How bad, if at all, is death for nonhuman animals?

By

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Declaration

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature: Signed by candidate **Date:** 7 July 2022

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Introduction

Thinking about how many humans die every second on Earth is overwhelming. Large though that number is, the number of *nonhuman* animal deaths each second is many orders of magnitude larger.

Wild animals live under the constant threat of death. It comes for them in the form of predators, disease, parasitism, starvation, harsh weather conditions and various other selective pressures. Few wild animals survive to maturity.[1] The chances of survival are not much better for domesticated animals. Most of these animals have been brought into existence by humans to be killed for food. Many of them are currently facing their death in slaughterhouses around the world. Even the luckiest nonhuman animals, those who we keep as companions and who have access to the best veterinary care, cannot escape death.

In this dissertation I investigate whether death is bad for nonhuman animals and, if so, how bad it is. I spend the first part of this introduction clarifying my question and setting the parameters of my discussion. Then, I explain why this question is important to ask. Finally, I provide a roadmap for how I will go about answering this question in my dissertation.

Clarifying the question

The first thing I should clarify is what I mean by the term "nonhuman animals". There are millions of species of nonhuman animal. I could not possibly consider *all* of them in this dissertation. I have to draw the line somewhere. So, when I use the term, I mean to refer to the limited class of vertebrates, although I do not exclude the possibility that what I say could also apply to some invertebrates, such as cephalopods.

[1] Oscar Horta, "*Zoopolis,* Intervention, and the State of Nature", *LEAP,* vol. 1 (2013), 115.

A related point to clarify, is the sense in which I ask whether death is "bad for" nonhuman animals. I am curious about the *prudential* badness of death. By this I mean the badness of death *for the one who dies*. I will not be investigating whether it can be bad for nonhuman animals to survive the loss of *others* through death.

The term "death" also needs to be disambiguated. Sometimes, we use "death" to refer to the dying process.[2] This is the case when one says something like, "his death was drawn-out and painful". "Death" can equally be used to mean the event in which one is no longer alive, as in the phrase, "his death took place at 8pm". I am interested in "death" in this second sense. Whether death can be bad for nonhuman animals, independently of how painful the dying process is for them, is underexplored.

What happens at death is of course a controversial matter. Attempting to engage thoroughly with all conceptions of death would be hopeless. To focus my discussion, I make the following two assumptions about death.

The first, is that there is no such thing as an afterlife: for the sake of argument, I am assuming that when one dies, one ceases to exist. This is the simplest hypothesis about what happens at death—it is the view which most analytic philosophers adopt.

The second assumption I am making, is that it is bad for *humans* to die. Not everybody agrees on this. Ancient philosopher Epicurus provided an attractive argument for why we should believe that death cannot be bad (or good) for anyone. He observed that when one exists, one is not dead, and when one is dead, one no longer exists.[3] Unlike everything that is bad (or good) for one while one is alive, death seems to lack a subject—there doesn't seem to be anybody *in* death that it could be prudentially bad (or good) for. I am bracketing the interesting debate about whether we should be Epicureans about death.

[2] Stephen E. Rosenbaum, "How to Be Dead and Not Care: A Defense of Epicurus", in David Benatar (eds.) *Life, Death, and Meaning: Key Philosophical Readings on the Big Questions* (Lanham: Rowman & Littlefield Publishers, 2016), 192.
[3] Epicurus, "Epicurus to Menoeceus," in Whitney J. Oates (eds.) *The Stoic and Epicurean Philosophers* (New York: Random House, 1940), 31.

If one accepts Epicurus' argument, then its implications for nonhuman animals are straightforward: death cannot be bad for nonhuman animals if it cannot be bad for anyone. The implications for nonhuman animals are not as clear-cut if one *rejects* Epicurus' argument.

Most people reject his argument. The popular view is that death *is* bad for humans. This is suggested by the widespread fear that people have of death. People go to lengths to push out their death date—most of us avoid even thinking about it.

Furthermore, the intuition that death can be bad for humans seems to form part of the explanation for why we ought not to kill humans. Whether it is prudentially *bad* to die, and whether it is *wrong* to kill are separate questions, but there is an intuitive link between them (for most of us at least). Imagine if someone were to painlessly kill your unsuspecting friend in his sleep tonight. That would be ghastly. Your friend's murderer would have done something morally wrong. *Part* of the reason why we think one ought not to kill another, is because death is bad for those who survive. The murder of your friend would have a negative effect on his loved ones, like you (and perhaps society at large). But we also think that something very bad would have happed to *your friend*. We think that it would be bad *for him* to have his life taken, even if this caused him no pain or trauma.

Granting the common view that death is bad for humans, it is interesting and important to ask whether death can also be bad for nonhuman animals.

Why is the question important to ask?

There is a very big difference in the way that we respond to the death of humans versus to that of nonhuman animals. While we find the murder of humans abhorrent, we have willingly accepted the widespread killing of nonhuman animals. The average person would not think that there is anything particularly bad about painlessly killing a happy, unsuspecting chicken in her sleep. This suggests that while most people hold a view that death is bad for humans, they do not hold the same view for nonhuman animals. (Alternatively, if they think that death *is* bad for nonhuman animals, then they think that this badness is negligible.)

The views that people have about the badness of death for nonhuman animals are generally unconsidered. Thinking more seriously about nonhuman animal death requires that we question what makes death bad for humans. If what makes death bad for humans applies to nonhuman animals, then we should accept the associated normative implications. Consistency would require that we review the blasé attitude we currently have about killing nonhumans.

Overview of dissertation

The umbrella question of my first chapter is, "can death be bad for nonhuman animals?". To answer it, I address a set of more basic questions.

The first of these basic questions is whether *anything* can be bad for nonhuman animals. Death cannot be bad for nonhuman animals if they are not the kinds of entities for whom things can be bad. Raymond Frey provides an argument whose implication is that things cannot be bad for nonhuman animals in a way that we should care about. I present and respond to his argument.

Having defended the common-sense view that some things are bad for nonhuman animals (in a sense we should care about), I turn to inquire whether death is amongst those things. A natural way to start answering *this* question, is to ask how we commonly explain death's badness (for humans). To this end, I present the Deprivation Account. This is the standard account of death's badness. According to this account, death is bad if it prevents its victim from enjoying more of what would have been good for them. I show that death can be bad for nonhuman animals if we accept the Deprivation Account.

In the second chapter, I ask *how bad* it is for nonhuman animals to die, given the Deprivation Account. I present the Life Comparative Account, and the Time-Relative Interest Account, which provide two different ways of measuring the extent of death's deprivation for an individual. According to both accounts, death is generally worse for humans than it is for nonhuman animals, although some nonhuman animals are harmed more by their death. I find that the Time-Relative Interest account is a better extension of the Deprivation Account, and I explain why.

Lastly, I address objections from philosophers who think that death cannot be bad at all for nonhuman animals. Christopher Belshaw and David Velleman challenge the standard view of death's badness: they argue that something *in addition* to being deprived of future goods is necessary for one's death to be bad. Furthermore, the additional conditions which they respectively claim are necessary for one's death to be bad, require that an individual is a "person" immediately before death—that is, that the individual has a rational capacity and a temporal sense of self (at death). Since both philosophers deny that nonhuman animals can be persons, they deny that death can be bad for them.

I end up rejecting both Dr. Belshaw's[4] and Professor Velleman's arguments for why death cannot be bad for nonhuman animals.

In my conclusion, I point out how my question can be taken further, as well as what the normative implications are of my findings that death can be (very) bad for nonhuman animals.

[4] I have intentionally referred to academics in this dissertation by either their full name, or by their title and surname. For an explanation why, please see: David Benatar. "Toward More Respectful Academic Reference Practices", *What's Wrong*, 4/2/2019. https://whatswrongcvsp.com/2019/02/04/toward-more-respectful-academic-reference-practices/.

Chapter 1: Can death be bad for nonhuman animals?

Introduction

It wouldn't make sense to ask if a wine bottle can taste the spicy undertones of the Merlot it contains. Wine bottles lack taste buds. They are not the kinds of entities that can taste anything. It would be similarly confused to investigate if nonhuman animals can be harmed by death, if they aren't the kinds of entities who can be harmed by anything.

It may seem obvious that animals are the kinds of beings that can be harmed. However, Raymond Frey has questioned this common-sense view. In this chapter, I consider and reject his argument.[5]

Once I've established that things can be bad for nonhuman animals, I turn to consider whether death is amongst the things that are bad for them. A logical place to start answering *this* question, is to ask how it is that we usually explain death's badness for humans. The Deprivation Account is the standard account of death's badness and I show that it straightforwardly applies to nonhuman animals.

I conclude this first chapter by defending that death can be bad for nonhuman animals, given the common view of what makes death bad for humans.

Can anything be bad for nonhuman animals?

Raymond Frey's Argument:

Generally speaking, to be the kind of entity for which things can be bad, one must have interests: setting back an entity's interests, is bad for them. Professor Frey distinguishes two kinds of interest. By so doing, he distinguishes two senses in which something can be bad for an entity.

[5] Raymond G. Frey, "Rights, Interests, Desires and Beliefs", *American Philosophical Quarterly*, vol. 16, no. 3 (July 1979), 389- 400.

The first sense of "interest" is used in the phrase, "X is *in* Y's interest". Professor Frey thinks that when we use "interest" in this way, we mean that X is conducive to Y's well-being or proper functioning.[6] So, for example, one might say that regular exercise is *in* Zinzi's interests because it promotes her general health. If Zinzi were to fall and break her leg, then her interests in this first sense (her interests$_1$), would be set back.

Professor Frey argues that a different sense of "interests" is used in the phrase, "Y *has* an interest in X". Saying that Zinzi *has* an interest in exercise, implies that she has a sort of attitude towards the activity, separately from (and over and above) the fact that it supports her well-functioning. More specifically, according to Professor Frey, it means that Zinzi *desires* to exercise.[7] When Zinzi is prevented from satisfying her wants, then her interests in this second sense (her interests$_2$) are set back.

Humans clearly have both interests$_1$ and interests$_2$: we can be in better or worse conditions, and we have desires that can be satisfied or frustrated. Moreover, we think that humans are the kinds of entities who can be harmed in a morally relevant sense: among other things, it would be wrong to murder Zinzi.

Can things also be bad for nonhuman animals, and in a morally relevant sense? Well, says Professor Frey, nonhuman animals obviously have interests$_1$, and these are bad to have set back.[8] It is bad for a dog to fall and to break his limbs.

But notice, says Professor Frey, that inanimate objects *also* have interests$_1$. Things like tractors and weeds can also be in better or worse conditions. It is bad for tractors to rust, and for weeds to wilt.[9] Nobody thinks that inanimate objects and plants are the kinds of entities that can be harmed in the same, serious sense that humans can be harmed. (It would be absurd to think that tractors and weeds could be wronged.) What this implies, according to Professor Frey, is that if an entity *only* has intrests$_1$, then things cannot be bad for them in a way that matters morally. Put differently,

[6] Frey, "Rights, Interests, Desires and Beliefs", 392.
[7] *Ibid.,* 393.
[8] *Ibid.* 392.
[9] *Ibid*.

he thinks that for nonhuman animals to be the kinds of entities who can be harmed in a way that we should care about, they must have desires.[10]

According to Professor Frey, nonhuman animals cannot have desires. He explains that having desires requires having beliefs: for example, to desire coffee, one must believe that one currently lacks coffee.[11] Moreover, according to Professor Frey, having beliefs requires having language: on his view, to believe that one lacks coffee means to think that a proposition like, "I lack coffee" is true.[12] Evaluating the truth of a proposition, in turn, involves understanding how "language connects to the world": or, in other words, it involves knowing that the proposition "I lack coffee" describes the way things are.[13]

Few people think that nonhuman animals can form propositions, let alone determine whether these propositions are true. Thus, says Professor Frey, nonhuman animals cannot have beliefs. And, if they cannot have beliefs, then they cannot have desires. Since he thinks that having desires is necessary to be the kind of entity who can be harmed in a morally relevant sense, he concludes that nonhuman animals cannot be harmed in this sense.[14]

While Professor Frey does not intend to answer the question of whether death can be bad for nonhuman animals, the upshot of his argument is that, in one sense, death *is* bad for nonhuman animals: death sets back their interests$_1$. An entity cannot be a "good of its kind" or function well if it is *dead*.[15] Notice that death is also bad for things like tractors and weeds in this sense.

We do not think that a farmer does something morally wrong every time he runs his tractor battery flat or uproots a weed. The badness of death for machines and plants is trivial compared to the badness of death for humans. If Professor Frey is correct that *nothing* can be bad for nonhuman animals in a morally relevant sense, then we have no reason to care, for their sakes, that they die.

[10] Frey, "Rights, Interests, Desires and Beliefs", 395.
[11] *Ibid.*, 394.
[12] *Ibid.*
[13] *Ibid.*, 396.
[14] *Ibid.*, 394.
[15] *Ibid.* 392.

Responding to Raymond Frey's Argument:

I am ultimately unpersuaded by Professor Frey's argument. Two aspects of it are problematic. The first, is Professor Frey's claim that nonhuman animals lack desires. The second, is his claim that only those with desires can be harmed in a morally relevant sense. I will address each of these claims in turn.

Can nonhuman animals have desires?

Professor Frey's argument for why nonhuman animals lack desires, is grounded in his view that having desires requires that one can form propositions (or, that one has language). He thinks that language is necessary to have desires, and he denies that nonhuman animals can have language.

The first concern I have with this argument, is Professor Frey's assumption that nonhuman animals lack language. Systems of nonhuman animal communication can be highly sophisticated, and they are often very foreign from our own. Forager bees, for example, communicate the distance and direction of food sources through the vibration of their wingbeat.[16] Or, think about how whales communicate. Scientists and musicians have spent decades trying to decode the remarkably intricate and ever evolving song of the male Humpback Whale.[17] How could one be sure that nonhuman animals are incapable of using language?

What is more troubling about Professor Frey's argument, is his view that having desires requires the intervention of beliefs about propositions. There is no doubt that *certain* of our desires require language to form. Consider one's desire that the coronavirus pandemic recedes. It would be impossible to think about a declining Covid-19 infection rate, and wish this to be the case, *without* appealing to language. Words help us to mentally represent or to think about abstract notions. But do we need language to form *all* our desires?

That seems implausible. Many of our desires are very simple. Consider one's desire to sneeze. This desire corresponds directly with a particular feeling. There is something circuitous about the

[16] Jean Aitchison, *The Articulate Mammal* (New York: Routledge Taylor & Francis Group, 1976), 31.
[17]"Why do whales make sounds?" *National Ocean Service,* 2/26/21, https://oceanservice.noaa.gov/facts/whalesounds.html.; Bill McQuay and Christopher Joyce, "It Took a Musician's Ear to Decode the Complex Song in Whale Calls", *National Public Radio (npr),* 5/8/2015. https://www.npr.org/2015/08/06/427851306/it-took-a-musicians-ear-to-decode-the-complex-song-in-whale-calls.

view that desiring to sneeze *requires* forming a proposition, like, "I lack the comfort of an itch-free nose" and then assessing whether this is true.[18] The thought alone that we are forming and deliberating propositions for *all* the desires we hold, is exhausting.

In fact, if it is true that having desires is as complicated as Professor Frey argues it is, then human infants cannot have them. It is unlikely that infants can construct and ponder propositions. This does not stop us from attributing simple desires to them, like to nap, or for milk. It should be equally uncontroversial to think that a dog might have at least simple desires, like to rest and to eat.

Professor Frey anticipates the suggestion that nonhuman animals can form simple desires. He rejects it. According to Professor Frey, the so-called simple desires which one might be tempted to attribute to nonhuman animals, can be re-named as "needs". Moreover, he thinks that having needs is synonymous with having interests$_1$.[19] We say, for instance, that tractors *need* oiling and that weeds *need* sunlight. Surely dogs *need* things like sleep and food. It is a separate matter whether they can *desire* these things. Professor Frey thinks they cannot.

He explains that for any entity to have desires, they must meet "an awareness-condition of some sort".[20] The term "desire" would lose its value of we allowed that an entity could have all and only unconscious desires. It would be odd to claim that weeds unconsciously desire sunlight, for example. And yet, says Professor Frey, nonhuman animals cannot meet this awareness condition. He writes, "if [a] dog is alleged to have a simple desire for [a] bone *and* to be aware that it has this desire, then the dog is aware that it simply desires the bone; it is, in other words, self-conscious."[21] Professor Frey takes for granted view that (at least most) nonhuman animals are not self-conscious.[22]

[18] Frey, "Rights, Interests, Desires and Beliefs", 396.
[19] *Ibid.*, 393.
[20] *Ibid.*, 397.
[21] *Ibid.*
[22] *Ibid.*

Professor Frey' explanation of why nonhuman animals cannot have even simple desires is nonetheless problematic. We can agree with him that only those with an awareness "of some sort" can have desires.[23] (It *would* be odd to attribute desires to weeds.) However, being "aware" is ambiguous between being self-conscious and being sentient (or being able to feel). Accordingly, there are *two* senses in which one might be "aware" of their desires. The first, is the way that self-conscious creatures are aware of their desires: when I simply desire to sneeze, I am conscious (or can observe) that I have this simple desire. A second sense in which one can be aware of their desires, is in virtue of feeling the associated sensations. (Presumably, the feeling that accompanies a simple desire is no less real, or less intense, if the subject of the feeling lacks a sophisticated sense of self.) Thus, Professor Frey seems to make a false inference when he explains that "*if* [a] dog is alleged to have a simple desire for [a] bone […] *then* the dog is […] self-conscious".[24] A dog can be aware of his desire, *without* being self-conscious.

So far, I have defended the view that sentient non-linguistic beings (including human infants and nonhuman animals) can have simple desires. By "simple desires" I mean to refer to those desires which are based on urges or feelings, and which do not appear to require the intervention of beliefs about propositions. I arrived at this conclusion by reflecting on the kinds of desires which linguistic beings have. Since forming simple desires does not obviously require *us* to use language, it seems appropriate to think that sentient non-linguistic beings can have them too.

There is good reason to believe that non-linguistic beings can have *more* than just simple desires. This point is grasped not by turning inwards, but by looking outwards at the overwhelming evidence of nonhuman animals behaving intelligently. Nonhuman animal behaviour is not *always* prompted by bodily urges. On the contrary, several nonhuman animals behave in ways which is best interpreted as being motivated by beliefs and desires which detach from the here-and-now. If we grant the view that nonhuman animals lack language, then this evidence reveals that language is not the only form of mental representation: nonhuman animals can capture and process ideas *without* words.

[23] Frey, "Rights, Interests, Desires and Beliefs", 397.
[24] *Ibid*. [my emphasis]

The hunting behaviour of wild chimpanzees is a perfect example of their capacity to think abstractly. Chimpanzees in the wild make different tools, using different materials, to catch ants versus to catch termites. Their specialized tools reflect a sensitivity for the subtle differences in the behaviour of ants and termites, as well as for differences in the structure of their respective nests.[25] Importantly, the chimpanzees make their hunting tools in advance of their use, and at a distance from where they will be used.[26] This shows that chimpanzees have some form of mental representation which allows them to conceptualize their desire for a future meal, and the various beliefs surrounding how to get it.

Ameena Schelling reports the following interesting anecdotal story about a rescued dairy cow.[27] Clarabelle had been separated from several calves before being rehomed in Australia's farm sanctuary, Edgar's Mission. She fell pregnant at the sanctuary, and during her pregnancy, was reported to have acted "erratically".[28] Later, Clarabelle was discovered to have given birth in tall grass, which is unusual behaviour for a cow—cows typically give birth in open fields.[29] It is tempting to interpret Clarabelle's behaviour as motivated by a desire not to be separated from her calf. If this is correct, then Clarabelle has a capacity to remember past experiences (being separated from her calves), think about the possibility of a future event (being separated from her yet unborn calf) as well as a capacity to problem-solve how to avoid this future possibility from occurring (namely, by hiding her calf in tall grass).

The view that complex thoughts can be take place in the absence of language is substantiated by evidence of prelinguistic hominids and human infants behaving intelligently.[30] It is further corroborated by research that is being carried out on linguistic humans. Evelina Fedorenko, a neuroscientist at MIT, uses a functional magnetic response imaging (fMRI) machine to track the brain activity of cognitively normal human adults while they solve logical problems. She has found

[25]José Bermúdez, *Thinking Without Words* (Oxford University Press, Inc. 2003), 54.
[26] *Ibid.*, 54.
[27] Ameena Schelling, ''Mother Cow Hides Newborn Baby to Protect Her from Farmer.'' *The Dodo*. 25/2/2015. https://www.thedodo.com/dairy-cow-calf-baby-rescue-1010627123.html.
[28] Matt Bower and Bob Fischer, "Categorical Desires and the Badness of Animal Death", *Journal Value Inquiry*, vol. 52, no. 97, (2017), 105.
[29] *Ibid*.
[30] Bermúdez, "Thinking Without Words", 4, 32.

that when linguistic humans solve certain problems, like sudoku puzzles, we do so without appealing to language.[31]

Thus, we can reject Professor Frey's view that having desires requires having language. Professor Frey might concede that nonhuman animals can form desires. He may nonetheless deny that the non-linguistic desires they form are morally relevant. This leads me to address the second part of his argument. Should we think, with Professor Frey, that only language users can be harmed in a morally relevant sense?

Can only those with linguistic desires be harmed in a morally relevant sense?

To most of us, the implications of Professor Frey's argument are highly counterintuitive. It seems mistaken to think that, unless an entity has linguistic desires, then they belong in the same category of things like tractors and weeds.[32] Few of us think that dropping a dog off a tall building is bad for the dog in the *same sense* that this would be bad for a plastic toy tractor.[33] (A reader who is unmoved by this example, should replace "dog" with "human infant".) Intuitively, it's bad in a morally relevant sense for an entity to be in a poor condition, if being in this poor condition *feels* like something. What this reveals, is that Professor Frey has presented a false dichotomy of interests.[34] Straddling interests$_1$ and interests$_2$, are interests that sentient non-linguistic creatures have.[35] I'll refer to these as sentient interests. It seems right, moreover, to think that having sentient interests is sufficient for one to be the kind of entity who can be harmed in a morally relevant sense.

Although it is very intuitive that sentient interests are morally relevant, that we have this strong intuition is not itself an argument for *why* sentient interests are morally relevant. [36] Justifying the

[31] Joanna Thompson, "Can we Think Without Using Language?", *Live Science*, 17/4/2022. https://www.livescience.com/can-we-think-without-language
[32] David Benatar, *Better Never to Have Been: The harm of Coming into Existence* (Oxford University Press, 2006), 141.
[33] *Ibid.*
[34] *Ibid.*, 142.
[35] *Ibid*.
[36]Benatar, "Better Never to Have Been: The harm of Coming into Existence", 142.

common intuition requires establishing what it is that *makes* an interest morally relevant in the first place.[37]

Curiously, Professor Frey never justifies his claim that interests$_2$ are morally relevant. He recognizes that these are the kinds of interests that humans, unlike inanimate objects, have; and takes seriously the intuition that humans, unlike inanimate objects, can be harmed in a morally relevant sense. However, Professor Frey does not go further to ask *why* we should think that humans and not inanimate objects can be harmed in a morally relevant sense. A proponent of his view cannot answer this further question by explaining that humans, unlike inanimate objects, can have linguistic desires. That response would be circular. (The response would be circular because in answering *why* such desires are morally relevant, the proponent would re-state the premise we were trying to answer, namely that these are the desires which humans have, and human interests are morally relevant.)

A plausible proposal for what makes an interest morally relevant, is that it matters *to* an entity that their interest is set back.[38] If an interest matters to its subject, then we have an extra reason to care, or be sensitive about its being set back. This proposal supports Professor Frey's claim that an entity cannot be harmed in a morally relevant sense if it only has interests$_1$. It cannot matter *to* a tractor that it is rusted because tractors lack a perspective, or a point of view from which this *could* matter. The proposal also justifies Professor Frey's claim that interests$_2$ are morally relevant. The kinds of entities who have linguistic desires have an established point of view; they can observe how well they fare and make judgments about this. As we have seen, though, self-consciousness is not the only sense in which an entity might be self-aware. Being able to feel also gives an entity some perspective. We can empathize with a merely sentient creature when they are put into a poor condition: it matters *to* them that they are in pain: pain feels bad *to* them.

Interestingly, the phrase "Y *has* an interest in X" captures the sense of subjectivity that is necessary for an entity to be harmed in a way that matters to them. To have an attitude towards something implies some sort of perspective or point of view. We can agree with Professor Frey that one must *have* interests to be harmed in an important sense, but disagree with him that only linguistic, self-

[37] Benatar, "Better Never to Have Been", 142.
[38] *Ibid*.

conscious entities have interests.[39] Some of the attitudes that one might have are complex, like desires about abstract notions. Other attitudes are simpler, such as those towards pleasure and pain.

So far in this chapter, I have presented Professor Frey's argument that nonhuman animals cannot have morally relevant interests, and responded to it. I argued that nonhuman animals can have desires, and that having *linguistic* desires is not necessary to be an entity that can be harmed in a morally relevant sense. Rather, I defended the common-sense view that to be the kind of entity capable of being harmed in a morally relevant sense, one must be sentient. Or, to put it differently, that sentient interests are morally relevant. It follows from this that things can be bad for nonhuman animals in a morally relevant sense.

In what follows, when I use the term "interests", I will assume that the individual's whose interests we are speaking of are morally relevant. In other words, going forwards when I claim that something is "bad for" an entity, I mean so in a morally relevant sense.

Where does this leave us with the question of whether death is bad for nonhuman animals? Well, to claim that things can be bad for nonhuman animals, does not mean that that death in particular is bad for them. It is possible that while *pain* is bad for nonhuman animals, their death is not. Settling whether death, in particular, can be bad for nonhuman animals requires considering what it is that we think makes death bad for humans.

How do we usually explain death's badness?

<u>The Deprivation Account:</u>

People typically explain the badness of death by appealing to some form of the Deprivation Account. According to the Deprivation Account, death is bad if it prevents its victim from enjoying more of a good life. So, on this view, dying today would be bad for you because it would deprive you from enjoying goods which you would have enjoyed had you died later.[40]

[39] Benatar, "Better Never to Have Been: The Harm of Coming into Existence", 142.
[40] Steven Luper, "Death", in Edward N. Zalta (eds.) *The Stanford Encyclopaedia of Philosophy* (2019), https://plato.stanford.edu/archives/win2019/entries/death//.

A distinction that might help clarify this view of death's badness, is between *intrinsic* and *extrinsic* goods and evils. Something is intrinsically good (or bad) if it is good (or bad) in and of itself. By contrast, something is *extrinsically* good (or evil) because of how it relates to further intrinsic goods or evils. Things that are extrinsically good, promote more of what is intrinsically good, or prevent more of what is intrinsically bad. Moreover, extrinsic evils promote more of what is intrinsically bad, or prevents more of what is intrinsically good. Death, according to the Deprivation Account, is an extrinsic evil.[41]

A couple of features of the Deprivation Account are worth highlighting. One of them, is the way in which it is open to different ideas about what makes a life go well (or badly).[42] Hedonists, for example, think that the only things that are intrinsically good are positive mental states, and the only things that are intrinsically bad are negative mental states.[43] They judge how good one's life is for them, according to how much pleasure and how little pain it contains: the more pleasure one enjoys and the fewer pains one experiences, the better one's life is going for one. Hedonism, combined with the Deprivation Account, entails that what makes death bad is that it prevents an individual from enjoying further pleasures.

Desire-satisfactionists claim that intrinsic goods consist of having one's desires satisfied, and intrinsic evils consist of having one's desires frustrated. They judge how well one's life is going for one in terms of how many satisfied desires one's life contains: according to desire-satisfacitonists, a life that contains more satisfied desires and less frustrated desires, is prudentially better than one that contains less satisfied desires and more frustrated desires. Proponents of the Deprivation Account that hold a desire-based account of well-being would explain that death is bad by virtue of frustrating its victims' desires and preventing its victim from satisfying more of their desires.

[41] Travis Rebello, "Living in the Shadow of Death: A Philosophical Study of the Evil of Annihilation" (Masters Dissertation, The University of Cape Town, 2019), 15.
[42] David Benatar, *The Human Predicament: A Candid Guide to Life's Biggest Questions* (New York: Oxford University Press. 2017), 103.
[43] *Ibid.,* 103.

Some people might think that the goods of life are a combination of pleasurable mental states, satisfied desires, and perhaps some other objective-list goods. An example of an objective-list good is fulfilment, or meaningful relationships. [44] According to these theorists, death is bad because it deprives one of more of these goods.

For the present purposes, it is not necessary that we decide which theory of well-being is correct. What is important to understand, is the general framework of the Deprivation Account which these theories feed into. Death is bad, on the Deprivation Account, if it deprives an individual of the future goods which they would have enjoyed had they died later. These goods can be pleasures, satisfied desires, or objective goods.

The second feature of the Deprivation Account worth highlighting comes from acknowledging the fact that our lives contain a mixture of good and bad. Just as death can prevent us from enjoying more of the good, it can also prevent us from suffering more of the bad. For some, life is, or has become, irredeemably miserable. When these individuals die, their deaths relieve them of a continued life which would have been predominantly bad. An implication of the Deprivation Account is therefore that death is not always overall bad for the one that dies: death can sometimes be better for the one that died than continuing to live would be. For many, this implication of the Deprivation Account is attractive.

Can death be bad for nonhuman animals, on the Deprivation Account of death's badness? It is hard to see how this view of death's badness *couldn't* apply to nonhuman animals. One can easily imagine that by dying, a dog is prevented from living more of a good life.[45] It is hard to think of what theory of well-being might plausibly support that nonhuman animal lives cannot contain *any* prudential goods at all. Nonhuman animals enjoy pleasure, the satisfaction of (at least) simple desires, and their lives presumably contain some objective goods.

[44] Benatar, "The Human Predicament", 102.
[45] David DeGrazia, "Sentient Nonpersons and the Disvalue of Death", *Bioethics* vol. 30, no. 7 (2016), 512.

I have argued that death can be bad for nonhuman animals, given the dominant view of what makes death bad. There is a potential objection that I should stave off here. Some might object that I have not considered *all* the dominant views of what makes death bad.

The Desire-Based Account of death's badness is often presented as a popular competing view of death's badness to the Deprivation Account. According to this (purported) alternative view, death is bad, *not* because it deprives an individual of a life which would have been *valuable* to them, but because it robs an individual of the life which this individual wanted to live.[46]

There are several instantiations of the Desire-Based Account of death's badness. That is, there are several ways in which one might interpret the phrase "a loss by death of what an individual wants". Each variation of a desire-based account of death's badness, can be labelled as a *qualification* of the Deprivation Account.

For example, a proponent of the Desire-based Account of death's badness might claim that death is bad to the extent that it prevents an individual from satisfying all the desires which they would have satisfied had they died later. This seems equivalent to combining the Deprivation Account with a desire-based theory of well-being. Qualifying the deprivation account in this way provides no threat to the claim that death can be bad for nonhuman animals: as established in this chapter, nonhuman animals can have desires. Thus, if what makes death bad is that it prevents an animal from satisfying their desires, then death can be bad for nonhuman animals.

For the purpose of my argument, it makes no difference whether an instantiation of the Desire-Based Account is labelled as an *alternative* to or as a *qualification* of the Deprivation Account. To streamline the dialectic of my argument, I will continue to speak in terms of deprivation.

[46] Tatjana Visak, "Animals and the Harm of Death", *Killing Happy Animals: Explorations in Utilitarian Ethics.* (New York: Palgrave McMillian, 2013), 40.

Conclusion

I started this chapter by asking if things can be bad for nonhuman animals and argued that, yes, things can be bad for them.

Then, I asked if death can be amongst those things that are bad for nonhuman animals. I argued that, yes, according to the common view of what makes death bad, death can be bad for nonhuman animals. Death can deprive nonhuman animals of future goods.

Where to from here? Well, given that death can be a deprivation for nonhuman animals, the next natural question to ask is *how much* of a deprivation it is for them.

Chapter 2: How bad is death for nonhuman animals?

Introduction

Accepting that death can be bad for nonhuman animals leaves open the question of how bad it is for them. In this chapter, I present two ways of determining the extent of death's misfortune for an individual whose death deprives them of future goods: these are the Life Comparative Account, and the Time Relative Interest Account.

One way to assess the merits of these theories, is to consider how well they explain the popular intuitions we have about how bad death is for the one who dies. Our strongest and least controversial intuitions in this respect, concern human deaths. Thus, I start by comparing how the Life Comparative Account and the Time-Relative Interest Account answer the question, "at which age is it worse for a human to die?". Then, I spell out the implications of the Life Comparative Account and the Time-Relative Interest Account in answering how bad death is for nonhuman animals.

I ultimately defend the Time-Relative Interest Account as providing the most intuitive and theoretically plausible explanation for how bad death is for the one who dies. According to this account, death can be very bad for nonhuman animals: on the Time-Relative Interest Account, death is far worse for some nonhuman animals than it is for some humans. I show that even if one rejects the Time-Relative Interest Account in favour for the Life Comparative Account, then death can still be very bad for nonhuman animals.

Two extensions of the Deprivation Account

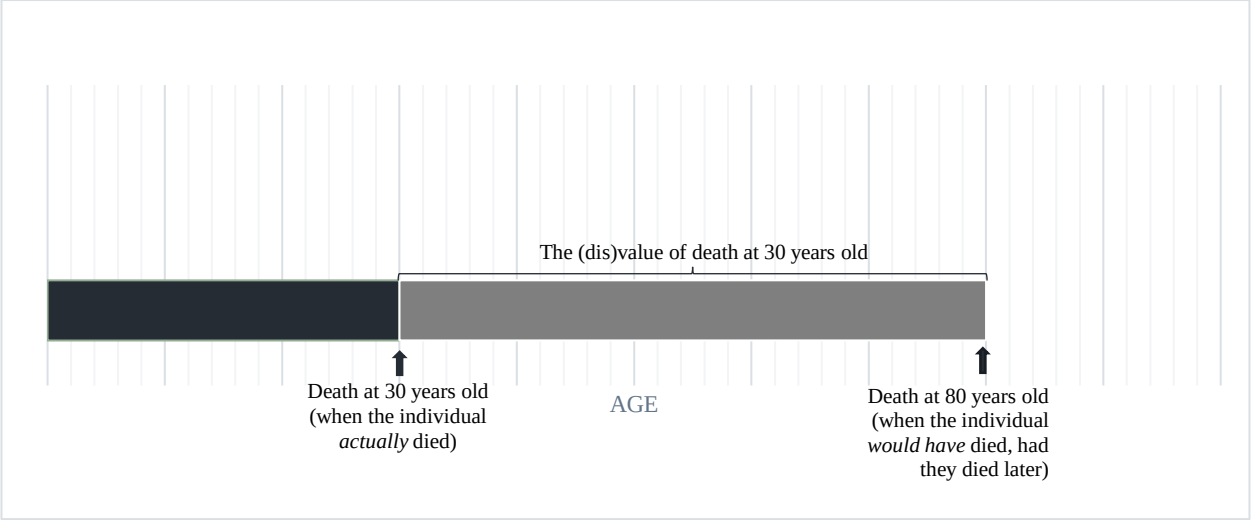
The Life Comparative Account:

The Life Comparative Account is a natural extension of the Deprivation Account. According to this view, the extent of death's misfortune is the total amount of good which it deprives an individual, from the perspective of that individual's life as a whole.[47]

[47]This case is an adaptation of Hilary Greaves' "Emergency room", see: Hilary Greaves, "Against 'the Badness of Death" in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 190. It is also an adaptation from a case Jeff McMahan presents and which calls, "Choice between Lives". Although I've used the same

Figure 1 below illustrates how bad death is for a human who dies at thirty, on the Life Comparative Account. The black indicates the total amount of good which the individual's life *actually* contained. The grey shows how much *more* good the individual's life *would have* contained had they died at eighty. For the sake of argument, let us assume that eighty is the longest that a human can live. According to the Life Comparative Account, the value of the grey *is* how bad death is this individual.

Figure 1: The (dis)value of death at age 30 on the Life Comparative Account



The Life Comparative Account has some intuitive appeal. For example, it implies that all things being equal, death is worse for a thirty-year-old than it is for a seventy-year-old: on the assumption that both would have otherwise died at eighty, the thirty-year-old is deprived of an additional forty years' worth of a good future by death than the seventy-year-old is. We typically think that death is less bad when it occurs in old age, and the Life Comparative Account's explanation for why is attractive: all things being equal, the older one is, the less of a good future one is deprived of by one's death.

However, the Life Comparative Account is not without problems. For example, while some of its implications are intuitive, other of its implications are counter-intuitive. Consider the following scenario.

> *Choice between Lives:* A thirty-year-old woman is about to die. In the same hospital, a premature infant faces imminent death. Treating either of these individuals will allow them to enjoy a good quality, full

name as Jeff McMahan the details of the case are slightly different. See, Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (New York: Oxford University Press, 2002), 185.

length life. However, due to a lack of resources, the doctor can only save one of these individuals. Should he save the thirty-year-old, or the premature infant?[48]

Most of us think that the doctor should save the thirty-year-old. This judgment stems from an intuition that it would be worse for the young adult to lose their life than this would be for the infant: by saving the thirty-year-old, the doctor in "Choice between Lives" would have prevented the worst of the two deaths.[49]

But our popular judgment in "Choice between Lives" is a problem for the Life Comparative Account. According to the Life Comparative Account, death would be worse for the infant who stands to miss out on the most amount of good by death. Since the Life Comparative Account cannot explain our popular judgment in "Choice Between Lives", Jeff McMahan proposes the Time-Relative Interest Account as an alternative extension of the Deprivation Account.[50]

<u>The Time-Relative Interest Account:</u>

The Time-Relative Interest Account measures the extent of death's misfortune according to two factors. The first, is death's net deprivation (this is the sole aspect which the Life Comparative Account considers.) The second factor, is the degree to which an individual, at the time of their death, is psychologically "invested in" the future they miss out on.[51]

This second feature of the Time-Relative Interest Account deserves further explanation. It is inspired by Derek Parfit's widely accepted account what grounds rational egoistic concern about the future.[52] The phrase "egoistic concern about the future", refers to the particular concern that one has for one's *own* future well-being. This is different to (but not necessarily stronger than) the concern that one has for the future well-being of *others.* (I care very strongly about what sort of experiences lie in my *mother's* future, but I care in a different way about those goods and evils that *I* will experience.)[53]

[48] Hilary Greaves, "Against 'the Badness of Death'", 191.; Ole Frithjof Norheim, "The Badness of Death: Implications for Summary Measures and Fair Priority Setting in Health" in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 34.
[49] McMahan, "The Ethics of Killing", 171.
[50] *Ibid.*
[51] Jeff McMahan, "Early Death and Later Suffering" in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 117; McMahan, "The Ethics of Killing", 168.
[52] McMahan, "The Ethics of Killing", 43.
[53] *Ibid.,* 42.

It is tempting to think that what gives one a reason to care in an *egoistic* sense about the well-being of a future person, is that this future person is numerically identical to oneself: in other words, it might seem that what gives me a reason to care egoistically about my thirty-year-old self, is that she is me (and that we share a one-to-one relationship).[54]

However, in his book "Reasons and Persons", Professor Parfit ingeniously shows that in fact numerical identity is *not* what grounds rational egoistic concern about the future.[55] According to Professor Parfit, what gives one a reason to care in an egoistic sense about the well-being of a future person, is the way that one is *psychologically* related to this future person. On his view, I have a reason to care egoistically about the well-being of my thirty-year-old self *to the extent that* she and I are psychologically continuous—that is, to the extent that we share psychological features like memories, beliefs, desires, dispositions, and so forth.[56]

The qualification, "to the extent that" is worth emphasizing. An individual can be more or less related to the psychology of a future version of themselves. I might have more or less in common with the thirty-year-old version of me, for example. In fact, the degree that I am psychologically related to my thirty-year old self has varied (and will continue to vary) over the course of my life. I have stronger psychological relations to my thirty-year-old self now at twenty-five years old than I had when I was two years old: among other things, I now have a better sense of the person that I will (and hope to) be at thirty. And, when I am thirty, I will have a better recollection of my life today, as a twenty-five-year-old than I will have of my life as a two-year-old. In a few years, moreover, when I am twenty-nine, I will be *even more* psychologically related to my thirty-year-old self than I am today: my twenty-nine-year-old self and my thirty-year-old self will have *even more* psychological features in common (like shared memories, beliefs, desires, etc.)

It follows from Professor Parfit's view, that one's reason to care egoistically about the same future good, will vary in strength. The stake that one has in a particular future good will vary in strength according to how strongly continuous one is with the future person who will enjoy that good.[57]

Professor McMahan applies Professor Parfit's insights to the discussion of death's badness. He argues that to determine how bad it is for an individual to be deprived of future goods by death, it matters how

[54] McMahan, "The Ethics of Killing", 41.
[55] Derek Parfit, *Reasons and persons* (Oxford University Press, 1984).
[56] McMahan, "The Ethics of Killing", 42.
[57] *Ibid.,* 276.

psychologically related one is *at death* to the possible future persons who would have enjoyed those future goods.[58] The more invested one is at death in a future good, the worse it is to be deprived by death of this good. The less invested one is in a future good, the less bad it is to be deprived of it. It is not (prudentially) bad at all to be deprived of goods by death in which one has no interest at the time of death. Thus, the Time-Relative Interest Account *subtracts* from the net (dis)value of death's deprivation (the value derived by the Life Comparative Account), those goods which one is not, or is only weakly, psychologically related to at the time of death. By so doing, it discerns how much *of* the net loss of death, the individual has a stake in enjoying when they die.[59]

Measuring death's deprivation from the perspective of an individual at death, allows the Time-Relative Interest Account to explain our intuitions in "Choice between Lives". While the infant in this case misses out on a greater total amount of good, much of this loss is, from the perspective of the infant at death, impersonal. Infants are very weak psychologically developed. They lack strong relations to their possible future self(ves) and are thus not invested in the goods which their future selves would have enjoyed.[60]

Contrarily, (cognitively normal) young adults are highly psychologically developed. They have a strong sense of self, established beliefs and far-reaching desires. Majority of the goods which death deprives the young adult in "Choice between Lives" are those which the young adult has psychological investments in.[61]

Figures 2 and 3 below illustrate the extent of death's misfortune for a newborn infant, and a thirty-year-old human respectively, on the Time-Relative Interest Account. In each figure, the value of the life lived is indicated with the colour black. The respective (dis)values of death are indicated by the grey. The grey in each figure gradually phases from dark to light. This is to illustrate the way that the degree that an individual at death is psychologically continuous with their successive future selves, weakens the further away these future selves are in time. The lighter the grey, the less investment an individual has (at the time of their death) in the future goods which would have occurred during those later periods. Where the grey is phased out completely to white, indicates an individual's complete lack of interest at death in the goods which would have occurred at those later times. (I should flag that there is scope for reasonable disagreement about whether the extent of the newborn's investment in future goods is as I've illustrated it to be in Figure 2. Some may claim that

[58] McMahan, "The Ethics of Killing", 169.
[59] *Ibid.,* 170.
[60] *Ibid.*
[61] *Ibid.*

newborns are more (and others that newborns are less) psychologically related to their future goods at death than I've indicated in the Figure. Later in this chapter, I take a closer look at what we know about the psychological development of early humans. What is important to recognize for now, is that newborns are significantly less psychologically invested in their futures than young adults are.)

Figure 2: The (dis)value of death for a newborn infant on the Time-Relative Interest Account

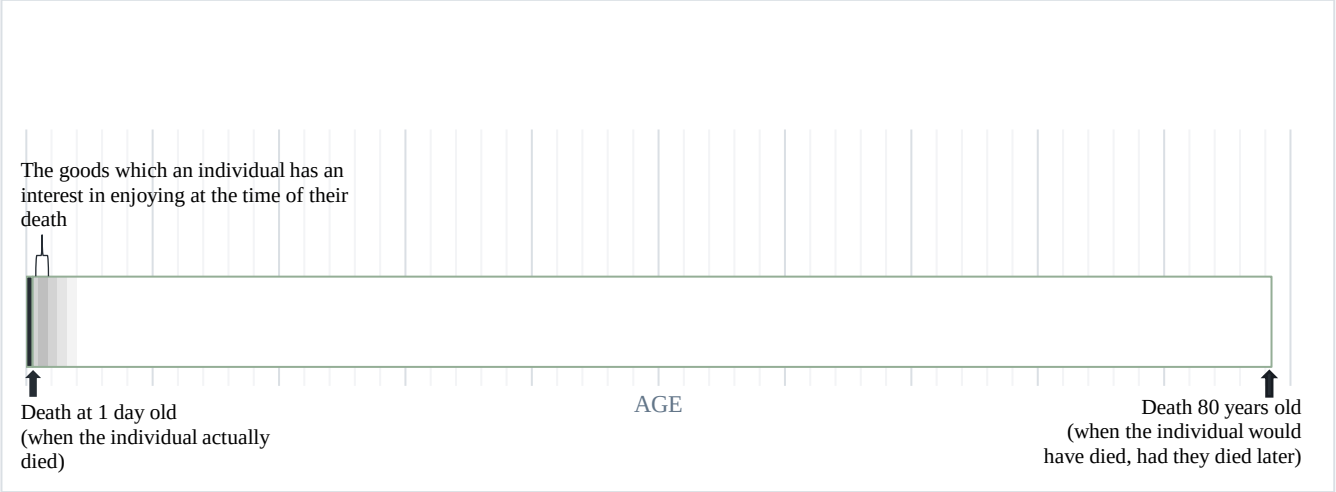
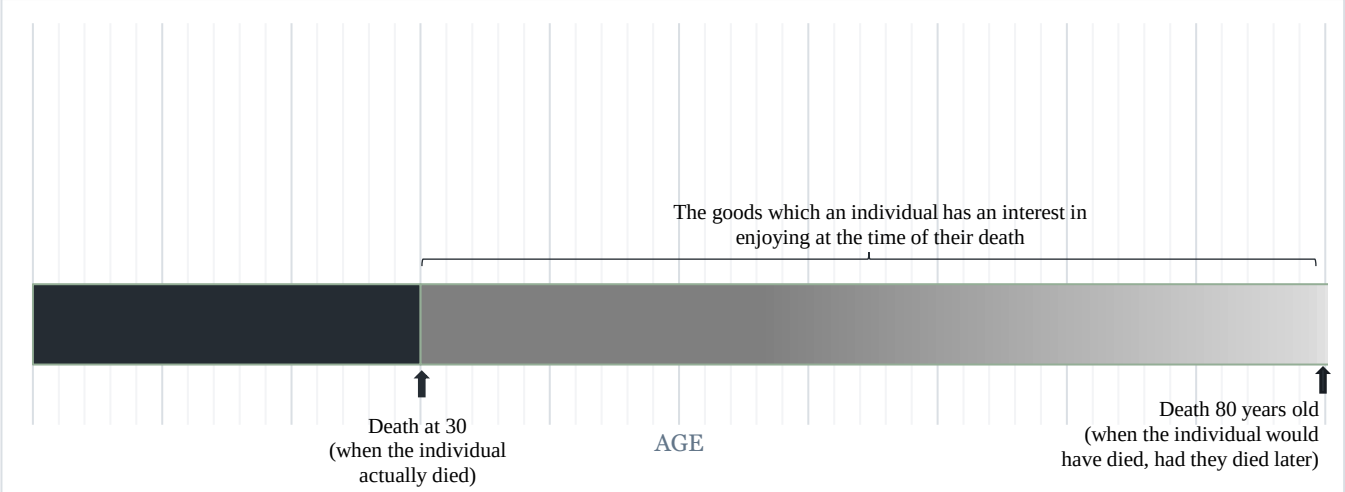


Figure 3: The (dis)value of death at 30 years old the Time-Relative Interest Account



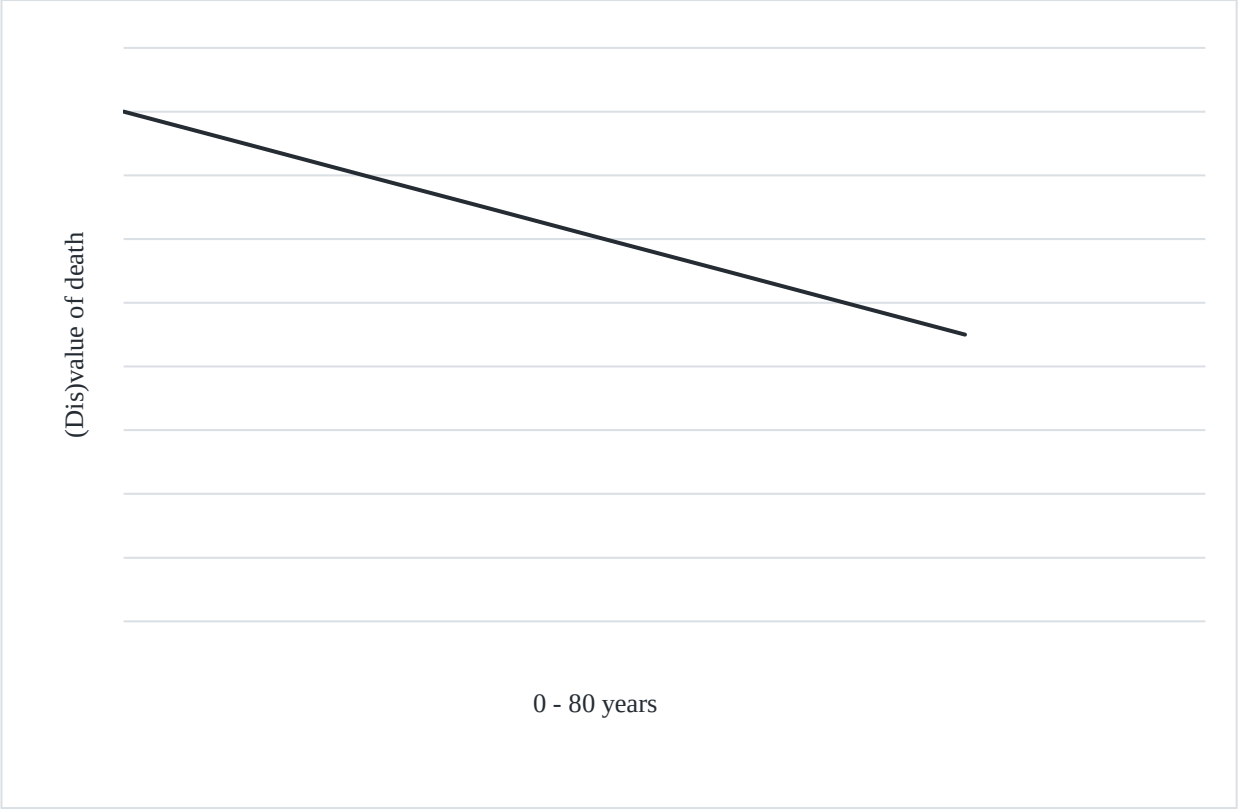
<u>Comparing the Life Comparative Account and the Time-Relative Interest Account:</u>

It is worth highlighting the theoretical similarities and differences of the Life Comparative Account and the Time-Relative Interest Account.

Figures 4 and 5 below compare how each of these accounts track the disvalue of possible deaths for the same individual over the course of this individual's life.[62]

On the Life Comparative Account, death is worst when an individual comes into existence, and decreases from there.

Figure 4: The (dis)value of possible deaths for an individual over the course of their life, on the Life Comparative Account

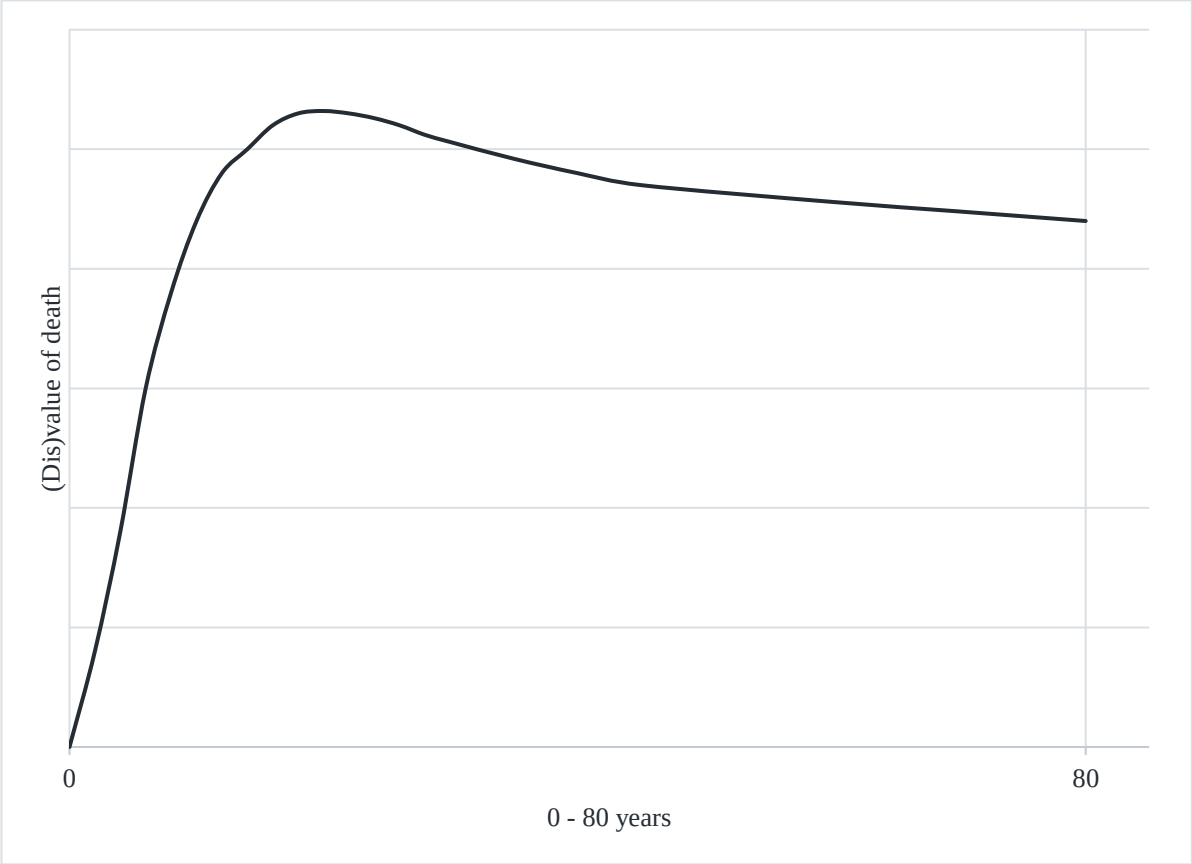


On the Time-Relative Interest Account, death is least bad when one first comes into existence. The badness of death increases as one cognitively develops and becomes more psychologically unified. The worst time to die on the Time-Relative Interest Account is when one is most psychologically unified and has the greatest amount of good life years ahead of them.[63] From this point on, the prudential badness of death gradually decreases.

[62] Diagrams adapted from: Joseph Millum, "Putting a Number on the Harm of Death" in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 61-62.

[63] At which age exactly this is, depends how one chooses to specify the Time-Relative Interest Account. It depends, for example, on precisely which psychological continuities in the brain (i.e. which beliefs, desires or dispositions) are thought to matter, how one chooses to aggregate them and how to weigh their relative importance. For more on this see: Millum, Joseph. 2019. "Putting a Number on the Harm of Death" in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 61-74.

Figure 5: The (dis)value of possible deaths for an individual over the course of their life, on the Time-Relative Interest Account



The Time-Relative Interest Account and the Life Comparative Account yield similar results when it comes to determining how bad death is for individuals at older ages. However, in some cases, the badness of death in old age will be further discounted on the Time-Relative Interest Account due to the weakening of psychological connections through conditions like dementia.[64]

Another important difference between the Life Comparative Account and the Time-Relative Interest Account is the way they answer the question of what *makes* death bad. Being deprived of future goods is sufficient for an individual's death to be bad for them on the Life Comparative Account. However, on the Time-Relative Interest Account, an additional necessary condition for an individual's death to be bad, is that this individual is psychologically connected to at least some of the future goods which they are deprived of at death. This means that, in theory, death can be (very) bad for an individual on the Life Comparative Account, and not bad at all for them on the Time-Relative Interest Account. According to the Time-Relative Interest Account, death

[64]Tim Campbell, "Health Care Rationing and the Badness of Death: Should Newborns Count for Less?", in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 259.

cannot be bad at all for an individual who lives purely in the moment: regardless of how many good moments this individual's death deprives them of. By living purely in the moment, I mean that the individual is completely disconnected to the version of themself that comes into existence with each new moment. Perhaps there are some insects who live purely in the moment in this strict sense. However, there are no vertebrate species (human or nonhuman) who live purely in the moment, in this sense. Any vertebrate who is deprived of future goods by their death, has at least a degree of psychological continuity overtime and is therefore connected to at least some of the goods which their death deprives them of. Thus, for any vertebrate whose death is bad for them according to the Life Comparative Account, death will also be bad for them on the TRA. In practice, then, when it comes to evaluating the death of a vertebrate, changing between the Life Comparative Account or the Time-Relative Interest Account will not make a difference to the question of *whether* death is bad (at all) for them, but only to the question of *how bad* death is for them.

So far in this chapter, I have presented the Life Comparative Account and the Time-Relative Interest Account as two extensions of the Deprivation Account. An advantage of the Time-Relative Interest Account over the Life Comparative Account, is the way that it can explain our popular judgment to save the young adult over the infant in "Choice between Lives". However, the Time-Relative Interest Account itself is not without problems. I will now turn to consider two objections against this account. As I will show, both objections can be overcome.

Objections against the Time-Relative Interest Account:

The first objection, concerns the Time-Relative Interest Account's (purported) implications in the following case:

> *Choice between Deaths:* A premature infant will die immediately unless treated. A doctor has the resources to save the infant and doing so will allow her to live a happy and meaningful life. However, the doctor knows that if he saves the infant, then she will die at the age of thirty due to health complications. Should the doctor save the infant or let her die?[65]

The popular judgement in "Choice between Deaths" is that the doctor should save the infant. Most people think that it would be better for the infant to enjoy thirty years of a good life, rather than only one day. In other words, most people think that letting the infant die in this case would be *worse* for her.[66]

[65] Greaves, "Against 'the Badness of Death", 191.
[66] McMahan, "The Ethics of Killing", 185, 290.

However, this popular judgment in "Choice between Deaths" challenges the Time-Relative Interest Account. According to the Time-Relative Interest Account, death is significantly worse for young adults than it is for infants. On the Time-Relative Interest Account, dying as an infant would be *better* for the individual in "Choice between Deaths" than dying later as a thirty-year-old would be for her.[67]

Remember that one consideration that favours Time-Relative Interest Account over Life Comparative Account is that it explains the popular view in "Choice between Lives". In "Choice between Lives", the doctor is tasked with the decision to save either *this* infant or *that* young adult and most people think he should save the young adult. Proponents of the Time-Relative Interest Account explain that by saving the young adult over the infant in "Choice between Lives", the doctor prevents the worst of the two individuals' deaths. It is consistent with this reasoning to think that the doctor ought to (also) let the infant die in "Choice between Deaths": letting the infant die prevents this individual from suffering an otherwise worse death later when she is highly psychologically developed as a thirty-year-old.[68]

Proponents of the Time-Relative Interest Account who think, with the popular view, that the infant ought to be *saved* in "Choice between Deaths" have two options. The first, is to explain why the infant ought to be saved in "Choice between Deaths": this explanation must be consistent with their endorsement of the Time-Relative Interest Account's implication to let the infant die in "Choice between Lives". The second option is for them to drop their intuition to save the infant in "Choice between Deaths": thinking that the doctor ought to let the infant die in this case, is consistent with thinking that he ought to let the infant die in "Choice between Lives". I will address each of these options in turn.

Professor McMahan opts for the former of the options: he thinks that the popular judgment to save the infant in "Choice between Deaths" is correct.[69] He acknowledges, moreover, that this popular judgment conflicts with the popular judgment to let the infant die in "Choice between Lives". Professor McMahan provides three strategies to reconcile the conflicting popular judgments in these cases.

One way to reconcile the popular judgments in "Choice between Lives" and "Choice between Deaths", says Professor McMahan, is just to recognize these judgements as deriving from two different ways of evaluating death's badness.[70] Professor McMahan explains that in both cases, we think that the doctor ought to prevent

[67] McMahan, "The Ethics of Killing", 186.
[68] *Ibid.*, 186.
[69] *Ibid.*, 290.
[70] *Ibid.*, 186, 29.

the worst death. However, in "Choice between Lives", our judgement is informed by the Time-Relative Interest Account. We compare the strengths of the two individuals' time-relative interests and determine that the thirty-year-old's death would be worse for her than the infant's.[71] By contrast, in "Choice between Deaths" our judgement is guided by the Life Comparative Account. We consider the effect that death will have on the individual's life as a whole, and find that it would be better overall for the individual to die as a thirty-year-old. This is because if the individual dies as an infant, then her life will contain less goods.[72] According to Professor McMahan, it is not a problem that one's normative judgements should appeal to the Time-Relative Interest Account in some cases, and to the Life Comparative Account in others. He explains that the two forms of evaluating death's badness are "not contradictory. They are based on different comparisons and are concerned with different dimensions of death's badness".[73]

Professor McMahan's first strategy to reconcile the conflicting judgements in "Choice between Lives" and in "Choice between Deaths" is nonetheless unsatisfactory. The explanation is partly helpful in that it describes *what* most people's intuitions are doing in these two cases: it does seem that in each case, we think that the doctor ought to prevent the worst death; and, it does seem that when evaluating which of the two individuals' deaths are worse (in "Choice between Lives") most refer to the effect that death will have on the individuals' time-relative interests, whereas when evaluating which of the two deaths would be worse for the same individual (in "Choice between Deaths"), most consider the effect that death will have this individual's life as a whole. However, Professor McMahan's explanation falls short of justifying *why* the judgments in these two cases should be informed by different kinds of evaluations of death's badness. Put differently, he does not justify why one ought to appeal to the Time-Relative Interest Account (over the Life Comparative Account) in "Choice between Lives", and to the Life Comparative Account (over the Time-Relative Interest Account) in "Choice between Deaths" when determining which death is worse in these cases.

Without a justification for why one ought to use Time-Relative Interest Account (over the Life Comparative Account) in some cases, and the Life Comparative Account (over the Time-Relative Interest Account) in others, one's inclination to switch between these forms of evaluating death's badness appears arbitrary. [74] It is disconcerting to think that the weighty decision about which (or whose) death one ought to prevent in a particular scenario, depends on whichever of the Time-Relative Interest Account or the Life Comparative Account one just *happens* to intuit is relevant.

[71] McMahan, "The Ethics of Killing",186.
[72] *Ibid.*
[73] *Ibid.,* 186.
[74] *Ibid.,* 187.

Moreover, conceding that sometimes we ought not to appeal to the Time-Relative Interest Account (and that we ought to appeal to the Life Comparative Account instead) without justifying why, undermines the case in favour for the Time-Relative Interest Account. If there is no justification for why we should not appeal to the Time-Relative Interest Account when we naturally do not (as in the case of "Choice between Death's), then equally, we have no justification to be using the Time-Relative Interest Account when we naturally do use it (as in the case of "Choice between Lives"). In other words, Professor McMahan's first explanation is vulnerable to the suggestion that perhaps we are just *wrong* to think that the doctor ought to save the thirty-year-old over the infant in "Choice between Lives". Perhaps in this case, we ought to appeal to the Life Comparative Account instead of the Time-Relative Interest Account in determining whose death is worse.

Notice that in "Choice between Lives", the infant stands to miss out on *eighty* good life years. This is significantly more life years than the infant stands to miss out on in "Choice between Deaths". If one is resolute that that the infant ought to be saved in "Choice between Deaths" *because* living thirty years would be better overall for this individual, then why should one not also think that the infant ought to be saved over the young adult in "Choice between Lives"? If it is better for an individual to live thirty good life years rather than just one day, then surely it is even better for an individual to live eighty good life years rather than just one day.

Professor McMahan acknowledges the shortfall of his first strategy to reconcile the popular judgments in "Choice between Lives" and "Choice between Deaths".[75] He writes, "If both [the Time-Relative Interest Account and the Life Comparative Account] are valid but are appropriately applied to different kinds of case, or different choices, how can we know when to follow the [Time-Relative Interest Account] and when to appeal to the [Life Comparative Account]? Is our understanding of the badness of death and its application to practical choices really so schizophrenic?"[76]

In light of this, Professor McMahan considers how one might explain the popular judgment to save the infant in "Choice Between Deaths", without appealing to the Life Comparative Account.[77] He proposes two explanations for why the doctor ought to save the infant in "Choice between Deaths" but not in "Choice between Lives", which make reference to these individuals' time-relative interests alone.

[75] McMahan, "The Ethics of Killing", 187.
[76] *Ibid.*
[77] *Ibid.*

The first of these, adopts what is known as "presentism" about time-relative interests. Presentism is the view that only an individual's presently existing time-relative interests count when determining how good or bad an event is for them.[78] In "Choice between Lives", two time-relative interests in continued life presently exist: the thirty-year old's, and the infant's. According to presentism, the doctor should save the thirty-year-old over the infant, since (in this moment) the former has a stronger time-relative interest in continued life. Contrarily, in "Choice between Deaths", only one time-relative interest in continued life presently exists. While the infant's is weak, it still favours survival, and so saving it is what is best for the infant now.[79]

Presentism is appealing at first glance, but not on reflection. Only considering (and acting according to) the time-relative interests which presently exist is short-sighted if one knows that doing so will frustrate stronger time-relative interests in the future.[80] In fact, it is common practice to forgo what is in one's interests now, if one knows that doing so is what is "ultimately" in one's interests. Thus, adopting presentism about time-relative interests is not a convincing way to explain why the doctor ought to save the infant in "Choice between Deaths" but not in "Choice between Lives".

Professor McMahan concedes that adopting presentism is not a compelling way for a proponent of the Time-Relative Interest Account to explain why the doctor ought to save the infant in "Choice between Lives".[81] He agrees that it can (generally) be rational to prevent the frustration of a strong future time-relative interest by frustrating a weaker present time-relative interest.[82] However, Professor McMahan argues that "it is never rational to prevent the frustration of a later time-relative interest in avoiding *death*…by ensuring an earlier death."[83] Professor McMahan explains that "if what is bad about death is that it prevents one from having *more* good, it makes no sense to avoid that evil by ensuring that one gets *even less*."[84] Thus, according to Professor McMahan's third explanation, the doctor ought to save the infant in "Choice between Deaths", since it can never be in an individual's "ultimate" interest to avoid a terrible death by dying sooner: and, this is given the nature of death's badness.

[78] Greaves, "Against 'the Badness of Death", 193.
[79] Greaves, "Against 'the Badness of Death", 193; Jeff McMahan, "The Ethics of Killing", 187.
[80] John Broome, "The Badness of Dying Early", in Espen Gamlund and Carl Tollef Solberg (eds.), *Saving People from the Harm of Death* (New York: Oxford University Press, 2019), 108.
[81] McMahan, "The Ethics of Killing", 187.
[82] *Ibid.*
[83] *Ibid.,* 188.
[84] *Ibid.,* 293.

I am not convinced by Professor McMahan's third explanation for why it would be better for the infant to be saved in "Choice between Deaths". According to the Time-Relative Interest Account, what makes death bad is not simply that it deprives an individual of *more* good (this is the view of the Life Comparative Account). A proponent of the *Life Comparative Account* can claim that it makes no sense to think that the individual in "Choice between Deaths" could be better off for dying as an infant: it would be better for this individual to enjoy more good. On the Time-Relative Interest Account, what makes death bad is that it deprives one of more good *in which one has an interest*. Allowing the infant to die in "Choice between Deaths" ensures that this individual does not develop the very strong time-relative interest which makes death terrible (and which would have made her death terrible at thirty). I am not persuaded that it "makes no sense" to think that one is better off for having avoided developing the very strong time-relative interest in continued life, which was going to be frustrated.

In general, it seems prudent not to develop a strong interest which one knows will be frustrated. Examples which immediately come to mind that illustrate this point, involve the strong addictions or cravings which one might develop for sugar, alcohol, cigarettes and other drugs. One is better off never developing a strong interest for more alcohol, for example, if one knows that this interest is going to be frustrated later when one must give up drinking alcohol. If one is made aware, before accepting a glass of wine, that this drink will ultimately turn one into a member of an Alcoholics Anonymous support group, then I suspect one should decline the drink. I am aware that there are negative connotations attached to developing addictions to drugs and perhaps this undermines the plausibility of my challenge to Professor McMahan's argument. He could object that, unlike an addiction to alcohol, the strong interest for more life which makes one's death very bad, is a *good* interest for one to have. In other words, it is good for an individual to be psychologically invested in their future in a way that it is not good for one to be an alcoholic. But it is possible to think of examples of strong interests which have positive connotations, and yet which one might be better off for not developing. If I was made aware that by falling deeply in love with a particular individual would ultimately end in a devastating break-up, then, given the opportunity, I would prefer not to develop this love interest. Since I think it is generally rational to avoid developing strong interests which one knows will be frustrated, I can't see why this rule should not apply to death. In my view, it is a logical implication of the Time-Relative Interest Account that by letting the infant die in "Choice between Deaths", the doctor acts in the infant's best interests.

I am not sure how a proponent of the Time-Relative Interest Account compellingly reconciles the view that death is worse for a thirty-year-old than it is for an infant, with the judgment to save the infant in "Choice

between Deaths". However, as suggested, this is not the only solution available to a proponent of the Time-Relative Interest Account. The paradox resolves if one simply rejects the popular judgement to save the infant in "Choice between Deaths". To maintain that the doctor ought to let the infant die, because this infant will otherwise suffer a terrible death, is consistent with the Time-Relative Interest Account's explanation to save the young adult in "Choice between Lives". I find this solution most reasonable. In fact, in my view, that the Time-Relative Interest Account has this implication in "Choice between Deaths" is a feature of the account and not a flaw. Although the judgment to let the infant die in "Choice between Deaths" is counterintuitive for many people, it isn't for everyone—it isn't for me.

I suspect that the popular judgement to save the infant in "Choice between Deaths" may be clouded by factors which are irrelevant to the scenario. Highlighting these might make the judgment to let the infant die more plausible to those who are hesitant. We have a strong intuition that when it is possible to save another's life, we should. However, usually one is unaware of when the individual one is saving will later die: instead, one acts on the optimism that the individual will proceed to live a long life. This is obviously not the case in "Choice between Deaths": in "Choice between Deaths", the doctor is fully aware that if he saves the infant, then this infant will die at thirty. Furthermore, those other factors which motivate someone to save a dying individual are held constant in this thought experiment: these factors include how painful the dying process is, and how much the death will affect the loved ones of the deceased. One can assume that these values would be the same if the individual in "Choice between Deaths" dies as an infant or at thirty. Therefore, maintaining that the doctor ought to let the infant die in "Choice between Deaths" is very different from claiming that one ought to *never* save a dying infant.

"Choice between Deaths" presents no challenge for advocates of the Time-Relative Interest Account who think it is correct that the doctor should let the infant die. Advocates of the Time-Relative Interest Account who nonetheless refuse to accept this implication, must provide an explanation that cogently reconciles their judgments to save the infant in "Choice between Deaths", and to let the infant die in the interpersonal analogue of this case. Failing this, the advocate must discard the Time-Relative Interest Account and accept the Life Comparative Account instead.

I have addressed one popular objection against the Time-Relative Interest Account. Another objection, concerns the account's apparent implication for how bad it is to cause harm to a foetus. Consider the following case:

> *Prenatal Injury*: A pregnant woman freely elects to take a mood-enhancing drug. She is aware that taking the drug will cause her foetus to suffer severe disabilities as an adult.[85]

Most of us think what the mother does in "Prenatal Injury" is morally objectionable.[86] However, the Time-Relative Interest Account seems to implausibly imply that what the mother does is not so bad: this for the same reason that the Time-Relative Interest Account implies that death would not be very bad for this foetus. At the time when the mother takes the drug in "Prenatal Injury", the foetus has no strong time-relative interest in good health. Since the mother's actions do not frustrate any of the foetus' (strong) time-relative interests, it seems to follow from the Time-Relative Interest Account that she does nothing bad to him by taking the drugs. Those who raise this objection point out that if, by contrast, we *do* think it is very bad for the foetus to be injured, then surely it would be very bad for them to *die*.[87]

There is a good response to this objection: proponents of the Time-Relative Interest Account can explain why what happens to the foetus in "Prenatal Injury" *is* very bad for this individual, while death for the foetus would not be very bad.

Notice that the objection of "Prenatal Injury" assumes a presentism about interests: it presupposes that the only interests which matter when determining the value of an act, are those which *presently* exist. As previously explained, presentism is not a plausible interpretation of the Time-Relative Interest Account. Professor McMahan explains, instead, that when determining the value of an act or an event for an individual, we must consider "*all* [of an individual's] time-relative interests affected by [the] action [or event]".[88] In "Prenatal Injury", the mother affects strong time-relative interests which do not yet exist: although the foetus in "Prenatal Injury" does not *presently* have any strong time-relative interests in good health, the person who develops from the foetus will.[89] Furthermore, the person who develops from the foetus will have these strong time-relative interests in good health *independently* of whether they were harmed as a foetus.[90] By taking the drugs, the mother in "Prenatal Injury" necessarily frustrates the time-relative interests which her child is going to have. Thus, the overall harm caused in "Prenatal Injury" is substantial.[91]

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[85] McMahan, "Early Death and Later Suffering", 125.
[86] David DeGrazia "The Harm of Death, Time-Relative Interests and Abortion", *The Philosophical forum*, vol.38, no.1 (2007), 74.
[87] *Ibid.*, 74.
[88] McMahan, "The Ethics of Killing", 283.
[89] McMahan, "The Ethics of Killing", 126; DeGrazia, "The Harm of Death", 74.; Nils Holtug, "Killing and the Time-Relative Interest Account", *Journal of Ethics*, vol. 15, no. 3, (2011), 174.
[90] McMahan, "The Ethics of Killing", 126.
[91] Peter Nichlos, "Abortion, Time-Relative Interests, and Futures Like Ours", *Ethic Theory Moral Prac*, vol. 15, (2012), 501.

The harm of death is very different. Moments before a foetus dies, the time-relative interests which this foetus may come to have as a person are *possibl*e: their existence *depends* on whether the foetus dies now or not.[92] Death cannot frustrate (or otherwise affect) any of the foetus's future time-relative interests, precisely because death *prevents* such interests from coming into existence.[93] Thus, death only frustrates (or otherwise affects) those time-relative interests which exist at death. Since the foetus's time-relative interest in continued life is weak, death for the foetus is not *very* bad. [94] Thus, a proponent of the Time-Relative Interest Account can consistently maintain that while death is not very bad for a foetus, injury as a foetus can be very bad for this individual.

I have compared the Life Comparative Account and the Time-Relative Interest Account on their merits in answering how bad death is for humans at different ages. The Time-Relative Interest Account seems to best explain our popular intuitions about which of these deaths are worse. I have also looked at two objections to the Time-Relative Interest Account and explained how I think the account can plausibly overcome them. Now I will turn to consider the implications of the Life Comparative Account and the Time-Relative Interest Account in answering how bad death is for nonhuman animals.

Applying the theory to nonhuman animals

Presumably, the general trends of death's badness over the course of an individual human's life, illustrated in Figures 4 and 5, will be analogous for nonhuman animals. That's to say, it seems right to think that according to the Life Comparative Account, death will be worst for a dog when it comes into existence, and that according to the Time-Relative Interest Account, death will be worst for the dog when it is most psychologically unified. The precise values of these trends (in Figures 4 and 5) would have to be adjusted according to the lifespan of the species of nonhuman animal in question and, in the case of the Time-Relative Interest Account, for facts about their mental life.

People tend not to have strong intuitions about how bad it is for nonhuman animals to die at different ages. Therefore, these are not intuitions that would sway one to adopt the Life Comparative Account or the Time-Relative Interest Account over the other. Instead, I suspect that any intuitions which we have about the badness

[92] McMahan, "The Ethics of Killing", 126.
[93] *Ibid.,* 284.
[94] DeGrazia, "The Harm of Death", 74-75.

of death for nonhuman animals at different ages, we would have extrapolated from our intuitions about which ages are worse for humans to die at. (Or to put it differently, it's unlikely that one would have difficulty transferring their judgements about how bad death is for humans at different ages to the same question for nonhuman animals).

Not *all* our intuitions about how bad death is for nonhuman animals are indecisive. One of our intuitions is particularly strong and might inform one's view about which out of the Time-Relative Interest Account and the Life Comparative Account is a better extension of the Deprivation Account. Consider the following case.

> *Choice Between Species*: You are stranded on a sinking lifeboat with a (cognitively normal) thirty-year-old human, and a thirty-year-old tortoise. Each weigh approximately the same amount. It's clear that one of these individuals must be thrown overboard if the lifeboat is to stay afloat and make it to shore. You have good reason to believe that whoever survives, will proceed to live a good quality life. If the human is saved, then she will live a good life until the age of eighty. If the tortoise is saved, then he will live a good life until the age of eighty-five. Who should you choose to throw out, the human or the tortoise?[95]

The popular judgement in "Choice between Species" is to throw out the tortoise. This judgment is (at least partly) informed by the strong intuition that the human's death would be worse for the human than the tortoises' death would be for the tortoise. Importantly, this intuition about the comparative harm of death for the human and the tortoise has little to do with how many good *years* of life each of them would be deprived of by their death. To many people, it is obvious that death would be prudentially less bad for the tortoise in "Choice between Species", even though the tortoise stands to miss out on five *more* years of a good life by death than the human.[96]

As I will show, both the Life Comparative Account and the Time-Relative Interest Account can explain our popular intuition in "Choice between Species". However, the Time-Relative Interest Account's explanation is more compelling. I will argue that the Time-Relative Interest Account's merits at explaining our intuitions in

[95] I have adapted a thought experiment which David DeGrazia addresses in his paper: David DeGrazia, "The Harm of Death, Time-Relative Interests and Abortion", *The Philosophical forum*, vol.38, no.1 (2007), 57-80. In David DeGrazia's paper, the nonhuman animal on board is a dog, and not a tortoise.
[96] DeGrazia, "The Harm of Death", 60.

“Choice between Species” gives further credence to this view of death’s badness over the Life Comparative Account.

Remember that according to the Life Comparative Account, the extent of death’s badness is the total amount of good which it deprives an individual of, from the perspective of the individual’s life as a whole. When it comes to determining how bad death is for humans on the Life Comparative Account, the number of life years deprived by death provides a good indication for how much good is lost in death.

To yield the correct judgment in “Choice between Species”, the Life Comparative Account cannot (simply) use the number of life years deprived by death as an indication of how much good is lost in death. If the Life Comparative Account uses life years (exclusively) as a measure of how much good death deprives the tortoise and the human, then the account implies that death would be worse for the tortoise. The tortoise is the one of the two who misses out on the greater number of good life years.

To explain that death is a greater deprivation for the human in “Choice between Species”, proponents of the Life Comparative Account must explain that death robs the human of more good, despite the human missing out on comparatively fewer years. The Life Comparative Account can do this by combining with a theory of prudential value which supports the view that the best of a human life is more prudentially valuable than the best of a nonhuman animal’s life. Put differently, the Life Comparative Account can yield the correct practical result in in “Choice between Species” by explaining that the years which death would deprive the human of, would contain more prudential value than the years which death would deprive the tortoise.

Many people seem to think that it is prudentially better to be a human faring well than to be a nonhuman animal faring well. In fact, John Stuart Mill famously remarked that it is prudentially “better to be a *dissatisfied* human than a satisfied pig”.[97] The challenge is finding a theory of well-being that can plausibly justify this view.

David DeGrazia identifies two common strategies for explaining the view that life is prudentially more valuable for humans than it is for nonhuman animals. The first, makes what he calls a *quantitative* move within a subjective theory of prudential value.[98] Those who use this strategy argue that the goods in life consist of

[97]John Stuart Mill, *Utilitarianism*, (Cambridge: Cambridge University Press, 2014.), 14.

[98]David DeGrazia, "The Basics of Well-Being Across Species" in *Taking Animals Seriously: mental life and moral status* (University of Cambridge, 1996), 240; DeGrazia David, "Sentient Nonpersons and the Disvalue of Death", *Bioethics*, vol. 30 no. 7, (2016), 513.; DeGrazia, "The Harm of Death”, 60.

positive mental states like pleasure, and they concede that nonhuman animal lives contain these goods. However, the argument goes, because of certain human-specific capacities (like a human's higher cognitive capacity) humans have more opportunities for pleasure. Humans, but not nonhuman animals, can get pleasure from engaging in activities like reading, music composition and chess playing. Thus, because humans have more sources for pleasure humans enjoy more units of pleasure over the course of our lives than nonhuman animals. The argument that nonhuman animal lives contain the right *kinds* of things that make life good but quantitatively fewer of these goods can equally be made if one adopts a desire-satisfacitonist theory of well-being.[99]

As Professor DeGrazia shows, however, this first attempt at explaining why human life is prudentially more valuable than nonhuman animal life, is uncompelling. It is nonsensical to think that a human's life necessarily contains more instances of pleasure than a nonhuman animal's. The argument overlooks the fact that nonhuman animals have sources of pleasure which humans lack.[100] Some of the pleasures which humans miss out on are blatantly obvious: humans cannot soar through clouds with our own wings or jump in the waves like a dolphin. And then again, *most* of the pleasures which we miss out on are hard for us to even imagine.[101] To use Professor DeGrazia's example, the same afternoon stroll is a totally different sensorial experience for a human versus for their companion dog. Speaking about his companion dog, Professor DeGrazia explains, "with a sense of smell immensely more powerful than mine, he participates in an olfactory world I cannot enter—and this is surely a source of great satisfaction for him."[102] In general, human's auditory, olfactory and visual capacities pale in comparison to those of many species of nonhuman animal: we cannot enjoy many of the sounds, smells and sights that delight a nonhuman animal.[103]

Furthermore, while certain human-typical capacities, like our rational capacity, can be a source of pleasure, this is not *always* the case. Our rational capacity is known to be a great source of suffering for us. Nonhuman animals who lack a rational capacity escape this kind of suffering.

At best, it is hard to tell which species of animal enjoys a greater quantity of pleasure over the course of their life. A more cautious assumption is that (good quality) human and nonhuman animal lives of the same length

[99] DeGrazia, "The Harm of Death", 61.
[100] *Ibid.,* 61.
[101] DeGrazia, "Sentient Nonpersons and the Disvalue of Death", 514.
[102] DeGrazia, "The Harm of Death", 61.
[103] DeGrazia, "The Harm of Death", 61.

enjoy equal amounts of pleasure.[104] Thus, the Life Comparative Account cannot offer a convincing explanation for the popular intuition in "Choice between Species".

The second strategy Professor DeGrazia identifies which people use to vindicate their view that human lives are prudentially more valuable than nonhuman animal lives, appeals to the superior *quality* of goods or capacities in a human's life.[105] According to this second strategy, there are certain goods which, irrespective of how they feel to their subject, are *objectively* valuable. Moreover, those who use this strategy maintain that the kinds of goods which are objectively (most) valuable are enabled by human-typical capacities or conditions.[106] A proponent of this view might think that pleasures are amongst the things that make life go well but claim that there are different *kinds* or qualities of pleasure and deny that nonhuman animal lives contain the high quality pleasures which human lives contain.[107] They might explain, for example, that while a dog excites in certain smells, this pleasure is of a lower quality to high quality pleasure a human derives from reading great philosophy. Other objective goods which might be thought to make one's life prudentially better, and which are characteristic of human life, include things like deep and meaningful relationships and intellectual accomplishments. [108]The advantage of this second strategy over the first, is that it does not deny or overlook the actual capacities and goods that nonhuman animal lives contain: it merely points out that nonhuman animals tend to lack the *kinds* of goods that, objectively, make life *better*.[109]

Yet, this second strategy is equally as uncompelling as the first. Firstly, notice that it risks painting an elitist version of what makes a *human's* life go well.[110] It seems dubious to me that the pleasure derived from reading "Reasons and Persons", for example, is more prudentially valuable than the pleasure derived from hip-hop dancing or from eating ice cream.

The greater problem with the second strategy is that it is arbitrary to judge the prudential value of a nonhuman animal's life based on whether it contains capacities or goods which objectively make a *human's* life go well.[111] Thinking that a solitary nonhuman animal's life is prudentially less valuable for lacking deep and meaningful

[104] *Ibid*.
[105] DeGrazia, "Sentient Nonpersons and the Disvalue of Death", 514-515.
[106] DeGrazia, "The Harm of Death", 62.
[107] DeGrazia, "Sentient Nonpersons and the Disvalue of Death", 513.
[108] *Ibid.*
[109] DeGrazia, "The Harm of Death", 62.
[110] DeGrazia, "Sentient Nonpersons and the Disvalue of Death", 514; Ben Bradley, *Well-Being* (Cambridge: Polity Press, 2015), 23.
[111] DeGrazia, "Sentient Nonpersons and the Disvalue of Death", 514.

relationships, is like claiming that a human fares less well for not being able to navigate using echolocation.[112] If there *are* capacities or goods which objectively make anyone's life go well (or better), then a plausible explanation needs to be given for why these goods make life *per se* go well (or better).[113] One cannot simply stipulate that human-specific capacities or goods are objectively more prudentially valuable.

Thus, it is doubtful that the Life Comparative Account could combine with a theory of well-being that can convincingly justify why human lives are quantitatively or qualitatively more valuable. Therefore, it seems most plausible, after all, that the number of *good quality* life years deprived by death provides a fair indication of how bad one's death is for them on the Life Comparative Account. It follows from this more plausible reading of the Time-Relative Interest Account that the tortoise's death would be worse for him in "Choice between Species" than the human's: The tortoise is deprived by death of more good quality life years than the human is.

Since the average lifespan of a human is longer than that of most nonhuman animals, it follows from the Life Comparative Account, that all things being equal, a premature death is *generally* worse for humans than it is for nonhuman animals.[114] Exceptions to this rule include the death of those nonhuman animals with equal or longer lifespans to or than humans. Death is also worse for nonhuman animals on the Life Comparative Account who die in their youth than it is for humans that die in their old age: death is worse for newborn rat than it is for a very elderly human, for instance, if the rat is deprived of more good quality life years by death than the human.[115]

Those who find the Life Comparative Account most intuitive in answering how bad death is for humans to die at different ages, might be tempted to drop the account given its implications when it comes to the comparative harm of death between humans and nonhuman animals.

The Time-Relative Interest Account has a compelling explanation for the popular intuition in "Choice between Species". On the Time-Relative Interest Account, it can be just as good to be a tortoise faring well as it is to be a human faring well. In fact, the Time-Relative Interest Account is compatible with the view that, if a tortoise lives for longer than a human, then his life as a whole can contain more prudential goods than a

[112] DeGrazia, "Sentient Nonpersons and the Disvalue of Death", 513.
[113] DeGrazia, "The Harm of Death", 62.
[114] By "all things being" I mean to highlight that the years we are counting that are deprived by death are good quality.
[115] DeGrazia, "The Harm of Death", 65.

human's. Even so, according to the Time-Relative Interest Account, death is worse for a human than it is for a tortoise if, at the time of death, the human is more psychologically invested in the future they are deprived of. In other words, according to the Time-Relative Interest Account, the human in "Choice between Species" would be harmed more by death if at the time of death, this is the individual with the greatest time-relative interest in continued life.[116] I take it as a reasonable assumption that the cognitively normal thirty-year old human in "Choice between Species" is more psychologically unified at death than the tortoise is.

Notice that the Time-Relative Interest Account can explain the popular intuition in "Choice between Species" without having to advance a separate (suspicious) argument for why a good quality human life necessarily contains (quantitatively or qualitatively) more prudential value than a good quality nonhuman animal life. The account remains neutral to whichever theory of prudential theory one prefers.[117] One might can combine the Time-Relative Interest Account with hedonism, desire-satisfaction, or an objective-list account of well-being, for example, and still arrive at the conclusion that the human on the lifeboat would be harmed more by their death than the tortoise would be. This means that the Time-Relative Interest Account has the advantage over the Life Comparative Account's attempt to explain the popular judgment in "Choice between Species" of both plausibility *and* parsimony.[118]

Accepting the Time-Relative Interest Account as a better explanation for which deaths are worse interspecifically, however, requires correcting some of our intuitions about just how bad certain human and nonhuman animal deaths are. Not *all* deaths will turn out to be worse for humans than nonhuman animals on the Time-Relative Interest Account.
Consider the following humans whose deaths are (relative to other human deaths) not very bad according to the Time-Relative Interest Account.

1. Human infants: despite being deprived of a great amount of future good these individuals are relatively weakly psychologically connected to those goods which they are deprived of.
2. Physically ill and/or elderly humans: these humans may be strongly psychologically connected to their future goods at death but are not deprived of much future good. Alternatively, they may be neither strongly psychologically connected to their future goods nor deprived of much future good (such as those in late stages of Alzheimer's disease).

[116] DeGrazia, "The Harm of Death", 65; DeGrazia David, "Sentient Nonpersons and the Disvalue of Death",517.
[117] DeGrazia, "The Harm of Death", 65.
[118] DeGrazia, "The Harm of Death", 66; DeGrazia David, "Sentient Nonpersons and the Disvalue of Death", 516.

3. Cognitively impaired humans: like human infants, these individuals might be deprived of a great amount of good by death but are relatively weakly psychologically connected to those goods.

If we think that the death for human infants, the elderly, ill, and cognitively impaired humans is bad, then death will be even worse for some nonhuman animals. If, by contrast, we want to maintain that death is never very bad for nonhuman animals, then it is even less bad for these humans.
For a better grasp of this point, it might help to look at more specific examples. I am going to compare the psychological connectedness of a (cognitively normal) one year old human, with that of two species of nonhuman animal.

By one years old, human infants have a basic awareness of their body and its senses: they can distinguish between different tastes, detect different volumes and identify different colours.[119] One-year-olds can also recognize familiar faces: this implies that one-year old's have a minimal understanding of themselves as distinct from others.[120] Furthermore, by one year's old, humans have become accustomed to certain regularities in their environment and aspects of their routines: they can anticipate events in their near future, as evidenced, for example, by the way they suck their lips when they see their milk bottle.[121] Impressively, human infants can even understand certain basic logical facts (they have what is sometimes called naïve physics). Two examples, are the way that infants know that a solid object cannot pass through another solid object (what is referred to as object permanence), and as well that certain objects cannot hover in mid-air (revealing a basic awareness of the law of gravity).[122] These beliefs are ones which a human will hold for the rest of their life (and thus connect human infants with their future selves).

Compare a one-year-old human with an adult bottlenose dolphin. These nonhuman animals have a memory that spans up to twenty years.[123] Unlike human one-year-olds, furthermore, dolphins can pass the mirror test.[124] This indicates a high degree of self-awareness. On top of this, dolphins reflect a capacity to empathize with

[119] Kendra Cherry, "Cognitive Developmental Milestones" 30/7/2021. https://www.verywellmind.com/cognitive-developmental-milestones-2795109.
[120] *Ibid.*
[121] *Ibid*.
[122]Alison Gopnik and Andrew Meltzoff. *Thoughts, Theories and Things*. (Cambridge, MA: MIT Press 1997), 117.; Bermudez, *Thinking Without Words*, 83-87.; Millum, "Putting a Number on the Harm of Death", 68-69.
[123]Jason Bruk "Decades Long Social Memory in Bottlenose Dolphins", *Proceedings of the Royal Society B: Biological Studies* (University of Chicago, 2013), 1.
[124] Sue Parker, Robert Mitchell, & Maria Boccia, *Self-Awareness in Animals and Humans: Developmental Perspectives*, (Cambridge: Cambridge University Press, 1994), 313-314; Stephen Leatherwood, Randall R. Reeves, *The Bottlenose Dolphin* (Elsevier, 1989), 201.

individuals both amongst their own species, and amongst other species: this suggests that adult dolphins have a "theory of mind" (or, an ability to predict what others are thinking and feeling).[125] Dolphins can also solve complex problems. For example, dolphins (in captivity) have been able to imitate the movements of their instructor (on request), while blindfolded, through echolocation.[126] It is reasonable to think that death for an adult dolphin is significantly worse than it is for a one-year-old human infant, on the Time-Relative Interest Account.

That a dolphin's death can be prudentially worse than (or equally as bad as) a human's might not surprise everyone. People generally acknowledge that dolphins (as well as other aquatic mammals, nonhuman primates and elephants) are particularly intelligent nonhuman animals. Before giving the impression that dolphins are among the few nonhuman animals whose death can be equally as bad or worse than a humans', it might be worth looking at a species of nonhuman animal whose intelligence goes less recognized.

Scrub jays are a species of bird endemic to Florida. They have not been tested or observed to the degree that dolphins have. Nevertheless, a fair amount about their mental lives has been learned through studying their feeding habits.[127] In a single season, typical scrub jays can remember around two hundred locations where they have stored food.[128] When caching their food, scrub jays are alert to whether others are watching: if they know that they are in the presence of onlookers, scrub jays will pretend to hide their food in several places before committing to one spot.[129] Moreover, on retrieving their cached food, scrub jays will prioritize those items which spoil sooner.[130] The behaviour of scrub jays seems to reveal a degree of concern for their future, self-awareness and an awareness of what others might be thinking. It also displays what is known as their having an "episodic-like memory": scrub jays can remember the "where", "what", "when" and "who" of a passed event.[131] It is not too far-fetched to think that a scrub jay's death might be as bad as (or worse than) a given human's.

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[125] Sue Parker, Robert Mitchell, & Maria Boccia, "Self-Awareness in Animals and Humans: Developmental Perspectives", 313.; Stephen Leatherwood, Randall R. Reeves, "The Bottlenose Dolphin", 198.
[126]Emily Guarino, "Blindfolded imitation in a bottlenose dolphin (Tursiops truncatus)" *International Journal of Comparative Psychology* vol. 23 no. 4 (2010), 676.
[127] Nicola Clayton and Anthony Dickinson, "Episodic-like memory during cache recovery by scrub jays" *Nature* (1998), 272–274; Nicola Clayton, Nathan Emery, Anthony Dickinson, "The Prospective Cognition of Food Caching and Recovery by Western Scrub-Jays", *Prospective Cognition* (2006) 1-11; Nicola Clayton, Anthony Dickinson, "Memory for the contents of caches by Scrub Jays" *Journal of Experimental Psychology: Animal Behavior Processes*, vol. 25, 82-91.
[128]Nicola Clayton, Nathan Emery and Anthony Dickinson, "The Prospective Cognition of Food Caching and Recovery by Western Scrub-Jays", *Prospective Cognition* (2006), 9.
[129] *Ibid*.
[130] Nicola Clayton and Anthony Dickinson, "Episodic-like memory during cache recovery by scrub jays", 272.
[131] *Ibid*.

Scrub jays are just one of the millions of species of nonhuman animal whose intelligence we are still learning more about. I chose to focus on their mental life, but the point I am making could just as well be made by highlighting the intelligence of another species of nonhuman animal, like a rat's, a mongoose's, or a frog's. It is easy to overlook and dismiss the intelligence of a species of nonhuman animal when one has not carefully studied this species of nonhuman animal. As a rule, it seems that the more we learn about nonhuman animals (and human infants), the more intelligent we learn they are. The more intelligent nonhuman animals are, the worse their deaths are for them. The worse a nonhuman animal's death is for them, the worse we should think of their death as being for them.

Conclusion

In this chapter, I set out to answer how bad death is for nonhuman animals, given that it deprives them of future goods. I presented the Life Comparative Account and the Time-Relative Interest Account as two different ways of determining the extent of death's deprivation for an individual. The Life Comparative Account measures the extent of death's deprivation from the perspective of the individual's life as a whole. By contrast, the Time-Relative Interest Account measures the extent of death's deprivation from the individual's perspective at death.

I considered objections to both extensions of the Deprivation Account and ultimately defended the Time-Relative Interest Account as the most preferable theory of the two. The Time-Relative Interest Account provides an intuitive and parsimonious explanation for how bad death is for the one who dies.

According to the Time-Relative Interest Account, death is generally less bad for nonhuman animals than it is for humans. However, on the Time-Relative Interest Account death can be significantly worse for some nonhuman animals than it is for some humans. This is when the nonhuman animal who dies has a greater time-relative interest in continued life than the human has.

If one rejects the Time-Relative Interest Account in favour of the Life Comparative Account, then death can still be very bad for nonhuman animals. In fact, death will always be worse for an individual on the Life Comparative Account than it will be for them on the Time-Relative Interest Account. This is because the Time-Relative Interest Account *subtracts* from the Life Comparative Account for a lack of psychological continuity overtime. On the Life Comparative Account, death is worse for a nonhuman animal who is deprived of more good life years by death than a human is, irrespective to how psychologically developed each of these individuals are at death.

So, where does this leave me in the bigger picture of my dissertation? Well, I have argued that death can be very bad for nonhuman animals, given the way we commonly explain death's badness for humans. Now I am going to look at objections to this argument.

Chapter 3: Objections

Introduction

Christopher Belshaw and David Velleman deny that death can be bad for nonhuman animals *at all*. They think that being deprived of future goods is necessary for one's death to be bad, but not sufficient. According to these philosophers, nonhuman animals cannot meet what they view as an additional, necessary condition for death to be bad.

Dr. Belshaw claims that this additional condition is a "categorical desire" at death. I present and reject his argument in the first part of this chapter.

Professor Velleman claims that only those with an autobiographical sense of self can be harmed by death. I present and reject his argument in the second part of this chapter.

Ultimately, I find it more plausible to view both arguments as identifying conditions which make death *worse* for the one who dies. Holding that individuals with categorical desires and/or an autobiographical sense of self suffer terrible deaths, is consistent with the Time-Relative Interest Account.

The "Categorical Desire" Critique

Christopher Belshaw's argument:

Dr. Belshaw's account of death's badness is inspired by an argument advanced by Bernard Williams in his famous essay, "The Makropulos Case: reflections on the tedium of immortality".[132] In this essay, Professor Williams distinguishes between two kinds of desire. Categorical desires, he explains, are the desires an individual wants to satisfy before they die: they give an individual a reason to carry on living.[133] Leo's desire to eat good food is categorical since it makes him want to live for longer. Conditional desires, by contrast, presuppose one's continued life: they are the desires an individual wants to satisfy *on the condition* that they will be alive.[134] Luka wants to eat good food but only given that he is alive.

[132] Bernard Williams, "The Makropulos Case: Reflections on the Tedium of Immortality," in David Benatar (eds.) *Life, Death and Meaning: Key Philosophical Readings on the Big Questions* (Lanham: Rowman and Littlefield, 2016), 315-332.
[133] *Ibid.*, 318.
[134] Williams, "The Makropulos Case", 318.

Professor Williams's critical insight is that while both kinds of desire are bad to have frustrated, only categorical desires can be frustrated *by death*. The nature of conditional desires is such that they can only be frustrated (or satisfied) while one is alive.[135] To understand this point, it might help to look at an example of a desire whose condition is not explicitly continued life.

Suppose that Greg has a desire to nap this afternoon, *on the condition* that he will be sleepy this afternoon. If Greg is sleepy and cannot nap, then his desire will be frustrated, and this will be bad for him. If Greg is sleepy and has a nap, then his desire will be satisfied, and this will be good for him. Generally, the condition of a desire must obtain for the desire to be either frustrated or satisfied. If this afternoon Greg is *not* sleepy, then his desire to 'nap in the afternoon if I am sleepy' will be *cancelled*. Intuitively, having a desire cancelled is neither good nor bad but neutral: to quote, Ben Bradley, when a desire is cancelled it is in some sense "as if the desire never happened".[136]

Death is the state in which the condition of being alive fails to obtain. Therefore, death *cancels* the desires which one held on the condition of one's being alive. Since, according to Professor Williams, it is not bad to have one's desires cancelled, death cannot be bad for those who *only* have conditional desires when they die. Dr. Belshaw follows Professor Williams in thinking that a necessary condition for death to be bad is that an individual has at least one categorical desire at the time of death. [137,138] He applies this theory to the question of death's badness of nonhuman animals.

Although nonhuman animals have desires, Dr. Belshaw claims that they "can't derive from [their] desires any reasons to go on living".[139] The desires which nonhuman animals have, he argues, cannot be categorical.

According to Dr. Belshaw, for any desire to count as categorical (as opposed to conditional), an individual must *recognize* it as something which gives them a reason to carry on living: that is, an individual must be able

[135] Ben Bradley, "Is Death Bad for a Cow?", in Tatjana Visak and Robert Garner (eds.) *The Ethics of Killing Animals*, (Oxford University Press USA, 2015), 54.
[136] *Ibid.*
[137] Christopher Belshaw, "Death, Pain, and Animal Life", in Tatjana Visak and Robert Garner (eds.) *The Ethics of Killing Animals*, (Oxford University Press USA, 2015), 37.
[138] It may be useful to think of a categorical desire as motivating an individual to want that the condition of their conditional desire obtains. I can explain, for instance, that "for as long as I am alive, I want to have shelter (this is a strong conditional desire that I have); and, I want to remain alive (I want that the condition of my conditional desire obtains) because among other things I want to finish this dissertation (I have categorical desires)".
[139] Belshaw, "Death, Pain, and Animal Life", 37.

to reflect on their desire and think, 'this is something I want to satisfy before I die'. Not just anyone can reflect on their desires in this way. Only those who are self-conscious, rational and aware of their mortality can derive reasons to stay alive. Thus, according to Dr. Belshaw, only persons can have categorical desires.[140]

It is because Dr. Belshaw views personhood as a requisite condition for having categorical desires that he denies nonhuman animals can have these. Dr. Belshaw explains that "nothing that [nonhuman animals] do… gives grounds for thinking they have anything like the sophisticated psychology attendant on categorical desires".[141] He acknowledges that in life-threatening situations nonhuman animals behave in a way that *might* be interpreted as them wanting to live (or not wanting to die): nonhuman animals struggle to escape from traps, nets and hooks; and they fight or take flight from predators. And yet, says Dr. Belshaw, it makes more sense to think of this behaviour as instinctual, rather than as mediated by a complex, reflective desire for more life.[142]

Since Dr. Belshaw denies that nonhuman animals can be persons, he denies that they can have categorical desires. Furthermore, since Dr. Belshaw thinks that having categorical desires is necessary for death to be bad, he concludes that death cannot be bad for nonhuman animals.[143]

Dr. Belshaw's view of death's badness shares important similarities and differences with the Life Comparative Account and the Time-Relative Interest Account. On all three accounts, death can only be bad for an individual who is deprived of future goods. However, like the Time-Relative Interest Account, Dr. Belshaw claims that being deprived of future goods is insufficient for death to be bad. What distinguishes his view from the Time-Relative Interest Account, is that the further condition which he claims is necessary for death to be bad, requires a far higher degree of mental sophistication at the time of death. On the Time-Relative Interest Account, an individual must simply have a degree of psychological continuity when they die. According to Dr. Belshaw, an individual must be a person.

<u>Responding to Christopher Belshaw's argument:</u>

[140] Christopher Belshaw, "Victims", in Michael Cholbi (eds.) *Immortality and the Philosophy of Death* (Lanham, MD: Rowman & Littlefield, 2016), 14. Christopher Belshaw, "Death, Pain, and Animal Life", 37.
[141] Belshaw, "Death, Pain, and Animal Life", 39.; Belshaw, "Victims", 3.
[142] Belshaw, "Death, Pain, and Animal Life", 39. (Being consistent, Dr. Belshaw would have to maintain that a human cannot be attributed with categorical desires purely based on their instinctual aversion to death.)
[143] *Ibid.,* 34.

I am ultimately unpersuaded by Dr. Belshaw's argument for why death cannot be bad for nonhuman animals. Two of its components are problematic. The first, is Dr. Belshaw's claim that nonhuman animals cannot have categorical desires. The second is his claim that having these desires is necessary for death to be bad. I will address each of these in turn.

Is it true that nonhuman animals lack categorical desires?

Dr. Belshaw's view that only persons can have categorical desires plays a vital role in is argument for why nonhuman animals cannot have them. One way to argue that nonhuman animals *can* have categorical desires, is to challenge Dr. Belshaw's interpretation of what it means to have these desires.

Professor Bradley proposes an alternative reading of Professor Williams's original distinction between categorical and conditional desires. Furthermore, according to this alternative reading, being a person is not essential to having categorical desires.

On Professor Bradley's view, an individual has a reason to live if they have at least one desire whose satisfaction requires that they continue to live. Setting aside a few exceptions, like the desire for pain to stop, all desires, given their future oriented nature, require that one stays alive to satisfy. Thus, on Professor Bradley's view, an individual's desires are categorical by default. What makes any one of them conditional, he explains, is if the subject of the desire reflects on it and thinks, 'I want to satisfy this, but only on the condition that I am alive'.[144]

Notice that Dr. Belshaw's and Professor Bradley's interpretations of Professor Williams's distinction are the inverse of each other. On Dr. Belshaw's reading, personhood is necessary to have categorical desires but not to have conditional desires: this means that the desires which nonpersons have count as conditional by default. By contrast, on Professor Bradley's reading, personhood is necessary for conditional desires, but not to have categorical desires: the desires which nonpersons have count as categorical.

Nonhuman animals clearly have categorical desires in Professor Bradley's sense of having them. Furthermore, Dr. Belshaw provides no argument for why one ought *not* to adopt Professor Bradley's interpretation. More specifically, Dr. Belshaw does not justify why an individual needs to *be able to* reason to *have* a reason to want

[144] Bradley, "Is Death Bad for a Cow?", 54.

more life. Therefore, one way to reject Dr. Belshaw's claim that nonhuman animals cannot have categorical desires, is to simply reject his interpretation of having them in favour for Professor Bradley's.

The second way to challenge Dr. Belshaw's claim that nonhuman animals cannot have categorical desires, is of course to do so on his own terms. This is a stronger argumentative strategy. Although Dr. Belshaw does not justify why one ought to adopt his interpretation of having categorical desires over Professor Bradley's, it is clearly the interpretation he finds correct.

Philosophers responding to Dr. Belshaw's argument tend not to dispute his claim that nonhuman animals cannot have categorical desires in the sense that he interprets having them. This is unsurprising. I will first explain *why* one might default to the claim that nonhuman animals lack categorical desires in the Belshavian sense. Then I will challenge this claim. For ease of reference, I will refer to "categorical desires in the Belshavian sense", as "categorical desires*".

Deriving a reason from one's desires to stay alive, is a complex thought process. To know if nonhuman animals can engage in it, would require that we get inside their minds. That is impossible. Strictly speaking, we cannot even be certain if other *humans* have categorical desires*. One can only ever be sure what is happening in one's own mind. This is the classic problem of other minds.

The problem of other minds does not stop us from inferring that other humans have categorical desires*. This is because the behaviour of humans can provide very clear (even if imperfect) evidence that they have them. For example, a human can express, using words, that they want to live. The behaviour of nonhuman animals is generally more foreign. It is significantly harder for us to work back from what they do to what they might be thinking. Thus, the problem of other minds is amplified when it comes to nonhuman animals.

It has traditionally been thought most cautious to hold back from attributing complex mental states to nonhuman animals when interpreting their behaviour. In other words, if there is more than one explanation for why a nonhuman animal has behaved as they have, then it has typically been viewed as more careful to go with the explanation which appeals to the simplest mental capacities: this avoids the charge of anthropomorphism.

In this context, it makes sense why philosophers might find it unproblematic to simply assume that nonhuman animals lack categorical desires*. There will always be a simpler explanation for their behaviour.

However, just as one must avoid being anthropomorphic, so too must one guard against being anthropocentric: it is equally unreasonable to assume that only humans can have categorical desires*. Crucially, if (as Dr. Belshaw thinks) having categorical desires* has normative implications, then one should be extra cautious about denying that nonhuman animals have them. Thus, I think that question of whether nonhuman animals can have categorical desires* should be taken more seriously than it has been.

I am going to start challenging the assumption that nonhuman animals lack categorical desires* by rejecting a common-sense argument for why they *cannot* have these desires. Then I will make a case for why we should think that certain nonhuman animals are candidates for having these desires.

A characteristic, and necessary component of having categorical desires* is that an individual is aware of their mortality. One must have a concept of death to form the desire for more life, or to recognize other desires as providing reasons to want more life.

It is generally taken for granted that nonhuman animals lack a concept of death.[145] Ruth Cigman, thinks that "it is only by an imaginative leap" that they could have the concept.[146] Jacques Rousseau wrote, "an animal will never know what it is to die".[147] Even Tom Regan, who is famous for supporting animals rights, agrees that it is "doubtful" that any animal can understand death.[148]

The widespread assumption that nonhuman animals lack a concept of death carries weight in justifying the view that they cannot have categorical desires*. As I will show, however, the assumption that nonhuman animals lack a concept of death is problematic: both conceptually and empirically. Therefore, one cannot use this assumption to rule out that nonhuman animals can have categorical desires*.

Those who maintain that nonhuman animals lack a concept of death assume that there is an established answer to the prior question of what it means to have a concept of death. However, what it means to have this concept is complicated and controversial. It is plausible, for example, to think that there is a degree to which one might

[145] Susana Monsó, "How to Tell if Animals Can Understand Death." *Erkenntnis* vol. 87, no. 1 (2019), 118.
[146] Ruth Cigman, "Death, Misfortune and Species Inequality", *Philosophy & Public Affairs,* vol. 10 no. 1 (1981), 59.
[147] Shayla Love, "Do Animals Understand What it Means to Die?", *Motherboard Tech by Vice,* (2022) https://www.vice.com/en/article/5dg57q/do-animals-understand-what-it-means-to-die.
[148] Tom Regan, *The Case For Animal Rights* (Berkeley: University of California Press, 2004), 111.

understand death.[149] If one's concept of death did not come in degrees, then it would be hard to explain how one can learn more about death over the course of one's life. (We generally admit that young human children have *some* understanding of death, even if they don't yet have the mature understanding that they will have as adults.)[150] Furthermore, if having a concept of death did not come in degrees (if having it was an all-or-nothing matter), then presumably nobody could have it: nobody is alive in death to know everything about it.[151]

Not only does it seem that the concept of death is not binary, but it is not universal either.[152] Different educated adults can hold radically different views about what death is, and the same adult might drastically change their mind about death within their adult lifetime. Against this theoretical backdrop, the outright denial that nonhuman animals can have a concept of death is unsophisticated. To determine if nonhuman animals can have a concept of death requires first interrogating what it means to have a minimum concept of it.

In addition to there being theoretical reasons to doubt the claim that nonhuman animals lack a concept of death, is a growing body of evidence supporting that nonhuman animals can have a complex relationship with death. I am aware that no piece of evidence conclusively shows that nonhuman animals have a (non-instinctual) understanding of death. (This is partly because what constitutes a minimum concept of death is controversial, and partly due to the problem of other minds.) Nevertheless, I think the evidence together makes enough of a case to unsettle the view that nonhuman animals cannot have *any* notion of death.

One piece of evidence is an anecdotal story from the Blair Drummond Safari Park. In 2008, human care takers observed as three adult chimpanzees responded to the death of a fifty-year-old female chimpanzee (named Pansy).[153] In her dying hours, Pansy was surrounded and caressed by the other three chimpanzees. Around the moment of Pansy's death, the behaviour of the other chimpanzees changed: they closely inspected Pansy's mouth and manipulated her arms as though checking for signs of life. Pansy's twenty-year-old daughter stayed with her mother's corpse overnight. In the morning, the chimpanzees watched as Pansy's corpse was removed by human caretakers. For days after Pansy's death, the chimpanzees refused to go back into the room where

[149] Susana Monsó, "How to Tell if Animals Can Understand Death", 121.
[150] *Ibid.*
[151] *Ibid.*, 122.
[152] *Ibid.*, 119.
[153] James R. Anderson, Alasdair Gillies and Louise C. Lock, "Pan thanatology", *Current Biology*, vol. 20 no. 8, (2010), R349-R351.

she died. Caretakes refer to the chimpanzees as being "profoundly subdued".[154] The same sort of (pre and post death) behaviour has been observed in chimpanzees in the wild.[155]

Elephants cover their deceased family members with foliage. Sometimes they remove the tusks of the deceased. Elephants will return to the remains of their dead family members years after these members have died.[156]

Mothers in several species sometimes carry their dead infants with them. [157] In 2011, a female beluga whale was reported to swim with her dead calf for two weeks.[158] In 2003 a chimpanzee in Bossou in Guinea was reported to have carried her lifeless infant for nearly ten weeks.[159] (There are several reasons to reject the view that these mothers have failed to recognize their infants as dead—one of these is that the mothers carry their infants in a way that they could not if their infants were alive.)[160]

In the evidence I have presented, nonhuman animals respond to the deaths of their loved ones in a way that we can relate to. This is partly what allows us to recognize the behaviour as evidence of them having some understanding of death.[161] (While human mothers do not walk around with their dead babies, some women hold their dead babies. Furthermore, we can sympathize with the attachment a grieving mother might have to her dead child.)

As we know, responses to the dead vary even amongst humans (particularly across cultures). Acknowledging this, Susana Monsó cautions that "we have to look beyond practices that we can identify with" as evidence of nonhuman animals having some concept of death.[162] One disturbing, common phenomenon concerns the way that (unsupervised) companion dogs begin to feed on their dead companion humans (from as soon as 45 minutes after the human dies).[163] Companion dogs consume their companion humans even when the dogs were close with their companion humans, and when there is food in their bowls.[164] Moreover, the dogs tend to focus

[154] Anderson, Gillies and Lock, "Pan thanatology", R350.
[155] James Anderson, "A Primatological Perspective on Death" *American Journal of Primatology*, vol. 73, no. 5, (2011), 410–414.
[156] Love, "Do Animals Understand What it Means to Die?"; Monsó, "How to Tell if Animals Can Understand Death", 131.
[157] This has been observed in chimpanzees, gorillas, barbary macaques, gelada monkeys, Japanese macaques, dingoes, sea otters, seals, and various whales and dolphins. See: Susana Monsó, "How to Tell if Animals Can Understand Death", 129.
[158] V.V. Krasnova, A.D. Chernetsky, A.I. Zheludkova, V.M. Bel'kovich, "Parental Behavior of the Beluga Whale (Delphinapterus leucas) in Natural Environment", *Biology Bulletin*, vol. 41, no. 4, (2014), 370.
[159] Ed Yong, "How Chimpanzees Deal with Death and Dying", *National Geographic Society*, 26/4/2010, How chimpanzees deal with death and dying (nationalgeographic.com)
[160] Monsó, "How to Tell if Animals Can Understand Death", 129.
[161] Anderson, Gillies, and LLock, "Pan thanatology", R351.
[162] Love, "Do animals understand what it means to die?".
[163] *Ibid*.
[164] Love, "Do animals understand what it means to die?".

on the facial area of their companion human: this is interesting because when dogs scavenge in the wild, they typically start eating at the abdomen.[165] That dogs behave differently to dead bodies depending on the dogs' association with the deceased (that is, depending on whether the deceased is wild game versus their companion human) supports that dogs have some sort of conceptual or nuanced understanding of death (they do not respond *invariantly* to dead bodies).

I have argued that there is good reason to reject the common assumption that nonhuman animals lack a concept of death. This is because the assumption overlooks the complexity of what it means to have a concept of death and is at odds with a body of evidence which suggests that nonhuman animals have (at least some) understanding of death.

Since it is problematic to take for granted that nonhuman animals lack a concept of death, one cannot use this assumption to justify why they lack categorical desires[*]. Rather, a proponent of Dr. Belshaw's argument must carefully consider which understanding of death is necessary or sufficient for an individual to be a candidate for having categorical desires[*], and then show that nonhuman animals lack this (particular) understanding.

Having an awareness of one's death is just *one* necessary condition for having the desires. Thus, showing that nonhuman animals can have a concept of death, simply serves to undermine a way of *denying* that they can have categorical desires[*]. What I am now going to do, is present evidence of a nonhuman animal who satisfies all the necessary conditions for having categorical desires[*]. In other words, I am going to make a case for why we should think that some nonhuman animals are candidates for having categorical desires[*].

Koko, who passed away in 2018, was a gorilla at the San Francisco Zoo. She is famous for having learned to communicate in American Sign Language. Although one can easily fill one's dissertation with anecdotes of Koko, I shall restrain myself to sharing only a handful of them. I think these sufficiently show Koko as having been a person: in other words, the evidence supports her as having had a sense of self, a capacity to reason and an awareness of her inevitable death. In addition to revealing her remarkable intelligence, I think that the evidence gives the reader some sense of Koko's personality.

[165] *Ibid.*

When asked "What's a smart gorilla", Koko would sign "ME." As David DeGrazia highlights, even if Koko was unaware of what it meant to be smart, she was clearly aware of who was being referred to as smart.[166] When asked whether she was a "goofball", "genius" or a "juvenile" (adjectives which Koko did not seem to understand) Koko would respond signing, "NO, GORILLA".[167] Koko's capacity to refer to herself in these instances, is a clear indication of her self-awareness.

On one occasion, Koko repeatedly asked her friend for some juice, without success. Giving up, Koko resolved to drinking water from a bowl on the floor, using a rubber straw. She signed "SAD ELEPHANT."[168] It is unlikely that Koko had been described as a sad elephant before.[169] Her ability to describe herself as a sad elephant is impressive for several reasons. For one thing, it demonstrates her ability to use language creatively. Koko's self-description also reflects a capacity to introspect. Furthermore, that Koko could see some analogy between how she must have looked drinking with a straw, and how an elephant looks drinking water, suggests a capacity to think abstractly (and to reason). Finally, her self-description might suggest some sort of theory of mind—Koko could think of elephants as the kinds of things who can be sad.

On several occasions, Koko was observed playing imaginary games with dolls: she would make the dolls play with and fight each other; encouraging and reprimanding them using sign.[170] What is interesting is not only that Koko could use her cognitive capacity for pleasure, but also how she responded to noticing that she was being observed. Koko would immediately drop her dolls, looking embarrassed.[171] Feeling embarrassment reveals that one is aware of themselves as an object in the eyes of another. Among other things, this reflects a high degree of self-consciousness.

Perhaps the most relevant evidence of Koko being a person, within the discussion of categorical desires[*], is what she understood about death. The following passage reflects what Koko understood about both her own death, and that of others:

> When Koko was seven, one of her teachers asked, "When do gorillas die?" and she signed, "TROUBLE, OLD". The teacher also asked, "Where do gorillas go when they die?" and Koko replied,

[166] David DeGrazia, *Taking animals seriously: Mental life and Moral Status* (Cambridge, MA: CUP, 1996), 180. From: Francine Patterson and Wendy Gordon, "The Case for the Personhood of Gorillas" in Cavalieri and Singer, *The Great Ape Project*, 64.
[167] *Ibid.*
[168] *Ibid.*, 180.
[169] *Ibid.*, 181.
[170] *Ibid.*
[171] *Ibid.*

> "COMFORTABLE HOLE BYE." When asked "How do gorillas feel when they die—happy, sad, afraid?" she signed, "SLEEP." Koko's reference to holes in the context of death has been consistent and is puzzling since no one has ever talked to her about burial, nor demonstrated the activity…
> [A] tragic accident indicated the extent to which gorillas may grieve over the death of their loved ones. Koko's favourite kitten, All Ball, . . . was killed by a speeding car. Koko cried shortly after she was told of his death. Three days later, when asked, "Do you want to talk about your kitty?" Koko answered, "SLEEP CAT". When she saw a picture of a cat who looked very much like All Ball, Koko pointed to the picture and signed, "CRY, SAD, FROWN".[172]

There are obvious parallels between Koko and human children: on paper, Koko could well pass as having been a human child. It is worth remembering that even highly educated adult humans sound like children when they try to communicate in a foreign language. We would get a better impression of Koko's intelligence (and likely be more impressed by it) if we could communicate with her in *her* native style of communication.

Dr. Belshaw admits that perhaps some nonhuman animals have categorical desires[*]. But he denies that death can be bad for "small and medium-sized mammals and birds of the kinds that often we domesticate, hunt, and eat".[173] I think that we should be even more cautious in our observations of these nonhuman animals: this would involve looking at more (interesting) evidence and being more open minded in our interpretation of that evidence. This may involve finding new ways of understanding non-linguistic thought.

So far, I have challenged Dr. Belshaw's argument that nonhuman animals lack categorical desires. I have shown that there are two interpretations of what it means to have a categorical desire. If we go for the view of having them which Professor Bradley proposes, then nonhuman animals have categorical desires. I argued that some nonhuman animals might have these desires, even on the Dr. Belshaw's interpretation of having them. Now I will turn to challenge Dr. Belshaw's view of death's badness.

Is it true that having categorical desires[*] is necessary for death to be bad?

One reason to reject the view that death can only be bad for those with categorical desires[*], comes from considering the implications of this for humans. Dr. Belshaw's argument implies that death cannot be bad for

[172] DeGrazia, "Taking animals seriously", 181.
[173] Christopher Belshaw, "Death, Pain, and Animal Life", 39.

humans who lack categorical desires* at the time of death. This implication is most troubling when it concerns humans who lack categorical desires* despite being deprived of a great deal of good by death. Among these, are human infants and young humans. Humans do not come into existence with the capacity for categorical desires* (that is, as persons). At what age exactly a (cognitively normal) human becomes a person is hard (if possible) to determine: the mental capacities that underpin personhood (like self-awareness, and the capacity to reason) develop gradually. Since an individual *phases* into personhood, it would be arbitrary to try draw a strict border between non-personhood and personhood. However, certain milestones in developmental psychology reveal at which ages human children cannot have categorical desires*.

Average two-year-old humans have begun to establish a sense of self: they can pass the mirror test and experience emotions like embarrassment.[174] Despite this, most two-year-olds cannot think about their beliefs and desires.[175] This means they cannot consider whether or which of their desires are categorical. Two-year-olds also lack a temporal sense of self. It is only around the age of three that children can identify themselves in photographs taken at different ages: which implies (at least a minimal) temporal sense of self. In a passing comment, Dr. Belshaw notes that death can be bad for three-year-olds.[176] Let us assume, with Dr. Belshaw that his theory implies death can be bad for humans only from approximately three years old. Few people think that death cannot be bad *at all* for humans who die younger than three. Death is worse for two-year olds on the Life Comparative Account than it is for them on the Time-Relative Interest Account. But, even on the Time-Relative Interest Account, death is a great misfortune for two-year-olds given how psychologically sophisticated they are.

Other humans who lack categorical desires* but are deprived of good by death are those who are cognitively impaired (at the time of death). Human children and those suffering from cognitive impairments are similar in the sense that neither are archetypal persons. The cognitively impaired may differ to children in that they may have once had categorical desires, or they may never (re)acquire the capacity.

Even typical persons can be deprived of a good life by death and yet lack categorical desires* at the time of their death. This would be the case for an individual who irrationally takes their life during a temporary depression. It is troubling to think that death is not at all bad for an individual who irrationally or mistakenly fails to see any reason to carry on living.

[174] Joseph Millum, "Putting a Number on the Harm of Death", 68.
[175] *Ibid.*
[176] Christopher Belshaw, *Annihilation. The Sense and Significance of Death,* (Acumen Publishing Limited 2009), 113.

That death cannot be bad for humans who lack categorical desires* at the time of their death, but who are deprived by their death of a good life, is deeply counter-intuitive for most people. There are two ways in which a proponent of Dr. Belshaw's view can try to overcome these implications. I will show how they both fail.

One strategy a proponent of Dr. Belshaw's argument might use to overcome the counterintuitive implications of his view, appeals to ideal desires: ideal desires are those which one would have if they were fully informed and rational. Thus, the response might go, that while a child, mentally impaired or a temporarily depressed person do not actually have a desire for more life at the time of death, they would if they had the requisite cognitive capacities and information about their future. This strategy is uncompelling for two reasons.

Firstly, if *all* humans can have an ideal desire for more life, then surely nonhuman animals can it too. A cow, like a human foetus or a permanently cognitively impaired human, would similarly want to carry on living if the cow was rational and aware that death would deprive him of an overall good life.[177] Appealing to ideal desires to overcome the counterintuitive implications of Dr. Belshaw's view for humans therefore has the effect of allowing that death is also bad for nonhuman animals.

There is a more basic problem with appealing to ideal desires to overcome the implausible implications of Dr. Belshaw's view. Doing so modifies his view of death's badness in a way that makes it hard to distinguish from the Life Comparative Account. Dr. Belshaw's view says something about how one personally relates to the future goods which one is deprived of, from one's perspective at death. Presumably, an individual would be said to have an "ideal desire for more life" if their future was predominantly good. (It would be rational to desire more life if one was aware that one's future was predominantly good.) However, if this is the case, then, insisting that on top of deprivation, an individual must have an ideal desire for more life seems pointless.

Dr. Belshaw thinks that *actual* and not ideal desires are important.[178] He bites the bullet and concedes that human infants and very young children cannot be harmed by death.[179] What is curious is that Dr. Belshaw thinks that the temporarily depressed *can* be harmed by death. He explains that this is because these humans

[177] I cannot think of a good reason why *only* humans can have idealized desires. One might suggest that nonhuman animals cannot have ideal categorical desires or else they would no longer be the kinds of creatures that they are. This might be what Ruth Cigman means when she remarks that, "however *uneasy* one may feel about ascribing certain conceptual capacities to humans like infants, this is not to be confused with the *absurdity* attendant on such attributions to animals". I find this view hard to understand. Cigman, "Death, Misfortune and Species Inequality", 61.
[178] Belshaw, "Victims", 15.
[179] *Ibid.,* 3.

actually *do* have categorical desires*, they are just "latent, present beneath the surface, available for recovery".[180]

What Dr. Belshaw means by "latent" categorical desires needs clarification. A person's categorical desires* are often latent in the sense that they are dispositional (or, not occurrent). If Greg was to painlessly slip out of existence during a nap, then death would frustrate his categorical desires* despite him not thinking about them at the time of my death. Dr. Belshaw is clearly not using latent in this sense. A depressed person's categorical desires* are latent in a different sense in that they cannot be easily brought into consciousness: a depressed person's categorical desires* are consciously resisted.

Yet Dr. Belshaw's explanation for why a depressed person *does* have categorical desires* despite them not recognizing these desires, is unconvincing. It is odd to think that one ought to take seriously a depressed person's latent, vehemently resisted desire for more life over their explicit, present, and very strong desire not to carry on living. Dr. Belshaw cannot justify why we ought to by reference to this individual's ideal desires. Dr. Belshaw's theory raises further questions. For example, it is also not obvious how Dr. Belshaw would distinguish between a depressed person's "latent" categorical desires* and their past, abandoned categorical desires*? In other words, how long into a depression can a depressed person be said to have "latent" categorical desires* for? The further one goes into theories of the Unconscious mind to justify why depressed persons do have categorial desires*, the more dubious Dr. Belshaw's insistence that nonhuman animals cannot have them appears.

Thus, it is unlikely that Dr. Belshaw (or a proponent of his view of death) can explain why death can be bad for those humans who lack categorical desires, but not for nonhuman animals. For many, this implication of Dr. Belshaw's view is unacceptable and thus constitutes a *reductio ad absurdum* of his view.

There is a further theoretical reason for why one might doubt Dr. Belshaw's insistence that having categorical desires* is necessary for death to be bad. Thus far, we have assumed that it is *neutral* to have one's conditional desires cancelled by death. But is it really neutral? One reason to think that it is *bad* to have such desires cancelled by death, is because it is good to have them satisfied.[181] It is especially good to satisfy the conditional desires that an individual has invested considerably into: for instance, a student might put maximum effort into

[180] *Ibid.*, 11.
[181] Bradley, "Is Death Bad for a Cow?", 54.

completing their degree, despite wanting to complete it on the condition of their remaining alive. Death still deprives an individual of the goodness of satisfying their conditional desires even if it does so by cancelling these desires.[182] It is strange that Dr. Belshaw's view should not acknowledge the badness of this deprivation at all.

So far in this chapter, I have considered one argument for why death cannot be bad for nonhuman animals. Dr. Belshaw claims that death can only be bad for those with categorical desires at the time of death and he denies that nonhuman animals can have these desires. I have argued that we should reject this argument. Not only is it doubtful that nonhuman animals cannot have categorical desires, but the view that having these desires is necessary for death to be bad is implausible.

The "Autobiographical Sense of Self" Critique

David Velleman's argument:

Like Christopher Belshaw, David Velleman denies that death can be bad for nonhuman animals, but he does so for different reasons. According to Professor Velleman, only those with an autobiographical sense of self can be harmed by death, and he thinks nonhuman animals lack this capacity. I will start by presenting Professor Velleman's account of death's badness and then I will respond to it.

Central to Professor Velleman's account of what makes death bad, is his distinction between an individual's momentary well-being and their lifetime well-being.[183] An individual's momentary well-being is the value of a moment for them. It is determined by the facts about the particular moment, like how happy one is in it.[184] An individual's lifetime well-being is the value of their life as a whole for them. According to Professor Velleman determining the value of one's life for them is not a matter of simply adding up the values of the moments it contains.[185] Life's prudential value, he thinks, is informed by facts about its narrative structure; that is, about how the moments within the life are sequenced.[186] Some life stories are intuitively better to live than others. Most of us would prefer to live a life that gradually improves, rather than one that gradually deteriorates, for example.[187] What this means, claims Professor Velleman, is that two lives may contain an equal sum of

[182] *Ibid*., 55.
[183] David Velleman, "Well-Being and Time", *Pacific Philosophical Quarterly* vol. 72 (1991), 48.
[184] Velleman, "Well-Being and Time",48.; Bradley, "Is Death Bad for a Cow?", 60.
[185] Velleman, "Well-Being and Time", 49.
[186] Velleman, "Well-Being and Time",50.; Ben Bradley, "Is Death Bad for a Cow?", 60.
[187] Velleman, "Well-Being and Time",50; Rebello, "Living in the Shadow of Death", 46.

momentary well-being, but if one of them has a better narrative, then it will be a prudentially better life overall.[188]

The prudential value of one's death, according to Professor Velleman, is the effect that it has on the storyline of one's life: death is bad when it spoils one's life story.[189] A premature death makes a bad ending when among other things, it prevents one from reaping the rewards of one's previous sacrifices. Sometimes death negatively affects one's life story by coming too late. This is when the final part of one's life introduced a narrative feature that botched the overall storyline: one might think, for example, that one's life story would have been better had only one died *before* they suffered a catastrophic fall from grace.[190]

All individuals can be seen (from the outside) as having a life story. Crucially, however, Professor Velleman denies that life can have value for all individuals. According to Professor Velleman, for anything to have prudential value, an individual must have a capacity to care about it.[191] Moreover, he thinks that for an individual to care about the story of their life, they must be able to conceive of it (from the inside).[192] Thus, on Professor Velleman's view, life as a whole can only have value for individuals with an autobiographical sense of self. Or, to put it differently, he thinks that only those with an autobiographical sense of self can have a lifetime well-being. Since Professor Velleman thinks that death's value comes from the effect it has on one's lifetime well-being, it follows that death can only be good or bad for those with an autobiographical sense of self.

Nonhuman animals can care how well they fare from one moment to the next. They have levels of momentary well-being. But it would be unrealistic, claims Professor Velleman, to think that nonhuman animals can view themselves as the protagonist of their life story: it cannot matter to a cow what shape his life takes. So, says Professor Velleman, even if a cow's life contains many good moments, "any method of combining the values of a cow's good and bad moments [is] purely arbitrarily and consequently defective".[193] Thus, nonhuman animals do not have a lifetime well-being. Since nonhuman animals do not a have a lifetime well-being for death to affect, death can neither be good nor bad for nonhuman animals.[194]

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[188] Velleman, "Well-Being and Time", 60.
[189] *Ibid.,* 62.
[190] Velleman, "Well-Being and Time", 62.; Rebello, "Living in the Shadow of Death", 47.
[191] Velleman, "Well-Being and Time", 69.
[192] *Ibid.*
[193] David Velleman, "Well-Being and Time", 70-71.
[194] *Ibid.,* 71.

There are important similarities and differences between Professor Velleman's account of death's badness, and the others which I have considered so far. I will highlight these before responding to his argument.
Recall that, according to proponents of the Life Comparative Account, death is bad when the overall value of one's life is lower than it would have been if one had died later. I have argued that death can be bad for nonhuman animals on the Life Comparative Account. I explained that this is when death prevents a nonhuman animal from enjoying further goods: when this happens, a nonhuman animal enjoys fewer goods in total, than they otherwise would have. Underlying this explanation are the assumptions that momentary well-being is additive, and that the value of one's life as a whole is the sum of the momentary goods it contains.

One way to read Professor Velleman's argument is as a version of the Life Comparative Account, but which combines it with a different view about the overall value of an individual's life. Professor Velleman grants that death can prevent nonhuman animals from enjoying further good moments, but he denies that this constitutes a deprivation for them. Without a capacity to conceive of their life as a whole, Professor Velleman thinks that the momentary goods which make up a nonhuman animal's life cannot have a combined value.[195] On Professor Velleman's view nonhuman animals lack an overall value for their death to detract from (or otherwise affect). (Note that on his view, saying that death 'detracts' from the overall value of an individual's life is equivalent to saying that death spoils the story of the individual's life.)

What Professor Velleman's argument suggests, is that whether the Life Comparative Account applies to nonhuman animals is in fact not as straightforward as I previously claimed: rather, it depends on which view of a lifetime well-being one adopts. The Life Comparative Account applies to nonhuman animals when combined with the view that one's life value is the sum of the values of the moments within it. However, according to Professor Velleman the Life Comparative Account does not apply to nonhuman animals, when combined with his interpretation of a lifetime well-being. For the sake of simplicity, I will continue to use the name "Life Comparative Account" to refer uniquely to the version of it which obviously applies to nonhuman animals: that which takes the overall value of one's life to be the sum of its goods. I will appeal to Professor Velleman's account of death's badness *as* "Professor Velleman's account of death's badness" rather than as a version of the Life Comparative Account.

Professor Velleman's account of death's badness and the Time-Relative Interest Account share features which distinguish both accounts from the Life Comparative Account. Professor Velleman, like proponents of the

[195] *Ibid.,* 70-71.

Time-Relative Interest Account, thinks that the extent of death's misfortune is determined from the perspective of death's victim at the time of their death: this is different to the Life Comparative Account where death's badness is determined from a neutral, bird's eye view of that individual's life. Moreover, Professor Velleman and proponents of the Time-Relative Interest Account reject the view that death can be bad for those who live purely in the moment. On both accounts, an individual must have a more sophisticated mental capacity than the Life Comparative Account permits for their deaths to be bad.

Professor Velleman's account differs from the Time-Relative Interest Account in *how* psychologically sophisticated an individual must be at death for their death to be bad. Plausibly, that one has desires at the time of death is sufficient for one's death to be prudentially bad on the Time-Relative Interest Account. Professor Velleman sets the threshold much higher in maintaining that an individual must be able to see themselves as the protagonist of their life story for their death to be bad.
Another difference between Professor Velleman's account and the Time-Relative Interest Account are the respective weights that the accounts place on the value of good narratives. Claiming that death is bad by virtue of depriving one of goods in which one has an interest, is not the same as saying that death is bad because it ruins one's life story. It is at least in principle possible that one can be deprived of goods in which one had investments at the time of their death, without this possible future making a good (or the best) contribution to one's life story. An example of when this may be the case if death deprives one of a possible future in which one enjoys corruptly acquired goods. At the time of death, one might have had psychological investments in those future corruptly acquired goods. Living to enjoy these goods might nonetheless have tarnished one's otherwise honourable life story.

In review, Professor Velleman's account of death's badness incorporates what is characteristic of both the Life Comparative Account and the Time-Relative Interest Account. It is like the Life Comparative Account in maintaining that death's value depends on how it affects the value of one's life as a whole. Professor Velleman's argument is like the Time-Relative Interest Account in maintaining that the mental capacities of an individual at the time of their death determines whether their death can be bad for them. What sets Professor Velleman's account apart from both the Life Comparative Account and the Time-Relative Interest Account is the way it implies that only persons can be harmed by death.

That Professor Velleman thinks only persons can be harmed by death is ultimately what makes his argument for why death cannot be bad for nonhuman animals like Dr. Belshaw's: both Professor Velleman and Dr.

Belshaw think that only persons can be harmed by death, and both deny that nonhuman animals are persons. The difference between Professor Velleman and Dr. Belshaw's arguments are their explanations for why only persons can be harmed by death. While Dr. Belshaw focuses on the kinds of desires that he thinks only persons can have, Professor Velleman is interested the way that he thinks only persons can care about their life stories. Notice, furthermore, that while personhood is necessary to have categorical desires[*], it is not sufficient (depressed persons may lack these desires). By contrast, personhood seems both necessary and sufficient for one to have an autobiographical sense of self. (It is difficult to think about how it could be possible for a self-conscious, temporally aware, rational individual, with a sense of their mortality *not* have an autobiographical sense of self.)

That Professor Velleman views personhood as necessary *and sufficient* for death to be bad, is an advantage of his account over Dr. Belshaw's. Professor Velleman's account of death's badness can recognize the badness of death for those who die during a temporary depression. In fact, Professor Velleman's account can make sense of why one might describe such a death as tragic. Shakespeare's character Romeo took his life because he thought, mistakenly, that the love of his life, Juliet, was dead. At the time of his death, Romeo lacked categorical desires: he saw no reason to carry on living. Romeo nonetheless had a capacity to view the narrative of his life. Had Romeo not died, his life story would have been better for him than it in fact was. Romeo would have been relieved that he did not take his life, and that he was able to live happily ever after with Juliet.

<u>Responding to David Velleman's argument:</u>

Ultimately, Professor Velleman's argument for why death cannot be bad for nonhuman animals is unconvincing. Although Professor Velleman's argument overcomes one of the challenges which I raised against Dr. Belshaw's, it is prone to some of the others.

The first, concerns Professor Velleman's assumption that nonhuman animals cannot have an autobiographical sense of self. There are both conceptual and empirical grounds to challenge this. Between living purely in the moment, and having a robust autobiographical sense of self, is a spectrum along which one might be self-aware. Somewhere along this spectrum, a proponent of Professor Velleman's argument needs to non-arbitrarily determine what counts as a minimum concept of an autobiographical sense of self. Piggy-backing this challenge, is the empirical difficulty of knowing whether an individual meets the minimum requirement (nobody can adopt the internal perspective of another's life).

The lower the bar is set for what counts as a minimum autobiographical sense of self, the more nonhuman animals will satisfy this condition. It is not implausible to think that individuals like Koko have some internal perspective of their life. If the bar for what counts as a minimum autobiographical sense of self is lifted high enough to rule out that any nonhuman animals satisfy it, then death cannot be bad for those humans whose mental capacities are like or less sophisticated than the capacities of nonhuman animals. This includes young children, and the cognitively impaired. It is highly implausible to think that these humans cannot be harm by death.

There is a more fundamental problem with Professor Velleman's argument. It concerns his claim that an individual must have a capacity to conceive of their life for it to have value for them. That Professor Velleman holds this view, is an application of the more basic principle he defends: namely that for anything to have intrinsic value for an individual, an individual must have a capacity to conceive of and care about it. He explains that "What [an individual] cannot conceive, [they] cannot care about" and continues to explain that "that unless [an individual has the] capacity, to care about something […] it cannot be intrinsically good for him."[196] Professor Bradley dubs this principle, the "Capacity to Care Condition".[197]

However central to his argument, Professor Velleman provides no defence for his Capacity to Care Condition. It seems implausible to me. One can easily think of examples that undermine it. One example is raised by Thomas Nagel from his essay "Death".[198] Professor Nagel describes an intelligent adult who sustains an injury that reduces his mental capacity to that of a contented infant.[199] Although Professor Nagel raises this example to illustrate a different point, it serves to challenge Professor Velleman's Capacity to Care Condition. Most of us think that the individual in this example has suffered a misfortune. We think this despite the individual lacking a capacity to conceive of and care about this misfortune for himself.

Contra to what Professor Velleman claims, it seems more reasonable to think that when a rational (well informed) person recognizes or conceives of something as good (or bad), it is because this thing *is* good or bad for them, as a prior fact. In other words, it seems more plausible that if the prudential value of one's life is the story it tells, then one's being able to conceive one's life story, is not what makes one's life prudentially valuable. I find it sensible to think that a dog can have a better or a worse life, for example, even if he lacks a

[196] Bradley, "Is Death Bad for a Cow?", 61.
[197] Velleman, "Well-Being and Time", 69.
[198] Thomas Nagel, "Death", *Noûs*, vol. 4, no. 1 (1970), 77.
[199] *Ibid*.

capacity to care about the narrative of his life. Holding this view, is consistent with believing that one's capacity to view one's life story can make one's life story *more* prudentially valuable (and thus prudentially worse to have spoilt by death).

As was the case with Dr. Belshaw's argument, I ultimately think we can reject Professor Velleman's argument for why death cannot be bad for nonhuman animals. To maintain that only those with an autobiographical sense of self can be harmed by death has counterintuitive implications for humans. Not only that, but the theory itself is troubling. It is implausible to think that life can only have value for those who can conceive of its narrative. If one allows that life can have value for nonhuman animals, then death can be bad for them by detracting from this value.

The advantage of the Time-Relative Interest Account

Although Christopher Belshaw and David Velleman's accounts of what makes death bad are uncompelling, it seems right to think that persons with categorical desires* and a robust autobiographical sense of self suffer terrible deaths. Thus, Dr. Belshaw's and Professor Velleman's arguments can plausibly be viewed as identifying the conditions that make an individual's death *worse*, rather than the conditions that make death bad at all. This more plausible reading of their accounts is compatible with the Time-Relative Interest Account: by focusing on how 'psychologically invested' an individual is in their future at death, the Time-Relative Interest Account can capture what is appealing about Dr. Belshaw and Professor Velleman's accounts, while overcoming what is unappealing about them.

According to the Time-Relative Interest Account, persons suffer the worst deaths, given that they are highly psychologically developed and invested in their futures. The account can support the view that, part of what makes a person's death worse, is that persons have an established awareness of their mortality and care about their life story. This is if having an awareness of one's mortality and of one's life story influences how invested one is in one's future.

While it is likely that individuals have particularly strong interests in satisfying their categorical desires*, individuals also have interests in satisfying their conditional desires. The Time-Relative Interest Account explains the intuition that it is bad to be deprived of the goods in which one has an interest regardless of whether these goods are desired categorically or conditionally. In fact, the Time-Relative Interest Account recognizes that an individual can be invested in future goods, without desiring these goods at the time of their death at all

(either categorically or conditionally): it is a feature of the account that it can distinguish between one's having *interests* in future goods, and one's having *desires* for future goods, at the time of one's death.

Perhaps most importantly, the Time-Relative Interest Account is sensitive to the fact that the capacities that underpin personhood, like self-awareness come in degrees. Unlike Dr. Belshaw's and Professor Velleman's accounts, the Time-Relative Interest Account does not imply that a line could be drawn between degrees of self-awareness which non-arbitrarily separates those who can be harmed by death from those who can't. Rather, the Time-Relative Interest Account accommodates the view that death's badness gradually increases with the degree that one is self-aware. Since most nonhuman animals are not persons, death for them is generally not as bad as it is for typical adult humans. However, some nonhuman animals are persons, or are on the cusp of personhood, and thus death for them is worse than it is for human and nonhuman nonpersons. Importantly, all nonpersons (human and nonhuman) are harmed by death's deprivation on the Time-Relative Interest Account, even if less so than persons are.

Conclusion

In this chapter, I addressed two arguments for why death cannot be bad (at all) for nonhuman animals. Dr. Belshaw and Professor Velleman deny that nonhuman animals can satisfy what they respectively claim is a necessary condition for death's badness. Dr. Belshaw argues that this condition as a categorical desire* at the time of death, and Professor Velleman claims it is an autobiographical sense of self. I rejected both of their arguments. Some nonhuman animals are persons and therefore have the capacities they are purported to lack. Setting that aside, it is implausible that one must have categorical desires and/or an autobiographical sense of self for one's death to be bad.

Ultimately, whatever is appealing about Dr. Belshaw's and Professor Velleman's accounts of death's badness, can be explained by the Time-Relative Interest Account. That the Time-Relative Interest Account can accommodate what is intuitive about these theories without sharing their problems, highlights the strength of the Time-Relative Interest Account as a theory of death's badness.

Conclusion

There is a growing consensus that it is bad for nonhuman animals to suffer pain. A more controversial matter is whether death itself is bad for them. This is the question which my dissertation addressed.

According to Raymond Frey, *nothing* can harm nonhuman animals in a morally relevant sense. I started by rejecting his argument. Then I turned to ask whether death, in particular, can harm nonhuman animals. I set about answering this question by considering what we commonly think makes death bad for humans. According to the Deprivation Account, death is bad if it deprives its victim of future goods. If we accept this standard view, then death is bad for nonhuman animals: death deprives nonhuman animals of the goods they would have enjoyed if they had not died.

Next, I turned to ask how bad death is for nonhuman animals. I presented the Life Comparative Account and the Time Relative Interest Account as two ways of measuring the extent of death's deprivation. The upshot of both accounts is that death is typically less bad for nonhuman animals than it is for humans, although sometimes the reverse is true. On both the Life Comparative Account and the Time-Relative Interest Account death can be very bad for nonhuman animals. I argued that the Time-Relative Interest Account provides the most intuitive and theoretically cogent explanation for why.

Finally, I addressed objections to the view that death can be bad for nonhuman animals. According to Christopher Belshaw and David Velleman only persons can be harmed by death, and they deny that nonhuman animals can be persons.

In the end, I found neither Dr. Belshaw's nor Professor Velleman's arguments persuasive. Some nonhuman animals are highly sophisticated and may be persons. Even so, it is implausible to think that only persons can be harmed by death. What *is* plausible, is the view that being a person makes one's death *worse*. This reading is consistent with and lends further credence to the Time-Relative Interest Account. On the Time-Relative Interest Account, death's deprivation worsens the more psychologically developed one is at death.

There are many interesting and important ways that this discussion can be extended. I am going to highlight just one avenue for further exploration. Then I will conclude with the normative implications of my findings that death can be (very) bad for nonhuman animals.

Annihilation

I have defended the Deprivation Account, combined with the Time-Relative Interest Account as providing a compelling account of death's badness. But it is possible that there is *more* than one correct account of death's badness. Thus, one way to extend the discussion of this dissertation is to ask whether death can be bad for nonhuman animals for more than one reason.

According to the Annihilation Account, death is bad even when it deprives one of *no* future goods.[200] Proponents of the account argue that over and above the interests which one has in one's future goods, is an interest which one has in the preservation of oneself (as the *subject* of the goods and evils in one's life). David Benatar writes, "[e]ach individual, speaking in the first person, can say: "My death obliterates me. Not only am I deprived of future goods but I am also destroyed. This person, about whom I care so much, will cease to exist. My memories, values, beliefs, perspectives, hopes—my very self—will come to an end, and for all eternity." According to the Annihilation Account, death can never be good because it will always involve the loss of *something* important to the one who dies.[201]

If one accepts the Annihilation Account, then death can be bad for nonhuman animals *not only* because it deprives them of future goods, but also because it annihilates them.

But the Annihilation Account is controversial. Before applying it to nonhuman animals, one would have to address certain of the theoretical questions which the account raises. For example, some claim that death can only be bad if it involves deprivation. They explain that if one were to subtract all the goods from an individual's life, then there would be nothing left of prudential value for death to annihilate.[202]

Even if one agrees that death annihilates and that this is bad (over and above the badness of deprivation), then there is the further question of how bad it is to be annihilated. A preliminary suggestion is that the higher one's degree of self-awareness at death, the worse one's annihilation is. If this is so, then the considerations which inform the extent of death's annihilation are the same as those I've argued should inform the extent of death's deprivation.

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[200] Benatar, "The Human Predicament," 104.
[201] *Ibid.*
[202] Rebello, "Living in the Shadow of Death", 21.

The wrongness of killing

What, to a significant extent, motivated me to research the badness of death for nonhuman animals, is the way that this research may inform the question of whether it is *wrong* to kill them. For many of us, there is an intuitive link between the badness of death, and the wrongness of killing. One of the main reasons we think it is wrong to murder humans, is because it is very bad for humans to have their lives taken, even when this is done painlessly.

Of course, while death *can* be very bad for nonhuman animals, it often is not. Most of the nonhuman animals we kill live lives of misery and trauma. This is particularly true of those nonhuman animals who we have brought into existence to kill.[203] Who would envy the life of a battery chicken?

Since the nonhuman animals we kill are rarely deprived of much good, their deaths are often *better* for them than continuing to exist. But this does not justify our entrenched habit of killing them. If the suffering which makes an individual's death less bad is inflicted by humans, then the correct normative response should be to end the suffering by no longer inflicting it.

If we do make life sufficiently good for those who we bring into existence, then their deaths will be bad. Nonhuman animals who are happily reared develop strong interests in continuing to live, and so should not be killed. Those who think it is acceptable to painlessly kill an unsuspecting contented chicken, should be willing to accept the implications of this view for humans.

As with humans, there may be *some* instances where killing nonhuman animals is justified. This includes when death is the only means for an individual to escape unacceptable levels of suffering. Sadly, few nonhuman animals are killed for this reason.

Our economies and social practices are built around the widespread slaughter of nonhuman animals. It would be convenient for us to believe that death *only* harms humans. Acknowledging that death can also harm nonhuman animals, has serious normative ramifications. If we do not kill humans because death is bad for humans, then consistency requires that we do not kill nonhuman animals either.

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[203] Oscar Horta provides an argument for why life in the wild is not as good as we typically think it is. See: Oscar Horta, "Animal Suffering in Nature: The Case for Intervention", *Environmental Ethics*, vol. 39, no. 3 (2017), 261-279.

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