

Title of paper:

'The argument from existence, blood-sports, and 'sport-slaves''.

Abstract:

The argument from existence is often used as an attempted justification for our use of animals in commercial practices, and is often put forward by lay-persons and philosophers alike. This paper provides an analysis of the argument from existence primarily within the context of blood-sports (applying the argument to the example of game-birding), and in doing so addresses interesting and related issues concerning the distinction between having a life and living, or worthwhile life and mere existence, as well as issues surrounding our responsibilities to prospective and actual beings. However, my analysis of the argument will go beyond the animal ethics context; it is important that it does so in order to reveal the troublesome implications of the argument and to highlight the sorts of unethical practices it supports. In particular, in applying the argument to a relevant example concerning human beings, I will discuss how the argument from existence could be used to justify the ownership of slaves who were reared for slavery. My objective is to show just how problematic the argument from existence is, with the aim of laying the argument to rest once and for all.

Key words:

Existence, obligations, slavery, blood-sports, interests.

The argument from existence, blood-sports, and ‘sport-slaves’

Introduction

In the UK at least, shooting birds for sport or what is called ‘game-birding’ is a fairly established pastime. Whilst some birds used in the sports-shooting industry are reared by free-range methods, many are intensively reared for the purpose of shooting for sport. During the shooting season, these birds are released into designated areas where ‘beaters’ drive the birds out of the undergrowth and into the sky, so as to make the birds visible to shoot (this form of shooting is known as Driven-Game Shooting). Most of these birds are shot for recreational purposes.

It has been reported that millions of game-birds are bred each year for the UK sports-shooting industry (*Shooting Times*, 2009, p.7; cited by *Animal Aid*, 2010, p.1). With numbers like this, the production of game-birds often involves intensive-rearing. As with all intensive-rearing methods of farming, the production and rearing of game-birds using such methods raises a considerable number of welfare issues. The Farm Animal Welfare Council has claimed that such welfare issues relate to, amongst other things, the housing systems used (systems which provide a ‘barren environment’), mortality rates, and the confinement of the birds (the birds are often confined to such an extent that they are unable to exercise their natural tendencies) (FAWC, 2008, pp.8-14). It is not surprisingly, then, that intensively-reared game-birds tend to display symptoms of severe stress. The humane way to prevent the birds from enduring such stress would be to improve the conditions in which the birds are kept. However, the birds’ stress behaviour is often controlled by fitting the birds with restraint devices, which further restrict the birds from exercising their instinctive tendencies. Indeed, the FAWC has claimed that the use of such devices is another factor that raises a number of welfare issues (*ibid.*).

While there is evidence to show that these birds suffer a great deal,¹ in this paper I will not focus on whether game-birding is morally permissible but rather will focus on a

¹ See, for example, the first official inquiry by the Farm Animal Welfare Council (FAWC) into the rearing of game birds (2008). See also *Animal Aid’s ‘The Trouble with Shooting’* (2010).

particular argument used in the animal ethics debates; that argument being what I shall call ‘the argument from existence’.²

Even so, for the purpose of setting the context, it should be said that most, if not all, animal welfarists would no doubt argue that the practice of sports-shooting and in particular rearing birds (most noticeably, pheasants and partridges) for the purpose of sport is wrong, either because of the suffering the birds endure for sport, or because of the fact that these birds are killed purely for the purpose of sport, or both. Thus the animal welfarist would no doubt object to blood-sport as a practice. And it is indeed reasonable to suppose that however much one wants to pursue one’s ‘interest’ in blood-sport or game-birding (if it can be described as an ‘interest’ in the philosophical sense) this interest is not weighty enough to justify causing substantial suffering to another being or killing such a being. (‘Animal welfarists’ here should be taken to refer widely to those who recognise the moral standing of animals and as such to those who advocate giving animals’ interests due moral consideration.)

This paper will discuss a common objection to the animal welfarist’s position just outlined; that objection taking the form of the previously mentioned ‘argument from existence’. This argument is often used in support of our use of animals in commercial practices such as sports-shooting, and can be used as an attempted justification for the suffering and killing of animals in such practices. The argument tends to crop up in one form or another not just in discussions about blood-sport, but frequently rears its head in other discussions in animal ethics, and is often put forward by lay-persons and philosophers alike.³ My objective in this paper is to show just how problematic this argument is, with the perhaps overly ambitious aim of laying the argument to rest once and for all.

² For a discussion of the ethics of shooting birds for sport and of the moral permissibility of game-birding, see [author reference]. The current paper on the argument from existence is a development of a small section of the aforementioned paper; a paper which was primarily concerned with an ethical analysis of shooting birds for sport, but which provided a brief summary of the argument from existence. That brief summary has been incorporated into this paper (with permission from Taylor and Francis).

³ This argument has been used by philosophers for some time (and continues to be presented during the question period at conferences). See Leslie Stephen, *Social Rights and Duties* (1896), quoted by Henry Salt, ‘The Logic of the Larder’ (1976); D.G. Ritchie, ‘Why Animals Do Not Have Rights’ (1976); and Michael Leahy, *Against Liberation: Putting Animals in Perspective* (1991), p.210.

I will provide an analysis of the argument from existence primarily within the context of blood-sports and will do so by applying the argument to the example of game-birding. However, my analysis of the argument will go beyond this context as I will also apply the argument to relevant examples concerning human beings. It is necessary that the analysis goes beyond the animal ethics context in order to reveal the troublesome implications of the argument and in doing so I will highlight the sorts of unethical practices this argument supports. In particular, I will discuss how the argument from existence could be used to justify the ownership of slaves who were reared for slavery.

Further the argument from existence raises interesting issues concerning the distinction between having a life and living, or worthwhile life and mere existence, as well as issues surrounding our responsibilities in relation to prospective beings that we are considering bringing into existence and to actual beings that we have purposely generated, human children included. Obviously these issues are far reaching and are relevant to many areas in applied ethics, including medical ethics for example. However, the analysis provided in this paper will seek to address these issues as they relate to the argument from existence only, for it is beyond the scope of this paper to address all the areas in which these issues can be applied.

The first form of the argument from existence

So what is the argument from existence? Well, as said above, it is often used in response to the animal welfarist's position, and can be used as an attempted justification for the suffering and killing of animals used for commercial purposes. Here I will apply it to the context of game-birding. There are two forms of the argument. While responses to both forms utilise the example of slavery, as well as involve ethical issues surrounding the generation of beings, responses to the first form centre on the themes of suffering and worthwhile life, and responses to the second form centre on the themes of killing and death.

The first way the argument from existence can be presented is as follows. The suffering caused to intensively reared game-birds for the purpose of sport is the price they have to pay for existing, for without being bred to be subjected to the factory-farming

system they would not have existed. The way these animals are treated is deemed acceptable as they would not exist otherwise.

However, it could be argued that it is not mere existence as such that we value. We do not value just any kind of life. Indeed, it is not any existence whatsoever that we value, but an existence that *has* value. There are some lives that are of such low quality that they are not worth living or having as a form of existence. Such lives may include the lives of animals reared in factory-farms for the purpose of shooting-sports, and if so the distress and suffering of animals kept in factory-farm conditions (in this case, for the purpose of sport) cannot be compensated for by their mere existence.

And if we consider that such lives may also include human ones, we can begin to see how an analysis of the first form of the argument from existence raises issues relevant to the context of human beings. The same argument could also be used to justify vicious forms of slavery and other types of human exploitation, where humans were reared for slavery or reared to be exploited in some way or another.

But for humans, as well as for animals, mere existence itself is not some kind of good or benefit, as opposed to a flourishing life (which in the context of human beings, could be seen as something approximate to a worthwhile life). And if a being's life or existence is *not* worthwhile or *not* one in which it is able to flourish then it cannot compensate for its pains and distresses (see Clark, 1977, p.59).⁴

Contrary to what the first form of the argument from existence suggests, it might be fairer to say that it would have been better for some animals and for some humans had they not been born at all, rather than be born into a life where they are significantly prevented from flourishing or not capable of flourishing. As far as some possible beings are concerned, say possible animals reared in factory-farms for the purpose of sport, we may have a negative obligation *not* to bring them into existence when we know that their existence will be one of pain, suffering and misery.

Those that consider bringing beings into existence should take into account the quality of life that those beings will have and, when it is known that the beings concerned

⁴ Stephen Clark argues that 'if existence is not an advantage to the individual concerned it cannot compensate him for his manifold distresses' (Clark, 1977, p.59).

will have pitiful lives, possibly *refrain* from bringing those beings into existence. Further, those that do decide to bring beings into existence have a responsibility for the quality of life of those beings at least for the duration of their own lifetimes; a responsibility that carries with it strong and *positive* obligations. As Robin Attfield says in the context of genetic engineering,

It is wrong to generate creatures which lead lives more truncated than ones which the same agents could have brought into existence instead... When people become responsible... for the quality of life liveable by animals... this confers strong obligations, and does not give them *carte blanche* to manipulate as they please. Even creation has its ethics (1998, p.188).

We would consider it wrong if we brought into existence people who were to be harmfully confined and forced to live a life unnatural to their own kind for our own benefit, and the same logic applies to animals.

We have found then that birds reared for sport by methods that cause considerable suffering cannot be compensated for the conditions they live in by the mere fact of their own existence. That humans purposely cause these birds' existence is no justification for causing the suffering of such animals. Indeed, we may have negative obligations not to bring these animals into existence when we know that their lives will not be worth living, but if we bring animals into existence then this confers strong obligations in respect of their quality of life. The first form of the argument from existence (presented as it is, as an objection to the animals welfarist's position) should then be rejected as implausible.

The second form of the argument from existence

The second way the argument from existence can be presented is as follows. While the suffering of birds raised in factory-farming conditions *is* wrong and cannot be compensated for by their existence, the killing and shooting of birds (for sport) not raised in such conditions (but raised in good conditions) *is not wrong*, since were they not bred for sport they would not have existed, and it is better to have lived, and to have lived a relatively good life, than not to have lived at all (even if that life is cut short). Further, it

is argued that if people were to stop shooting birds for sport then there would be no reason to breed these birds, and thus they would not have had a life at all.

Now, this presentation of the argument is certainly more cogent than the former one. If game-birds are reared in conditions that promote their welfare then it is likely that they will live lives in which their interests are taken into account. Further the living of a relatively good life may outweigh the harm caused by a premature death.

This seems plausible at first, but if we assume that the birds have worthwhile lives, the living of which outweighs the harm caused by a premature death, a problem still arises from the fact that the birds are killed yet they have an existence that is worthwhile, for if a being's existence is worthwhile, then to kill it and end its existence is to injure it (see Clark, 1977, p.59).⁵ So, while it is true that the birds would not have existed were they not bred for sports-hunting, and that if one removes the hunt one would also remove the future existence of many game-birds, this in itself does not justify their killing.

It is worth noting that the reasons for bringing creatures into existence in order that they will be killed are important to the ethics of generating such lives and the killing of such creatures. For example, there may be cases in which there are significant interests at stake; interests that depend on the bringing of creatures into existence and the killing of those creatures. The life interests of the creatures brought into existence, in such cases, may be less weighty or less significant than the other interests at stake. Bringing animals into existence to be used in experiments for the purpose of medical research is a relevant example here. Millions of animals are bred solely for the purpose of medical research, and those animals will inevitably be killed after the research has been completed. As controversial as this is, it is often claimed that they are bred and their lives are 'sacrificed' for weighty reasons.

But what 'weighty reasons' might be put forth for claiming that sacrificing the lives of animals in experiments is justifiable? While it may be thought that appeals to new knowledge or benefits for humans are enough to override animals' significant

⁵ Clark argues that if existence is an advantage to the creature concerned then 'to strip a creature of existence is to injure him' (Clark, 1977, p.59). While existence as such is not a blessing or an advantage (see section above, i.e., 'The first form of the argument from existence'), Clark could be interpreted here as meaning that where a creature's existence has value then to kill that being is to injure it.

interests in continued existence, appeals need to be backed up and justified; such appeals do not stand alone. For a start, in order for such significant interests to be justifiably overridden by human benefits or new knowledge, we would have to identify the humans involved in those benefits, show that those humans had interests which were of *greater moral significance than the life interests of the animals involved*, and that those human interests would be directly affected for the worse if such experiments were not carried out. Such appeals would also have to show that any suffering of the animals involved was justifiable, and that such suffering would be justifiable if inflicted upon humans with similar life interests who, like animals, cannot consent to their being experimented on (otherwise we can be accused of inconsistency at best, or speciesism at worst).

There may, of course, be some experiments we are prepared to do on humans who cannot consent and, in such cases, experimenting on certain animals may be justifiable. In addition, it may be that some human experiments may drastically reduce the suffering of those very humans being experimented upon, and therefore may be permissible. Likewise, it may be that some animal experiments may drastically reduce the suffering of those very animals being experimented upon, and therefore may also be justifiable. So we may have good reasons, and unbiased ones at that, for saying that some experiments are permissible.

However, purposely generating large numbers of animals for research is more difficult to justify. If we assume for argument's sake that some animal (and human) experiments are permissible, it does not thereby follow that purposely *generating* large numbers of animals for use in research is permissible. Even if we suppose that the life interests of the animals to be generated would be less morally significant than the human interests for which their lives are 'sacrificed', we should ask ourselves whether we would be prepared to purposely generate large numbers of humans (for use in research, knowing that they will be killed inevitably) with comparable life interests to the animals concerned. (See 'Sport-slaves' section for a discussion of the value of human and animal life.) I expect most of us would answer this question with a resounding 'no'; under no circumstances would we be prepared to generate large numbers of humans with comparable life interests to the animals in question which we are considering bringing into existence. But if we are not prepared to do this then, in all consistency, we must be

wary of our readiness to claim that bringing millions of animals into existence, with comparable life interests to some humans, for the purpose of medical research is acceptable, albeit animals whose life interests are less significant than the other interests at stake. That said this is compatible with the claim that the interests of some creatures may be less morally significant than the interests of others, and that where interests conflict, comparative judgments should be made. Indeed, those who support the arguments put forward in this paper against the argument from existence are free to recognise this.

Returning to the case of game-birding, bringing birds into existence for the sole purpose of sport does not seem to be a weighty enough reason to justify the act of generating beings for killing, especially in the light of the other less significant interests at stake (the interests of, for example, shooting-sports enthusiasts in pursuing a particular pastime). As far as possible future game-birds are concerned, we may have an obligation *not* to bring them into existence when we know they will suffer a premature death for the purpose of sport. Bringing lives into existence is a serious moral act, and, as said suggested above, those who decide to act to bring beings into existence have a responsibility for seriously considering the interests of those beings (Attfield, 1998, p.188), including their interests in life.

A reply may be anticipated here. We can agree that it is wrong to bring a being into existence when we know it would have a life not worth living, and most would agree that to bring such a being into existence is to cause that being harm and to confer on that being a significant injury. As such, we can also agree that the *first* form of the argument from existence is indeed problematic. But what of bringing a being into existence when we know it will live a good life? If bringing about terrible lives is bad and disadvantages the relevant beings, it seems difficult to deny that bringing about worthwhile lives is good and benefits the relevant beings (see Singer, 1995, p.228). Does this reflection not deem the second form of the argument plausible?

In response, we could choose not to deny this and say, “Yes, bringing about worthwhile lives is good” and that this certainly makes the second form of the argument *more* plausible than the first. But the second form of the argument from existence, applied to game-birding, does not only say that bringing about worthwhile lives is good;

this is not all the argument does. The argument is presented in such a way that it condones the killing of birds for sport on the grounds that if they were not bred for blood-sport or bred to be killed in sporting activities then they would not have existed at all, and as such would not have had a worthwhile life. Thus the second form of the argument tries to support the killing of birds for sport by appealing to their worthwhile existence. This is how the argument has to be presented if it is to stand as an objection to the animal welfarist position, for it does no harm to the animal welfarist's stance for her to agree that the bringing about of worthwhile lives is good. It is of course not the bringing about of worthwhile lives that she objects too, but rather, in the context of this paper, the practice of blood-sport.

But if we accept that bringing about worthwhile lives is good and benefits the relevant beings, this is not a justification for bringing beings into existence in order that they may be killed (and we shall see more clearly why this is so when the argument is applied to the example of slavery, below). As said above, those that bring beings into existence have a responsibility for considering the interests of those beings, especially weighty interests which should include their interest in continued existence. That one has brought beings into existence which will live good lives goes nowhere in justifying one's killing of those beings. In other words, when we have benefited a being by bringing about its worthwhile life, this does not permit us to deprive that being of that which we have bestowed. If a being does have a good life, then death takes away all that is good and as such is the greatest of losses (Nagel, 1986). As Nagel defensibly observed, the good of life can be multiplied by time; more is better than less (*ibid.*).

Indeed, the period of time after our death is time that death deprives us of. This is not true of the period of non-existence before birth. This explains the differences in our attitudes towards these two periods of non-existence (*ibid.*), but in addition it may explain some differences in our obligations. By taking away a being's life prematurely we are very much depriving it in a way we would not be depriving it by not bringing that being into existence (even when we know it would have a good life). Bringing about worthwhile lives may be good, but not bringing about those lives is not a deprivation in the way that taking lives is a deprivation. While we consider people who bring creatures into existence as having positive responsibilities with regard to the interests of those

creatures, including their interest in continued existence, we do not see people who decide not to have children as having obligations to bring children into existence who will live good lives,⁶ and the same reasoning could apply to the second form of the argument from existence. That is, there is no reason to suppose that we have obligations to bring game-birds into existence even when we know they will not live in the conditions of the factory-farm, and there is no reason to think that breeding birds for sport serves as a moral justification for bringing beings into existence that would not have lived were they not bred for killing for sport, even if, before being killed, they lead flourishing lives.

Sport-slaves

Moreover, the second form of the argument implies that if a practice existed whereby humans were bred specifically to be shot for sport (say, as slaves to be used in sporting activities) then that practice could be morally right, and that it would be right to support the continuance of such a practice if the humans lived in humane conditions and their interests were taken into account. In line with the second form of the argument, it could be analogously argued that if such humans had not been bred to be killed and suffer a premature death then they would not have existed, and it is better that they should live and live a life which is relatively good, than not to have lived at all, even if their lives will be cut short.

However, while it may be true that it is better to live a good life, even one that will be purposely cut short, than not to have lived at all, this is no justification for a practice which aims to breed creatures in order to kill them for sport. The very existence of the human sports-slaves in this hypothetical example is no justification for their killing or for a practice which breeds them for sport. Of course we could argue that for these humans it *is* better that they have lived and lived a relatively good life than not to have lived at all, but *the fact that they do exist does not provide a justification for the practice that brought them into existence.*

⁶ Saul Smilansky, however, argues that, in certain circumstances, some people could have responsibilities to have children (1995, pp.42-53).

Once again, a reply might be envisaged. It could be replied that human life has more value than animal life, and it is the value of human life that makes the killing of humans in the hypothetical example wrong, as well as morally distinct from the killing of game-birds. Of course, one could agree with this and say that it is not unreasonable to suppose that different lives have different value in respect of different capacities and potentialities. Indeed, Peter Singer argues that ‘the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than a being without these capacities’ (1995, p.20). To kill creatures that possess such capacities is to deprive them of future goals, plans and potentials (ibid., p.21). Further one generally finds that beings which possess these capacities to a great extent have more complex lives than those whose capacities are somewhat limited in comparison. There appears to be a correlation between the possession of capacities and complexity of life. And the greater a being’s capacities the more it stands to lose from death.

It should be noted that, for Singer, the wrongness of killing animals is related to whether they are self-conscious: self-conscious creatures, or persons, are capable of having a concept of themselves over time and making plans for the future, and because of this they have an interest in not being killed. Creatures that are not self-conscious do not have such an interest, and as such are deemed replaceable (Singer, 1993, pp. 131-34). Pigs, cattle, sheep and dogs are among the animals which Singer believes, with ‘varying degrees of confidence’, to be self-conscious (Singer, 1993, p.132), and so rearing these animals for food is considered to be wrong irrespective of the suffering they endure, but many animals reared for food, including birds, are not considered to be persons, and as such have no interest in continued existence. Of course, Singer still strongly (and forcefully) objects to the use of all sentient animals in commercial practices, including factory-farming and animal experimentation, but his overall objection is not that the animals used are killed, but that they are made to endure considerable suffering. If Singer considers birds to be replaceable, then it is fair to say that he would consider partridges and pheasants to be replaceable.

However, animals which are not self-conscious do stand to lose something from death. As Attfield argues, ‘Death is a deprivation... for... *nonhuman* creatures whose

essential capacities are unfulfilled. But the greater the extent to which creatures are capable of plans and projects... or of the development of conscious relationships, the more they stand to be deprived of by death, and the more value is present in the kind of lives which they lead' (1995, p.90). Irrespective of whether game-birds have a concept of themselves over time or can be classed as 'persons', killing them deprives them of something; it deprives them of fulfilling their potentialities and of exercising their capacities (including perceptual ones). So contrary to what Singer's arguments may imply with respect to the case of game-birding, pheasants and partridges should not be considered as replaceable, but rather should be considered as beings that surely do have an interest in continued existence, albeit an interest that is, all other things being equal, not as weighty as a self-conscious being's interest in life. On the view presented here then it does not follow, *pace* Singer, that beings that lack a concept of themselves over time are replaceable.

Accordingly, with respect to the argument from existence, the problems still remain; the claim that human life has more value than animal life does not rescue the argument. The reason for this is that animal life still has value, albeit a value that is arguably less than human life. As with humans, death deprives animals from developing and fulfilling all those potentialities and capacities that they could have fulfilled in life (*ibid.*), irrespective of whether their lives are more or less valuable than human ones. So the fact that some game birds live a relatively good life, which they would not have had if they did not exist, does nothing to justify their killing or their lives being purposely cut short, for if these animals live good lives, then to kill them is to deprive or injure them. (Besides, it is arguable as to whether the lives of animals are always of less value than the lives of humans. There are some human lives that are of such low quality that, when making comparative judgements, we might not want to say that such lives are of greater value than the lives of some animals.)

At first sight then the second form of the argument from existence seems reasonable (and is more cogent than the first form because it does not view the mere existence of game-birds as compensation for their misery), yet on closer inspection it is problematic and, just like the first form, could be used as an attempted justification for certain forms of slavery, such as human sports-slaves. As such, it should be rejected.

One further major problem with the argument from existence in both its forms, applied to the animal context and to the human one, is that it makes animals reared for blood-sports as well as slaves reared for slavery somehow beneficiaries of humanity. What Henry Salt with irony entitled the 'Logic of the Larder' is relevant here, for although Salt talked of the Logic of the Larder with reference to eating animals, his words get to the heart of the matter in illuminating the problematic nature of the argument from existence. Salt imagines the argument from the standpoint of the Philosopher and of the Pig. From the standpoint of the Philosopher, 'Blessed is the Pig, for the Philosopher is fond of bacon'. Indeed, it is as if the Philosopher were saying, 'I have been a benefactor to this Pig... in so much as I ate a portion of his predecessor; and now I will be a benefactor to some yet unborn pig, by eating a portion of this one' (Salt, 1976 [1914], p.186). But how might the animal, or, as Henry Salt imagines, the pig, respond to such an argument?:

"Revered moralist," he might plead... "to my porcine intellect it appeareth that having first determined to kill and devour me, thou hast afterwards bestirred thee to find a moral reason. For mark... that in my entry into the world my own predilection was in no course considered, nor did I purchase life on condition of my own butchery... but though thou hast not spared my life, at least spare me thy sophistry. It is not for his sake, but for thine, that in his life the Pig is filthily housed and fed, and at the end barbarously butchered" (ibid., pp.186-87).

As Salt says, and rightly so, 'The logic of the larder is the very negation of a true reverence for life; for it implies that the real lover of animals is he whose larder is fullest of them' (ibid., p.188), and we might add, in the context of bloodsports, he who enjoys killing them. Indeed, a case made in favour of animal exploitation (or human exploitation) on the basis of animal existence (or human existence) is a poor one.

Meat eating

It was said at the beginning of this paper that the argument from existence is often applied to a range of practices that use animals, and this includes farming practices for

animal food production. While the suffering of factory-farmed animals cannot be compensated for by their mere existence, supporters of the argument from existence may argue (using the second form of the argument) that the killing of farm animals raised in free-range conditions is not wrong, since were they not bred for food they would not have existed, and it is better for these animals to have lived a good life than not to have lived at all.

All the arguments that were presented against the second form of the argument from existence in relation to game-birding also apply to the argument from existence in relation to free-range farming animals for non-essential purposes, including non-essential meat production. However, it is worth pointing out that even if the argument from existence were used to try to defend what one might consider as essential meat-production, then *some* of the counter-arguments presented in this paper would still apply. This does not mean that essential meat production cannot be defended, but it does mean that it cannot be defended by the argument from existence. For example, the *very fact* that free-range animals exist and live a relatively good life in itself does not provide a justification for the practice that brought them into existence nor does it provide a justification for depriving animals of future fulfilments. Appeals to the worthwhile existence of creatures (both human and nonhuman) do not support the killing of those creatures, and this is so irrespective of whether they are bred for essential reasons.

Of course, as said in the third section of this paper, the reasons for bringing creatures into existence in order that they will be killed are important to the ethics of generating such lives and the killing of such creatures, and they should be taken into account when thinking about whether or not a practice is permissible, but the argument for existence, even if it is applied to cases where animals are bred for weighty reasons, would attempt to condone the killing of the relevant animals *on the very basis* that had they not been bred to be killed (for whatever reason) then they would not have existed at all and would not have had a worthwhile life. But, again, the very fact that one provides animals with a good life does not, in itself, permit one to then take away that which one has bestowed. As such, any attempted justifications for killing animals for their flesh will have to take the form of something other than the second form of the argument from existence. The argument is fraught with problems, and appeals to the argument to support

practices which involve creating creatures intended to be killed will no doubt be just as problematic.

While the arguments presented in this paper against the argument from existence serve to show the troublesome nature of the argument, they do not thereby serve to provide an ethical analysis of the moral permissibility of various commercial practices that use animals. However, it was said above (in the section on the second form of the argument from existence) that the arguments presented against the argument from existence do not prevent us from making comparative judgments of moral weight in cases where the interests of two or more creatures conflict, and it was also said that the reasons for creating animals intended to be killed are important to a consideration of whether our actions in this regard are permissible, and this suggests the way in which an ethical analysis may proceed. Indeed, an analysis of whether a practice is justifiable will no doubt involve a consideration of the interests at stake. In cases where the interests at stake are human ones, then we think it right to suppose that basic, weighty interests, such as an interest in not suffering and an interest in continued existence, should take moral precedence over non-basic, less weighty ones, such as an 'interest' in pursuing a particular pastime. There is no reason why this should not be the case when the conflicting interests at stake are animal and human ones. As said in the introduction, it is reasonable to claim that one's interest in sports-shooting is not weighty enough to justify causing suffering to another being or killing another being.

Much the same applies to other cases that involve using animals for our own benefit. In the case of factory-farming animals for food, animals' basic interests in not suffering and in continued existence are overridden by the human preference in eating a particular diet, and this preference is not a weighty enough reason to override such basic interests. Often the reply is given that although animals suffer through factory-farming methods and are inevitably killed for their flesh, the 'suffering' humans would have to endure if they could not eat meat overrides the animals' interests in not suffering and in continued existence. Such an argument, however, will just not do. Having to experience a diet without meat is not suffering. The majority of the world's population eats very little meat, and eating meat (most notably, in the West) is usually about satisfying taste-buds, rather than satisfying basic needs.

However, there are other cases where rearing animals for food involves the weighting of much more significant human interests. Consider, for example, a case of a woman in a poverty-stricken country, desperate to feed her family. She may have a small number of farm animals which she rears for food; say a few goats and a number of chickens. Indeed, many people in very poor parts of the world rely on their livestock for sustenance and as a food source. Now, following Singer, and digressing slightly, we may consider that like interests should be given equal consideration (see Singer, 1993, ch.3), and in the case of factory-farming, the suffering of the animals should be given equal consideration to the like suffering of humans. Accordingly, if we believe that it would be unjustifiable to inflict on humans the suffering that we inflict on animals in factory-farms, then we must, to be consistent, also believe that the suffering we cause to animals in factory-farms is unjustifiable. But consider also that the principle of equal consideration of interests allows for comparative judgments to be made (not all beings will have an equal interest in life or continued existence) and that in the case above, of a woman desperate to feed her family, there are significant human life interests at stake. It seems reasonable to suppose that, in this case, the life interests of the woman and her family have greater moral significance than the life interests of the animals concerned, perhaps because humans have more complex lives and greater capacities than goats and chickens. In respect of the humans' capacities and potentialities, it appears that they stand to lose more from death than the chickens and goats. In cases such as this, then, raising and killing limited numbers of animals for food may not be unjustifiable. That said even though the life interests of the humans override the life interests of the animals, it could still be argued that it would be unjustifiable to rear the animals in the conditions of the factory-farm, as although the humans and animals in the case in question have different life interests, they both have similar interests in not suffering.

So even if we consider just two of the most basic interests of animals, that is, an interest in not suffering and an interest in life, while these may suffice to show that most farming of animals is wrong, and factory-farming is certainly always unjustifiable, it does not follow that eating meat is wrong per se; indeed, certain forms of free-range farming may be justifiable in certain circumstances, for example, where there is limited or little protein available, or where food is scarce.

However, none of this affects the implausibility of the argument from existence, even in its more cogent form. While a detailed ethical analysis of the killing of animals for food is beyond the scope of this paper, I hope that the above paragraphs will reveal something about what such an analysis should involve; specifically, that deliberations regarding justification should involve comparative judgments of moral weight, taking into account all the relevant interests at stake, rather than an appeal to the argument from existence.

Conclusion

So we have seen that the argument from existence, in both its forms, is implausible. The first form, applied to game-birding, argues that the suffering that game-birds endure in the course of their lives is the price they pay for existing. However, this argument fails to make the distinction between mere existence and worthwhile or flourishing life, and in doing so fails to give due recognition to that which is valuable about life. The logic of the first form of the argument would also justify the rearing of humans for slavery who were to be dealt a miserable existence; this in itself should be enough to sink the first form.

The second form of the argument from existence is more subtle, but it too should be rejected. We have seen that the second form, applied again to game-birding, argues that it is better that birds should live and live a life which is relatively good, than not live at all, even if their lives are ones which will be cut short. However, accepting that some game-birds have good lives does little to rescue the argument from existence, for if we kill animals that have a good life then we manifestly injure those animals and deprive them of future fulfillments. As such, the second form of the argument from existence, used as it is here, that is, as an objection to the animal welfarist's stance and in support of blood-sport as a practice, is implausible (and does nothing to weaken the animal welfarist's arguments against blood-sports). A further problem with the second form of the argument is that, like the first form of the argument, it could also be used to justify the rearing of humans as slaves, but unlike the first form, only if those humans were to live relatively good lives. However, this is still unacceptable.

Moreover, for both forms of the argument from existence, beings that are purposely brought into existence to be purposely killed and / or exploited are somehow

viewed as beneficiaries of humanity, and this is at best problematic, and at worst, ludicrous. Therefore, the argument from existence presented as an objection to the animal welfarist's position should be rejected.

This conclusion can be endorsed by consequentialists who believe our responsibilities towards animals involve promoting the good of animals. And it can be supported by different varieties of consequentialism, especially capacities-based consequentialist approaches to animal ethics which locate value in the thriving or flourishing of creatures (a thriving which involves the development and exercising of creatures' species-specific capacities and potentialities). (For a detailed outline of the relation between flourishing and the development of essential capacities, see Attfeld, 1995, ch.4.)

However, rights-based theorists who believe that animals' lives have inherent value (see, for example, Tom Regan, 1998, p.51) and that we have a duty not to harm existing animals could endorse the conclusion of this paper, as could virtue ethicists who reject the logic of the larder as self-interested and who believe that sports-shooting does not uphold the virtues of kindness and compassion towards animals, but rather promotes a certain degree of callousness towards animals. (For a virtue-based approach to animal ethics, see Rosalind Hursthouse, 2000 and 2006.) Recognising this may enable us not to lose sight of the varying reasons that different theorists may have for rejecting the argument.

Those who think the argument still stands in context of animal ethics could of course continue to raise the argument if they wish, but then they must accept and stand by its troublesome and uncomfortable implications when applied to the context of human beings, and it is reasonable to suppose that this is something which most would be unwilling to do.

References

Animal Aid (2010). *The Trouble with Shooting*. Kent: Animal Aid.

Attfeld, Robin (1998). Intrinsic Value and Transgenic Animals. In Alan Holland and Andrew Johnson (eds.), *Animal Biotechnology and Ethics* (pp. 172-89). London: Chapman and Hall.

Attfeld, Robin (1995). *Value, Obligation, and Meta-Ethics*, Value Inquiry Book Series, Vol. 30. (Amsterdam – Atlanta, GA: Rodopi).

- Clark, Stephen R. L. (1977). *The Moral Status of Animals*. Oxford: Clarendon Press.
- Farm Animal Welfare Council (2008). *Opinion on the Welfare of Game Birds*. London: FAWC.
- Humphreys, Rebekah (2010). Game Birds: the ethics of shooting birds for sport. *Sports, Ethics and Philosophy*. 4 (1), 52-65.
- Hursthouse, Rosalind (2000). *Ethics, Humans and Other Animals: An Introduction with Readings*. London and New York: Routledge, 2000.
- Hursthouse, Rosalind (2006). Applying Virtue Ethics to Our Treatment of the Other Animals. In Jennifer Welchman (ed.), *The Practice of Virtue: Classic and Contemporary Readings in Virtue Ethics*. Indianapolis: Hackett Publishing Company, Inc., 2006.
- Leahy, Michael (1991). *Against Liberation: Putting Animals in Perspective*. London: Routledge.
- Nagel, Thomas (1986), Death. In Peter Singer (ed.), *Applied Ethics* (pp. 9-18). Oxford: Oxford University Press.
- Regan, Tom (1998). Animal Rights, Human Wrongs. In Michael E. Zimmerman et al (eds.). *Environmental Philosophy: From Animal Rights to Radical Ecology*. Englewood Cliffs, New Jersey: Prentice Hall.
- Ritchie, D. G. (1976), Why Animals Do Not Have Rights? In Regan and Singer (eds.), *Animal Rights and Human Obligations* (pp. 181-84). New Jersey: Prentice-Hall. [From Ritchie (1894). *Natural Rights*. London: Allen & Unwin.]
- Salt, Henry (1976), Logic of the Larder. Reprinted in Regan and Singer (eds.), *Animal Rights and Human Obligations* (pp. 185-89). New Jersey: Prentice-Hall. [From Salt (1914). *The Humanities of Diet* Manchester: The Vegetarian Society.]
- Shooting Times*, 22 July 2009, cited by Animal Aid (2010). *The Trouble with Shooting*. Kent: Animal Aid.
- Singer, Peter (1995). *Animal Liberation*, second edition. London: Pimlico Press.
- Singer, Peter (1993). *Practical Ethics*, second edition. Cambridge: Cambridge University Press.
- Smilansky, Saul (1995), Is There a Moral Obligation to have Children? *Journal of Applied Philosophy*. 12 (1), 42-53.