Ch 3: Who Should We Care About? The Question of Moral Status

Brendan's Big Book of Bioethics | Brendan Shea, Ph.D. (Brendan.Shea@rctc.edu)

1 CONTENTS

2 WHAT IS MORAL STATUS?

In this section, you'll learn to do the following:

1. Explain the problem of moral status, and give examples of specific issues where it becomes relevant.
2. Identify major theories of moral status, apply them to particular cases, and recognize their respective strengths/weaknesses.
3. Reflect on your beliefs and attitudes related to moral status.

So far, we have discussed some basic moral concepts, including rights, obligations, virtues, relationships, and ideals. We'll now discuss *what sort of beings* matter morally. This is the problem of **moral status,** and many of the trickiest (and most controversial) ethical questions are directly related to it. For example, there have long been debates about the moral status of (1) human embryos and fetuses, (2) patients with severe dementia or cognitive disabilities, (3) research animals, and (4) "amoral" people such as convicted murderers or rapists. Historically, the debate over moral status has been a hugely important one. Until recently, many societies held that certain groups of people (Africans, Jews, people with cognitive impairments, etc.) had *no* moral status, while other groups (e.g., women, poor people) had *lesser* moral

status. These beliefs about moral status led to practices, such as slavery and sexism, that we now recognize as immoral.

2.1 What are some Theories of Moral Status? What can We Learn from Them?

A being has **moral status (**sometimes called **moral standing**) if and only if "it or its interests morally matter to some degree for the entity's own sake"[1] Ethicists have proposed different theories of moral status. However, it is plausible that none of these theories captures the entirety of the common morality's position on moral status. Instead, each approach captures one aspect of "how we think about moral status."

All and only biological HUMAN BEINGS have full moral status. The theory of moral standing based on **species membership** says that all members of the human species have equal status regardless of their age (e.g., embryos and fetuses) or cognitive capacities (e.g., dementia patients and anencephalic infants). The theory claims that being *biologically human* makes you part of a **natural kind;** this is the *only* thing relevant to having moral status.

> *[O]ur concept of a person is an outgrowth or aspect of our concept of a human being; and that concept is not merely biological but rather a crystallisation of everything we have made of our distinctive species nature. To see another as a human being is to see her as a fellow-creature—another being whose embodiment embeds her in a distinctive form of common life with language and culture, and whose existence constitutes a particular kind of claim on us. (Stephen Mulhall 2002, qtd by Wasserman in SEP[2])*

1. **Problem:** This theory claims (without argument) that animals like chimps, dolphins, and pigs have less moral status than humans, *even if they are more intelligent and have a greater capacity for emotion and suffering than some humans (such as embryos or the severely handicapped).* While this may (or may not) be true, there has to be some deeper reason beyond mere species membership. This problem will worsen within the next 100 years, as we might be confronted with non-human (but intelligent) beings like genetically engineered human-chimpanzee **chimeras**, reincarnated Neanderthals, artificial intelligence, or whatever. Because of this, it simply isn't plausible to claim that being human is a **necessary condition** for having full moral status.
2. This theory is sometimes expanded beyond "a member of the human species" to include "a member of an intelligent species" to account for the fact we might someday encounter intelligent non-human life. However, whether or not a being gets moral status still depends ONLY on their species (and not on their "individual" capacities or abilities).
3. **Conclusion:** This theory, if limited to normal adult humans, provides a **sufficient condition** for having full moral status: "If a being is a normal adult human (or is relevantly similar to a normal adult human), then it has full moral status." By itself, however, this theory can't solve tough questions like the morality of abortion or the moral status of animals, though.

All and only beings with complex COGNITIVE CAPACITIES have full moral status. This theory says that moral status is tied to a being having *beliefs, desires, intentions,* a sense of *self-consciousness,* and an ability to *reason* and *communicate* using language. This theory entails that fetuses, embryos, and animals used in research do NOT have full moral status. However, some non-humans (Chewbacca, Dr. Spock, Nemo, Wall-E) might have it.

> *...every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will...Beings whose existence depends not on our will but on nature have, nevertheless, if they are not rational beings,*

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[1] Agnieszka Jaworska and Julie Tannenbaum, "The Grounds of Moral Status," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Spring 2018, 2018, https://plato.stanford.edu/archives/spr2018/entries/grounds-moral-status/.
[2] David Wasserman et al., "Cognitive Disability and Moral Status," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2017, 2017, https://plato.stanford.edu/archives/fall2017/entries/cognitive-disability/.

only a relative value as means and are therefore called things. On the other hand, rational beings are called persons inasmuch as their nature already marks them out as ends in themselves. (Kant, 1785, 428, qtd by Gruen in SEP[3])

1. **Problem (Argument from Marginal Cases):** Depending on how high we set the bar (e.g., how much cognitive capacity we require), it looks like LOTS of humans won't have full moral status (including young children or older adults with dementia). Moreover, if the degree of moral status depends strictly on how "smart" you are, it looks many animals (such as pigs) will have more moral status than many of these humans. Most people (even animal-rights activists) are probably uncomfortable with this conclusion.
2. **Conclusion:** Again, this theory provides a reasonable sufficient condition for full moral status: "If a being has complex cognitive capacities, it has full moral status." As with the earlier theory, though, it doesn't provide a necessary condition, since a being could have moral status WITHOUT meeting this criterion.

All and only MORAL AGENTS have full moral status. This theory claims that moral standing requires (a) that you be capable of making judgments about whether actions are morally right or wrong, and (b) that you have *motives* that can be judged morally. Like the above theory, this entails that fetuses, embryos, and most animals don't have moral status and that adult humans (and Chewbacca) do.

1. **Problem (Argument from Marginal Cases, part 2).** This has all the same problems the previous theory did. Many humans (including children, sociopaths, and anyone with reduced cognitive abilities) aren't "moral agents." However, it seems absurd to deny these beings moral status.
2. **Important!** Notice that being a **moral agent** is defined *differently* than **moral status.** Being a moral agent requires understanding and applying moral concepts (that is, you comprehend that other people and animals matter and the world isn't all about "you"). Having moral status, by contrast, means that *other* moral agents should treat you with respect.
3. **Conclusion:** Like the first two theories, this provides an excellent sufficient (but not a necessary) condition: "If a being can be held morally responsible for his or her actions, then that being has moral status."

Figure 1 Do young children have full moral status? Do lab rats? (Art by Brendan Shea x Dall-E).

All and only beings with SENTIENCE have (some) moral status. This theory claims that moral standing is tied to your ability to feel pain and pleasure. It entails that many research animals (including mammals, but excluding insects), most patients with cognitive disabilities, and some fetuses (once they have developed a functional nervous system, at around 20 to 26 weeks) have *some* moral status.

[Animals] want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of … animals … they too must be viewed as the

[3] Lori Gruen, "The Moral Status of Animals," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2017, 2017, https://plato.stanford.edu/archives/fall2017/entries/moral-animal/.

experiencing subjects of a life, with inherent value of their own. (Tom Regan, 1985, qtd by Gruen in SEP)

1. **Problem.** While it is plausible that all sentient creatures have a *level* of moral status, it may be going too far to claim that pigs, cows, rats, or fetuses have the *same* moral status as adult humans. Conversely, some creatures (such as fetuses before 20 weeks) may not be sentient but nevertheless have moral status.
2. **Conclusion.** This theory provides a reasonable sufficient condition for having *some* moral status. It may (or may not) provide a necessary condition for having moral status. It isn't satisfactory as a theory of *full* moral status, though.

All and only beings with significant RELATIONSHIPS have full moral status. This theory claims that the only way you can get moral status is by being in the right *relationship* with the beings you want to respect that moral status. So, for example, it is your role as a family member that "makes" your family members have certain obligations to you, and your role as a "citizen" that makes the other citizens of your nation respect your "rights."

1. **Problem:** This theory entails that people with the fewest relationships (for example, young orphans fleeing war-torn countries, or elderly people dying alone) have the *least* moral status. This seems pretty implausible. It also might entail that inanimate objects (like your smartphone) might have moral status, at least if you cared about them enough.
2. **Conclusion.** While relationships can ground many important moral rights and obligations (doctor-patient, parent-child, friendship, marriage, pet ownership, coworkers, etc.) this doesn't seem like a good theory of *moral status,* since having relationships is neither necessary *nor* sufficient to guarantee moral status.

There are at least three debates underlying these five theories. First, what does it mean to live a *human life?* Do we mean *biologically human* (if so, then we should count brain-dead patients). Or does it mean a *life that is distinctively human ?* Second, what is the role of *potentiality?* For example, do human fetuses and embryos have *full* moral status, *no* moral status, or some *intermediate* degree of moral status? Finally, is moral status all-or-nothing, or does it come in **degrees**?

2.2 REVIEW QUESTION: DEGREES OF MORAL STATUS

Suppose that you are responsible for keeping a number of beings alive, but that you have a scarcity of resources that prevents you from keeping them ALL alive. Suppose that each being takes the same amount of resources to keep alive AND that none of them can aid/harm you in any way. On a scale of 1 to 5 (1 = no moral status—the first to go; 3 = intermediate moral status—they matter, but not as much as "normal" humans; 5 = the same moral status as a normal adult human), how would you classify the following beings? Explain and defend your answer using class material.

Type of Being	How much moral status?
Ordinary adult humans	5 (This is the baseline case)
Convicted murderers	
Human infants	
Early term human embryos/fetuses (no ability to feel pain/pleasure)	
Late term human fetuses (ability to feel pain/pleasure)	
Humans with severe cognitive disabilities	
Invertebrate animals, such as worms or insects	
Vertebrate non-mammals, such as crocodiles or birds	
Non-primate mammals, such as rats	
Non-human great apes, such as chimps or gorillas	
Intelligent, non-human aliens such as Dr. Spock, Hagrid, or Chewbacca	
Robots capable of human-level thought and emotion, such as Wall-E (Pretend these really exist!)	

3 READING: ON THE VALUE OF PEOPLE AND ANIMALS (BY CHRISTINE KORSGAARD)[4]

Christine M. Korsgaard is professor of philosophy at Harvard University. She works on moral philosophy and its history, practical reason, the nature of agency, personal identity, normativity, and the ethical relations between human beings and the other animals.

> *"In the kingdom of ends everything has either a price, or a dignity. What has a price can be replaced with something else, as its equivalent; whereas what is elevated above any price, and hence allows of no equivalent, has a dignity." (Immanuel Kant)*

We human beings are animals, and share the world with the other animals, who are in many respects like ourselves. Many of them are sentient beings, capable of joy and suffering. Many have some sense of self, and care for the others round them. The other animals find themselves, as we human beings find ourselves, thrown into the world and faced with basic tasks of living: feeding themselves, raising children, and dealing with all the difficulties and dangers that arise from doing these things in a world where others, with competing interests, are trying to do them too.

Despite these obvious similarities, we do not treat the other animals the way we at least think we ought to treat each other. Rather, throughout history, we have eaten the other animals, experimented on them, tested medications on them, kept ourselves warm with their fur and skin and feathers, used them for transport and for heavy work like pulling ploughs and tractors, enlisted them in our wars, made them fight and race for our entertainment, and held them in captivity for the sake of their companionship. Most of these practices are detrimental to the interests of the animals themselves, whom we have genetically altered in harmful ways by selective breeding, made to work beyond their capacity, subjected to torments in laboratories, and confined to factory farms where they lead short lives in deplorable conditions. Even when we do not *use* the other animals, we have usually been heedless of their welfare, freely killing them whenever they are a nuisance to us, and depriving them of the habitat on which they and their communities depend for leading their own lives.

What could justify this difference between the way we treat human beings, or anyway the way we think we ought to treat them, and the way we treat the other animals? Some philosophers have argued that only rational beings have the kind of value that makes us objects of moral concern, and that we are therefore free to treat the other animals however we please. They believe that animals lack what philosophers call "moral standing," **[Brendan's note: This is the same as "moral status."]** which means, speaking roughly, that what happens to you matters for its own sake – or as we will see when we come to Kant, for *your* own sake – and not because of its effects on anyone else. But most people are uncomfortable with that stark conclusion, because they believe that it is morally wrong to subject an animal to wanton or "unnecessary" cruelty – that is, cruelty not required by the more important purposes for which we use them. So most of us think we have at least some duties to animals, even if these are rather minimal. But if you do not accept the view that we have no duties to animals, and yet you think that some of the practices I have mentioned here are morally permissible, then it looks as if you must think that although what happens to animals is of *some* moral importance, what happens to people matters more. You must think, that is, that people are more important, or more

[4] Christine Korsgaard, "On the Value of People and Animals," *The Philosopher 1923*, November 24, 2021, https://www.thephilosopher1923.org/post/on-the-value-of-people-and-animals.

valuable, than the other animals. **[Brendan's Question: Before reading the rest of this article do *you* agree with this statement? Once you've finished, come back to it.]** In this paper, I will ask whether that makes any sense.

We must start by asking what we mean when we claim that people and what happens to them is morally important, or what it means to have "moral standing." Leaving animals aside for a moment, the central idea of moral thinking is sometimes expressed by the idea that human beings have, or human life has, a special kind of value, different from the value of the ordinary objects that we use, exchange, or appreciate. It is because of this special kind of value that it matters what happens to people, and how we treat them. Two philosophical traditions have dominated moral thought since the eighteenth century, one springing from the work of the utilitarian philosophers and the other arising from the work of Immanuel Kant. These two schools of thought understand the idea of human value very differently. In what follows I explain these two conceptions of human value, and ask what the implications of those views are for the value of the other animals. In particular, I ask whether and in what sense these theories support the common view that people are more important or valuable than the other animals, in the sense that what happens to people matters more.

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Utilitarians are what moral philosophers call **"consequentialists."** That is, they believe that what makes an action (or a rule or a policy) right or wrong is the goodness or badness of the consequences it brings about. The right action is the one that brings about the best possible consequences. Traditional utilitarians believe that the best possible consequence is the greatest balance of pleasure over pain, taking into account the pleasures and pains of all who are affected by the action. Some contemporary utilitarians believe that the best possible consequence is instead whatever best satisfies people's desires, or the greatest balance of satisfaction over frustration. What has value in the first instance in these theories is either pleasure and the absence of pain, or satisfaction and the absence of frustration. The earliest utilitarians thought of pleasure and pain as measurable states, with a certain intensity and duration. This is the "quantity" of a pleasure or pain. John Stuart Mill, in his book *Utilitarianism*, added a third dimension along which we can measure the value of a pleasure. He thought pleasures may vary in "quality." Mill believed that those who are trained in the various activities that give us pleasure show decided preferences for certain activities regardless of the quantity of pleasure they produce, and that these preferences must be explained in terms of the higher *quality* of pleasure these activities produce. The preference of educated people for poetry, good literature, fine art and music, for example, he thought, must be explained in terms of the high quality of the pleasures these activities offer. According to utilitarianism, deciding what is right or wrong is a matter of calculating: adding up all pleasures and pains or satisfactions and frustrations caused by an action, taking into account their intensity, duration, and perhaps their quality, to see just how much good the action does.

On this view, what gives a creature – that is, a human being or an animal – value is his or her capacity for a life that has value in it. People and animals have value or moral standing – what happens to them matters for its own sake – because they are capable of pleasure and pain, or satisfaction and frustration, and those things matter for their own sakes. Utilitarians hold that in one clear sense, human beings are *not* more important than the other animals. All animals who are capable of pleasure and pain (or satisfaction and frustration) should count equally in our calculations of what will bring about the greatest balance of pleasure over pain. Nearly everyone agrees that this includes all mammals and birds, but it probably also includes reptiles, amphibians, fish and maybe even invertebrates such as insects. That means that you should never discount the value of a pleasure or a pain merely because it is the pleasure or pain of, say, a dog or a toad. If these animals are capable of pleasure and pain, then what happens to them matters for its own sake, just as what happens to us does. In another sense, however, utilitarians think that human beings might still be more important than animals. If animals experience less pleasure and pain than people do, then even if we count animals equally when we calculate how much pleasure and pain are produced by our actions, the results of our calculations will often favour human beings.

Suppose, to take a somewhat lurid example, we have to choose between whipping a dog and whipping a human being (these are the only two actions open to us, and we must do one of them – never mind why; it's just an example). Suppose also, admittedly controversially, that the whipping will hurt the human being more than it will hurt the dog, because besides the physical pain, the human being will be humiliated by the whipping. Or suppose that the physical pain itself will be worse for the human being, because human beings are less accustomed to physical suffering than the other animals are. In either of these cases, we produce less pain by whipping the dog than whipping the person, so the utilitarian calculation says that, if we have to choose, we should whip the dog rather than the person. That gives us a sense in which the person's greater sensitivities make him more important than the dog, even though in the sense described earlier, the person and the dog are equally important. Finally, suppose that Mill was right, and that pleasures and pains can differ in quality as well as quantity. And suppose, as many people do, that human beings are capable of experiencing a higher quality of pleasure than the other animals. Then again, our calculations will lead us to treat human beings better than the other animals, at least in cases where we have to choose between them.

Utilitarians who think that the good rests in satisfaction and the absence of frustration give us another reason for supposing that we have good reason for treating people as more important than the other animals, a reason that applies especially when we are faced with the choice between killing a person and killing an animal (this argument was introduced by Peter Singer in his 1979 paper "Killing Humans and Killing Animals", although he has modified his position and his views of which animals it applies to over the years). We humans have a sense of ourselves as having an existence that is extended in time, and, ordinarily, a wish that our lives should continue into the future. We also have desires for states of affairs that will only be realized in the future, and for the fulfilment of long-term plans. A person may hope to finish the book she has spent years writing, or to retire and travel around the world, or to raise her children safely to maturity. The other animals, many people believe, do not have a sense of their existence that is extended in time, but rather live wholly in the moment, so that all that can matter to them is that their lives be comfortable and happy in the here and now. So for all of these reasons, death is supposedly a much worse thing for a human than it is for an animal, and an action that will destroy or endanger the lives of humans is usually a worse thing than an action that will destroy or endanger the lives of the other animals. Again, if we have to choose, we should choose the action that favours people. So in one sense, utilitarians think animals are just as important as people – the pleasures and pains, or desires and frustrations, of animals should count just much as those of people in utilitarian calculations. But in another sense, utilitarians may predict that their calculations will often work out in favour of people, at least in cases where, for some reason, we have to choose between the welfare or the lives of people and welfare or lives of animals. Of course, these conclusions are based on empirical assumptions that can be questioned. We can ask whether it is true that people are more sensitive to pleasure and pain than the other animals, or better appreciators of the higher pleasures, or whether animals really have no sense of their existence as extended in time, and so on. If these assumptions are wrong, the calculations may not turn out to favour people in the way the utilitarian predicts.

[Brendan's Question: According to utilitarians, in what ways are animals "equal" to humans? In which ways are they "not equal?"]

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But there is another problem, or so some of us think, with the utilitarian view, which is that there is also a sense in which, according to utilitarianism, people and animals are not important at all. Rather, what has value, or matters, is pleasure and pain, or the satisfaction and frustration of desire. People and the other animals only matter because their lives contain these values. People and animals are, in a word the philosopher Tom Regan liked to use, "receptacles" of value, and that is what makes us valuable.

The consequences of this view again become clearest when we consider matters of life and death. Some utilitarians, such as Peter Singer, have argued that if it is true that the other animals live wholly in the moment, then as long as we do not mistreat them, it would be all right to kill them to eat them, so long as we replace them with other animals

whose lives contain just as much pleasure or satisfaction as the ones we have killed. After all, there would be just as much pleasure or satisfaction in the world as there was before. For example, we could raise animals for food, treat them well while they are alive, kill them humanely, and replace them with more animals whom we also treat well. This would be all right, because the new animals' lives would "contain" just as much pleasure as the lives of the ones we have killed. This argument is not supposed to apply to humans, because we have a conception of ourselves as extended in time, and a desire that our lives should continue, which is frustrated if we are killed. Of course, we might reply that so far as that argument goes, we could also kill human beings, so long as we replaced them with other human beings, who would also have a desire that their lives should continue, which would be satisfied so long as they remained alive. For then there would be just as much satisfaction in the world as there was before. The utilitarian conception of value makes one creature whose life contains just as much value as another's the equivalent of, and exchangeable for, that other's.

[Brendan's Question: Korsgaard claims that utilitarians treat people and animals as "receptacles" for happiness, which means it's OK to kill them, so long as we replace what those killed with an "equally happy" organism. Do you agree that this is a problem for utilitarianism? Why or why not?]

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On the utilitarian view, the value of people and animals is derivative from the values that their lives contain. As we have seen, it follows that one human being can serve as the equivalent of another, when their life contains just as much value. The utilitarian view of human value therefore stands in sharp contrast with the Kantian view. Kant says:

In the kingdom of ends everything has either a price, or a dignity. What has a price can be replaced with something else, as its equivalent; whereas what is elevated above any price, and hence allows of no equivalent, has a dignity.

On the Kantian view, each person has a special kind of value, a "dignity" that renders him or her irreplaceable, a value that cannot be substituted for anything else. In fact, on the Kantian view, things like pleasure and pain, and satisfaction and dissatisfaction, only matter *because* they matter *to* people, and *people* matter. The central moral thought is that each person's life matters, in a way that admits of no equivalent, because it matters to that person himself or herself. That is why I suggested earlier that on the Kantian view what it means for what happens to you to matter for "its own sake" is for it to matter for *your* sake. What is good *for* people matters absolutely, in the sense of being something we should all strive for and care about, because people themselves have a special kind of value: as Kant himself put it, people are "ends in themselves."

It's important to see that, structurally, this Kantian view is the opposite of the utilitarian one. For utilitarians, pleasure or the satisfaction of desire is what has value, in the first instance. People, and the other animals, have value only because their lives can have these valuable things in them. On the Kantian view, it is people, and perhaps the other animals – we will come to that shortly – that have value in the first instance. Pleasure, satisfaction, or whatever other goods there might be have value only because they are good *for* people, or for other sentient beings. People are not just "receptacles" of value – instead they are the source of the absolute or moral value of the things that are good for them. What happens to people matters because *people* matter – not the reverse.

Figure 2 Chimpanzee in the style of Francis Bacon (Brendan Shea x Daell-E).

On this view there is no implication that we might just as well replace one person with another if the second one's life contains just as much value. Rather, on this view, the kind of value we assign to people themselves is *non-comparative*. As Kant puts it in the passage I have quoted, it has no equivalent, and cannot be replaced by anything else.

And there is a reason for this irreplaceability. On this view, my pleasures and satisfactions, my life, are good because they are good-for-me, and yours are good because they are good-for-you. What is good because it is good-for-you is no substitute for what is good because it is good-for-me. To see why, consider a comparison: if I sacrifice a small pleasure now in order to get a great pleasure (or avoid a great pain) later on, what I get is, on the whole, better for me. So I am compensated for my sacrifice. But if my pleasures are sacrificed the sake of yours, because yours will be greater, no one is compensated. I am not compensated, since all I get is the sacrifice, and you are not compensated, since you have made no sacrifice to be compensated *for*.

So on Kant's view, each of us has a kind of non-comparative value that makes what happens to us matter morally or absolutely. To put it another way, each of us has the right to claim that other people should treat what matters to us as mattering absolutely, at least – and this is an important caveat – so long as we treat what matters to other people in the same way. As individuals, we human beings cannot claim that things that are good for us are good absolutely, unless the things themselves and the actions through which we pursue them are compatible with the good of others.

[Brendan's Question: In your own words, how would you describe the difference between the Kantian and utilitarian views? Which does Korsgaard like better? What about you?]

But there is a further implication of this view that Kant himself did not foresee. Kant thought that what *gives* human beings the value of dignity is our capacity for morality. He reasoned that, as I have just suggested, ends that are chosen or pursued in a way that is incompatible with morality cannot be good, so it is the moral law that determines the value of things. To put it another way, because morality sets a limit on our right to demand that others treat what is good for us as good absolutely, Kant thought that morality must be the source of that right.

Kant himself concluded that animals, as non-moral beings, have no value at all. He did not think that what happens to them – or what we do to them – matters morally. But as I mentioned at the beginning of this paper, most people are uncomfortable with that view, since most people believe that it does matter whether animals suffer, and it is wrong for us to make them do so, at least when it is "unnecessary." If what happens to animals matters morally, then animals too must have the kind of value that Kant called "dignity." The good and bad things that happen to them matter because the animals themselves matter. Each animal's life matters, because it matters to the animal himself or herself. The reason why what happens to them matters is not that they are moral beings, but simply because they are the kinds of beings to whom good and bad things *can* happen – sentient beings. But – and this is the implication I said that Kant did not foresee – if dignity is a non-comparative value, then no one can have more of it than anyone else: in particular, people *cannot* be more important than the other animals.

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In this way, the two most important moral theories of the modern period *both* lead to the conclusion that people do not, in the most fundamental sense, have more value than the other animals. People are not more important than the other animals: to answer the question I started out from, that claim does not make any sense. But the reason why people and animals have this value are almost opposite in the two theories. On the utilitarian view, the lives of people and animals matter because they contain the things that have value in the first instance – pleasure or the satisfaction of desire. The value of people and animals is derivative from the value of the states their lives can contain. You can substitute one life for another if it contains just as much value as the other, for they are equivalent. On the Kantian view, it is people and animals *themselves* that have value in the first instance, and the moral importance of the things that happen to them derives from that value. You cannot substitute one life for another, even if one contains more value than the other, because what's good because it is good-for-me cannot be substituted for what is good because it is good-for-you – or for a dog or a cow. The Kantian view says that every one of us, as a creature for whom things can be good or bad, has a special kind of value, a value that cannot be substituted for or exchanged for anything else. Each creature's life matters, and matters uniquely and irreplaceably, because it matters to that creature himself or herself.

[Brendan's Question: Kant and Korsgaard agree that dignity makes beings "moral equals." However, Kant thought that moral "dignity" belonged only to rational, morally aware adult humans, and not to children, dementia patients, or non-human animals. By contrast, Korsgaard argues that dignity belongs to all sentient creatures. What are your thoughts?]

4 READING: NON-HUMAN PERSONS (BY GERARD ELFSTROM)[5]

Gerard Elfstrom asks what such creatures, if they exist, would be like and how much it matters morally.

For much of Western history, we have been confident that human beings are persons but no other creatures have that status. These beliefs matter because personhood has often been deemed a necessary requirement for possessing moral value. Recently, an American legal activist group, the Nonhuman Rights Project, has challenged the assumption that only human beings are persons. Their approach is simple. They assume that humans possess particular features that make them persons, then ask whether there is evidence that any non-human animals display these same qualities. The group has offered testimony from an array of experts to support the claim that chimpanzees, elephants, and dolphins do indeed possess them. They conclude that these animals should *legally* be considered persons. Indeed, the Project has filed lawsuits in several state courts on behalf of individual chimpanzees, requesting that these non-human persons be granted legal recognition of their autonomy.

Although the Project makes claims about legal rights only, and their court suits have so far been unsuccessful, their arguments have implications for more general issues concerning the moral standing of non-human animals and their relations to humans. If some animals do have a standing as persons even in the narrow sense required for legal recognition, then we may be morally obliged to treat those animals very differently, by, for example, not killing them for sport or food, or using them for medical experimentation.

[Brendan's Question: Before starting this reading, how do *you* feel about the possibility of non-human persons?]

[5] Gerard Elfstrom, "Nonhuman Persons," *Philosophy Now*, 2021, https://philosophynow.org/issues/144/Nonhuman_Persons.

4.1 HISTORIC ANIMAL IDENTITY ISSUES

The discussion of the moral status of animals has ancient roots. The Classical Greeks debated the matter at length, and with considerable sophistication. Several Greek philosophers, including Aristotle and the Stoics, framed the issue in terms of the possession, or not, of reason. They argued that if any animals possessed reason they should enjoy the same moral status as human beings. But why should the ability to reason be required for moral standing?

The moral approach most often employed by the Greeks, was that members of communities who'd devised jointly-accepted standards of conduct have moral standing in that community. The idea is that rational beings alone are able to recognize the benefits of long-term advantage over short-term advantage and to grasp general principles of conduct. Several ancient Greek philosophers assumed that only the ability to reason allows beings to conform their activity to the requirements of morality.

Since reasoning is not a physical trait which can be examined directly, they had to seek indirect evidence for its possession. They determined that any genuinely rational being must possess language. Because, so far as most Greeks were able to discern, animals lack the ability to speak, none had reason, and thus none could be either persons or members of moral communities. Since non-human animals cannot be part of communities composed of reasoning individuals, they concluded that they had no claim to the same moral protections as humans.

Medieval Christian ideas regarding animals were shaped by Aristotle and the Stoics, and the scholastics asserted along with them that non-human animals lack reason, so they cannot enjoy anything akin to the moral status of humans.

Later, René Descartes (1596-1650) viewed a human being as a unique combination of a material body and an immaterial mind or soul. He argued that because animals lack reason they must lack an intellect (having only sensations), and so they lacked a soul. Similarly, Immanuel Kant (1724-1804) presumed that humans simultaneously resided in two domains – although in Kant's case, a realm of sensory experience and a distinct realm of intellect (which to Kant means *non-sensory thought*). Since he also believed animals do not reside in the realm of intellect, he also believed they have no moral claims on us. Notoriously, Kant asserted that humans should avoid cruelty to animals, but not for the sake of the animals themselves. Cruelty to them should be avoided on grounds that some human observer might be pained at the prospect of such treatment, and also that to inflict cruelty was bad for the person doing the inflicting (*Lectures on Ethics*, 1775).

But this intellectual climate began to shift late in the Eighteenth Century. Jeremy Bentham **[Brendan's Note: Bentham is the founder of modern Utilitarianism.]** famously asserted that the only question relevant to the treatment of any creature was whether it could suffer:

"It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate [of suffering]. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they reason? nor, Can they talk? but, Can they suffer?"
(*The Principles of Morals and Legislation*, Chapter XVII, 1780).

If an animal could suffer, Bentham argued, it should have the same claim to be free of suffering as human subjects. He believed that an animal's appearance of suffering was an accurate indication of the experience of pain, and, thus, it should not be made to experience suffering.

Bentham's position on animals is a marked shift from that of earlier thinkers. He assumed that the simple fact of vulnerability to harm was sufficient to endow a creature with moral standing. This was a significant shift in moral thought, too. Until then, a basic assumption of Western European ethics had been that only *moral agents* were of moral concern – only individuals able to grasp moral principles and act in accordance with them. Bentham presented the alternative idea that beings able to suffer harm mattered morally simply because they were vulnerable to harm. Hence

(without employing the term) he introduced the notion of *moral patients*: that is, of creatures who mattered morally simply because of their vulnerability to harm.

In the second half of the Nineteenth Century, Charles Darwin completely altered the common view of our relationship to animals in a different way. An important implication of his theory of evolution by incremental change was that there is no sharp break between the abilities of humans and those of non-human creatures. Hence for those who accepted Darwin's ideas, the thinking of Aristotle, Aquinas, Descartes and Kant was incomplete at best, since they all presumed the existence of a significant gap or difference between humans and non-human animals.

One of the troubling aspects of Darwin's continuity view was that it conflicted with the evident fact that humans live in ways that are markedly different from other animals, and also have abilities that seem vastly different from those which animals appear to possess. However, these 'evident facts' also came under fire in the Twentieth Century.

4.2 MODERN ANIMAL THINKING

During the Twentieth Century scientists began to hotly debate the question of whether non-human animals have genuine language use. Certainly, non-human animals are unable to communicate as humans can; but to what extent does this imply they lack language? Scientists are even now hard at work examining the sounds produced by chimpanzees, elephants, dolphins, and whales. In a number of cases, they have concluded that some types of animal communication have a syntactical structure akin to human speech. We might say that they use grammar to create complex meaning. They not only produce different distinct sounds, they are also able to produce those sounds in *ordered series*, and the order in which the sounds are produced is important for the meaning of the whole. For the past thirty years there has been ferocious debate on the question of whether chimpanzees and gorillas have language, or can learn to communicate at a human level. There is not yet a final consensus on these matters (see for instance, 'Why monkeys can't talk – and what they would sound like if they could', M. Price, *Science* magazine, 2016). But at this juncture, it is not at all obvious that the Greek confidence that all animals lack complex language, or reason, is justified.

Chimpanzees, and some other non-human animals, also display evidence of other abilities that some researchers associate with personhood. One is the ability to recognize oneself in a mirror. The thought here is that an animal able to recognize its own reflection possesses a sense of self, a requisite for personhood. In addition, some animals, including chimpanzees, display evidence of what's called 'a theory of mind'. That is, they are able to understand that other individuals have wants, desires, feelings, intentions, and projects of their own, and act on the basis of that understanding – by being deliberately deceptive, for instance.

Another set of abilities concerning personhood involves being able to foresee a future and plan for it. Chimpanzees certainly do display such abilities. Notably, some captive chimps will store up piles of rocks, which they plan to toss at future human visitors.

These are remarkable and important discoveries, and they greatly deepen our understanding of our non-human neighbors. Nonetheless, by themselves, they do not necessarily imply that animals with these abilities should be considered persons.

[Brendan's Question: What are some ways our views of animals have changed over the last 100 years, according to this article?]

Christine Korsgaard of Harvard University is a highly astute and clear-headed modern Kantian philosopher. She nonetheless rejects Kant's view that animals have no moral claims on us. In support of this she argues in her book *Fellow Creatures* (2018) that perhaps *all* conscious creatures have intentions and plans that entitle them to be respected by us. She contends that we have no sound basis for judging that our wants, desires, and values have greater worth or moral significance than those of other creatures. She believes that since we are unable to successfully defend

the claim that our values are superior to theirs, we are obliged to accommodate their life plans. Among other things, she concludes that this implies that non-human animals should not be removed from their native habitats, and certainly should not be held captive.

Korsgaard's argument is both ingenious and intriguing. Nonetheless, her findings leave several issues unaddressed. For example, human interests frequently conflict with those of animals. We seek to keep deer, rabbits, and squirrels out of our gardens. Mice and rats appear to find human residences enormously attractive, yet we make determined efforts to keep them away. How are we to deal with the issue of pests? Also, although some non-human animals are akin to persons in some ways, they possess the qualities of personhood to a markedly lesser degree than adult humans. For example, research has provided evidence that adult chimpanzees achieve the intellectual development of a two- or three-year-old human child ('The Intellectual Development of a Home-Raised Chimpanzee', K. J. and C. Hayes, *Proceedings of the American Philosophical Society*, Vol. 95, No. 2, 1951). Children continue to develop intellectually for more than twenty years, while chimpanzees cease cognitive development at an early age. Should they have the same or similar moral standing to humans?

Detailed investigation shows that chimpanzees form close emotional bonds with others and suffer emotional distress if those associations are denied. The same is true of many – perhaps most – non-human animals. Hence, this data may provide a foundation for claims to decent treatment; but it seems unlikely that an appeal to personhood is necessary to reach that conclusion. As Bentham would likely insist, it provides evidence of ways in which they can suffer, and that alone is sufficient to ground moral claims on us.

Chimpanzees display signs of self-recognition and of planning for future activity. But it is not obvious that this entitles them to legal claims to remain free of human constraint. In fact, the chimpanzees that are the principals of the Nonhuman Rights Project lawsuits have been in captivity for much or even all of their lives, and it is most unlikely they would survive a return to the wild. Given this, what rights is it reasonable for them to possess? The Nonhuman Rights Project believe they should be allowed to form associations with other chimpanzees and enjoy some degree of freedom to live as they wish. But, for primates resident in human societies, these degrees of freedom must remain strictly limited. Like small children, they can survive only with the direction and care of human adults.

Moreover, laws presently exist to protect animals from cruelty and ensure their proper treatment. Would granting the legal status of personhood add significantly to these protections? As Jeremy Bentham and his utilitarian followers would no doubt insist, what matters is the ways in which animals can be harmed. In addition to physical pain and discomfort, we have learned they may suffer by being deprived of social ties with others of their species and by the inability to live as they would wish. The bare fact of this seems adequate reason to protect them from such experiences, regardless of issues of personhood.

4.3 NONHUMAN MORAL STANDING

Christine Korsgaard believes that only conscious beings have a claim on our moral obligations. It would seem that Korsgaard thinks that a creature without consciousness (insects, for example) is thus without awareness of its circumstances, and so unable to *suffer*, no matter what level of physical distress it encounters.

There are several difficulties with this view. For one, we have no clear, accepted definition of consciousness, nor any clear criteria for determining when consciousness is present. Given the present state of our understanding, it is possible that both flies and cockroaches possess some level of consciousness. After all, they are notoriously well-equipped to escape threats and respond to predators. For Korsgaard – in opposition to Bentham – it appears that suffering alone is not directly morally relevant to our treatment of animals. What matters in her view is their intention to escape it. For her – as for Kant – it is intention that is morally central. Hence Korsgaard's standard may allow a *huge* number of living beings, including insects, to have moral standing.

Professor Korsgaard, following Kant, nonetheless finds a wide gap between human beings and creatures of other sorts. She notes that human beings are able to grasp moral principles and conduct their lives in accordance with them. As far as she is able to determine, no other creatures have this ability. Other creatures simply act in accordance with their impulses. They do not reflect on their motives, nor evaluate them as humans can. They simply act or do not act. So although Korsgaard differs from Kant in arguing that non-human animals matter morally, she agrees with Kant that only human beings are capable of functioning as moral agents. In other words, she is assuming that non-human animals are unable to grasp general moral principles and align their actions with them. The activists of the Nonhuman Rights Project are thus faced with the difficulty that non-human animals can never be persons in the way humans are. From this perspective, the Nonhuman Rights Project is misconceived. But there are robust grounds for asserting that non-human animals should matter morally simply because of the ways they can suffer. Hence, rather than seeking something akin to human legal personhood for animals, it would likely be more feasible as well as more conceptually coherent to seek robust legal redress for the ways in which humans make animals suffer.

[Brendan's Question: What are some of Elfstrom's worries about Korsgaard's view, and with non-human personhood more generally? What is his alternative?]

Gerard Elfstrom is Professor of Philosophy at Auburn University in Alabama. He took his PhD at Emory University.

5 READING: PLANT LIBERATION? (BY PETER SINGER)[6]

It would be foolish to exclude the possibility that plants have some physical basis for consciousness that we do not yet know about. But even if plants were as sensitive to pain as animals, it would still be better to eat them than to eat meat.

MELBOURNE – "Every day, thousands of innocent plants are killed by vegetarians. Help end the violence. Eat meat." These words, written last month by an Edinburgh butcher on a blackboard outside his shop and shared on a vegan Facebook group, led to a heated online discussion. Some condemned the butcher for seeking to blur an important line between beings capable of suffering and those that are not. Others took it as a joke, as the butcher said he had intended it. But jokes can make serious points.

"How do you know that plants can't feel pain?" I was often asked when I stopped eating meat. In 1975, in the first edition of *Animal Liberation*, I offered two distinct responses. First, I argued, we have three strong reasons for believing that many non-human animals, especially vertebrates, can feel pain: they have nervous systems similar to our own; when subjected to stimuli that cause pain to us, they react in ways similar to how we react when in pain; and a capacity to feel pain confers an obvious evolutionary advantage on beings able to move away from the source of the pain. None of these reasons applies to plants, I claimed, so the belief that they can feel pain is unjustified.

My second response was that if plants could feel pain, even if they were as sensitive to it as animals, it would still be better to eat plants. The inefficiency of meat production means that by eating it we would be responsible not only for the suffering of the animals bred and raised for that purpose but also for that of the vastly larger number of plants they eat.

That second response clearly still stands. Estimates of the ratio of the food value of the plants we feed to animals to the food value of the edible meat produced range from 3:1 for chickens to 25:1 for beef cattle. I don't know if anyone has ever tried to calculate how many plants a cow eats before being sent to market, but it must be a *very* large number.

[6] Peter Singer, "Plant Liberation?," Project Syndicate, February 4, 2022, https://www.project-syndicate.org/commentary/is-moral-standing-of-plants-same-as-animals-by-peter-singer-2022-02.

Increasing interest in plant sentience, however, has cast some doubt on my first response. Peter Wohlleben's 2015 worldwide bestseller, *The Hidden Life of Trees*, sparked popular attention to the issue. Wohlleben, a German forester, writes that trees can love, fear, make plans, worry about future events, and scream when they are thirsty – claims that have been repudiated by many scientists, some of whom signed a petition with the heading, "Even in the forest, it's facts we want instead of fairy tales." When questioned, Wohlleben himself often backs away from his attributions of mental states to plants.

That plants are sentient, in the literal meaning of the word – able to sense something – is obvious from the fact that they grow toward sunlight. Some are also sensitive in other ways. As a child, I enjoyed touching the leaves of a *Mimosa pudica,* or "touch-me-not" bush, that my father had planted in our garden, to see the leaves close in response. And the carnivorous Venus flytrap has sensitive hairs that trigger the trap when an insect touches them.

But is there *something that it is like to be* a plant, in the sense that there is something that it is like to be a chicken, or a fish, or (possibly) a bee? Or is being a plant like being a rock – in other words, there is no subject of experience?

In *Animal Liberation*, I argued that plants are like rocks, and not like chickens or fish. (I was agnostic about bees, though I have not been indifferent to the question). Isn't it possible that my argument there – that we frequently underestimate the awareness, needs, and cognitive abilities of animals, especially those we want to use for our own ends – applies to plants, too?

Consider the three reasons I gave for believing that animals can feel pain, which I claimed do not apply to plants. Both the fact that plants do not show pain behavior, and the apparent absence of an evolutionary advantage to consciousness for stationary organisms, could be met by the claim that they *do* respond to stresses, but on a much longer timescale than animals. They may not have a central nervous system, nor the neurons that form the physical basis of consciousness in animals, but they have substances like dopamine and serotonin, which function as neurotransmitters in animals.

There is still much that we have to learn about both plants and consciousness. At this stage of that learning process, it would be foolish to exclude the possibility that plants have some physical basis for consciousness that we do not know about.

This does not vindicate the Scottish butcher's justification for eating meat. Not only does the second of the responses I made in *Animal Liberation* still stand; we now know that eating plant-based foods will significantly reduce our contribution to climate change. But it is a reason for thinking about plants a little differently, keeping in mind the possibility that more may be going on than we are aware of, and acting accordingly by minimizing the harm we do to them, when the costs of changing our behavior are not significant. On a larger scale, of course, we also know that forests and other forms of vegetation are essential for preserving biodiversity, not only for ourselves but for other animals as well.

Agata Sagan, an independent researcher, contributed to this commentary.

[Brendan's Question: Peter Singer is the world's most famous utilitarian. How would you describe the utilitarian arguments for/against the claim that "plants matter morally."?]

6 READING: THE PIG THAT WANTS TO BE EATEN[7] (BY JULIAN BAGGINI)

After forty years of vegetarianism, Max Berger was about to sit down to a feast of pork sausages, crispy bacon and pan-fried chicken breast. Max had always missed the taste of meat, but his principles were stronger than his culinary cravings. But now he was able to eat meat with a clear conscience. The sausages and bacon had come from a pig called Priscilla he had met the week before. The pig had been genetically engineered to be able to speak and, more importantly, to want to be eaten. Ending up on a human's table was Priscilla's lifetime ambition and she woke up on the day of her slaughter with a keen sense of anticipation. She had told all this to Max just before rushing off to the comfortable and humane slaughterhouse. Having heard her story, Max thought it would be disrespectful not to eat her. The chicken had come from a genetically modified bird which had been 'decerebrated'. In other words, it lived the life of a vegetable, with no awareness of self, environment, pain or pleasure. Killing it was therefore no more barbarous than uprooting a carrot. Yet as the plate was placed before him, Max felt a twinge of nausea. Was this just a reflex reaction, caused by a lifetime of vegetarianism? Or was it the physical sign of a justifiable psychic distress? Collecting himself, he picked up his knife and fork …

Commentary: Concern for animal welfare is not confined to the small percentage of the population which is vegetarian. This should not be surprising since, if mere killing were the issue, then vegetarians would not swat flies or exterminate rats, which many, though by no means all, are happy to do.

There are two main reasons for maintaining that the rearing and killing of certain animals is wrong. First, there is the issue of the conditions animals are kept in. Here the problem is the alleged misery of an animal while it is alive, rather than the fact of its death. Second is the act of killing itself, which brings to an end the life of a creature which would otherwise have a decent future. The first issue can be dealt with simply by making sure the animal is kept in good conditions. Many people who are concerned for animal welfare will nonetheless eat meats such as free-range poultry and lamb, which cannot be intensively reared. However, this still leaves the second rationale for vegetarianism: objection to the act of killing.

But what if we could create animals that had no interest in their own survival, simply because they had as little awareness as a carrot? How could it be wrong to deprive them of an existence they never knew they had? Or what if the animal actually wanted to be eaten, such as the bovine imagined by Douglas Adams in *The Restaurant at the End of the Universe?* The protagonist of that novel, Arthur Dent, recoiled in horror at the suggestion, describing it as 'the most revolting thing I've ever heard'. Many would share his revulsion. But as Zaphod Beeblebrox objected to Dent, surely it's 'better than eating an animal that doesn't want to be eaten'? Dent's response seems to be no more than a version of the 'yuck factor' – the kind of instinctive recoil that people feel when confronted by something that doesn't seem natural, even if there are no moral problems with it. Organ transplants and blood transfusions seemed freakish when first conceived, but as we got used to both, the idea that they are morally wrong has died out, apart from among a few religious sects. People may talk about the dignity of the animals or of a respect for the natural order, but can we seriously suggest that the dignity of the chicken species is undermined by the creation of a decerebrated version? Isn't Priscilla's death entirely dignified? And aren't even organic arable farmers, who have selected and bred varieties to grow on a mass scale, tampering with the natural order anyway? In short, is there any good reason why the vegetarian of today should not share a table with Max just as soon as his menu becomes a reality?

[Brendan's Question: So…would you a talking pig that told you it was OK with this? Why or why not? Or, much more realistically, would you be OK with eating a "decerebrated" one, that lacked a brain, and thus

[7] Julian Baggini, *The Pig That Wants to Be Eaten: 100 Experiments for the Armchair Philosopher* (New York: Plume, 2006).

never suffered? Would you feel differently about eating an equally intelligent human who told you that *they* wanted to be eaten?]

7 CASE STUDIES: ANIMAL WELFARE (BY LARRY CARBONE)

L. G. Carbone (https://larrycarbone.com/home/)

7.1 THE CORNELL CATS

An animal protection group learns through information obtained under the Freedom of Information Act guidelines that the National Institute of Mental Health (NIMH) has just funded a pharmacology project at the Cornell University Medical College to study drug addiction in cats. Protests are planned to publicize this waste of public money on obviously "barbaric" research. Some mental health professionals reviewed the literature and decided that there was no clinically useful information that has ever come from this lab, or labs doing similar work.

The principal research investigator was invited to apply for this grant because she has done similar work in the past. She developed a study system where she surgically implants recording electrodes into cats' brains. When the cats awaken from anesthesia, they are wearing plastic bonnets glued to their skulls that allow the researchers to record the cats' brain waves. Cats are then addicted to various drugs, and their brain waves and behavior are studied when the drugs are discontinued. In the early days of this work, cats went through severe withdrawal reactions. When it was found that the earliest sign of withdrawal illness was a mildly disturbed brain wave pattern during sleep, the study protocol was modified so that it ended earlier. The current project to be funded proposes to examine a variety of "non-addicting" sedatives sold for human use, to investigate whether they are truly non-addicting. Cats that begin to show signs of withdrawal illness will be euthanized as soon as it is obvious that they are addicted (based on sleeping brain wave patterns). Government inspectors have never found violations upon inspecting her lab for proper experimental animal protocols.

Because of the severe negative publicity, the researcher returned the grant, and will shift her work to rats. This will require repeating the early stages of describing the severe withdrawal reactions before she can define early, subtle patterns in the rats' brain waves that indicate addition.

Some mental health experts bemoan the loss and delay of this valuable information.

Issues:

1. How do we decide if this project is a waste of cats' lives and taxpayers' dollars when the experts cannot agree?
2. Can animal models of complex human problems such as drug addiction ever be of use?3) Is painful or distressing research more acceptable if we switch from cats to rats? Or frogs? Or invertebrates?
3. Do you trust government inspections of government-funded projects to be objective and reliable?
4. If a project is painful or causes distress to animals, does euthanasia during the early stages of pain make things any better, i.e. is killing animals better or worse than hurting them?

7.2 CHIMPS WITH AIDS

Human Immunodeficiency Virus (AIDS) is well known as one of the premier health crises of our time. The classic approach to the study of infectious disease is to infect a non-human animal, study the course of the disease in this 'model' and, once its 'natural' course has been well defined, use this model to develop vaccines and treatments. When the HIV virus was first discovered, there was a flurry of activity to find a non-human animal that could be infected and that might develop a similar disease. Early efforts in dogs, monkeys and rodents were unsuccessful. Some human viruses, for example, Hepatitis B, will only grow in humans and their closest relative, the chimpanzee. Interestingly,

Hep B does not make the chimps sick, so they can be used to screen vaccines without even exposing them to ill health. So it is a logical next step to try to infect chimps.

Proponents hope that chimps will successfully incubate the virus. If they get sick from it, it will help us study the basic viral biology, and to investigate different treatment possibilities. If they do not get sick, they can still be used to investigate techniques, especially vaccines, to block infection from occurring. If they do get seriously ill, they could be humanely euthanized once we've fully defined the course of the uninterrupted illness in this species. If they never get ill, they might always be carriers for human infection, but they could live out their lives in comfort in captivity, possibly even breeding more chimps for research (assuming minimal chimp-to-chimp transmission).

Opponents say that chimps are too fully human in too many ways to subject them to this devastating disease. Some argue that this infection is a disease of human vice, making it particularly immoral to infect innocent animals. Furthermore, chimps are an endangered species, and their numbers would quickly be depleted by this use, despite captive-breeding programs. Some opponents are against any animal experimentation, while others point out that similar viruses of sheep, monkeys and cats are sufficient in enough relevant ways to serve as better natural models.

Some facts, as far as I know them are that: 1) A few chimps have been infected, but none have yet gotten sick. However, the incubation period in humans can be over a decade from infection to the onset of illness. Perhaps they are a perfect replica? 2) Most of the important work to date has been done with cells and viruses in *vitro,* not whole animal studies.

Issues:

1. If chimps were not an endangered species, would their similarity to humans give them special status?
2. If chimps were not so human-like, should their endangered species status make them exemptfrom research projects?
3. Is AIDS a disease of human vice (How about alcoholism or cigarette-related respiratory conditions or gunshot?) If it does make sense to class diseases as problems of human vice, should we spare animals from involvement in research on such diseases?
4. With all the sophisticated cell biology that allows us to study cell-virus interactions directly, areanimal studies obsolete?
5. Do we owe anything special to animals that have been 'retired' from such research? Keeping achimp in comfort through its retirement could cost well over $20,000 a year.

7.3 VET STUDENT "JUNIOR SURGERY"

During their third year of vet school, just before they start seeing clients' animals as fourth year students, vet students spend a semester practicing surgery on laboratory dogs. A major surgery is performed, and the dogs recover for one week, then they are anesthetized for a very major procedure (e.g. a bone may be broken and reset). The animals are killed at the end of the lab, before they would awaken from anesthesia. Some vet schools do no survival surgery at this time to spare the animals any pain. The old system at Cornell was to use one dog through a dozen weekly surgeries and euthanize her if she were seriously ill, or at the end of the course. Human medical students do no practice surgery on animals at most med schools, and they certainly do not practice on human patients that do not require surgery. Vet students in Great Britain do not practice surgeries on lab animals, instead they apprentice to an experienced vet when they graduate.

Proponents of surgical training procedure point out that: 1) unlike medical students, vet students will be licensed to conduct surgery as soon as they graduate, without required internships or residencies, so they must learn techniques while at school, 2) unlike medical students, vet students would practice on their' target species'. Every step in learning dog surgery in the lab is directly applicable to their future work; no need to extrapolate from dog to human, 3) it would be unethical for students to do their first surgeries on people's loved pets, 4) post-operative care is a vital part

of surgical practice and should be part of the initial surgical training, and finally, 5) there is nothing like a living, breathing, bleeding patient to practice all aspects of anesthesia, surgery, and post-operative recovery.

Opponents say that this is barbaric: 1) Students should do their first surgeries on models, or on dogs that have died or been killed for other reasons, gradually moving on to terminally ill patients donated by their owners to the college. 2) Dogs should not be expected to recover from a clumsily performed first surgery, which is certainly going to have more post-operative pain than surgery performed by a speedy, skilled experienced surgeon. Students should gradually acquire skills by assisting in necessary surgeries performed for the animal's benefit.

Some students said they would rather abort their careers than to harm any more animals in pursuit of their education. Some teachers and practicing veterinarians say that students must learn to face some harsh realities, that they must do all in their power to be fully competent before they are unleashed on the pet-owning public, and that if they cannot bring themselves to kill a handful of dogs in pursuit of this competence, maybe they should get out of vet school.

Issues:

1. How much of this is an issue of student freedom of choice and autonomy, and not an animal issue at all?
2. Logistics: A class of 80 needs a lot of practice dogs in a short period of time to learn surgery.How could we rely on hit-by-car deceased dogs to provide enough practice material without extending-the length of the veterinary education?
3. Are laboratory dogs being considered some sort of second-class citizen compared to owned and loved pet dogs, that we would use on the one and not the other? Is this appropriate?
4. Is it better to do a lot of surgery on a few practice dogs, or one surgery each on severa1 practice dogs?

8 CASE STUDY: MAN'S BEST FRIEND

From: NATIONAL HIGH SCHOOL ETHICS BOWL Case Set for 2020-2021 National Competition. Parr Center for Ethics. CONTRIBUTORS: Anna Bennett, Michael Ball-Blakely, Guido Chiriboga, Jenny Duan, Lauren Haines, Daniel Harris, Ramona Ilea, Audra Jenson, Katie McKniffe, Caroline Mobley, Savannah Pearlman, Alex Richardson, Hamish Stewart, Jacky Wang, APPE Intercollegiate Ethics Bowl (IEB)

According to the American Veterinary Medical Association, more than 48 million American households owned a dog, totaling more than 76 million dogs in homes across the United States in 2017.[8] Research indicates that dog ownership makes Americans happier, healthier, and more social, perhaps explaining dogs' popularity as pets.[9] However, is "man's best friend" getting the short end of the stick? Out of 192 registered dog breeds in the U.S., many suffer from a higher risk of inherited diseases and health issues.[10] For example, the Labrador Retriever—in 2020, America's most popular dog breed from the 29th year in a row—is genetically predisposed to ear infections, skin diseases, hip dysplasia, obesity, and other ailments.[4]

For thousands of years, *Canis lupus familiaris* has been humanity's closest animal companion. Working dogs have been—and, in some industries and regions—continue to be indispensable as herders, soldiers, guides, guards, detectors, and more. However, with people today more reliant on technology than canine companionship, most dogs in developed regions have been relegated to auxiliary roles such as pets or show dogs. With this in mind, some argue

8 https://www.avma.org/resources-tools/reports-statistics/us-pet-ownership-statistics
9 https://www.psychologytoday.com/us/blog/the-social-self/201107/friends-benefits-pets-make-us-happier-healthier
10 https://www.scientificamerican.com/article/although-purebred-dogs-can-be-best-in-show-are-they-worst-in-health/ [4] https://www.akc.org/expert-advice/dog-breeds/2020-popular-breeds-2019/

that dog breeding may no longer be necessary, or for that matter, ethical. After all, purebred dogs come at a cost. The selective breeding required to produce canines with desirable instincts or physical traits also generates inherited diseases and unhealthily exaggerated features.[11] Critics of dog breeding say that these consequences outweigh the benefits of purebred dogs, arguing that their suffering exceeds their utility.

At the same time, supporters of dog breeding argue that purebred dogs are important to human society and to various cultures therein. Purebred dogs may no longer be strictly "necessary" in places like the U.S., but they still play an integral role in popular pastimes such as hunting and birding. Furthermore, there is a strong argument to be made that some dog breeds do remain necessary. For instance, despite modern innovations, the Labrador Retriever and similar mid-sized breeds are irreplaceable as guide dogs for the visually impaired.

Additionally, some might question the ramifications of deeming dog breeding unethical. After all, not every purebred dog will fall victim to faulty genetics—many will live full lives with loving families, never developing the diseases or health issues to which they are genetically predisposed. Even purebred dogs that do develop these ailments will likely enjoy years—perhaps a decade or more—before their health becomes a severe detriment to their happiness. Demonizing dog breeding, some argue, would prevent people who wish to adopt a purebred dog from doing so, and the dogs whom they would have adopted from ever existing at all. Furthermore, some question whether dog breeding might be unethical in the first place, due to the suffering it can inflict on the animals themselves.

Discussion Questions

1. Is dog breeding a morally acceptable practice? Why or why not?
2. What moral considerations should prospective dog owners take into account before adopting?
3. Is there a morally relevant distinction between breeding purebred and mixed-breed dogs? Why or why not?

11 https://www.scientificamerican.com/article/although-purebred-dogs-can-be-best-in-show-are-they-worst-in-health/