

World Poverty, Animal Minds and the Ethics of Veterinary Expenditure

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ABSTRACT

In this paper we make an argument for limiting veterinary expenditure on companion animals. The argument combines two principles: the obligation to give and the self-consciousness requirement. In line with the former, we ought to give money to organisations helping to alleviate preventable suffering and death in developing countries; the latter states that it is only intrinsically wrong to painlessly kill an individual that is self-conscious. Combined, the two principles inform an argument along the following lines: rather than spending inordinate amounts of money on veterinary care when a companion animal is sick or injured, it is better to give the money to an aid organisation and painlessly kill the animal.

KEYWORDS

Pet keeping, giving to charity, utilitarianism, Singer, Shallow Pond

1. THE OBLIGATION TO GIVE

There are people in developing countries dying and otherwise suffering from preventable diseases who would greatly benefit from financial assistance from people in affluent nations. In the West African countries of Niger and Mali, for example, the average life expectancy is 42 and 45 years respectively (Special Broadcasting Service 2006: 531 and 463). According to the UN *Human Development Report 2006*, on average 49,000 children are still dying every day from preventable poverty related causes (United Nations Development Program 2006: 7). UNICEF also reports that one in every six child is severely hungry and 1.5 billion people do not have access to potable water (United Nations Children's Fund 2007: 4).

There is an emerging philosophical consensus that people in affluent nations are obliged to help distant strangers in dire need. This consensus is evidenced by the reluctance of even strict libertarians to embrace the strong claim that we have no obligations at all to help others.¹ It is the philosophical legitimacy, not to say persuasiveness, of the Shallow Pond thought experiment that has forced libertarians to rethink their steadfast opposition to duties to assistance and abandon the theoretical shibboleth that the only rights people should have are negative rights.² Intuitively, somebody who is in a position to successfully rescue a drowning child from a shallow pond does not have the option of making only a tokenistic attempt, nor does a lack of desire on their part allow them to escape responsibility for failing to prevent a foreseeable death.

When they are employed in ethical arguments, thought experiments such as Shallow Pond are an aid for identifying and ceding lexical priority to morally relevant considerations involved in reasoning about what to do or how to live. First expounded by Peter Singer in an argument about world poverty, Shallow Pond is a thought experiment designed to identify the morally important considerations associated with reasoning about the ethics of helping strangers in dire need. At bottom, it shows that saving lives and alleviating suffering is more important than protecting people who are safe and healthy from financial hardship or inconvenience. In so far as it is designed to aid moral reasoning by helping to isolate and weigh moral variables, the Shallow Pond thought experiment is no different to any other hypothetical argumentative tool that philosophers regularly employ. While the value of such tools and the merits of evaluating moral theory with reference to them are contested, the use of such thought experiments remains the orthodoxy in ethical reasoning and ethical debate in the analytic tradition (Jamieson, 1993: 486–486). That said, theorists who place no great philosophical store

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in such thought experiments will, however, doubtless regard the argument of this paper unpersuasive.

If turning a blind eye to people in dire need is not an ethically viable option, the critical question is how much are people in affluent nations obliged to give? At bottom, there are only two credible answers.³ The first is that we have an obligation to give as much as we possibly can. This position entails what many people in developed nations might consider as a duty of voluntary poverty whereby we must forego all luxury goods and live an exceedingly modest lifestyle. At its most extreme, this position would require that 'we must give until if we gave more, we would be sacrificing something nearly as important as the bad thing our donation can prevent' (Singer 2009: 152). The second credible answer is that we have an obligation to give a reasonable amount. Giving a reasonable amount is not a position that can be specified with mathematical precision and, in the real world, meeting that standard will be a matter for individual judgment; but, given that the stakes are so high in terms of suffering and death for persons, meeting the standard is likely to also require significant personal costs on behalf of the giver. To distinguish 'giving a reasonable amount' from the 'giving as much as we can' position, and in order to motivate compliance, the reasonable amount position allows for the occasional indulgence. The giving as much as we can position does not.

It might also be argued that given the practical difficulties associated with aid provision the appropriate response to world poverty is not for individuals to make monetary donations to aid organisations but to spend time and effort in lieu lobbying governments to either boost national aid contributions or work in international forums to reform inequitable global trade arrangements.⁴ If that objection is sound, and lobbying or activism is a more efficient means of addressing global poverty, then the argument to follow is only applicable to pet-owners who do not spend time and effort lobbying. But, there is a danger that this objection will be used by people as an excuse for doing nothing. While more equitable trade arrangements would substantially help reduce suffering and death over the long term, people who follow such a path need to be mindful of the slow and uncertain nature of political change. That is to say, if their primary philanthropic goals are to alleviate suffering and prevent deaths, it is clear that these can be immediately achieved by donating to a reputable aid agency. But it is considerably less clear that global poverty will be reduced by individuals trying to influence the politics of international trade relations. Zimbabwe may provide a useful case in point. It is clear that the provision of clean drinking water would immediately alleviate that country's cholera crisis. The crisis

has been caused, on many accounts, by the actions of Robert Mugabe. Yet local opponents, and elements of the international community, have been trying to unseat Mugabe for many years, indeed decades. To put resources into achieving political change is to wager the alleviation of harm that is occurring right now, in the hope that year after year of protracted negotiations and associated politicking will finally bear fruit.

Eschewing third-sector aid organisations and instead relying on state sponsored aid is also an inadequate response. In the last five decades western countries have given around \$US2.3 trillion in aid, which equates to only about 30 cents for every \$100 earned by each person living in an affluent nation. Moreover, nation states are notoriously self-interested when making decisions about how to prioritise their bilateral aid, meaning political objectives routinely come before aiding the extremely poor (Singer 2009: 114–115). This behoves that people who give to third-sector aid organisations need to be cognizant of where, and how, their aid dollars are likely to be spent (Jamieson 2005: 166–170). In recent years a number of very sophisticated websites have been developed to show which non-government aid agencies are most efficient in their use of donated money (Singer 2009: 88–91). Such tools, combined with an individual's own thoughtful assessment, should be enough to ensure aid dollars do provide effective relief.

Let us return to the giving a reasonable amount versus giving as much as we can distinction. Even though the giving a reasonable amount position requires more of an individual than does the giving whatever we want position, it may nonetheless also be inadequate. A variant of the Shallow Pond thought experiment attests to this (Singer 2006). Imagine that you are picnicking with some friends by a lake when a group of three children playing in a canoe are suddenly tossed into the water. None of the children can swim and they will drown if you and your friends do nothing. Arguably, assuming your friends are as capable of rescuing the children as you are, you would be meeting the so-called reasonable amount standard if you save one child – but this is surely not enough. If your friends refused to help the children, as laudable as your conduct has been up to this point, you ought to do what you are able to do, namely, save the remaining children. The failure of your friends to help out is, at bottom, just bad luck for you. To stop at saving one child, in other words to stop at doing a reasonable amount, is an inadequate response.

Yet despite this, in the real world it is in fact better to accommodate the widespread reluctance of most people to put themselves out for distant strangers in dire need (Singer 2004: 27–30). Given that most people do little to help distant strangers, it is counter-productive to criticise people who

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do more than most. If the requirements of morality are too ambitious then they are unlikely to be met with widespread compliance. The giving a reasonable amount position should therefore be accepted as adequate because of the demandingness of the so-called giving as much as we can position. That is, giving a reasonable amount may be all we can reasonably expect of most people.

2. SPENDING ON LUXURIES

An obligation to help others in dire need constitutes a *prima facie* obstacle to spending on luxuries. Luxuries are by definition surplus to an individual's basic needs and indicative of a life characterised by material comforts. Someone who purchases them is clearly signalling that they have disposable income that could be used to alleviate preventable suffering and death. The modern luxury market, however, is no longer limited to sports cars, designer clothes and expensive jewellery for human beings. Between 1995 and 2005 the pet-products industry doubled in size, with the most significant growth occurring at the high-end of the market. For example, in 2006, *New York Dog Lover Magazine* carried an advertisement for a \$5,500 Swarovski crystal dog vest (Fetterman 2005). It is reasonable to suggest that people who spend their money on luxuries for their pets, or themselves, are not giving as much as possible. Yet the question of practical significance here is whether spending on luxuries entails that a person has not given a reasonable amount.

Consider again the variant of the Shallow Pond thought experiment. In this case, the rescuer saves one child but allows other children who she was in a position to save to drown. Even though the conduct of the rescuer is wrong, there were pragmatic consequentialist reasons that counted against criticising her; after all, in comparison to others who did nothing and based on what we knew of the circumstances, her actions were laudable. However, the rescuer would expose herself to criticism if her conduct post-rescue serves to undermine a social climate in which coming to the aid of people in dire need is regarded as a morally serious matter and a good thing to do. Imagine, for example, if the rescuer saved one child then instead of saving another child, proceeded to swim laps of the lake for her own enjoyment or in an effort to impress others with her athleticism. Criticising the rescuer in this instance is unlikely to dissuade many people from helping others in need given that her conduct is so patently disagreeable.

However, isn't a person who spends a portion of their money on saving lives, and then spends what they have left on luxury goods, a real life analogue

of our hypothetical swimming hero? The swimmer is using the resources necessary to save lives for a comparatively trivial purpose. In like manner, the modest philanthropist uses the resources necessary for saving lives for a purpose that any reasonable person would consider trivial in comparison to saving lives and alleviating profound misery. Arguably, their conduct sets a bad example that others may follow. It sends a signal that one does not have to refrain from spending on luxuries and for many this will be all the encouragement they need to avoid seriously examining their consumer behaviour. If a person who gives to charity but then spends what they have left on luxuries is sufficiently analogous to the swimming hero then their conduct falls short of meeting a reasonable amount standard.

Some might object that spending money on luxuries is consistent with the reasonable amount standard because the occasional indulgence is permissible in order to motivate compliance. This may be so; however, as will become clearer in the next section, there is a strong case for differentiating between luxuries for humans and luxuries for animals. This is so because animals are unlikely to get any direct benefit from a luxury consumable. Given their cognitive capacities, it is reasonable to conclude, either, that engaging with a luxury item does not enhance the experiential welfare of an animal or, if it does, any benefit they do get in terms of an improvement in experiential welfare could be secured by less-expensive means. Differences in human and animal cognitive capacities support drawing an ethical distinction between spending on luxuries for persons and spending on luxuries for animals.

3. THE SELF-CONSCIOUSNESS REQUIREMENT

Philosophers who accept the self-consciousness requirement distinguish a link between a creature's mental states and the moral goods that we can intelligibly attribute to them. It facilitates drawing an ethical distinction that has long been associated with utilitarianism between the morality of causing pain and suffering and the morality of killing. The self-consciousness requirement can be defined as follows: it is a necessary condition for the possession of a utility-trumping right to life that the rights-bearer possesses a concept of oneself as a subject of experiences existing over time (Tooley 1972: 46 and Singer 1993: 126 and 169–171).⁵ On this view, just as it is a logical error to attribute a right to abortion to a man, it is also a logical error to attribute a right to continue to live to a creature that is merely conscious as opposed to self-conscious. Merely conscious creatures are said to have no interest in continuing to live because having an interest is identified with

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having particular mental states. In the case of an interest in continuing to live, the necessary mental states would be concepts such as SELF, ME, FUTURE, TOMORROW, TIME, LATER, etc.⁶ Thus, on this view, there is an analytic connection between the mental capacities associated with self-consciousness and the moral significance of the interest in continuing to live.

This principle, which most strikingly appears in debates about abortion and infanticide, is grounded in the considered intuition that it is only wrong to deprive a creature of something that it is capable of caring about. A foetus or a newborn infant, in virtue of their rudimentary cognitive capacities, cannot care about their future in the relevant sense, thus it is not directly wrong to kill them. Think of the notion of caring used here in this way: if you do not care about your laptop being stolen then you are not wronged when you have it stolen. It may be wrong for someone to steal the laptop but the wrongness is not tied to the thwarting of any desires on your part but rather in indirect considerations, such as the breaking of utility promoting laws, God's law, or rationally justified principles. In like manner, to say that it is not directly wrong to painlessly kill a merely conscious creature is not to say that there are no compelling indirect reasons for such killing being construed as immoral. Painlessly killing conscious animals may be wrong for a myriad of indirect reasons such as because it creates a social climate desensitised to the suffering of animals. But, whether indirect reasons like these pose a serious obstacle to taking the life of conscious creatures in order to save the life of a self-conscious being, will be a matter for assessment on a case by case basis.

Judging by recent research into nonhuman animal cognition, it is reasonable to suggest that nonhuman animals, with the possible exception of chimpanzees and the other greater apes (Allen and Bekoff 2007: 315), do not possess the concepts necessary to make attributing a right to life to them logically viable (Allen 2006). This claim does not entail some of the more controversial propositions such as that animals do not have minds because they lack a language (Davidson 1975: 7–23) or that they are not phenomenologically conscious (Carruthers 2000). As well, this view allows for animals to have the requisite mental states associated with the experience of, and aversion to, pain and suffering. Rather, the claim is that with the possible exception of the greater apes, based upon available evidence, animals lack the mental states necessary to satisfy the criterion for right to life possession specified in the self-consciousness requirement.

Some may object that self-consciousness extends beyond the great apes to dolphins, pigs, cats and dogs and even some birds (Singer 1993: 132 and Rogers and Kaplan 2004: 175–202).⁷ If it is the case that many of the species

of animal commonly kept as pets are self-conscious then the argument made in section four, that there is no direct obstacle to painlessly taking animal lives for good reasons, will need to be qualified. But, in the absence of consensus among cognitive scientists and cognitive ethologists, it is reasonable to hold that in cases of painless killing in order to bring about a very great good, such as saving the lives or alleviating the pain of persons, the strength of a right to life of an animal ought to vary to the extent that doubt surrounds the attribution of self-consciousness. The constraints against killing will be weaker for individuals of a species where there is a high degree of doubt and stronger in species where there is less doubt. That said, in cases where we can reasonably foresee that painless killing will have really good consequences, a strong presumption against painless killing, when there is reasonable doubt about the level of consciousness, seems too strict. Why take the risk and allow a self-conscious creature to die or remain in pain in order to save the life of a creature that one reasonably doubts is self-conscious? When doubt exists the reasonable course is to allow for the morality of painless killing to be adjudged with reference to indirect considerations. These indirect considerations will be addressed in section four below.

It might also be argued that there are other intelligible grounds for affording a right to life to an animal, such as that they are sentient (Francione 2000), or that they are the subject of complex psychological experiences (Regan 2004), or simply that they are living (Taylor 1986). As criteria for a utility-trumping right to life or a serious prohibition against killing, however, all of these criteria have scope problems, not the least of which are their implications for the ethics of abortion. If the attribution of a right to life to foetuses is to be a substantive constraint and not simply a rhetorical device in the service of theoretical completeness, then abortion of foetuses would have to be seen as a moral problem akin to murder. But as McMahan points out, extending a right to life or full personhood moral status to foetuses entails a right of self-defence and, except in cases of rape, leads to the counter-intuitive conclusion that it is permissible for third-parties to defend foetuses by violently attacking abortion doctors (McMahan 2004: 418–421). This might be a conclusion that proponents of affording a right to life to nonhuman animals are happy to embrace but their scant treatment of the abortion issue would suggest otherwise (Regan 2004: 319–320, Francione 2000: 179–180 and Taylor 1986: 325).

A final objection is that even if animals do not have a right to life as such it is still wrong to kill them for other direct reasons such as that killing denies them future pleasurable experiences (Sapontzis 1987: 159–175 and Carruthers 1992: 78–87). But, while this reason may be sufficiently com-

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elling to constitute a *prima facie* objection to killing, it is not so decisive as to be a free-standing absolute or utility-trumping constraint. If it were, then, logically, it would be a de facto right and there would be no meaningful distinction between rights and other objections against taking the lives of animals. But, if moral theory is to allow for direct considerations that do not function as de facto negative rights, then a reasonable course is to weigh them against countervailing considerations. When this is done, the foreclosure of the future experiences argument will outweigh killing animals for, say, carnivorous enjoyment, but it will not outweigh killing them when, and only when, doing so produces very good consequences such as saving the lives or alleviating the pain of persons (McMahan 2008: 5).

4. THE ETHICS OF VETERINARY EXPENDITURE

Just as the market for pet luxuries has expanded, so too has the range of veterinary treatments available for companion animals. Complex surgical procedures and drug treatment regimes once reserved exclusively for humans, such as kidney transplants and chemotherapy, are now performed on animals with increased commonality (UC Davis School of Veterinary Medicine 2005 and Dunn 2002). A kidney transplant, for example, costs around \$US10,000 for the initial procedure and then between \$150 and \$2,000 per month for the rest of the animal's life. Other expensive animal therapies now widely available include acupuncture, remedial massage and hydro-therapy.

Given the obligation to give and the self-consciousness requirement outlined above, it may be concluded that constraints should also be placed on the amount of money one spends on veterinary intervention for one's pet. Indeed, when considerations of animal cognition are taken into account, veterinary expenditure which extends an animal's life, at considerable cost, can be cast as just another example of luxury expenditure designed to satisfy the preferences of the purchaser. Preferences, it must be said, that are no doubt very strong and most likely stronger than preferences for other intuitively recognisable luxury items. It is consistent with the argument here to hold that some luxuries are more frivolous and less justifiable than others, and that when considering what luxuries to refrain from purchasing, first and foremost a person ought to refrain from purchasing the more recognisably luxurious, nonsentient items. That said; spending large amounts of money on veterinary care satisfies the preference of the guardian(s) to have their companion continue to live and the preference veterinary practitioners have to continue to make a living in their chosen field. It also satisfies

the preferences of the animal to be free of pain and suffering but given that it is unlikely animals have a preference to have their pain relieved in any particular way; this preference can be also satisfied by less expensive means, namely, by painless killing.

In contrast to spending the money on expensive veterinary treatment, giving the money to an organisation working to alleviate suffering and death from preventable diseases would most likely satisfy the vital preferences of many more persons in dire need. It is also reasonable to suggest that it would satisfy a preference of many pet owners to save the lives and alleviate the pain of persons in dire need. Moreover, the fact that animals are not self-conscious means they do not have a preference to continue to live, and this entails that there is no direct obstacle to painlessly taking their lives in order to free-up monies that could be used to save the lives or alleviate the pain of persons in dire need. Rather than spending inordinate amounts of money saving the life or relieving the pain of an animal, the money could be given to an aid organisation and the animal could be painlessly killed; or, if it is not presently in pain, it could be allowed to live until that time that it is in pain and then it could be painlessly killed.

5. OBJECTIONS AND RESPONSES

An objection to this utilitarian-flavoured argument is the familiar nearest and dearest objection against utilitarianism.⁸ According to the objection, intuitively, we ought to be permitted to give extra weight to the preferences of our loved ones, and any theory which does not accommodate this intuition is seriously flawed. But, in the case of veterinary expenditure, recent research into animal cognition suggests there are no preferences on the part of the animal that can be afforded extra weight. It is unlikely that animals have a desire to have their lives saved; and while it is likely that they desire their pain to be relieved, it is unlikely that they desire to have it removed in any particular way. This suggests that painlessly killing them, when doing so can help to bring about a very great good, is an appropriate form of pain relief. The only preferences which are available to be afforded extra weight are those of the human guardians.

Sometimes the achievement of very worthy ends involves significant personal sacrifice. Treating a pet well during its life and then having he/she painlessly killed when the animal is in pain and requiring expensive medical treatment is sad and regrettable, but it is not an obviously tragic outcome. What is tragic is not helping other persons when one could have and instead

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saving the life of one's pet in order to satisfy one's own personal preferences for the animal's continued companionship. The informed pet owner understands that prolonging an animal's life cannot be performed for direct reasons and is purchased at the expense of the lives and suffering of persons. Some may think this unfairly singles out veterinary expenditure for special attention when there is so much spending on other luxury items. But an ethical constraint on veterinary expenditure is a natural corollary of a constraint upon spending on pet-luxuries, which in turn follows from a constraint upon spending on other intuitively recognisable luxury items. So, strictly speaking, we are not singling out veterinary expenditure but merely pointing out an obvious implication of two widely held and defensible principles. If people find this hard to fathom it is because they maintain a distinction between pet-luxuries and veterinary expenditure that the self-consciousness requirement renders obsolete by laying bare how animals have a range of preferences that is much narrower than most pet-owners assume.

If spending money on pets diverts much-needed funds from more important causes, should all companion animal relationships be regarded as ethically suspect? The argument above does not call into question the expense of time and effort, or the provision of basic companion animal resources such as inoculations, flea treatment, nutritious food, clean water, suitable shelter and exercise. So long as a person is giving a reasonable amount to aid distant strangers how they spend their time is appropriately a matter of individual conscience. To suggest otherwise would be asking too much of people and jeopardise the chances of widespread compliance with the reasonable amount principle. Some utilitarians may argue that this conclusion overstates the importance of companion animal relationships and that to be consistent with a blanket moral prohibition on all spending on luxuries we should be advocating the abolition of pet keeping altogether. But we are interested in providing a practicable ethics that has a real chance of influencing prevailing norms and conventions associated with pet keeping in the developed world. To this end our rationale is to point out the reformist rather than abolitionist implications of combining the obligation to give and the self-consciousness requirement. Quite apart from concerns about compliance, however, there is another reason for thinking that some form of animal companionship is ethically permissible – it plays a part in disposing people towards helping others. Keeping pets has been identified as a contributor to human wellbeing by helping to reduce stress and feelings of loneliness (Serpell, 1998: 112; Rollin, 2005: 119). In light of further empirical research, it is also reasonable to conclude that people who are happy with their lot in life will tend to be more altruistic than people who are dissatisfied (Miller, 2009: 253).

Another potential objection might be to assert that the argument presented here opens the door for animals to be left to die following catastrophes, such as Hurricane Katrina or 9/11, due to the high costs associated with rescue efforts.⁹ However, the argument outlined above does not stand in opposition to the institution of pet ownership nor humans exercising responsible, loving behaviour towards companion animals. Leaving companion animals trapped in houses without food or water, to die slowly from starvation, does not accord with respectful treatment of nonhuman animals. When disaster relief is required, the key question is what type of intervention is able to be provided within the cap fixed by the reasonable amount standard? The two most obvious courses of action are for the state or non-government relief agencies to provide veterinary care to sick or injured non-human survivors, or for those same actors to painlessly kill the animals.

While people of the developed world deal with crises such as Katrina, persons continue to suffer and die as a result of preventable diseases in the developing world. This behoves that relief efforts should concentrate on painlessly killing injured companion animals, and the money saved should be donated to aid agencies working in the developing world. However, there are a number of other factors which may render that decision sub-optimal. The first is that the high cost of rescue efforts in situations such as Katrina is most likely to be associated with actually making contact with animals in need. The human hours, plus the expense associated with helicopters, winches and boats may be so proportionally high that once a sick animal is found, the cost of treating that animal, as opposed to simply delivering a lethal injection, may be marginal in many cases. That marginality may suggest that treating some, if not many, companion animals under such circumstances is morally appropriate.

Most reasonably socialised people have a capacity for benevolence and barring the distorting influence of false beliefs and other conceptual confusions they can be positively disposed towards the happiness of others (Smart and Williams 2005: 31 and Carruthers 1992: 26). A proper understanding of the implications for companion animal keeping of the obligation to give and the self-consciousness requirement serves to remove the conceptual confusions and thereby the obstacles to promoting what is a very worthy goal, namely, saving the lives and alleviating the pain of persons in dire need. When the obstacles are removed and the pro-attitude toward helping distant strangers is in place, the implications proffered here would not appear too demanding.

Some libertarians might argue that the above claim overestimates the extent to which people will put themselves out for distant strangers. They

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argue that asking people to bear 'substantial cost' or a 'significant reduction' in their financial bottom line is impractical and fails to reflect the intuitive importance of entitlement and just desert (Arthur, 2002: 590). Libertarians might argue that our position is at odds with 'self-ownership' – the view that we should determine what rights and obligations people have by conceiving of them as owning their own bodies in much the same way as a property owner exercises discretionary power over an item of property (Nozick, 2001: 172). Libertarians have long argued that so long as an agent does not directly harm another person in terms of being morally responsible for violating their right not to be harmed, then they are doing all that morality can justifiably demand.

But, reflection on the Shallow Pond thought experiment shows that the libertarian concern to honour individual liberty over the alleviation of pain and suffering and the saving of lives gets the ethical order of priority the wrong way around. After all, survival and the absence of debilitating pain are preconditions for the exercise of liberty. When we consider that people in dire need are no more responsible for being born in developing countries than are comparatively well-off people for being born in the developed world, to ring-fence the latter from a tangible impost is not to reward desert so much as moral luck. Nozick's discussion of ownership rights over scarce natural resources is textual support for the view that self-ownership rights are not absolute. When he argues that any plausible theory of property must allow for price restrictions on the owner of the last water well in the desert in order to prevent others from dying of thirst, he signals that redistribution of wealth is consistent with libertarianism when lives are at stake (Nozick, 2001: 179). Moreover, the utilitarian-flavoured position we proffer is already compliance-sensitive, that is, we acknowledge the demanding implication of Shallow Pond and hence we are not advocating for the so-called giving as much as we can position outlined above. Accordingly, as a compliance-sensitive utilitarian principle, the reasonable amount position has just as much claim to practicality as the libertarian standard.

Two reasons suggest that indirect utilitarians will be comfortable with the reformist position advocated here.¹⁰ First, like direct utilitarians, indirect utilitarians, in line with the foundational Benthamite utilitarian maxim 'Each to count for one, none for more than one', will want to do justice to the preferences of distant strangers in dire need. Our argument has the strongest preferences of distant strangers as central considerations because we are driven by a concern to alleviate their pain and save their lives. Secondly, indirect utilitarians, consistent with the empirical orientation of utilitarianism, will ground the legitimacy of any utility-proxy (rule, character trait

or norm) in part due to its consistency with best science. In like manner, the argument of this paper is in accord with the latest research into animal cognition. While indirect utilitarianism may afford some conceptual space for so-called agent-relative valuing, it would not be a utilitarian theory if accommodating partiality rendered the theory insensitive to the most vital interests of distant strangers. While precise formulas for reconciling agent-relative valuing with Benthamite impartiality are difficult to specify it is reasonable to assume that the reform agenda advocated here, as opposed to the abolition of pet ownership or a continuation of the status quo, is a viable option. Moreover, indirect utilitarians will be concerned to avoid any theoretical embarrassment arising from Shallow Pond. It is difficult to see how rule-utilitarians could escape the familiar charge of 'rule-worship' if, instead of requiring the bystander to save the drowning children when doing so was possible at comparatively lesser cost, the theory allowed the bystander to remain steadfast on the bank.

Some might respond, however, that our argument opens the door to widespread infanticide. Given that newborn infants, like animals, are not self-conscious then there is no utility trumping obstacle that could prevent them being painlessly killed in the service of alleviating the pain or preventing the deaths of distant strangers in dire need. But, there are considerations that lend support to the view that side-effects might prohibit the painless killing of human nonpersons but not the killing of nonhuman animals. The intensity of the preferences of the parents of human nonpersons is likely to be greater than the preferences of the guardians for nonhuman nonpersons, not least because one of them has invested nine months of energy into the natal development of the nonperson.¹¹

Drawing limits on veterinary expenditure will have positive side effects for both parties to any companion animal relationship. Capping expenditure will foster a new perspective; an appreciation that the death of an animal companion is always potentially just around the corner, much like when we are aware that a person we love is dying. This new perspective creates the conditions for viewing every day as if it were the last; for appreciating the time we have with our animal friends before serious illness or injury strikes. People may look on the days when they leave their animal companion alone as a waste of precious time. It is true, negative side-effects are also relevant to the morality of veterinary expenditure but it is unlikely they could defeat the basic argument put forward here when the constraint on veterinary expenditure is parlayed with an obligation to help persons in dire need. Concerns about a slippery slope or hard-heartedness toward animals can be addressed

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through programmes which foster respect for the quality of their lives while they are fit and well, and stiffer penalties for mistreating them.

NOTES

¹ For example see Narveson (2003) and Arthur (2002: 590).

² For example see Singer (1972) and Unger (1996). For a recent discussion see Cullity (2004) and Jamieson (2005). We will not defend the view that judgements about a hypothetical case involving people in close proximity in dire need are adequate grounds for an obligation to help distant strangers in dire need in the real world. Instead, like the philosophers just mentioned, we presuppose the philosophical efficacy of such thought experiments and refer the doubters to Cullity's discussion of this issue. For example, see Cullity (2004: 10–12).

³ This claim dovetails with Cullity's distinction between the 'Extreme Demand' and a 'moderately demanding' position. See Cullity (2004).

⁴ The objection is addressed in Cullity (2004: Chapter 4) and Pogge (2002: 9).

⁵ A recent defence of this kind of view that doesn't employ the vocabulary of rights is Houssan and Kreigal (2008).

⁶ For example see Carruthers (2007: n.14 and n.28). The argument here is not associated with Carruthers's controversial higher-order thought theory; indeed, the self-consciousness requirement was put forward well before the advent of the higher order theory. It is cited here because the relevant passage is a clear and illuminating example of how to explain the kind of mental states a creature would need to possess in order to be considered self-conscious.

⁷ A sceptical critique of this objection, based on mirror self-recognition tests, is made by Houssan and Kreigal (2008: 49).

⁸ For example see Railton (1984).

⁹ Emily Brady (2009: 1–3) discusses disaster relief for animals in a recent editorial for this journal.

¹⁰ Indirect utilitarians enjoin, roughly, that an agent perform the action that is in conformance with a 'utility-proxy' (rule, character-trait or norm) that, if adopted by a specified portion of society, would maximise utility. There are many versions of the theory. See Hooker (2000) and Brandt (1992).

¹¹ This response was suggested to us by Peter Singer (pers. comm.).

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