

## J. Doe's Right to Moral Status: Moral Responsibility Beyond Principle of Equality

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### **ABSTRACT**

In moral discussions against animal cruelty and abortion, animals and fetuses are often considered to possess the equal moral standing as fully-functioning human adults, implying that they have the moral right to be treated as such. In his essay "All Animals Are Equal," Peter Singer takes a utilitarian approach in arguing that all living beings capable of suffering deserve a moral status. However, the strategy of determining one's moral community membership based on some generalizable standard risks excluding entities that may lack such quality. Hence, my stance is to acknowledge that animals and fetuses do not have the equal moral status as most humans, and to investigate other moral considerations that lead us to ethical obligations toward such beings that go beyond the principle of equality. Analyzing Cora Diamond's claims about the relationship between humans and animals, as well as Thompson's position in defense of abortion, I contend that our connection to and concern for co-creatures obligate us to treat those who do not possess moral community membership with decency. Since animal and abortion ethics deal with human attachments and emotions toward other entities, we may be better off focusing on the fundamental relationships and responsibilities we have with co-living beings rather than the rational approach of moral categories, rights, or considerations.

### **KEYWORDS**

Ethical Responsibility, Animal Cruelty, Abortion, Principle of Equality, Moral Status, Human obligations

For long, animals have been a useful tool for humankind. They have various ranges of use, becoming our daily bread, decoration to hang on the wall, or life companion assisting disabled humans. However widespread such practice might be, it has not been without moral condemnation. Another historical practice that is no longer morally underground and widely debated is abortion. A common feature of moral discussions surrounding these two subjects consider animals and fetuses as beings of equal moral status, as fully-functioning human adults, and thus grant them the moral right to be treated as such. However, I believe we need a slight repositioning of focus in the moral debates regarding animal cruelty and abortion. My stance is that although animals and fetuses do not possess an equal moral standing as most humans do, there are other moral considerations that render us into ethical responsibility and obligation toward such beings beyond those merely following from the principle of equality.

In the first section, I present Singer and Bentham's utilitarian perspective granting equal moral consideration for all entities capable of suffering. I assert that utilizing sentience as a criterion for moral status is implausible because it lacks discernment in identifying immoral interests. One reason why the criterion of sentience itself is wrong, for example, is that it considers the interests of sentient yet torture-loving psychopaths as equally weighty to morally responsible adults. Second, I suggest that something I loosely identify as capability of moral agency would be a better criterion when we are trying to determine one's moral status. To the worry that making moral status exclusive to those capable of moral engagement might lead to exploitation of the morally incapable, I respond that Singer's criterion of sentience is also not as inclusive as he thinks, and thus this sort of problem exists in Singer's argument as well. Third, I argue that my criterion could be a solution to this problem as membership in the moral community obligates one to not treat entities that do not have moral status as an instrument, as doing so would be diminishing one's own moral status. I point out that as long as we continue to apply the strategy of determining one's moral community membership based on a generalizable quality, we will face the problem of having to leave out people or entities that lack such quality. Thus, my approach has the advantage of not hiding from this fact but also not implying counterintuitive moral results. In the fourth section, I integrate some arguments from Cora Diamond on the relationship of humans and animals to help provide further reason how having an exclusive moral status doesn't mean that one is allowed to do whatever one

wants to entities who lack this status. The key idea here is that of one's relationship and moral status that gives rise to moral obligations to other creatures. Fifth, I describe how this approach generalizes by applying it to debates concerning abortion. By analyzing Thompson on her defense of abortion, I supplement the principle of equality in moral status or rights. I stress that what matters more is our connection with and concern for co-creatures that renders us responsible to treat those that do not possess an equal moral status with decency. For example, even if there is no moral injustice involved in aborting a fetus that lacks moral rights and status, it remains possible for the mother to violate morality in some other way via her relationship to the fetus. I conclude with the consideration that maybe we should abandon the rational approach of moral categories, rights, or considerations when it comes to topics like animal and abortion ethics that concern moral relationships and emotions with other livings. Rather, we might do better focusing on the fundamental relationships and obligations we have toward co-living beings and the stories demonstrating them that are not strictly tangible or rational.

## **I. SENTIENCE AS A TICKET TO MORAL MEMBERSHIP**

In "All Animals Are Equal," Singer argues that we should extend the principle of equality that applies to all members of humankind to other species, mainly animals (Singer 1989, 148). He asserts that the interests of all human beings deserve equal consideration, which means not that their interests should be treated exactly the same but should be given an equal amount of weight in our deliberation (Singer 1989, 149). To Singer, the common property trait that provides humans a moral status and thus worthy of equal consideration is the basic fact that they have interests in the first place. He then goes on to argue that an entity must be capable of sentience, or feeling pain and pleasure, to have interests. Following this line of thought, Singer argues that if sentience endows equal moral status for human beings, then should it also for animals that are capable of pain and pleasure. Therefore, it is morally inconsistent to say that it is okay to conduct scientific tests on animals and immoral to do so on humans as both deserve equal moral status. Singer's approach to animal treatment requires logical consistency when we make personal choices such as choosing a vegetarian diet or using cruelty-free cosmetics. With this perspective, it logically follows that animal eating

is a moral wrong and animal-friendly practices should be a legitimate and widely applied cause.

Utilizing sentience as an indicator of a being's interest and moral status, however, is problematic. Singer develops Bentham's idea that animals deserve moral protections as they have the capacity of sentience just like humans. This view does not deny important differences between humans and animals, but focuses on a relevant similarity of the two, the capability to experience suffering and pleasure being the common core (Beauchamp and Frey 2011, 173). However, granting equal consideration for the interests of all sentient entities is implausible as it does not discern for those that engage in morally inappropriate sentiments. It is evident that not all entities experience pain and pleasure in an identical manner, and some beings lack the moral ability to distinguish between what is right or wrong. This could lead to inconsistency of one's interest or sentience with common moral perception. For instance, consider there is a psychopathic being who derives pleasure from moral wrongs such as torturing animals and causing suffering. It does not logically follow to say that such a being deserves a moral status and thus qualifies for equal moral consideration in satisfying their interests. In fact, their immoral interests and suffering coming from not being able to afflict harm to others should not be given any moral weight. Sentience neither logically connects with one's ability to be moral, nor is a promising criterion to back up one's moral status given its goal of defining moral membership in terms of having interests at all. In the next section, I offer a better criterion for moral community membership.

## **II. WHAT GIVES ONE A MORAL STATUS?**

Since I assert that the utilitarian model of "pain and pleasure" does not seem to be a suitable element composing moral status, it would be natural to follow that up with my own perspectives on what makes one worthy of equal moral consideration. Rather than focusing on granting equal moral status for the largest population possible, it is more plausible to acknowledge that moral status cannot be equal for all living beings as membership to the moral community should only apply to agents that are morally capable. In determining moral status, we should consider not only the ability of one to perceive or sense one's surroundings, but also to gain, think, or act morally as a result of such sentience. What matters

more in the moral sphere is not that one feels things, but whether one is able to reflect one's moral relationship and responsibilities with their surroundings and co-creatures as a result of one being able to feel certain things. I believe that moral engagement is key to moral community membership. Such qualities include but are not limited to: having a conscience, distinguishing right and wrong, utilizing moral intelligence to reflect and guide one's life, being altruistic and considerate of the marginalized, being able to break out of impulse or choices to maximize one's benefits in consideration of better good. These qualities demonstrate one's ability to engage in morality, and I believe only one to whom morality actually matters may obtain a moral status. As animals are incapable or less capable than humans to engage in this sort of complex moral activity, they do not obtain an equal moral consideration as human beings, and thus do not possess an equal moral status to humans.

An objection that follows this argument considers the treatment of humans who lack moral qualities. One might argue that if we were to give different considerations to individual interests depending on one's ability to reason morally, that would leave out humans that lack such quality from moral protection. Singer stresses this problem, and his intention behind the sentience-as-interest argument is to find a non-arbitrary criterion to make as many entities' interests worthy of equal consideration. However, Singer's criterion of sentience is also not as inclusive as he thinks, and this sort of problem also exists in Singer's argument as well. Singer argues that qualities such as intelligence, moral capacity, or physical strength should not be a basis of claim to equality (Singer 1989, 150). This is because the above-listed matters are simple factual qualities that in no way justifies us to discriminate against or be partial toward someone's interests. Nevertheless, I do not see how sentience differs from such factual abilities that cannot be a basis of the principle of equality as there are discrepancies in ability to sense that make Singer's logic prone to misinterpretation or misuse. Under Singer's logic, I do not see a plausible cause to not exploit living things that are incapable of physical or emotional pain or pleasure. For instance, human beings under paralysis, brain death, vegetative state, insensitivity to pain, or alexithymia count as not having interests under this view. Some beings that respond to external stimuli or capable of locomotion through bodily movement yet incapable of experiencing pain or pleasure, such as aquatic animals without complex nervous systems or plants (even those that are carnivorous such as flytrap or pitcher plants) also do not

possess interests. However, it would be a mistake to say that these beings do not have an interest in living life.

### **III. DOES MORAL INEQUALITY IMPLY DISCRIMINATION?**

Under my criterion of moral engagement, the fact that animals and humans possess unequal moral status does not permit a moral agent to exploit those of lesser moral status. In other words, membership to a moral community does not endow one a right or permission to abuse others incapable of moral engagement. This is because moral community membership involves an agent reasoning and acting morally in a way that is considerate of one's surroundings and co-living beings. If one treats animals as mere instruments in achieving ends, one is thereby demonstrating one's inability of moral engagement with the community and co-creatures, which leads to the undermining of one's own moral status. Moral abilities are unequally distributed among different species and entities, which means some do not possess an equal moral status as others. Nevertheless, it is crucial to note that moral membership, once granted, obligates the member to treat other living beings with decency and respect regardless of their moral status.

If we turn back to the original problem of the criterion and principle of equality approach, the strategy of determining one's moral status based on a generalizable quality or criterion always leads to an exclusion of a group no matter how thin the criterion gets. In the first place, I believe that endowing a moral characteristic to beings based on a certain standard, in Singer's case, possession of interests or capability to feel pain and pleasure, will always encounter this problem of a limitation. Thus, my attempt is to deny equal moral status or consideration for interests for all people, animals, or entities in the first place, and imagine what a world with such inequality would look like. Moral inequality does not mean those superior in moral deliberations get to mistreat those who are lacking, as by doing so one would be undermining one's own moral status. In addition, treating other living beings or entities that lack moral community membership with dignity and kindness is not an act of charity that expects gratitude from the beneficiaries or entitles the benefactor to a right or a favor in return. Such a relationship does not involve benefits but moral obligations that are about having decency in treating and respecting one's relationship with co-creatures. It is apparent that the moral capabilities of an animal and a human being are different in their depths, and

there are discrepancies in moral intelligence among humans. To say that a dog, full-grown adult human, infant, and a mentally disabled person all deserve an equal amount of moral consideration for their interests based on their common capability of suffering or happiness would be blinding oneself from the apparent correlation between moral capacity and moral community membership and their unequal moral status in the real world. Rather, I find it more plausible to admit that not all humans, animals, or entities' interests and needs deserve equal deliberation in the moral sphere. From there, it is important to recognize that it is the obligations and responsibilities of morally advanced or capable beings coming from the moral community membership that prevents agents from mistreating the morally lacking or incapable despite the inequality.

#### **IV. IS THERE SOMETHING BEYOND CRITERIONS?**

In the previous section, I discussed that as long as we maintain the approach of using moral criterion to grant morally relevant status, we are prone to an error of excluding certain entities that do not suffice such criterion. Making such a rational, factual, and objective case through the utilitarian principle of equality seems central to Singer in discussing animal ethics (Diamond 2002, 71-72). What matters for him is the moral obligation that arises from a living's ability to suffer as shown in his response to Coetzee who argued that it is more important to consider animals in terms of our lives in relation to them. "We can't take our feelings as moral data, immune from rational criticism," writes Singer in his response to J.M. Coetzee's 1999 Tanner Lectures, *The Lives of Animals* (Trask 2012). However, the particular perspective that Singer demands us to see the world from renders us to the dangers of a single story. Under the logical consistency that Singer asks us to apply in making ethical decisions considering human and animal rights, all his conclusions naturally follow. Nevertheless, the demand to see the world from that perspective itself is in question. By formalizing ethical actions by attributing why we refrain or abide by certain norms solely in the principle of equality, Singer focuses too much on reasons and analytical standards, which might blur a fundamental reason or consideration of why we do certain things.

In response to Singer, Cora Diamond published "Eating Meat and Eating People," where she argues that defending animal rights involves a moral relationship between humans and animals rather than moral equality rising from

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one's capacity to suffer (Diamond 2018, 723). Diamond asserts that approaching animal treatment with the capacity of sentience is not the right way of beginning the discussion. She goes on to state that:

...anyone who, in discussing this issue, focuses on our reasons for not killing people or our reasons for not causing them suffering quite evidently runs a risk of leaving altogether out of his discussion those fundamental features of our relationship to other human beings which are involved in our not eating them...  
(Diamond 2018, 724)

In other words, Diamond wants to avoid focusing too much on rationality or reasons for not eating or mistreating animals or humans because doing so blurs our fundamental relationship with those beings that could be the cause for our decency toward them. Here, the perspective diverges a little. The reason for not abusing or exploiting fellow humans or animals now becomes not merely because such actions would cause these beings suffering, but because of our relationship unattached to any normative system that makes us recognize their significance in our lives and renders us responsible for treating them as an entity with character. What matters here is not one's recognition of others' rights or moral status that acts as a preventive mechanism from moral wrongdoings, but a deeper understanding of one's relationship with surroundings and co-creatures that allows one to recognize the significance of others and approach them with care and respect.

Singer regards that denying equal moral status and consideration for all sentient beings would lead to the issue of moral anarchy where there is no moral restriction that prevents one from discriminating against those with less or no capability of moral agency. However, no matter how much we idealize equality and blind ourselves from apparent discrepancies arising from factual differences among creatures, the rights of the weaker become vulnerable when faced with the stronger voices of those in power. Therefore, it is important for moral agents to acknowledge the unequal moral status among different species, and face the problems arising from such inequality. The question now becomes why would moral agents, despite this clear discrepancy of moral abilities among species and entities, have any obligation toward beings that are outside of the moral community. This is because membership to a moral community requires one to



go further than acting upon sheer self-interest, which prevents one from abusing moral status in fulfilling one's interests. A moral agent objectively recognizes that an infant, mentally disabled person, and animals all possess unequal moral status, but an "other-concerning" component of the moral community obligates them to act with decency regardless of other being's moral status. The attitude that one needs to seek, then, is not the justification of mistreatment or exploitation of others based on factual differences, but an attempt to ensure that such inequality does not lead to discrimination. However, although it is primarily the obligation rising from an unequal moral status that renders one to seek such an attitude, there is more involved in this story, which could be answered by Diamond.

Under the analogy of equal moral consideration, it is true that some entities have a special moral status that others do not, and that can be transitioned into rights. However, this doesn't mean that we are allowed to mistreat entities incapable of moral agency due to our relationships and obligations to them. There are moral categories that are meaningful beyond what merely follows from the principle of equality that makes us meticulous and careful in making choices or conducting actions that involve our other living beings that lack moral status. Possession of moral status gives us a special status that allows us to ground relationships with others who possess the same status, and this relationship motivates us to deliberate and act in consistency with the community's shared moral beliefs and attitudes. In a moral community, it would be plausible to say that members sacrifice and cooperate to protect the weak or underprivileged, as moral agents are considerate of one's surroundings and the welfare of co-creatures. As moral agents, then, we naturally navigate what it means for us to be a member of such a community, which could be a call that connects and commits us to our relationship with co-creatures. Through such relationships, we come to see co-creatures such as animals as livings that matter just as much as our fellow community members, which commits us to treat them as entities with characteristics deserving of respect, or even alternative forms of people with moral status. If we obsess ourselves over objective duties or rationale in not abusing those without moral agency, we are unable to focus on fundamental reasons why morality requires caring for the weak and not holding others' weaknesses against them.

## V. WHAT FOLLOWS FROM THIS ASSERTION FOR ABORTION?

With regards to differing perspectives in discussing moral responsibilities toward non-humans, there are other philosophers who present alternative reasoning outside of the principle of equality or rights. In "A Defense of Abortion," Thomson discusses two distinct approaches to investigate the moral permissibility of abortion. Contrasting the question of what it means to grant a fetus right to life to the matter of moral decency toward the fetus, she suggests that abortion involves another moral concern irrelevant to rights-violation. When we discuss abortion in the perspective of fetus's rights, there are some cases that one could argue abortion is an unjust killing given the fetus's status and right to life. However, Thomson deviates from this perspective and further applies matters of moral decency in explaining abortion (Thomson 1971, 59). For example, if a wealthy person refuses to return land and house documents to all debtors and share food and resources during a famine, she does not violate anyone's rights as no one but she is entitled to her property. However, turning her eyes away from a community struggling to meet daily ends would be another form of violation that involves human decency toward other beings. According to Thomson, the bar to violation of decency in the case of abortion remains high as pregnancy is physically and emotionally draining for the pregnant woman, and the decision to carry the fetus in cases when the pregnant woman is in a burdensome circumstance is supererogatory that should not be commanded by law (Thomson 1971, 60; 63-64).

Applying the previously discussed principle of equality to abortion, fetus lacks capability of both sentience (at least during certain stages of pregnancy) and moral community membership as an underdeveloped human being. The fetus is a dependent of the pregnant woman's body and an entity to whom morality does not matter, and its interests and moral status is absent or lacking than that of the pregnant woman's. In a case where the woman bears a physically or mentally challenging occupation or is not in a situation to raise an infant, she should be able to abort the fetus upon her choice and deliberation. Here, abortion is not an unjust killing of a fetus as it does not involve violating any rights, as the fetus is not a member of the moral community. Nevertheless, regardless of the woman's financial, mental, or physical incapability of childbirth and parenting, such a decision leaves the woman personal moral consequences and possible self-condemnation

for directly aborting a child. Although the woman did not commit any injustice to the fetus nor violated anyone's rights, it is her position as a moral community member considerate of co-creatures, and her relationship and attachment to the fetus that renders her to moral guilt and burden. The fact that the pregnant person did not go out of her way to bear the fetus for nine months, give birth to the baby, sacrifice for its upbringing, does not mean that she has committed a crime against humanity or moral failure. However, despite the fact a woman has made a reasonable and appropriate choice of abortion regarding whatever personal circumstance she is faced with, she would experience heavy moral self-contempt and deliberation--although the woman should not be subject to public condemnation or legal punishment--in this process. Her fundamental relationship and connection with the fetus rising from her moral community membership leaves a mark in her heart that she would possibly carry for her lifetime.

## **VI. FURTHER DISCUSSION**

My project in this writing has followed a route that leads to considering that there are more interesting and profound moral concerns beyond what merely follows from the principle of equality in approaching abortion and animal ethics. I argue that we cannot draw the circle to moral community membership with Singer's criterion of sentience as it would grant equal moral consideration for morally counterintuitive interests. Then, I provide a what-if analysis of Singer's view based upon the principle of equality by drawing a bar to moral community membership in a way that is less inclusive yet more morally relevant than Singer. I explain that exclusive equal moral consideration for those capable of moral agency does not end up at a conclusion where moral agents can do anything they wish to entities lacking moral status. This is due to obligations rising from the agent's moral status and relationship with co-creatures of the world that refers back to Diamond's argument. Tying one's fundamental connection and relationship with humans or other non-humans to the issue of abortion, I demonstrate the importance of such personal or emotional data that redirects our discussions focusing too much on a single perspective of formal moral obligations regarding rights or moral status.

In discussing animal and abortion ethics that concerns real-life human behaviors and connection with other creatures such as fetuses or cats, I cannot help but think that there is a need for somewhat intangible or informal accounts

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of our experience with other humans, entities, and surrounding of this world. In this sense, exploring the fundamental relationships of the kind Diamond emphasizes in dealing with moral issues concerning human emotion with other entities becomes central. The topic of this project does not remain purely in the theoretical moral sphere, but is a matter that continues to be lived by us in real life. Therefore, we should admit the importance of both rational and emotional data in our discussions rather than attempting to separate them and discard the latter. Practically speaking, there are myriads of moral theories that make sense in considering these ethical issues, but human practices of animal cruelty or abortion is not remote from our daily lives. Since these issues are complex, worldly, and alive in their nature, we need something more than objective reason. I agree that factual descriptions of what morality requires in following a vegan diet, using products that are not cruelty-free, or getting a medical examination prior to abortion, must be given serious contemplation. However, the fact that these dilemmas and subsequent actions involve something more than moral obligations, that is, human emotions and personal life circumstances, gestures toward the inevitable need for personal stories in the debate. Without the real-life stories of the butchers, pet owners, women suffering from abortion aftereffects, moral debates on these issues will remain incomplete, lacking wide consensus and resonance among our community that is fundamental to these discussions resulting in action and change. Emotional relationships or personal accounts of those who had to face and act upon these moral dilemmas should not be undermined as irrelevant or irrational in determining morally right and wrong responses in such circumstances.

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