A NOTE ON COMPARING DEATH AND PAIN

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Many public and private dilemmas result from the difficulty of balancing very different goods. One central class of problems results when one is forced to compare the preservation of life and the avoidance of pain. This is frequently at work in dilemmas about allocation of health care resources. Equally important problems arise when avoidance of human death or pain has to be compared with avoidance of animal death or pain. Some issues involve both of these comparisons, giving a four way tradeoff: human pain, animal pain, human death, animal death. This happens in some issues about animal experimentation, especially when the expected result is to the benefit of animals as well as humans. The purpose of this note is to describe a way in which the first comparison – that of pain and death – can be used to explore the second – that of evils befalling individuals of different species.

The basic idea is very simple. Make two assumptions. Assume first that pain is an objective and species-independent evil, that is, that more pain is worse than less pain whoever it is that is suffering, and also that in principle the degree to which a person or animal is suffering is an objective fact. Assume next that the balance between the relative evil of pain and death varies from one species to another, that in one species death may be a worse thing in comparison to pain than in another. It follows that the death of an animal of one species can be compared to that of another, in terms of their different relations to comparable amounts of pain. We can thus use pain as the common currency in comparing rather different evils in different species.

TOOLEY'S POINT

I begin by elaborating the second assumption. Michael Tooley, in

'Abortion and Infanticide',[1] was the first to argue that the relative evil of pain and death could be different in different creatures. Tooley's argument turns on an example comparing the wrongness of four actions: (a) painlessly killing a kitten, (b) torturing a kitten, (c) painlessly killing a normal adult human, and (d) torturing a normal adult human being. Tooley appeals to a set of moral intuitions according to which (b) is worse than (a), but (c) is worse than (d). Many people share these intuitions. But there are qualifications that almost anyone would immediately want to make. I shall mention three, each concerned with breaking down the absoluteness of a distinction.

First of all, how much torture? Torture a person enough and it becomes less clear that it would be worse to kill her. Lessen the amount of torture too much and it is not clear that inflicting that amount of pain on a kitten would be worse than killing it. Let us just say that there is a level of pain which if inflicted on a kitten is worse than killing it and which if inflicted on a person is less bad than killing her.

Next, what range of animals in place of kittens? Presumably something similar holds if the animal in question were a chimpanzee, an elephant, or a mouse. In each case there is a level of pain to inflict which would be to produce a worse result than to kill the animal, and in each case it is plausible that this level is lower than it would be for a typical human being. I would imagine that the appropriate level of pain would be lowest in a mouse, higher in a kitten, and higher yet in a chimpanzee or an elephant. And higher still in a middle-aged human philosopher. Putting it this way, we see that an absolute person/non-person distinction is not needed. We can just say that the level of pain which can outweigh death is different in different species, and that the more a species has the attributes of personhood the higher this level is.[2]

Third, are we speaking of the badness of acts and agents or the (dis)value of results? Primarily the latter, I think. But in most cases where one is evaluating a proposed action in terms of its

[1] Michael Tooley 'Abortion and Infanticide' *Philosophy of Public Affairs* 2, 1972. This argument is more explicit here than in the book version, referred to in the next footnote.

[2] See Michael Tooley *Abortion and infanticide*, Harry Frankfurt 'Freedom of the will and the concept of a person' *Journal of Philosophy* 68, 1971, 5-20, reprinted in Gary Watson, ed., *Free will* (Oxford, 1982), Daniel Dennett 'Conditions of personhood', in his *Brainstorms* (Medford, Mass., 1978). I express some doubts about the standard line in 'Why there is no concept of a person' in C. Gill, ed. *The person and the human mind: issues in ancient and modern philosophy*, (Oxford, probably 1988).

consequences it is not certain what consequences will in fact follow. One must therefore consider the relative evaluation of *probabilities* of death and pain imposed on creatures. This in fact simplifies rather than complicates matters, for while death comes in discrete units probability of death varies continuously. So any amount of pain can in theory be compared with a suitably low probability of death. And in fact we do make such comparisons in everyday decision-making all the time, when we decide what amounts of pain to bear ourselves or inflict on others in order to avoid particular probabilities of death for ourselves or others. Putting this together with the two qualifications above we get a very general formulation: for each creature there is a trade-off function specifying the probability of death which is as bad as any given amount of pain. This function can be rather different for different species, and in particular with increasing personhood the amount of pain which is as bad as a certainty of death becomes greater.

It would be natural to worry about the abstractness and the pseudo-precision of this. I have constructed a very general and pretty general formula on the basis of a few intuitions about some essentially vague quantities. Degrees of pain are not really measurable in terms of numerical more and less, even granting that it is an objective matter how much pain a creature is suffering. And we don't intuitively rank degrees of badness of outcomes in quite such naively linear terms, either. Nevertheless, even taking 'as bad as' and 'increasing' quantities of personhood and pain as inherently vague, the formula I have just abstracted from Tooley's intuitions seems to fit some interesting moral intuitions.

For one thing, strong moral convictions arise about social institutions which undervalue the importance of pain just as definitely as they do about those which undervalue individual life. For example, one of the worries that practicing vets often articulate about the institution of pet ownership is that owners will resist veterinary advice that euthanasia is called for, even when their pets are suffering acutely. Vets often see this as evidence of the owners' selfishness: they are insisting that the animal live in order to spare themselves the pain of separation, although the animal's suffering is worse for it than its death would be.[3]

Also, there is a strong and easily elicited, but far from universal,

[3] That many vets place these issues high among their professional worries has emerged during the veterinary ethics course given by the departments of philosophy and veterinary science at the University of Bristol.

tendency to construe human personhood as a matter of degree, and to link the degree of a human's personhood to the amount of pain that is not worse than death. For example, people frequently take the level of pain which justifies human euthanasia – including 'passive euthanasia' in which drastic or invasive life-prolonging measures are withheld – to be less for someone in whom age or disease has diminished mental and physical functioning than for someone capable of living more of the life of a person.[4]

TRADEOFFS

I shall take it that there is a rough relation of moral indifference, just-as-bad-ness, relating degree of pain, degree of personhood, and probability of death. It is a three-dimensional tradeoff: given a level of personhood, more pain is indifferent to a greater probability of death; given a probability of death, the amount of pain indifferent to it is greater the higher the degree of personhood. (The diagrams may help here.) To make it seem less crudely utilitarian, one could rephrase a bit: the greater the degree of personhood of the creature concerned, the stronger the justification has to be for exposing it to a given probability of death. The main idea, then, is to take this indifference-relation and read it 'sideways', to relate the undesirability of deaths of different creatures.

Here is one way in which it could be done. Suppose that you were trying to balance dangers to your own life with dangers to the life of some higher mammal. The suggestion implicit in what I have said so far is that one should procede roughly as follows.

Step 1: Imagine a range of possible situations which would cause physical pain to you and the animal concerned, in which the undesirability of the situation consists mostly in the physical pain alone, and in which the amount of pain is comparable for you and the animal. (This will need more than common sense and imagination, if the animal is not a higher mammal.)

Step 2: Calibrate the undesirabilities of this range of situations by considering your preferences between gambles involving them. For example, if you would be indif-

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[4] See Helga Kuhse and Peter Singer *Should the baby live?* (Oxford, 1985), ch. 3.

ferent between a certainty of one of them and a 50/50
gamble between two others, then place it mid-way
between them.[5] Be sure that this calibration is also
consistent with your preferences between gambles
involving painful situations inflicted on the animal.
(Note: this is not the same as measuring degrees of
painfulness. It is measuring degrees of undesirability
of painfulness.)

Step 3: Consider what level of pain would be as bad as death
for you. Faced with a prospect of more than this
amount of pain you would choose death. Consider also
what level of pain would be as bad as death for the
animal. Faced with a prospect of more than this
amount of pain inflicted on it you would, if the decision
were yours, opt for euthanasia.

Step 4: Check for consistency between the calibration in step 2
and the pain/death balance in step 3. Consider choices
between probabilities of death and probabilities of
various of the painful situations. If, for example, you
find that you are indifferent between a certainty of one
painful situation p1 and a 50/50 gamble between
another p2, and the level of pain, p3, you had taken to
be as undesirable as death, but also find that you prefer
death to p1, then your valuations will have to be
rethought until they are consistent. Similarly, check
that your estimate of the pain/death point for the
animal is consistent with your preferences between
gambles between painful situations and death for it.

Step 5: Use the cleaned-up calibrations that emerge from step 4
to generate preferences among gambles between pro-
babilities of pain and death for yourself and the animal.
For example, you may be indifferent between a 0.5
chance of your own death and painful situation p1 for
yourself, and also indifferent between a 0.8 chance of
death and painful situation p1 for the animal. Then you
should be indifferent between a 0.5 chance of death for
yourself and a 0.8 chance of death for the animal. If
step 4 has been carried out thoroughly the preferences
and indifferences thus generated should be consistent.

[5] See R.C. Jeffrey *The Logic of Decision* (Chicago, 1965, 1985), Ch. 3.

A PLAUSIBLE TRADE-OFF FUNCTION BETWEEN PAIN AND DEATH

1 Indifferences of level of pain and of probability of death.
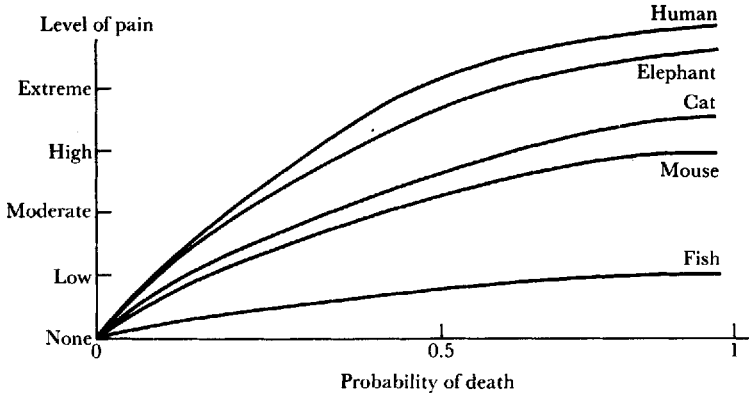
e.g. an elephant's being in extreme pain is as bad as a 0.8 chance of an elephant's death; a 0.5 probability of an elephant's death is as bad as a certainty of an elephant's being in very high pain. Note that I have made the shape of the curve different at different levels of personhood, which prevents simple comparisons of the form 'a human's life is worth n times that of an elephant'. But it does follow from the curves that e.g. a certainty of an elephant's death is as bad as a 0.9 chance of a human's death.

2 The same relationships regraphed to bring out the comparisons between different species. (Based on crude intuition, not the facts that must eventually be used.)
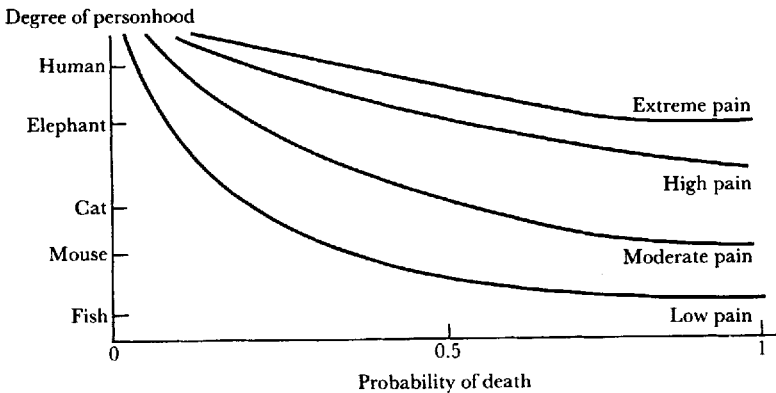
FINAL REMARKS

This procedure is more likely to be applicable as a check on the consistency of sustainability of relative evaluations of lives of members of different species than as a way of getting these evaluations in the first place. For one thing, although the procedure will, given the evaluations almost anyone will feed into it, rank most human lives higher than almost all animal lives, the difference in relative value may well be less than one would have expected. And given this, most individuals will then want to rethink their preferences. This will mean redoing step 4 – various forms of step 4 are a central part of all our lives – but it may well involve a lot more. One may want to make distinctions between different lives and therefore different deaths; one may want to doubt that animal and human pains are comparable even in physically and physiologically comparable situations; one may want to judge acts in more subtle ways than their consequences; one may want to have risk-aversion factors as well as expected utilities. Some of these complications may not apply in the most important case, when it is the consistency of the preferences underlying a body of social policies that is at issue.

The most important part of the rethinking may well involve other dimensions of evaluation. Many of the decisions that seem at first to balance death against pain also turn crucially on welfare and misery. There are biological universals here too: ways in which we are beginning to be able to compare the degrees of stress different creatures are under in situations which do not suit them.[6] These too can be worked in, and digested by something like my four stage process. The result should be a consistent set of individual or social preferences. To focus just on consistency would be to miss the main point, though. The main point is that the process results in moral judgments that are consistent with matters of objective, refutable fact. Whether the facts come from the psycho-physiology of pain or the emerging science of animal welfare, the aim will be the same: to spread their objectivity as widely through ones preferences as one can. The process pulls one's values out where the facts can get at them.

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[6] See Michael W. Fox *Farm Animals: husbandry, behavior, and veterinary practice* (Baltimore, 1984).