

## Animals, Relations, and the Laissez-Faire Intuition

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### I. INTRODUCTION

In the last several decades, animal ethics has been dominated by what may be called *capacity-oriented* approaches to what we owe nonhuman animals.<sup>1</sup> These approaches examine what we owe to animals on the basis of their capacities.<sup>2</sup> What motivates this approach is the underlying thought that entities possessing comparable morally relevant capacities ought to be granted the same degree of moral consideration. Thus, if there are no morally relevant differences between human beings and certain animals, then we cannot regard our interests as being superior to theirs: we must consider the interests of both parties equally when we make moral decisions. Similarly, if animals possess the same capacities that make us the bearers of moral rights, then we should regard them as having the same rights and respect their rights as seriously as we respect those of our fellow humans. In either case, privileging our own species in the moral domain would be unjustifiable. If animals have the

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<sup>1</sup> The paradigmatic representations of these views can be found in Singer (2002), Regan (1983), and Nussbaum (2006: ch. 6), but many others have taken a similar approach. For some noteworthy examples, see Degrazia (1996), Midgely (1983) and Sapontzis (1987). Degrazia does briefly suggest that we incur special obligations to our pets because of our special relationship with them (Degrazia, 1996: 274-278), but the significance of special relations is certainly not a major part of his view.

<sup>2</sup> For the remainder of the paper, I intend 'animals' to be shorthand for 'nonhuman animals.'

same relevant capacities as human beings, a failure to treat them comparably to human beings would be speciesism – an act of arbitrary discrimination akin to racism or sexism.<sup>3</sup>

Clare Palmer, however, holds that capacity-oriented approaches paint an incomplete picture of animal ethics. She believes that there are two general intuitions that underlie our convictions about how we ought to treat animals and that capacity-oriented approaches only reflect one of these. The first, which capacity-oriented approaches capture, is the notion that like beings should be treated alike. The second is what she calls the Laissez-Faire Intuition (LFI), the claim that ‘while we should care for and assist domesticated animals...we should leave wild animals alone’ (Palmer, 2010: 2). In *Animal Ethics in Context*, Palmer tries to harmonize the LFI with the capacity-oriented accounts that have dominated the literature.<sup>4</sup> Reviewers have generally praised Palmer’s book and identified it as an essential read for those interested in animal ethics (Cripps, 2012; Dieterle, 2011; Dombrowski, 2012; Wilson 2011; Zinser 2012). Thus, it is surprising that no substantive critique of the book’s central arguments has yet emerged. This paper aims to partially fill this gap in the literature by critically examining Palmer’s defense of the LFI.

Palmer endorses the No-Contact LFI – the view that we have (*prima facie*) duties not to harm wild animals but no duties to assist them. I argue that her endorsement of this position is unwarranted. While her arguments give us good reason to reject certain forms of the LFI, the most plausible arguments for her position actually support what I call the Gradient View, a competitor to the LFI that includes a weak presumptive duty to assist wild animals. The path to this conclusion is a long one, however, and several facets of Palmer’s approach to animal ethics must be unpacked before her arguments can be appraised.

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<sup>3</sup> The term ‘speciesism’ comes from Singer (2002: 6).

<sup>4</sup> Although Palmer’s effort is one of the most recent attempts to address the differences between what we owe wild animals and what we owe domesticated animals, her work engages and furthers work on the topic by many other philosophers, including Taylor (1986), Rolston (1988; 2003), Norton (1995), Plumwood (2000), and Everett (2001).

In section II, I present the LFI and examine how Palmer uses it as a means of framing her approach to animal ethics. At first glance, the LFI appears to function as a starting point for her arguments. As we shall see, the LFI would be a problematic assumption on which to build an animal ethic. But Palmer does not need to be interpreted as framing her project this way: as I explain in section III, her approach can be recast such that the LFI is not merely an undefended assumption. In section IV, I examine several forms of the LFI and some principles that are rivals to the LFI. I critique Palmer's arguments in section V and then consider what they tell us about how the various forms of the LFI fare against one another and against the rival principles that I have presented. I conclude my discussion in section VI by summarizing what Palmer's text actually reveals about the LFI.

## II. THE LFI AS A STARTING POINT FOR ANIMAL ETHICS

Palmer (2010:1) opens *Animal Ethics in Context* with two distinct cases of animal suffering and death, which I will call Wildebeest and Horse:

Wildebeest: Migrating wildebeests in 2007 picked a treacherous location to attempt to cross Kenya's Mara River, and thousands drowned as a result.

Horse: In 2009, five members of a family in Buckinghamshire neglected 146 horses, ponies, and donkeys: 32 died, and the other 114 were suffering from dehydration, starvation, and various infections.

Palmer observes that no one objected to tourists watching the Wildebeests drowning or thought that those watching should assist the Wildebeests in finding a safer location to cross. In contrast, those who learned about *Horse* were quick to criticize the family for failing to assist the equines. Palmer believes that these common verdicts about Wildebeest and Horse reveal a general commitment to the LFI.

Palmer then explains that her motivation for writing *Animal Ethics in Context* stems from how the LFI conflicts with the view that animals with similar capacities should be similarly treated. We could try to reconcile the LFI with the sentiment of equal treatment by claiming either that assisting animals always does more harm than good or that *prima facie* duties to assist are always overridden by other moral concerns, but these proposals strike Palmer as unsatisfactory because they do not capture what she considers the core of the LFI – ‘that we *just do not have* duties to assist wild animals such as the drowning wildebeest’ (Palmer 2010: 3).<sup>5</sup> Thus, she strives to construct a theoretical approach which renders the LFI plausible in spite of its inconsistency with views that base our obligations to animals exclusively on their capacities. Given how Palmer frames her project, it appears that the LFI’s truth is assumed at the outset and that Palmer’s primary task is to identify what theoretical approach best explains the LFI. Thus, it is not surprising that her book has been interpreted this way by some reviewers. Elizabeth Cripps (2012: 238) remarks, ‘Clare Palmer takes as her starting point the “laissez-faire intuition” (LFI) that we have moral duties to those animals in the first but not the second case and develops a philosophical model to make sense of this.’ Expressing a similar thought, Scott Wilson (2011: 827) claims that Palmer ‘assumes that the reader shares the LFI.’

If Palmer is indeed assuming the truth of the LFI prior to starting her project, then there would be a very serious methodological worry about it. As a mere intuition, the LFI cannot serve as the basis for a moral principle without further argument or examination, regardless of whether it is widely shared among ordinary people.<sup>6</sup> Granting such a status to the LFI at the outset would be inappropriate because the truth of moral intuitions cannot be simply assumed. Even those who are not skeptical about the legitimacy of appeals to intuition

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<sup>5</sup> Palmer’s discussion of the LFI focuses primarily on whether or not we have a duty to assist wild animals; she maintains that we have *prima facie* duties not to harm sentient animals whether they are wild or domestic.

<sup>6</sup> Here, I use the term ‘intuition’ to refer to any moral claim made independent of theoretical inquiry or sustained critical reflection. Intuitions could be described as ‘pre-theoretical moral judgments.’ Initial reactions to Palmer’s cases of *Wildebeest* and *Horse*, for instance, are reflections of moral intuitions.

must concede this point, since many individuals' moral intuitions are mistaken. Imagine, for example, the moral intuitions of a racist regarding the permissibility of mixed-race marriages. One reason that our moral intuitions can be mistaken is that they are vulnerable to biases and other distorting influences (e.g., cultural norms). Thus, we must examine our intuitions to be sure that they can survive critical scrutiny.

An additional worry about starting with an unchecked appeal to common intuitions is that we may be led to endorse moral principles that are too conservative. Intuitions derived from our ordinary moral practices can carry a strong bias in favor of the status quo, causing us to underestimate what morality requires of us. As a result, we may embrace moral principles that do not push our moral revision far enough.

While other concerns about assuming the truth of the LFI could be raised, the remarks above should be sufficient to show that the LFI cannot serve as a cornerstone for a satisfactory environmental ethic.<sup>7</sup> We must begin at a lower level of inquiry and build our way up to the LFI. Ultimately, if Palmer really does just assume that the LFI is correct throughout the text and then try to fit it into a coherent framework, we will not be left with compelling reasons to accept the LFI's truth. The ability of Palmer to fit the LFI into a coherent framework would not give us a significant reason to endorse this framework over competing frameworks that are also coherent.

Palmer is aware of this problem. She acknowledges that intuitions 'may be a poor guide as to what it is right to do, especially when they conflict with other principles for which we can adduce good reasons' (Palmer 2010: 3). Fortunately, consistent with her own reservations about assuming the truth of the LFI, Palmer has the argumentative resources to recast her view with a different starting point, one which does not rely on initial acceptance

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<sup>7</sup> At least one reviewer agrees. Wilson (2011: 827) identifies Palmer's assumption that the LFI is true as one of the book's weaknesses.

of the LFI. I now turn to this interpretation of her project and consider whether it can vindicate an endorsement of her version of the LFI.

### III. BACKWARD LOOKING CLAIMS AND THE LFI

Midway through *Animal Ethics in Context*, Palmer draws on two different traditions in ethics to arrive at her contextual view of what we owe animals. One tradition is the capacity-oriented approaches to animal ethics, and the other is the importance of backward-looking claims with regard to duties of justice. Palmer has confirmed (in personal correspondence) that the literature on backward looking claims functions effectively as a starting point for her defense of the LFI even if the framework of the book suggests otherwise.<sup>8</sup> Capacity-oriented approaches ground duties of non-harm. We have (*prima facie*) moral obligations not to harm creatures with the relevant moral capacities, regardless of what our relations with them may be. It is conceivable that harming those with whom we share special relations is, in a sense, *worse* than harming strangers (e.g., by demonstrating a more callous attitude), but we have duties not to harm other people no matter who they are and where they live. Thus, if there are non-human creatures with capacities that render them worthy of moral consideration, our duties of non-harm also extend to these creatures. I do not intend to challenge this general claim (that we have duties not to harm animals with the morally relevant capacities) in the remainder of the paper, and I also leave open precisely what the ‘relevant capacities’ specified by this view might be (e.g., sentience, being a ‘subject of a life’).<sup>9</sup> My focus will instead be on Palmer’s arguments that our duties of assistance

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<sup>8</sup> The crucial arguments Palmer uses to support her view make up a very small portion of *Animal Ethics in Context* (Palmer 2010: 84-90) and do not appear to be its centerpiece. Thus, it is easy to come away with the impression that they are merely theoretical tools that are implemented to fit the LFI (having already assumed its truth). Here, however, we are taking these arguments on their own merits, independent of the LFI.

<sup>9</sup> This term ‘subject of a life’ comes from Tom Regan (1983: 243). An individual is a subject of a life is that individual has beliefs and desires, perception, memory, a sense of the future, an emotional life, sentience, the ability to initiate goal-directed action, a psychophysical identity over time, and an individual welfare (i.e., experiences that are better or worse for them).

toward animals are context-sensitive even though our duties of non-harm are not. It is in regard to our duties of assistance toward wild animals that I believe Palmer's arguments eventually take a misstep.

Robert Nozick (1974) substantively develops the notion of backward-looking claims when describing his entitlement theory of distributive justice. He distinguishes between two types of principles of justice: end-state principles and historical principles. End-state principles evaluate whether a distribution is just by examining how things are distributed at a particular point in time with reference to a structural principle that governs what is permissible. Nozick (1974: 155) criticizes end-state principles because they fail to take into account how a distribution *came to be*, and for this reason, he advocates historical principles of justice – those that 'hold that past circumstances or actions of people can create different entitlements or differential deserts to things.' The underlying idea behind historical principles is that our past relations with others play a large role in what we owe to them.

Nozick (1974: 185) later applies this idea to determine duties of justice with regard to several independently existing individuals:

If there were ten Robinson Crusoes, each working alone for two years on separate islands, who discovered each other and the facts of their different allotments by radio communication via transmitters left twenty years earlier, could they not make claims on each other, supposing it were possible to transfer goods from one island to the next? Wouldn't the one with least make a claim on ground of need, or on the ground that his island was naturally poorest, or on the ground that he was naturally the least capable of fending for himself?

Nozick intends this case to serve as a counterexample to Rawls' claim that social cooperation is what creates the problem of distributive justice, but the more interesting claim (for our purposes) is Nozick's later decree that in this case of social noncooperation 'each individual

deserves what he gets unaided by his own efforts' (Nozick 1974: 185). In other words, none of these individual Robinson Crusoes is obligated by considerations of justice to give away anything that he has earned, even if the some of the others are in unfavorable predicaments. Part of Nozick's justification for his verdict is that each of these individuals is entitled to his holding, but another element is also crucial: none of these individuals is responsible for any of the others' circumstances.

Thomas Pogge (2007: 634), whose work Palmer also discusses, echoes the same idea in his hypothetical case of starving Venusians:

Suppose we discovered people on Venus who are very badly off, and suppose we could help them at little cost to ourselves. If we did nothing, we would surely violate a positive duty of beneficence. But we would not be violating a negative duty of justice, because we would not be *contributing* to the perpetuation of their misery.

Like Nozick, Pogge highlights the importance of our relations with other people with regard to what we owe them. Whatever duties of beneficence we may have to assist the Venusians, these duties are weaker (and perhaps *much* weaker) than our duties to those with whom we form a community. This plausible observation forms the basis for making an analogue from humans to animals. While we may have duties to assist domesticated animals because we have formed relations with them and are largely responsible for their fates, we have not formed any such relations with wild animals and so no duties of assistance to them are generated.

Having presented this argument, Palmer (2010: 89) endorses a view that incorporates both capacity-oriented accounts and the LFI:

[P]rima facie we should not harm [wild animals], since they are sentient and morally considerable, but we have no duties to assist them, because their situation, even when



they are suffering or starving, reflects no injustice, and no moral agents were involved in bringing it about.

But this all proceeds very quickly. Can we really make such robust inferences from this analogical argument? What these arguments persuasively show is that our duties to help those with whom we share special relations are stronger than our duties to help those with whom we have no such relations, and this claim is compatible with many different accounts of our duties of assistance to wild and domestic animals. Perhaps our duties to wild animals are strong and our duties to domesticated animals are simply *stronger*. Or perhaps our duties to wild animals are fairly weak and only binding in extreme circumstances (e.g., species extinction) while our duties to domesticated animals are quite strong. Palmer's own view – that duties to assist wild animals are simply absent – is also compatible with this general claim, but why should we favor it over the other possibilities?

In the next section, I examine several forms of the LFI and some theoretical principles that serve as competitors to it. This discussion sets the stage for Section V, where I critique Palmer's reasons for favoring the No-Contact LFI over the alternative views available.

#### IV: DIFFERENT VERSIONS OF THE LFI AND SOME RIVAL PRINCIPLES

Palmer (2010: 68) specifically identifies three different versions of the LFI, though she notes that her list is probably not exhaustive (Palmer 2010: 76). Nevertheless, these three versions of the LFI provide an appropriate place to start outlining our theoretical options:

Strong LFI:        One should (*prima facie*) neither harm nor assist wild animals; rather, one should not interfere with them at all.

Weak LFI:         One should (*prima facie*) not harm wild animals, and there is no presumptive duty to assist them – but it may be (sometimes or always) permissible to assist.

No-Contact LFI: One should (*prima facie*) not harm wild animals, and there is no presumptive duty to assist them – but it may be (sometimes or always) permissible to assist. But positive duties to assist may be generated when we have contact with those wild animals that adversely affects them in nontrivial ways.

The No-Contact LFI is somewhat more demanding than the Weak LFI (because it does require assistance in some cases), but it still captures the idea that there is a significant difference between our duties of assistance to wild and domestic animals. We should also note that the No-Contact LFI makes no effort to account for the value of ecosystems' integrity or wildness more generally, values that have often been used to argue for the Strong LFI.

In addition to these versions of the LFI, there are two other variations that are worth mentioning:

Semi-Strong LFI: One should (*prima facie*) neither harm nor assist wild animals, but in certain extreme circumstances, one may permissibly intervene to benefit wild animals.

Contingent LFI: One should (*prima facie*) not harm wild animals, and there is a strong duty to assist them in circumstances where we can reasonably ascertain that our intervention will benefit them. However, since our intervention almost always does more harm than good, we generally ought to leave wild animals alone.<sup>10</sup>

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<sup>10</sup> Palmer (2010: 31, 78, 164) does briefly mention the Contingent LFI, but she does not accurately represent the core idea of the LFI and so does not include it in her list of its three different versions.

Before considering the relevance of these two other versions of the LFI, we should examine the reasons could be offered in support of them.

The Semi-Strong LFI would likely result from joining two general beliefs, one about animal suffering and one about the value of keeping ecosystems as free from human intervention as possible. One may think both that animal suffering is bad (and that its prevention is good) and that there is something valuable about the integrity of ecosystems such that their being left in a natural or wild state is good. If one held both these views at the same time, then she might think that while preserving an ecosystem's integrity is important, there may be circumstances where animals are in such dire straits that helping them seems just as morally good as preserving the ecosystem's integrity. Moreover, helping one or even many animals will probably not have a significant effect on ecosystem integrity unless this is done frequently over a long time period.

The Contingent LFI is a view that Palmer attributes to utilitarians who advocate nonintervention in nature. Although it would be morally good to intervene in nature to prevent suffering, our efforts to do so have historically only made animals worse off. Therefore, we should refrain from attempting to assist wild animals: they will fare better without our intervention.<sup>11</sup> Palmer finds the Contingent LFI problematic, but the swiftness of her rejection of this view may seem dissatisfactory (Wilson 2011: 827). Because Palmer's reasoning with regard to this view will be important in the next section, we should pause to examine why she rejects the Contingent LFI.

Palmer dismisses the Contingent LFI for two reasons. The first is that the Contingent LFI takes the wrong form and does not capture the core of the LFI. Specifically, she states, 'The LFI is not the view that ethical responsibilities to assist wild animals are outweighed by other priorities or by worries about our competence; such ethical responsibilities to assist are

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<sup>11</sup> Singer (2002: 225-226), perhaps the quintessential utilitarian animal ethicist, offers this explanation as the reason why we should not attempt to eliminate predation.

just *not there at all*' (Palmer 2010: 31). In other words, the Contingent LFI does not properly capture the laissez-faire component of the LFI. That is why Palmer seeks 'a stronger, noncontingent justification' for it (Palmer 2010: 78). Palmer may be correct in thinking that the Contingent LFI is not the best encapsulation of the intuition that it purports to capture. Nevertheless, it might still be a more plausible position regarding our duties of assistance to wild animals than the alternatives. In other words, the Contingent LFI could be the most defensible view even if it is not *really* an LFI. Thus, we need a more persuasive reason to dismiss the Contingent LFI.

Palmer's account can meet this challenge, however, because she provides a much stronger reason to reject the contingent LFI. She stresses that the utilitarian (or at least broadly consequentialist) reasoning that underpins the Contingent LFI is not 'backward looking' because 'the *source* of pain or aversive experience' is irrelevant (Palmer 2010: 31). But we typically think that it matters how a state of affairs comes to be, and those responsible for causing bad outcomes typically acquire special responsibilities to ameliorate the circumstances they have caused. These considerations are morally significant, and some forms of utilitarianism (including Singer's) have no obvious way of accommodating them.<sup>12</sup> Since the Contingent LFI is predominantly supported by thoroughgoing utilitarian reasoning, it should also be rejected.

Beyond the Semi-Strong LFI and the Contingent LFI, there are two other views worth considering, each of which serves as an intermediary between the Weak and Strong LFIs:

Moderate View: One should (*prima facie*) not harm wild animals, and there is a weak presumptive duty to assist them, which typically arises only when their

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<sup>12</sup> Rule utilitarianism may be able to (at least partially) capture the moral significance of backward looking claims, although there may still be lingering worries about whether rule utilitarianism captures their significance in the right way. One may think that the proper explanation for acknowledging backward looking claims is not tied to the fact that society as a whole is better off when such a moral norm is practiced; they might hold that these claims should be acknowledged and honored even if they were not conducive to optimal social welfare.

needs are great and the costs to us are minimal; however, beneficial assistance is always permissible.

Gradient View: One should (*prima facie*) not harm wild animals, and there is a weak presumptive duty to assist them, which typically arises only when their needs are great and the costs to us are minimal; however, beneficial assistance is always permissible. Stronger duties to assist may also be generated when we have contact with wild animals that adversely affects them in nontrivial ways.

Neither of these views is a variant of the LFI because neither is *laissez-faire*: both of them posit some duties to assist wild animals. The thought underlying this feature of these views may be that wild animals, just by virtue of their moral status, are *prima facie* owed some assistance when faced with perilous conditions. The Gradient View also features a clause (similar to one found in Palmer's No-Contact LFI) stipulating that stronger duties to assist may be generated for wild animals that we adversely affect. Wild animals in the contact zone (i.e., those who encounter human beings and are affected by them) that are made worse off by human action are owed more than wild animals that have had no contact with human beings. I label this the Gradient View because our duties to assist animals, though always present, increase in strength in proportion to the strength of our relationships with these animals.

Having presented five different forms of the LFI and two competitors to the LFI, we can now appraise Palmer's defense of the No-Contact LFI. Arguments based on the significance of backward-looking claims lead us to the following conclusion: our duties to help those with whom we share special relations are stronger than our duties to help those with whom we have no such relations. Furthermore, we have formed special relationships with domesticated animals but have not done so with wild animals. Thus, it appears we have

stronger duties to help domesticated animals than wild animals. Now let's see if we can get from this claim to Palmer's No-Contact LFI.

## V. REJECTING THE NO-CONTACT LFI

Palmer's central argument in favor of the No-Contact LFI is the analogical argument that was sketched in section III. The core idea is that our duties to assist animals diminish as the strength of our relations with those animals diminishes just like our duties to assist other people diminish as the strength of our relations with those people diminishes. When we do not form any relationship with an animal, we have no duty to assist it at all.

First, we should note that Palmer's analogical argument is not vulnerable to what might be called the 'relevant dissimilarities' objection. This objection holds that an analogy fails because there are relevant dissimilarities between the two entities being compared. In the case of Palmer's argument, we are comparing humans and animals, and we are assuming that some animals have capacities that render them morally considerable. Although this assumption is not beyond question, it is difficult to deny in light of advancements in biology, neuroscience, and other areas of animal science, and I do not intend to challenge it here. Moreover, just as we have relationships with other people that are morally significant, we have relationships with animals that are morally significant. In addition to pets that serve as personal companions, we also raise animals that perform social services (e.g., seeing eye dogs, police dogs), provide milk and other products, serve as test subjects for scientific experiments, and even die in order to provide us with food and materials to make clothing. These animals are raised not only to be dependent on us but also (in many cases) to be used by us for important purposes.<sup>13</sup> These relationships, if we take backward-looking claims seriously, are of tremendous moral importance because we are nontrivially responsible for

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<sup>13</sup> Of course, it is questionable whether all of these purposes are properly described as important and even more questionable whether they are sufficiently important to justify the immense suffering that these animals often undergo. But this issue is another matter entirely.

these animals' vulnerabilities and welfare.<sup>14</sup> Relationships of this sort are also not limited to domesticated animals because our tampering with the natural world often harms wild animals. In such cases, we acquire an obligation to assist these wild animals because we have had a negative effect on their welfare. After all, we acquire such duties when we harm human beings, even if we have no prior established relations with these human beings, and since (some) animals have the capacities that make them morally considerable, it would be arbitrary to say we have no duties to assist them in the same circumstances that we normally have duties to assist human beings.

We should pause here to note that this line of argument generates a strong reason to reject the Weak LFI, the Contingent LFI, and the Moderate View. The Weak LFI fails to account for wild animals that are impacted by human actions in nontrivial ways. Even if there are some animals that can be properly described as *fully* wild – meaning that their lives are not meaningfully affected by human beings at all – most animals are *not* fully wild: the majority of non-domesticated animals have been affected by habitat destruction, introduction to new environmental hazards (e.g., roads), climate change, and many other human actions.<sup>15</sup> We cannot plausibly claim that our duties to these animals are identical to our duties to fully wild animals because this overlooks our responsibility for the predicaments of wild animals in the contact zone. Since the Contingent LFI likewise neglects the importance of the relations we have established with certain animals, we now have reasonable grounds for

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<sup>14</sup> One intriguing aspect of the LFI is that while duties to assist are stronger with respect to domesticated animals, duties of non-harm and non-interference appear stronger with respect to wild animals. While we are required to assist domesticated animals in various ways, we also appear justified in confining them, harming them (e.g., in experiments), and even killing them (e.g., in agricultural practices). Certainly, in our everyday practices, we treat domesticated animals in these ways, and there is no clear equivalent of these practices in our dealings with wild animals. This asymmetry in the treatment of wild and domesticated animals suggests that the duty not to harm wild animals is generally regarded as stronger than our duty not to harm domesticated animals. In some respects, this aspect of the LFI might appear problematic or even paradoxical: one may think that stronger relations with an animal (like stronger relations with a person) makes the duty not to harm *stronger* rather than weaker. This feature of the LFI warrants critical scrutiny, but such an examination is not my task here. My focus is only on whether the LFI accurately captures our duties of assistance with respect to wild and domesticated animals.

<sup>15</sup> In fact, in the wake of global climate change, it is uncertain whether there are any animals on Earth that have not been affected at least a bit by human actions.

rejecting this view as well, and the Moderate View can be criticized in the same manner. The Moderate View makes no distinction between fully wild animals and wild animals that have been impacted by human action. The Moderate View needs a further clause (such as the one found in the Gradient View) to account for this distinction. With these options eliminated, we are left with Palmer's No-Contact LFI, the Strong LFI, the Semi-Strong LFI, and the Gradient View.

At this juncture, a puzzle emerges for Palmer. In Pogge's case of the starving Venusians, he claimed that there is no duty of justice to help the Venusians but that there *is* a duty of beneficence to do so. This implies the existence of some general obligation to assist those in need, even in cases where they have no relations with us at all. Given how Palmer's analogical argument proceeds, it is perplexing that she claims that we have *no* duties to assist wild animals, rather than *weak* duties to assist them.

Pogge holds that our duties to assist human beings are very weak when we have no relationship with them but that these duties are still present to some extent; the strength of these duties increases as the strength of our relationship with other people increases. The Gradient View mirrors Pogge's position perfectly with respect to animals: we have very weak duties to assist animals with whom we have no relationship, and these duties increase in stringency as our relationships with the animals get stronger. The No-Contact LFI, in contrast, claims that duties to assist animals disappear entirely when we have no relationship with them. Pogge's reasoning, if mirrored in the case of animals, leads us to endorse the Gradient View of our duties to animals – not Palmer's No-Contact LFI.

Perhaps Palmer took Nozick's Robinson Crusoe case as being the better exemplar of her reasoning, but this example is problematic because Nozick makes no mention of duties of beneficence. There may indeed be no duty *of justice* to provide assistance to the other Robinson Crusoes who are in peril, but considerations of justice do not exhaust the spectrum



of morality.<sup>16</sup> A Robinson Crusoe who is particularly well off and in position to easily help one of the others may indeed have a duty to help him, even if this is a duty of beneficence and not a duty of justice.

Palmer is aware of this difficulty and addresses it with respect to Singer's well-known drowning child case: '[I]f I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing' (Singer 1972: 231). Palmer must provide a reason for thinking that we have duties to assist a drowning child with whom we have no prior relations but no corresponding duty to assist a wild animal in a similarly perilous situation. She supports her view by claiming that human beings are all members of a global community and that we all stand in a special relationship to one another. Drawing on the work of Leslie Pickering Francis and Richard Norman (1978), she identifies these relations to include 'mutually recognized communication, the ability of humans to justify themselves to others, reciprocity in economic relations, mutual cooperation, the joint organization of political and other institutions, membership of political communities, the sense of a political 'world order,' and membership in families' (Palmer 2010: 121). The rich network of human relations is thought to generate special moral obligations, and we thereby acquire duties to assist those who are also members of this rich community.

There are a number of problems with this explanation. First, it implies that there is no duty to assist the starving Venusians, for surely we do not form a community with them in any morally significant sense: virtually all of the features that Palmer identifies as relevant to forming the global human community are absent. But it seems that there is *some* duty to assist, at least if the costs of doing so are minimal and their circumstances are dire.

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<sup>16</sup> It is also worth mentioning that the Robinson Crusoe example creates background conditions that make the prospect of aiding the others seem very difficult and burdensome. One might want to hold onto his surplus of fresh water for fear of a future drought or other disaster. It seems plausible that weak duties to assist could be overridden in those circumstances, so reaching the verdict that assistance is not required in this case is compatible with the presence of duties of assistance in other cases.

Second (and related to the first problem), if the basis for the duty to assist the drowning child is contingent upon the existence of a global human community, then there would have been no obligation to assist in the drowning child case many centuries ago when no global human community existed. After all, the cooperative social and political networks that constitute the global community are a very recent development. But this verdict seems wrong: surely the drowning child is owed assistance regardless of whether or not there exists some global human community in the background. The duty to assist the drowning child is grounded in the type of being the child is and the knowledge that the child dying would be very bad – *not* the fact that we recently formed a global communal relationship with the child.

Third, reference to the global human community seems irrelevant to assessing why the drowning child is owed assistance. A moral principle's plausibility is derived not only from its ability to generate reasonable moral verdicts but also from its ability to provide the *right reason* for those verdicts. In the case of the drowning child, consequentialist reasoning provides the simplest and most compelling account of our moral duties. Even if appeal to a global human community can ground some duty to assist the drowning child, this justification for the duty to assist is indirect and far from obvious. The more plausible explanation is that the child's death would be very bad and that we ought to prevent bad things from happening, at least when we can do so at very little cost to ourselves.

Fourth, although Palmer gives reasons for endorsing a particular view of what constitutes a morally relevant community, objections to her definition can easily be raised. As she acknowledges, one could argue that a global community cannot generate duties of assistance and only more local communities (e.g., states, cities) can do so (Palmer 2010: 122). But one could also argue that human beings and other animals form a global community of biological life forms entangled in the same biosphere. Admittedly, to claim

that membership in this community generates duties of assistance might be a stretch, but it may not be any more of a stretch than claiming that membership in a global human community generates such duties.

After considering these problems with the No-Contact LFI, the Gradient View emerges as a more plausible position. Endorsing it enables us to avoid these troubles, since the Gradient View posits a weak duty to assist wild animals. The Gradient View also better handles some cases that pose problems for the No-Contact LFI. As one illustration, the No-Contact LFI states that there is nothing morally wrong with allowing a squirrel to suffer and die slowly as a result of a predatory attack even when one could kill it quickly and rather painlessly with little effort. Palmer (2010: 149-150) herself seems to struggle with accepting this conclusion. In an effort to make the lack of a duty to aid the squirrel more palatable, she suggests that a virtuous person would assist the squirrel even if there was no obligation to do so.

It is unclear, however, whether a virtuous person would assist the squirrel if no obligation to assist is present. A virtuous person might value the integrity of ecosystems and think it better to let the squirrel writhe and suffer so that its movements and noise might attract a nearby predator or scavenger. She might believe that, though her feeling of compassion tempted her to help, this is but one of many situations where she ought to refrain from meddling with nature. If we really believe that a person should help a dying squirrel in these circumstances, an appeal to virtue theory will not be adequate to explain why. A better strategy is to posit the presence of a duty to assist the squirrel, even though the squirrel is a wild animal. The Gradient View posits such a duty. Thus, it better explains why we should not leave the squirrel to suffer needlessly than Palmer's No-Contact LFI can manage, even if the No-Contact LFI is supplemented by virtue ethical considerations.

## VI: WHAT WE'VE LEARNED

Palmer deserves (and has already received) praise for drawing attention to a relatively unexplored aspect of animal ethics – namely, the moral significance of our relationships with animals and the impact that they have on our duties to assist them – but she has reached the wrong conclusion about the plausibility of the LFI. The Gradient View derives support from the same arguments that Palmer uses to support the No-Contact LFI and encounters fewer problems than its competitor. Nevertheless, Palmer's arguments shed light on many important features of the theoretical landscape in this area of animal ethics.

I earlier sketched five versions of the LFI and two rival principles to the LFI. Working through Palmer's arguments, we saw that she offered persuasive reasons to reject the Weak LFI, the Contingent LFI, and the Moderate View. She also presents a general case for the No-Contact LFI, but rather than confirming that this position is correct, her arguments suggest that a competing position is more plausible: the Gradient View. Thus, we can likewise reject the No-Contact LFI. Where does this leave us?

We are left with two versions of the LFI: the Strong LFI and the Semi-Strong LFI.<sup>17</sup> Palmer's arguments build a case for the Gradient View, but she leaves the other two possibilities largely unexamined. Palmer believes these approaches would have to rely on an argument that defends the value of preserving the integrity of wild environments even when doing so is to the detriment of individual animals. She expresses some skepticism about whether this can be done (Palmer 2010: 71, 162), but she does not argue for this conclusion at length in the book. There may be other routes to the Strong or Semi-Strong LFIs: perhaps, for instance, we should not intervene in nature because we should avoid cultivating the vice of hubris associated with the notion that we can improve nature. In any case, developing an argument for the Strong or Semi-Strong LFIs is a task that must be undertaken elsewhere, as I

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<sup>17</sup> The five formulations of the LFI that I have considered surely do not constitute a complete list, so there may be other versions of the LFI that deserve critical examination in the future.

share Palmer's skepticism about attempts to defend such views. As things stand, I believe that Palmer has revealed to us the most plausible account of our duties to wild animals, but ironically, this account is not the No-Contact LFI that she tries to defend. Her arguments actually suggest that the Gradient View best reflects what we owe wild animals. While she is right in claiming that we should not (*prima facie*) harm wild animals and that our duties to assist domesticated animals are stronger than our duties to assist wild animals, her claim that we have *no* duties to assist wild animals is incorrect: we have weak duties to assist wild animals just as we have weak duties to assist humans with whom we have no personal relations. Since we have some duties to assist wild animals, it follows that the LFI is false.<sup>18</sup>

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<sup>18</sup> ACKNOWLEDGEMENTS REMOVED FOR BLIND REVIEW.

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