

The Objective List Theory of Animal Well-Being

Christopher M. Rice

Abstract: Some objective accounts of animal well-being focus on the value of behavior that is characteristic of a species. On this view, it benefits wolves to hunt in packs, birds to raise their young in nests, and dolphins to swim in the ocean with other dolphins. However, this approach faces a number of challenges, such as cases where animals engage in atypical behavior that still seems to benefit them and cases where it is indeterminate what is characteristic of a species. In response to these concerns—and drawing on Martha Nussbaum’s capabilities approach—this paper defends a different objective theory of animal well-being. This is an objective list approach according to which a number of basic objective goods benefit animals whenever they are realized.

1. Introduction

Theories of animal well-being concern what is good for or benefits non-human animals.

Some objective accounts focus on the value of behavior that is typical or characteristic of a given species. On this view, it benefits wolves to hunt in packs, birds to raise their young in nests, and dolphins to swim in the ocean with other dolphins. However, a number of problems arise if we link an animal’s well-being too closely with behavior that is typical of its species.

In this paper, I will consider these problems and defend an alternative account of animal well-being. In particular, I will present an objective list theory according to which a number of basic objective goods benefit animals whenever they are realized. This is similar in some ways to the view of animal well-being developed by Martha Nussbaum in her book *Frontiers of Justice*.¹

¹ See Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Belknap Press of Harvard University, 2006).

Throughout the paper, I will assume a core insight of objective views: that certain things benefit animals independently of their desires and other subjective attitudes toward them. But, I will argue that the best way to uphold this claim is by positing a common list of basic objective goods for all animals, rather than by focusing on the distinguishing habits and natural histories of different animal species.

2. Species-typical behavior

In everyday life, people often connect an animal's well-being with behavior that is typical of its species. For example, people are concerned when zoo animals cannot engage in behaviors that are characteristic of their kind, such as hunting, foraging, and mating in certain ways. This concern is even stronger in the case of factory farming, where animals are often raised in conditions that frustrate many of their typical behaviors. Some debates about pets hinge on this issue as well, such as whether pets should be allowed to mate or spend time outdoors. And, one troubling effect of climate change and environmental degradation is the way in which these can force animals into habitats and ways of life that are not characteristic of their species.

In each of these cases, one concern seems to be the potential for animal pain, suffering, and frustration. But, this does not exhaust the concerns just described. Even if an animal is not suffering—and is enjoying a degree of comfort and security—it can be troubling if it is not engaging in behavior that is typical of its species or living a life according to its kind. This is one insight that supports objective theories of animal well-being.

One way to accommodate this intuition is to define an animal's well-being in terms of behavior that is typical of its species. I will argue against this approach, but let me first present

Rosalind Hursthouse's account of what it means for an animal to flourish as a member of its kind, since she connects this flourishing with behavior that is typical of an animal's species.²

Hursthouse does not develop a theory of animal well-being, so she does not endorse the connection between well-being and characteristic behavior that I will critique in the paper. But, her account can serve as a helpful point of reference for the subsequent discussion.³

In *On Virtue Ethics*, Hursthouse identifies a number of natural ends common to animals. These are “(i) individual survival, (ii) the continuance of the species, and (iii) characteristic pleasure or enjoyment/characteristic freedom from pain,” as well as, for social animals, “(iv) the good functioning of the social group.”⁴ Following the related work of Philippa Foot, Hursthouse argues that an animal flourishes as a member of its kind to the extent that it realizes the natural ends in the ways characteristic of its species.⁵ Her account is objective because it focuses on a set of natural ends which are common to many animals and play a role in sciences such as zoology and ethology. In addition, her account is objective because it links an animal's flourishing to the pursuit of those ends in ways that are characteristic of its species.⁶ In this way, the species norm plays an important role in Hursthouse's view.

² See Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999). In the next paragraphs, I draw on my discussion of Hursthouse's views in Christopher M. Rice, “Well-Being and Animals,” in Guy Fletcher (ed.), *The Routledge Handbook of Philosophy of Well-Being* (London: Routledge, 2016), 378-388.

³ Other thinkers who connect animal well-being or closely-related concepts to behavior that is characteristic of a species include Bernard E. Rollin, *Animal Rights and Human Morality*, 3rd ed. (Amherst, NY: Prometheus Books, 1981/2006), pp. 94-142; Paul W. Taylor, *Respect for Nature: A Theory of Environmental Ethics*, 25th anniversary ed. (Princeton, NJ: Princeton University Press, 1986/2011), pp. 60-71; Rebecca L. Walker, “The Good Life for Non-Human Animals: What Virtue Requires of Humans,” in Rebecca L. Walker and Philip J. Ivanhoe (eds.), *Working Virtue: Virtue Ethics and Contemporary Moral Problems* (Oxford: Clarendon Press, 2007), 173-189.

⁴ Hursthouse, *On Virtue Ethics*, pp. 200-201.

⁵ See Hursthouse, *On Virtue Ethics*, pp. 197-205; Philippa Foot, *Natural Goodness* (Oxford: Oxford University Press, 2001), pp. 25-37.

⁶ See Hursthouse, *On Virtue Ethics*, pp. 202-203.

For example, Hursthouse stresses that what counts as the good functioning of a social group varies among species. While wolves typically hunt in packs, members of other species relate in other ways—by grooming, playing, or engaging in other activities.⁷ Significantly, Hursthouse links an animal’s flourishing as a member of its kind to the characteristic behavior of its species even when this conflicts with the pursuit of certain natural ends. For example, she describes how birds of some species put themselves at risk to distract predators from the nests where their young are being raised. She explains that one of these birds that did not distract predators in this way would be deficient with respect to its flourishing as a member of its kind, even if this defect promoted its own survival and freedom from pain.⁸

3. Benefits of species-typical behavior

While I will ultimately argue that an animal’s well-being should not be defined in terms of behavior that is typical of its species, there are some benefits to this kind of behavior. I will now examine these, since they can help to explain why some people might mistakenly connect an animal’s well-being with its characteristic behavior.

For one thing, characteristic behavior is often a good way for animals to achieve well-being, defined in terms of other goods. In this sense, characteristic behavior can have great instrumental or derivative value. Whether well-being is defined in terms of pleasure, desire-satisfaction, or objective goods such as health, activity, and social affiliation, behavior that is typical of a species often conduces to these ends. On the negative side, impediments to characteristic behavior can cause pain, frustration, poor health, and antisocial behavior. And, on

⁷ See *ibid.*, p. 201.

⁸ See *ibid.*, p. 204.

the positive side, animals often take great interest and satisfaction in activities that are typical of their species and so flourish most in these contexts.

In fact, the pragmatic link between animal well-being and characteristic behavior is so strong that it is often appropriate for humans to focus almost exclusively on this goal. For example, it can make sense for zookeepers, farmers, pet owners, and wildlife managers to promote conditions in which animals are able to perform behaviors that are typical of their kind as a way to safeguard and promote animal well-being. This is especially true when an animal or behavior is not well-known and any interference is likely to do more harm than good. In these cases, characteristic behavior is still a derivative good—not the very definition of well-being. But, it can have great derivative value.

Moving on, there are other benefits that also arise when animals engage in behavior that is typical of their species. If animals are in the wild, their characteristic behavior tends to support ecosystem flourishing with changes to this behavior often causing problems for the ecosystem. For example, if a pack of wolves develops some new way of hunting, this can disrupt other processes in the environment. Similarly, if tourists begin feeding wolves in certain areas, or if climate change pushes wolves into new hunting grounds, this can disrupt other ecosystem functions. Even aside from the effects of these changes on wolf well-being, they would predict instability for the ecosystem.

In addition, characteristic animal behavior can have educational, scientific, aesthetic, and cultural value for humans. This is one reason why zoos design exhibits in which animals can express characteristic behavior. One goal of these exhibits is to support animal well-being, but they also allow zoo visitors to understand part of an animal's natural history and to admire the beauty and complexity of natural processes. This provides yet another reason why people may be

inclined to favor characteristic behavior in animals and to mistakenly identify this with well-being.

4. Problems with defining well-being in terms of species-typical behavior

I will now turn to present three arguments against the identification of an animal's well-being with behavior that is typical of its species.

The first argument concerns cases where animals perform behavior that is not typical of their species, but which still seems to contribute to their well-being in some way. In the wild, animals sometimes hunt, forage, mate, nest, or migrate in ways that are still effective, but which deviate somewhat from the typical pattern of their species. In addition, animals sometimes engage in highly unusual behavior that still seems to benefit them. For example, there is an entire genre of viral videos, news stories, and TV programs featuring “unusual animal friendships.” One National Geographic video examines the bond that forms between a dog and a dolphin that spend hours at a time swimming and playing together.⁹ If complex social bonds among dolphins contribute non-derivatively to their well-being, then it is hard to resist the notion that this relationship also benefits the dolphin. It lacks some of the instrumental benefits of typical dolphin relationships, since the dog presumably cannot hunt or raise young with the dolphin. But, this relationship still seems to benefit the dolphin in some way, insofar as it involves engaging forms of activity and affiliation. We would not factor it in as a zero with respect to the dolphin’s well-being.

⁹ See Nat Geo Wild, “Ben the Dog and Duggie the Dolphin,” available at <http://channel.nationalgeographic.com/wild/unlikely-animal-friends/videos/ben-the-dog-and-duggie-the-dolphin/>.

Atypical behavior can also occur when animals interact with humans. One prominent example is the case of chimpanzees that have been taught to use sign language by human researchers. These chimpanzees engage in signing behavior that is not typical of their species and develop a cognitive and social life which is in large part oriented towards their human companions. It may be hard to assess the well-being of these chimpanzees, but it seems clear that this cannot be done simply by noting that they are living a life that is highly unusual for their species—and so must have a low level of well-being. Rather, their well-being needs to be assessed by some other standard, such as an underlying set of objective goods.

A second argument against defining an animal's well-being in terms of characteristic behavior concerns gray areas where the standard of characteristic behavior is indeterminate. At a given moment in time, there will be borderline cases, such as nests that are a little bigger or smaller than normal for a certain bird species, or wolf packs that hunt in a slightly novel way. In addition, there will be borderline cases over time, as species face new environments or mutations occur leading to new behaviors. At first, just a few members of a species members may nest or hunt in a certain way, again making it unclear whether this should count as typical behavior. In indeterminate cases like this, it is not plausible to suppose that there is a certain threshold where behavior becomes typical, say, if the 10,000th bird builds a nest in a certain way. But, it also seems wrong that well-being would shade in, such that the benefit of an activity is proportional to the number of species members engaged in it or the length of time it has been part of the species' natural history. With respect to well-being, at least, it seems better to look to the activity itself, rather than what is typical of the species. This again challenges the link between well-being and characteristic behavior.

A final argument against defining animal well-being in terms of characteristic behavior concerns the analogy with human well-being. It would be good to develop a unified theory of well-being that applies to both humans and other animals.¹⁰ But theories of human well-being do not focus on specific details about typical behavior. It is not plausible, for example, to say that human well-being requires people to live in certain kinds of shelters, gather food in certain ways, or have children at a certain age. These things may have derivative value, but if so this is because they promote or instantiate other goods. If we apply the same reasoning to non-human animals, this would mean that they can also achieve well-being in a number of ways.

In response to the preceding arguments, one possibility is to reject objective views of animal well-being altogether and endorse some alternative theory, such as hedonism or a desire-satisfaction account. In what follows, though, I will assume that certain things benefit animals independently of their desires and other subjective attitudes toward them. In turn, I will show how this notion can be captured by an objective list theory.

5. Nussbaum's capabilities approach

First, I will examine Martha Nussbaum's account of animal well-being, which refers to what is characteristic of a species but is more flexible than the view previously considered. In *Frontiers of Justice*, Nussbaum lists ten animal capabilities that parallel her well-known list of human capabilities. These capabilities are: (1) life, (2) bodily health, (3) bodily integrity, (4) senses, imagination, and thought, (5) emotions, (6) practical reason, (7) affiliation, (8) relation to

¹⁰ See, for example, L. W. Sumner, *Welfare, Happiness, and Ethics* (Oxford: Oxford University Press, 1996), pp. 14-15; Richard Kraut, *What is Good and Why: The Ethics of Well-Being* (Cambridge, MA: Harvard University Press, 2007), pp. 3-8.

other species, (9) play, and (10) control over one's environment.¹¹ Nussbaum explains that each species has its own way of exercising these capabilities and that people should support animals in accessing the forms of capability that are characteristic of their species. But, Nussbaum does not define these species-specific capabilities in terms of precise behaviors that members of a given species must perform in order to enjoy well-being.¹²

For example, Nussbaum notes that captive tigers do not need to hunt gazelles in order to achieve their characteristic form of activity. Instead, they can engage in the type of predatory behavior that is typical of their species by playing with a large ball that simulates the size and strength of their usual prey.¹³ As another example, Nussbaum describes the case of a dog that loses the use of its back legs and is given a special wheelchair to support its hindquarters. Although in one sense the use of a wheelchair is not typical dog behavior, Nussbaum approves of this as a way for the dog to achieve the general form of freedom and activity that is typical of its kind.¹⁴ In fact, Nussbaum muses about the possibility of gradually transforming wild ecosystems in ways that reduce the harms of predation and promote greater cooperation among species.¹⁵ This again suggests that she views each species' characteristic forms of capability in a flexible way not tied to precise behaviors.

In a similar spirit, we might say that the dolphin that befriends a dog is still exercising a characteristic form of dolphin capability. Here, it is not that dolphins typically swim with dogs, but that the relevant dolphin capabilities are more general, such as activity and affiliation of a certain type and complexity. On Nussbaum's view, well-being is no longer defined in terms of a

¹¹ See Nussbaum, *Frontiers of Justice*, pp. 392-401.

¹² See *ibid.*, pp. 346-352, 363-372, 392-393.

¹³ See *ibid.*, pp. 370-371.

¹⁴ See *ibid.*, pp. 365-366.

¹⁵ See *ibid.*, pp. 379-380, 399-400.

species' typical behavior, but in terms of a species' typical forms of capability. This represents a significant strength of the theory. It preserves an objective standard of animal well-being, while allowing animals to differ in various ways from the natural history of their species.

Still, we can ask about cases where animals pursue ends that seem valuable, but which fall outside their characteristic forms of capability. Nussbaum alludes to this in her brief remarks about chimpanzees learning sign language. Nussbaum suggests that sign language does not involve a characteristic form of chimpanzee capability, and so has lesser significance with respect to their good. As she states, "For chimpanzees, language use is a frill, constructed by human scientists, their own characteristic mode of flourishing in their own community does not rely on it."¹⁶ In *Frontiers of Justice*, Nussbaum is sketching a partial political conception of the good and her focus is on political rights that should be secured for animals as a matter of justice.¹⁷ In this context, she stresses that there is no duty to teach chimpanzees sign language and does not pause to discuss the possible benefits of this activity.¹⁸

This leaves open two possible interpretations of Nussbaum's views. It is possible that she would restrict an animal's well-being to the exercise of those forms of capability that are typical of its species, and thus exclude activities like chimpanzee sign language from her account of well-being. Or, on the other hand, it is possible that she would allow any exercise of a capability on her list to count toward animal well-being, no matter how it relates to the characteristic flourishing of a given species. I can see Nussbaum's rationale for restricting political rights to characteristic forms of capability, and I would agree that animals tend to experience optimal well-being when they exercise the forms of capability that are typical of their species. Still, as a

¹⁶ Ibid., p. 364.

¹⁷ See ibid., p. 352.

¹⁸ See ibid., p. 364.

general theory, I suggest that it is best to allow any instance of a number of basic goods to count toward animal well-being. As I will now show, this leads to an objective list account.

6. The objective list theory of animal well-being

The theory I will defend holds that a number of basic objective goods benefit animals whenever they are realized in their lives. These goods apply to all animals, whatever their characteristic behavior or forms of capability. In addition, these goods are objective, in that they benefit animals independently of their desires and other subjective attitudes toward them.¹⁹

Nussbaum's list of capabilities can provide a starting point for reflecting on what might belong on such a list. As Nussbaum explains, each capability needs to be defined carefully. For example, the capability of affiliation does not refer to any interaction at all between two animals, but (in part) to supportive relationships of care and mutuality.²⁰ Once we identify the precise types of affiliation that are intrinsically beneficial, these can be affirmed as basic goods. In a similar way, an objective list theory would need to include goods related to thought, emotion, freedom, activity, and certain other domains. On this view, each basic good would correspond to a set of good-making properties that benefit animals whenever they are realized.²¹

One striking feature of such a view is that any good that benefits one animal can in principle benefit any other animal, as long as the relevant good-making properties obtain. For

¹⁹ For further remarks on the structure of such a theory, see Christopher M. Rice, "Defending the Objective List Theory of Well-Being," *Ratio* 26 (2013): 196-211.

²⁰ See Nussbaum, *Frontiers of Justice*, pp. 397-399.

²¹ For more on good-making properties, see Chris Heathwood, "Monism and Pluralism about Value," in Iwao Hirose and Jonas Olson (ed.), *The Oxford Handbook of Value Theory* (Oxford: Oxford University Press, 2015), 136-157, p. 141; Eden Lin, "Monism and Pluralism," in Guy Fletcher (ed.), *The Routledge Handbook of Philosophy of Well-Being* (London: Routledge, 2016), 331-341, pp. 333-334.

example, if caring affiliation among dolphins contributes non-instrumentally to well-being, then so does similar affiliation between a dog and a dolphin, a person and a dolphin, or any group of animals. This resolves the problem of atypical cases, since no matter how unusual the affiliation, it will benefit animals as long as it involves care and mutuality. This also resolves my concerns about indeterminateness. On this view, we do not need to discern what counts as characteristic of dolphins or other species, but can affirm any caring affiliation as part of well-being. Of course, there may still be gray areas about what counts as caring and supportive affiliation. For example, we may wonder about cases of one-sided care, or cases where care occurs alongside some form of ill treatment. However, this seem like the right place to encounter indeterminateness. It is troubling if vagueness about natural history can call into question the value of concrete relationships, but it is less troubling if details about the relationships themselves may affect their objective value.

The fact that any basic good can in principle benefit any animal may strike some as a downside to the theory. However, I do not see this as a major concern. Some goods will be inaccessible to some animals on account of their physical and mental abilities and dispositions. So, for example, frogs and snakes may be unable to form truly caring relationships. In addition, there will be instances of basic goods that have bad consequences for animals, as might occur if a caring relationship distracts a dolphin from meeting its other needs. Still, none of these cases calls into question the basic claim of the theory I have sketched—that certain objective goods benefit animals in some way whenever they are realized.

Accordingly, I suggest that an objective list theory of animal well-being is worthy of serious consideration. It preserves the insight that certain things benefit animals independently of their desires and other subjective attitudes towards them and implies that there is something

seriously awry in many cases where animals are prevented from living full lives that are typical of their species. However, it does this without appealing to what is characteristic of an animal's species, and so avoids the concerns associated with that concept. Rather, it appeals to an intuitive list of basic objective goods that benefit animals whenever they are realized in their lives.