

WHO SHOULD WE CARE ABOUT? THE QUESTION OF MORAL STATUS

In this lecture, 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 own beliefs/attitudes related to moral status.

So far, we have discussed a number of basic moral concepts, including rights, obligations, virtues, relationships, and ideals. We'll now begin talking about *what sort of beings* these moral concepts apply to. This is the problem of **moral status**, and many of the trickiest (and most controversial) moral questions are directly related to it. For example, many of the most important questions of biomedical ethics concern "marginal" beings such as (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 relatively recently, for example, 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. This was used to justify practices, such as slavery and institutional sexism, that we now recognize as immoral.

WHAT ARE SOME THEORIES OF MORAL STATUS? WHAT CAN WE LEARN FROM THEM?

A being has moral status if and only 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. B-C argue that NONE of these theories captures the common morality's position on moral status, though many pick up on important aspects of it.

All and only biological HUMAN BEINGS have full moral status. This theory says that all humans 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 SEP²)

1. **Problem:** This theory claims (without argument) that animals like chimps, dolphins, and pigs have less moral status than humans, *even if they are smarter and have a greater capacity for emotion and suffering than do 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. Within the next 100 years, this problem will get worse, as we might well be confronted with non-human (but intelligent) beings like genetically engineered human-chimpanzee **chimeras**, reincarnated Neanderthals, truly intelligent computers/robots, 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. **Conclusion:** This theory, if limited to normal adult humans, provides a good **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, 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 SEP³)

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 elderly people with dementia). Moreover, if 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 good sufficient condition for full moral status: "If a being has complex cognitive capacities, it has full moral status." Just as with the earlier theory, though, B and C don't think this provides necessary conditions, since it seems like you can have moral status WITHOUT meeting this criterion.

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/>.

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/>.

All and only MORAL AGENTS have full moral status. This theory claims that moral status 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 the 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. There are LOTS of humans (including children, sociopaths, and anyone with reduced cognitive abilities) that aren't "moral agents."
2. **Conclusion:** Like the first two theories, this provides a good 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."

All and only beings with SENTIENCE have (some) moral status. This theory claims that moral status 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 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 of the beings just mentioned have a *level* of moral status, the strongest version of it may be impractical, since it entails that many pigs/cows/rats/fetuses will have the exact *same* moral status as adult humans. On the other hand, some people have thought that there are some beings (such as fetuses before 20 weeks) who *are not* sentient, but nevertheless have moral status.
2. **Conclusion.** This theory provides a plausible 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 only beings with significant RELATIONSHIPS have full moral status. This theory claims that the only way you can get moral status is 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**?

ACTIVITY: 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!)	