Abstract

It is a common claim in debates about abortion and the killing of animals that individuals, such as foetuses and non-human animals, that have psychological capacities significantly lower than those of adult human persons also have a moral status lower than that of persons. And those who defend this claim typically assume that it implies that the moral constraint against killing a foetus or animal is, if other things are equal, weaker than the constraint against killing a person. Many of these same people also claim, however, that the difference in moral status makes no difference to the strength of the constraint against causing suffering. They argue that the reason not to cause suffering to an individual who neither deserves nor is liable to be caused to suffer is equally strong whatever the nature or moral status of the potential victim is. There is, however, a type of individual whose psychological capacities and moral status are such that it is plausible to believe that the reason not to cause them to suffer is weaker than the reason not to cause equivalent suffering to a person. Most non-human animals are psychologically intermediate between these low-status individuals and persons. This raises the question, which is explored in this chapter, whether most animals have an intermediate moral status that makes their suffering matter more than that of the low-status individuals but less than that of persons.

Keywords

harming; benefit; suffering; killing; death; moral status.

C2

Suffering and Moral Status

Jeff McMahan

C2.S1

1. Introduction

C2.P1 In debates about certain moral issues, it is commonly assumed that an individual's moral status makes a difference to how seriously objectionable, if at all, it is to kill that individual. It has, for example, been a common argument for the permissibility of abortion that the moral status of a foetus is lower than that of a child or adult and that the reasons not to kill a foetus are therefore weaker than those that oppose the killing of a person and that they can thus be outweighed by a greater range of considerations that favour killing. Similarly, most people believe that most or all animals have a lower moral status than that of human persons and therefore that killing animals, even if generally wrong, is less seriously wrong, other things being equal, than killing persons. Yet even defenders of abortion accept that it must be constrained in ways that prevent it from causing the foetus unnecessary pain. And there is an increasing tendency among people who continue to eat animal products to prefer those that have been produced without the extremes of suffering inflicted on animals by factory farming. The practice of experimentation on animals is similarly constrained. Although experimenters are permitted to kill experimental animals when the experiments are concluded, the experiments are regulated to prevent the infliction of unnecessary or disproportionate suffering.

C2.P2 These facts suggest that most people believe, though perhaps without articulating it in these terms, that the moral status of some individuals, such as foetuses and animals, is lower than that of adult human persons and that the reasons not to kill these individuals are weaker than the reasons not to kill persons. Yet these same facts reveal a general ambivalence about the idea that the reason not to cause an individual with lower moral status to suffer is also weaker. In this chapter, I address the question whether differences in moral status affect the strength of the reason not to cause, or to prevent, suffering. In section 2, I present an example that provides intuitive support for the claim that reasons concerned with causing or preventing suffering vary in strength with the moral status of the victim.

C2.S2

2. Unconnected Individuals

C2.P3 Suppose there are individuals with capacities for consciousness and sentience—that is, individuals that can experience sensations of pleasure and pain—that nevertheless lack memory as well as any conative states or prospective attitudes such as desire, intention, hope, fear, and so on. Such beings, if they exist, exemplify the most extreme form of what is commonly referred to as 'living entirely in the present moment'. They have no psychological connections to themselves in the past or future. These are 'unconnected individuals' (McMahan 2002, pp. 75–7 and 475–6).

C2.P4 There are two main types of unconnected individual. There are, first, those whose lack of psychological connections to themselves in the past and future is temporary, as they will later develop such connections. Foetuses that have just begun to be conscious, and have only the most rudimentary form of consciousness, are arguably unconnected individuals—but only for a certain period, assuming that they will continue to live and develop psychologically. But there are presumably unconnected individuals whose psychological isolation in the moment is permanent, such as certain comparatively simple forms of animal life. It does not matter, however, for our purposes, whether there actually are any permanently unconnected individuals. It is sufficient that there could be. I will nevertheless write as if there are some unconnected individuals. And I will be

concerned only with permanently unconnected individuals, so that, in the remainder of this chapter, all references to 'unconnected individuals' are to permanently unconnected individuals. I believe that much of what I will say about permanently unconnected individuals applies as well to temporarily unconnected individuals. But that is contentious and I will not try to defend it here. (I will also not consider the possibility that there are permanently unconnected individuals that were once psychologically connected over time.)

C2.P5 Unconnected individuals are, I believe, 'replaceable' (Singer 2011, pp. 105–7). Suppose that an existing unconnected individual that is having pleasant experiences could continue to exist and have those experiences. Or this individual could cease to exist and at the same time a different but qualitatively identical unconnected individual could begin to exist and have exactly the same experiences. The claim that the first unconnected individual is replaceable is just the claim that it makes no difference, or does not matter, which of these two possibilities occurs.

C2.P6 An individual that is replaceable in this sense does not *itself* matter. It matters, if at all, only insofar as it provides the physical basis for states of consciousness that may be intrinsically good or bad. Assuming that an unconnected individual's pleasurable and painful states of consciousness are entirely constitutive of its well-being from moment to moment, it seems that its well-being matters even though the individual does not in itself matter. Some philosophers have argued, however, that an individual's well-being matters only because, and perhaps only to the extent that, the individual itself matters. According to this view, if I am right that an unconnected individual does not matter, it follows that its states of consciousness do not matter. It does not matter, for example, whether its states of consciousness are pleasurable or painful.

C2.P7 This cannot be right. Whether an unconnected individual's experience is of physical pleasure or physical pain—pain that is experienced as aversive—does matter. If its experience is pleasurable, that is good in itself and arguably *good for* the individual; and if its experience is painful, that is bad in itself and arguably *bad for* the individual.

C2.P8 Does an individual that does not itself matter but whose states of consciousness do matter have moral status? That it does not matter in itself suggests that it does not have moral status. But that the character of its states of consciousness does matter, and matter morally, suggests that it does have moral status. There is, however, no substantive issue here, only a matter of finding terms to draw these distinctions. It seems that while an unconnected individual is experiencing suffering, it is bad for it to be in that state. There is a moral reason to stop the suffering for the individual's own sake. In this respect, an unconnected individual is different from a plant, for there can be no reason to do anything for the sake of a plant, even if there is a sense in which plants can, as some philosophers claim, be benefited or harmed (for example, by the provision or withholding of water or sunlight). Plants lack the capacity for consciousness and therefore can have neither well-being nor ill-being. But, like a plant, an unconnected individual does not matter in itself.

C2.P9 I suggest that we appropriate two terms from the philosophical literature and assign them the following meanings. We can say that because there can be reasons to act in certain ways for an unconnected individual's own sake, it has *moral standing*, which plants and all other non-conscious entities lack. But because unconnected individuals are replaceable and thus do not matter in themselves, but matter only as the experiencers of states of consciousness that matter, they do not have *moral status*. I propose, in other words, to use the term 'moral status' in such a way that all, but only, those individuals who *themselves* matter *for their own sake* have it. Whereas plants lack both moral standing and moral status, unconnected individuals have moral standing but lack moral status. (If, as seems likely, unconnected individuals are the only individuals that have moral standing but lack moral status, the notion of moral standing as I understand it is of limited significance.)

C2.P10 Part of the explanation of why an unconnected individual is replaceable is that it is not harmed by ceasing to exist, or benefited by being enabled to continue to live. Because of its lack of any psychological connections to itself in the future, it has no *interest* in continuing to live (in the sense of 'having no personal stake in', rather than 'not being interested in'). More precisely, it has no

'time-relative interest' in continuing to live which is a function not only of the magnitude of a benefit or harm an individual might receive but also of the degree to which the individual that has the interest would be psychologically related to itself at the time at which the benefit or harm would occur.[1] An unconnected individual's continuing to live is no different from a different unconnected individual's coming into existence. Killing an unconnected individual is thus relevantly like preventing an unconnected individual from coming into existence.

C2.P11 All this is consistent with the claim that unconnected individuals lack moral status. But the fact that an unconnected individual would not be harmed by being painlessly killed does not by itself *entail* that the individual lacks moral status and thus would not be *wronged* by being killed. Imagine a person whose subsequent life would unavoidably contain much more that would be intrinsically bad for her than would be intrinsically good for her. Such a person might not be harmed, and might indeed be benefited, by being painlessly killed. But if she understood what her future life would be like and still wanted to continue to live, and thus refused to consent to be killed, she would be wronged by being killed. For she has a moral status that grounds reasons to act in certain ways *for her own sake* that are nevertheless *independent* of what might be in or against her interests. They are reasons of *respect for her*, as an individual who matters because of her intrinsic nature.

C2.P12 Reasons of this sort could in principle apply to one's treatment of an unconnected individual. In addition to the reason deriving solely from the intrinsic badness of suffering, there might be a further reason not to cause an unconnected individual to suffer that is grounded in a requirement of respect for its nature. Or there might be a reason deriving from its nature not to kill an unconnected individual, despite its having no interest in continuing to live. It might be wronged, even though not harmed, by being killed. In that case, it would not, of course, be replaceable in Singer's sense.

C2.P13 Yet it is difficult to identify any basis for these reasons of respect for the nature of an unconnected individual. When an unconnected individual experiences suffering, there seems to be almost no distinction between the conscious state of suffering and the subject of that suffering. The unconnected individual is little or nothing more than the location of the suffering. When I claimed earlier that there is a reason grounded in the badness of suffering to stop the suffering of an unconnected individual for its own sake, that seemed to add little or nothing of substance to the claim that there is a reason to stop an intrinsically bad state of consciousness from continuing. An unconnected individual is, it seems, little or nothing more than a sequence of experiences in a particular location. Persons, by contrast, are far more than just the locations of experiences. In this chapter, I use the term 'person' to refer to any individual who exceeds some threshold level of psychological capacity, with minimum capacities for self-consciousness and rationality. Even if reductionism about personal identity is true, persons are psychologically substantial entities of vast psychological complexity whose mental states are highly unified both synchronically and diachronically.[2] Because unconnected individuals lack capacities for self-consciousness, memory, agency, and so on, and thus altogether lack the psychological integration over time that these capacities make possible, it is scarcely intelligible to suppose that they could be *wronged*, in addition to being harmed, by being caused to suffer, or by being harmlessly caused to cease to exist.

C2.S3

3. Combining Reasons of Different Types

C2.P14 The possibility of unconnected individuals thus supports the view that there are two distinct types of reason not to harm an individual, for example, by causing it to suffer. One is given entirely by the intrinsic badness of suffering. The strength of this reason varies with the degree to which the suffering is bad, which itself is a function of the intensity, duration, and perhaps quality of the suffering. The other type of reason is given by relevant facts about an individual's intrinsic nature that make the individual matter *in itself*. These are the bases of the individual's moral status. In any particular case, of course, there may be reasons not to cause an individual to suffer, or to prevent an

individual from suffering, other than these two, such as reasons deriving from special relations between the agent and the potential victim, side effects on others, or distributional considerations such as equality of priority. But these two sources of reasons—intrinsic badness and moral status—seem fundamental.

C2.P15 These reasons may or may not be merely additive. Suppose that one could either prevent a person from experiencing suffering of a certain intensity and duration or prevent an unconnected individual from experiencing suffering of greater intensity and duration. In that case, the reason to prevent the suffering of the unconnected individual that is given solely by the intrinsic badness of suffering could be stronger than the corresponding reason to prevent the suffering of the person. If we simply combine the reason given by the person's moral status with the reason given by the badness of the person's suffering, the combined reasons might not outweigh the reason given by the greater intrinsic badness of the unconnected individual's suffering. It might be, of course, that if the difference in badness between the unconnected individual's suffering and the person's suffering were sufficiently large, that would be the correct conclusion. But it does not seem the right way to think about this example to suppose that the reason given by the person's moral status is of a fixed strength and should just be added to the reason given by the intrinsic badness of the person's suffering. At a minimum, the strength of the reason given by status must vary with the badness of the suffering, so that the reason given by status is stronger the worse the suffering would be. This may be sufficient to preserve additivity, which I suspect is the most plausible way of conceiving of the relation between the two types of reason.

C2.P16 But another way to understand the interaction of the two types of reason is to assume that the reason given by status functions as a multiplier *greater than 1* of the strength of the reason given by the badness of the suffering. Assuming for the sake of argument an unrealistic degree of precision, suppose that the badness of the unconnected individual's suffering would be –100, that the badness of the person's suffering would be –90, and that the strengths of the reasons given by the badness are proportional to the degree of badness. Because the unconnected individual lacks moral status, there is no multiplier of the badness of its suffering (or, equivalently, the multiplier is 1, leaving the strength of the reason given by the intrinsic badness of suffering neither strengthened nor weakened). But if, for example, the reason given by the person's moral status functions as a multiplier of 2, the reasons to prevent the person's suffering have a combined strength equivalent to the strength of the reason to prevent suffering of –180 that is given solely by suffering's intrinsic badness. How large the multiplier is depends not only on an individual's level of moral status but also on the relative importance of reasons of moral status and reasons grounded in the intrinsic badness of suffering.

C2.P17 This is closely related to, though slightly different from, the way that Shelly Kagan understands the way in which an individual's moral status is relevant to the extent to which that individual's suffering—or, more generally, well-being—matters. Kagan argues that a fixed increase or decrease in an individual's well-being can affect the value of the outcome differently depending on what the individual's moral status is. He suggests that the individual's moral status functions as a multiplier for the individual's well-being. He suggests that if, for example, we arbitrarily set the multiplier for persons at 1, the multiplier for the well-being of all individuals with a moral status lower than that of a person must be some fraction of 1. (On this view, for an unconnected individual's suffering to matter at all, the individual would have to have some minimal moral status.) Suppose, for example, that some animal has a moral status that is only half that of a person. According to Kagan's view, the value of the outcome in which a person's suffering is –10 is –10, whereas the value of the outcome in which the animal's suffering is –10 is only –5.

C2.P18 The view I have proposed may be preferable to Kagan's in one respect. According to my proposal, the reason to prevent some experience of suffering is *at least* proportional in strength to the intrinsic badness of the suffering, but may be augmented in strength by being combined with a further reason given by the individual's moral status. The view thus avoids any suggestion that the all-things-considered reason to prevent or not to cause the suffering of some individuals is weaker

than the reason given by the intrinsic badness of their suffering, or that the extent to which their suffering makes the outcome worse is less than the extent which it is intrinsically bad for them. Yet, because Kagan says that setting the multiplier for persons at 1 is 'arbitrary', it seems open to him instead to assign the multiplier of 1 to unconnected individuals and then set the multiplier for persons at, for example, 2, thereby dispersing the multipliers for most animals across the range between 1 and 2. In short, it may be that all he needs to do to avoid the implication I noted is to avoid having fractional multipliers.

C2.S4

4. A Challenge

C2.P19 Many moral philosophers accept, as Kagan does, and as I do, that there is a hierarchy of moral status. They accept that some individuals—for example, a cow—matter less in themselves than some others—for example, a chimpanzee, or a person. This is manifest most obviously in beliefs about killing. I suspect that most philosophers, and others, believe that it is less seriously wrong to kill a cow that would otherwise live contentedly for another ten years than to kill a person, without her consent, who would otherwise live less contentedly for only another week. Even though the cow's interest in continuing to live would be stronger than that of the person, the person's higher moral status makes killing her more seriously wrong. (I return to this kind of comparison in section 5.)

C2.P20 It is less intuitive, however, at least to many moral philosophers, of whom I am one, to suppose that the physical suffering of a cow in itself matters less than the equivalent suffering of a person. Kagan thinks that it does matter less, and my claim that the suffering of an unconnected individual matters less, if true, supports his view. But some philosophers think either that there are no differences of moral status or that, if there are such differences, they do not affect the strength of the reason not to cause suffering, or to prevent it. They seem to believe that the reason to prevent or not to cause suffering is grounded solely in the intrinsic badness of suffering itself and thus cannot be affected by empirical characteristics of the sufferer that may be the ground of that individual's moral status. Thus, David DeGrazia asks rhetorically, 'How can one's intelligence, sensitivity, and the like be relevant to *how much a certain amount of pain or suffering matters*?' (DeGrazia 1996, p. 249). As Peter Singer tersely observes, 'pain is pain' (Singer 2009, p. 20).[3]

C2.P21 These claims should be, and perhaps implicitly are, qualified in at least two ways. First, the claim I have attributed to some philosophers is that an individual's *empirical* properties cannot affect the strength of the reason not to cause that individual to suffer. This is compatible with the view that the strength of this reason might be diminished or overridden by other reasons concerned with the best or most just distribution of benefits or harms. It is also compatible with the claim that the reason not to cause an individual to suffer can be overridden or even nullified if the individual is morally liable to be caused to suffer or deserves to suffer.[4]

C2.P22 The second qualification is that DeGrazia's and Singer's claims apply only to comparisons of instances of equivalent suffering in which all other relevant considerations are equal. In most actual cases, there are important differences among these other considerations. Differences in intelligence and sensitivity can affect how bad an episode of physical suffering is for different individuals. There are at least three obvious ways in which this could be the case.

C2.P23 Persons typically have lives in which the exercise of their agency more or less continuously enhances or enriches their well-being from moment to moment. This is not true of unconnected individuals, which lack the capacity for agency, though they may move and react in instinctive or reflexive ways. Because of these differences, suffering normally has significant 'opportunity costs' for a person that it cannot have in the life of an unconnected individual. For a person, suffering is always a distraction and can sometimes be paralysing, in that it can make it impossible for a person to engage in normal modes of agency or to experience most other dimensions of well-being. Suffering may of course have opportunity costs for unconnected individuals, in that it makes passive

pleasures impossible in the way it can make intellectual or artistic achievement impossible for a person while it is occurring. But the opportunity costs for an unconnected individual are trivial in comparison to those for a person.

C2.P24 Most animals have psychological capacities more highly developed than those of an unconnected individual but less highly developed than those of a person. The opportunity costs of an animal's suffering are therefore typically greater than those of the equivalent suffering of an unconnected individual but less than those of the equivalent suffering of a person.

C2.P25 A second way in which a person's suffering can be worse is that it can have deleterious effects throughout the whole of the person's subsequent life. A paradigmatic example of this is the trauma of sexual abuse in childhood, which can, in some cases, transform what would have been a long and perhaps unusually happy life into a life of torment, misery, and, sometimes, wrongdoing. By contrast, because the life of an unconnected individual lacks any psychological integration over time, the bad effects of suffering in such a life are confined to the time during which the suffering occurs.

C2.P26 The bad effects of earlier suffering in the later lives of most animals are worse than those in the lives of unconnected individuals but tend to be less bad than those in the lives of persons. Because the levels of well-being that are accessible to persons are significantly higher than those accessible to animals, and also because persons tend to have longer lives, the *difference* that earlier suffering can make to the overall well-being in a person's later life is typically significantly greater than the difference that earlier suffering can make in the later life of an animal.

C2.P27 A third way in which an individual's intelligence, sensitivity, or imagination can affect the badness of the individual's suffering is that the suffering can be mitigated or intensified by the individual's understanding of its causes and significance, and thus by knowledge of whether it will cease or continue, abate or worsen.

C2.P28 These three considerations, while morally significant, are all extrinsic. They are not concerned with suffering itself but with good things that suffering may exclude, bad effects that suffering may cause, and ways that suffering may be increased or decreased through understanding. We can therefore ignore them for present purposes and return to the general question of whether an individual's moral status can affect the strength of the reason not to cause that individual to suffer.

C2.P29 When we explicitly control for these extrinsic considerations, perhaps by reflecting only on cases in which there are no differences of these sorts, the view expressed by DeGrazia and Singer gains in plausibility. Yet the intuitive plausibility of that view is, I believe, challenged by the possibility of unconnected individuals. Even when one controls for extrinsic factors, it is hard to believe that one's reason not to cause a person to suffer is no stronger than one's reason not to cause an unconnected individual to experience equivalent suffering. That the suffering afflicts an individual who matters seems to strengthen the reason not to inflict it.

C2.S5 5. A Gradualist Understanding of Moral Status

C2.P30 Most animals are not unconnected individuals. Certainly all adult mammals have memories, beliefs, desires, and other psychological states that form connections that unify their lives over certain periods of time. These animals matter in themselves. They have moral status. But they seem to matter less than persons. As I noted, this is most apparent intuitively when we reflect on the morality of killing.

C2.P31 Suppose a 20-year-old person can survive only if she receives an organ transplant in the next twelve hours. There are only two options. As a result of advances in transplantation techniques, surgeons could use an organ taken from a pig. The pig with the most favourable tissue type is young and could be expected to live another ten years. The only other possible source is a person with a closely related tissue type who is terminally ill and can be expected to live no more than a few days. This person has no living relatives or friends and no important projects he could bring to completion

during his final days. Although it is legally possible for him to agree to be killed as a means of saving the 20-year-old, he refuses to consent. The surgeons have three options: allow the 20-year-old to die, kill the pig, or surreptitiously kill the terminally ill person. The pig would lose more good life in being killed than the person would and therefore, despite the weaker psychological unity within its life, its interest in continuing to live is stronger. Moreover, the probability that the transplant will be completely successful will be slightly higher if the surgeons use the human organ. Even so, it seems that what they ought to do is to kill the pig.

C2.P32 This belief seems best explained by differences in moral status. The killing of a person involves more than just the infliction of the loss of further life worth living. In the absence of the person's consent, it is an assault on the existence of an individual whose nature demands certain forms of respect. The belief that the surgeons ought to kill the pig cannot be dismissed as speciesist. Many people believe, correctly in my view, that considerations that would be sufficient to justify killing a foetus via abortion would almost never be sufficient to justify killing a person, even if the person would otherwise live only another month, or week, whereas the foetus would otherwise live for many decades. Here again the best explanation is that the foetus has a lower moral status because of its lower psychological capacities.

C2.P33 These intuitions can be defended by appeal to a 'gradualist' understanding of moral status that is non-consequentialist in character. On this view, to say that an individual has moral status is to say that there are deontological constraints that govern what one may do to it and, perhaps, what one may or may not allow to happen to it. The reason to obey the constraints is given by the individual's moral status. But unconnected individuals have no moral status. The reason, if there is one, not to kill an unconnected individual, or to save its life, derives solely from the intrinsic goodness of its future experiences, and the strength of the reason is proportional to the extent of the goodness. There is no additional constraint against killing an unconnected individual. Unconnected individuals are replaceable.

C2.P34 But animals other than unconnected individuals have moral status and are not replaceable. On the gradualist view, their moral status varies with the degree to which they possess the psychological capacities, whichever those may be, that are the basis of moral status. Animals that possess the relevant capacities to a lower degree have a lower moral status. The constraints that govern our treatment of them are weaker than those that govern our treatment of animals with higher capacities. If the constraints take the form of rights, an animal with lower capacities has rights that are weaker than the corresponding rights of animals with higher capacities.[5]

C2.P35 According to this gradualist view, there is a constraint that prohibits the killing of an animal with low moral status as a means of saving another animal with the same moral status if the latter's interest in continuing to live is only slightly stronger than that of the former. But the constraint is comparatively weak, so that if the other animal's interest in continuing to live is *much* stronger, the constraint might be overridden so that it would be permissible to sacrifice the one to save the other. Similarly, it might be permissible to sacrifice the one to save the lives of two with the same status whose interest in continuing to live is comparable in strength to that of the one. And it might also be permissible to sacrifice the life of the animal with lower moral status to save the life of an animal with higher moral status, even if the latter's interest in continuing to live is no stronger than that of the former.

C2.P36 When it is permissible to kill one animal with lower moral status to save one or more animals with the same status, the reason not to kill the one animal that is grounded in its moral status is outweighed by the reason to satisfy the stronger interest, or interests. But, if it can be permissible to kill an animal with lower moral status to save another with higher moral status when the latter's interest in continuing to live is no stronger than the former's, it seems that the constraint against killing the animal with lower status must be overridden by a reason deriving, not from interests or well-being, but from the other animal's higher moral status. If this is correct, the significance of moral status is not just that it brings individuals within the scope of moral constraints. It is also that

moral status confers something like positive claims or rights on those who possess it. In this case, there is a moral reason to save the animal with the higher status that is grounded in something other than its interest in continuing to live. The basis of that reason seems to be the animal's moral status.

C2.P37 Gradualist views of this sort are supported not only by common beliefs about moral differences between animals and persons, and beliefs about moral differences between lower animals and higher animals, but also by facts about individual human psychological development and human evolution. All readers of this essay once had psychological capacities lower, or more rudimentary, than those of any normal adult mammal; yet all gradually developed, by incremental advancements, into individuals capable of detecting the flaws in the essay's arguments. There was no point nor even any relevantly short period of indeterminacy at or during which each of us passed some threshold between the moral status of an animal and that of a person. Even those who accept that the moral status of a conscious foetus is lower than the status it will have as an adult person find it difficult to believe that this individual might have a low moral status at the beginning of one week and yet have the full moral status of a person at the beginning of the next.

C2.P38 Many people respond to this challenge by arguing that the potential to develop the psychological capacities constitutive of personhood is itself a basis of moral status, perhaps giving those who possess it the same status as those who are already persons, or at least a status intermediate between that of persons and that of higher animals. I am sceptical of the claim that the potential to become a person can be a basis of moral status. But I have stated my objections elsewhere and will not rehearse them here (McMahan 2002, pp. 302–16). I will note only that the appeal to potential cannot rebut a second challenge to views that reject gradualism but recognize that the moral status of most or all animals is lower than that of most or all persons. This is that our ancestors evolved gradually from beings with psychological capacities lower than those of currently existing lower animals, eventually developing the psychological capacities of persons. Again, there was no point, or relatively short period, at or during which our ancestors passed some threshold, posited by those who reject gradualism, between the moral status of animals and that of persons.

C2.P39 Gradualist views are, however, highly problematic because, if they recognize certain psychological capacities as bases of moral status, and if they draw fine-grained distinctions between different levels of moral status among animals, they must also distinguish different levels of moral status among human beings, and even among human beings without cognitive deficiencies. Accounts of moral status that are fully gradualist are therefore incompatible with widely accepted ideals of moral equality.

C2.P40 I will not address that problem here, though it is a challenge for anyone who denies that species membership alone is a basis of moral status and yet accepts that it is more seriously wrong, other things being equal, to kill a person than to kill an animal. I will instead return to the question whether gradualism about moral status is plausible in its application to acts of causing and preventing suffering.

C2.S6

6. Gradualism and Suffering

C2.P41 Most of us believe that differences of moral status can affect the strength of the reason not to kill an individual, or to save that individual. But our intuitions about killing and letting die are unusual. We tend to believe, for example, that the degree to which killing a *person* is wrong does not vary with the extent to which the victim is harmed by being killed. Both common intuition and the law treat the murder of a 50-year-old as no less wrong, other things being equal, than the murder of a 30-year-old, despite the fact that death at 30 generally involves a vastly greater loss of good life—and thus a vastly greater harm—than death at 50. Yet much lesser differences between non-lethal harms are recognized as highly morally and legally significant. It is, for example, a much lesser offence to intentionally cause a person to suffer intensely for ten seconds than to cause that person the same

intense suffering for twenty hours. So it may well be that, although our intuitions support the view that the strength of the reason not to kill an individual varies with that individual's moral status, we cannot infer anything from this about whether the strength of the reason not to cause an individual to suffer varies in the same way.

C2.P42 One possibility is that, although the wrongness of killing varies, if other things are equal, with the moral status of the victim, the wrongness of inflicting some fixed amount of suffering does not. According to this view, we might concede that the suffering of any individual that altogether lacks moral status matters less. We might also broaden the category of individuals that lack moral status to include not only unconnected individuals (of which there may, in actuality, be none) but also individuals that have only very weak psychological connections over short periods of time. And we might accept that, above this low threshold, all conscious beings have varying degrees of moral status and that an individual's moral status affects the degree to which it would be wrong, in the absence of some positive justification, to kill that individual. But we might, following DeGrazia and Singer, deny that the variations among psychological capacities that underlie the differences in moral status affect the degree to which it is wrong to cause or allow an individual to experience some fixed amount of suffering. In short, variations in moral status consistently affect the wrongness of killing but not the wrongness of causing suffering.

C2.P43 This view has, to me at least, considerable intuitive appeal, particularly when I reflect as follows. Probably the worst physical suffering I have experienced has been from kidney stones. These caused pain that was severe, continuous, and persistent. Much of the time the pain was so extreme that it seemed to occupy the whole space of consciousness, overwhelming and suppressing all thought or reflection. It seems entirely possible that an animal—a dog or a chimpanzee—could have an experience that would be almost qualitatively identical—suffering that dominates and disables the mind, crowding out other elements of consciousness. If I and an animal were both experiencing such suffering and a stranger could relieve either my suffering or the animal's but not both, I do think the stranger ought to relieve mine. But suppose he were instead to choose which of us to aid by flipping a coin and the animal were to win the toss. I would have a complaint against him. I could argue that he and I, as persons, are related in ways that give him reasons to show partiality to me. And I could claim that my suffering had greater opportunity costs. But could I, in good faith, claim that he ought to have favoured me because of my higher moral status? He saw two individuals, both writhing in agony, judged both instances of suffering to be roughly equally intrinsically bad, and chose between me and the animal in an impartial way, giving us each an equal chance of having our suffering relieved.

C2.P44 In examples such as this, I have considerable intuitive sympathy with the view of DeGrazia and Singer that the reason to prevent or not to cause suffering does not vary in strength with the empirical properties of the victim that are determinative of moral status (assuming, as DeGrazia and Singer might not, that there are differences of moral status). Yet there is a further consideration that inclines me to think that reasons grounded in the intrinsic badness of suffering are not the only reasons to prevent or not to cause suffering, and that reasons of moral status apply as well. This is that reasons not to kill individuals, or to save their lives, are not fundamentally different from reasons not to cause individuals to suffer, or to prevent them from suffering. If, therefore, reasons of moral status can affect the wrongness of killing, they should also affect the wrongness of causing suffering.

C2.P45 Suffering is intrinsically bad. Death, or ceasing to exist, is not. It is bad only, or primarily, because it prevents an individual from having further good life. It seems implausible to suppose that, although there are reasons deriving from moral status not to prevent an individual from having the benefits of continued existence, there are no reasons deriving from moral status not to cause the same individual to have to endure something intrinsically bad. Indeed, common-sense intuition may support the contrary view. For we tend to think that it is more seriously wrong to cause an individual to suffer than to prevent that individual from enjoying sources of well-being that would be good to the same extent that the suffering would be bad. One possible explanation of this intuitive asymmetry

between causing suffering and preventing happiness is that reasons deriving from moral status oppose the causation of suffering more strongly than they oppose the prevention of happiness.

C2.P46 Even so, one may think that killing is a uniquely egregious way of depriving an individual of benefits, or a unique offence against the individual's moral status, since it involves the annihilation of the bearer of that status. Yet the annihilation even of an individual with the highest moral status may be good for that individual, and not an offence against that status, if the only alternative is a life that would be intrinsically bad—in particular, a life dominated by suffering—and the annihilation would not be, in the circumstances, contrary to the individual's will. So the appeal to annihilation is not by itself fully explanatory.

C2.P47 These thoughts incline me to the view that not only the suffering of an unconnected individual but also the suffering of an animal matters less than the equivalent suffering of a person, so that causing a certain amount of suffering to an animal may be less seriously wrong than causing the same amount of suffering to a person. Still, it is hard for me to believe that it could matter *much* less. And because I think that the killing of an animal might be much less seriously wrong than the killing of a person even when the person's interest in continuing to live would be no stronger than that of the animal, my intuitions continue to reflect the sense that reasons of moral status oppose killing more strongly than they oppose causing suffering. So I am left with the uncomfortable sense that much remains to be understood.[6]

C2.S7 ## References

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C2.S8 ## Notes

[1] For elucidation of the notion of a time-relative interest and the way in which it differs from the more familiar notion of an interest, see McMahan 2002, p. 80. Throughout this chapter, references to interests should be understood as references to time-relative interests.

[2] On reductionism about personal identity, see Parfit 1986, part 3.

[3] For an illuminating sceptical discussion of the views of Singer and DeGrazia, see Kagan 2019, pp. 101–8.

[4] Kagan cites distributional considerations and desert as reasons for thinking that the contribution that some amount of suffering makes to the value of the outcome is not a function only of the extent to which the suffering is bad for the sufferer. See Kagan 2019, ch. 3, and Kagan 2016, p. 6.

[5] For discussion of the gradualist account of moral status, see McMahan 2008, pp. 101–4. Also see the hierarchical account defended in Kagan 2019.

[6] I am grateful to Fiona Clarke, William Gildea, Doran Smolkin, and Hazem Zohny for illuminating comments on an earlier draft of this chapter.