see Frowe, Helen (2008). "Equating Innocent Threats and Bystanders", In: *Journal of Applied Philosophy* 25 (4), pp. 277-290.

seems unfair. The natural answer to this objection is that the fact that innocent attackers are causally responsible for putting others in danger matters. Surely, they are innocent as they have no control over what they cause but after all, they are impermissibly threatening the lives of others and it is their bad luck that they happen to be the threateners. Indeed, the conviction that it is innocent attackers who have to bear the costs of what they are causally responsible for is often explained in terms of *bad luck*. It is their bad luck that innocent attackers happen to be in a situation in which they are posing a danger and innocent victims have a right not to allow others' bad luck to be transferred to them.²⁴²

Jeff McMahan questions the claim that it is innocent attackers who have bad luck. He argues that it is innocent victims who have bad luck since they happen to be in a situation in which they are threatened and if nothing is done, they will be the ones who will be harmed.²⁴³ So, if it is bad luck that tells us who should bear the costs of the conflict situation, then it should be innocent victims who should suffer harm and not innocent attackers. It seems that, here, McMahan misunderstands what the proponents of the standard view mean when they claim that it is innocent attackers who have bad luck. To clarify this, it will be helpful to distinguish between different kinds of good and bad luck involved in this situation. We can distinguish between good/bad luck in the morally relevant sense and good/bad luck in the morally irrelevant sense. We can call the individual who has good/bad luck in the morally relevant sense morally lucky/unlucky and the individual who has good/bad luck in the morally irrelevant sense non-morally lucky/unlucky. Now, McMahan is right that there is a sense in which innocent victims are unlucky: if nothing is done, they will suffer harm. This is a non-moral sense. In the same sense, innocent attackers are lucky: if nothing is done, they will come out unharmed. However, there is another sense of being lucky/unlucky – a moral sense, and it is this sense that the proponents of the standard view employ. In this sense, innocent attackers

²⁴² For more on why it is the attackers who should bear the costs of bad luck, see Wallerstein, Shlomit (2005). "Justifying the Right to Self-Defense: A Theory of Forced Consequences", In: *Virginia Law Review* 91 (999), pp. 1029-30; Clark, Michael (2000). "Self-Defence Against the Innocent", In: *Journal of Applied Philosophy* 17 (2), pp. 145-155.

²⁴³ See McMahan, Jeff (2009). "Reply to Commentators", In: Robinson, Paul et al. (eds.). *Criminal Law Conversations*, Oxford University Press, pp. 404-406.

are unlucky: they are posing a threat to others that is impermissible as it lacks a justification. They are morally unlucky because such an unjustified threat can be permissibly eliminated by a deadly defensive force. In the same sense, innocent victims are lucky because they have a sufficient justification for defending themselves (or being defended by the third parties). That is, they are morally lucky as they can permissibly avert a threat using a deadly defensive force. So, it seems that innocent victims are lucky in a decisive, morally relevant sense. By contrast, innocent attackers are unlucky in the same, morally relevant sense and it is this sense that explains why they are the ones who should bear the costs of their own bad luck.

The idea that morally unlucky individuals are the ones who should bear the costs of their own bad luck seems intuitively very plausible. Consider, for example, the following case: Suppose an individual was drugged by his enemy with a substance that causes him to go temporarily insane. Under the influence of the drug, the individual starts driving a tank and goes on a killing rampage. Soon he manages to corner the individual he has always disdained. However, before he crushes the victim, the effect of the drug wears off and he gains full control of his actions, but the only way to avoid crushing the victim is to divert the tank to the side, where the attacker will fall into the river and drown. Intuitively speaking, the attacker is required to avoid killing the victim even if doing so will cost him his life. Here the explanation seems to be that, although he is morally innocent, it is his bad luck in a moral sense that he was drugged and now is posing an unjustified threat to another, and his moral innocence does not provide a ground for allowing him to transfer his own misfortune to another.

If killing innocent attackers in self- or other-defense is justified, as I have argued above, then so will be killing predators in defense of prey animals. Thus, the argument from innocence cannot prohibit intervention in predation in ways that entail killing predators.

▪ *The Argument from Ecological Catastrophe*

In section 5.1.2, while discussing the counterproductivity objection, I considered a particular scenario that is often thought to be the counterproductive

consequence of intervention in nature. This is a scenario in which preventing some harms from befalling some animals implies *allowing* the same harms to befall other animals. The argument from ecological catastrophe concerns this scenario. Here is how this scenario may develop as a result of intervening in predation. In rejecting the argument from innocence, I argued that it is permissible to kill predators in defense of prey animals. The implication of this view is that if killing predators is the only way to save prey animals and we can do so without excessive cost to ourselves, then we have a *pro tanto* requirement to do so. But if we, every time we encounter a particular instance of predation, say, a lion killing a zebra, kill a predator in defense of a prey animal, then we will eventually kill all predators, thereby allowing prey animals to become overpopulated and then die from overpopulation-induced starvation and disease. While we will benefit some number of prey animals, we will allow a lot greater number of other animals to suffer, and this seems counterproductive to many. But I argue that whether this scenario really is counterproductive and hence morally impermissible to allow to occur depends on the question of whether the mere number of individuals we are trying to assist in conflict cases is morally relevant. People who think that the mere numbers in conflict cases make a moral difference will be inclined to say that this scenario is morally impermissible to allow to occur. While others who are skeptical of the moral relevance of numbers may consider this scenario morally permissible to allow to occur. Before I address the question of whether numbers are morally relevant, some clarifications are in order.

The way I am leading this discussion suggests that the scenario considered above involves a conflict situation in which the only difference that could be morally relevant between two groups of animals – a smaller group needing to be saved from predators, while a bigger group needing to be prevented from becoming overpopulated – is the *number* of animals belonging to these groups. This may be questioned. Another morally relevant difference, it could be argued, is that not saving individual zebras from lions is an instance of allowing harm to occur to these zebras (letting die), while killing predators eventually resulting in overpopulation of prey animals who will later die from starvation is

an instance of doing harm to these prey animals (killing). Since, as I argued before, other things being equal, doing harm is worse than allowing harm to occur, I should rather allow individual zebras to die from predation, than kill lions in defense of individual zebras and thereby harm prey animals who will overpopulate and then die from starvation. However, thinking that by killing predators in defense of individual prey animals I do harm to other prey animals who will die from starvation as a result of overpopulation would be a mistake. By killing predators, I merely allow prey animals to overpopulate and their death from starvation and disease would be an instance of allowing harm (letting die). To see this more clearly, consider the following scenario: Suppose you are attacked by a female animal (or human). Suppose also that the only way you can save your life is to kill the attacker and you are justified in doing so. But if you kill the attacker, then there will be no one who will feed and take care of her infant offspring. If you kill her and her infant offspring will die from starvation, will it be an instance of killing them or merely allowing them to die? Surely you will merely allow them to die. It would be absurd to say that by killing the attacker you are also killing her offspring. The explanation is that your action is not introducing a threat that did not exist before. A potential threat of starving to death is already present in relation to infant offspring due to their vulnerability. The only thing that prevents this potential threat from being realized is the presence of their mother. Once the mother is removed, the potential threat will be realized. It is this already existing potential threat that does harm once realized and your action merely allows that to happen.²⁴⁴ Similarly, because prey animals regularly reproduce, there is always a potential threat of overpopulation already present to them. It is the presence of predators that keeps the prey animal population in check, thereby preventing the potential threat of overpopulation from being realized. Removing that mechanism will merely allow previously existed potential threat to be realized. Thus, killing predators will merely allow prey animals to overpopulate and then die from

²⁴⁴ See Kamm, Frances (2007). *Intricate Ethics: Rights, Responsibilities, and Permissible Harm*, Oxford University Press, pp. 18-19.

starvation. It is thus an instance of allowing harm (letting die), not doing harm (killing).

Next, it could be argued that the death of a zebra by a lion who normally kills his prey by strangulation is not as bad as the death from starvation, since the latter tends to be slower and more painful. So, it seems that the number of animals involved in the above-mentioned scenario is not the only difference that is morally relevant. It could be argued that the death from starvation is worse than the death by strangulation, therefore we should rather let lions suffocate zebras than kill lions and then let prey animals starve to death. First of all, the difference between the badness of death by suffocation and starvation does not seem to be that significant to make a moral difference. Thus, it seems reasonable to count their badness as roughly equal. Second, even if, in general, death by starvation is significantly worse than the death from suffocation, there are certain predators such as hyenas, bears and crocodiles who kill their prey in ways that are as bad as the death from starvation, if not far worse. Thus, instead of killing lions we would kill only such predators and this would be enough to cause the overpopulation of prey animals.

Moreover, it could be argued that we should let individual prey animals die from predation because if we save them now by killing predators, they will end up dying anyway from overpopulation-induced starvation later. So, as it turns out, the individual prey animals we are considering to assist will die anyway, no matter what we do: either they will die from predation now or they will die from starvation a bit later, while other prey animals who will die from starvation later would have remained alive had we not killed all predators in defense of individual prey animals. However, I argue that this assumption is unwarranted. First, there is no way of knowing that the very same animal I will save now will necessarily die from starvation later. So, we should give the benefit of the doubt to this animal and assume that he will not die from starvation later. Second, there is also no way of knowing whether the animals who will die from starvation as a result of overpopulation would not have died from predation had we not killed all the predators. Thus, while deliberating on making a choice between allowing individual prey animals to die from predation and allowing

other prey animals to die from starvation as a result of overpopulation, we should assume that the animals we will save from predation now will not die from starvation later.

Lastly, we need to say a few words about which category of animals will be affected by overpopulation. Let us start with future animals. Within this category, there will be some animals whose existence will depend on the intervention in predation. Thus, these animals will be *contingent beings*. Since these animals would not have existed at all had we not intervened in predation, overpopulation cannot harm them (i.e., make them worse off). But are there some future animals who can be harmed by overpopulation? I believe that among future animals, there will be some animals who will be *necessary beings* – that is, beings who will exist no matter whether we intervene in predation or not. This is because our intervention in predation will not be so ubiquitous to affect the lives of all prey animals and determine who will be born. If so, then overpopulation can certainly harm such animals. What about existing animals? Can the negative effects of overpopulation concern them? I believe so. Consider an animal who was born before the intervention, say, a day earlier. Given the fact that many animals' average natural lifespan is 30 years, it seems very implausible to suppose that once we intervene in predation and reduce the number of predators, it will take prey animals more than 30 years to become overpopulated and then die from starvation, diseases, etc. Here the point is that overpopulation will happen way earlier and many animals who were born before the intervention, will face the negative aspects of overpopulation. So, some existing animals too can be harmed by overpopulation.

Let us now return to the question of whether in conflict cases the mere number of individuals we are trying to assist makes a moral difference. If saving a fewer number of animals from dying entails allowing a greater number of animals to die and everything else is equal, what ought we to do?

John Taurek, in his classic and much-debated article “Should the Numbers Count?”, put forward the case for the moral irrelevance of numbers in conflict cases. He famously argued that if we can lend an assistance to either a fewer or greater number of individuals but not to both and everything else is

equal, we should flip a coin to decide which group of individuals to assist. Taurek claimed that because every individual in each group stands to gain or lose exactly the same and that the gains and losses for different individuals cannot be meaningfully combined, equal respect or consideration of their interests requires that they each be given an equal chance to be saved. Tossing a fair coin best satisfies this requirement.²⁴⁵

Taurek's article turned out rather controversial and since its publication has generated an immense number of critical responses from every angle. This is due to Taurek's central claim that in conflict cases numbers do not make a moral difference, which seems grossly counterintuitive to many. The question of whether in conflict cases numbers are morally relevant has been labeled as the *numbers problem* and the view that numbers do not count as the *numbers skepticism*²⁴⁶. In what follows I will defend the numbers skepticism view by strengthening Taurek's defense of this view and pointing out the inadequacy of the various defenses of its opposite.

There are two kinds of defenses of the view that numbers are morally relevant: *aggregative* and *non-aggregative*. The aggregative defense holds that the mere numbers are morally relevant and by appealing to interpersonal aggregation claims that we should always save the greater number, other things being equal. The non-aggregative defense holds that the mere numbers are morally relevant, which leads some to demand that we always save the greater number, while others to demand that we always conduct a weighted lottery. I will examine these defenses in turn.

The aggregative defense, famously employed by utilitarians, claims that we should save the greater number because, other things being equal, it would

²⁴⁵ See Taurek, John (1977). "Should the Numbers Count?", In: *Philosophy & Public Affairs* 6 (4), pp. 293-316; See also Rakowski, Eric (1991). *Equal Justice*, Oxford University Press, pp. 277-303; Meyer, Kirsten (2006). "How to be Consistent without Saving the Greater Number", In: *Philosophy & Public Affairs* 34 (2), pp. 136-146; L  bbe, Weyma (2008). "Taurek's No Worse Claim", In: *Philosophy & Public Affairs* 36 (1), pp. 69-85; Doggett, Tyler (2013). "Saving the Few", In: *No  s* 47, pp. 302-315.

²⁴⁶ For more on what *numbers skepticism* implies, see Otsuka, Michael (2004). "Skepticism about Saving the Greater Number", In: *Philosophy & Public Affairs* 32 (4), pp. 413-426; Graham, Peter (2017). "The Numbers Count", In: *Thought* 6, pp. 129-134.

be worse if many rather than few individuals die.²⁴⁷ At this point we can reasonably ask: If every individual in each group loses just as much as any other by dying, then in what sense is it worse if many rather than few individuals die? To answer this question, we need to look at *interpersonal aggregation*. Interpersonal aggregation is the idea that the morally relevant features (e.g. harm, benefit, well-being, interest, reason, claim, etc.) of different individuals can be meaningfully combined into a single value.²⁴⁸ Utilitarian interpersonal aggregation adds up harms and benefits to different individuals to form the sum of these harms and benefits. It is this aggregation that allows utilitarians to claim that if the death of one individual is bad, then the aggregated deaths of ten individuals will be ten times worse. Thus, it is in this aggregated sense that it is worse if many rather than few individuals die, other things being equal.

Taurek objects to the idea that harms and benefits to different individuals can be meaningfully summed up. But before I discuss his objection, for the purposes of clarity, let us reconstruct the typical utilitarian argument that purports to require saving the greater number from some harm, say, a pain, in a conflict situation where each involved individual will suffer an equal harm and everything else is equal. The *moral premise* that, implicitly or explicitly, accompanies any utilitarian argument is that we should maximize what is good or bring about the most good. The conclusion that follows from the moral premise is the *moral claim* that we should save the greater number. But this moral claim needs to be supported by the *axiological premise* that holds that it is worse *simpliciter* if many rather than few individuals experience pain. This claim is made via the utilitarian interpersonal aggregation by simply summing up the pains of different individuals. If the pain of one individual is bad, then the sum of similar pains of more individuals will be worse. But in order for this axiological premise to be true, it would need to be grounded in the *factual claim* that the

²⁴⁷ For the aggregative defenses of saving the greater number, see Kavka, Gregory (1979). "The Numbers Should Count", *Philosophical Studies* 36 (3), pp. 285-294; Parfit, Derek (1978). "Innumerate Ethics", In: *Philosophy & Public Affairs* 7 (4), pp. 285-301; Hirose, Iwao (2004). "Aggregation and Numbers", In: *Utilitas* 16 (1), pp. 62-79; Belshaw, Christopher (2009). *Annihilation: The Sense and Significance of Death*, Acumen, pp. 175-189.

²⁴⁸ See Hirose, Iwao (2019). "Aggregation", *The International Encyclopedia of Ethics*, John Wiley & Sons, DOI: 10.1002/9781444367072.wbiee866.

pains of different people can be summed up so as to constitute more pain – a pain that is greater than the separate pains it consists of. To illustrate, this factual claim would be the claim that five individuals each experiencing 10 units of pain is 50 units of pain. But is this factual claim true?

Against this, Taurek makes an empirical observation that there is no meaningful way of summing up the harms to different individuals. So, it is not the case that the harms to different individuals constitute more harm.²⁴⁹ He writes: “Five individuals each losing his life does not add up to anyone’s experiencing a loss five times greater than the loss suffered by any one of the five.”²⁵⁰ A few passages after this, he writes:

Suffering is not additive in this way. The discomfort of each of a large number of individuals experiencing a minor headache does not add up to anyone’s experiencing a migraine. In such a trade-off situation as this we are to compare your pain or your loss, not to our collective or total pain, whatever exactly that is supposed to be, but to what will be suffered or lost by *any given single one of us*.²⁵¹

Here, Taurek’s point is that harms and benefits to different individuals are not additive, so they cannot be meaningfully aggregated. We can spell out Taurek’s argumentation as follows: Pain is a feeling perceived through one’s brain. Unless it is perceived by someone, there can be no pain. So, every pain requires its own subject to exist. In other words, there is no such thing as a subject-less pain. It

²⁴⁹ Derek Parfit misunderstood Taurek when the latter claimed that the suffering of more people is not more suffering. He suggests that by this claim Taurek may have meant the moral claim that the suffering of more people does not matter morally more than the suffering of one, other things being equal.* It is more than clear, however, that Taurek meant the factual claim that when more people suffer, their sufferings do not add up so as to constitute more suffering. Recall his quote about mild headaches and migraine: “The discomfort of each of a large number of individuals experiencing a minor headache does not add up to anyone’s experiencing a migraine.” Of course, this is a figurative expression but it is easy to see Taurek’s point. He means that if the pains of different individuals can be meaningfully summed up so as to constitute more pain, then the sum of mild headaches of different individuals must feel like a migraine. But there is no migraine nor can there be any, for there is no one who may have it. Mild headache is all that is there. *See Parfit, Derek (1978). “Innumerate Ethics”, In: *Philosophy & Public Affairs* 7 (4), pp. 294-295.

²⁵⁰ Taurek, John (1977). “Should the Numbers Count?”, In: *Philosophy & Public Affairs* 6 (4), p. 307.

²⁵¹ Taurek, John (1977). “Should the Numbers Count?”, In: *Philosophy & Public Affairs* 6 (4), p. 308.

follows, then, that like any other pain, any sum of different pains too should have its subject, if it is to be pain. But Taurek observes that when different individuals feel pain, there is no one who feels the sum of their pains – each feels his own but no one feels the sum. Taurek concludes that the pains of different individuals do not translate into a greater pain because there is no one who feels that pain. A's 50 units of pain and B's 20 units of pain do not translate into 70 units of pain because there is no subject who perceives 70 units of pain.

At this point, the proponents of aggregation may respond to Taurek by pointing at A and B as the subjects of 70 units of pain. They may respond that 70 units of pain has two subjects – A and B, and their pains together constitute 70 units of pain. But such a response would be naïve, if not preposterous. This is because in order for there to be 70 units of pain, it must be perceived as 70 units of pain – that is, it must feel like 70 units of pain. Let us clarify this claim. Suppose that 1 unit of pain is the lowest and 100 units of pain is the highest amount of pain a subject can experience. We can give names to these pains: 1 unit of pain is a *mild pain* and 100 units of pain is an *agonizing pain*. Concerning how these pains feel to a subject, we can say the following: 1 unit of pain feels like a mild pain and 100 units of pain feels like an agonizing pain. The claim I made above can be restated as follows: In order for there to be 100 units of pain, it must feel like an agonizing pain; that is, there must be someone, a subject, who is in agony. A's 50 units of pain, B's 20 units of pain and C's 30 units of pain do not translate into 100 units of pain because no one feels an agonizing pain. Unless there is someone in agony, there can be no 100 units of pain. Taurek explains this idea in terms of headaches and migraine. Suppose that 50 units of pain feels like a migraine. Suppose also that a minor headache corresponds to 10 units of pain. Given this, do the minor headaches of five individuals translate into more pain that equals to 50 units of pain? The answer is No, because in order for there to be 50 units of pain, someone must experience a pain that feels like a migraine, and there is no subject who has such a pain.

The proponents of aggregation may ask why there is a requirement that in order for there to be X amount of pain, it must be perceived as X amount of pain – that is, it must feel like X amount of pain. Cannot we say that if 100 people

each experience 1 unit of pain, their pains can still be 100 units of pain even if such a pain does not feel like 100 units of pain – that is, even if no one feels an agonizing pain? No, we cannot. To see why, consider the following example: Suppose that A feels 10 units of pain and B feels 5 units of pain. We can ask: Whose pain is worse? The answer is that it is A's pain that is worse. But why is A's pain worse? That is, what makes A's pain worse? The answer is that it is worse because it is more pain. But why is more pain worse? Can we say that more pain is worse because it is more? No. Such an answer would not be enlightening. Instead, we can say that to answer why more pain is worse, we need to find out why pain is bad. This will explain why more pain is worse.

So, why is pain bad? Pain is bad because it is unpleasant; pain is painful. We all know what painful is and how it feels. Pain is bad because it is painful. And it is the painfulness of pain that explains why more pain is worse: more pain is more painful. A's 10 units of pain is worse than B's 5 units of pain because it is more painful. The painfulness of pain also explains why more pain matters more. More pain matters more because more pain is worse, and more pain is worse because it is more painful. From that it follows that if it is to matter more, more pain has to be more painful. It is the painfulness of pain that gives a meaningful sense to the term "more pain" and determines how we should understand it: "more pain" means more painful.²⁵² So, there can be more pain if and only if it is more painful. This provides the ground for the requirement that in order for there to be 100 units of pain, it must feel like an agonizing pain, or that it must be as painful as an agonizing pain, or that it must be 100 times as painful as 1 unit of pain. Needless to say, there must be someone, a subject, who feels such an agonizing pain.

²⁵² On the other hand, if the proponents of aggregation nevertheless insist that the term "more pain" should not necessarily be understood as more painful and thus A's 60 units of pain and B's 40 units of pain together can be 100 units of pain even if it is not as painful as an agonizing pain, then they are rendered unable to explain why such 100 units of pain would be worse than, say, C's 70 units of pain. Obviously, it would not be an explanation to say that 100 units of pain is worse than 70 units of pain simply because the former is more pain than the latter. We would need to specify what we mean by "more pain" here: (1) a pain that is more painful or (2) a mere arithmetical sum of 60 and 40 units of pains. (1) is normatively significant, while (2) is normatively worthless.

I have started this discussion to find the answer to the question of whether the *factual claim* that the pains of different people can be summed up so as to constitute more pain is true. My discussion has shown that the pains of different individuals do not translate into more pain: five individuals each experiencing 10 units of pain is *not* 50 units of pain because there is no one who experiences a pain that is as painful as 50 units of pain. This means that the factual claim on which the utilitarian argument, specifically its axiological premise, relies is simply false. Thus, it is *not* worse *simpliciter* that many suffer harm than that few suffer harm, other things being equal.

The claim that harms and benefits to different individuals cannot be meaningfully aggregated rests essentially on the fact that these individuals are separate, disconnected beings. This very fact is at the center of attention of various critics of interpersonal aggregation.²⁵³ Their criticism that entertains the idea of the separateness of individuals came to be known as the *separateness of persons objection*. This objection was intended to show that interpersonal aggregation is a mistaken idea. However, its multiple formulations proposed by the opponents of aggregation only served to bring more confusion into the debate. Judging by the responses to this objection, the proponents of aggregation could not quite grasp the essence of the objection.²⁵⁴ To rectify this shortcoming, in what follows I will propose a modified, clearer and more complete formulation of the separateness of persons objection that will demonstrate why interpersonal aggregation is an impossible idea.

In presenting the separateness of persons objection, instead of generally talking about harms and benefits to different individuals, I will focus on pains of different individuals as one kind of harm. But it should be noted that my suggested version of the objection equally applies to all kinds of harms and

²⁵³ See Gauthier, David (1963). *Practical Reasoning: The Structure and Foundations of Prudential and Moral Arguments and Their Exemplification in Discourse*, Revised edition, Oxford University Press, p. 126; Rawls, John (1971/1999). *A Theory of Justice*, Harvard University Press, p. 24; Nagel, Thomas (1970). *The Possibility of Altruism*, Princeton University Press, pp. 134, 138; Nozick, Robert (1974). *Anarchy, State, and Utopia*, New York: Basic Books, pp. 32-33.

²⁵⁴ See Norcross, Alastair (2009). "Two Dogmas of Deontology: Aggregation, Rights, and the Separateness of Persons", In: *Social Philosophy and Policy* 26 (1), pp. 76-95; Hirose, Iwao (2013). "Aggregation and the Separateness of Persons", In: *Utilitas* 25 (2), pp. 182-205.

benefits. Now, suppose we are trying to aggregate the pains of two persons, A's 60 units of pain and B's 40 units of pain. My version of objection says that it is impossible to aggregate (i.e., sum up) A's and B's pains meaningfully. This claim is supported by the following premises:

First premise: It is a fact that pain is exclusively a personal or individual-affecting experience. It is had by its subject alone. A feels his own pain and B feels hers. But they do not feel each other's pain. No one feels the pain of others. Another fact about pain is that it cannot exist without its subject. Pain must be felt by someone if it is to be pain. There is no such thing as subject-less pain. If there is pain, then there is its own subject. Like any other pain, the aggregate pain of A and B too should have its subject, if it is to be pain. Thus, in order for A's and B's pains together to count as 100 units of pain, there should be a subject feeling 100 units of pain.

Second premise: Cannot we say that A's and B's pains together are 100 units of pain and that A and B are the subjects of this aggregate pain? No, we cannot. I have defended this answer at length in the preceding discussion where I have argued that in order to meaningfully aggregate the pains of different individuals the resulting pain (i.e., the aggregate pain) should be more painful than the pains it consists of in order for it to be worse and thus matter more. Briefly, this claim is defended as follows: Pain is bad only because it is unpleasant; it feels bad. It is bad because it is painful. Painfulness of pain explains why more pain is worse: more pain is more painful. It follows, then, that in order for there to be more pain and be worse, or matter more, it has to be more painful. If 100 units of pain feels like an agonizing pain, then A's 60 units of pain and B's 40 units of pain can be 100 units of pain if and only if it feels like an agonizing pain – that is, only if there is someone, a subject, who feels pain that is as painful as an agonizing pain.

First conclusion: Since pain subjects experience only their own pains, and a meaningful aggregation of the pains of different individuals implies that the aggregate pain is more painful than the pains it consists of, then it follows that

the only possible way we can meaningfully aggregate (i.e., sum up) the pains of different individuals is to aggregate these individuals themselves so that in addition to their own pains they experience each other's pains. Here, the idea is that since the subjects are the sole carriers or containers of their own pains, then by aggregating these subjects we will also aggregate their own pains. If we can make it so that A and B, in addition to their own pains, experience each other's pains, then we can say that A's and B's pains are meaningfully aggregated and constitute 100 units of pain that is as painful as an agonizing pain.

Third premise: Is it possible to aggregate different individuals (i.e., subjects) in a meaningful way? Above I have stated what it is to aggregate different individuals in a meaningful way. Different individuals can be said to be meaningfully aggregated if each of them becomes able to feel the pains of the rest. Since the perception of pain (and negative and positive experiences in general) occurs in one's brain, and different individuals are separate, disconnected beings, their meaningful aggregation will imply interconnecting the brains of these individuals. For example, if we interconnect A's and B's brains in a relevant sense, they will start experiencing each other's pains. But today, no such thing is possible, and even if this ever becomes possible, who would want to connect his brain to others'?

Final Conclusion: If a meaningful aggregation of the pains of different individuals is possible if and only if a meaningful aggregation of individuals is possible, and the latter is not possible, then it follows that a meaningful aggregation of the pains of different individuals is not possible.

As we can see, my formulation of the separateness of persons objection, presented in the form of an argument, establishes the impossibility of interpersonal aggregation as a fact. However, the proponents of aggregation are not willing to give up. Attempts have been made to emphasize the counterintuitive implication of the rejection of interpersonal aggregation. Consider the following quote as one of such attempts:

Can anyone who really considers the matter seriously honestly claim to believe that it is worse that one person die than that the entire sentient population of the universe be severely mutilated? Clearly not.²⁵⁵

Attempts like this are at best desperate and at worst unreasonable. Before I explain why, it will be helpful to clarify one thing about the intuitions involved in judging what we ought to do in rescue cases where the only difference is the number of imperiled individuals. In such cases there can be two intuitions at work: (1) the intuition that it is worse *simpliciter* that the many die than that the few die and (2) the intuition that we should save the many rather than the few. These intuitions are distinct and one may not necessarily imply the other. For example, one can have the intuition (2) without having the intuition (1). The proponents of the non-aggregative defense of the moral relevance of numbers have only the intuition (2), while the proponents of the aggregative defense of the moral relevance of numbers necessarily have the intuition (1) and the intuition (2). My argument against aggregation contradicts only the intuition (1). It does not say anything about the intuition (2). Although, later, I will argue that the intuition (2) is mistaken, so far, I have not said anything that would contradict the intuition (2). My argument above concerns only the intuition (1). So, the objection that states that my argument has counterintuitive implication can only refer to the intuition (1). And the above quote from Alastair Norcross refers exactly to that intuition.

So, why is Norcross' attempt desperate and unreasonable? Recall that the argument (i.e., the separateness of persons objection) I presented above against aggregation establishes the impossibility of interpersonal aggregation as a fact. It states that given how things work in this world, interpersonal aggregation is an impossible idea. The intuition (1) to which Norcross appeals to is the axiological premise that states that it is worse *simpliciter* that the many suffer harm than that the few suffer harm, other things being equal. But in order for this axiological premise to be true, the factual claim that states that the harms to the many constitute more harm must be also true. But the argument above

²⁵⁵ Norcross, Alastair (2009). "Two Dogmas of Deontology: Aggregation, Rights, and the Separateness of Persons", In: *Social Philosophy and Policy* 26 (1), p. 82.

establishes as a fact that the factual claim is false – the harms to the many do not constitute more harm because the harms to different individuals cannot be meaningfully summed up. Therefore, the axiological premise is also false – it is *not* worse *simpliciter* that the many suffer harm than that the few suffer harm, other things being equal. If the axiological premise is false, then our intuition that implies it must be mistaken. In other words, the intuition (1) contradicts the facts, therefore it must be mistaken. And insisting on this intuition when the facts point to the opposite is indeed unreasonable.

With that I conclude that the aggregative defense of the moral significance of numbers in conflict cases is inadequate and cannot provide a justification, let alone a requirement, for saving the greater number.

Acknowledging that interpersonal aggregation is highly controversial, some have pursued a strategy that aims to show that, other things being equal, an outcome in which more people are saved is better than an outcome in which fewer people are saved, without appealing to interpersonal aggregation. Johan Gustafsson has chosen such a strategy.²⁵⁶

In constructing his non-aggregationist argument, Gustafsson follows anti-aggregationists like Taurek in rejecting moral aggregation. Surprisingly though, he chooses to employ concepts that most, if not all, anti-aggregationists like Taurek and I would never accept. Let us first present the argument, which is called the Argument for Best Outcomes²⁵⁷, and then critically examine it to show why anti-aggregationists will find it unsound.

The first premise of the argument is based on the principle of Pairwise Anonymity, which states that if there are two outcomes between which the only difference is the *identities* of individuals who exist in these outcomes, then these outcomes are equally good. The second premise of the argument is based on the Strong Principle of Dominance, also known as the Pareto Principle, which states that if two outcomes involve the same individuals, and one outcome is better for at least one of the individuals and worse for no one, then this outcome is better

²⁵⁶ See Gustafsson, Johan (2021). “Utilitarianism without Moral Aggregation”, In: *Canadian Journal of Philosophy* 51, pp. 256-269.

²⁵⁷ This argument was first put forward by Frances Kamm. See Kamm, Frances (2007). *Intricate Ethics: Rights, Responsibilities, and Permissible Harm*, Oxford University Press, p. 32.

than the other. The last premise is based on the principle of Transitivity, according to which if outcome C is better than outcome B, and the latter is better than outcome A, then outcome C is better than outcome A. The Argument for Best Outcomes can be illustrated with the following table, where A, B and C signify outcomes, while P₁, P₂ and P₃ represent individuals:

	P ₁	P ₂	P ₃
A	lives	dies	dies
B	dies	lives	dies
C	dies	lives	lives

In this table, according to the principle of Pairwise Anonymity, outcomes A and B are equally good because in each outcome one individual lives and two others die. The only difference between these outcomes are the identities of individuals. So, on this principle, A and B are equally good. According to the Strong Principle of Dominance, outcome C is better than outcome B because C is better for P₃ and is worse for no one. So, between C and B, outcome C is pareto-optimal. Thus, C is better than B. Finally, by following the principle of Transitivity we get: if C is better than B, and B is as good as A, then C is better than A. So, the argument establishes that an outcome (C) in which two individuals (P₂ and P₃) are saved is better than an outcome (A) in which only one individual (P₁) is saved.

As presented above, the argument evaluates outcomes *impersonally* – that is, in terms of their being good/bad or better/worse *simpliciter*. But this is exactly what Taurek denies. He finds it unintelligible and therefore unacceptable to speak of outcomes as being good/bad or better/worse impersonally. Here is what he says about this:

The claim that one ought to save the many instead of the few was made to rest on the claim that, other things being equal, it is a worse thing that these five persons should die than that this one should. It is this evaluative judgment that I cannot accept. I do not wish to say in this situation that it is or would be a worse thing were these five persons to die and David to live than it is or would be were David to die and these five to continue to

live. I do not wish to say this unless I am prepared to qualify it by explaining to whom or for whom or relative to what purpose it is or would be a worse thing.²⁵⁸

From this passage it is clear that Taurek would not accept evaluating outcomes from an impersonal perspective. Instead, he would require that we specify the evaluation in terms of its being good/bad or better/worse *for* someone. In requiring the evaluation of an outcome *not* in terms of its badness *simpliciter* but only in terms of its badness *for* the individual, Taurek assigns the fundamental normative significance only to the goodness-for and this way questions the normative force of the goodness *simpliciter*.

Taurek is right in placing the normative importance only on the goodness-for, leaving the goodness *simpliciter* normatively empty. There is a good explanation for this. There are morally considerable beings who are the fundamental and only concern of morality. As a moral agent, I care or *should* care about them. I care about how they fare, how they are affected and what happens to them. My caring about the beings who matter morally entails my caring about what is good or bad for them, for things that are good or bad for such beings affect them for better or worse, and this is how the things that are good or bad for morally considerable beings obtain normative significance. Notice that here the normative work is done by the fact that these beings are intrinsically morally considerable, so it is natural that whatever is good or bad for them will have normative force – that is, will give me moral reasons for action. Thus, the only goodness that can give me moral reasons for action has to be the one that makes a reference to the being I am morally concerned about. The goodness-for is the only such goodness. Thus, in evaluating outcomes to decide what I ought morally to do or what I have moral reasons to do, my only concern will be finding out whether a particular outcome or state of affairs is better or worse for such beings. So, an evaluation will be made only from these individuals' perspective.

The fundamental mistake of the Argument for Best Outcomes lies in the way it assigns the moral importance to an individual's life or well-being. From

²⁵⁸ See Taurek, John (1977). "Should the Numbers Count?", In: *Philosophy & Public Affairs* 6 (4), pp. 303-304.

this argument's perspective, well-being matters because it is a good thing – that is, good *simpliciter*. By contrast, from the goodness-for perspective, well-being matters because it matters *to* the being who has it; positive and negative experiences matter because they matter *to* the being who has these experiences, who feels them, who is affected by them for better or worse. It is the subject that makes well-being and these experiences morally relevant. That is, they matter exclusively in terms of goodness-for. As Taurek puts it: “It is the loss to the individual that matters to me, not the loss of the individual.”²⁵⁹

A critic may reply here that in evaluating outcomes impersonally, an individual's perspective is taken into account, and a particular outcome is good impersonally precisely because it is good *for* someone. However, this response would only confirm what Taurek and I insist that it is the goodness-for that has fundamental normative force, not the goodness *simpliciter*. So, why evaluate an outcome from an impersonal perspective? Why not express the evaluation of an outcome in terms of its goodness *for* someone? As we will see below, evaluating an outcome impersonally and expressing such evaluation in terms of goodness/badness or betterness/worseness *simpliciter* is misleading as it overlooks morally important aspects in comparing outcomes. And once we rewrite Gustafsson's argument so that the outcomes are evaluated in terms of their goodness/badness or betterness/worseness *for* individuals, then we see that the transitivity does not work and the whole argument fails.

In the table above, according to the first premise of the argument, the principle of Pairwise Anonymity, outcome A and outcome B are equally good. But this is the case only if we evaluate outcomes impersonally. Such an evaluation is a mistake, as I have argued above. Instead, we should rewrite the premise so that the evaluation is made from an individual's perspective and expressed in terms of an outcome's being good/bad or better/worse *for* that individual. Upon comparing outcomes A and B, we see that from the individuals' (P₁ and P₂) perspective A and B are not equally good outcomes: A is better for P₁ because he lives, while it is worse for P₂ because he dies, and B is better for P₂ because he

²⁵⁹ Taurek, John (1977). “Should the Numbers Count?”, In: *Philosophy & Public Affairs* 6 (4), p. 307.

lives, while it is worse for P_1 because he dies. Which outcome we bring about does not matter for P_3 because it makes no difference to him – he dies in both outcomes. But it certainly matters for P_1 and P_2 because it makes a difference for them. It is in the interest of P_1 that we bring about outcome A, while it is in the interest of P_2 that we bring about outcome B. So, the comparison of A and B presents us with a *conflict case* involving conflicting interests of P_1 and P_2 . Since their interests are equally strong and we cannot satisfy both of their interests, we should give each an equal chance of having their interests satisfied. That is why we should flip a coin to decide which outcome to bring about. If we instead make a decision without giving P_1 and P_2 an equal chance, then the worse off individual can justifiably complain that his interest was not given an equal consideration. Flipping a coin avoids this.

We should accept the second premise, although with a small clarification. We should accept it not because outcome C is better *simpliciter* than outcome B, but because outcome C is better *for* P_3 , while it makes no difference for P_1 and P_2 . For the same reason, it is in the interest of P_3 that we bring about outcome C, while P_1 and P_2 have no interests at all concerning outcome C. So, the comparison of B and C presents us with a *non-conflict case* involving only P_3 's interest. Thus, in deciding which outcome to bring about we are guided by P_3 's interest alone, and thereby the case should be decided in his favor. Therefore, we should bring about outcome C rather than outcome B.

Let us recall why transitivity works in the Argument for Best Outcomes. Transitivity works if the first and second premises are accepted. I have argued that while we should accept the second premise, we should not accept the first one. The first premise says that outcome A and outcome B are equally good, which is to say that it does not matter which one of them we bring about. But I have argued above that this is not the case. From the individuals' (P_1 and P_2) perspective A and B are not equally good: each outcome is better for one and worse for another, and it certainly matters for these individuals which outcome we bring about. Thus, we should not accept the first premise. If the first premise is rejected, then transitivity does not work and it no longer follows that outcome C is better than outcome A. So, the argument fails.

The non-aggregative defense of the view that in conflict cases numbers make a moral difference takes many forms. This is due to most non-consequentialists' diligent efforts to accommodate their persistent intuition that numbers should influence our moral decision-making. In fact, the non-aggregative defenses of the moral significance of numbers are so numerous that discussing all of them would take up an unreasonably large space here. But I believe there is no need for engaging with all these defenses and there are two reasons for this: first, they all have been successfully challenged in the relevant literature already and as a result, their plausibility is significantly undermined and second, I will demonstrate that any method of decision-making other than tossing a fair coin (or a similar method that assigns each group a 50% chance of being saved), in cases where we can assist either a smaller or bigger group of individuals but not both, will be grossly unfair, which will render all the existing defenses of the moral relevance of numbers inadequate. Thus, I will not be concerned with critically assessing various forms of the non-aggregative defense of the moral significance of numbers. Instead, I will only briefly review some of the influential ones and then put forward my defense of the moral irrelevance of numbers.

The conviction that numbers make a moral difference has led some non-consequentialists to the view that we should always save the greater number. While others maintain that the moral relevance of numbers requires that we always conduct a weighted lottery.

The argument for saving the greater number is usually established by appealing to certain considerations that purport to provide the requirement that the greater number be saved. Among such arguments, the *balancing argument*²⁶⁰ and the *tie-breaking argument*²⁶¹ have been the most influential. These arguments, due to their similarities, are often together referred to as the *Kamm-Scanlon argument*. The Kamm-Scanlon argument maintains that the competing

²⁶⁰ See Kamm, Frances (1993). *Morality, Mortality Volume I: Death and Whom to Save From It*, Oxford University Press, pp. 101, 114-119; Kamm, Frances (2005). "Aggregation and Two Moral Methods", In: *Utilitas* 17 (1), pp. 1-23.

²⁶¹ See Scanlon, Thomas (1998). *What We Owe to Each Other*, Harvard University Press, pp. 229-241.

claims of different individuals in opposing groups balance each other and because one group is bigger than another, there will always be at least one individual in the bigger group whose claim will remain unbalanced. The unbalanced claim will then break the tie and determine that the bigger group should be saved. The bigger group should be saved because the individual whose claim has not been balanced out will have a ground to complain that his life has not been given an equal moral significance. Tossing a fair coin is unacceptable, this argument holds, because

[i]f we instead toss a coin between one person and any number on the other side, giving each person an equal chance, we would behave no differently than if it were a contest between one and one. If the presence of each additional person would make no difference, this seems to deny the equal significance of each person.²⁶²

The Kamm-Scanlon argument has been demolished by severe criticisms.²⁶³ The main criticism is that despite the fact that the argument is intended to be non-aggregative, it implicitly or covertly aggregates the claims of different individuals. The argument says that if we can save either A or B and C but not ABC, we should save BC because when competing claims are compared against each other either B's or C's claim will balance A's claim and in the group of BC there will remain one individual (either B or C) whose claim will be unbalanced and this unbalanced claim will determine that we should save BC. But why think that either B's or C's claim will remain unbalanced? Since interpersonal aggregation is not allowed, we are left with, or are committed to, a method of pairwise comparison in which the claim of one individual is compared against the claims of others. In this procedure, when compared one to one, one claim can balance any number of competing claims as long as this single claim is as strong as all its competing claims. In the example above, A's claim can balance

²⁶² Kamm, Frances (2005). "Aggregation and Two Moral Methods", In: *Utilitas* 17 (1), p. 6.

²⁶³ See Otsuka, Michael (2000). "Scanlon and the Claims of the Many Versus the One", In: *Analysis* 60 (3), pp. 288-293; Wasserman, David and Strudler, Alan (2003). "Can a Nonconsequentialist Count Lives?", In: *Philosophy & Public Affairs* 31 (1), pp. 71-94; Otsuka, Michael (2006). "Saving Lives, Moral Theory, and the Claims of Individuals," In: *Philosophy & Public Affairs* 34 (2), pp. 109-135; Doggett, Tyler (2009). "What is Wrong with Kamm and Scanlon's Argument Against Taurek", In: *Journal of Ethics & Social Philosophy* 3 (3), pp. 1-15; Hirose, Iwao (2015). *Moral Aggregation*, Oxford University Press, pp. 147-161.

B's and C's claims when compared one to one, so there will be no one whose claim will be unbalanced. Either B's or C's claim will remain unbalanced if and only if B's and C's claims are *combined* or considered *together*. But we should not combine the claims of different individuals for the same reason we should not combine the harms to different individuals. It is true that we should flip a coin whether or not C is present in the rescue case, so in this sense C appears to be making no difference. However, this is because C's claim is balanced by A's claim. C would make a difference only if his claim was stronger than A's claim.

Although an attempt has been made to revise the Kamm-Scanlon argument so that it would overcome the objections,²⁶⁴ it has been shown that this attempt is unsuccessful.²⁶⁵ The Kamm-Scanlon argument is unsound.

Some have argued that the equal moral significance of individuals entails that we conduct a *weighted lottery* in order to determine the fate of the imperiled individuals. Strictly speaking, the weighted lottery does not imply saving the greater number; instead, it merely assigns the bigger group a higher chance of being saved by giving each individual an equal baseline chance to be saved and then allowing the individuals in each group to pool their chances. For example, suppose there are six individuals in danger of drowning – one individual on one island and five on the other. According to the weighted lottery, each imperiled individual should be assigned a 1/6 chance to be saved. Then the five individuals are allowed to pool and thereby increase their chances of being saved from a 1/6 to a 5/6. Thus, with a weighted lottery the bigger group will always have a higher chance to survive.²⁶⁶ The *individualist lottery* has been suggested as a better alternative to the weighted lottery. In contrast to the weighted lottery, the individualist lottery does not involve the pooling of chances of different individuals, although it assigns the bigger group a higher chance of being saved

²⁶⁴ See Kumar, Rahul (2001). "Contractualism on Saving the Many", In: *Analysis* 61 (2), pp. 165-170.

²⁶⁵ See Wasserman, David and Strudler, Alan (2003). "Can a Nonconsequentialist Count Lives?", In: *Philosophy & Public Affairs* 31 (1), pp. 71-94; Timmermann, Jens (2004). "The Individualist Lottery: How People Count, but Not their Numbers", In: *Analysis* 64 (2) pp. 106-112.

²⁶⁶ See Kamm, Frances (1993). *Morality, Mortality Volume I: Death and Whom to Save From It*, Oxford University Press, pp. 131-133; Saunders, Ben (2009). "A Defence of Weighted Lotteries in Life Saving Cases", In: *Ethical Theory and Moral Practice* 12, pp. 279-290.

but in a more complicated way. At the initial stage of the procedure, all six individuals are given an equal $1/6$ chance. Then, at random, say, by spinning a wheel of fortune, the winner is selected. If the winner is the single individual, then he is saved while the five individuals are allowed to die. If one of the five individuals wins the lottery, then the rescuer heads to the island to save the winner. However, once the rescuer reaches the island, he then incurs an obligation to save the remaining four individuals too, since he is in a position to save them and he can do so at no significant cost to himself.²⁶⁷ Thus, with the individualist lottery, although each individual has an equal $1/6$ chance of being saved and the pooling of the chances is not allowed, practically speaking, the five individuals have a $5/6$ chance to be saved.

Like the Kamm-Scanlon argument, the lottery proposal, be it weighted or individualist, does not fare well. It has been subjected to destructive criticisms from which it cannot recover.²⁶⁸ One criticism is that while the Kamm-Scanlon argument involves aggregation implicitly, the weighted lottery involves aggregation explicitly. Why should the individuals in each group be allowed to pool their chances? If harms to different individuals cannot be aggregated, how can the claims, reasons or chances that stem from, or are grounded in, these harms be aggregated? There is a more general problem with the lottery proposal, be it weighted or individualist – an unfair distribution of chances of being saved. Before I explain this, two things need to be specified. *First*, everyone agrees that each imperiled individual in a rescue case should receive an equal chance of being saved. This is because each individual has an equally strong claim. This is the first requirement. *Second*, in distributing the chances equally we should ensure that each individual receives not only an equal chance but also the highest chance possible. This is because if we were to assign each individual a chance that is lower than what a rescue case allows him to have, we would be

²⁶⁷ See Timmermann, Jens (2004). “The Individualist Lottery: How People Count, but Not their Numbers”, In: *Analysis* 64 (2) pp. 106-112.

²⁶⁸ See Broome, John (1998). “Review: Kamm on Fairness”, In: *Philosophy and Phenomenological Research* 58, pp. 955-961; Hirose, Iwao (2007). “Weighted Lotteries in Life and Death Cases”, In: *Ratio* 20 (1), pp. 45-56; Huseby, Robert (2011). “Spinning the Wheel or Tossing a Coin?”, In: *Utilitas* 23 (2), pp. 127-139; Hirose, Iwao (2015). *Moral Aggregation*, Oxford University Press, pp. 203-219.

treating him unfairly. That is, we will be wronging him by reducing his chances of survival. So, each individual should receive the equal highest chance possible. This is the second requirement. While the lottery proposal meets the first requirement, it fails to meet the second. This will be explained below.

Consider the rescue case involving A, B, C, D and E – A in one group and BCDE in another. Because the case involves five individuals, the lottery proposal would divide the total 100% chance of being saved by 5 and assign each individual an equal 20% chance. Since each individual receives an equal chance the lottery proposal meets the first requirement. But it fails to meet the second requirement because a 20% chance is not the equal highest chance possible each individual can receive. Since there are only two groups and each individual in these groups has an equally strong claim, instead of assigning each a 20% chance, we can divide the total 100% chance by 2 (number of groups) and assign each group an equal 50% chance. This way we would assign each individual a 50% chance. This follows from the fact that all individuals within each group share the same fate – that is, that the rescuer's actions affect all members of each group equally – either they are all saved or all let die. By assigning a 50% chance to the whole group, we will assign the same chance to each individual within this group. In contrast to this, as a result of the lottery proposal, A gets a 20% chance, while B, C, D and E each gets an 80% chance. Clearly, this distribution is unfair to A because he was supposed to receive a 50% chance, which is the equal highest chance possible, but instead his chance was reduced to merely a 20%. Against this, the proponents of the lottery proposal argue that assigning a 50% chance to each group would render each individual members of these groups unable to separately influence the decision-making process, which amounts to ignoring the importance of their individual claims. To see this, consider the following scenario: Suppose we can save either A or B, but no both. We should flip a coin to decide which one to save. Suppose further that before coin is flipped, C is added to B's side and now we have A vs. BC. The proponents of the lottery proposal argue that if we still flip a coin this will mean that we are not acknowledging C's claim, since C's presence makes no difference to the decision-making procedure. This objection, however, is misguided, and here is

why: Once C enters the rescue case, his claim is immediately compared against A's competing claim and it is seen that they are equal. So, C's claim is certainly acknowledged. The reason why C's claim makes no difference to the decision-making procedure is that his claim is balanced by A's claim. With that I conclude that the lottery proposal is untenable.

The inadequacy of the above-mentioned approaches to rescue cases will be further exposed below as I defend coin tossing as the only adequate and fair method of decision-making in such cases.

So, why should we toss a fair coin? In a typical rescue case, the question that is posed to us, as rescuers, is which *group* we ought to rescue. The question is not which *single individual* we ought to save. So, the rescue case we are presented with requires us to make a choice between *groups* not between *individuals*. If that is so, then the chances of being saved should be distributed between *groups* not between *individuals*. Doing so is justified by the fact that all imperiled individuals within each group share the same fate. This is because whatever the course of action we take – whether we save one group or the other – *all* individuals within each group are affected *equally*. They may be affected positively or negatively but what is important here is that all members of each group are affected equally. In such situations it is never the case that we may permissibly rescue only some members of a particular group and let the other members of that group die, for one reason or another. One of the conditions of the rescue case is that either we should save all members of a particular group or none of them. Given this, in distributing the chances of being saved, our focus should be on groups not on individuals. Now, how are we to distribute these chances between imperiled groups? How much chance each group should be assigned will be determined by the strength of the claims of the members of each group. Since all claims in both groups are equally strong and they cannot be aggregated, the chances between these two groups must then be distributed equally. This can be done by dividing the total 100% chance by 2 (number of groups). Thus, each group should be assigned an equal 50% chance. We can call this the *groups view*.

Against this, the *individuals view* maintains that our focus should be on the individuals and that the claim of each individual separately should be able to influence the decision-making process. I have already explained above why this insistence is groundless. There is no reason why each individual claim should be able to influence the outcome of the decision-making procedure because all competing claims involved in the rescue case are equally strong and they all balance each other. Enabling each individual claim to separately influence the decision-making process is possible only at the expense of decreasing the chances of survival of the members of a smaller group, and I have shown above that this is unfair. Another problem with the individuals view is that it employs a decision-making procedure that is *at least* inconsistent with the conditions of a rescue case. Such a procedure tells us which *single individual* to save, while a typical rescue case asks us to choose which *group* to save. But why employ a procedure that instead of telling us which group to save it tells us which single individual to save? It is true that after selecting the single individual whom we should save, we eventually save the remaining members of the group whose member is the selected individual. However, the reason for saving the whole group is not related to the group *per se* but to the fact that, coincidentally, the remaining members of that particular group merely happen to be next to the selected single individual. This odd implication of the individuals view should be a sign that this approach to the rescue case is mistaken.

For the reasons mentioned above, we should reject the individuals view and adopt instead the groups view in resolving typical rescue cases. Since, in such cases, all imperiled individuals have equally strong claims and they are all divided into two groups, we should toss a coin. Clearly, tossing a coin is suitable only in cases where there are only two imperiled groups, since a coin has only two sides. If there are three or more groups involved in conflict cases, then we may spin a wheel of fortune that has as many equally big sectors as there are groups.

In concluding the discussion on the numbers problem, I would like to address a very familiar objection that numbers skepticism has deeply counterintuitive implications. We can call this the *counterintuitivity objection*.

This objection is especially worrisome in light of the fact that the intuitionist method of moral inquiry employed in this thesis assigns our intuitions a decisive role in resolving moral problems. To recall, the intuitionist methodology maintains that there is no plausible unifying supreme principle of morality and suggests that we investigate a particular moral problem by relying merely on moral intuitions. Now, if intuitions are our primary tools for resolving moral problems and a particular view seems counterintuitive, then this view is in a serious trouble. Thus, the objection that numbers skepticism is counterintuitive is serious. However, in what follows I will argue that this objection is misplaced and does not pose a threat to numbers skepticism because the answer to the question of whether we should save a bigger or smaller group of individuals is not a matter of intuitive judgment. It is to be decided with inferential reasoning. So, the counterintuitivity objection simply does not apply to numbers skepticism. Let me explain why.

Suppose we come across two drowning individuals, but we can save only one of them. We start deliberating on what to do. The first question we need to ask is whether there is a moral requirement to intervene, or we can permissibly walk away from the situation. Except consulting our intuitions, I see no other way of answering this question. Let us assume that, like most people, we share the intuition that we should intervene. But since we can save only one of these individuals, the next question becomes how to decide which one to save. Because these individuals are equally morally considerable, we should consider their interests equally. And since their interests to be saved are equal, we should assign these interests equal moral importance. But because we can save only one of these individuals, considering their interests equally would imply giving them equal chances of being saved. So far, our judgment has been intuitive, and I think every moral theorist would agree that this is how we should proceed in this situation, at least so far. We come to the conclusion that flipping a coin is the most adequate decision-making procedure in this case as it gives equal chances to each individual and it does that in a simple way.

As I am about to flip a coin, something happens: suddenly, four more individuals are dropped into the water on one side, and now, instead of 1 vs. 1

scenario, we have 1 vs. 5 scenario. Again, everything else is equal. I ask whether I should go on flipping a coin. You stop me and say that instead of flipping a coin, we should save the five individuals because things have changed. But what has changed? Obviously, numbers have changed: on one side there was one drowning individual, now we have five. But what difference does the addition of four individuals on one side make so that it justifies saving the five without a coin toss? Changing the decision-making procedure on which we agreed earlier requires justification. In other words, a valid reason or argument needs to be given that will highlight the difference between 1 vs. 1 and 1 vs. 5 scenarios and explain how this difference justifies, or even requires, changing the decision-making procedure. This is not an intuitive judgment anymore. There is a need for a clear and convincing argument for rejecting a coin toss and directly saving the five. If all proposed arguments will turn out to be unsound, then we need to go back to coin tossing. Of course, such arguments have been proposed, and I tried to show that they are all unsound. But it is not important here whether I succeeded in rejecting these arguments. The point here is that what to do in 1 vs. 5 scenario is not a matter of intuitive judgment; it is a matter of argumentative judgment; that is, an argument is needed to know what to do. If this argument is shown to be unsound, then we need to toss a coin. The objection that tossing a coin seems counterintuitive is thus misplaced. If there is no sound argument proving that numbers make a moral difference, for example in 1 vs. 5 scenario, then numbers skepticism is vindicated, as it is a default view. If numbers skepticism, despite the absence of a good argument against it, seems “counterintuitive” to some people, these people need to ignore or resist their “intuitive feeling” because this feeling cannot be based on a relevant intuition, since intuitions are irrelevant in resolving this question. What this feeling is based on is, I suspect, a mere illusion – the *numbers illusion*.

The implication of numbers skepticism being a correct view is that although the death of thousands of animals may be a catastrophe from ecological perspective, it is certainly not a catastrophe from moral perspective. So, the argument from ecological catastrophe fails. If the mere numbers do not make a moral difference, then in deciding whether we should allow fewer wild animals to

die from predation or we should allow more wild animals to die from starvation caused by overpopulation, we are required to *at least* flip a coin so as to give each side an equal 50% chance of being saved. Let me illustrate what this would imply in practice. Suppose, while out in the wild, you come across a particular instance of predation – a lion killing a zebra. Since killing predators in defense of prey animals is permissible and doing so does not require an excessive cost to yourself, you have a *pro tanto* requirement to kill the lion to save the zebra. But if, like you, many others do the same, soon the number of lions will be reduced so significantly that the population of zebras will explode and then will start dying from overpopulation-induced starvation. So, the choice you are presented with is this: either you allow the particular zebra to die by letting the lion kill him or you kill the lion and thus allow other, perhaps thousands of zebras to die from starvation as a result of overpopulation. Since numbers do not make a moral difference, you should flip a coin to decide which one to allow to die. And you should flip a coin every time you come across a particular instance of predation. If the single zebra wins a coin toss, then you kill the lion to save the zebra, but if the single zebra loses a coin toss, then you let him die, but instead of letting the lion kill the zebra slowly and painfully, you kill the zebra with a gun relatively quickly and painlessly. That would be the implication of rejecting the argument from ecological catastrophe. But before you toss a coin, let me mention one consideration that may suggest that instead of tossing a coin you should save the single zebra. This consideration is the following: Suppose that zebras normally live for 25 years and the zebras who will die from predation and overpopulation-induced starvation are 10-year-olds. Letting the single zebra die means that he will die now at the age of 10, while letting other thousands of zebras die from starvation means that they will die some time after they become overpopulated. Suppose that it takes roughly 5 years for predator-less zebras to overpopulate. This means that the zebras who will die from starvation will die 5 years later, at the age of 15. It is clear that the single zebra has a stronger interest and therefore a stronger claim to remain alive, since he loses more by dying as he dies 5 years earlier than others. This consideration may suggest that either we

should save the single zebra without a coin toss or we may toss a *weighted* coin, giving the single zebra higher chance of winning.

▪ *Two Possible Solutions to the Predation Problem*

The rejection of the argument from innocence and the argument from ecological catastrophe opens the door to two possible solutions to the predation problem: *species segregation* and *preemptive killing of predators*. Although both of them, when considered separately, are morally permissible forms of intervention in predation, there is a morally significant difference between the two: one is less harmful to predators than the other. In particular, while species segregation entails merely confining predators in sanctuaries, thereby restricting their freedom, preemptive killing of predators entails exterminating predators who pose imminent lethal threat to prey animals. Given this difference, preemptive killing of predators will be impermissible insofar as species segregation will be a sufficient and effective means to fully eliminating predation. In that sense, species segregation is a morally preferable means to eliminating predation. But if species segregation turns out to be unfeasible for one reason or another, preemptive killing of predators will be the next alternative.

Species segregation, as discussed in the previous subsection, implies isolating all predator species from the rest of the animal kingdom and placing each species in well-equipped sanctuaries that are located in their natural habitat. Evidently, confining predators in sanctuaries restricts their autonomy to some extent, thereby diminishing their flourishing. However, doing so is justified for the following reason. In rejecting the argument from innocence, I argued that it is their bad luck that innocent individuals are posing an unjustified threat to others and that they are the ones who should bear the costs of their own bad luck. By applying this reasoning to predators, we can maintain that it is their bad luck that predators are posing an unjustified lethal threat to prey animals and that if eliminating predation requires some costs, it is predators who should bear these costs. This means that even if eliminating predation requires inflicting a grave harm on predators, such as killing them, doing so will still be

justified. By isolating predators and placing them in sanctuaries we merely make them bear the costs that are necessary for eliminating predation.

Isolating predators from their prey by placing them in sanctuaries entails that they will be deprived of the ability to feed themselves. This means that feeding them will be our task. Predator animals, whose diet consists exclusively of meat, can be fed with a laboratory-produced meat or a meat substitute that fully satisfies the nutritional requirements of carnivorous animals. As a matter of fact, researchers have already been able to successfully grow real meat using animal cells and the number of companies working on refining the technology for producing cell-based meat is only increasing.²⁶⁹ Although cell-based meat has not been commercialized yet, the day that companies will start its mass-production is not far. Thus, feeding predators in such a way that does not involve killing other animals need not be a challenge after all.

Species segregation as a means to eliminating predation can be objected on the grounds that it is excessively costly. For example, it could be argued that constructing multiple sanctuaries, hiring workers to operate these facilities and feeding predators for their entire lives requires costs so high that we may not be able to afford. However, I would like to resist this objection. I do not believe that the costs of implementing species segregation will be excessive. I concede that the initial costs of this measure will be high but over time they will be lowered. For example, feeding predators will become less costly as their numbers will gradually decline as a result of limiting their reproduction. Also, various volunteer programs offered in wildlife sanctuaries contribute to the significant reduction of the costs that are necessary for operating and maintaining wildlife facilities.²⁷⁰ Many people are willing to pay to participate in such programs in order to get a unique chance of interacting with various wild animals. So, given these considerations, the idea of isolating predators and placing them in sanctuaries need not be financially intimidating.

²⁶⁹ See Schaefer, Owen (2018, September). "Lab-Grown Meat", available at <https://www.scientificamerican.com/article/lab-grown-meat/>.

²⁷⁰ For more on wild animal volunteer programs, see <https://www.goeco.org/tags/volunteer-for-wildlife>.

However, there is a more important worry regarding species segregation. Recall that in defending the numbers skepticism I argued that if we are to make a choice between allowing the fewer number of zebras to die and allowing the greater number of other zebras to die, and all other things are equal, the choice should be made fairly by giving each group an equal 50% chance of being saved. I suggested tossing a coin as a fair solution. The problem with species segregation is that it does not imply making a fair choice between the victims of predation and the victims of overpopulation-induced starvation. This is because species segregation implies making a choice in favor of prey animals who would have been the victims of predation had we not isolated predators, without giving a fair chance of being saved to other prey animals who will die from starvation as a result of overpopulation caused by isolating predators from prey animals. This means that if, as a result of species segregation, prey animals become overpopulated and some of them die, that would be unfair and would thus render species segregation impermissible. So, in order for species segregation to be morally permissible means to eliminating predation, it should be guaranteed that prey animals will not become overpopulated after predators are isolated and confined. In other words, whether we will be permitted to carry out species segregation entirely depends on whether we will successfully prevent the overpopulation of prey animals. A possible solution to the problem of overpopulation of prey animals is wildlife contraception, a non-lethal wildlife population control technique, which is widely used in wildlife sanctuaries and zoos to control the population growth of captive wild animals.²⁷¹ However, it is doubtful that the currently available various forms of wildlife contraception will be sufficient to keep the population of predator-less prey animals in check. For that more effective and reliable contraceptives will be needed. Until such contraceptives are developed, enabling us to fully manage prey animal population, implementing species segregation should be postponed.

²⁷¹ For more on wildlife contraception, see Asa, Cheryl and Porton, Ingrid (eds.) (2005). *Wildlife Contraception: Issues, Methods, and Applications*, JHU Press; Brennan, Ozy (2018, December). "Wildlife Contraception", available at: <https://was-research.org/paper/wildlife-contraception/>.

If current circumstances and limitations do not allow us to carry out species segregation now, then what should be our response to the ongoing predation? Notice that leaving prey animals to their fate by refusing to intervene in predation is not an option here. This is because non-intervention implies making a choice in favor of prey animals who would die from overpopulation-induced starvation if we intervened in predation and removed predators from the wild, without giving prey animals who will die from predation a fair chance of being saved. What I insist here is that by refusing to intervene in predation, we are allowing prey animals to die from predation and this is wrong, since, as I argued before, the choice between allowing the individual prey animals to die from predation and allowing other prey animals to die from starvation as a result of overpopulation should be made fairly by giving each group an equal 50% chance of being saved. To sum up, what seems to be the case here is that while species segregation unfairly favors the victims of predation, non-intervention unfairly favors the victims of overpopulation-induced starvation. So, both options are morally impermissible. How are we then to approach the problem of predation?

Let us go back to the scenario in which you encounter a particular instance of predation: a lion killing a zebra. So far I have been arguing that in this case, when everything else is equal, you are required to flip a coin in order to decide which one you will allow to die: the individual zebra who will die from predation or many other zebras who will die from overpopulation-induced starvation. I have also been arguing that you, and everyone else who finds themselves in a similar situation, are required to flip a coin in every encounter with a particular instance of predation. This, I claim, is the right approach to the predation problem. However, in our mission to detect all the instances of predation and respond to them adequately we cannot rely on an accidental witnessing of predation. The problem is that the chances that some of us will witness an instance of predation are quite low. This will mean that most instances of predation will go simply unnoticed, without us getting an opportunity to respond to them. Thus, our reliance merely on an accidental witnessing of predation will count as unfairly allowing many prey animals to die

from predation, given that we are somehow able to increase the chances of us encountering the instances of predation. I argue that, provided that it is not excessively costly to us, we should increase the chances of us witnessing the instances of predation. How could this be done? In this respect, my suggestion is to encourage people such as hunters to frequently visit places in the wild in an attempt to detect the occurrence of predation. Hunters will be given strict and clear instructions that they will be required to follow. In particular, they will be required to flip a fair coin to determine what to do: if the individual zebra wins a coin toss, then hunters will be authorized to kill the lion; if the individual zebra loses a coin toss, then hunters will be authorized to mercy kill this zebra in order to spare him a slower and more painful death at the jaws of the lion. My suggestion relies on a plausible assumption that hunters will be happy to volunteer for intervening in predation and even willing to pay a certain fee for that, knowing that they will get a chance to kill an animal every time they encounter a particular instance of predation. Of course, before the coin toss, they will not know which animal they will be permitted to kill but they will know surely that they will be permitted to kill either a predator or prey.

In concluding the discussion of my suggested approach to the predation problem, there are several important notes to be made. *First*, in discussing the moral permissibility of certain forms of eradicating predation, I have expressed my general skepticism toward our ability to fully manage predator-less prey animal population using non-lethal means such as wildlife contraception. It is this skepticism that leads me to propose a suggestion, involving hunters and coin tossing, as the right response to the ongoing predation. Of course, if we are in fact able to control the population of predator-less prey animals, then species segregation is the best solution to the predation problem, and if this solution turns out to be excessively costly, then the next best alternative seems to be preemptive killing of predators. *Second*, so far I have assumed that as a result of intervening in predation prey animals will necessarily become overpopulated. But nowhere do I claim that once we start implementing my suggested approach to the predation problem, we should not do anything in order to prevent the overpopulation of predator-less prey animals. On the contrary, we should do our

best to ensure that the overpopulation of prey animals is avoided. However, the key point here is that even if, despite our best efforts, as a result of intervention in predation, prey animals become overpopulated and some of them die, such intervention would still be morally right as it would be fair to everyone concerned. *Third*, throughout my discussion I have assumed that in deciding which one to allow to die, the victims of predation or the victims of overpopulation, everything is equal. However, in reality everything will not be equal. For example, some victims of predation will be very old, some – very young. How are we to account for this morally relevant difference? Here my suggestion would be this: If a victim of predation is rather old, then we can flip a weighted coin, giving the old prey animal a lower chance of being saved. This is because the chances that among the victims of overpopulation at least some of them will be young are quite high and we should give preference to saving the younger ones as their interests in remaining alive are stronger. Alternatively, if a victim of predation is rather young, then we can flip a weighted coin, giving the young prey animal a higher chance of being saved. This is because it takes roughly several years for prey animals to become overpopulated and then die from starvation, suggesting that a young prey animal dying from predation now loses more, making his claim to be saved stronger. *Fourth*, there will be some instances of predation in which the victims will be very sick and/or seriously injured for whom death will be good. In such cases a reasonable suggestion would be to allow such animals to die. More precisely, we should mercy kill such animals to spare them a violent death at the jaws of predators. *Fifth*, there will be some cases in which preventing predation will be possible by fending off predators instead of killing them. Should we then opt for a non-lethal means to preventing predation whenever feasible? The problem with this suggestion is that fending off predators on a regular basis will eventually cause prey animals to overpopulate and if some of them will die from starvation, then this would be unfair to them since fending off predators implies making a choice in favor of the victims of predation without giving the victims of overpopulation a fair chance of being saved. Thus, in every encounter with a particular instance of predation a fair coin must be tossed.

▪ *Utilitarian Solution to the Predation Problem*

Some non-consequentialists will find my suggested approach to the predation problem counterintuitive. This is because they are moved by the force of their persistent intuition that in conflict cases the greater number should be saved, all other things being equal. But I have argued that their intuition is deeply mistaken and that they suffer from what I call the *numbers illusion*. My suggested approach will also upset utilitarians. But this is not surprising. What is surprising is that they have not, to my knowledge, proposed and advocated a realistic utilitarian solution to the notorious problem of predation. Closest to proposing such a solution gets David Pearce, who suggests encouraging a gradual extinction of predators or their reprogramming.²⁷² The problem with these solutions is that they are directed at far future. Gradual extinction of predators will take dozens of years, allowing countless prey animals to undergo immense amount of suffering and die prematurely for all these years. Reprogramming predators, if it ever becomes possible, will not happen any time soon. We may, one day, achieve a technological advancement necessary for such reprogramming but I suspect that this day is too far. Arguably, the reason why utilitarians seem so reluctant to propose a present-oriented solution to the predation problem is their commitment to the argument from ecological catastrophe. But I argue that their hiding behind this argument is unwarranted. In what follows I wish to propose what I think to be a realistic and present-oriented utilitarian solution to the predation problem. With that I intend to stimulate a further discussion on that problem and encourage utilitarians to take this problem more seriously and think about it more radically.

I believe that every adequate solution to the predation problem should involve species segregation to a certain extent since it is the least harmful way of reducing predation and the utilitarian solution is no exception. So, at the initial stage of eliminating predation we will isolate predators from the rest of the animal kingdom and place them in sanctuaries. Arguably, placing *all* predators

²⁷² See Pearce, David (2009/2015). "Reprogramming Predators", retrieved on February 26, 2020 from <https://www.hedweb.com/abolitionist-project/reprogramming-predators.html>; See also Cowen, Tyler (2003). "Policing Nature", In: *Environmental Ethics* 25 (2), pp. 169-182.

in sanctuaries and taking care of them for their entire lives will not be cost-effective. But we need not place all predators in sanctuaries. We can preserve only some of them, perhaps as many as we can afford, and painlessly kill the rest. After that, we will need to take care of the predator-less prey animals. In particular, we will need to ensure that they do not become overpopulated. There are two common ways of managing wild animal population, none of which is inherently impermissible within the utilitarian framework: *wildlife contraception* and *therapeutic culling*. Initially, prey animal population will be managed using wildlife contraception indiscriminately. But since this method is not sufficiently developed to enable us to control whole animal population, we will then resort to therapeutic culling, which is a practice of killing a certain number of animals to avoid their overpopulation. Culled animals will then be used to feed predators that are placed in sanctuaries, thereby diminishing the costs of preserving predators. I argue that, from a utilitarian perspective, this solution to the predation problem is a better alternative to maintaining the *status quo*, since it significantly minimizes the overall welfare loss caused by predation. Below I discuss several considerations that support this claim.

Each individual predator is responsible for the deaths of dozens of prey animals per year. For example, the reported kill rate of a single lion varies from 10 to 47 animals per year, while a single tiger kills approximately 45 animals per year.²⁷³ This means that about hundreds of lives of prey animals are lost in order to preserve a single life of a predator, where the lives of each predator and prey contain roughly equal value. My suggested utilitarian solution involves the loss of the lives of most predators but this loss will be easily compensated for and outweighed by the preserved lives of prey who would otherwise have been killed by predators. Against this, it could be argued that the victims of predators are mostly old, sick and/or injured animals for whom death is often good rather than bad and in that sense predation may in fact minimize disvalue instead of increasing it. This objection, however, is based on a misconception. Predators in fact kill all kinds of animals, including young and healthy ones and various

²⁷³ See Sunquist, Mel and Sunquist, Fiona (2002). *Wild Cats of the World*, University of Chicago Press, pp. 292, 352.

footage, available on the internet, depicting the instances of predation attest this. As a matter of fact, the claim that by killing their prey predators put their victims out of misery may be true to some species of invertebrate animals who generally have lives full of suffering, however, this claim is certainly not true to many vertebrates, especially large mammals. But even if many large mammals had miserable lives, it would still be implausible to suppose that among the hundreds of prey animals who are killed by a single predator in his lifetime *all* of them would have lives full of misery.

Predators often kill their prey in gruesome ways, causing the victims to suffer greatly before dying. Depending on the predator, the ways of killing prey animals include them being dismembered, strangled, drowned, poisoned or eaten alive. One of the main reasons why most people seem to tolerate these brutalities is that to them predation is a necessary evil without which prey animals will overpopulate and cause an ecological catastrophe. But removing predators from the wild need not involve allowing prey animals to overpopulate. Above I have suggested wildlife contraception and therapeutic culling as two common ways of managing the population of predator-less prey animals. Wildlife contraception is a painless, non-lethal form of wildlife management technique that is widely used in zoos and sanctuaries. Therapeutic culling will be the last resort, used only insofar as contraception turns out to be insufficient. Therapeutic culling is surely a lot better alternative to predation. This is because predation keeps prey animal population in check only at the expense of immense amount of suffering of these animals, while therapeutic culling, which involves killing surplus animals relatively quickly and painlessly, will achieve the same goal with significantly less suffering. Here it could be objected that given the complexities of ecosystems, it would be naïve to suppose that therapeutic culling can properly replace predation without upsetting the balance of nature. But it is difficult to see what is so mysterious about predation. What do predators do so special that we are not able to do any better? It would be far-fetched to suppose that predators' role within the ecosystem goes beyond indiscriminate killing and merely reducing the number of prey animals. If this is right, then my suggestion that once predators are removed, we should take on the role of predators and

manage the population of prey animals in a way that involves causing significantly less suffering seems unproblematic. This suggestion has two plausible features: on the one hand, we will make many hunters happy by allowing them to cull prey animals; on the other hand, we will minimize the overall suffering by killing prey animals quickly and painlessly instead of leaving them to predators to be chased and killed brutally.

When predators kill their prey, they do so indiscriminately – that is, they kill whoever and whenever they can. This means that among the victims of predation are not only old, sick and/or injured animals but also very young and healthy ones who would otherwise have had a happy life. In this respect, the main advantage of therapeutic culling is that we can kill animals discriminately, targeting specifically the animals who are more likely to have miserable lives or whose lives contain less overall good. This way we will significantly minimize the overall welfare loss.

Finally, we should not forget the indirect negative effects of the existence of predation. As discussed in chapter 2, many prey animals undergo intense stress due to the presence of predators around them. Moreover, in order to avoid the exposure to predators, many prey animals refuse to leave their hiding places, resulting in their starvation and dehydration. So, prey animals often face a dilemma: either they try to hide from predators at the expense of starvation and dehydration or they will feed themselves and thereby risk becoming the victims of predators. These negative side-effects of the existence of predation would be entirely absent in a predator-less world, allowing many prey animals to live relatively peaceful lives.

It seems to me that the benefits of eradicating predators and replacing them with well-instructed hunters to manage prey animal population are overwhelming, and utilitarians who are concerned about maximizing utility can no longer hide behind the argument from ecological catastrophe and justify their commitment to the non-interventionist view on predation.

5.3 CONCLUSION

In this chapter I addressed complex questions concerning intervention in nature. In particular, I considered whether it is permissible to intervene in nature and if yes, what are morally permissible ways of doing this.

First, I critically assessed the arguments commonly put forward against intervention in nature. These arguments are the *environmentalist argument*, the *counterproductivity* or *fallibility argument* and the *species competency argument*. After a thorough examination I concluded that these arguments do not succeed in rendering intervention in nature impermissible.

Next, I proposed the *moral supervision on nature* as a morally permissible form of intervention in nature. In defending my proposal, I critically examined its underlying principles and showed that they can successfully withstand some major criticisms that can be launched against them.

I then turned to the critical examination of the various forms of intervention in nature that are put forward in the relevant literature. In particular, I explored whether these proposals constitute morally permissible forms of intervention in nature and in that sense, whether they ought to be granted a moral approval.

In the end I addressed the notorious problem of predation. First, I identified two main arguments commonly put forward against intervention in predation. I then called these arguments into question and showed that they fail to defend non-interventionist view on predation. After that I argued that we are required to intervene in predation and put forward what I believe to be the right way to respond to the ongoing predation. I ended my discussion of the ethics of predation by suggesting the utilitarian solution to the predation problem in order to encourage utilitarians to take this problem more seriously and to stimulate a further discussion on that problem.

CONCLUSION

In this thesis I aimed to achieve two objectives. First was to show that we have an obligation to intervene in nature to assist suffering wild animals. Second was to offer some morally permissible ways of fulfilling this obligation. I structured the thesis as follows.

In the *first* chapter I argued that wild animals are morally considerable. More specifically, I defended the sentience view, according to which all and only sentient entities are morally considerable. Although the debate concerning the moral considerability of animals is rather old, and the view that sentient animals matter morally is no longer considered odd, I still felt the need for including this discussion within this thesis. This decision was motivated by the fact that I wanted to give a more complete defense of the fundamental claims of this thesis. Now, it is one thing to argue that sentient animals matter morally and it is quite another to argue that all morally considerable entities matter equally. In fact, there are some views according to which some beings matter morally more than the others. For example, humans according to anthropocentrism (or human speciesism) and persons according to personism are morally superior to other beings. I challenged these views and showed that they are indefensible.

In the *second* chapter I discussed some of the common causes of wild animal suffering. As was noted earlier, one of the reasons why the plight of wild animals did not receive proper attention in the philosophical literature is the commonly held false belief that in the wild, undisturbed by human actions, animals fare well, requiring no significant assistance. To overcome this misconception, it was necessary to review some of the common sources of wild animal suffering, hoping to convince skeptics that many wild animals indeed suffer greatly and are in need of our help. The chapter showed that, contrary to what the idyllic view of nature claims, the lives of many wild animals are filled with pain and misery.

In the *third* chapter I presented the case for assisting wild animals. I claimed that since wild animals are morally considerable, endure significant suffering throughout their lives and we can prevent or alleviate their suffering without excessive cost to ourselves, then we are required to intervene in nature

to assist them. The requirement to assist wild animals suffering due to natural causes rests on an intuitively very plausible and widely accepted claim that we ought to help the victims of a considerable misfortune if we can do so without an excessive cost to ourselves. I also acknowledged that the requirement to assist wild animals is merely a *pro tanto* requirement unless it is shown that it defeats all competing considerations that can be put forward against it. I dealt with these considerations in the remaining chapters.

In the *fourth* chapter I provided a comprehensive critical analysis of the laissez-faire view, which is one of the major arguments against intervention in nature. According to this view, absent any special circumstances, we are not required to assist wild animals in their struggle to live lives free from suffering. I undermined the plausibility of this view by showing that it has intuitively unacceptable implications. Acknowledging that at least some of the proponents of this view will remain unpersuaded, I developed an original argument, called the *contribution argument*, which is addressed to such people and attempts to convince them that at least some of us are required to assist some wild animals. The main advantage of this argument is that it is compatible with the account of positive duties endorsed by the proponents of the laissez-faire view and thus has a greater potential to convince them. Next, in a lengthy discussion, I addressed the largely neglected question of whether, in conflict cases, our duties to assist domesticated animals are stronger than our duties to assist wild animals. In the end I examined the origins of the laissez-faire intuition and argued that not only is it a mistaken intuition but also that it is not a *genuine* moral thought.

In the *fifth* chapter I tackled the complex questions concerning intervention in nature. In order to show that a *pro tanto* duty to intervene in nature to assist wild animals is in fact an all-things-considered duty I challenged common arguments against intervention in nature and showed that they fail to render intervention in nature impermissible. Then I proposed the *moral supervision on nature* as a morally permissible form of intervention in nature and defended its underlying principles against some major objections. Next, I critically examined various forms of intervention in nature that have been proposed in the relevant literature and explored whether these proposals ought

to be granted a moral approval. In the end I addressed the notorious problem of predation. After challenging two main arguments often invoked against intervention in predation, I argued that the non-interventionist view on predation is unjustified. Then I proposed what I believe to be the right approach to the predation problem.

▪ *A Final Note*

As the reader will notice, there are some questions this thesis touched upon but were not explored in greater details. For example, to defend the underlying principles of *moral supervision on nature*, I had to deal with various contentious questions in population ethics on which I could not elaborate enough. One reason for that was the lack of space. But more importantly, I thought that discussing these questions at length would only distract the reader and shift the focus from the primary subject to what is merely secondary.

The reader will also realize that morally approved forms of intervention in nature discussed in this thesis are not exhaustive, meaning that there can be some other forms of large-scale intervention that I could not anticipate here. Most likely, such forms of interventions will require an extremely high level of technological advancement and revolutionary progress in natural sciences. In fact, I discussed and denounced the forms of intervention in nature that presuppose extraordinary technological and scientific breakthroughs as too futuristic. I believe that trying to work out such unrealistic methods of ending wild animal suffering is a waste of time and only discourages us to seek more realistic, present-oriented solutions. I offered *species segregation* and *preemptive killing of predators* as such solutions to the predation problem. But these solutions, evidently, do not apply to other causes of wild animal suffering. To have a significant positive impact on the plight of wild animals, considerable technological and scientific advancements are needed. But these advancements need not be revolutionary. Relatively simple to be devised but highly effective means to putting an end to the suffering of wild animals is *wildlife contraception*. I emphasized the benefits of wildlife contraception in chapter 5 and I cannot stress its importance enough here. There I argued that preventing many wild

animals from coming into existence will allow the environment to better feed the existing animals. It will also allow us to better detect and provide the needed assistance to the suffering animals. Another factor that increases the importance of wildlife contraception is that helping wild animals (e.g. feeding the starving, treating the injured and sheltering the vulnerable) will only encourage their overpopulation. Thus, devising an effective, harmless and inexpensive method of controlling the number of wild animals is crucial. Although there has been some scientific progress made in this regard, regrettably, wildlife contraception is an under-researched subject. Thus, more research needs to be done in the relevant scientific fields to ensure an effective wild animal population management.

There remains one last question that I would like to address here. In this thesis I argued that we are required to intervene in nature to assist suffering wild animals and I tried to show that various competing considerations cannot defeat this *pro tanto* requirement. So, our duty to assist wild animals is an all-things-considered duty, provided that lending them our assistance is not excessively costly to us. This qualified claim implies that we are in a position to aid wild animals, however, given our limited material and intellectual resources, this will not always be the case. Unfortunately, wild animals are not the only beings requiring our immediate assistance. Due to various factors, such as extreme poverty, diseases and natural disasters, enormous number of humans endure significant suffering and they too are in need of our assistance. So, more often than not we will face conflict situations in which we will have several competing positive duties to fulfil but we will not be able to fulfil all of them. Thus, the question of priority arises.

To determine which of the conflicting duties we are required to fulfil, first we need to look at the strength of these duties. Suppose that the individuals needing our assistance stand to gain or lose the same. If this is so, then conflicting duties to assist them will be equally strong. Because the mere number of individuals we can help in conflict cases does not make a moral difference, which duty we are required to fulfil should be determined on the basis of a coin toss. For example, if we are considering adopting a policy that will provide assistance to either a group of humans or a group of wild animals and within

these groups the worst off human and the worst off wild animal suffer equally, we should toss a fair coin to determine which policy to adopt. But what if conflicting duties are different in strength? Many believe that if we can save either a normal human or an animal, and everything else is equal, we should save the human. This is because normal humans lose more by dying than animals do and thus our duties to save humans are stronger than our duties to save animals, other things being equal. If this is right, then, given that many humans living in extreme poverty are dying from starvation and easily preventable diseases, we may never be required to direct our limited resources toward wild animal assistance as long as there are dying humans out there requiring our immediate help. However, this conclusion would be too hasty. Even if our duties to save humans are stronger than our duties to save wild animals, it does not follow that we should always save humans. In conflict cases, saving humans directly, without giving wild animals any chance of being saved, would be unfair as it would fail to adequately acknowledge the interests of wild animals. Thus, we should instead toss a *weighted* coin, giving humans higher chances of being saved.

Finally, we should not forget the contribution argument. This argument claims that moral agents are required to assist wild animals from whom they benefit. If this argument is right, then moral agents who can assist either humans or wild animals from whom they have benefited are required to assist wild animals since the fair share of the produced benefit is the property of these animals and they thus have an overriding claim on using that benefit for their own benefit.

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DECLARATION

I hereby declare that the doctoral dissertation presented is my own work. I have employed no other sources or means except the ones listed. I clearly marked any quotations derived from the works of others. I did not seek unauthorized assistance from a third party.

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