

CHAPTER 26

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THE MORAL SIGNIFICANCE OF ANIMAL PAIN AND ANIMAL DEATH

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1. ANIMAL CRUELTY AND ANIMAL KILLING

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In this paper, I will be concerned with this question: what follows from the claim that we have a certain kind of *strong* reason against animal cruelty? In particular, what follows for the ethics of killing animals? My discussion will be focused on examination of a view that I take some people to hold, though I find it deeply puzzling. The view is that although we have strong reasons against animal cruelty, we lack strong reasons against painlessly killing animals in the prime of life; on this view, either we have no reasons against such killings, or we have only weak reasons. My attention will be focused on animals of intermediate mental sophistication, including dogs, cats, cows, and pigs, while excluding more mentally sophisticated animals such as humans and apes, and excluding less mentally sophisticated creatures such as fish and insects. Whether any of what I say also applies to the animals I am excluding is a topic for further work.

I am interested in the claim that we have a certain kind of *strong* reason against animal cruelty. As will emerge, I take our reasons against animal cruelty to be strong in several ways. One way they are strong is the following: if an action would cause significant suffering to an animal, then that action is *pro tanto* wrong; that is, the action is wrong unless justified by other considerations. Such a view of animal cruelty is part of a more general non-consequentialist view on which there is a

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moral asymmetry between causing *harm* and causing *positive benefit*: our reasons against harming are stronger and of a different type than our reasons in favor of benefiting (and our reasons against preventing benefits).

Here is the claim that I take to be believed by some people, and which I plan to examine:

The Surprising Claim:

- (a) we have strong reasons not to cause intense pain to animals: the fact that an action would cause intense pain to an animal makes the action wrong unless it is justified by other considerations; and
- (b) we do not have strong reasons not to kill animals: it is not the case that killing an animal is wrong unless it is justified by other considerations.

The Surprising Claim seems to lie behind the following common belief:

While there is something deeply morally wrong with factory farming, there is nothing morally wrong with “humane” farms on which the animals are happy until they are killed.

Some people think that factory farming is morally wrong, and that it is morally wrong to financially support factory farming, because factory farming involves subjecting animals to intense suffering. By contrast, “humane” farms do not subject animals to suffering, but they do kill animals in the prime of life. Some people who believe factory farming is morally wrong also believe that this “humane” farming is morally permissible. They appear to believe that while we have strong moral reasons not to cause animals pain, we lack strong moral reasons against killing animals in the prime of life.¹

I find the Surprising Claim puzzling. My goal in this paper is to examine the Surprising Claim. I will ask: how could the Surprising Claim be true? In section 2, I will argue that the Surprising Claim is not true. I will then consider four views on which the Surprising Claim is true; each view rejects one of the claims made in my argument of section 2. I will ask what can be said in favor of each view, and whether any of these views is true. I will argue that each view is false. The fourth view I will consider is Jeff McMahan’s time-relative interests view; one of my conclusions will thus be that this well-known view is false. Finally, I will draw some lessons about the relationship between the significance of animal pain and the significance of animal death.

2. AN ARGUMENT AGAINST THE SURPRISING CLAIM

In this section, I will argue that the Surprising Claim is false.

The Surprising Claim:

- (a) we have strong reasons not to cause intense pain to animals: the fact that an action would cause intense pain to an animal makes the action wrong unless it is justified by other considerations; and

- (b) we do not have strong reasons not to kill animals: it is not the case that killing an animal is wrong unless it is justified by other considerations.

Consider part (a) of the Surprising Claim. If (a) is true, what explains its truth? It seems that it must be true because animals have moral status, and because any action that significantly harms something with moral status is impermissible unless justified by other considerations.

Here is an argument that the Surprising Claim is false:

1. If it is true that we have strong moral reasons against causing intense pain to animals, such that doing so is impermissible unless justified by other considerations, then part of the explanation of this truth is that animals have moral status.
2. If it is true that we have strong moral reasons against causing intense pain to animals, such that doing so is impermissible unless justified by other considerations, then part of the explanation of this truth is that significantly harming something with moral status is impermissible unless justified by other considerations.
3. If an action painlessly kills a healthy animal in the prime of life, then that action significantly harms the animal.
4. If it is true that we have strong moral reasons against causing intense pain to animals, such that doing so is impermissible unless justified by other considerations, then painlessly killing a healthy animal in the prime of life is impermissible unless justified by other considerations (1, 2, 3).
5. Therefore, the Surprising Claim is false (4).

I endorse this argument. I think it gives the right account of why the Surprising Claim is false. In the next two sections, I will discuss three views on which the Surprising Claim is true; those views reject this argument.

3. FIRST VIEW: KILLING AN ANIMAL DOES NOT HARM IT

Consider this view:

First View: An action that painlessly kills an animal in the prime of life deprives the animal of future life, which would be a positive benefit to the animal, but does not harm the animal.

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 According to the First View, death is *bad for* animals, but a proponent of the First View would point out that there are two ways that events can be bad for a being:

an event can be or lead to something that is in itself bad for the being, such as suffering, or an event can be a deprivation of something that would have been in itself good for the being. A being is *harmed* when it undergoes something that is in itself bad, but a being is not typically harmed when it is merely prevented from something good.

According to the First View, claim 3 is false: while death is bad for animals in that it deprives them of futures that would be good for them, it does not harm them because it does not involve anything that is in itself bad for them, such as pain. A proponent of the First View would grant that claim 1 is true: animals have moral status. A proponent of the First View would also grant that claim 2 is true, but only if we have a suitably narrow understanding of what *harming* involves. In particular, a proponent of the First View would deny that claim 2 is true if “harming” is understood so broadly as to encompass all cases of failing to positively benefit, and all cases of preventing positive benefits.

A proponent of the First View would be *correct* in asserting that claim 2 is true only on a suitably narrow understanding of “harming”; indeed, that is the reading I intend in stating the claim and the understanding of “harming” I will use throughout the paper. There are many cases of failing to positively benefit, or of preventing positive benefits, to people that do not generate strong reasons—there are many such cases in which it is false that the behavior is wrong unless justified by other considerations. For example, if I decide, on a lark, to give a particular acquaintance \$200 and write her a check, but then I rip up the check, then my action prevents positive benefit to her but it is not the case that my action is wrong unless justified by other considerations; my action requires no justification.

Painless animal death involves no *bad experiences*. Rather, it involves failing to have future life. When death is bad for some being, typically that is because it is deprived of a future that would be good; so the badness of death consists in the failure to have some *good experiences* (and, for persons, the failure to have other things that make life meaningful and valuable). But suffering death then looks like it constitutes experiencing a failure to get a benefit *rather than* a harm. A proponent of the First View would say that this shows that in killing something, one is not *harming* it, but merely depriving it of a positive benefit.

The First View is false because, while it is typically the case that when a being fails to get a benefit, the being is not harmed, nevertheless some actions that deprive a being of a benefit do thereby harm the being. If someone deafens you (causes you to become permanently deaf), she simply deprives you of the benefit of hearing, but she thereby harms you. If someone steals your money, she simply deprives you of the benefit the money would have provided, but she thereby harms you.²

In particular, actively and physically interfering with a person in such a way that she is deprived of a benefit does typically harm that person. And if this is true of persons, it should also be true of animals. But killing an animal does actively, physically interfere with the animal in such a way that the animal is deprived of a benefit. So killing an animal is harming that animal.³

4. SECOND AND THIRD VIEWS: DEATH IS NOT BAD FOR ANIMALS BECAUSE ANIMALS LACK SUFFICIENT PSYCHOLOGICAL CONNECTION WITH THEIR FUTURES

In this section, I will consider two more views on which the Surprising Claim is true. Both views are more specific elaborations of the following basic idea:

When a person dies, she *loses out* on the future she would have had. She had expectations, hopes, plans, and dreams that are thwarted. Animals, however, do not *lose out* on their futures. They do not have the right kind of psychological connection to their future lives to be losing out on them.

Here is one way of making this basic idea more precise. It is an argument that would be offered by someone who endorses the Second View:

- (i) The death of a person is bad for her only because it frustrates her desires and plans for the future.
- (ii) Therefore, death is bad in general only because it frustrates desires and plans.
- (iii) Animals do not have desires and plans for the future.
- (iv) Therefore, animals' deaths are not bad for them.

The Second View is more radical than the First View. The First View granted that death is bad for animals but denied that animals are harmed by being killed. The Second View denies that death is bad for animals at all. It follows that animals are not harmed by death, and that claim 3 is false.

The Second View is false because its claim (i) is false. It is true that *one way* death is bad for most persons is that it frustrates their desires and plans for the future. But a person might not have any desires and plans for the future, yet her death could still be bad for her. Consider someone who is depressed and wants to die; she is so depressed that she lacks any desires about the future and has no plans for the future. Suppose she in fact would recover from her depression and have a good future if she continued to live (because her family is about to intervene and get her treatment). If she dies now, then death deprives her of a good future and is bad for her. But death does not frustrate her desires and plans. In a more farfetched example, consider someone who *truly* lives in the moment. She enjoys life but has absolutely no expectations or desires about the future, and no plans for the future. If she dies now, her death is bad for her, although it frustrates no desires or plans.

Just as a person's death may be bad for her because she is losing out on a future life that would be good for her (even if she lacks desires and plans for the future), similarly an animal's death may be bad for it because the animal loses out on a future life that would be good for it, even if the animal lacks desires and plans for the future. This is why the Second View is false.

While the Second View is committed to claim (i), which is too strong, there is another way to make out the basic idea I outlined at the beginning of this section:

Third View: It is true that animal pain matters morally. But it is a mistake to conclude that this is because *animals* have moral status. Rather, animals lack moral status. But *stages* of animals have moral status. Animal pain matters morally because an animal stage is in pain. What is better or worse for the *animal* does not matter morally, though what is better or worse for stages of it does.

The Third View assumes a certain metaphysical picture. It assumes that there are entities called “animal stages” that are temporal stages of animals; these animal stages exist briefly. An animal’s life is made up of the existence of many animal stages in a series. An animal is a mereological sum of many animal stages.⁴

According to the Third View, claim 1 is false. While animal pain matters morally, it does not matter because *animals* have moral status. Rather, only *animal stages* have moral status. The Third View grants that claim 2 is true: if an action would harm something with moral status, then that action is wrong unless other considerations justify it. In this view, while animals are harmed by being killed, there is not thereby any reason against killing animals, because animals lack moral status. Animal stages have moral status, which is why we have reasons against causing animals to suffer; but animal stages are not harmed when animals are killed.

The Third View makes a number of seemingly counterintuitive claims. Some of these claims may seem false, though they are in fact true. For example, the Third View implies these two claims:

- (v) There are some things that can be harmed but that lack moral status.
- (vi) There are some things that lack moral status although they are entirely made up of stages that have moral status.

The Third View implies claim (v) because it holds that animals can be harmed but that animals lack moral status. The Third View implies claim (vi) because it holds that animals are entirely made up of animal stages, yet animals lack moral status.

It might seem that anything that can be harmed has moral status. Indeed, some philosophers write as though this is the case.⁵ However, plants can be harmed, but plants lack moral status: the mere fact that an action would harm a plant does not provide a reason against the action. For example, suppose that I place a picnic table in my backyard, depriving a dandelion growing there of light. I harm the dandelion, but there is not thereby any reason against my action. (Our reasons to take care of the environment stem from our reasons to treat persons and animals well, but not from the moral status of plants.)⁶

It might seem that if something is entirely made up of stages that *have* moral status, then it too must have moral status. To see that this is false, let us consider some unusual entities that are made up of persons. One such entity is Longy: Longy is the mereological sum of several non-temporally-overlapping persons, including me. Suppose that Frank punches me. Frank harms me, and I have moral status; this is what makes it wrong of Frank to punch me (absent justification). When he punches

me, Frank also harms Longy. It might seem fine to grant that Longy too has moral status. But this would be a mistake: entities like Longy do not have moral status.

Another example will enable us to see that entities like Longy do not have moral status. Suppose Bill is considering whether to do something that would cause major injury to you but would prevent worse injury to someone one hundred years from now; call her Gertrude. Bill justifies his action by saying, “Consider Thingy, which consists of the mereological sum of you and Gertrude. The action I am considering would hurt Thingy, but only in order to prevent worse injury to Thingy.” This justification fails, and it fails because while Thingy lacks moral status, *you* have moral status.⁷

So, while the Third View is committed to claims (v) and (vi), which may appear to be false, those claims are true, so they are no problem for the Third View.

I will raise a different objection to the Third View, which comes out of what we have just been considering.

Consider a young cat that could lead a long, happy life if it is given serious surgery that would cause it quite a bit of pain (even with painkillers) for a few days, followed by a month of serious discomfort. Otherwise the cat will die within a few days, without experiencing much discomfort. In this case, it is permissible to do the surgery. My objection to the Third View is that the Third View cannot explain *why* it is permissible to do the surgery. It is not in general permissible to cause serious pain and injury to one morally significant entity in order to benefit others, but according to the Third View, that is what one would be doing. One would be causing pain and suffering to one animal stage, a morally significant entity, in order to benefit several different animal stages, other morally significant entities. (Note that I am denying that it is permissible to cause serious pain and injury to one in order to provide *positive benefits* to other morally significant entities; we sometimes use the word “benefit” to refer to the *prevention of pain or harm*, but that is not what is at issue in this case, because according to the Third View, no animal stage is harmed when an animal dies.)

Even more seriously, according to the Third View, what one would be doing in this case is causing serious pain and injury to one morally significant entity in order to cause there to be created some further morally significant entities who are happy but who otherwise would not exist at all. Doing that kind of thing is even more morally problematic than causing suffering to one being in order to benefit another who independently exists. (When the benefit is to an independently existing being, then one consideration in favor of causing the suffering is that otherwise there will be some beings who lose out on some benefits; but when the benefit would be to some beings who would not otherwise exist, then if one does not cause the suffering, it is not the case that there are some entities that lose out on some benefits they could have had.⁸)⁹

The surgery on the cat is permissible. To account for the permissibility of the surgery, we need both these claims:

- While the action harms an entity that has moral status, it also benefits that entity.
- It is not the case that the action harms an entity that has moral status but the action does not also benefit that entity.

Thus, we need both of these claims:

- Animals have moral status.
- Animal stages lack moral status.

The fact that animals have moral status provides a justification for the surgery: while it harms the cat, a morally significant being, it also provides benefits to *that very being*. If animal stages had moral status, the surgery would be impermissible, because it would involve harming one morally significant entity—the stage of the cat during the recovery—in order to provide benefits that are not to that same entity, but to a different entity.

Because the surgery on the cat is permissible, the Third View must be false.

5. FOURTH VIEW: McMAHAN'S TIME-RELATIVE INTERESTS VIEW

In this section, I will discuss a fourth view on which the Surprising Claim is true. Like the First View, the Fourth View grants that we have *some reasons* against killing animals; the Fourth View denies that these reasons are *strong*.

My discussion of the more extreme Third View will enable us to see why the less extreme Fourth View is also false.

The Fourth View is a view of Jeff McMahan's. He calls it the "time-relative interests view."¹⁰ On this view, the badness of death for a morally significant being is not a direct function of what the being loses out on in dying; the badness of death is not simply a matter of how good the lost life would have been. Rather, it also matters what the being's *psychological relationship* is with that potential future life. If a being is such that, were it to continue to live, there would be only weak psychological connections between its current stage and its future life, then the goodness of that future is *less of a loss* for it than if the being would have stronger psychological connections with its future life: the being currently has less of an interest in continuing to live than if the psychological connection he would have to a future life would be stronger. This view has the virtue that it can explain why, as is plausible, the death of a ten year old is worse for the ten year old than the death of a one month old is bad for the one month old: while the infant loses out on more life, so loses more, the ten year old would have much greater psychological connections with its future if it continued to live. According to the time-relative interests view, the one month old has a weaker interest in continuing to live than the ten year old has.

The implications of the time-relative interests view for animal death are that animal death is not very bad for animals because animals do not have very strong psychological connections to their future selves: they do not have *strong interests* in continuing to live. But the view does not hold (nor is it plausible) that animals lack *any* psychological connections to their future selves; so the view does not hold that

animal death is not bad for animals, nor that we have no reasons against killing animals. The view grants that animals have *some interest* in continuing to live.¹¹ The view supports the following claim:

We have strong reasons against causing animal pain, and we have some reasons against painlessly killing animals in the prime of life, but these reasons are weakened by animals' lack of deep psychological continuity over time.

(Note that I stipulated at the beginning of the paper that I am only concerned with animals of intermediate mental sophistication, including dogs, cats, cows, and pigs, and excluding humans, apes, fish, and insects. My claims about the time-relative interests view's implications regarding animals are restricted to these animals of intermediate mental sophistication.)

The Fourth View can grant claims 1 and 2 of the argument of section 2. But the Fourth View denies claim 3: it holds that, while death is a harm to animals, it is a minor harm. On this view, killing an animal does not *significantly* harm the animal, and it is not the case that killing an animal is wrong unless justified by other considerations.

I will now argue that the time-relative interests view is false, for reasons similar to the reasons the Third View is false. My argument relies on some substantive claims about the nature of the psychological connections that animals have over time, and the way the time-relative interests view would handle these connections.¹² In particular, I assume that on the time-relative interests view, an animal now has greater psychological connection to its nearer future life than to its farther future life, and that an animal now has negligible psychological connection to its future life a sufficient amount of time into the future, such as five years into the future. It follows from this that, on the time-relative interests view, while it is currently in an animal's interest to continue to live for the next several months (at least), an animal currently lacks any interest in being alive five years from now, currently lacks any interest in having particular good experiences five years from now, and currently lacks any interest in avoiding particular bad experiences five years from now—any experiences it would have five years from now are so psychologically remote that the animal currently has no interests regarding those experiences.

My objection relies on two cases.

Billy is a cow with a serious illness. If the illness is not treated now and is allowed to run its course, then Billy will begin to suffer mildly very soon, the suffering will get steadily worse, then Billy will be in agony for a few months, and then Billy will die. If the illness is treated now, Billy will undergo surgery under anesthetic tomorrow. Billy will suffer more severely over the next two weeks (from his recovery) than he would have from the illness during that time, but then he will be discomfort-free and he will never suffer agony; he will be healthy and able to live a normal life.

It is permissible to do the surgery on Billy. This is permissible because, while the surgery will cause Billy to suffer, which he now has an interest in avoiding, it will prevent worse suffering to Billy, which he also now has an interest in avoiding.

Tommy is a horse with a serious illness. If the illness is not treated now and is allowed to run its course, Tommy will live an ordinary discomfort-free life for five years, but then Tommy will suffer horribly for several months and then die. If the illness is treated now, then Tommy will undergo surgery under anesthetic tomorrow. Tommy will suffer over the following two weeks, but not nearly as severely as he would five years from now. Tommy will be completely cured and will be able to live a healthy normal life for another fifteen years.

It is permissible to do the surgery on Tommy. This is in fact permissible because Tommy has an interest in getting to live a full life, and though he has an interest in avoiding the pain of recovery from surgery, it is overall in his interests to have the surgery.

But the time-relative interests view cannot explain why it is permissible to do the operation on Tommy. On that view, Tommy has a reasonably strong interest in avoiding pain in the immediate future; he has no interest in avoiding suffering five years from now or in avoiding death five years from now. While the time-relative interests view can easily account for the permissibility of the surgery on Billy, it cannot account for the permissibility of the surgery on Tommy.

Because the time-relative interests view cannot accommodate the truth that it is permissible to do the surgery on Tommy, and the truth that the two surgeries on Tommy and Billy are permissible for the same basic reasons, the time-relative interests view must be false.

6. CONCLUSION

What lessons have emerged from our examination of the Surprising Claim and the four views? The basic lesson is that if we have strong moral reasons not to cause animal pain, we must also have strong moral reasons not to kill animals, even painlessly. In section 2, I argued that this is true. I have considered four ways one might reject this argument and argued that each one fails.

The background picture I have been assuming is one on which our reasons against causing harm to animals are strong in two ways: these reasons are strong in that an action that would significantly harm is *wrong* unless other considerations justify it; furthermore, I have assumed that, just as the harming of persons cannot typically be justified by benefits to *other* persons, similarly the harming of animals cannot typically be justified by benefits to other beings. I have also assumed that harm to an animal can be justified by the prevention of greater harm and/or of death for that very animal, just as is true for persons.

One might try to develop a view on which the kinds of agent-relative constraints that apply to persons do not apply to animals or animal stages. On such a view, it would be permissible to harm one animal or animal stage in order to provide positive benefits to a distinct entity. If this view is correct, then my objections

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to the Third View are wrong-headed: the Third View can hold that the cat surgery is permissible. However, a view like this sees our reasons against causing suffering to animals as *much weaker* than I have been taking them to be, and as very different in kind from our reasons against harming persons. The lesson appears to be that it is possible to hold that we have reasons against causing animal pain, while lacking reasons against killing animals, but at the cost of holding that our reasons against causing animal pain are weak reasons.

NOTES

1. Someone might believe we should *support* “humane” farming because it is so much morally *better* than factory farming, without believing “humane” farming is morally unproblematic; this person need not believe the Surprising Claim.
2. One might object that by stealing your money, the thief violates a right of yours but does not harm you. The more general point I want to make about this case is that sometimes an action has a *strong* reason against it, such that the action is impermissible unless it is justified by other considerations, although the action is simply the deprivation of positive benefit. Stealing is one example. Killing is, I claim, another.
3. I discuss the asymmetry between harming and benefiting, and what harm is, in my “Can We Harm and Benefit in Creating?” *Philosophical Perspectives* 18 (2004): 89–113, and my “Harming as Causing Harm,” in *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem*, ed. Melinda Roberts and David Wasserman (Dordrecht and London: Springer, 2009), pp. 137–54. In those papers, I claim that killing and deafening are harming, and also that if a being dies or is deaf, then the being suffers a harm. Here I make only the former claim. Here I claim that killing or deafening a being is harming that being; I don’t take a stand on whether if a being dies or is deaf, then the being suffers a harm.
4. I am using the term “temporal stages” for what are also often called “temporal parts.” See “Temporal Parts” by Katherine Hawley in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Spring 2009), available at <http://plato.stanford.edu/entries/temporal-parts/> (accessed 7/31/10).
5. See Bonnie Steinbock, *Life Before Birth: The Moral and Legal Status of Embryos and Fetuses* (New York: Oxford University Press, 1992), and Joel Feinberg, “The Rights of Animals and Unborn Generations,” in *Philosophy and Environmental Crisis*, ed. William T. Blackstone (Athens: University of Georgia Press, 1974), pp. 43–63.
6. I argue that some things can be harmed although they lack moral status in my “The Potentiality Problem,” *Philosophical Studies* 114 (2003): 173–98.
7. One might think that entities like Longy and Thingy must not have moral status for a different reason: that they would generate *double-counting* of moral reasons. For example, if Frank punches me, if Longy and I both have moral status, then it seems there are thereby *two* moral reasons against his action: that he harms me, and that he harms Longy. But it is not the case that these are distinct moral reasons. I do not think that this is a successful objection to the claim that entities like Longy and Things have moral status. If one claims that they have moral status, one can also claim that mereologically overlapping entities do not generate distinct moral reasons. See footnote 21 of my “The Potentiality Problem.”

8. I discuss differences in our reasons regarding beings whose existence is affected by our actions, and our reasons regarding independently existing beings, in my “Harming as Causing Harm,” in *Harming Future Persons: Ethics, Genetics and the Nonidentity Problem*, ed. Melinda Roberts and David Wasserman (Dordrecht and London: Springer, 2009), pp. 137–54.

9. As I have articulated it, the Third View denies that any animal stage with moral status loses out when an animal dies. One might ask how long animal stages exist for, and what makes two distinct animal stages distinct. These are details that would have to be worked out by anyone who endorsed the Third View.

10. McMahan, *The Ethics of Killing: Problems at the Margins of Life* (New York: Oxford University Press, 2002).

11. Note that what a being “has an interest in” is a matter of what is *in the being’s interests*, not a matter of what the being desires or wants.

12. I am also assuming that the time-relative interests view sees the badness of the death of animals as sufficiently diminished that it does not count as the kind of significant harm that is pro tanto wrong to cause.

SUGGESTED READING

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