

R. G. Frey, *Interests and Rights: The Case Against Animals*
(Oxford: The Clarendon Press), 1980

{A Second Opinion}

In this review I will discuss an aspect of Frey's book not considered in Edward Johnson's review (E&A II/1) or in the dialogue it prompted (Frey's reply E&A II/4; Johnson's reply E&A III/1). This aspect, which is presented primarily in Frey's final chapter, is whether the capacity to feel pain is a necessary condition for having interests. Frey's primary target in this regard is Peter Singer, who in *Animal Liberation* holds that animals' interests arise from their capacity to feel pain, and that this capacity is a prerequisite for having any interests at all. Frey, of course, does not deny animals' capacity to feel pain; rather, he argues that this capacity is not a prerequisite for having interests.

The capacity to feel pain, Frey alleges, is not necessary for having interests because individuals can have interests and lack this capacity. Frey cites four examples: (1) his friend, who received severe and extensive head, spinal and nervous injuries and is conscious although unable to feel pain; (2) Karen Quinlan, who is comatose; (3) human fetuses; and (4) unconceived persons. Among the interests Frey suggests these subjects have are, in the case of his injured friend, an interest in the care of himself and his family; in the case of Karen Quinlan, an interest in her care and her privacy; and, in the case of human fetuses and unconceived persons, an interest in the present generation's not polluting the environment or indiscriminately using up natural resources. In addition, fetuses and unconceived persons may have interests as the beneficiaries of trust funds, and fetuses have an interest in nourishment.

Frey has shown, I believe, by these examples, that the capacity presently to feel physical pain is not a necessary condition for having interests. This, however, is an excessively narrow understanding of "pain", since mental as well as physical discomfort can constitute pain, and potential future pain should be taken into account. I submit that, although the capacity presently to feel physical pain is not a necessary condition for having interests, a case may be made that the capacity to experience mental or physical suffering, in the present or the future, is a prerequisite to having interests. For convenience, I will refer to this expanded understanding of the capacity to experience pain as the capacity to suffer.

Frey's injured friend has this capacity; he may experience mental distress, for example, if he or his family is not cared for. Fetuses and unconceived persons also have this capacity; they will be affected in the future (when and if they are born) if the present generation excessively pollutes the earth or uses up its natural resources. Thus, without asserting an interest in being born on behalf of either fetuses or unconceived persons, we can speak meaningfully of their having interests.

Frey's fourth subject who cannot feel pain, Karen Quinlan, I assume for the sake of argument to be totally and permanently unable to experience any physical or mental discomfort. On this assumption, she lacks the capacity to suffer, even in the broad sense defined above. From this I conclude that she has no more interests than, to be blunt, a dead person. (If on the other hand, there is a chance that in the future she may again be

sentient, then she has generally the same interests as a sleeping person.) Frey considers the suggestion that Karen Quinlan has no interests to be "bizarre", but to face the matter candidly, if you, the reader, as conscious as you are now, were forced to choose between death on a certain date or on that date being rendered irreversibly comatose for an indefinite period to be followed immediately by death, would you consider it a meaningful choice?

The capacity to suffer, defined to include mental and physical discomfort, also furnishes a firmer footing for animals' interests than does the more limited capacity to feel pain. This is because much of the suffering of animals in factory farms and laboratories is mental as well as physical. In addition, the capacity to suffer takes in fetuses and the unconceived of species other than humans, who also have a future stake in our not excessively polluting the environment or exhausting the supply of natural resources.

I have argued that a case may be made that the capacity to suffer is a necessary condition for having interests. In fact, I have not made such a case, and, for two reasons, I have no interest in making one. It is evident that I have not proven that the capacity to suffer is a necessary condition for having interests, since I have not attempted to show that subjects that cannot suffer cannot have interests. Plants and inanimate objects presumably cannot suffer, and it may well be that they therefore cannot have interests, but if there is some basis other than the capacity to suffer upon which they can be shown to have interests, then the case for animals' interests would be unaffected. That is the first reason why I have no interest in proving that the capacity to suffer is a prerequisite to hav-

ing interests. (Here, incidentally, we should distinguish between the two forms of having an interest exemplified in the sentences "Good health is in John's interest" and "John takes an interest in good health." Even plants and inanimate objects arguably can have interests in the former sense, but only people (generally), and perhaps animals (generally), can have interests in the latter sense. Frey, on this point, seems to have a double standard. He denies that animals have interests in the sense of taking an interest, and therefore concludes that their interests are on a par with those of tractors. Yet he admits that Karen Quinlan cannot take an interest in anything, but clearly believes that she has more vital interests than do tractors.)

The second reason that I have no interest in attempting to prove that the capacity to suffer is a necessary condition for having interests is that to do so would not by itself prove that animals have interests. To do this I would have to prove that the capacity to suffer (or some other quality animals possess) is a *sufficient* condition for having interests. To prove this Frey says one must prove that pain is intrinsically evil, and challenges advocates of animals' interests to do so. But this point was covered by Edward Johnson's comments on Frey's book.

In conclusion, I believe I have shown that a strong case may be made that the capacity to suffer physical or mental harm in the present or the future is a necessary condition for having interests, but that the more important question is whether it is a sufficient condition.

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