

## The Duty to Aid Nonhuman Animals in Dire Need

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**ABSTRACT** *Most moral philosophers accept that we have obligations to provide at least some aid and assistance to distant strangers in dire need. Philosophers who extend rights and obligations to nonhuman animals, however, have been less than explicit about whether we have any positive duties to free-roaming or 'wild' animals. I argue our obligations to free-roaming nonhuman animals in dire need are essentially no different to those we have to severely cognitively impaired distant strangers. I address three objections to the view that we have positive duties to free-roaming nonhuman animals, and respond to the predation objection to animal rights.*

### Introduction

There is broad consensus among moral philosophers that we have a duty to help distant strangers in dire need — so long as aid can be provided at minimal cost to ourselves.<sup>1</sup> Philosophers who extend the sphere of moral concern to nonhuman animals, however, have been ambiguous about whether we have a positive duty to aid free-roaming or 'wild' animals in dire need. Singer, for example, says:

It is conceivable that human interference will improve the conditions of animals, and so be justifiable. But . . . [j]udging by our past record, any attempt to change ecological systems on a large scale is going to do more harm than good. For that reason, if for no other, it is true to say that, except in a few very limited cases. . . . We do enough if we eliminate our own unnecessary killing and cruelty towards other animals.<sup>2</sup>

Regan's considered position is also difficult to discern. Without taking the opportunity to spell out his view in detail, he recently conceded that his treatment of the issue has been equivocal:

The rights view can consistently recognize a general *prima facie* duty of beneficence that, in some circumstances, imposes actual duties of assistance. That such duties are not discussed in *The Case* is a symptom of the incompleteness of the theory developed there. In hindsight, I recognize that it would have been better had I said more about duties of assistance other than those owed to victims of injustice.<sup>3</sup>

The views of other philosophers who extend moral rights to nonhuman animals are similarly opaque.<sup>4</sup>

In what follows I argue we have a duty to provide aid at minimal cost to ourselves — ‘minimal aid and assistance’ — to free-roaming nonhuman animals (hereafter, nonhuman animals) in dire need.<sup>5</sup> My argument is: the interests of nonhuman animals in continuing to live and avoiding pain and suffering are comparable to those of severely cognitively impaired human beings. Given that providing minimal aid and assistance to severely cognitively impaired distant strangers in dire need is morally required, then consistency demands that we also provide such aid to nonhuman animals in dire need.<sup>6</sup> It is just arbitrary discrimination to claim that aid is obligatory in the case of severely cognitively impaired distant strangers, but not in the case of nonhuman animals.

### The Argument From Ecological Catastrophe

Consider the aftermath of an ecological catastrophe, such as a drought-induced famine, tsunami, or earthquake, when the lives of many human beings are at risk from starvation or disease. The considered judgement in such a case is that the provision of aid and assistance is morally required, so long as its delivery was logistically possible, involved no unreasonable financial burden, and did not put the lives of any aid workers at risk.<sup>7</sup> Unquestionably, the provision of, say, food and water, would be regarded as in the interests of the individuals concerned as it would ensure that their most vital interests were met, including their interest in continuing to live.

Consider now the aftermath of an ecological catastrophe when the lives at risk are those of nonhuman animals. Initially, we may think that the two cases are fundamentally different and that we are under no obligation whatsoever to provide aid and assistance to the nonhuman animals concerned. But, closer inspection reveals that this is a case that demonstrates that the grounds for our initial judgement are not particularly secure. After all, the interests of the nonhuman animals are comparable, or at least not significantly different, to the interests of the human beings in similarly dire circumstances. Just like their human counterparts, nonhuman animals in dire need are unable to obtain the nourishment that their biological make-up dictates they require. Being too weak to respond to the environmental and bodily cues that would ordinarily prompt action to meet their basic needs, their suffering is profound and their lives are in jeopardy.<sup>8</sup> While it is true, in the normal course of events, that life for a free-roaming animal is also likely to be one of considerable hardship, it is the severity of the hardship constitutive of being in dire need (as it is in the case of human beings), that single it out as a case for special moral attention.<sup>9</sup>

Some might argue, however, that the cases are fundamentally different insofar as the interest human beings have in continued existence is much greater than that of nonhuman animals, due to their more sophisticated cognitive capacities such as self-consciousness or an ability to engage in moral reasoning. On this view, the decisive part of the moral basis for the duty to provide minimal aid and assistance in the human case but not the animal case is that human beings *care* about their future whereas the nonhuman animals merely *have* a future.<sup>10</sup> But, there are some human beings who cannot conceive themselves as existing over time or engage in moral reasoning, such as the severely cognitively impaired. It is reasonable to assume that human beings like this are also not able to care about their future to any great extent, at least not in the way other persons can. For arguments sake, let us imagine that an ecological catastrophe

jeopardizes the lives of only human beings not able to care about their future and, let us also imagine, that the human beings concerned have no special relationships with any other particular human beings — they have no family, friends, or guardians who might be responsible for them.<sup>11</sup> If our judgement in a case like this is that we are still obligated to provide minimal aid and assistance to such human beings, then there would seem to be no compelling reason to deny such an obligation in the nonhuman case. Given that both kinds of animals (human and nonhuman) have comparable interests in avoiding suffering and continuing to live, and given also that no special relations obtain, then a non-arbitrary, non-discriminatory, morally salient reason for treating the two cases differently is difficult to discern.

## Objections and Replies

### *Species Membership*

It might be objected that while no special relations obtain in virtue of any parental, friendship, or guardianship ties, there *is* a special relation that obtains simply in virtue of the human animals concerned being members of the species *Homo sapiens*.<sup>12</sup> It could be argued that we have a duty to save cognitively impaired distant strangers but not nonhuman animals, because the former are members of our species whereas the latter are not. On this view, just as we have special obligations to our own children or family members in virtue of parental and guardianship relations, we also have a duty to provide reasonable aid and assistance to cognitively impaired distant strangers in virtue of the relation of ‘co-membership of the species *Homo sapiens*’.

However, it is not obvious why simply being a member of the species *Homo sapiens* should be a critical factor in distinguishing what is owed to individuals that are in every other relevant respect equal. Imagine if there was a highly intelligent alien or ‘Superchimp’ who had achieved all the academic requirements for admission into a philosophy graduate program. It would be *prima facie* unjust to refuse them entry simply on the grounds of lacking all or some of our genetic material. At bottom, what is relevant for graduate program membership is the intellectual capacity to complete the requirements of the particular program, not membership of this or that species. Likewise, what is relevant for receiving aid in dire need are the interests in continuing to live and avoiding pain and suffering, rather than the taxonomic classification of one’s organism. Species membership has a bearing on questions pertaining to genealogy, but its moral importance is as difficult to discern as that of any other purely biological relation such as race or gender.<sup>13</sup>

Even if co-membership of one’s species is a morally significant relation that entails obligations akin to those engendered by parental, friendship or guardianship ties, this would not obviate the duty to provide minimal aid and assistance to nonhuman animals in dire need. After all, while morality permits us to give greater weight to the interests of our own children than to our neighbour’s children, it does not allow us to discount the interests of our neighbour’s children altogether, nor to turn a blind eye to their suffering. Accordingly, all the effect of the co-membership of the species *Homo sapiens* special relation would be, is to require us to give greater weight to the interests of the cognitively impaired distant strangers, not that we give no weight at all to the

interests of nonhuman animals.<sup>14</sup> It would thus require us to incur a comparatively greater cost to ourselves when providing aid in cases involving cognitively impaired distant strangers, than we do in cases involving nonhuman animals. In other words, it would have the effect of altering what we consider ‘minimal aid and assistance’ in particular cases, but it would not allow us to refrain from providing any aid to nonhuman animals.

### *Environmental Damage*

It could be argued that providing *any* aid to nonhuman animals in dire need would have deleterious environmental consequences. Short-term environmental damage may be caused by aid workers and their equipment during the process of aid delivery. Long-term environmental damage may be caused by the saving of many lives, as the provision of aid would interfere with natural processes which maintain ecological balance by regulating the carry capacity of ecosystems. But, comparable, if not greater, environmental damage is likely to occur when aid is provided to cognitively impaired distant strangers. The dependency of the human beneficiaries will ensure that the ‘ecological footprint’ of the aid workers is greater in the human animal case than it is in the nonhuman animal case. Aid workers will not be able to simply drop the aid and leave, but instead will have to stay and help with administering it. As well, it is reasonable to assume that saving human lives would also have a long-term impact on ecosystem stability, as indicators of ecosystem health are generally lowest in areas of human settlement.<sup>15</sup> Therefore, if environmental damage is to be held up as a reason against providing aid to nonhuman animals, then it will also be an impediment to providing aid to cognitively impaired distant strangers. The opponent of aid on environmental grounds is thus stuck on the horns of a dilemma. Either she denies aid to both human and nonhuman animals, or she begs the question against nonhuman animals.

### *Flourishing*

Some might also object that the provision of aid to nonhuman animals in dire need constitutes harming them in a morally significant way. By intervening to save nonhuman animals in dire need we prohibit them from ‘flourishing’ in accordance with their nature or the life of their kind.<sup>16</sup> On this view, it is as much a natural part of life for a nonhuman animal that it fall victim to an ecological disaster as it is that it die due to predation. However, any concept of flourishing must surely be based, logically, upon the intrinsic properties of the individuals concerned. This is because any plausible account of how well an individual is flourishing according to its nature will be gauged by how well they are functioning in spite of any challenges posed by contingent environmental circumstances. Certainly, this is how we would gauge whether a human being is flourishing. I am flourishing according to my nature when I am, say, employing a range of capacities in the service of achieving my goals. If I were struck down by a serious misfortune, say, illness, accident, or some privation following a natural disaster, these would be variables likely to alter any judgement that I am flourishing. It would be implausible to suggest that I am flourishing regardless of my misfortune (assuming that the illness or injury is serious enough to interfere with my ability to

employ my capacities in the service of my goals). A patient with debilitating cancer who soldiers on bravely, could hardly be said to have a flourishing life however admirable her conduct in the face of adversity. How is it fundamentally different in the case of nonhuman animals? A flourishing baboon is one who is living the life a troop member, *ceteris paribus*. Once it is in the jaws of the lion or starving to death it ceases to be flourishing. It is just implausible, if not unfair, to suggest that the concept of flourishing for a baboon has to have a 'vulnerability to natural disasters proviso' built into it. So much would be like suggesting human flourishing is consistent with being gravely injured in a tornado.

But communitarians may press the point and suggest that the flourishing of an individual is necessarily 'embedded' in the community in which they reside.<sup>17</sup> For communitarians, being embedded entails that individual flourishing is compatible with any debilitating hardships constitutive of living life according to the norms of one's particular community. For nonhuman animals, this entails that flourishing is compatible with falling victim to natural disasters, which regulate the carrying capacity of ecosystems in accordance with evolutionary and ecological 'laws'. For human animals, this entails that flourishing is compatible with falling foul of any prevailing community customs and practices. But, it is counter-intuitive to suggest that an individual is flourishing if they are being, say, stoned to death in the town square or having their leg speared. It may be that an individual in such circumstances learns useful lessons about being responsible for one's actions, but we could only say such an individual is flourishing if we consider communitarian interests as prior to those concerning one's intrinsic properties — and this we should be reticent to do. Even if communitarian interests are normatively significant, it is implausible to say that they are prior to the interests in continuing to live and avoiding prolonged pain and suffering, at least as far as nonhuman animals are concerned.

### Predation

Some might suggest that a logical consequence of the argument for the duty to provide minimal aid and assistance to nonhuman animals in dire need is an obligation to intervene in cases of predation. It might be argued, given that we are obliged to prevent cognitively impaired human beings from harming each other, and given that the interests of cognitively impaired distant strangers and nonhuman animals are comparable, then we must also be obliged to intervene when nonhuman animals harm each other.<sup>18</sup> But, this objection presupposes that we must have *identical* duties to individuals who have *comparable* interests. Nothing said in the argument above counts against us intervening to stop cognitively impaired distant strangers from harming each other, whilst doing nothing to stop nonhuman animals preying upon each other. Whether we have a duty to intervene when cognitively impaired distant strangers or nonhuman animals are harming each other would depend upon whether there is a compelling moral basis for doing so. In any event, it is not obvious that we would have a duty to intervene to prevent cognitively impaired distant strangers from harming each other, if their interests were *identical* to nonhuman animals. In such a case, the harm caused by distant strangers to each other would be in the service of meeting their most basic needs for sustenance. But in a world where cannibalism between the cognitively impaired was prevalent, out of necessity in order to survive, then it is not at all clear

that morality would demand intervention to prevent it. After all, policing cannibalism in such a world would likely require considerable expense if it was to be done effectively (and equitably), just like policing predation in the real world.

It might still be objected, however, given that we have a duty to provide minimal aid and assistance to nonhuman animals in dire need, and given that during predation nonhuman animals are invariably in dire need, then we must also have a duty to aid them when they are being preyed upon.<sup>19</sup> This objection fails to consider how the 'ought implies can' principle licenses intervention in cases of dire need, but seems to rule it out in cases of predation. The unreasonableness of a duty to intervene in predation is obvious when we consider that intervening *at minimal cost to ourselves*, unlike such intervention in the aftermath of ecological catastrophes, is unlikely to deliver any tangible benefit to the aid recipients.<sup>20</sup> It is fair to suggest that when an animal is in the jaws or claws of a predator it is beyond being helped in any relatively inexpensive way. It is likely that an individual rescued from such a predicament would require evacuation, major surgery, and extensive rehabilitation, to say nothing of the expense involved in meeting the needs for sustenance of the predator(s) concerned. Some might suggest that we can intervene in predation effectively and at minimal cost to ourselves by enacting relatively inexpensive preventative measures. But this objection misses the mark because even if such measures were effective at stopping predation, intervention at that time would not constitute the provision of disaster relief; instead, spending resources on individuals when they are not in dire need but are for the most part healthy and content, is more akin to the provision of development aid. Whether we have an obligation to provide aid other than disaster relief to nonhuman animals, or indeed cognitively impaired distant strangers, is not the issue here.<sup>21</sup>

Invoking the 'ought implies can' principle in predation cases may seem hard-hearted, but it poses no obstacle to those who wish to minimize animal suffering at all costs. Just as the option remains open to provide aid at more than minimal cost when cognitively impaired distant strangers are in dire need, so it does in cases involving nonhuman animals. Generally speaking, however, up until the time they are preyed upon nonhuman animals are not in dire need so we have no duty to aid them. Once they are being preyed upon, it is too late to effectively help them at minimal cost to ourselves.

The issue of predation aside, some may think that a duty to aid nonhuman animals in dire need in itself constitutes a *reductio* of my view. But those tempted to think so are just begging the question against me, unless they can cite a morally relevant intrinsic difference between severely cognitively impaired distant strangers and nonhuman animals of comparable capacities. Until then, we can only speculate about how demanding morality will be once it is thoroughly purged of speciesism.<sup>22</sup>

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## NOTES

- 1 The extent of the consensus is evidenced by the fact that even strict libertarians, who claim our basic moral rights are negative, are amenable to a duty to aid. See, e.g. J. Narveson, 'We don't owe them a thing! A tough-minded but soft-hearted view of aid to the faraway needy', *Monist* 86, 3 (2003): 432 and J.

- Arthur, 'Famine relief and the ideal moral code', in Hugh LaFollette (ed.) *Ethics in Practice* (Oxford: Blackwell, 2002), p. 590.
- 2 P. Singer, *Animal Liberation*, 2<sup>nd</sup> ed. (London: Pimlico, 1995), pp. 226–227.
- 3 T. Regan, *The Case for Animal Rights*, 2<sup>nd</sup> ed. (Berkeley, CA: University of California Press, 2004), p. xxvii.
- 4 See e.g. E. Pluhar *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham, NC: Duke University Press, 1995), pp. 274–280 and M. Rowlands, *Animal Like Us* (London: Verso, 2002), pp. 180–181.
- 5 Whether we have a duty to provide aid at a greater cost to ourselves, or a duty to provide aid other than disaster relief are questions I do not explore here. For a recent discussion of our duties to distant *Homo sapiens* see D. Jamieson, 'Duties to the Distant: Aid, Assistance, and Intervention in the Developing World', *The Journal of Philosophy* 9, (2005): 151–170.
- 6 The argument is strongly influenced by McMahan's treatment of the moral status of nonhuman animals and cognitively impaired human beings. See J. McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford: Oxford University Press, 2002), pp. 203–232.
- 7 It could be argued that we have no obligations whatsoever to provide any aid and assistance, but such a view seems untenable on both prudential and moral grounds. If I were in the position of one of the aid beneficiaries I would be grateful for the provision of aid by others and could not deny that the aid was in my own interests. As well, the fact that the assistance is to be provided at 'minimal cost', would suggest that the interests of the providers were not compromised to any great extent – nor would mine be if I were in their position.
- 8 See D. M. Broom, 'Needs of animals', in M. Bekoff (ed.) *The Encyclopedia of Animal Rights and Animal Welfare* (Westport, CT: Greenwood Press, 1998), pp. 255–256.
- 9 Philosophers cite death from starvation and the related suffering as moral reasons for providing aid to human beings in dire need. See, e.g. P. Singer, 'Famine, affluence and morality', in Hugh LaFollette (ed.) op. cit., p. 572.
- 10 See, e.g. M. Tooley, 'Abortion and infanticide', *Philosophy and Public Affairs* 2 (1972): 40.
- 11 A possible case: A hospital caring for cognitively impaired orphans sustains earthquake damage resulting in the deaths of all the staff but none of the orphans, when the roof of the tea-room collapses during the lunch break.
- 12 For a more comprehensive discussion of this defence as a basis for anthropocentrism, see McMahan op. cit., pp. 209–228.
- 13 McMahan op. cit. p. 225.
- 14 McMahan op. cit. p. 227.
- 15 Peter M. Vitousek, et al., 'Human domination of earth's ecosystems', in S. I. Dodson et al. (eds.), *Readings in Ecology* (Oxford: Oxford University Press, 1999), pp. 207–218.
- 16 See J. Everett, 'Environmental ethics, animal welfarism, and the problem of predation: A bambi lover's respect for nature', *Ethics and the Environment* 6,1 (2001): n. 13.
- 17 See T. Benton, *Natural Relations: Ecology, Animal Rights and Social Rights* (London: Verso, 1993) and J. Baird Callicott, 'Animal liberation and environmental ethics: Back together again' in Eugene C. Hargrove (ed.) *The Animal Rights/ Environmental Ethics Debate: The Environmental Perspective* (Albany, NY: State University of New York, 1992). For a detailed critique of Callicott's view see J. Hadley, 'A critique of Callicott's biosocial moral theory', *Ethics and the Environment* (forthcoming).
- 18 Responses to the predation *reductio* are well documented in the literature. For a comprehensive discussion see S. Sapontsis, *Morals, Reason, and Animals* (Philadelphia, PA: Temple University Press, 1987), pp. 229–247. For a brief survey see A. Taylor, *Magpies, Monkeys and Morals: What Philosophers Say about Animal Liberation* (Peterborough: Broadview Press, 1999), pp. 121–123.
- 19 An influential objection to nonconsequentialist responses to the predation *reductio* is D. Jamieson, 'Rights, justice, and duties to provide assistance: A critique of Regan's theory of rights', *Ethics* 100 (1990): 349–362.
- 20 Jamieson op. cit. (1990: 353) acknowledges that a response along these lines is available to a nonconsequentialist seeking to avoid the *reductio*, but he does not provide any substantive evaluation of it.
- 21 See n. 5.
- 22 For their helpful comments, I would like to thank Caroline West and an anonymous reviewer of this journal.