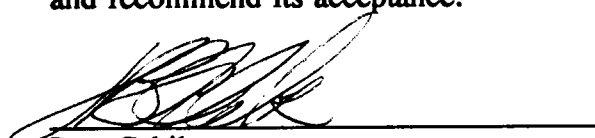


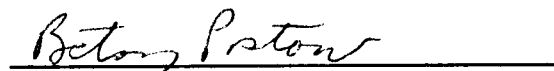
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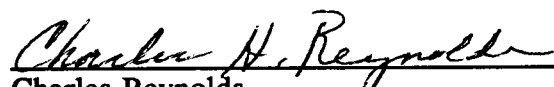
I am submitting herewith a dissertation written by Linda Anne Rankin entitled "Beyond Man-Centered Morality: Focus on Human Abortion and Use of Animals in Medical Research." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy with a major in Philosophy.


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BEYOND MAN-CENTERED MORALITY:
FOCUS ON
HUMAN ABORTION AND USE OF ANIMALS IN MEDICAL RESEARCH

A Dissertation
Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville

Linda Anne Rankin

December 1993

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This is dedicated with love to

my father, *Clair Rankin*

and in memory of

my mother, *Anne McKee Rankin*

and to my faithful furry friends

Mandy, Megan, Bear, Annie, Max

Brandy, Leah, Toby and Hannah

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ABSTRACT

In this dissertation I hope to point the way beyond man-centered morality. This man-centeredness is the species-centeredness or anthropocentrism and the male-centeredness or androcentrism of traditional Western morality, with roots in Judeo-Christian religious tradition and Greek philosophy. My thesis is that man-centeredness is not a mere orientation but a prejudice distorting, at level one, perceptions of *who qualifies* as a moral patient (scope issue) and, at level two, moral decision theory and theory of good, indeed, the *very conception* of the task or *raison d'être* of morality. At level one there is an obvious anthropocentric and a less obvious androcentrism. At level two there is a fairly well hidden androcentrism, only recently recognized. This dissertation will focus on level one, with level two issues briefly discussed insofar as they relate to the proper resolution of the scope issue.

The scope question is generally assumed to have an obvious solution: all human but no nonhuman animals are proper moral patients. My choice of focal topics, however, is intended to challenge this "species line" which divides research animals (especially those "highly evolved") from even the earliest and least developed of the human species, the fetus. Against an anthropocentric morality, I argue that most if not all animals ought to be intrinsically and therefore morally valued. Further, *at the earliest stages* of gestation the fetus is not a proper moral patient, although such a status emerges and strengthens with gestational development. Against an androcentric morality, my position is that pregnant women are intrinsically valuable individuals *first and primarily*, not merely "mothers," receptacles in which a fetus grows until ready for birth. To bring a child into the world is a *gift* to the eventual child, not a duty to or a required sacrifice for the sake of a possible child

and not the defining function (telos) of a woman.

I will come to accept and defend the assertion that the scope issue ought to be a central rather than a *side or derivative* issue, that traditional moral theory is misfocused and based on some falsifiable, or at least questionable, metaphysical assumptions. Failure to recognize this is in part due to traditional moral theory's failure to understand that the proper task of morality is the just promotion of respect for the intrinsic value of individual sentient beings. The justification for and ramifications of this articulation of the proper moral task leads to a theory of moral individualism, which avoids obvious speciesism, latent sexism and other stereotyping that blinds moral agents to individuals qua individuals. My development of the notion of moral individualism will include an explanation of the inadequacy of social atomism for describing the nature of both moral agents and patients, with ramifications for the nature of moral epistemology, for the guidance and even the conception of morally right action, and for the theory of good. Other issues must be addressed along the way: (1) certain other metaphysical assumptions about human nature and animal nature, about sentience and reason, about the knower and the known as assumed by the epistemological ideal and utilized in moral decision making, (2a) some specific Judeo-Christian religious beliefs assumed in our dominant culture by many "ordinary" people and carried into traditional moral theorizing, (2b) especially those religious beliefs that cloak themselves in the guise of factual truth through (2c) the use of supposedly value-neutral language, which also may hide non-religious metaphysical beliefs in need of scrutiny, (3) the need to separate prudential judgments that disguise themselves as moral judgments from genuine judgments about the morally right thing to do in a given situation.

With respect to the latter, consider that many prudential judgments *disguised as moral(ly correct) judgments* are actually manifestations of power struggles, efforts to

dominate or disempower. They exemplify intolerance, species or male self-centeredness, even arrogance, all of which is the *antithesis* of what I describe as the task of morality--structured and organized care for the well-being of other sentient beings. Such "moral" judgments may be based on or "justified" by faulty metaphysics and inappropriate appropriation of religious beliefs to play the role of facts. With the species and male biases in place current judgments about treatment of fetuses and research animals may not seem inconsistent or morally deficient. However, upon reexamination of the scope issue such judgments are often revealed to be inconsistent with each other and improperly justified."

Finally, I suggest that assignment of some moral status to animals and fetuses is not the end but just the beginning of the moral dilemmas involving animals and fetuses. Even if we agree to extend moral patienthood to animals with certain characteristics and fetuses beyond a certain gestational age, there remains conflicting claims among moral patients.

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CHAPTER I

INTRODUCTION--BEYOND MAN-CENTERED MORALITY?

I. *General Aim of Dissertation*A. *Introduction*

The hope of this dissertation is to point the way beyond man-centered morality. This man-centeredness is of two sorts, the species-centeredness or anthropocentrism and the male-centeredness or androcentrism of traditional Western morality.¹ I am referring to that morality which has roots extending back into the Judeo-Christian religious tradition,² and even farther back into Greek philosophy. My thesis is that the man-centeredness is not a mere orientation but a bias or prejudice distorting not only perceptions of *who qualifies* as an object of moral concern³ (level one) but also moral decision guiding theory and theory of good, indeed, the *very conception* of the task or *raison d'être* of morality (level two). At the first level the problem is to determine scope,⁴ that is, what sort(s) of beings are appropriately

¹ By the expression 'traditional Western ethics' or, a phrase that I shall use extensively, 'traditional moral theory,' I am referring to the predominant styles of Deontology, as exemplified in its purest form by Immanuel Kant, and Utilitarianism, both in its common "maximizing" form or in the "minimizing" form developed by John Stuart Mill (see Chapter VI for explanation). The styles vary significantly from one another, but share some important assumptions and contribute significantly to much subsequent moral theory and, in general ways, to the Western cultural secular moral thought of laypersons.

² As with the first expression footnoted, this expression is not intended to imply a uniform body of ideas. It points to a religious tradition that includes diverse Christians perspectives and Jewish perspectives and that has been influential in the development of traditional and current secular moral thinking.

³ This expression refers to that individual sentient being the treatment of whom or which is a moral issue. Another way to put this idea is that the object of moral concern is one who is covered by or falls within the scope of moral principles or rules. If one says that it is a moral rule not to kill, an object of moral concern is that whom or which we should not kill.

⁴ I shall refer to the problem of determining who and/or what should fall within the scope of moral concern as the 'scope problem,' 'scope issue' or 'scope question.'

objects of moral concern or moral patients.⁵ Here I assert that there is an obvious anthropocentrism and a less obvious androcentrism, both to varying degrees in the structure and assumptions of particular styles of theory and in the assumptions commonly used in application of theory. At the second level the problem is to uncover bias built into the general conception and construction of traditional moral theory. Here I assert that there is a fairly well hidden androcentrism, only recently coming to light to any significant degree. The dissertation will focus on level one. In the course of investigating level one, however, level two issues will be encountered and briefly discussed to show their ramifications for the proper resolution of the scope issue and for the revision of traditional moral theory necessary to pave the way for such a resolution.

The challenge of this dissertation is to explore and to defend to the degree merited these charges of prejudice and bias made against traditional moral theory. This defense is required because many in moral philosophy, especially where it is rooted in traditional moral theory, as well as many non-philosophers, would assert incorrectly that (a) anthropocentrism makes perfect moral sense, that morality is for humans, (b) a bias of androcentrism is absent from determinations of scope and (c) the charge of a bias of androcentrism in the very foundations of moral theory is wrong.

I shall examine traditional moral theory and suggest revisions for a *secular* oral

⁵ The expressions 'moral patient,' 'object of moral concern,' and 'one who or which falls within the scope of moral concern' are synonymous terms. The word 'patient' in the expression 'moral patient' is intended to draw attention to the fact that such a being is on the receiving end of the action. This being might or might not also be a moral agent. The moral agent, then, is the one who does the action, hence is also called a moral actor. A second point to bear in mind is that being a 'moral agent' and/or a 'moral patient' is not an all or nothing matter. The idea that there are degrees of moral status is reflected in the common expression 'moral standing.' See Chapter IX, for example, for a greater discussion of this assertion.

theory⁶ rather than attempt to find and take refuge in a particular religious perspective that embraces "the truth."⁷ One reason for seeking a non-religious basis for moral theory is that otherwise we trespass on respect for religious diversity, on the fundamental moral right of everyone in our country to practice her religion. This is a legal right, but more than that it is a fundamental moral right in a country where societal valuing of individuals includes respecting their integrity, their rights to be different from others and to be free to define themselves. Without question there are limitations. However, these limitations should be defined secularly rather than on the basis of any particular *religious belief(s)*.

Second, and closely related, a philosophical endeavor that argues for a religious basis to moral theory will necessarily fail to provide a workable political framework in which to tackle today's urgent and tough moral problems. Practically speaking, how could we choose which religion ought to serve as the framework? Without some generally agreed upon moral framework, which must therefore be secular, we cannot have even the hope of living in an increasingly respectful harmony with one another.

B. *Intuitions*

1. *Content*

How has my desire to find a way beyond man-centered morality evolved? Such an objective reflects my strong and prevailing intuitions (at level one) about who should fall

⁶ Traditional moral theory is portrayed as secular, although Kant, in his moral theory, had no intention of turning his back on religion. Instead, he conceived of religion as morality. See Chapter III for further discussion. Also, although in my experience Kantian moral theory is taught as if it is essentially secular (not rooted in any particular religion), there are religious beliefs at the base of Kantian moral theory, as I will discuss. Such beliefs must be exposed and challenged in the course of seeking a more purely secular morality.

⁷ The option to "take refuge" is itself a difficult one because, as will be illustrated in Chapter II, "the" Judeo-Christian tradition includes diverse and contradictory beliefs and interpretations of the intrinsic value of human and nonhuman animals, of men and women. The challenge of defending to everyone's satisfaction that some particular religion has undeniable access to "the truth" is itself extremely difficult if not impossible.

within the scope of moral concern and about how and why. Such intuitions, however, move beyond mainstream intuitions and established assumptions.

Against an anthropocentric morality my strong and enduring general *intuition* is that most if not all animals ought to be intrinsically and therefore⁸ morally valued. Further, it is my intuition that *at the earliest stages* of gestation the fetus⁹ is not even a proper object of moral concern, although such status emerges and gains strength as gestation continues. *It is not species membership* that determines who falls within the scope of moral concern and divides nonhuman animals purportedly of no moral worth from human animals purportedly of infinite moral value. Rather, it is my strong belief that *something other than* the species, sex, race, class or ethnic membership of an individual renders her a proper object of moral concern. At the risk of over-simplification, some morally relevant characteristic(s) is(are) manifested in an individual sentient being, rendering it an experiencer, a center or subject of a life,¹⁰ one who can be benefited or harmed by the actions of another. The task of a moral agent, where, Kantian theory to the contrary, not all moral patients are necessarily also moral agents, is to respect through her actions the moral patient *as* one who can be benefited and harmed by the agent.

Against an androcentric morality my intuition is that the pregnant woman is an intrinsically valuable individual *first and primarily*, not merely a "mother," a receptacle in which a fetus grows until ready for birth. Although a woman should decide as early as possible, social and political conditions permitting, whether to carry a pregnancy to full term,

⁸ The relation between the intrinsic value of a sentient being and its moral value is complex and will be examined in Chapter IX.

⁹ Throughout the dissertation I shall use 'fetus' to refer to all gestational states of the developing biological human life. This is a practical decision. However, it is not without problems; it glosses over the great changes that occur during gestation and that are morally relevant.

¹⁰ 'Subject of a life' is Tom Regan's well-known descriptive phrase. See *The Case For Animal Rights*.

her bringing a child into the world is a *gift* to the child that eventually emerges from the pregnancy, not a duty to or a required sacrifice for the sake of a possible child and not the defining function (telos) of a woman.

2. Reasons for This Choice of Intuitions, This Selection of Topics (Animals in Medical Research and Human Abortion) for Raising the Scope Question

The scope question is generally assumed to have an obvious solution: *no* nonhuman animals can be proper moral patients, have any intrinsic worth, whereas *all* human beings are proper moral patients, have infinite intrinsic worth. This is not obvious to me, as demonstrated by my articulated intuitions. My choice of topics is guided by the desire to challenge the idea that there is a "species line," where an(y) animal used in medical research (especially one "highly evolved" or most like human animals) falls on one side of the line and even the earliest and least developed of the human species, the fetus, falls on the other side. If I can show how the common practice of dividing moral patients from those that are not moral patients along the species line stems from false assumptions and mistaken theorizing, then I shall have paved the way to show how moral patienthood must be determined in some other way.

C. Results

My intuitions will be measured against two major styles of traditional moral theory to see how the intuitions fair. The relationship between theory and intuition is that of reciprocal challenging, with the tensions between them prompting continual reexamination of both and a resulting development (ideally an improvement) of moral theory and a refinement or reassessment of various intuitions. In general, if intuitions fail to be incorporable into considered theory, the intuitions should be reexamined, reconciled or even

discarded. Sometimes, however, as in this case, seriously considered intuitions remain strong, pointing the way for moral theory against which they are judged to be itself reexamined and perhaps substantially reformulated. This is because the styles of theory have serious flaws, as will be argued, thus failing to provide solid evidence against my intuitions.¹¹

I shall come to accept and defend the assertion that the scope issue has been essentially a *side or derivative* issue in a traditional moral theory misfocused and based on some falsifiable, or at least questionable, metaphysical assumptions; but the scope issue ought to be a central or hub issue in moral theory. Failure to recognize this is in part due to traditional moral theory's failure to understand that the proper task of morality is the just promotion of respect for the intrinsic value of individual sentient beings. The justification for and ramifications of this articulation of the proper moral task will lead to the need for what James Rachels calls "moral individualism" (Rachels, 1990, p. 173f) in order to avoid obvious speciesism,¹² latent sexism and other stereotyping that blinds moral agents to individuals qua individuals. My development of the notion of moral individualism will include an explanation of the inadequacy of social atomism for describing the nature of both moral agents and patients, with ramifications for the nature of moral epistemology, for the guidance and even the conception of morally right action, and for the theory of good. Other issues must be addressed along the way: (1) certain other metaphysical assumptions about human nature and animal nature, about sentience and reason, about the knower and the known as assumed by the epistemological ideal¹³ and utilized in moral decision making, (2a) some specific

¹¹ See Chapter II, IV and V for analysis of Kantian moral theory and Chapter VI for analysis of traditional Utilitarian moral theory.

¹² The term 'speciesism' was popularized by Peter Singer but originated with a British psychologist, Richard Ryder, and is intended "to refer to a systematic discrimination against non-humans" (Rachels, 1990, p. 181).

¹³ This phrase is a summary phrase for much that I have read on the traditional assumptions about epistemology, and will be reintroduced in my discussion of Kant's moral theory, beginning in Chapter III.

Judeo-Christian religious beliefs assumed in our dominant culture by many "ordinary" people and carried into traditional moral theorizing, and (2b) especially those religious beliefs that try to cloak themselves in the guise of factual truth through (2c) the use of supposedly value-neutral language, which also may hide non-religious metaphysical beliefs in need of scrutiny, (3) the need to separate prudential judgments that disguise themselves as moral judgments from genuine judgments about the morally right thing to do in a given situation. By way of explaining issue #3, consider that many prudential judgments *disguised as moral*(by *correct*) *judgments* are actually manifestations of power struggles, efforts to dominate or disempower. They exemplify intolerance, species or male self-centeredness, even arrogance, all of which is the *antithesis* of what I shall describe (in Chapter IX) as the task of morality--structured and organized care for the well-being of other sentient beings. Such "moral" judgments may be based on or "justified" by faulty metaphysics and inappropriate appropriation of religious beliefs to play the role of facts. Upon reexamination of the issue of who and what falls properly within the scope of moral concern, and the consequent suggested broadening of the moral umbrella, current judgments of common wisdom(s) made about fetuses and about animals used in medical research will be seen to be in many cases inconsistent with each other and even to be based upon nonmoral or immoral "justifications." With the species and male biases in place, however, these same judgments may not seem inconsistent or morally deficient.

This examination will make room for caring as the well spring of moral sentiment and motivation, as crucial to conceiving properly the moral task.

II. *Level One*

A. *Anthropocentrism*

1. *It Exists*

The prevalence of the species-centeredness is obvious in our society and tradition, though it does not seem to trouble the majority of people. The dominant view is that animals while perhaps of some value in themselves are first and foremost of instrumental value for humankind, whether in service to significant or trivial human interests. For those who believe this dominant view to be morally problematic, the anthropocentrism of morality is identified as a bias or prejudice and labeled "speciesism." The speciesist position in its strongest form holds that genetic or biologic membership in the human species qualifies a being as a proper object of moral concern, whereas non-membership in the human species (i.e., being a nonhuman animal of any sort) is tantamount to non-membership in the class of moral patients. Rachels identifies two forms of speciesism, where the stronger of the two is very close if not identical to what I have just described as the strongest form. His stronger form, "radical speciesism," maintains that even the crucial interests of a nonhuman animal are always to be overridden by even trifling human interests or desires. The weaker form of speciesism, "mild speciesism," holds that it is proper for trifling human interests to be overridden (only) by significant nonhuman interests (Rachels, 1990, p. 182).

To take what I would call an egregious example of species bias, consider that most people in this country support the "sacrificing" of a normal, healthy (baby) baboon so that its liver can be used in an experimental cross-species transplant into a (baby) human. But how many of these people would also support euthanizing a human newborn who is severely defective (to degree incompatible with life regardless of life saving interventions attempted)

and subsequently using its liver in an effort to save (if this is even possible) or at least prolong the life of another human newborn or baby baboon whose sole problem is a defective liver? Or, let us take an example possibly acceptable to a greater number of people. Would society be willing to kill an anencephalic human newborn, whose death is imminent anyway and who is merely biologically alive (has to our best understanding no potential to feel pain, much less live any kind of personal life), in order to retrieve its organs for transplantation into another human infant whose life might be meaningfully saved? Even this latter quandary is a very divisive moral issue. Why would the vast majority of people favor the sacrifice of the baby baboon, alive and healthy with all its baboon potential for meaningful life, but not the baby human with its minimal or nonexistent possibility¹⁴ of experiencing pain?

To take a possibly less emotional example, how many people would *support* medical research which involves forcing cigarette smoke into the lungs of restrained rabbits or guinea pigs in efforts to learn, for example, about the etiology and physiological mechanisms of lung cancer believed to be associated with cigarette smoking, but *not support* the illegalization of tobacco, or at least cessation of government subsidies for the tobacco industry or cessation of all tobacco product advertising, and *not support* the implementation of much stiffer taxes on tobacco products?

Each of these is a complex issue. However, the bias is toward seeing human life as sacred or infinitely valuable but toward seeing animals as of merely instrumental value, readily and easily sacrificed in the service of human interests. The general view is that it is

¹⁴ While the term 'anencephalus' means "[c]ongenital absence of brain and spinal cord, the cranium being open throughout its whole extent and the vertebral canal converted into a groove" (Thomas, 1981, p. 78), this condition actually manifests itself in a range of conditions, with increasing amounts of spinal cord and brain present until the condition becomes renamed. In recent discussions with pediatric neurologists, I have learned that with the presence of an increasing amount of spinal cord and brain and the adaptability of what is present to unusual functions, there is increasing theoretical possibility that what is called an 'anencephalic' newborn may have some ability to experience some form of pain. While this may be a possibility, it seems extremely remote because pain requires some level of consciousness highly implausible, even theoretically, to attribute to a being who lacks so much of this brain.

morally correct to place the burden on animals, making them mere tools in the investigations and, hopefully, resolutions of human disease problems, even when human behavior promoting or causing such problems is avoidable but tacitly accepted, even encouraged. The general opinion goes against the (significant) intrinsic valuing of the lives of nonhuman animals and against what I take to be the proper moral requirement that human beings take responsibility for their own troubles by assuming any risks entailed in the pursuit of solutions to their problems.

2. *Imago Dei--The Roots of Anthropocentrism*¹⁵

My examination of anthropocentrism will begin in Chapter II with a representative look at the Judeo-Christian tradition, along with its incorporation of several ancient Greek ideas. This look is intended to be general, merely to show that it contains stances supporting (1) the dominant view that nonhuman animals lack moral value (are not objects of any direct moral duties) or at best take a distant second place to even the less substantial interests of humanity and (2) a strong even if not majority opinion that all fetal life is sacred, has equal and maximal moral status. The influence of the Judeo-Christian tradition is seen, to put it succinctly, in the general retention by traditional moral theory of the ideas of human dignity, human superiority over animals, and sanctity of human life. These ideas will be argued to be speciesist assumptions, *without* unequivocal foundation in Biblical religion (including that specifically derived from Bible and the interpretative writings of many religious authorities associated with Judaism and Christianity).

¹⁵ Rachels discusses at length the origin of the idea of human dignity: "this idea has a long history, and much of that history is intertwined with the history of religion" (Rachels, 1990, p. 86.) Specifically, the idea is rooted in the *imago dei*, where the human is created in the image of God as rational.

3. *Moral Theory*

Rachels observes:

human life is regarded as sacred, or at least as having a special importance; and so, it is said, the central concern of our morality must be the protection and care of human beings (Rachels, 1990, p. 86).

Is this assumption simply a backdrop for moral theory and its application or is it incorporated into any of the styles of traditional moral theory? If at the outset anthropocentrism is thought to be embedded in any traditional moral theory, the most likely candidate is Immanuel Kant's Deontological theory. Thus, I shall begin my examination of traditional moral theory's possible anthropocentrism with Kantian moral theory.

Utilitarian theory, on the other hand, will be found to be much more hospitable to nonhuman animals as proper moral patients. Yet even here, depending upon how happiness is construed and the extent to which it is linked with the possession of a highly developed rational capacity, a version of Utilitarian theory could incorporate an anthropocentrism. As we will see, however, this is not tied to the defining characteristic of Utilitarian theory, namely, its appeal to the principle of utility.

B. *Androcentrism*

1. *It Exists Too*

In contrast to the species bias, the male-centeredness or androcentrism of our traditional moral theory has remained less obvious, more a background assumption or prejudice than anthropocentrism. After all, women are human beings and as such are, at least nominally, fully covered by the moral umbrella. This is so despite the fact that going back into history we find that a woman's moral value and autonomy has been seen as decidedly inferior to that of a man. Unfortunately, there is a significant practical, if not theoretical, inequality

remaining today in this country. Whereas anthropocentrism is seen by most as the way morality should be, not as a prejudice or bias, *in no cases* are the varieties of traditional moral theory explicitly androcentric; nor is any androcentrism typically or traditionally acknowledged in their application.

Androcentrism has ramifications for the scope issue, albeit in what is a more indirect and perhaps thereby more dangerous way than anthropocentrism. The influence of androcentrism is illustrated vividly with respect to the abortion issue. It will be argued that a large number of people believe that the moral status and interests of the pregnant woman are appropriately subordinate to those of the fetus. The supporting subtle (or not so subtle) androcentric assumption, stretching back to Aristotle (and beyond), is that the woman's function (telos) is to bear and nurture off-spring, that she should sacrifice (even) her (vital) interests for the sake of her function or purpose as childbearer and nurturer. It has become a part of the definition of the woman to be giving or self-sacrificing as a matter of course, in all aspects of her life; in a traditional view her life is a life of service more thoroughly than a man's is.¹⁶

2. Judeo-Christian Religious Tradition and Debt to Ancient Greece

As we will see in Chapter II, in the Judeo-Christian tradition androcentrism reveals itself in the traditional interpretation of the creation story, especially its description of the proper function of women. This androcentrism is also revealed in characterizations of man and woman by, for example, St. Thomas Aquinas and St. Augustine, where man and God are asserted to share characteristics the opposite of those attributed to woman.

¹⁶ This last statement will undoubtedly be challenged. However, I believe that it can be argued persuasively that there is a power/autonomy differential between men and women, which in turn renders the women's "service" less a matter of choice and self-fulfillment than men's service.

Of course, in all this there is a significant debt to Aristotle. Christine Garside Allen observes in her article, "Can a Woman Be Good in the Same Way As a Man?", that even going back to Aristotle woman is characterized as "an 'impotent male,' because she is incapable of contributing form to reproduction," that although man and woman are both of the human species, "they are opposites in the sense that female is a privation of male" (Allen, 1979, p. 47).

The Judeo-Christian tradition in its debt, for example, to Aquinas and Augustine has incorporated and retains to a significant extent a medieval concept of woman which is, as assessed by Eleanor Commo McLaughlin, "deeply androcentric and misogynist" (McLaughlin, 1979, p. 83). This is, it should be noted, not wholly due to theological beliefs.

The problem here is not a medieval anthropology but a medieval doctrine of creation and sociology, by which a specific order of precedence was assigned by divine fiat to man and woman, which order we are bound to maintain. There is indeed implied an inadequate definition of human nature: static, ahistorical, hierarchical, Platonizing in its assumption of ontologically fixed relationships between the sexes, (McLaughlin, 1979, p. 85).

Even to this day, even in our generalized cultural understanding of the nature of God, of man and of woman, the human being created in the *image of God* is revealed to be literally the man (to this day we say 'man' is created in the image of God) because the many characteristics attributed to God are fully or to some degree attributed to man as opposed to woman. Consider all the characteristics attributed to God within the Judeo-Christian tradition and then their customary opposites, usually attributed to women; for example, Rem Edwards points to the following contrasts:¹⁷

<i>God</i>	<i>Male</i>	<i>Female</i>
Actus Purus	active	passive

¹⁷ The following is derived from Edwards (1990), p. 162.

<i>(God)</i>	<i>(Male)</i>	<i>(Female)</i>
Self-sufficiency	independent	dependent
Omnipotence	powerful	powerless
Omniscience	knowledgeable, rational	emotional, irrational
Unchangeableness	stable, dependable	changeable, fickle
Impassability	unemotional, insensitive	emotional, sensitive

It is no coincidence that in (and not limited to) much of Judeo-Christian history (and going back along certain lines to the dawn of Western philosophy, to ancient Greece) the admired, the highly valued characteristics, those traditionally to be emulated in our society even today are those in the middle column. These are very close to or the same as the characteristics in the left hand column, those of the traditional Judeo-Christian God and are opposed to those characteristics, in the right hand column, usually attributed or deemed appropriate to women. It is not uncommon for a woman manifesting middle column characteristics to be said either to be just like a man, as if that is some kind of a compliment, or said to be unnatural or even lesbian, as if that is unquestionably a curse and dangerous to men, the family, even the survival of the human species. As mentioned, divisions such as seen in above chart go way back. Consider the Pythagorean belief that man "fell on the side of that which is determinate, orderly and has form" whereas woman was associated with "the formless, irregular and disorderly" (Ginzberg, 1989. p. 34).

3. *Moral Theory*

The extent to which Kantianism,¹⁸ Utilitarianism, and much current moral thinking incorporate and value characteristics from the left hand or middle columns above at

¹⁸ I shall use the expression 'Kantianism' to refer to Kant's moral theory. This is in contrast to other usages of this term to reference theories similar to Kant's moral theory.

the expense of those in the right hand column suggests that a male-centered conceptualization (really a stereotyping), emphasis, indeed valuing is at work. Would it be enough to recontext or transplant the important insights of various styles of traditional moral theory with their original roots in, as Edwards puts it, "the God of classical theology ... the ultimate male chauvinist beyond the sky" into "the androgynous God of process thought" which

consists in an ideal balance of these contrasting traits, not in the total exclusion of the traits this culture traditionally views as feminine, thus luring both human males and females to strive to create themselves in the divine image (Edwards, 1990, p. 162)?

It would not be sufficient; the very conceptions of the nature of woman and man must be scrutinized. As Morwenna Griffiths and Margaret Whiteford summarize one of the essayists, Jean Grimshaw, in the introduction to their anthology of British feminist essays, *Feminist Perspectives in Philosophy*, "[g]ender is defined by opposition. To be masculine is not to be feminine. Feminine is what is not masculine" (Griffiths, Whiteford, 1988, p. 6). They point out that the particular characteristics that define the masculine may be variable, but that those defining the feminine will vary accordingly, will be the opposite of those that for whatever reason at whatever time appear in the masculine list. We will see this shortly with Carol C. Gould's discussion of Kant's androcentrism.

The ramifications of this gender defining for philosophy in general are that

[p]hilosophy, in so far as it is the articulation of the concepts, dilemmas, explanations and abstractions of a culture, will only be half of the story unless both genders contribute equally (Griffiths, Whiteford, 1988, p. 6).

But Griffiths and Whiteford explain that the solution is not to simply *add* the two lists together because there is and will be an underlying power imbalance embedded in gender defining as currently practiced in our culture, as long as "male continues to be the superior term" (Griffiths, Whiteford, 1988, p. 7). As Grimshaw herself puts it, "[r]ather, what is needed is a critique of the polarization of masculine and feminine qualities, and in particular a

critique of the way in which such qualities may be interpreted or clustered."¹⁹ So, in evaluating traditional moral theory one of the important tasks will be to identify and evaluate some of the ways in which a male-centeredness is expressed in concepts and in the overall structure of traditional moral theory, thus bringing us to level two issues.

There is other evidence of a condescending attitude toward women as less than fully rational thinkers. Ruth Ginzberg observes in her article, "Feminism, Rationality and Logic," that Kant among others thinks that "woman is not rational, at least not in the same way as man" (Ginzberg, 1989, p. 35). Then, with reference also to Kant, Gould makes a point about human nature being characterized through male eyes. Noting that Kant's view is

that rationality is the dominant and essential human characteristic and male, while beauty or aesthetic sensibility is a subordinate characteristic and female ... (Gould, 1979, p. 167),

Gould suggests an interpretation of Kant's view. Historically there may have been a period at which the characteristic of rationality was necessary for "social life and political rule and therefore it was raised to the level of the essential human characteristic" (Gould, 1979, p. 167). Further, as Gould's hypothetical accounting goes,

males were dominant in that social and political life of that society, therefore rationality became identified not only as the essential human trait, but by association as a male trait. Thus it is not because male nature is rational that men becomes rulers, but it is because men rule that rationality is assigned as a male trait (Gould, 1979, pp. 167-168).

With respect to women, then, Gould suggests that

because women are subordinate and ... these traits [being sensitive aesthetically and being intuitive] are of secondary importance, that these traits are assigned to women as "feminine" characteristics (Gould, 1979, p. 168).

This way of identifying male and female traits exemplifies again what many feminists have observed, the female defined by opposition or lack with respect to the male.

¹⁹ As quoted in Griffiths, Whiteford (1988) p. 7.

As I have said, at least nominally woman as well as man fall within the scope of moral concern; the use of the term 'man' or 'men' when not specifically indicated otherwise (directly or by context) is assumed to include both genders. Philosophers as well as laypeople consistently refer to the human being as 'man' without necessarily meaning to *deliberately* exclude reference to the female of the species. Subconsciously, however, such language practices assume that the paradigmatic human being is male. As Mary Midgley puts it, Aristotle sees the "human condition as unquestionably that of an Athenian gentleman" and much later Kant sees it "as that of a Prussian bourgeois," again of the male sex (Midgley, 1988, p. 30). With Kant, further, there is a contraction or tension between his explicit characterizations of man and woman and his actual ethical theory which is stated in a sex-neutral way.²⁰ Following a survey of quotations in the beginning of her article, "The Woman Question: The Philosophy of Liberation and the Liberation of Philosophy," Gould suggests that her quotations, *including those from Kant*, imply that

human nature or essence, whether it be construed as freedom or reason or in some other way, is a sex-linked characteristic since it is found only or truly in men and not women; or at the very least, that this nature is actualized only by men (Gould, 1979, p. 166).

In Kantian moral theory, the rational being is an end in itself and Kant does not here exclude woman from among the class of rational beings. As Gould quotes Kant in evidence: "'Now I say: man and generally any rational being exists as an end in himself'" (Gould, 1979, p. 164).

²⁰ In saying that Kant's moral theory is expressed in a sex-neutral way, I am referring to the fact that Kant repeatedly talks about moral agents (and patients) as rational beings, which presumably includes women and men. It is true that many English translations of Kant employ sexist language, using 'man' or 'he' when meaning human being; but this could reflect the sexist language practices of the translators. As I am not a linguist, I am in no position to argue that Kant does employ language that could be fairly called sexist in the context of the structure of the German language. He may in fact do so, but that could merely reflect general sexist language use in a day when this was not seen by anyone as an issue. Even John Stuart Mill uses sexist language *while at the same time* being very sensitive to the value of women and their legitimate role as moral agents, as well as moral patients. Kant, unlike Mill, did think women less rational than men and this is explicit. In an effort to understand whether and to what degree Kant's language reflects a bias against women, I consulted Richard Aquila. He was helpful in sorting out some of the ways in which a bias might operate. However, a fuller clarification of the issue has not yet been pursued.

Yet, in other although earlier of Kant's works there is explicit reference to woman that creates the tension noted. As Gould quotes Kant:

"Women will avoid the wicked not because it is unright, but only because it is ugly. ... Nothing of duty, nothing of compulsion, nothing of obligation! ... They do something only because it pleases them. ... I hardly believe that the fair sex is capable of principles."

Rather, "Her philosophy is not to reason, but to sense" (Gould, 1979, p. 164).

Midgley notes that only recently have some voices been able to penetrate the background noise to be heard observing that the "human condition" has been that of "a man--that is not an exact reflection of what men are like, but an image of how they tend to see themselves when they contrast themselves with women" (Midgley, 1988, p. 30).

Traditional Utilitarian theory does not share the same bias with Kant about woman's rationality. John Stuart Mill in particular is as favorable in his opinions of woman's rationality and worthiness to be a moral agent and patient as Kant is unfavorable.

With respect to the concern for androcentric morality, then, at the first level this is a concern about the tension *between the theoretical* recognition in moral theory that man and woman have equal moral status *and the practical* way in which androcentrism actually produces a moral prejudice against woman, especially compromising her autonomy in the area of her body, of her sexual and reproductive life. This tension has not been commonly recognized, though of late it is becoming more apparent in discussions such as how to protect the "rights" of the fetus of a chemically abusive "mother."²¹ This common although not unanimous articulation of the issue itself betrays the problematic tension or bias. The bias is manifested in the talk about the rights of the fetus (if a fetus can ever be properly said to have any rights) but not about the rights of the pregnant women (who is an undisputed

²¹ For example, see the "Special Section" for a set of articles entitled "Perinatal Chemical Dependence," *The Journal of Clinical Ethics* 1, no. 2 (1990).

possessor of rights). The bias is also displayed in the labeling of the pregnant woman as merely "mother," as if her only significance is instrumental, that of carrying and nurturing the fetus.

III. *Level Two*

As noted earlier, a second way in which traditional moral theory is androcentric is its embodiment of a conception of the nature of reason used to "discover moral truth" and of a denial of any role for emotion. This embodiment reflects the agenda, conceptions, and thinking styles of the men who have conceived traditional moral theory. This does not mean that all and only men think in a certain way and all and only women think in some different way, just that there is a characteristic way of thinking developed by men that is reflected in traditional moral theory. At this second level, then, the androcentrism does not refer to how the scope of moral concern is understood and determined but is reflected in the very construction of action guiding theory, in the very conception of the moral task. Has something been left out or distorted? Perhaps so.

Thus my dissatisfaction with aspects of both Kantian Deontology and with Utilitarianism *does not mean* that we simply blend, if possible, the "best" of Deontological and Utilitarian moral theory, eliminating only those troublesome aspects. The alleged hidden male-centeredness of Deontological and Utilitarian styles of moral theory includes a male-bias in its very understanding of rationality, as exemplified par excellence in the epistemological ideal. To see briefly what I mean, consider the belief in the appropriateness of the attempt in a given situation to identify precisely the pertinent facts. These facts are then consistently plugged into a formula, set of principles, laws, or rules, and assumed to yield a precise answer or set of answers, independent of the individuality of the knower. This model of knowing

carries with it the assumption of a definitive dichotomy between knower and the known, between the subject and the object(s), between reason and emotion.

Then, *insofar as* it can be successfully argued that Deontological and Utilitarian styles of moral theory both assume for moral decisions the epistemological ideal, *to criticize the epistemological ideal is to criticize also* the traditional Western model of moral decision making as exemplified in Deontology and Utilitarianism. This I shall attempt to do just to the degree necessary to make the point. In line with this project, one of my objectives is to point the way to recontexting liberated and valuable insights taken from Deontology and Utilitarianism in what hopefully could be a non-man-centered morality. This would extend appropriately the scope of moral concern to nonhuman animals and *genuinely* to women as moral agents and/or patients. This would also include women in the very formulation of moral theory.

Such a reformulated moral theory will be a morality rooted in care, emphasizing the embeddedness of moral problems in concrete situations, in cooperative and competitive relationships.²² Caring as much as reason is necessary to identify moral problems and yield further relevant knowledge. Further, the use of Utilitarian calculus and of Deontological principles and Utilitarian rules are appropriate *if* we see them as guide lines *rather than* ideally precise determiners ("discoverers") of objectively right actions and, ultimately, as having instrumental value in promoting respect for the individual as individual. Morality is not a science, but the art of living well, caringly (one on one or among many, in competitive or non-competitive situations), towards those who can be benefited or harmed by our actions. The individuality of the knower is a crucial factor in the determination of the

²² There are numerous alternatives to traditional styles of moral theory. See for instance Rosemarie Tong's book, *Feminine and Feminist Ethics* (1993).

morally best action in a given situation. This is a much messier morality, but a better one. It is more suitable to the task of morality, the promotion of an attitude of care and respect for individual centers of experience, subjects of a life who are affected by the actions of others.

Finally, caring much more than reason is a moral motivator and keep us in touch with the purpose of morality, the intrinsic valuing of the individual as individual. Caring is also that which gives not only action but life its meaning.

IV. *Re: The Concluding Section of the Dissertation*

In the concluding chapters of the dissertation I shall indicate the ramifications that refocusing moral theory to promote fairly the intrinsic value of certain individuals has for the human abortion quagmire and the use of animals in medical research. I shall focus particularly on one problematic issue, that of the "required sacrifice" of individuals. This will occur within two more general explorations. The first is (a) the examination of some of the ways in which a predominant and traditional species and male bias in our general culture is played out in the current debates on the use of animals in medical research and on human abortion. Thus I shall compare and contrast the moral statuses assigned, if contentiously, by our general society to animals and to fetuses. With the reader's indulgence I refer ironically to this general assignment as *the common wisdom* in the case of the use of animals in medical research. Common wisdom, however, when applied in the human abortion debate, splits and results in the conflicting judgments of murder and woman's right to autonomy and/or privacy. Yet, in both areas--animals as research tools and human abortion--there is an extreme oversimplification of the issues within the common wisdom(s). I want to expose what I take to be the mistaken metaphysical, religious and moral assumptions that have been glossed over by common wisdom.

I shall also (b) explore an alternative process of and justification for assigning moral status to animals and fetuses as suggested by ideas presented in earlier chapters. This exploration is intended to suggest that assignment of some moral status to animals and fetuses is not the end of the moral problem of how to deal with animals and fetuses, but *just the beginning*. Even if all of us agree to extend the scope of moral concern to include in some way or to some degree animals with certain characteristics and fetuses around and beyond a certain gestational age, there remains the problem of conflicting claims to moral attention among those recognized to fall in some way within the scope of moral concern. This is to say, there will remain difficult problems to resolve in sorting out the competing claims of recognized morally valued beings, to be called, for convenience, objects of moral concern.

CHAPTER II

JUDEO-CHRISTIAN RELIGIOUS TRADITION: IMAGE OF GOD, HUMAN DIGNITY, AND TELOS

I. Chapter Introduction

A. As Background to Traditional Moral Theory

To evaluate traditional moral theory's positions on the scope issue requires an examination of the justifications offered by these styles of theory for the fact that and way in which certain beings qualify as proper objects of moral concern. However, as noted, in the contemporary currents of mainstream Western moral attitudes we find an obvious anthropocentrism and a less obvious androcentrism. These are biases rather than merely morally neutral perspectives. In order to find a better resolution to today's prevalent assumptions about scope, then, I must first lay bare some of the roots of anthropocentric and androcentric prejudices. The scope issue as addressed in traditional moral theory is strongly influenced, perhaps even determined, by persistent assumptions originating in or supported by dominant voices from the Judeo-Christian tradition, which itself has a strong debt to Aristotle. Such assumptions include the *imago dei*,¹ human dignity and the sacredness of human life, the moral irrelevance of and domination of nonhuman life, the importance of rationality, the distracting influence of corporeal life on the seeking of the moral good and, finally, the continuing influence of teleological theory.

¹ For any reference to the *imago dei* as "man created in the image of God" I shall use the word 'man' rather than 'human' because, in our English speaking culture, this is the prevalent translation. That it is not merely sexist language among English-speakers is suggested by the traditional sense of the appropriateness of and the practice of forbidding women to be priests and rabbis, as well as other relegations of women to status of the other, of her whose *telos* is different from a man's *telos*. Not all Biblical scholars so interpret the *imago dei*, but since this is a predominant and very influential interpretation, it will be presented as such and criticized as such.

This chapter is intended to provide but a glimpse into these related ideas/assumptions that are the enduring if confused or vague legacy of the Judeo-Christian tradition. The legacy is not only to traditional moral theory, as noted, but also to popular, secular moral beliefs, whether the latter arise from a particular religion or from the larger cultural context.

Kant's moral theory seems to be embedded in Christian teachings to which he was exposed in his Pietist upbringing, parts of which he refuted, parts of which he retained in what has come to be seen as an essentially secular moral theory. Therefore, this chapter provides an important context for understanding Kant's roots, especially his most basic assumptions. On the other hand, the debt owed by Mill, for example, to a particular area of Judeo-Christian tradition is far less noticeable or direct. However, insofar as Utilitarians make assumptions about scope that reflect a bias in favor of humans, such assumptions may well have roots in religious teachings.

Let us take a brief look at some of the ways in which the debt to Aristotle and to religious tradition influences traditional moral theory. The focus of this discussion, as well as the rest of this chapter, is guided by the selection of the topics of animals used in medical research and human abortion for examination in the application chapters (X and XI). Therefore, I will indicate here the diverse religious teachings about the status of the animal, fetus and woman.

In Kantian theory the nonhuman animal is assumed to be completely non-rational, such that it cannot be an end in itself. This means, as will be seen, that it cannot be a moral agent and therefore cannot be a moral patient. Kindness to animals is to be encouraged for the sake of human moral character, not for the sake of any animal. Both the concept of a human being who is an end in himself by virtue of his rational capacity and his

will and the reference to the Holy Will as perfect rationality hark back to the assumption of man created in the image of God as perfectly rational² and to Aristotle's definition of 'man'³ as the "rational animal."

On the other hand, with respect to the nonhuman animal, Utilitarians seem to be less influenced by the *imago dei*; they do not identify the capacity for rationality with that property in beings which makes them proper objects of moral concern. But in the *application* of the various versions of Utilitarian moral theory, an assumption of the superiority of human over nonhuman animals may still assert itself. Even if sentience is morally relevant and certainly (to all but the staunchest skeptics) a feature of animal life, the assumption of total human dominion over animals or, a less severe position, of the greater importance of the more highly rational beings over the less rational or non-rational beings may still be operative. These assumptions do have roots in Aristotle and in traditional religious teaching.

Also, among Utilitarians the scope issue is played out variously depending on the nature of the intrinsic value or good to be promoted. If the good is pleasure, then most would agree that animals can experience it, whether or not to the same degree and with the same variety as humans can. If the good is held to be self-fulfillment or knowledge, as we conceive these for human beings,⁴ however, it can be seriously questioned whether this is

² The predominant interpretation of the *imago dei* is of being created in the image of God *as rational*. However, as will be discussed later, being created in this particular image of God is only one of perhaps many possibilities.

³ As with the use of 'man' in the *imago dei*, I shall also follow the predominate practice in English of articulating Aristotle's defining characteristic of the human species as "*man* is the rational animal." Such language use does not conflict with Aristotle's views of woman. As with Church attitudes toward the proper function and place of woman, Aristotle's articulated beliefs about the nature and place of woman also define woman in opposition to man, as will be presented in this chapter.

⁴ The question of what fulfillment may mean to various non-human animals is not dealt with here, but points to the tendency among philosophers and laypersons alike to articulate self-fulfillment anthropocentrically. This must be examined critically.

attainable for even the most sophisticated and intellectually advanced nonhuman animals; hence it can be questioned whether nonhuman animals can fall within the scope of moral concern in such a version of Utilitarianism.

The moral status of the woman seems to be murkier in Kantian theory than the moral status of the nonhuman animal. As discussed in the first chapter, some of Kant's comments about the function and abilities of woman suggest an androcentrism in subtle conflict with the ostensible universality of his moral theory for all rational beings. With Utilitarians, however, any androcentrism with respect to scope would be very difficult to maintain unless it operated by subtly prejudicing the weighing and balancing of the consequences for the greater good.

The moral status of the woman might be more fully revealed by examining the assumed moral status of the fetus, to the extent that it is known or merely surmised, in both Kantian and Utilitarian theories. At first and perhaps seemingly unhelpful in clarifying the moral status of woman, the moral status of fetal life may seem to hang on whether potential rationality is sufficient for the assignment of actual moral worth. If the potentiality argument is accepted, it has strong implications for limiting or controlling a woman's choices about her reproductive life, including access to abortion. How this question is resolved may more truly reflect an *assumption* of human dignity, of man created in the image of God and of the (questionable) notion of the natural function (telos) of the woman as generative *rather than* reflect any supposed effectiveness of the argument from potentiality that draws the fetus into but excludes the nonhuman animal from the scope of moral concern.

Perhaps the real value of fetal life in the eyes of different versions of traditional moral theory may be inferred more adequately from their respective attitudes toward woman. Where traditional moral theories retain certain teleological beliefs about

woman's proper function as essentially instrumental, the bearer and nurturer of children, the implication is that the generation of the species and its product, the children, are themselves valued over the woman as a person with other interests. The question may be raised whether children are not also of instrumental value, that is, valued for the greater good of survival of the species. Nonetheless, where the woman's function is assumed to be generative, to turn her back on her generative ability is to go against (her) nature. It can be logically concluded that birth control and abortion as a repudiation of her generative function or *responsibilities* are *prima facie* if not absolutely unnatural and wrong.

It therefore seems that the valuation of fetal life and female life are strongly intertwined. This will be demonstrated in the discussions of historical religious ideas about fetuses and women.

B. *Question of Authority and Value of Religious Teachings*

Western religions were formerly and continue today to be based on various understandings of the Bible, generally as developed by those assumed to be experts, Church Fathers and Rabbinical scholars. Obtaining, as we would like to be able, *certain* guidance from the Bible requires being certain *either* that the Bible is literal and unambiguous in its meaning, hence gives us truth directly, *or* that a particular interpretation of a Church authority is the *true* interpretation and that we can know which particular interpretation is the true one. Either one of these assumptions, however, is precisely that, *an assumption*, not shared by all those who read the Bible and believe in God. One finds many efforts by and within various religions to interpret the Bible so as to elicit the fundamental tenets or principles of morality as well as to try to find justifications for answers to more particular pressing moral dilemmas. The Decalogue is a well-known and enduring example of a Deontological system of morality

that originates in the Bible and purports to offer the path to moral truth through the application of general principles or commandments. How clear and uncontested is the truth and application of these commandments? Just what does "killing" mean and to whom or what is it morally forbidden?

The history of rabbinical study and pronouncements based upon the exegeses of Biblical passages and the writings of earlier Jewish scholars, for example, illustrates a tradition of careful effort to develop rules for very detailed guidance in everyday living. Within the Christian tradition there is also the effort of successive Church Fathers to interpret and write extensively about the Bible, about God's actions, intentions, and their ramifications for human behavior. Whether such Church Fathers account for their positions on the basis of Biblical exegeses or personal revelation, or both, they, just like rabbis, claim special access to the truth that gives their interpretations and instructions authority over laypersons (and often, they believe, over other religious traditions).

Two main issues, then, are how the "truth" of any particular (set of) religious belief(s) can be established, including principles and/or rules followed, and how the *authority* (objective recognition as having access to the "truth") of the author of those beliefs can be determined. How does one know that the author is correct? How does one justify believing in this or that particular religious denomination (with its own particular set of beliefs) within the Judeo-Christian tradition? How can any particular person claim that her particular religious tradition provides guidance to the moral truth, if indeed there is one moral truth? Is the Bible a literal rendering of God's word or must one interpret the words of the Bible? If the latter, who has the authority to do so? What other writings might be inspired by God? How can we be sure? These questions have no satisfactory answer.

Kant attempts to shift the source of or *authority* for determining the moral

truth *from* a religious authority, such as a Church Father, *to* the *rationality* of the *individual rational* person, the common man. In this way the authority is moved from the external to internal. Rather than a resultant subjectivism, however, Kant's *assumption* of an organ of reason that operates in the same manner in every (mature?) rational person is believed by Kant to *yield* the objective moral truth. The authority remains God's but is directly accessed by reason, assumed to be the organizing principle of the universe (natural and moral) and the direct means to the moral truth by use of the organ of reason. Thus Kantian moral theory, as will be detailed in the next three chapters, has one foot rooted in a part of the Judeo-Christian tradition but seems to have the other foot securely on secular ground.

Therefore, as mentioned, since both the Bible and traditional religious authorities as reputed sources of moral wisdom are the spring board for Kantian innovation and remain direct sources of moral values today, I shall take a summary look at some Biblical doctrines as interpreted in main divisions of Judeo-Christian religious tradition.

It is also important to see if my intuitions about the scope issue get support from or are refuted directly by the considered sources. The brief and partial examination of several religious traditions will give us a representative impression of a disagreement about the scope issue but, nevertheless, will reveal a strong tradition of taking the human in all its stages to be superior to the nonhuman animal in any of its stages. Further, we shall notice that many within the Judeo-Christian traditional are also in one way or another guilty of androcentrism. To the extent that current debates about human abortion and the use of animals in medical research are purportedly justified, tacitly or implicitly, by reference to religious beliefs, a significant problem arises. In our country religious pluralism is a foundational value expressed explicitly in the separation of church from state. If any one religious group succeeds in requiring, by getting Congress to legislate accordingly, that

nonbelievers to live in accordance with a particular set of religious beliefs that are without independent justification, this is a violation of Article I of the Bill of Rights.

II. Mixed Messages From the Judeo-Christian Tradition

In the following sections I shall indicate the majority and minority stances in several of the main religious traditions affecting our culture as well as traditional moral theory to see if there is an anthropocentric and androcentric flavor and upon what it might be based. The dominant theme will be first that of human dignity, particularly as it manifests itself in the idea of man made in the image of God as rational. We shall also examine the idea of teleology, that is, the assumption of natural functions and characteristics of man, woman and nonhuman animal. This discussion is not comprehensive. It is sufficient to show that there are mixed messages and therefore no firm guidance with respect to the scope question and no sustainable refutation of my articulated intuitions. The lack of firm guidance, as explained above, reflects my assumption that it is impossible to establish the authority of one set of beliefs over and against any other sets of religious beliefs.

A. The Nonhuman Animal

In order to provide a context for the examination of certain religious attitudes toward the nonhuman animal, I shall take a general look at the idea of human dignity. Rachels, as he challenges speciesism, observes that the idea of human dignity

forms the core of Western morals, and ... is expressed, not only in philosophical writing, but in literature, religion, and in the common moral consciousness (Rachels, 1990, p. 86).

Given the major importance of the idea of human dignity to our moral heritage as articulated by Rachels and given its direct expression of the idea of speciesism, I shall look at the nature and implications of this idea at its central place in much of

Judeo-Christian religious teachings. What is the origin of such an idea?

Rachels identifies two parts to this idea of human dignity. First, there is the assertion of the sanctity, or if not sanctity, the "special importance" of human life. This premise is then employed to give evidence that the task of morality is to safeguard human life. Second, the idea of human dignity is exclusionary; it asserts that nonhuman animals deserve substantially less or even no moral protection or consideration (Rachels, 1990, p. 6). This is speciesist because it assumes that membership in the human species is the necessary and sufficient condition for being worthy of moral protection.

The idea of humanity having special value over the rest of creation is expressed in Greek philosophy, for example, by Aristotle's definition of man as a unique animal, different from all other animals by virtue of the capacity for reason and language. Man is the talking, rational animal.

This idea of human dignity is expressed in Judeo-Christian religious tradition as the idea of man created in the image of God. As Rachels tells the "story," this religious tradition envisions a God that creates and continues to be active, particularly talking with his highest creation, man, through the various prophets and saints of history. God thereby tells mankind how to behave toward the rest of creation, taking the lives of other humans to be sacred (of intrinsic value), but the lives of nonhumans to be for the use and pleasure of man (only of instrumental value). The idea of man as special or sacred is directly contrasted with the idea of nonhuman animals as neither special nor sacred. Rachels calls this the "image of God thesis" and the accompanying moral concept is that of human dignity (Rachels, 1990, p. 87). Even those who do not subscribe to the religious account of man in the image of God have been influenced by the cultural incorporation of this idea.

So, Rachels asks, just how is man in the image of God? The answer is that the

Church simply adopted Aristotle's definition of man as the uniquely rational animal. The divine aspect of man is his rationality, called by Rachels, the "rationality thesis" (Rachels, 1990, p. 87). This thesis found proponents in Aquinas and Augustine, as we will see.

Let us consider the doctrines of man created in the image of god and given dominion over the animals. According to Rabbi Dr. J. David Bleich,⁵ the Jewish tradition recognizes that there are numerous Biblical passages that "establish the theological proposition that divine mercy extends" to animals as well as to humans. Further, Judaism recognizes a "moral imperative" to be compassionate to animals (Bleich, 1984, p. 62). Bleich points to the fact that both versions of the Decalogue recognize the moral imperative to do more than get rid of "pain and discomfort ... [that they also] promote the welfare of animals in a positive manner by providing for their rest on the Sabbath day ..." (Bleich, 1986, p. 63). But ultimately, there is among Jewish scholars an unresolved conflict of interpretation and application of the

general biblical principle prohibiting cruelty to animals and requiring that measure be taken to alleviate "tza'ar ba'alei hayyim--the pain of living creatures" (Bleich, 1986, p. 65).⁶

Essentially Bleich believes that "Jewish law, at least in its normative formulation, sanctions the infliction of pain upon animals when the act causing the pain is designed to further a legitimate human purpose" (Bleich, 1986, pp. 76-77). Among the scholars Bleich cites is the Biblical scholar, R. Moses Sofer, *Hagahot Hatam Sofer, Baba Metzi'a* 32b, who judges that Genesis 1:28, where Adam and Eve are said to "have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creepeth

⁵ In Bleich's article, "Judaism and Animal Experimentation," in *Animals Sacrifices*, p. 62.

⁶ As strong a principle as this is, Bleich notes that its origin is disputed: "[t]he source of the obligation ... is far from clear. ... whether [it] ... is biblical or rabbinic in nature" (1984), p. 65.

upon the earth," means that mankind has "absolute and unlimited mastery over the animal kingdom" (Bleich, 1986, p. 79). However, Bleich points to disagreement among the scholars over the kinds and degrees of pain allowably inflicted and the precise nature of human welfare for which such pain and discomfort are legitimately allowed.

Bleich cites sources which hold that compassionate actions directed at animals are "'good deed[s]'; they do not serve to establish a system of normative duties or responsibilities" toward animals (Bleich, 1984, p. 62). Bleich believes that the likely reasoning behind proscribing *tza'ar ba'alei hayyim*, then, is not for the sake of the animal but for the sake of the moral condition of the human moral agent (Bleich, 1986, p. 67), which is a character issue. Here the importance of avoiding animal pain is that such avoidance will promote a compassionate attitude or disposition of the agent toward human beings. We shall see this questionable reasoning retained in Kantian moral theory.

Despite what is allowed by law, there is the ideal that man ought to aim at a "higher level of conduct," beyond that required by law (Bleich, 1986, p. 85). Would this imply that the pain of animals used in medical research is not justified after all, although it may be in the service of a "legitimate" need? It would not if *Seridei Esh* is correct when stating that

[t]he concern for avoiding causing pain to animals, even when it is halakhically permitted to cause such pain, is germane only at the cost of foregoing benefit to an individual but not when benefit may accrue to the public at large (Bleich, 1984, p. 86).

Although this conclusion finds its contesters, Bleich concludes that medical experimentation which has an ultimate therapeutic purpose for human beings is permissible, and is "endorsed by virtually all rabbinic authorities" (Bleich, 1984, p. 90). He does stipulate that whenever possible the experimenter should eliminate painful procedures or anesthetize the animals used. Overall, then, Bleich presents a majority position for Judaism that is, in Rachel's term, weakly speciesist at best.

If we consider Catholic tradition, as examined by James Gaffney in "The Relevance of Animal Experimentation to Roman Catholic Ethical Methodology" in *Animal Sacrifices*, we find two strains. The Thomistic is its main strain and that represented by St. Frances of Assisi is a minor and perhaps not substantially different strain. The dominant strain suggests that animals as irrational are thereby unable to be "properly speaking, direct objects of human friendship, or, therefore, of Christian charity wherein the whole of Christian morality is contained" (Gaffney, 1986, pp. 152-153).

The explanation offered is first that animals as irrational beings are unable to choose freely, thus "do not properly have a good," this being a rendering of the idea that animals cannot have interests. Also, animals are not seen as "social persons" or as having immortal souls (Gaffney, 1986, p. 153). Gaffney asserts that these beliefs of Aquinas remain the underlying assumptions of the modern Roman Catholic moral position with respect to animals. The assumption that animals are irrational and that the human being as the (only) rational animal is in fact *by definition*, the strongly persistent legacy of Aristotle.

This indifference to or presumption against the specific ethical relevance of animality as such has generally characterized Roman Catholic tradition (Gaffney, 1986, p. 153).

Gaffney points out that in an afterthought Aquinas does recognize that

"[i]rrational creatures can be loved out of charity as goods that we want for others; insofar as, out of charity, we want to preserve them to the honor of God and utility of human beings."⁷

While this still does not amount to valuing animals for their own sake, it includes a motivation not related to human utility, namely, the glory of God. This belief is also held by St. Francis, about whom Gaffney observes,

[t]here can be no way of measuring how much or little the legacy of Francis may have gentled the ruthlessness of Christians in dealing with animals and other nonhuman

⁷ This passage is Aquinas, as quoted by Gaffney (1986), p. 154.

creatures, but it does belong to a tradition of religious morals, and it is one of the rare instances in which theology and morality have joined hands and taken wing and carried an extraordinary variety of human hearts and minds aloft with them (Gaffney, 1986, pp. 155-156).

Gaffney makes another intriguing observation; he notes in a passage in the *l'Enciclopedia Cattolica* the inclusion of the idea that love which is extended to animals is extended *to the detriment* of human beings. This assumes what Gaffney takes, and I agree, to be the absurd notion, "the psychologically bizarre premise," that there is only so much love or care to go around (Gaffney, 1986, pp. 160-161).

Finally, with respect to the question of what has intrinsic value, Gaffney refers to the Roman Catholic belief in or assumption of human dignity that has become fashionable in this last century, particularly with the Second Vatican Council. Gaffney points out that

[i]t is a vague but powerful idea that connotes the unique value of every human being as God's created image, and it relates that value to a unique human function as nature's overlord (Gaffney, 1986, p. 162).

The cited Biblical text, Psalms 8:5-8, is interpreted to mean that human beings are equal in value to each other and superior to nonhuman creation. This is a traditional and common interpretation of 'dominion' and 'feet' ("Thou has put all things under his [man's] feet ..."). However, while the traditional interpretation has been a "ruthless interpretation," recently the possibility of interpreting 'dominion' as "benign stewardship" has made headway. Still, this new possibility for interpretation is largely absent from Church teachings (Gaffney, 1986, p. 162).

This appeal to human dignity (as well as other appeals that are linked with rationality) is not the same as the appeal we find in Kant to rationality. This is significant because non-rational human beings are nevertheless taken to have dignity. The basis for this assignment of dignity is genetic, "coextensive with the species *Homo Sapiens*, regardless of the condition of any particular specimen" (Gaffney, 1986, p. 163). Thus the assignment is by

species membership alone. Gaffney believes that the Church needs to be more careful to specify the meaning of human dignity, that so far this expression is used "in very important contexts in an unfortunately incantatory manner" (Gaffney, 1986, p. 163).

There is another vantage point to be taken, however, with respect to determining the meaning of man made in the image of God and its implications for man's relationship to the rest of creation. As Rosemary Radford Ruether summarizes man made in the image of God, according to the Hebrews,

[h]umans were seen as separated from the rest of the animal world by being made in the "image" of this god. This meant that humans (actually, male heads of family) shared in this dominion of God over the animal and plant world (Ruether, 1992, p. 138).

However, the idea of dominion need not be construed as necessarily the idea that mankind has Biblically legitimate control over animals and plants solely for exploitative purposes, for the sake of man's interests alone. Rather, the idea is that man *shares* with God in responsible stewardship, not that men are the "owners in their own right, ... as good caretakers of the animals and plants of the earth, and not as exploiters or destroyers of them" (Ruether, 1992, p. 138).

Within the Christian tradition, Andrew Linzey makes the similar point that "[w]e need to remind ourselves that in theological terms man's use of animals has the nature of trust, we are accountable to God. Animals do not belong to us" (Linzey, 1986, p. 135). Linzey acknowledges that there is a tradition of viewing mankind as unique and of viewing mankind's responsibilities differently toward humans than toward nonhuman animals (Linzey, 1986, p. 140). But Linzey argues for a "theological notion of the worth of creation" (Linzey, 1986, p. 122), with the moral implications that

- (i) [i]f creation has value to God, then it should possess value to human beings.
- (ii) The theological value of creation thus elaborated should be seen to be distinct from man's estimation of his own value and utility as this may be variously

defined from time to time.

- (iii) The theological purpose of creation should also be seen to be distinct from man's estimation of the purposes and significance of creation.
- (iv) If creation has value and should have value for human beings, it should follow that man cannot claim a right to absolute value within creation (Linzey, 1986, pp. 122-123).

If this summarized interpretation of Christian attitudes toward what is of value and why is truly supportable, then it offers a different view of the value of animals than does the mainstream Catholic or the Jewish tradition, where ultimately the animals' interests are sacrificed for human interests, even for (merely) financial considerations (Bleich, 1986, p. 84). Linzey's understanding suggests that animals, like the rest of creation, are intrinsically valuable to God, thus ought to be likewise to humans. This is not to deny the instrumental value that created beings also may have to each other, but it does require the recognition of their intrinsic value.

In addressing the specific objection that granting to mankind dominion over animals, birds and fowl means that mankind *owns* such and may do with them *whatever he wishes*, Linzey asserts instead that "it cannot be sufficient interpretation (as has been thought in the past) to suggest that the gift of power involves no limit or responsibility" (Linzey, 1986, p. 126). Although it can be argued within the Judaic and Christian tradition that mankind can use animals for man's welfare, he argues that "much in this tradition is unclear if not ambiguous" (Linzey, 1986, p. 126). Bleich's comments would support Linzey on his observation about ambiguity that remains despite the dominant voices. Linzey further argues that the Judaic tradition does not suggest that the interests of man *always* hold precedence over those of animals (Linzey, 1986, p. 127). This also appears to be in accord with Bleich. Thus, Linzey argues that animals are intrinsically valuable, "*in themselves* by virtue of their creation by God. ... Their purpose for existing is not simply to serve the human species" (Linzey, 1986, p. 134).

B. *The Fetus*

It is important to look at how various religious traditions within the Judeo-Christian tradition view the other side of the human/nonhuman boundary, traditionally and commonly assumed today to curtail sharply the scope of moral concern, to keep it on the human side of the "line." I shall look specifically at the traditional religious attitudes toward gestational human life. The curious thing here is that, as Kristin Luker points out, the Jewish and many of the Protestant traditions are largely silent on the issue of abortion, specifically on the moral status of the gestational human being.⁸ The issue of abortion (deliberate, not spontaneous) is not even "mentioned in the Christian or the Jewish Bible, or in the Jewish Mishnah or Talmud" (Luker, 1984, p. 12). But the Protestant/Evangelical and the Roman Catholic traditions have much to say, nonetheless.⁹ Even within these traditions, however, the position that the human being from the point of conception is of a moral worth comparable to any human being at any stage of life does not go back very far in history. As Luker asserts, the opinion that abortion is murder is of *recent* origin (Luker, 1984, p. 11).

Taking the Roman Catholic tradition first, Luker draws attention to early Church history, where in approximately 1100 A.D. Ivo of Chartres and, fifty years after, Gratian judge that to abort and "'unformed' embryo" is not murder. Here 'unformed' refers to that time when an embryo does not yet have a soul, is not yet "animated" or "vivified," and therefore cannot be murdered. It was believed at this time and until fairly recently that the animation occurs for males at forty days and for females at eighty days (Luker, 1984, p. 13), called the '*theory of mediate or delayed animation*' by Joseph Donceel, S. J. (Donceel, 1984,

⁸ See Luker's book *Abortion and the Politics of Motherhood*.

⁹ For current purposes I need only show that within the Judeo-Christian tradition there are diverse and contradictory positions affirmed. Therefore, while it would be informative to explore the Protestant/Evangelical position, I shall not.

p. 15). He explains the important role played by a doctrine called hylomorphism, which holds that

the human soul is to the body somewhat as the shape of a statue is to the actual statue. The shape of a statue cannot exist before the statue exists. ... the human soul can exist only in a real human body (Donceel, 1984, p. 16).

The significance of this doctrine is that animation cannot take place prior to there being a humanly shaped gestational being. Aquinas believes that early in pregnancy there is no humanly shaped body, therefore it cannot be animated. The conclusion then has to be that it cannot be murdered.

Rachels supplies us with details here in his discussion of the reason the Catholic Church "recently" changed its judgment about the morality of abortion. In the seventeenth century, due to what Donceel called the "result of a combination of poor microscopes and lively imaginations" (Donceel, 1984, p. 16), a scientific theory developed, "preformationism," which holds that from the moment of conception the embryo is a fully formed but ever so tiny human body. Rachels explains that this theory was broadened to include the belief, "emboîtement," that Eve's ovaries in effect contained all future human beings, "the emergence of new people being like the opening of an endless series of Chinese boxes" (Rachels, 1990, p. 95). The seventeenth century Catholic Church applied these theories to its view of ensoulment and concluded that from the moment of conception the gestational human being is in fact of full moral worth, hence its intended destruction is murder. Although within the same century these scientific theories were falsified, the seventeenth century Church held onto its revised view about the immorality of intended abortion and *simply looked elsewhere for justification* (Rachels, 1990, p. 97) or, one could suggest, *rationalization*. Donceel is one of what he takes to be a growing number of Catholics who hold the older view on abortion, as explicated in the ideas of Aquinas. Even within the

Catholic Church, then, there is no universal agreement about the morality of induced abortion.

C. The Woman

The androcentrism of the Bible and of much of religious practice in the Judeo-Christian tradition adds another layer of bias that confuses and misguides the resolution of the scope issue within traditional moral theory. As discussed in the first chapter, there is the dominant characterization of man in the image of God or God in the image of man, where woman has characteristics opposite to those of man and God. This may come from man's history of domination, man seeking its perpetuation if not by writing the Bible under this prejudice, at least by interpreting the Bible and expounding on the woman's place in the church or temple according to such a bias or self-interest.

Such valuing of woman less than man and of seeing woman as specifically (and solely?) suited for childbearing and rearing has implications for the issue of birth control and abortion. If the woman's function or *telos* is primarily procreation and the nurturance of children, then any deliberate disruption of such functioning, as in intentional abortion, can be inferred to be against God's design. This is an issue *aside* from the issue of when the fetus first acquires its own moral status, as discussed in the previous section. This is another way of approaching the issue of the alleged immorality of abortion, one that can be argued by its opponents to exploit women for the sake of the next generation, or merely for the sake of the wishes of men to create themselves anew in their children (especially of the male sex).

1. Aristotle on Women

Recall from the first chapter the ways in which the characterization of man has been and continues to a great extent to be aligned with that of God. Contrastingly, the

characteristics attributed to woman have been and still are the opposite of those attributed to man and God. We should note that this characterization of woman as the opposite of man, as perhaps even thereby defective, is clearly asserted as empirical truth in Aristotle. In observing all the animals of nature, therefore including the human animal, Aristotle concludes that

[t]he fact is, the nature of man is the most rounded off and complete, and consequently in man the qualities or capacities above referred to are found in their perfection. Hence woman is more compassionate than man, more easily moved to tears, at the same time is more jealous, more querulous, more apt to scold and to strike. She is, furthermore, more prone to despondency and less hopeful than the man, more void of shame or self-respect, more false of speech, more deceptive, and of more retentive memory. She is also more wakeful, more shrinking, more difficult to rouse to action, and requires a smaller quantity of nutriment (Aristotle, 1979b, p. 37).

This is a fairly demeaning characterization of woman. Perfection is associated with man but not with woman. Even with respect to her asserted primary function, that of generation, she is portrayed as lacking. For in reproduction both the male and the female contribute, but the male's contribution is of form and is active whereas the female contribution is of matter. This, Allen notes, is a disability for the woman who "is even referred to as an 'impotent male' because she is incapable of contributing form to reproduction."¹⁰ Further, as McLaughlin points out, the female herself as an individual is defective as she is the product of *conception gone wrong*, although in terms of the greater good, it is good that conception does thus go wrong often enough to guarantee the perpetuation of the species (McLaughlin, 1979, p. 78).

Aristotle says that the soul has rational and irrational parts, but despite the presence of every part of the soul in each human being, they are found in varying degrees (Aristotle, 1979d, p. 42). Thus "the slave has no deliberative faculty at all; the woman has, but

¹⁰ In her article, "Can a Woman Be Good in the Same Way As a Man?", pp. 46-47, Allen quotes Aristotle, 728a17-21.

it is without authority, and the child has, but it is immature" (Aristotle, 1979d, p. 43). The woman while having a rational part to her soul has it to a lesser degree than the man, with significant results. With respect to the relationship between man and woman, Aristotle states that "[a] husband and father ... rules over wife and children ... the male is by nature fitter for command than the female ... the inequality is permanent" (Aristotle, 1979d, p. 42). Then, with respect to the "moral virtues," the lesser degree of rationality in the soul of the woman has ramifications that set the stage for, as Allen explains, the characterization of woman as the opposite of man, even as the privation of man: "Female and male are contrary and their difference is a contrariety. (1058a30)"¹¹ As Aristotle says, then,

all should partake of them, but only in such manner and degree as is required by each for the fulfilment of his duty. Hence the ruler ought to have moral virtue in perfection, for his function, taken absolutely, demands a master artificer, and rational principle is such an artificer; the subjects, on the other hand require only that measure of virtue which is proper to each of them. Clearly, then, moral virtue belongs to all of them; but the temperance of a man and woman, or the courage and justice of a man and of a woman, are not, as Socrates maintained, the same; the courage of a man is shown is commanding, of a woman in obeying. And this holds of all other virtues ... (Aristotle, 1979d, p. 43).

Thus woman as opposite from and inferior to man is expressed in the above quoted passages; such characterization seems to center on the assertion that woman is significantly less rational than man. As Allen concludes, Aristotle's position on woman is that "[h]er irrational soul dominates so that she is unable to exercise her rational faculty in the same way as a man of practical wisdom would do" (Allen, 1979, p. 47). Allen says of Aristotle:

his ethics is universal in the sense that all perfectly virtuous persons would be good in the same way, many people are not capable of perfect goodness (Allen, 1979, p. 46),

the latter referring of course to woman among others, and includes an implication that "she

¹¹ Aristotle, quoted by Allen (1979), p. 47.

lacks self control as her rational faculty is present in less proportion than her irrational faculty" (Allen, 1979, p. 46).

2. Religious Tradition and Woman

As Kant, of the traditional moral theorists, has the strongest rooting in religious tradition, specifically in a Christian tradition, and since much of the modern debate on abortion comes from Catholic and Evangelical Fundamentalism, in this section I shall focus on two very important Christian Church Fathers in order at least to indicate the nature of attitudes toward woman that come from the this particular religious heritage.

a. Augustine

Augustine carries on Aristotle's practice of defining man as the rational animal, where this very characteristic ("the power of reason and understanding") is that by virtue of which man is created in the image of God (Augustine, 1979a, p. 53; 1979b, p. 58), but woman is distanced from this capacity.

With specific reference to one Biblical passage that says: "God created man: in the image of God created He him; male and female created He them: and He blessed them" (Augustine, 1979b, p. 57), Augustine walks a fine line in an effort to make sense of the passage, saying that

human nature itself, which is complete {only} in both sexes, was made in the image of God; and it does not separate the woman from the image of God which it signifies (Augustine, 1979b, p. 57).

St. Paul, on the other hand, suggests that woman is in the image of God once removed: "[f]or man indeed ought not to cover his head, forasmuch as he is the image and glory of God; but

the woman is the glory of man."¹² Augustine tries to avoid a suggestion of contradiction between these Biblical passages. To this end Augustine suggests that

when I was treating of the nature of the human mind, that the woman together with her own husband is the image of God, so that that whole substance may be one image, but when she is referred separately to her quality of *help-meet*, which regards the woman herself alone, then, she is not the image of God; but as regards the man alone, he is the image of God as fully and completely as when the woman too is joined with him in one (Augustine, 1979b, p. 58; Ruether, 1979, pp. 63-64).

The issue of covering one's head, as described in the 1 Corinthians passage is significant because man's not having to cover his head reflects that it is his nature to think about truth and things eternal and he is thereby in the image of God.

And since it is so much more formed after the image of God, the more it has extended itself to that which is eternal, and is on the account not to be restrained, so as to withhold and refrain itself from thence; therefore the man ought not to cover his head. But because too great a progression toward inferior things is dangerous to that rational cognition that is conversant with things corporeal and temporal; this ought to have power on its head, which the covering indicated, but which it is signified that it ought to be restrained (Augustine, 1979b, p. 58).

This passage suggests that temporal and bodily matters are to be controlled. This involves the woman more since by her very nature and function as bearer and nurturer of children, she is more in thrall to her bodily nature. This means that she is of secondary value, that she even presents a danger to her own rationality as well as to that of man. Thus she should be restrained, as symbolized by the covering of her head.

This prejudice is also seen in Ruether's comment that

[f]or Augustine, man as the image of God was summed up in Adam, the unitary ancestor of humanity. But Adam is compound, containing both male spirit and female corporeality. When Eve is taken from Adam's side, she symbolizes this corporeal side of man, taken from him in order to be his helpmeet. But she is a helpmeet solely for the corporeal task of procreation, for which alone she is indispensable. For any spiritual task another male would be more suitable than a female as a helpmeet (Ruether, 1979, p. 63).

¹² On p. 52 of her introduction to the section on Augustine in her anthology, *Women in Western Thought*, Osborne quotes St. Paul, 1 Corinthians, 11:7.

Ruether criticizes this Augustinian view, noting that

[t]his assimilation of male-female dualism into soul-body dualism in patristic theology conditions basically the definition of woman, both in terms of her subordination to the male in the order of nature and her "carnality" in the disorder of sin. The result of this assimilation is that woman is not really seen as a self-sufficient, whole person with equal honor, as the image of God in her own right, but is seen, ethically, as dangerous to the male (Ruether, 1979, p. 64).

Thus, Ruether concludes, woman becomes defined through the eyes of the man. Augustine mistakes his symbolization of her, "where she stands for the subjection of body to spirit in nature and that debasing carnality that draws the male mind down from its heavenly heights," for what she is in herself, in her entirety, including what Augustine is very well aware of, the rational part of her nature (Ruether, 1979, p. 65)! Ruether is adamant that Christianity,

[w]ithout discarding these achievements ... must rather find out how to pour them back into a full-bodied Hebrew sense of creation and incarnation, as male and female, but who can now be fully personalized autonomous selves and also persons in relation to each other, not against the body, but in and through the body (Ruether, 1979, p. 65).

b. *Aquinas*

Despite Aquinas' Aristotelian positive valuation of the body, McLaughlin notes that he nonetheless follows Aristotle's definition of man as the rational animal.

He did this by determining that the end for man, the final fulfillment of the human being, life with God, is achieved by the operation of the rational soul. Ultimately, therefore, the body is again left out (McLaughlin, 1979, p. 78).

Aquinas also follows Aristotle in his (Aquinas's) characterization of man: "man is yet further ordered to a still nobler vital action, and that is intellectual operation" (Aquinas, 1979, p. 69).

With respect to woman, Aquinas follows Aristotle in attributing woman's function to that of generation. Indeed, Aquinas says

[i]t was necessary for woman to be made, as the Scripture says, as a *helper* to man; not, indeed, as a helpmate in other works ... but as a helper in the work of generation (Aquinas, 1979, p. 68).

Thus, McLaughlin observes, woman is reduced to "mere instrumentality, an aid to reproduction" (McLaughlin, 1979, p. 78).

With respect to the *imago dei*, McLaughlin notes, Aquinas agrees with Augustine that woman is in the image of God but in a different and inferior way, because she is less rational than man (McLaughlin, 1979, p. 79). Thus with respect to rationality, again Aquinas follows Augustine as well as Aristotle in devaluing woman's rational capacity in comparison to man's.

For good order would have been wanting in the human family if some were not governed by others wiser than themselves. So by such a kind of subjection woman is naturally subject to man, because in man the discretion of reason predominates (Aquinas, 1979, p. 69).

The inferiority of woman to man is also extended into the moral realm as moral judgment depends on rational abilities (McLaughlin, 1979, p. 79). In one respect the status of woman is raised by Aquinas, McLaughlin acknowledges, namely, she has an alternative: she may renounce her body, her generative function, and as a virginal person undertake religious life. Inequality remains, however, because unlike the man who enters religious life and does not thereby renounce his nature, the woman has to renounce her nature and assume or imitate that of the man, whose nature is "identified with the truly human: rationality, strength, courage, steadfastness, loyalty" (McLaughlin, 1979, p. 82).

III. Religious Tradition Section Conclusion

The suggestion in this chapter is that there are various interpretations along with questionable metaphysical assumptions that mutually conflict and that the Bible and its interpreters therefore yield no conclusive direction about the scope issue. After all, there is the problem of how to select a standard by which to evaluate the various styles of Biblical interpretation and select the "right" or "true" one. It seems instead that, consciously or not,

most people take humans as having intrinsic value and nonhuman animals as lacking intrinsic value to be an assumption that guides rather than follows from the interpretation of various Biblical passages. As Rachels reminds us, even in the nineteenth century during the attacks on newly proposed idea of Darwinian evolution, Asa Gray found himself asking why it should matter so very much to humanity to separate itself from nonhuman creation (Rachels, 1990, p. 85). Gray suggested that if mankind were to accept that it was evolutionarily related to animals, then there would be great ramifications for how mankind should change its treatment of animals. Rachels echoes such sentiments in asserting that

we are burdened with the need to justify our moral relations with them. We kill animals for food; we use them as experimental subjects in laboratories. ... These practices are to our advantage, as we intend to continue them. Thus, when we think about what the animals are like, we are motivated to conceive of them in ways that are compatible with treating them in these ways. If animals are conceived as intelligent, sensitive beings, these ways of treating them might seem monstrous (Rachels, 1990, p. 129).

The androcentrism of influential traditional religious figures such as Augustine and Aquinas, with their debt to Aristotle, remains in the background not only of traditional moral theorists such as Kant but in today's moral debates on abortion, whether grounded in religious beliefs or secular beliefs. In particular, the view that woman is primarily if not exclusively suited to bearing and nurturing children runs strongly from Aristotle, through the writings of the various Church Fathers, and into the present day consciousness. Even a number of "modern" people in our culture suggest that woman's place is in the home. Even still, as she ventures out into the work world, whether voluntarily or not, the mythology of woman's work remains influential. Women in traditionally non-woman's fields frequently still dress in styles approximating that of men. Reproductive control, including the right to and access to abortion, is fiercely debated against the contested background not only of a purported fetal right to life but of the presumed woman's function of mother and wife. The

functions include a duty to carry a pregnancy to term whether or not she wants it and all it will require of her and her family. The failure to grant true autonomous control of her body and life to the woman also sometimes takes on the flavor of treating her as selfish for not being willing to sacrifice readily her interests, as frivolous, as unable to make the proper decision and truly appreciate its long term consequences.

IV. Influence on Secular Styles of Moral Theory

Finally, as we move from the conflicting guidance of Aristotle and the Judeo-Christian tradition into the secular moral traditions, we still find significant anthropocentrism and androcentrism. As already noted, several related ideas persist in secular moral traditions, namely the idea of man as the rational animal, of human dignity and the idea that human life is an intrinsic good. This may actually be stated, as Rachels suggested, as the principle that life is sacred, without reference to any particular religious tradition. As mentioned, Rachels suggests that this is a secular value that whose root is in what he calls the "image of God thesis" (Rachels, 1990, p. 86). While many people believe that their moral views are separate from specific religious views, Rachels points out that in fact a culture and its secular moral views can be formed by its religious traditions. We have already mentioned and in a few ways indicated this and we will see this clearly in the examination of Kantian ethics in the next three chapters.

Rachels argues that the concept of human dignity refers to man's special place which morality properly ought to protect (Rachels, 1990, p. 86). This specialness has been since Aristotle described as the unique fact of man's rationality. Religious traditions have identified the divine characteristic, man's claim to specialness, as his rationality. Consider Aquinas's statement:

"Of all parts of the universe, intellectual creatures hold the highest place, because they approach nearest to the divine likeness. Therefore the divine providence provides for the intellectual nature for its own sake, and for all others for its sake."¹³

From all this Rachels concludes that the notion that mankind possesses a unique characteristic, namely rationality, is palatable even to those who reject specific religious traditions and "may therefore be viewed as the secular equivalent of the idea that man was created in the image of God" (Rachels, 1990, p. 88).

In Western culture principles detailed by various Deontological theories often assume that the scope of moral concern is limited to human beings. This is understandable when we realize that the principles are derived from the general cultural values that each of us absorbs, and which many of us many never question. But the reasons offered, for which we have looked in the influential Western religious traditions, do not seem to settle the issue of scope. This is because human dignity is assumed by most interpreters in their very understandings of the Bible, rather than unequivocally proven by or derived from the Bible. Matters of interpretation remain just that, interpretation, and it is a matter of faith as to whom one takes to be the proper authority in this matter. I shall attempt to find a different way to understand what we mean by human dignity and how the scope issue is best settled.

That human dignity consists of man's rationality is still one of the strongest and most influential secular renderings of that notion, although it also mentioned by various religious authorities, such as Aquinas and Augustine (Rachels, 1990, p. 89). Given the pivotal role still played by the definition of man as the rational animal, I shall critically examine at length its development in Kantian moral theory. Kant's roots in, hence debt to, the Judeo-Christian religious tradition are the strongest of the various traditional moral theorists. Also, as Kantian theory preceded that of Mill, the Utilitarian theorist whom I shall consider

¹³ Aquinas as quoted by Rachels (1990), p. 88.

primarily, I shall move into a discussion of Kantian moral theory next.

With respect to classical Greek influence many moral theorists including Kant inherited the separation of mankind from animals as epitomized in the Aristotelian definition of man as the *rational* animal in contradistinction to all other animals as non-rational. But there is more; there seems to be a hierarchy of value implied by a hierarchy of rational abilities. This is significant as it is rationality, *imago dei*, that is the valued characteristic of man which persists through the Judeo-Christian religious tradition and into both religious and secular moral views affecting today's attitudes toward animals as medical research tools and the human abortion issue. Consider that the pre-classical Greek view of the

female and the animal, as powerful, mysterious others, shifts [in the classical Greek worldview] to a hierarchial worldview in which women, slaves and animals are lined up in descending order of inferiority under the ruling Greek male. The rational soul is seen as both the principle of rule over these inferiors and of ultimate escape from the mortality of the body (Ruether, 1979, p. 138).

Here Ruether addresses several themes retained in Kantian moral theory and still influential. The anthropocentrism and the androcentrism stem from a hierarchy based on rationality and the implied opposite of rationality, namely the passions or emotional side of human nature, assumed true more of woman than man and true of nonhuman animal nature to the exclusion of any rationality. There is also the mind/body dualism assumed in the reference to the Platonic ideal of escaping the confines of the bodily nature, seen in his doctrine of reincarnation. Here the belief is that the soul evolves, based on conduct in respective lives, through reincarnations from, significantly, brute to woman to man and finally to the man who is in complete control of his passions. Life lived entirely in rational contemplation permits the soul finally to escape entirely from the reincarnation path altogether. Kant is not espousing the reincarnation doctrine but does accept the ideal of the moral life as one lived by reason alone, as guided by application of the categorical imperative, always in control of passions

which are obstacles or temptations to rational living. Kant does not seem to adopt wholeheartedly the Platonic ideal of merely living a life of rational contemplation; but he allows room for happiness, for feeling emotions *only after* the moral requirements have been met. Yet, he also says that the rational beings would rationally want to be rid of needs and passions. However the details might be resolved, certainly Kant's emphasis is on the importance and value of reason over emotion or feelings, the sensual part of life.

So just how does Kant build into his moral theory the all important value of rationality?

CHAPTER III

METAPHYSICAL CONTEXT OF KANTIAN MORAL THEORY¹I. *Chapter Introduction*

In Chapters III and IV, I shall critically evaluate the foundation of Kant's moral theory, the keystone concept of rationality, to show the problematic nature and role of reason. Its role is especially significant because it links appropriateness for qualifying for moral patienthood to capacity for moral agency. This effectively precludes nonhuman animals from being moral patients because, it is assumed, they do not possess the capacity for rationality traditionally assumed to be required for moral agency.

It should become clear that the crucial role Kant assigns in his moral theory to reason can and ought to be reduced, even reconceived, once some of his arguments supporting such a role for, even his conception of, the nature of reason are criticized.² My intent is to lay groundwork for (1) challenging what I shall argue is Kant's location of intrinsic value in the individual qua instantiation of the categorical imperative, which ultimately results in (2) his missing the fact that the scope issue properly belongs not in the wings but in the spotlight of theoretical focus. I shall conclude in Chapter V that the scope issue is not clarified, much less settled, by an examination of Kantian moral theory and supporting assumptions. My intuitions will remain strong enough to prompt investigation of the other major style of

¹ In developing this particular synthesis and exploration of the interrelationship of Kant's ideas I am in debt to Paton's interpretation of Kant presented in the *Categorical Imperative*.

² My intention is to cast significant doubt on the adequacy of Kantian moral theory rather than to conclusively disprove it (if this could even be done). As long as there is serious doubt, I feel that my intuitions about the scope of moral concern remain sufficiently intact to justify looking elsewhere for a moral theory that can either significantly support or counter my intuitions.

traditional moral theory, Utilitarianism, and ultimately a restatement of the very task of morality.

II. *Why and How Rationality Is So Fundamental a Concept*

Within Kantian Moral Theory

Kant makes a radical break with the general acceptance in his day of the legitimacy and authority of church leaders to guide their flocks morally. Kant asserts that the authority can be switched such that the moral guidance of the average person becomes a matter of *internal* guidance by the self rather than the *external* guidance by church leaders.³ Such a switch assumes that even the most ordinary man has the capacity to ascertain directly, uniformly, and reliably the morally right action in any given situation.⁴ This ascertaining is assumed to be the equivalent of knowing the moral truth. The "common" man becomes his own authority: "the human reason, even in the commonest mind, can easily be brought to a high degree of correctness and completeness in moral matters" (Kant, 1967, p. 320). It follows that Kant must construct a moral theory and select ("discover") accompanying assumptions that explain how even the common man could himself reliably discover and be motivated to act on the moral truth. The explanation lies in the asserted rational capacity of the average man. It also lies in Kant's retention, perhaps from religious views and/or from preceding

³ For a detailed account of the historical context of Kant's agenda, see the translator Theodore M. Greene's introductory essay "The Historical Context and Religious Significance of Kant's Religion," in *Religion Beyond the Limits of Reason*, Kant (1934).

⁴ I shall follow the translators of Kant who translate words referring to humankind as 'man' or 'men.' I want to leave open the possibility of androcentrism in the language of Kant's moral theory, in addition to the explicit remarks denigrating women's rational capacities (as discussed already). The act of reading 'man' for human being gives the reader the androcentric flavor. In the rest of this work I will use 'she' for human being. This is appropriate for Utilitarianism because (1) early Utilitarians did not explicitly denigrate women and (2) my focus, Mill, was explicitly sensitive to the value of women, despite the insensitivity of many of his contemporaries. It may be objected that my choice of terminology reflects is reversely sexist. Perhaps so, but it (1) is less awkward than 'she/he' and 'her/him' and (2) contributes to consciousness raising because unlike the use of 'man,' 'he,' or 'him,' using 'she,' etc., draws one's attention to the impact of sexist language.

philosophers, of a belief in moral truth as a coherent, objective, absolute, universal system whose truth is necessary not contingent.

Kant's assumption of a sophisticated and universal rational ability in man sufficient to allow even the common man direct access to the truth seems to reflect the influence of the predominant version of the *imago dei*, where man is in the image of God by virtue of being rational in the same way although not to the same extent as God. This "fact" accounts for a person's ability to know directly the moral truth since truth's rational structure *as* rational is obvious or self-evident to *any* rational being *as* rational.

To underscore how every person theoretically could arrive at the same moral answer (truth) in a given dilemma, Kant identifies in man an organ of reason that operates according to the universal laws of reason (Kant, 1967, p. 318). This permits or guarantees, if unimpeded, interchangeability of agents *as knowers* of the moral truth. Further, Kant argues that a person with direct access to the moral truth would be motivated directly and naturally to act accordingly *if* he were to avoid the influence of passions and needs arising from the sensual side of his nature. Thus Kant assumes the "fact" of and gives an important role to the dichotomy of reason versus feelings or emotions.⁵

The rational capacity, then, is the same capacity in every rational being and is the capacity that is necessary for a person to be a moral agent.⁶ But being moral lies not in merely acting in accord with unimpeded reason. For Kant morality is *the same as*

⁵ The terms 'feeling' and 'emotion' will be explained later in this chapter, but for the time being will be taken as referring interchangeably to sensual experience that is the opposite of rational activity.

⁶ Kant's use of 'rational being' implicitly refers to the normal adult rational being. I infer that Kant does not see the need to consider the immature or abnormally deficient rational being in the course of constructing his moral theory.

"lawabidingness",⁷ that is, acting in accord with the law *for the sake of* the law (Kant, 1967, p. 319). From this it follows that the value of a being as an "end in itself," as Kant expresses it, is tied directly to one's rational capacity because this capacity is requisite for being autonomous, that is, a lawmaker and lawgiver to oneself, for manifesting the attitude of lawabidingness. Thus moral patienthood is linked to moral agency.

Rationality is a key concept: it provides (1) the structure of the moral system of truth, (2) the tool of moral epistemology, (3) when unimpeded necessarily an effective motivating force, (4) the capacity by virtue of which a being has value, is a moral agent, is an end in itself, hence is a moral patient.

III. *Antimony: Freedom and Determinism*⁸

To appreciate more fully rationality's crucial role in Kant's moral theory, it is first important to explain the accompanying metaphysics, specifically the "two-world" view and metaphysical placement of men and of animals within such a world. The phenomenal/noumenal distinction is employed to explain the antimony or apparent contradiction between a mechanistic understanding of the operation of the physical world in which human beings are embedded and the need to explain how human beings can also be free (not externally constrained) to choose their actions in the physical world.

A. *"Two-World" View*

In the "two-world" view, there is one world approached in two ways or, as H. J. Paton says in his book, *The Categorical Imperative*, one world viewed from two

⁷ Paton uses this expression to capture the essence of Kantian morality, the will to act in accord with the moral law, not merely acting in accord with the moral law *regardless of the motivation*. I shall use this expression for the same purpose.

⁸ This is a reference to Kant's third antimony (Kant, 1929, p. 412f).

"standpoints."⁹ On the one hand, there is the world as *phenomenal*, of *things as they appear*, of nature, the senses, the physical which is mechanistic or deterministic according to natural or causal laws. There is also the world as *noumenal*, of *things in themselves*, as intelligible, where the laws are those of freedom instead of nature. Then, insofar as persons are rational or intelligent, they belong to the noumenal world; insofar as persons are physical, sensual being they belong to the phenomenal world. In belonging to the noumenal world, rational beings know the laws of their actions, those of freedom, which are the principles of reason. In belonging to the phenomenal world, on the other hand, rational beings know the laws of nature, such as cause and effect.

B. *Human Versus Nonhuman Nature*

Kant supports the assumption that rationality is the unique and distinguishing characteristic of human as opposed to nonhuman animals by asserting that there is a metaphysical distinction among (a) nonhuman animals, (b) humans and (c) the holy will,¹⁰ and that mankind straddles two metaphysical categories, the phenomenal (the completely determined and physical) and the noumenal (intellectual, free from material causality, non-physical). This straddling is reflected in the purported dual nature of humanity which partakes of both phenomenal and noumenal aspects, hence is determined in its phenomenal nature but *acts* with the presumption of freedom out of its intellectual or noumenal nature. Only within the intellectual or noumenal world can man be free from external constraints such as operate in the world of nature, hence free to be moral. Thus man insofar as he is rational and operates according to the laws of freedom shares noumenal agency with the holy

⁹ This presentation of the "two-world" view is based on Paton's concise and, I believe, fair explanation (Paton, 1965, p. 245).

¹⁰ This concept will be explained shortly.

will. The holy will is perfectly rational and without any sensual, phenomenal or physical being and is thus only a thing in itself, belonging exclusively to the noumenal. Man possesses the *same* rationality (in kind if not in extent) and noumenal agency and in these ways exist in the image of God qua rational and free.

However, man is part animal-like insofar as he is influenced by passion, by his sensual nature, and determined by the causal laws of nature. This phenomenal aspect thus limits the full expression or manifestation in action of human rationality. This other side is shared with the nonhuman animal. As Steve Naragon explains in "Kant on Descartes and the Brutes" (Naragon, 1990):

Kant believed brutes to be completely enmeshed in the mechanical nexus of the phenomenal world, with nothing like noumenal agency to offer them the theoretical underpinnings of practical freedom. Consequently, Kant thought of brutes as machines—but not as the materially explicable machines of Descartes. Kant found the needed distinction in Leibniz: brutes are machines of a spiritual as opposed to a material nature (Naragon, 1990, p. 3).

Kant thus *assumes* that an animal has only a non-rational element in its nature. After all, this is true *by definition*; man *remains*, from Aristotle's time and pronouncement, defined as *the only* rational animal. The nonhuman animal is *assumed* to be directed *and not merely influenced* by passion, instinct, reflex. It has *no possibility for control* over its behavior by reason. The nonhuman animal is *assumed* to have no organ of reason, hence *cannot* have "will" in the Kantian sense of a power "designed by nature to be a will giving universal laws" (Kant, 1967, p. 347), and as such presumably necessitating a sophisticated language and dependent abstractive ability that few people would be willing to attribute to any nonhuman animal. By this very assignment of metaphysical status, namely, being without noumenal agency, any nonhuman animal is precluded from being a moral agent and therefore from being an object of direct moral concern. Kant further assumes that there can be no moral

patient to whom duties are owed who is not a moral agent who can have duties. However, this too can be questioned.

Here we see how the operation of the *imago dei*, where the image in which man is created is *rationality*, assumes the dichotomy of reason versus feelings and emotions and ties reason alone to morality.

C. *The Will*

As explained, according to Kant moral goodness is an *attitude* of willing *for the sake of* the moral law to follow the moral law as given by reason. This view of moral goodness seems to be rooted in his concept of the holy will and is thus reflective of the influence of the religious idea of God as designer, particularly the designer of man in the image of God. The holy will is the perfectly rational being, to be contrasted with the good will of imperfectly rational beings, as exemplified by mankind (Kant, 1967, p. 349f).

The will is described in numerous ways and places by Kant. In the *Foundations to the Metaphysics of Morals*, the will is identified with

the capacity of acting according to the conception of laws, i.e., according to principles. ... Since reason is required for the derivation of actions from laws, will is nothing else than practical reason (Kant, 1967, p. 333)

or

the will is a faculty of choosing only that which reason, independently of inclinations, recognizes as practically necessary, i.e., as good (Kant, 1967, p. 334).

The will is thus associated with the "power"¹¹ of practical reason, that is, reason applied to action. This association will be pursued, but first I shall examine the ambiguity behind the English word 'will' relative to those German words it translates. Just what the will is for Kant is a major question that is made more difficult when Kant is read in translation. A solid

¹¹ Paton's much used term.

understanding goes beyond the scope of this work. However, it is important to give a little more detail to do justice to the evolution of Kant's thought. John Silber explains that the term 'will' in English actually may refer to more than one German word and idea (Kant, 1960, p. xcv,f). Most simply, Silber is referring to *Willkür* and *Wille* and continues to use these terms untranslated as they have no adequate equivalents in English. I shall do the same as I relate the difference in meaning that is missed by merely using the English term 'will' (Kant, 1960, p. xciv,f).

When Kant refers to the will in its familiar aspect as the power to choose between alternatives, he calls it *Willkür*. As such, it is a faculty of desire, for Kant held that the *Willkür* is determined according to the strength of the pleasures or displeasures it anticipates in connection with the alternatives open to it. ...

No impulse or desire can be a determining incentive for the *Willkür* until the *Willkür* chooses to make it so (Kant, 1960, p. xcv).¹²

Such a faculty in man is "an *arbitrium liberum*" rather than that which is in the animal, "an *arbitrium brutum*" (Kant, 1960, p. xcv). In the case of the former, the desire is only influenced but in the case of the latter it is assumed to be determined by pleasure or feelings, "impulses." On the other hand, the *Wille* is the rational part of the will, the "source of a strong and ever present incentive in *Willkür*" (Kant, 1960, p. civ).

In order to influence *Willkür*, which is a faculty of desire, *Wille* must be able to arouse desires or aversions in *Willkür*. The feeling is the "simple respect for the moral law." The presence of *Wille* in the will, and specifically in relation to *Willkür*, constitutes what Kant calls the predisposition of the will to personality. This predisposition "is the capacity for respect for the moral law as *in itself a sufficient incentive of the Willkür*" (Kant, 1960, pp. civ-cv).

While the *Willkür* is merely influenced but not determined by desire, it can

¹² The objection can be raised that for Kant desire is phenomenal, thus *Willkür* as a part of will cannot be "a faculty of desire." On the other hand, Silber's attempt to distinguish *Willkür* from *Wille*, both translated in English, as 'will,' goes a distance toward making sense of will. If Silber is mistaken, however, then I would suggest that Kant's notion of will is even more problematic than Silber would take it to be. Resolving this is not necessary for this dissertation. The very fact that there are problems with explaining will adequately and in line with Kantian metaphysics is one more reason to question the coherence of Kant's moral system.

also choose whether or not to act "from the incentive of universal law," a capacity of choice only possible in beings capable of being free (Kant, 1960, p. cv). As Silber quotes Kant, "[t]he moral law ... with the respect which is inseparable from it ... is personality itself, (the idea of humanity considered quite intellectually)."¹³ While the *Willkür* chooses whether or not to be motivated by the direction of the *Wille*, it nonetheless can never entirely be absent of respect for the moral law, of the "moral feeling," or it would "cease to be itself" (Kant, 1960, p. cv). The "humanity" of a man who had lost any moral feeling "would be dissolved (as it were by chemical laws) into mere animality" (Kant, 1960, p. cv). Thus, it is in this merest degree that "*Wille* necessarily determines *Willkür*" (Kant, 1960, p. cv).

D. *The Holy Will, the Paradigm for Moral Agency*

Let us consider the holy will. Since for Kant the holy will manifests *pure rationality* and is without inclinations or passions, it is thereby a *perfectly good will*. The holy will is "a perfectly good will ... [which] can be determined to act only through the conception of the good" (Kant, 1967, p. 334). Here we see the identification of reason with goodness: the perfectly good will is that will which is perfectly rational. By contrast, the imperfectly good will is imperfect precisely to the extent that it is imperfectly rational in the sense of being at times effectively tempted by inclinations and passions. As previously noted, the bad will is precisely that will which, while *knowing* the moral laws, nonetheless chooses to succumb to its inclinations and passions (Kant, 1967, p. 360) or, as Paton expresses his understanding of Kant, "[w]hen moved by passion we may still recognize the quality of our action, and we may will our action as an instance of yielding to fear or anger" (Paton, 1965, p. 89). The "good will ... is good only because of its willing, i.e. it is good of itself" (Kant, 1967, p. 322), because the

¹³ Silber quoting Kant (Kant, 1960, p. cv).

will exhibits its rationality, does not let itself give in to passions or inclinations. Morality as lawabidingness applies to both perfectly *and* imperfectly rational beings. It seems that the holy will is the *paradigm* for moral agency, indeed defines morality. The holy will, as just noted, is the perfectly *rational* will, which is the same as the perfectly *good* will; and only the perfectly rational being can act for the sake of goodness (as equal to lawabidingness). Pure or unimpeded rationality out of its very character yields *morally proper intention and, therefore, action*. To put this another way, as perfectly rational the holy will *necessarily, by its own nature*, acts *always* in accord with the law for the sake of the law, and *for the holy will only* this is what it means to act for the sake of goodness.

E. *The Rational Agent Assumes That He Acts Freely*

The rational agent acts on the presumption of freedom (Kant, 1965, p. 356). This presumption of freedom is necessary for there to be morality, which assigns praise and blame to the moral agent as chooser of his actions. If a person cannot help his actions, we can only say he behaves thusly (descriptive); we cannot say that he ought to behave differently (prescriptive). Fundamentally, the presumption of freedom is necessary for there to be *will* as distinct from *impulse or instinct*. The rational agent is assumed (assumes himself) to be able to choose freely whether to be influenced by non-rational considerations. Mankind as imperfectly rational necessarily *struggle* with the non-rational element of his nature. Further, the bad person, the "villain," can will to do better given that he knows better and has the freedom to change.

While inanimate objects and, Kant assumes, all nonhuman organisms move or behave entirely in accord with the laws of nature, only man or, as Lewis White Beck puts it,

a "rational being can have or act according to a *conception* of laws."¹⁴ The rational being must presume himself to have freedom in order to see himself as having a will. Without the phenomenal/noumenal distinction, there would apparently remain the problem (antimony) of how the rational being can be at once free and determined in his actions. Perhaps, even *with* such a distinction there remains a problem, but this is not the issue here. The issue is whether the mechanical, deterministic view of the phenomenal world is accurate or necessary to account for what we think is happening in the phenomenal world.

F. Criticism of an Apparent Paradox: Freedom and Determinism

Kant perceives a need to presume freedom in action because he accepts a basic assumption common to his day and ours: the world of nature, of which mankind is a part insofar as each human being has a physical nature, is mechanistic, is absolutely determined, as articulated in the assumption that every event has a cause preceding it in time.¹⁵ The mechanistic or deterministic assumption is that if at any one point in time and space all information relevant to the particular situation were known, then what would happen next could be known with 100% accuracy. Events surprise people due only to a lack of sufficient information about the situation. This is fundamentally an epistemological problem rather than a reflection of any underlying physical indeterminacy between "cause" and "event." This "fact" of the determinism of nature implies for Kant that the animal, assumed to be entirely within nature as it has no rational capacity (with all that that implies), has no freedom. Hence it cannot "act;" it can merely "behave" according to the laws of nature. Man is also in his phenomenal aspect within nature and subject to the law of nature. If for man as a rational

¹⁴ Lewis White Beck, p. xi, in his "Translator's Introduction," to Kant's *Critique of Practical Reason*.

¹⁵ The works of Newton portrayed the world in this way and were well established in Kant's time and highly regarded by Kant.

being there is not in addition the presumption of freedom in "action," he would be merely an automaton.¹⁶ If man were merely an automaton, he could never behave other than as is determined by nature. There could be no "ought" because there would be no free choices. Morality would have no meaning as there would be no open possibility, just mere chains of inevitable events. Morality requires some sort of freedom from the assumed determinism of nature, but what if the assumption of determinism in nature were false?

Today's developments in physics suggest that Newtonian deterministic physics is incorrect at a fundamental level, although for many practical purposes in macroscopic physics its results approximate events sufficiently for us to continue to use Newtonian principles of physics in certain situations. Since Newtonian determinism is now in question, perhaps accounting for human freedom is no longer problematic, contrary to Kant. For example, one feature of quantum theory as formulated by Heisenberg, the principle of indeterminacy or uncertainty, directly challenges the mechanistic view of the universe. This principle essentially contradicts determinism by saying that, according to this widely accepted interpretation of quantum mechanics, even if every fact were known about a situation, there would still be an essential uncertainty about how the event would unfold.¹⁷ One possible explanation for the appearance of determinacy is that it arises from the fact that the uncertainty of the actions of each of the atomic particles displays at the macroscopic level a statistically identifiable pattern that lulls us into thinking that nature is fundamentally deterministic.

¹⁶ For further discussions about the differences between rational and non-rational beings, where freedom is limited to the latter, see Paton's *Categorical Imperative*, for example, see Chapter IX, Appendix #4, "The Idea of Freedom," p. 99f or Chapter XXVI, "The Defence of Freedom," p. 266f.

¹⁷ For an extended discussion of the far reaching difficulties in and consequences of understanding how to interpret quantum mechanical events see Evelyn Fox Keller's *Reflections on Gender and Science*, Chapter Seven, "Cognitive Repression in Contemporary Physics."

If Kant had been familiar with modern interpretations of physics at odds with the determinism of Newtonian physics, he would not have needed to explain how freedom might be possible or to develop the doctrine of noumenal/phenomenal aspects of the world. Humans could operate entirely within the physical universe and still be free from determinism in their choice of action. Further, Kant might have had to look much more closely at his assumption that an animal has *no* freedom because it is entirely within the physical universe and hence governed entirely by the physical mechanistic laws of nature. As Kant has it set up, the dichotomy of free/determined supports the dichotomy of rational/non-rational. If the freedom/determinism dichotomy is eliminated, however, it could be replaced with a continuum running from reflex or automatic movement through instinct (ranging in complexity and flexibility but more than mere reflex) to increasing degrees, even varieties, of rationality, with some humans and animals perhaps overlapping in their respective abilities.

Kant's view of the animal might be different even within the Newtonian mechanistic view if Kant could believe that there are degrees of rationality and freedom and that some animals possess some rational capacity, however small. It remains doubtful, however, that any animal in Kant's time could be seen as rational at the level required for moral agency. Regardless of his assumption about the mechanistic physical universe, Kant's more critical and fundamental assumption is that the animal can have no intrinsic moral worth because it does not have the rational capacity necessary for moral agency. This assumption could have been challenged in his day, but even today it has a strong hold on people's imaginations.

IV. Human Being's Place

A. Teleological Versus Mechanical Principle

In this section I shall show that the general principle of teleology figures greatly but problematically in the content and interrelationships of metaphysical beliefs and in the support of moral doctrines. The principle has a long history in religion and in philosophy, going back at least as far as Aristotle. Kant found it virtually impossible to conceive that even a simple life form such as a "blade of grass" could be explained by mere mechanical cause and effect. As Silber notes, "Kant denied that science would ever produce a Newton 'to make intelligible to us even the genesis of a blade of grass from natural laws that no design has ordered.'"¹⁸

Theodore M. Green explains that Kant thinks that the reciprocal dependence of parts of an organic body upon each other is essentially different from the inanimate, from the inexorable and one directional chains of cause and effects, and that it can be understood as the product of design.¹⁹ Green notes that

[t]his [teleological] principle, then, differs from the mechanical in this, that whereas according to the latter principle an effect follows blindly and automatically in the wake of its cause, in an organized body an *idea* is the basis of its parts (Kant, 1960, p. xlv).

Further, as Green and Paton concur (Kant, 1960, p. xlv), Kant believes that the teleological principle subsumes the mechanical, hence is the more basic or important of the two principles. However, even though Kant finds in his time that *he* cannot believe that mechanics can explain the workings of organisms as interrelated and interdependent wholes,

¹⁸ See p. c of Silber's essay, "The Ethical Significance of Kant's *Religion*," following the translator's introduction to *Religion Within the Limits of Reason Alone*.

¹⁹ Green writes an introduction to *Religion Within the Limits of Reason Alone*, as referenced in footnote #3 above.

perhaps Darwin's theory of evolution, developed subsequent to Kant's time, can account for the fact of and continuing development of organisms *without* requiring the designer assumed by the teleological principle to make all the organisms purposefully, perfectly and ahead (outside) of time. In criticizing many of Kant's assumptions and arguments, I shall assert that the theory of evolution offers differing and better accounts of human nature, nonhuman nature, and of rationality and its relationship to emotions. Rather than the dichotomies of Kant (among others), continua are suggested by evolutionary theory.

B. *Imago Dei*

1. *Human Being or "Man"*

The assumption of the *imago dei* may be challenged either altogether or in its particular content, namely man created in the image of God as *rational*. First, the assumption that man is created in the image of God is exclusionary: the *imago dei* assumes man *but not animal* to be created rational. Recall that for Kant the will must be directed by (the organ of) reason to avoid having the will a "blind" power or unconscious power, a characteristic certainly unattributable to God in whose image man is created. Kant assumes that without a rational director of the will there would be no difference between animals and humans, that all would behave blindly like the animals.

This does not follow. First, there remain many differences in addition to that of rationality; but for Kant other differences are not seen to be the source of the difference in intrinsic value. Also, there may be different sorts of rationality, each capable of being possessed in degree. Even if some particular difference between man and all other animals might only be a matter of degree, this is still a difference. The historical difference clung to even today is not one of degree but of kind, of a particular kind: many of us still accept

Aristotle's definition of man as the rational animal. This is intended to be a clear cut distinction, where the rationality is of a highly sophisticated sort most people even today would be reluctant to attribute to animals.

If the Aristotelian definition is judged false and animals are empirically demonstrated to have some sort and some degree of rationality, the *imago dei* conceived as rationality in an exclusionary way would have to be given up. There are alternatives, such as to reconceive the way in which man is created in the image of God and/or to suggest that all living creatures are in some way(s) created in the image of God.

To develop support for either foregoing the *imago dei* altogether or just giving up its exclusionary quality, let us examine the plausibility of the idea that there are degrees of deliberateness or rational control. I am suggesting that the dichotomy between the will as directing action (hence as *Willkür* choosing to be rational, to be directed by or to ignore the *Wille*) as against the blindness of instinct or even reflex (hence as non-rational) is too simple and artificial a division. Consider actions that seem to fit neither the category of instinct (assumed the province of no control) nor of deliberate action that we associate with morally evaluable actions. Is one responsible for habitual actions? By responsibility here I mean moral accountability, where one is so held if one is not subject to external constraints or internal constraints present for reasons beyond present or past control of the agent. If one has freely contributed to the development of a habit that could have been otherwise prevented by oneself, then one is accountable for the results of following habit. Actions that are not themselves directly and deliberately chosen, may nonetheless originate in a subconscious level or be chosen without giving it much thought. Actions done under these circumstances do not seem deliberate in the normal sense, to be the result of full rational direction. However, the development of a habit may be the result of actions that were initially

deliberate if short sighted or not very seriously considered. Can a person be held morally accountable for actions done while drunk insofar as that person allowed herself to become drunk (for example, gave in to the temptation of entering the bar or taking the first drink)? The term 'habit' seems to encompass a range of actions extending from those reflected upon at the time of the action to those that seem automatic or almost unconsciously carried out.

Also, the assumption that *nonhuman animals* are entirely instinctual whereas human beings are rational, though with the constant temptation of influence from the passions, is certainly questionable. Some, even many, animals utilize some sort or level of rationality rather than instinct in their efforts to survive, that even animals develop habits, good or bad in terms of their survival.²⁰ Overall it can be strongly argued that reason would be a more efficient and flexible faculty to meet the complex situations in which human and nonhuman animals try to survive. Further, the role of instinct in humans has perhaps been vastly underrated, as well as the possibility that "instinct" itself may actually cover behaviors that range in their degree of built-in-ness versus flexibility in manifestation.

With respect to the assumption that some but not all creatures are created in the image of God, then, is it mere human arrogance for us to value ourselves above all others, frequently attributing authority for such an overinflated evaluation to the Bible? With respect to citing such a source, after all, the Bible could be (and is by some) argued to have been written by humans who were perhaps inspired (at least partly) but also self-serving, distorting, or merely mistaken in their actual rendering of "God's word" and its subsequent interpretation(s).²¹ This is certainly a possibility, involving the problem of just what and with what justification we take something to be "evidence" (Biblical or other).

²⁰ For example, with respect to chimpanzees, see Jane Goodall's work (1986).

²¹ Of course, not everyone credits the Bible to any degree.

Assuming there to be some significant and defensible way in which mankind could be seen as created in the image of God, could the *imago dei* nonetheless be misconstrued? Could it not be that the very faculty of rationality ought to be used to find a way for all (rational and non-rational animals) to live better quality lives, in harmony with all of God's creatures, especially with those assumed unable to "help" change themselves for the better because they lack the requisite rationality? Why is it not thought that mankind is created in the image of a God with a rich affective and appetitive nature, loving, caring, involved and respectful of all its creatures? Mankind created in such an image would certainly value individuals not merely as rational but in their fullness as centers of a life, conscious experiencers, with many valued characteristics other than or in addition to rationality.

2. *Created for the Benefit of Mankind*

The above considerations easily lead from the assumption of man in the image of God to another teleologically styled assumption that is problematic.²² Related to the *imago dei*, with man assumed to be the highest creation in a normative sense, so close to God that he is created in God's image, is the belief that all nature, including animals, is created for the benefit of mankind. For example, according to Green, Kant believes that only man is purposive, that is, able to foresee "certain" ends to which he strive. This is in contrast to all other nonhuman lives that cannot "act," can have neither choices nor purposes of their own. Thus mankind "can alone be regarded as nature's own end, her highest product" (Kant, 1960, p. lxix). Green supports this as Kant's position by quoting a passage from Kant's *Critique of Judgment*:

²² This is undoubtedly a carryover from religious beliefs as well as from previous philosophers, especially a Wolfian influence on Kant, as Green notes (Kant, 1960, p. xvii).

Without man the whole creation would be a mere waste, in vain, and without final purpose. But it is not in reference to man's cognitive faculty (theoretical Reason) that the being of everything else in the world gets its worth; he is not there merely that there may be someone to contemplate the world (Kant, 1960, p. lxix).

Nature's worth, of course, has instrumental rather than intrinsic value, and instrumental for mankind's purposes. Further, Green continues, it is not happiness but "man's moral nature alone" that is intrinsically valuable. Nonhuman animals, assumed unable to be moral, cannot have intrinsic value. For Kant, man as moral, as free, is "lord of creation" (Kant, 1960, p. lxix).

What is the justification for the view that mankind is the "highest" creation in a normative sense? If nature has a purpose, why can it not be for God's benefit rather than ours?²³ Kant allows that man has instrumental value for other men, but he insists that man does not have *merely* instrumental value. If we dispute that the only intrinsic value that a being can have is by virtue of its capacity for moral agency then we might disagree with Kant's assessment of the worth and purpose of nature. Perhaps like human beings, the nonhuman animals can have intrinsic as well as instrumental value. Further, perhaps rather than seeing all creation as serving the interests of mankind, having mere instrumental value, we should see that human beings, by virtue of our purported unique capacity to be moral agents, ought to *serve* creation. After all, only human beings are supposed to possess the rationality that would allow them to have and carry out a purpose of service. Man could be created in a different image of God, as valuers, protectors within the limits of fairness, where protection includes protecting all creation from the *worst* of creation, the *immoral* person. As Aristotle observes:

For man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all; since armed injustice is the more dangerous, and he is equipped at birth with arms, meant to be used by intelligence and virtue, which he may use for the worst ends. Wherefore, if he have not virtue, he is the most unholy

²³ Recall Linzey's arguments presented in Chapter II.

and the most savage of animals and the most full of lust and gluttony (Aristotle, 1979d, p. 41)

C. Harmony

Let us look next at the teleologically styled assumption of a harmonious system of ends where the harmony is not only for individuals as integrated organisms but for all rational beings as forming together a kingdom of ends.²⁴ Kant is here assuming an analogy between the moral and the nature order (Paton, 1965, p. 190). This harmony of all rational beings is to be promoted by each individual acting according to the moral law rather than merely or first according to prudential maxims. In this way individuals have a purpose beyond themselves, beyond their prudential interests. Perhaps this idea can be argued to be an expression of a common moral idea, the valuing of the good of the whole (where the whole is mankind), where for Kant it is specifically the good of the whole as an ideal integration of the instantiations of the categorical imperative, the whole as the kingdom of ends. That individuals may have to sacrifice certain goals for themselves, even their very lives, may be thought to be a reflection of Kant's valuation of the good of the whole. Unlike a Utilitarian's focus on the valuation of the good of the whole, with Kant the absolute good remains in the individual, but in the individual *as rational, as an instantiation of the categorical imperative*. Consider that by Kant's way of thinking one ought not commit suicide. With respect to the maxim that would be utilized if one were to decide to kill oneself because continuing life

threatens more evil than satisfaction. ... it is questionable whether this principle of self-love could become a universal law of nature. One immediately sees a contradiction in a system of nature, whose law would be to destroy life ... (Kant, 1967, p. 340).

However, one might be required to sacrifice one's life (Kant, 1967, p. 330;

²⁴ This is developed in what Paton identifies as the last formulation of the categorical imperative (Paton, 1965, p. 192f).

Paton, 1965, p. 108) if it is morally required, if it is necessary in order to respect one's own rational nature (hence potentiality for moral agency, one's own just as that of any other). This sort of sacrifice is *not* equivalent to sacrificing one's interests for the good of the whole; rather, it is to preserve one's (or anyone's) intrinsic value *as a* rational being.

D. *The Highest Function of the Organ of Reason.*

The assumption of the perfection of God's design, particularly as it applies to the creation of human beings, drives the next argument. Kant argues that the highest function of the organ of reason, or that function for which it is perfectly designed, is to produce the good will whose worth is "absolute" rather than conditioned or valued merely as a means (Kant, 1967, p. 322). This argument is explicitly given to explain why it is not "strange" that absolute worth is to be found in the good will in itself *without regard to its fruits*. It also seems to be an important support for the linkage between reason and morality or moral good and a support for humans but not animals as moral agents.

As Paton teases out Kant's teleological argument about the purpose of reason, Kant makes several assumptions about the nature of organic life. The first two are:

- (1) that an organic being is a whole adapted to a purpose or end, namely, life;
- (2) that in such a being every organ is also adapted to a purpose or end which is an element in the total purpose or end ... (Paton, 1965, p. 44).

In some ways this sounds similar to a main idea in Darwin's theory of evolution, that the organization of an organism is designed to promote its survival to the point where it can participate in the perpetuation of the species to which it belongs. Rather than assuming, however, that there is a designer ahead of time, or exterior to time, Darwinian evolution "fashions" organisms do as to allow them to contribute to species survival. Evolution says that the very process of competition for survival naturally (without the necessary help of

God or some such designer) weeds out bad or ineffective designs. The differences between Kant's idea of teleology and Darwinian survival of the fit²⁵ is that (1) the former requires God's participation, but the latter need not, (2) the former is set up ahead of time, whereas the latter is a continual process of reformation or redesign that occurs with the very struggle of each and every organism to procreate and thereby contribute to the survival of the species, (3) the former incorporates the assumption of perfection in design, the latter does not. The context for Kant's assumption is the religious thinking of his day, where God is the designer who designed the man perfectly, rationally, with no less than optimal working parts to support the whole. Darwin's general theory can be consonant with but need not require a God as a creator or final causes, though many people have thought that Darwinism is atheistic. Either way, that is not the issue here. I can reinterpret Kant's assumptions through the more recent theory of evolution in such a way that they become fairly palatable.

The needed adjustment to Kant's teleology that Darwin incorporates into his theory is that not every organ has one (or even several) purpose(s) for which it is presently and appropriately utilized in the service of the survival of the organism. Some organs may be redundant, or obsolete, or have multiple possible functions and effects, depending on circumstances.²⁶ Also, the function of an organ arises or evolves due to survival's selectivity, not necessarily due to an intended design or purpose that exists ahead of any individual being or group of beings.

As we will see with the consideration of the third assumption, such an adjustment is precisely what Kant would not want to make. Let us look at Kant's third

²⁵ I will use 'fit' here because it captures Darwin's meaning. The term 'fittest,' however, is a common if inaccurate explication of his meaning.

²⁶ Examples might include: (1) sickle cell, causing a disabling and painful disease but also combating malarial infection, (2) the appendix, perhaps of no essential usefulness, (3) human ear muscles, no longer needed, used or even accessible to many people.

assumption:

(3) that every such organ is well fitted, and completely adequate, to attain its purpose or end (Paton, 1956, p. 44).

Many organs are merely suitable for survival, not optimally or entirely so. All that is needed is survival of the sufficiently fit within a particular environment.

The assumption of an *entirely* suitable function for each and every organ, however, is necessary for Kant to make plausible the switch *from* reason as not entirely or even particularly suitable for enabling a person to attain happiness *to* reason as entirely suitable for something else (assumption #2). If it were sufficient for reason to be merely suitable rather than entirely suitable, then reason's purpose could in fact be to aim at happiness.

Kant has paved the way to suggest that this "for something," this ideal or most suitable function of reason is instead to produce the good will, something for which "reason is absolutely essential" (Kant, 1967 p. 323). There are two strands of argument to unravel and examine here. Reason as assumed, like any other organ, to be *entirely* suited for some function is suitable for either the pursuit of happiness or of goodness, as noted in the last chapter. Kant tries to bolster his argument for reason's highest function being to produce the good will rather than happiness by a teleologically styled suggestion that instinct would be better at attaining the "natural end" of human beings, happiness (Kant, 1967, p. 322). If this could be successfully argued, then Kant is left with the function of reason to produce goodness, that is, to produce the good will.

This can be criticized in two ways. First I suggest that instinct is not flexible enough to do the job. Happiness, even by Kant's own account, is different for each person, a "conditioned good," a "fluctuating idea" (Kant, 1967, p. 325). However, instinct is commonly understood as a (species wide) built-in ability and as such would seem to require, if it were

to succeed at gaining happiness for the individual, that happiness be the same for each individual; but Kant has denied precisely this. Only in this way, however, could there be any degree of assurance that the instinctual behaviors would result in happiness. Kant seems to contradict himself: Kant asserts (1) that happiness is better served by instinct (which is rigid) than reason (which is flexible), but (2) this could only be true if happiness were one thing, which Kant denies.

The second criticism is that even if there were a perfect or highest function for reason, there would be a false dilemma. Reason's function could be to pursue happiness or goodness or perhaps something else. What else could there be? For one thing, the function of reason could be to pursue (species or individual) survival. Kant would disagree: he seems to think that survival needs are adequately met by instinct. However, this is an oversimplified, even a flawed account of what it takes to survive. The possibility of survival being the "purpose" of reason gains increased plausibility once Darwin's evolutionary theory arrives and gains a large measure of acceptance.

It could be objected that this "third" possibility might be subsumed under the pursuit of happiness; hence, Kant's position that instinct could do the job, leaving reason best suited for something else, remains defensible (first criticism notwithstanding). It hardly seems likely that mere survival constitutes happiness and therefore that instinct could be best suited to promote happiness much less survival in this complex and everchanging world of human activity. Kant does use the term "happiness" in a loose fashion. In the core of his teleological argument he introduces the first-considered (although later rejected) purpose for reason, namely: "if its *preservation, welfare--in a word, its happiness--*were the real end of nature in a being having reason and will, then ..." (my italics; Kant, 1967, p. 322). Here it seems that survival is included under the concept of happiness. A short while latter, in illustrating how

the pursuit of happiness by reason may actually be counterproductive, Kant refers to "the enjoyment of life and happiness" (Kant, 1967, p. 323), coupling happiness with more than mere survival. However, the meaning of 'happiness' remains unclarified. Later, Kant talks about happiness as a "fluctuating idea," where the variability is reflected in Kant's observation:

But the precept of happiness is often so formulated that it definitely thwarts some inclinations, and men can make no definite and certain concept of the sum of satisfaction of all inclinations, which goes under the name of happiness (Kant, 1967, p. 325).

If Kant's use of the term 'happiness' is broad enough to subsume all *conditioned* goods one seeks, then there may be no false dilemma after all; the proper dilemma would be whether reason is best suited to seek the conditioned good or the unconditioned good, with no third alternative.

Even if this can be defended, however, there remains the question about how instinct could be better than reason at pursuing the tremendous variety of goods sought in the incredible diversity of circumstances under which such good are sought. All this is a manifestly implausible task for instinct over reason. Kant indeed asserts that reason is utilized toward the realization of certain conditioned goods (of skill and prudence), only that reason is not *perfectly* suited for this. After all, it is often unsuccessful in and even obstructive to (see such observation above) attaining its goals. Why does Kant require or assume that reason must be entirely and uniquely suitable for a definite purpose where success is guaranteed? This is no longer an acceptable requirement to make of reason, especially in light of Darwinian evolutionary theory. We no longer require God as the designer who perfectly fashions initially and forever every organism and every organ within the organism. In asserting the need for the teleological principle, in the *Critique of Judgment*, Kant says:

we cannot adequately cognize, much less explain, organized beings and their internal possibility according to mere mechanical principles of nature, and we can say boldly ... that it is absurd for men to make any such attempt, or to hope that another

Newton will arise in the future who shall make comprehensible to us the production of even a blade of grass according to natural laws which no design has ordered.²⁷

Is not Darwin perhaps just such "another Newton," offering evolutionary theory as an alternative to God as the designer? One could say that the mechanism of evolution is just God's way of designing; but this does not require the notion of final cause, of natural kinds clearly, firmly and eternally fixed in their own natures and in contrast to the natures of other kinds.

E. Summary of Kant's Use of the Principle of Teleology

It has been argued that Kant tries unconvincingly to use the principle of teleology to identify and defend a function for the organ of reason for which it is perfectly suited and that is *unique* to human beings, a moral function.²⁸ First, with respect to the assumption of uniqueness being a matter of rational capacity, I have asserted this to be a continuation of either or both the original Aristotelian definition of man as the rational animal and the *imago dei*. The first assumption (the definition) is seen today as increasingly problematic, especially as the varying degrees of rational ability of a variety of animals are explored, with promising results. Then, there is the largely overlooked possibility, even likelihood, that humans operate on the basis of instinct far more (although not predominantly) than previously suspected. A simple, clear cut division of human from nonhuman animals based on presence or absence of rational capacity is contraindicated by evolutionary theory with its support of some sort of continuum (continua) from the least complex to the most complex organisms where even the reasoning capacity becomes more

²⁷ Quoted in Naragon (1990), p. 3.

²⁸ Reason is thus for human beings as a species, even if not for each and every biological human being. This, however and as we have noted, is a problem that is not dealt with in any detail by Kant, though it ought to have been.

complex and powerful.

The second assumption, that of the *imago dei*, can be challenged by arguing that it is an example of man's arrogance, of dubious foundation, and misconstrued or misconceived, even if accepted as true in some sense.

With respect to the assumption of the perfection of design, of a designer who created perfect organisms of unchanging design (perfection needs no changes, no progress, no development), evolutionary theory offers a very plausible alternative account that better fits with the apparent imperfect and changing "design" and interrelationships of organisms.

Further, Kant assumes that God is *the designer* not only of the individual as a harmonious system but of the ideal world or kingdom in which rational beings living together as a harmonious whole. The key is that this harmonious design is designed *rationally* by the *perfectly rational* God. If the assumption of teleology and the related concept of the ideal of a harmonious system (within or among individual rational beings) are given up, one can question the assumption of a unified harmonious system of moral truth and the analogy between the rational harmonious structure of nature and of morality. Although teleology is very important for Kant, as Paton observes correctly, many (though certainly not all) people today are no longer inclined to look for God's plan in the working of nature or to see humans and their power in such ideal terms. However, for Kant, as Paton explains, the law of nature and moral law "were closely connected in his emotional experience" (Paton, 1965, p. 162); it may have been understandable for Kant to want to use "the natural order as a symbol for the moral order." After all if Kant believes there to be systematic harmonization in nature, it would be very easy also to see a systematic harmonization of purposes in human beings (Paton, 1965, p. 162).

In light of Kant's very strong if problematic²⁹ religious background, it is natural that he would make the assumption of a designer of the world, natural and moral, and of man created in the image of God as perfectly rational. If one does not assume the existence of a designer of the universe, especially one who has designed a moral system of laws that works harmoniously, then one will not necessarily believe that there is such a harmonious system of moral laws, much less that such a system can be *discovered*. One may rather believe that it is human goal to design to whatever extent possible a system of moral laws, and that this may be an exceedingly difficult task in light of the many attitudes and valuations of various people.

Once teleological assumptions of man's place in the universe and the teleological argument about the highest function of reason are shaken, then the link between reason and the good will becomes less defensible. This would have several consequences.

First, it would prepare the way to separate reason from playing such a crucial role in a theory of moral good. Moral good might refer to *intention*, not with respect to the moral law, but with respect to the well being of moral patients. In this way moral goodness would be concerned at least in part with that at which the good will aims, even if there are no guarantees that the good will can be successful in reaching its laudable goals. Moral goodness may appropriately remain with the intention, but with an intention to some good consequences rather than an intention to act according to the moral law.

Second, by rejecting the teleological assumption of a highest or perfect function for the faculty of reason, we directly challenge the *imago dei* qua rational, with its traditional assumption of a hard and fast human/nonhuman animal distinction based on possession (or lack) of rational capacity and the resultant denial of rational capacity animals.

²⁹ See Green's introduction to Kant (1960), pp. xxviii-xxix).

The theory of evolution suggests that instead of a clear cut distinction between rational and non-rational creatures there is a continuum of evolving rationality, where *perhaps* humans have overall the most complex and abstract, "highest," set of abilities (but perhaps not!).

Third, following from the previous two points, if for reason to produce the good will does not require that reason be highly sophisticated, then perhaps less rational or even non-rational creatures could be moral agents (at least to some degree).

Further, if we find reason to suspect or reject the specific *imago dei* at work in Kantian moral theory, we may then find an account of the value of human beings in something other than their rational capacity, hence break the dependency of the moral value of patients on their capacity for moral agency. This has obvious ramifications for the scope issue. Breaking the link between moral worth or goodness and the possession of rational capacity provides another incentive to develop possibilities for a different, non-Kantian, understanding of the goodness or moral value of the good will and to look more closely at the possibility that the very task of morality is other than that of manifesting the attitude of lawabidingness.

Even if we reject the particulars of Kant's teleological doctrine and, further, the very notion of a natural and moral world organized teleologically as an expression of rationality by its designer, it still might be the case that only a (highly) rational creature can recognize and act upon moral rules, thus retaining the criteria of rationality for moral agency.

V. *What Reason Is for Kant*

A. *Reason in Connection to Will and Action*

Kant believes that reason is manifested in thought and action, that reason does not simply precede action, but that action "is itself intelligent" (Paton, 1965, p. 87).

Accordingly, he recognizes a theoretical and a practical reason which are really "the same power manifested in different ways" (Paton, 1965, p. 79). For theoretical reason the object is thinking itself, whereas for practical reason, the object is acting or action (Paton, 1965, p. 80).

Paton judges of the several possible ways that Kant speaks of the relationship between reason and will that the best is an identification of the will (Silber's *Wille*) with the power of practical reason.³⁰ Paton believes that this implies that a rational quality of thinking characteristic is of the will. As Paton puts it succinctly,

[r]eason is shown, not merely in understanding the situation or in recognizing the quality of the completed action, but in willing the action as an action of a certain kind--as adjusted to the situation, as making use of the best means, and as contributing to the agent's happiness. The character of human volition is as different from animal behavior as human apprehension of the situation is different from what we may suppose to be animal apprehension (Paton, 1965, p. 87).

This means, in turn, that the will is not a power that is "blind and unconscious which--per impossible--is causally affected by our conscious thinking" (Paton, 1965, p. 80). As we saw earlier, according to Kant no reason operates for the nonhuman animal; it has no awareness of the operation of a principle. Given the identification of willing with practical reason, if an animal has no reason, practical or otherwise, I think that it is obvious that it cannot have *Wille*, as Kant employs the concept. But could it have *Willkür*? Yes, but as *arbitrium brutum* only. But what justification does Kant for distinguishing, as we have seen in the earlier discussion of will, between the *arbitrium liberum* of man and the *arbitrium brutum* of nonhuman animals? This is a challengeable assumption.

What about so called impulsive activity in people? Do people in behaving impulsively therefore exhibit no will in such behavior? Paton points out that for Kant what

³⁰ See discussion of will earlier in this chapter as background for this discussion.

we call impulsive action can be consciously willed, however fleetingly, and therefore be guided by a principle and properly called action. In the case of a so-called reflex action there is no principle at work. According to Kantian terminology, this should not be called action at all (Paton, 1965, pp. 82-83). Paton explains that for Kant,

animal inclination can never issue in human action unless through the activity of reason it is transformed into an *interest* which gives rise to a maxim or rational principle of action ... Animal inclination or impulse is never for Kant a motive of human action except in so far as 'taken up' by practical reason into its maxims (Paton, 1965, p. 83).

Here an action is distinguished from an event by the presence of a rational director. An event refers to a happening independent of a rational director. An action, on the other hand, has a rational director; and every action has a maxim, a principle, that directs it. Paton explains that for Kant each maxim is itself generated from the activity of reason and the influence of inclinations (Paton, 1965, p. 56). Unfortunately, although reason manifests itself in all human action, as action not reflex, man may still decide to act from fear or some other inclination. Man, Kant believes, is aware of and may even will an action despite the direction of reason to the contrary. This possibility must be present, Paton suggests, so that human action be distinguished from an animal behavior:

in stupidly impulsive action the influence of reason is narrowed ... If reason were not present as well as passion, our behavior would be merely unfortunate and not foolish (Paton, 1965, p. 89).

Fully rational persons, if there could be such, would not go against the dictates of reason; but people are not fully rational.

As noted, for Kant theoretical and practical reason are the same power employed in different directions; but there is a stronger interrelationship between the two that must be noted. The particular activity or work of theoretical reason is assumed in the practical application of reason. Specifically, theoretical reason is necessary for the development of an

understanding of the world in which we act, to which we must adapt ourselves in acting. We must understand the natural world, human nature, and our particular needs and desires. This requires, among other things that we first understand cause and effect, which Kant believes cannot be known through sense experience. Thus, theoretical knowledge is background or foundational knowledge, without which we could not act in the world (Paton, 1965, p. 81).

Even if someone acknowledges that there is some level of rationality in animals, few people are inclined to believe that it exists at the highest theoretical level of recognizing and evaluating the maxims assumed in one's actions. This level is required for moral action, for acting according to the law and for the sake of the law. Since practical reason itself is dependent upon the presence of the ability of theoretical reason and since animals are assumed by Kant (and many or most others) to lack the latter, they must lack the former. The case may be made that at least some animals do seem to understand, at least short term, the "categories" of cause and effect and thus are capable of some level of theoretical reasoning. The theory of evolution supplies us in two ways with a rationale for thinking that at least some animals possess some degree or kind of theoretical reason. First, the idea of an evolutionary continuum suggests a continuity among closely related animals, including human animals, in the development of rational abilities. Changes occur largely by degree, though not necessarily always. Second, there is better survival value if animals make some generalizations in their world, especially about cause and effect. It can be very plausibly argued that reason is far more flexible and enhancing of the survival of those possessing it than even the most complex instinct.

To develop a subtler understanding of Kant's assumptions about animals and reason and of the way reason figures into Kant's moral theory in general, we must now look at reason in more detail.

B. *The Nature of Reason*

Let us examine the concept of reason itself. Can it function as Kant needs it to function? If the assumption made by Kant and others of the uniform nature of reason, particularly as distinguished from emotion or feeling, can be successfully challenged, then, along with the assault on the teleological doctrine, there is no such thing as an organ of reason that, independent of one who exercises it reliably produces "morally correct" answers to a particular moral dilemmas. Rational selves are not uniform, interchangeable selves. Could there be non-uniform organs that could discover the moral truth? Yes, if there were one system of moral truth, but non-uniform organs would not serve Kant's purposes of guaranteeing, if unimpeded, that reason would find the moral truth in a given situation. This is because he could not argue that the organ of reason has direct insight into moral truth because the rational structures are identical. How could we be sure that non-uniform organs of reason correctly reach "the moral truth"? If we accept that there are non-uniform organs of reason, further, knowers are no longer necessarily interchangeable.

What I call the moral epistemological ideal itself must be reconsidered. If there is no one way of reasoning, does any one *system* of reason structure the moral universe? Is there any guarantee of any sort of rationally organized system of moral truth? Is there a *categorical* imperative, accessible to any "rational" (whatever than now means) human being, unclouded by passions and inclinations?

1. *Logic, the Narrow Sense of Reason*

Perhaps logical inference is the most common, albeit narrow or restricted, understanding of the nature of reason as Kant understands it. Kant assumes that there is one system of logic, one way in which reason operates deductively, to get unerringly from point A to point B or one way to analyze unerringly a concept down to its logical essence. At the

very beginning of the *Foundations* he states that there are "universal rules of thinking." Were Kant not to make this important assumption, he could not be assured that any and each rational agent, insofar as is rational, would apply the categorical imperative *uniformly* and thereby *arrive at the one morally correct conclusion* or solution in a given situation. Kant assumes that there is one operative system of logic and that this system is literally built into the faculty of reason. In modern terms, there is one and only one logic hard wired into the organ of reason.

Belief in the uniformity of reason has given way, in more recent times, to the recognition of different systems of logic. One question then becomes empirical: do all human minds naturally employ one and the same type of logical deduction? Even if and when they do, whether due to nature, nurture or both, do all people consistently utilize this logic correctly *if they simply ignore passions?*

Ginzberg, among others, suggests that the traditional logic taught is in fact "male," rather than gender neutral. Gender neutrality has been and largely continues to be assumed. In her experience with teaching traditional logic Ginzberg has had the experience of finding women struggle:

Basically, we seem to have held a notion something to the effect that a person who accepts *modus ponens* is a rational being, or at least is capable of rationality ...

But I wonder if this is too narrow a definition of the exercise of reason ... I would like to take a cue about new directions for research from many women logic students I have encountered who insist that they "just don't think that way" when confronted with *modus ponens*" (Ginzberg, 1989, p. 37).

Ginzberg notes, and references Carol Gilligan, that this does not mean that only and all women feel this way.³¹ But it does raise the possibility that utilizing the logical reasoning of *modus ponens*, for example, is not only way to reason about a problem.

³¹ See Ginzberg's footnote #9 (1989), p. 39.

A different line of criticism arises from the tantalizing development of "fuzzy logic." According to Laura Simmons,³² the idea stems from "fuzzy set theory."

Computer scientists historically have based their computations on Aristotelian logic, recognizing statements as 'true' or 'false'...

Fuzzy logic, a branch of artificial intelligence, instead allows the use of linguistic terms, such as 'maybe false' or 'sort of true'...

Fuzzy logic is more like the process the human brain uses in making many of its decisions (Simmons, 1992, p. D1).

This brief characterization of fuzzy logic suggests that the process of reasoning that Kant, among others, assumes to characterize human reasoning in the application of the categorical imperative may be too rigid, definitive, simple, certain and uniform--in short, like the math with which most of us are familiar.³³ Kant does recognize "modalities" other than "this is true" or "this is false."³⁴ His ideas about logic are richer and more extensive than mere Aristotelian logic, but it remains that Kant believes that reasoning can clearly, directly and uniformly yield the correct moral solution to a particular moral problem no matter which moral agent is doing the reasoning.

2. Judgment and Understanding

As noted, Kant allows that reason is more than this first, inferential functioning of logic, "the power of making mediate inferences," called by Paton the "narrow" sense of reason. Reason in a broader sense also involves what Kant calls 'understanding,' or 'the power of entertaining concepts,' and conceptualization, the application of concepts to "given objects" (called "power of 'judgement'") (Paton, 1965, p. 79). This larger sense of

³² "Fuzzy Logic,' Salves Complex World," written by Simmons, who is a New-Sentinel business writer, appearing Sunday, May 24, 1992.

³³ It is interesting to ask whether the "fuzziness" capture the metaphysical ambiguities, as exemplified in quantum mechanics or mere epistemological ambiguities or ? However, an answer is beyond the scope of this dissertation.

³⁴ See Kant's *Logic*, including translator's extended introduction.

reason is traditionally contrasted with sense and imagination (Paton, 1965, p. 79; Kant, 1956, p. x), and in a footnote Paton observes that Kant also uses 'understanding' with this broad meaning.³⁵

The best way to understand Kant's particular (or technical as opposed to traditional) use of the term 'understanding' is seen, as Paton notes, in Kant's distinction between reason and understanding, where the former is the "higher faculty of cognition" (Paton, 1965, pp. 79, 238) or, as we have seen, reason in the narrower sense. One who exhibits this kind of reason treats himself as autonomous, authoring and acting consistently with its own principles, under the presumption of freedom (Paton, 1965, p. 238). Paton points out that the principles here referred to,

(as manifested in the forms of judgement) determine certain necessary characteristics which all objects must have if they are to be known as objects ... [the principles are] called the categories of the understanding, the word 'understanding' being here used in its special Critical sense (Paton, 1965, pp. 238-239).

While it is theoretical reason that yields such categories, in their application they "serve only to bring sensuous ideas under rules and thereby to unite them in one consciousness" (Paton, 1965, pp. 238-239). These principles or categories of understanding are the contribution of the mind to how it knows the world. They add a priori characteristics to the experiences of the world and partly structures phenomenal reality. In this way, Paton points out, for Kant, "understanding" is associated with or tied up with the senses because understanding for Kant involves knowing "sensible objects" (Paton, 1965, p. 238).

Further, such categories are presumed to be uniformly present in all human beings and to assure that the experienced world will be enough the same to allow

³⁵ Discussions with Richard Aquila and readings of Paton (1965) have contributed to my understanding and articulation of Kant's ideas of reason. Any and all mistakes in this understanding, however, are my responsibility only.

communication among human beings. Without such categories of understanding and a uniform system of logic, it might be feared by Kant that the above-mentioned autonomy would lead to chaos. How otherwise, for example, would the same moral laws emerge as they must for Kant for everyone from "the rational process" shared by all rational beings?

To get along together in this world, I do not believe that such uniformity of reason as logic or understanding is required. I think that the variety found in the fullness of experience is a function of individual perspective and individual sensual experiences, the latter coming through organs operating in *similar* ways for most people, but nonetheless allowing great latitude in actual sensual experience from one human being to another.

Also, for good communication or living together, it is not sufficient that logical thought and categories of understanding be the same or similar. The cultural context, personal experience, and language must be close enough for the adequate communication, for sufficiently similar judgments. Even then, human communication and harmonious community living is at best quite good and at worst nonexistent. Kant paints too simple a picture of the success of thinking in words or actions and the reason for it.

Animals, especially those most similar to the human species, could and perhaps must also have certain categories of understanding. Evolutionary theory supports such a hypothesis by (1) the continuum (a) of development, including categories of understanding and (2) the survival ability of nonhuman animals as well as human animals that have an ability to organize the world by understanding it rather than just instinctually reacting to it. However, Kant does not allow this possibility for animals. Naragon pulls together from various of Kant's writings a list of cognitive abilities of increasing complexity, sophistication or power. Naragon shows that he believes Kant to draw the line for animals between levels 3 (yes) and 4 (no):

The *first* level of cognition is: to represent something to oneself.

The *second*: to represent something to oneself with consciousness, or perception (*percipere*);

The *third*: to know (*noscere*) something, or to represent to oneself something in comparison with other things, according to the *similarity* as well as the *difference*;

The *fourth*: to know something *with consciousness*, i.e., cognize (*cognoscere*). Animals also *know* objects, but they do not *cognize* them.

The *fifth*: to *understand* something (*intelligere*), i.e., to cognize or *conceive through the understanding by means of concepts*. This is quite different from *conception*. Much can be conceived, although it cannot be conceptualized, e.g., a perceptual motion machine, whose impossibility is shown in mechanics (Naragon, 1990, p. 10).

It can be seriously asked whether the cognitive abilities of animals are indeed being underestimated. Even if we simply cannot tell, to assume that therefore animals show no level higher than Kant indicates is to apply the fallacy of ignorance. There is much evidence today, consonant with the driving ideas of evolutionary theory, that calls such an assumption into serious question. One only has to look at the admittedly limited but nonetheless real linguistic abilities of chimpanzees and gorillas to admit that there is much we do not know.

Also, to maintain as Kant does that animals are unable to draw generalizations from experience, to judge, and thus transcend the particular from ordinary experience just seems false in many cases.³⁶ Further, evolutionary theory suggests that such an ability to judge would be of great survival value and appropriate at least of those animals closest to the human species.

Finally, Kant just demands and assumes too much sameness of ability and operation for human rational minds, which is assumed lacking in nonhuman minds. However, if Kant admits any such lack of uniformity of structure and operation, then he opens himself to very difficult problems. If reason is not so uniformly and dependably self-conscious, then how can each human mind perceive the "truth" and thereby know the objective moral system

³⁶ See Naragon, p. 5 (footnote #10), p. 8f and p. 11f (1990).

of laws and their proper application in a given situation? In the next chapter, we will see that there are plenty of other problems with reason, in particular as knower, discoverer, and motivator of action for the sake of the moral law. Reason cannot do what Kant's moral theory requires.

CHAPTER IV

KANT'S CATEGORICAL IMPERATIVE

I. *Chapter Transition Comments*

Reason in the broad sense (including understanding and judgment) will be investigated further by examining it in action. First, I shall look at how Kant believes it to function epistemologically, specifically in the application of the categorical imperative. Can such an application if properly done yield the desired result, knowledge of the morally right action in a given situation? An acceptance of last chapter's criticism of universal and uniform reasoning would lead to the questioning of one of Kant's fundamental assumptions, the existence of a harmonious moral system of truth. That Kant assumes a system of necessary rather than contingent moral truth is seen in this appeal:

unless we wish to deny all truth to the concept of morality and renounce its application to any possible object, we cannot refuse to admit that the law of this concept is of such broad significance that it holds not merely for men but for all rational beings as such; we must grant that it must be valid with absolute necessity and not merely under contingent conditions and with exceptions (Kant, 1967, p. 331).

Since Kant believes that morality, like the natural world, is structured and guided by *a priori* principles, that there is metaphysics of morals¹ as well as of the natural world, we can understand why it would seem to Kant utterly impossible to "deny all truth to the concept of morality." However, I shall question the categorical component of the categorical imperative.

Also in this chapter I shall examine reason against the background of the categorical imperative in a second way, asking whether reason can be its own motivator. This

¹ For an explanation of what is meant by 'metaphysics of morals' and how this fits into the scheme of things for Kant, see section III B in this chapter.

leads to questioning whether there can be a categorical *imperative*, where the imperative purportedly comes from reason itself to the extent that it is unimpeded.

II. *The Categorical Imperative*

It is to Kant's credit that he asserts that maxims connect particular actions with the "abstract universal moral law" (Paton, 1965, p. 135). Kant wisely sees that moral deliberation begins with contemplating a course of action to discover what general principle or material maxim is embedded in it. The agent asks whether his maxim would be *only* subjective, if acted upon, or whether it *could also* be an objective principle, one which every person, if fully rational, would necessarily obey. The moral agent, this is to say, tries to determine whether the considered action satisfies the principle of universality, which says "[a]ct only according to that maxim by which you can at the same time will that it should become a universal law" (my italics, Kant, 1967, p. 339). Paton correctly points out that this method contrasts with rigid adherence to "ready-made rules," which are likely to fail in all but the simplest situations (Paton, 1965, p. 136). I agree and note that Deontology as a moral style since Kant's time has unfortunately evolved in many cases in this direction. Enduring respect for the Decalogue as presenting clear laws to be followed without exception arises from such oversimplified thinking.

A. *What Kant Means by 'Law'*

For Kant law has the defining characteristic or *form* (Kant's terms) of being universal (Kant, 1967, p. 336). Two kinds of law figure significantly. Recall from the last chapter that the "laws of freedom" determine the actions of an agent to the extent that the agent is rational and the "laws of nature" operate in the physical or sensual world (Kant, 1967, p. 318). The laws of freedom pertain to morality, where the one basic law is that of duty to

which there are no exceptions (Kant, 1967, pp. 341-342). Here "exception" would refer to what Paton calls a "special privilege" which would exempt a person from doing her duty when any other rational agent in identical circumstances would be expected to do her duty (Paton, 1965, p. 70). To seek for oneself a special privilege not to do one's duty is to fail to be a moral person in such action (Paton, 1965, p. 71). Further, moral law *as law* cannot arise from empirical observations for as such it could supply no "ground of obligation;" rather, it "must imply absolute necessity" (Kant, 1967, p. 319). Kant admits that experience can improve one's judgment, as in determining how to apply moral law and how to motivate oneself to abide by moral law; but the moral law itself does not arise from experience, for then it would only be contingent.

B. Imperatives--Hypothetical and Categorical

As we have seen, the holy will, which is fully rational, spontaneously but necessarily acts for the sake of goodness. It has no duty or obligation because it experiences no obstacles to being fully rational; its principles are objective principles of goodness, not of duty. However, imperfect beings, those less than fully rational, experience some pressure from the principles of goodness. The pressure comes from the will's awareness of the principles as "objectively necessary ... not subjectively necessary" (Paton, 1965, p. 113). The imperfectly rational will knows it ought to attempt to overcome its inclinations and desires, which stand in the way of the will's being fully rational. Since man is not fully rational, then, what is an objective principle in practical reason must be seen as a command or an imperative, "necessitated" (Paton, 1965, p. 113).

Paton gives Kant's definition of an imperative, "[t]he conception of an objective principle, as far as it is necessitating for a will, is called a command (of reason), and

the formula of the command is called an imperative," where the terms 'command' and 'imperative' seem to be used interchangeably by Kant (Paton, 1965, p. 114). There are three kinds of imperatives, skill, prudence and morality, each with its own kind of good, which are, respectively, good as means, my (or a personal) good, and moral good. The first two are hypothetical (dependent on end sought) and the last is categorical (independent of any end sought). These three imperatives have different kinds of pull. The imperatives of skill are called by Kant "*the rules of skill*" (Paton, 1965, p. 115); such rules are definite, dictated by their corresponding ends. The "*counsels of prudence*" (Paton, 1965, p. 116) correspond to a person's end, happiness, and are less definite because it is not clear how each individual should go about the pursuit of happiness, much less what might constitute that happiness for that person. Yet, for Kant, such counsels are more binding than the rules of skill because the latter's ends are more arbitrary. However, neither of these imperatives constitutes law, the latter term being reserved, as already noted, for the imperative of morality.

The categorical imperative is important because it is the fundamental moral principle, the application of which leads to the identification of particular moral laws in particular situations. As asserted, Kant refers to the categorical imperative as the principle of universality; and, as Paton explains, we expect to find one formula for the categorical imperative. Kant speaks as if there is but one and, Paton asserts, in a sense there is just one, a "principle of all particular categorical imperatives" (Paton, 1965, p. 134).² However, in the course of unpacking *the* categorical imperative, Kant expresses it in various ways. Typically

² This is the same distinction that Kant makes with respect to the hypothetical imperative, namely that a person must will the means if he wills the end. But Paton observes that the difference between the hypothetical and categorical imperatives is that to apply the former we must know the end and the means whereas we know how to apply the latter without any knowledge of a particular end or means.

two or three versions are mentioned but in an effort to be thorough Paton articulates five.³

Formula I or the Formula of Universal Law:

Act only on that maxim through which you can at the same time will that it should become a universal law.

Formula Ia or the Formula of the Law of Nature:

Act as if the maxim of your actions were to become through your will a universal law of nature.

Formula II for the Formula of the End in Itself:

So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means.

Formula III or the Formula of Autonomy:

So act that your will can regard itself at the same time as making universal law through its maxim.

Formula IIIa or the Formula of the Kingdom of Ends:

So act as if you were always through your maxims a law-making member in a universal kingdom of ends. (Paton, 1965, p. 129).

[supplemented by:] *All maxims which spring from your own making of laws ought to accord with a possible kingdom of ends as a kingdom of nature* (Paton, 1965, p. 185).

III. Moral Knowledge

A. As Yielded by Application of the Categorical Imperative

Problems about the categorical imperative as a uniform and reliable test of whether a particular considered subjective maxim can at the same time be an objective maxim are already apparent if one accepts the challenges (of the last chapter) to reason as universal rules of thinking. If there are several logics and/or man think "fuzzily" rather than definitively and/or the categories of understanding are not so precise or uniform and universal among all rational beings, then to analyze one's own subjective maxims is revealed to be a difficult and variable activity that does not yield "the" right answer, "the" moral truth. Such difficulty is not appreciated by Kant.

³ Paton numbers them to call attention to certain connections among the five, allowing that there are also other connections to be noted.

B. Morality in the General Scheme of Things

To better understand the nature of moral knowledge for Kant, I will first show how Kant sees morality or ethics as a subject of study fitting into philosophy overall. This is useful in exposing the roots of Kant's problematic understanding of moral knowledge and especially of the categorical imperative as a test of moral knowledge in a particular circumstances.

At the beginning of the preface to the *Foundations of the Metaphysics of Morals*, Kant notes his debt to the ancient Greek division of philosophy into "three sciences: physics, ethics, and logic," where such a division is according to or "conforms perfectly to the nature of the subject" (Kant, 1967, p. 318). Approaching these subjects from the perspective of knowledge, it is revealing that Kant assumes:

All rational knowledge is either material, and observes some object, or formal, and is occupied merely with the form of understanding and reason itself and with the universal rules of thinking, *without regard to distinctions between objects* (my italics, Kant, 1967, p. 318).

Thus the *matter* of whichever subject we are considering is relevant only to *material* knowledge. However, *formal* knowledge, called "logic," is of one kind and irrelevant in its structure and significance to any particular subject matter (be that nature or ethics or something else) *because it concerns the nature of "the universal rules," of thinking itself*, (my italics, Kant, 1967, p. 318). Kant maintains that with respect to "material philosophy," which looks at the laws governing its matter or "definite objects," the natural and the moral are governed, respectively, by natural laws and "laws of freedom" (Kant, 1967, p. 318). Physics is the science of nature, and ethics is the science of the moral.

Kant also divides knowledge into the pure "so far as it presents its doctrines solely on the basis of a priori principles" and the empirical, based on experience (Kant, 1967,

p. 318). Pure philosophy is called logic when concerned with the formal and metaphysics when concerned with "definite objects of understanding" (Kant, 1967, p. 318). Of the three sciences named above, logic does not have an empirical part, whereas ethics and physics do. For ethics as a subject matter or object of understanding, there is a metaphysics (of morals), just as for physics there is a metaphysics (of nature). For ethics there is an empirical part, called by Kant "practical anthropology," and a rational part, called "morals proper" (Kant, 1967, p. 318).

C. *Mathesis Universalis*

This way of setting up the subject matters of philosophy and describing the knowledge of them allows Kant to follow Descartes and Newton who both "projected a universal frame of reference for all phenomena whatever, both natural and moral," which is the *mathesis universalis*, described by Descartes in the following:

It then follows that there must be a certain general science which explains everything which can be asked about order and measure, and which is concerned with no particular subject matter, and that this very thing is called "pure [literally, "universal"] mathematics," not by an arbitrary appellation, but by a usage which is already accepted and of long standing, because in it is contained everything on account of which other sciences, are called "parts of mathematics."⁴

As noted, *mathesis universalis* or "universal method," is "a universal means of attaining true and solid knowledge, as the logical tool for the solution of all problems, whatever their subject matter" (Kant, 1974, pp. lxi). According to Descartes, mathematics, then, ought to be studied primarily to learn and practice this universal method better. This is similar to Kant's view that metaphysics is "'that philosophy which contains the first principles of the use of pure understanding' and the a priori rules of all science" (Kant, 1974, pp. lxi-lxii). Descartes states that this "general science of order" applies *to moral and to natural* philosophy (Kant, 1974, pp. lxii), where for each the aim of the method is to find "the

⁴ This is cited in *Logic* (1974), pp. lx, by the translators, Robert S. Hartman and Wolfgang Schwarz.

absolute simple nature which contains within it the essence of the field under study" (Kant, 1974, pp. lxii).

Thus, Kant considers all rational knowledge to be the same in form or method, regardless of subject matter; there is a science of ethics as there is of physics. Knowledge is knowledge *regardless of the subject matter, nature or morals*. The ideal for knowledge is that it is certain, clear and distinct, objective grasp of the truth as obtainable through, since it is in fact structured by, the use of reason alone. I shall call this the epistemological ideal which I have criticized by criticizing the nature of reason underlying such an ideal. Thus, I must reject classifying ethics as a science like physics and logic.

D. *The Epistemological Ideal*

Today the epistemological ideal largely but not entirely guides the scientific method of gaining knowledge. Kant, almost a contemporary of Newton, was among many impressed with what they took to be the precision and certainty of laws of nature, as envisioned and presumably embodied by Newtonian physics, and the degree to which these laws could be discovered.

Kantian metaphysics tries to account for the epistemological ideal manifested in scientific knowledge by attempting to show that the certainty of scientific knowledge of the natural world comes from the fact that through the categories of understanding man's mind structures the phenomenal experience. Kant's contribution gives us, if we accept his metaphysics, a more forceful reason to accept the view that knowledge is direct and certain, that is, necessarily correct. Kant's metaphysics frees him from having to address the problems of a correspondence theory of truth, where one can ask how we can be sure that the match between the object's nature and the observer perception is correct. For Kant there is the

possibility of such cognition if the objects of experience must conform to the conditions of our cognizing them, the Copernican turn of seeking the origin of certain objective knowledge in the subject (Kant, 1974, p. xc).

Although scientific knowledge is gained *through* analysis of the particulars of experience, of the physical world, scientific knowledge is nonetheless held to be knowledge of the unchanging, static, universal, dependable laws or principles that organize the world. Such laws or principles can be known definitively, clearly, with certainty, the ideal goes. The mere careful application of reason theoretically can yield "the truth" about the world.

For Kant, then, while the world in itself (the noumenal world) cannot be known, the phenomenal world (including physical world that Newton studied) can be known. Kant also assumes that the moral laws (where a given subjective maxim embodies the categorical imperative) can be known clearly and precisely by direct insight, by the self-consciousness of reason. While moral truth in itself is noumenal, our experience of our reasoning process, of applying the categorical imperative, for example, is phenomenal.

E. *Epistemological Atomism*

Implicit in the epistemological idea is the concept of knowers, whether of natural law or moral law, *as interchangeable*. This can be called epistemological atomism⁵ since it asserts that such knowers are isolated from the known, essentially *unconnected* in any internal way with the known. With respect to Kant, however, there is an internal connection because the mind of the rational being constructs the phenomenal world, that studied by science. Still, Kant assumes that there are universal rules of thinking, such that this world known by science is constructed by individual rational minds in the same way. So the ideal of interchangeable knowers remains. This is the common portrayal of the scientific knower.

⁵ For an extended discussion of social atomism, and that element of it that can be called epistemological atomism, see Chapter VIII.

Scientific method assumes that knowers are, indeed must be, interchangeable *in order to* guarantee the truth of the knowledge gained in the application of this method. The requirement of such interchangeability is behind the requirement of repeatability of scientific experiments, the ability to obtain the same results regardless of which qualified person(s) does the experiment. This interchangeability is assumed of moral knowers as well, and this is a problem regardless of whether we accept the interchangeability of scientific knowers. But, in point of fact, I will challenge epistemological atomism in both areas.

Two criticisms may be offered. First, as Alison Jaggar points out in her article, "Love and Knowledge" (Jaggar, 1989), while the interchangeability and repeatability criteria for the scientific validity of test results may cancel or weed out the influence of the idiosyncrasies of the individual researcher or "knower," there may well remain the cultural biases that most if not all of the researchers share.

Then, at a different level we can ask whether the separation between the knower and the known is correctly represented in the classical scientific method. The requirement of the interchangeability of knowers is today challenged by certain areas of science. For example, one interpretation of quantum physics suggests that the very "facts" of quantum mechanics *depend upon* the act of observation, hence, upon the observer.⁶ Is this just some esoteric trivia true only in the submicroscopic world of quantum mechanics? No, and this point is developed by some feminists, among others. These thinkers suggest that the identity, the particularity, of the knower is of great relevance in developing "knowledge." This will be developed in the next section.

⁶ See Evelyn Fox Keller's book, *Reflections on Gender and Science*, especially Chapter Seven, "Cognitive Repression in Contemporary Physics."

F. *The Reason/Emotion Dichotomy*

Let us consider the plausibility of the ideal of rationality, as held by Kant among others, where rationality is asserted to be the vehicle to acquisition of knowledge, to the "truth," *insofar as* it remains free from the influence of emotions, feelings, passions, all defined as either non-rational or irrational. Many philosophers have assumed a dichotomy, have set up a pair of purportedly unrelated opposites, reason and emotion/feeling. It is this dichotomy that we must challenge.

First, we must explain this dichotomy. Jaggar briefly describes some of the history of the separation of reason and emotion (Jaggar, 1989). She notes that the ancient Greeks recognize that emotions are much needed and powerful motivators and need to be used carefully. With the development of modern science in the seventeenth century, the separation of reason and emotion becomes pronounced. Partly this results from value no longer being thought to be in nature; it becomes "relocated in human beings, rooted in their preferences and emotional responses" (Jaggar, 1989, p. 152). Reason is reconceived to be merely a matter of making logical inferences, which have nothing to do with man's "preferences and emotional responses." Understanding or knowing the nature of the world "has to be uncontaminated by or abstracted from value" (Jaggar, 1989, p. 152). In contrast, emotions become seen as the opposite of reason, "as non-rational and often irrational urges that regularly swept the body, rather as a storm sweeps over the land," where the very use of the term 'passions' conveys the passivity of emotions (Jaggar, 1989, p. 152.). As Jaggar points out later in her article, the frequent use of 'feelings,' which strictly speaking refers to a "physiological sensation," *as synonymous for 'emotion'* shows the tendency to see emotions as related to the body, as arising unbidden from the body, as "not being *about* anything" (Jaggar, 1989, p. 155). Reason is active and universal; emotion is passive and particular.

While Kant does not embrace such a "wholly stripped-down, instrumentalist"⁷ idea about reason, as Jaggar correctly points out, he nonetheless quite firmly separates reason, even in its broader sense, from emotion. His concept of emotion seems to be the same as described by Jaggar. Along these lines, but drawing broader strokes, Morwenna Griffiths asserts,

[f]eminist writing questions and challenges the assumption that emotion, feelings, nature and bodies are in opposition to rationality, mind, and freedom, such that the relationship between them is one of hierarchical control" (Griffiths, 1988, p. 134).

She is drawing attention not only to the reason/emotion dichotomy, but to other traditional dichotomies that are in some form part of the background assumptions in Kant that must be similarly challenged: intellectual/physical (related to mind/body, though not exactly parallel to Cartesian dualism) and freedom/nature. Further, she refers to the hierarchical control of reason over emotion, of mind over body, of freedom over nature that is very evident and basic (although with Kant it is intellectual over phenomenal rather than mind over body).

With respect to the alleged false dichotomy of reason/emotion (or feeling), Griffiths observes that feelings play a crucial role in feminist thought. Griffiths observes that this is demonstrated by Hester Eisenstein,⁸ for whom feelings are conceived to be related to both "intelligence and bodies--neither inexplicable promptings of the body nor some kind of pure disinterested 'higher' emotion" (Griffiths, 1988, p. 134). This is an effort to break down the dichotomy between feeling and reason, where feeling is associated with the body and emotion with the mind, as is sometimes done. Sometimes feelings and emotions are

⁷ See Jaggar's footnote #4 (1989), p. 172. This is to say, Kant for one did not reconceptualize reason "as the ability to make valid inferences from premises established elsewhere, the ability to calculate means but not to determine ends" (Jaggar, 1989, p. 152).

⁸ (Griffiths, 1988, p. 134) Griffiths refers to Hester Eisenstein's book, *Contemporary Feminist Thought* (1983).

linked together and both associated with the body, the physical, the sensual, as is done by Kant. In either case, a dichotomy is set up; this is the problem. To describe the human being in intellectual/physical (Kant) or mind/body (Descartes) dualistic terms and then to try, as Descartes did unsuccessfully (Griffiths, 1988, p. 139f) to fit feelings and emotions into one category or the other is to fail to do justice to the entire "range of other psychological terms associated with feelings such as mood and character" (Griffiths, 1988, p. 142). As argued by Jaggar, emotions are not merely passive bodily occurrences, but are at least in part social constructs, intentions (Jaggar, 1989, p. 154f). They are responses that in part we are taught and/or teach ourselves how and when to make and which to varying degrees we control and utilize for certain purposes.

Getting back to the dichotomy of reason/emotion (feeling) as related to knowledge, Griffiths points out that "the understanding of a situation will depend on the feelings as well as on the reasoning abilities that are brought to it" (Griffiths, 1988, p. 146). She explains that feelings about ideas of fact direct our attention and energies in one direction or another, and thus lead to the development of different bits of knowledge. As an example, she mentions that the very hypotheses chosen to test depend on feelings, where "shared feelings about scarcity and competition have restricted the number of hypotheses available to explain evolution" (Griffiths, 1988, p. 146). I believe that the reference to feelings rather than beliefs here is a recognition of the fact that emotional commitment to a way of understanding the world can blind us to alternatives. As a result of focusing on competition because one's passion attaches itself to a belief in this mode of interaction one may become complacent and not feel the need to search for other evolutionary mechanisms, such as cooperation. Jaggar also asks us to consider how through consciousness raising groups the shared and evolving feelings of participants lead to new awarenesses and experiences that in

turn yield new knowledge about existing political or social situations previously unseen (Griffiths, 1988, p. 146). In turn, there is an increased or changed understanding of the self as being an unwitting part of previously unseen situations. Feelings lead to new self-awareness and understanding and that new understanding evokes or creates new feelings, a "dialectic" process (Griffiths, 1988, p. 147).

With respect to the general public acceptance of the use of animals in medical research designed to benefit (eventually) human beings, if a member of the public were to allow her emotional response to such animals to be faced head on, it might drastically alter her acceptance of the circumstances under which such research is carried out. This could happen if a person finds a stray dog for which she is unable to find a home. She cares about it, otherwise she would not have made the effort to save it. If she is unsuccessful and believes herself unable to care for it, she may decide that she should take it to the pound. She may be well aware that in some states stray dogs taken to the pound end up in some medical research lab. If she ignores her feelings, she may go not further, satisfied in her belief that she has no alternative. If she fully acknowledges her feelings, however, she may find herself unable to take this alternative and strive harder to find another solution to the problem. This could result not only in finally finding a home for the dog or making changes so that she can keep it after all, but participating in new activities. For example, she might decide to help support financially the Humane Society or her local animal shelter, to protest the use of pound animals in medical research or the common practice of experimenting on live animals without giving them anaesthesia, to educate school children on the proper care of and commitment to pets. If this problem of stray dogs is only hypothetical, if she never directly confronts her feelings for an individual stray dog in need, she might never do any of the things listed.

Here feelings can affect *how we interpret* our world, *where we focus* our attention, *what we do not see*, and *how we see ourselves*, *how we apply* ourselves and our ideas to challenges in our world. Feelings motivate us toward creativity, exploration, reconceptualization, criticism and so forth. Kant and many others miss all this by relegating feelings and emotion to that which rationality must control (because they are potential obstacles) so that reason has the freedom to operate, ideally, inerrantly.

This is relevant to evaluating the use of the categorical imperative in a given situation. Consider the variability possible in a would-be moral agent who tries to describe a situation, to identify his own response in the contemplation of a particular subjective maxim and to test this maxim according to its universalizability. Such description, identification and evaluation all involve understanding and judging which Kant takes to be easy and necessarily uniform if reason is unimpeded. However, if my criticisms of the uniformity and universality of the operation of "reason" (logic, understanding and judgment) and of the dichotomy of reason/emotion are plausible, then moral analysis is revealed to be an *art* rather than a science and involves the whole person not just his purportedly rational part.

IV. *Reason as Motivator*

A. *The Rational or Good Will as an Intrinsic Motivator*

To follow the moral law, the perfectly rational or holy will needs no command or imperative (Kant, 1967, p. 334). However, motivation is a fundamental moral challenge for mankind. The imperfectly rational will, the sort that man has, experiences this law as an imperative. As Paton observes, for Kant

it is as belonging to both the sensible and the intelligible worlds that the principles on which as rational beings we should necessarily act appear to us as imperatives on which we ought to act. Here again the self seems to be reckoned as belonging to the

sensible world, not only as an object of inner experience, but also as possessed of lower capacities--in this case the capacity for feeling and desire as opposed to a rational will (Paton, 1965, p. 240).

Kant assumes that rationality as such is a *sufficient motivator* for morally proper action in mankind. He assumes that it is easy to see reason operating in oneself because reason by its very nature is self-conscious; to reason consciously is the very act of the reason seeing its own logic or structure. If this is correct and one is making a decision unimpeded by any non-rational elements, it makes sense to conclude that reason is necessarily volitional.

For Kant, potentially impeded reason (the sort of reason in man) has to work *against* the influence of passions. If reason wins out, if *Willkür* chooses to be directed by *Wille*, it is the motivator of the subsequent action. Yet, it is perhaps curious, even inconsistent, to find Kant alluding the "human heart," with its associations with emotion and feeling, in the following suggestion:

For the pure conception of duty and of the moral law generally, with no admixture of empirical inducements, has an influence on the human heart so much more powerful than all other incentives, which may be derived from the empirical field that reason, in the consciousness of its dignity, despises them and gradually becomes master over them (Kant, 1967, pp. 332-333).

Might this apparent oddity be explained by recalling that although for Kant reason qua reason has no element of passion in it, it may inspire reverence or respect?⁹ I doubt that this can work for Kant because reverence is a *reaction* to the law; it cannot itself be a moral motivator because it is an emotion, albeit a very special one. As Paton explains carefully,

[o]n Kant's view we feel reverence because we recognize that the law is binding upon our wills. The great error of the moral sense school is to suppose that the law is binding because we feel reverence. No feeling can be the basis of a binding moral law, but the moral law may be the ground of a specific moral emotion (Paton, 1965, p. 65).

⁹ Paton prefers to translate 'Achtung' as 'reverence' rather than the usual 'respect' (Paton, 1965, p. 63).

The importance of the issue of motivation is that for Kant the moral value of an action comes from its motive, not from its consequences, where the moral motive is that of duty, of lawabidingness.¹⁰ Essentially, bearing in mind that reason is contrasted with non-reason, such as passion and desire, to form a dichotomy,¹¹ the latter cannot issue proper moral motivation, *even when resulting in actions consistent with those that moral law will yield*. The generous and kind person may do that which happens to *accord* with the dictates of morality, but the action has no moral value because it is not done *for the right reason*, that is, for the sake of the law (Kant, 1967, p. 324).

The importance of moral motivation becomes even more apparent when it is realized that Kant ties the very goodness of individuals, indeed their value as ends in themselves to their ability to be motivated to follow the moral law for the sake of the law. There is no suggestion that there are degrees of goodness in the good will dependent on the degree to which the agent is *utilizing or manifesting* his rationality. The good will is good in the sense of being good independently of how and to what extent the will manifests its goodness in actions; it is the *intent* of the agent that is the indicator of the presence of moral goodness. The agent has a good will, however undeveloped or ignored (Kant, 1967, p. 322); this is enough to give him value as an end in himself. A man whose actions and intentions are generally (or always) morally reprehensible still has the *potential* to act in a good manner, that is, for the right reason because he has a rational capacity and thereby can *know and follow* what is right *regardless of whether he in fact act on this knowledge*. In fact,

[w]hen we present examples of honesty of purpose, of steadfastness in following good maxims, and of sympathy and general benevolence even with great sacrifice of

¹⁰ To use Paton's term; see also Kant (1967), p. 334.

¹¹ This dichotomy has already been criticized and will continue to be in an imminent discussion of Philippa Foot's criticism of the very notion of a categorical imperative.

advantages and comfort, there is no man, not even the most malicious villain (provided he is otherwise accustomed to using his reason), who does not wish that he also might have these qualities. But because of his inclinations and impulses he cannot bring this about, yet at the same time he wishes to be free from such inclinations which are burdensome even to himself, (Kant, 1967, p. 360).

There are several immediate problems. First, is this account of the villain satisfactory?. I suggest, as we shall shortly see, this is inadequate. However, there is a more fundamental problem: how can the *Willkür* choose to go against the *Wille* and yet be motivated by the *Wille*? The choice to go against reason cannot itself be rational. If we account for such a choice by saying that it amounts merely to being influenced by passion, then what happens to the very idea of choice, of moral responsibility?

B. *Evaluation of the Categorical Imperative*

Next I will examine Philippa Foot's criticism of the Kant's categorical imperative, of its general acceptance even among even those who otherwise are critical of Kant (Foot, 1952, p. 305), and of Kant's definition of good as lawabidingness. She identifies an implicit assumption of psychological hedonism that allegedly scares Kant off from some other possible account of moral motivation and moral goodness.

Paton allows that the application of the universalizability criterion (Formula I) may in fact be a difficult task for in each individual "there lie great possibilities of self-deception" (Paton, 1965, p. 136). A genuinely categorical imperative must not be confused with one that only seems so. Paton points out that Kant, too, is wary of the latter, which "may conceal a motive of personal interest" (Paton, 1965, p. 127). Much that passes as moral action may have a hidden agenda, springing from the personal interests of the so-called moral agent. So, from the practical point of view, Kant's moral imperative is very important because it urges each moral agent to stand outside his own interests and agenda, a defining task for morality.

Paton recalls that Kant believes that everyone even from a young age has "a very acute and precise sense of what is fair or unjust" to himself. From this starting point, the moral imperative would have a person universalize the principles of action that he sees as fair to himself. For Kant, as we have seen and Paton notes, "[e]ven bad men have this clear conviction of justice and injustice, though they fail to universalize it" (Paton, 1965, p. 138).

In her article, "Morality as a System of Hypothetical Imperatives," Foot challenges Kant's critical and fundamental distinction between the hypothetical and the categorical imperatives, despite the fact that

it is generally supposed, even by those who would not dream of calling themselves his followers, that Kant established one thing beyond doubt--namely, the necessity of distinguishing moral judgment from hypothetical imperatives (Foot, 1952, p. 305).

As Foot explains the essential difference between the hypothetical and categorical imperatives, a hypothetical imperative guides actions on the basis of self-interest; whereas the categorical imperative alone is the moral imperative and guides action based on duty, not self-interest. This is consistent with Paton's understanding of Kant. Paton lists three motivations for action, according to Kant:

- (1) immediate inclination ...
- (2) not from immediate inclination, but from self interest ...
- (3) from neither of the above, but for the sake of duty ... (Paton, 1965, p. 47).

For Kant, only the third motivation is moral motivation. In some people, especially people whose moral motivations have become virtually second nature, the motivation for a particular action may appear to be from "immediate inclination." For Kant moral motivation is attributed solely to action done for the sake of the law or duty, not from generosity, love, or a caring spirit. He values generous and kind people, but any moral quality to their action has a very different and well-defined source, lawabidingness. If I am to make my case against Kant, then, I must discredit his account of the source of moral value in an action.

I question the completeness of the list of motivations, however. There is a fourth possibility, that an action can be motivated from other-oriented interest, which is obviously neither #1 nor reducible to #2.¹² Nor is such other-oriented interest by any means reducible to Kant's "for the sake of duty." I suggest #4 can supply a legitimate moral motivation.

Further, with respect to #2 above, I agree that actions motivated from selfishness or merely self-oriented motivations (prudential, but justifiable) are not morally motivated actions. As Kant points out, this does not automatically make them immoral; they may be merely amoral because they are not done from duty. Acts done from prudential motivations may at times not break any moral laws. But there also can be actions morally motivated by care and respect for other people and animals, as we shall see later, that do not ultimately reduce to self-centered or self-oriented motivation. This is rejected by Kant (Kant, 1967, p. 324f). As Foot notices, Kant misses option #4 because he contrasts moral motivation, acting for the sake of the law, with all other motivations by labeling the latter "pathological" and "ulterior" (Foot, 1952, p. 312). The meaning of "ulterior" is then mistakenly, according to Foot, identified as "selfish," or acting from "self-love" (Foot, 1952, p. 313). In seeing this as a mistake, I agree with Foot, who attributes this mistake to Kant's "faulty theory of human nature" (Foot, 1952, p. 313):

Kant, in fact, was a psychological hedonist in respect of all actions except those done for the sake of the moral law ... preventing him from seeing that moral virtue might be compatible with the rejection of the categorical imperative (Foot, 1952, p. 313).

A person can be motivated by concern for others without that concern (a)

¹² There might be variations on the fourth possibility where, for example, the agent is motivated by a value or goal that is not done for self-oriented reasons and that is not a matter of doing one's duty. One such value might be aesthetic, where the goal is environmental protection, pursued not because it will benefit individual sentient creatures but out of respect for the beauty of the earth.

stemming solely from a sense of duty or (b) stemming ultimately from personal satisfaction gained from acting for the sake of another's well being. This latter motive would of course be selfish or self-centered. Any time our apparent caring for another is actually reducible to desiring the good of another *for the satisfaction that would result for us* in seeing the other benefited, this is selfish or self-centered. The person is motivated solely by selfish concerns can be called a psychological egoist.

However, if we are pleased by helping and caring another, does this ultimately mean that *our* pleasure or caring is the motivator? No, James Rachels explains in "The Psychological and Ethical Egoism," this is putting the cart before the horse. We are *only able to be satisfied or happy in the good fortune of another if we first and ultimately care about the other*. If we do not ultimately and primarily care about the other, there is *no source* for our happy or pleasurable reaction to their pleasure. After all, the pleasure we feel is a reaction, not a motivation.

Kant believes that insofar as a person is not motivated by a sense of duty, that person is a psychological egoist in pursuit of pleasures that are dangerous in their tendency to blind a person to duty. Kant allows that a person is always capable of acting for the sake of duty, even if he does not always or often do so. Thus, in Kant's eyes, man is not entirely a psychological egoist, although these two motivations (duty and egoism) fight within each person. This amounts to a battle between noumenal reason, in tune with duty, and phenomenal emotions or feelings, in tune with egoistic concerns.

Kant assumes, and I believe correctly, that every man seeks his own happiness, however happiness is defined for him. Kant is afraid of the power of the individual's desire for happiness, of the strength of hedonism, so much so that he believes that it requires a very strong counter force. Kant finds this counter force in the presumed *necessity* of the categorical

imperative for the rational person qua rational. If reason were constructed to recognize the necessity or imperative of the moral law, there would be a chance for moral motivation to overcome temptations stemming from the psychologically hedonistic character of man's non-rational nature. There is indeed a struggle to overcome one's selfishness and to be a moral person. Kant is correct to recognize this. Is Kant correct in assuming that man is essentially egoistic and hedonistic but--and this is the saving grace--to some degree capable of rational motivation?

However we answer, overcoming whatever selfishness we have remains problem for every one of us. On how to overcome such selfishness, I suggest that Kant is incorrect. Foot asks us:

what reason could there be for refusing to call a man a just man if he acted justly because he loved the truth and liberty, and wanted man to be treated with a certain minimum respect [?] (Foot, 1952, p. 314).

It is possible for a morally good person to take moral principles as hypothetical imperatives rather than categorical imperatives. What is wrong with acting for the sake of certain ends, such as truth, liberty, and/or respect for persons?

Foot points to a possible objection here: we are failing to recognize, as Kant would recognize, that we ought to act out of *duty*, that we should recognize "a duty to adopt those ends which we have attributed to the moral man," that whether or not we care, we ought to care about truth, liberty, and respect for persons (Foot, 1952, pp. 314-315). Contrary to Kant's belief, immoral persons may recognize that they ought to embrace morality, but, as immoral they will not see this as a reason or a motivator to embrace morality. These persons simply do not accept the force (its rationality) of the deontological "ought." Amoral persons may realize that others feel they ought to embrace morality; but they themselves do not believe in morality at all. They accept neither internal nor external moral pressures. Foot

suggests that Kant and his followers "are relying on an illusion, as if trying to give the moral 'ought' a magic force" (Foot, 1952, p. 315).

This conclusion may ... appear dangerous and subversive of morality. We are apt to panic at the thought that we ourselves, or other people, might stop caring about the things we do care about, and we feel that the categorical imperative gives us some control over the situation (Foot, 1952, p. 315).

Foot suggests that a person is caring, hence moral, first, and therefore accepts the moral "ought" as a motivator in particular decisions to act. For Kant, however, a person becomes moral(ly good) by virtue of being a rational person whose reason, not desire, directs the will for the sake of the moral law. These positions both find moral goodness in an *attitude*, one toward certain values (respect for persons, love of liberty and truth) and one toward the moral law.

For Kant, the moral struggle is always in great danger of failing without the strong hand of reason at the helm. Kant assumes that every person insofar as he is rational, recognizes the moral law; but the rational element simply does not always (or even often?) win. No person is entirely immoral or ever amoral. Kant understands human nature to be constructed in an internally and essentially antagonistic way. All passions, except reverence for (as a reaction to) the moral law, are selfish or self-centered and work against the rational element, which alone can guide action for the sake of the moral law. Kant is correct that there are antagonisms within every person, but I suggest that they are *among* the various emotions and passions, with reason employed in the service of passions, to sort out, understand, utilize, direct the feelings and actions of feeling people. The passionate, caring part of human nature should not be so sorely mistrusted, undervalued, and underestimated in its role in the reasoning process. If we recognize the positive value of the emotional life of person, we find less of a reason to panic at the emotional life of people.

The upshot of the above discussion is that the categorical imperative is better

understood to have *psychological* rather than *logic* significance or force. Its usefulness is in trying to rid moral agents of prejudice or bias by pushing them to consider the justice issue (fairness versus self or improperly limited-scope interest). In using the categorical imperative we cannot assume that there is an objective right action in a given situation and that this can be known by any rational agent because of the self-consciousness of reason. Kant's reason always operates uniformly, clearly, and logically yields the one correct or several permissible actions in a given situation independent of the individuality of the agent. This has been criticized as an unrealistic conception of reason. The major arguments are that reason is not uniform and that the reason/emotion (feeling) dichotomy is false. The two sides of the dichotomy are not clearly distinct. Consequently, the epistemological ideal of Descartes and of Kant which requires this dichotomy also falls because it is an oversimplified and untrue ideal. Morality conceived by Kant to be lawabidingness also falls because there is no ideal guarantee of there being an objectively right moral action, much less one "discoverable" by reason. Reason plays an important role in moral decision making, but not that of the keystone concept that Kant would have it play. Once the concept of and role of reason is re-evaluated, there will emerge a fuller concept of the moral good, a different account of the moral task, and a different account of how a being may become the object of moral concern and how moral decision making is best considered to follow a model other than Kant's.

CHAPTER V

KANT: MORALITY CONSTRUCTED FROM AGENT PERSPECTIVE

I. *Examination of the Intrinsic Good or Value in Kantianism*A. *Caring for the Ordinary Person*

My intuition that morality rises from the intrinsic value of the individual¹ may seem to find a companion in Kant's phrase "end in itself," in what is usually called his second formulation (also, Paton's Formula II) of the categorical imperative. Further, if one considers not the moral system as described by Kant but other of his comments, it is obvious that Kant seems to care for people as people, not merely as instantiations of rationality or the moral law. He seems truly to care for and about the *struggles* of the commonest persons, for the quality of life of individuals, for freedom of the common people from the tyranny of state or religion. Persons struggle against their particular weaknesses, needs, passions, and the irrational side of their nature. It does not make much sense to talk about persons qua rational struggling because rationality is portrayed as its own motivator, separate from irrational elements in human nature, though capable of being influenced by them. Such struggles can best be accounted for by saying that persons as wills follow reason *or* yield to irrational temptation. This corresponds with Silber's separation of *Willkür* from *Wille*. Persons as *Willkür* choose between following either the rational and the irrational elements of their nature. For them Kant has a lot of sympathy. Kant's definitions of will are ambiguous, especially in his earlier works (Silber suggests); but Silber's efforts to clarify matters by noting that both *Willkür* and *Wille* are translated as 'will' helps make sense of the struggle in which people

¹ Albeit of a certain sort, an individual who is intrinsically valuable. This position will be developed in Chapters VII-IX.

must by nature engage. After all, how can a will ever be (behave) bad(ly), as Kant occasionally says, if the will is *only* regarded as the "capacity" to act "according to the conception of laws ... [if the] will is nothing else than practical reason" (Kant, 1967, p. 333). Such a will would have to be entirely rational in its acting, but this is only true of the holy will. These clarifying efforts give rise to another problem, however. If the *Willkür* is not *itself* the capacity for rationality (which is located in *Wille* instead), but the faculty of choice between being influenced by passions or the *Wille* as reason, the strong connection between reason and choice is weakened. The will as *Wille*, as rationality, is not the will as free, as chooser, as *Willkür*. Thus, the assignment of moral praise or blame for the right or wrong sort of choice or motivation is to the *Willkür*, whose choosing cannot itself be characterized as rational, because the rationality is in the *Wille*. Could a way out be that *Willkür* chooses to be influenced by *Wille* rather than by passions or inclinations because *Willkür* is reacting to, that is, is motivated by the respect that the moral law evokes in it? This "way out," however, assumes that moral motivation can be from an emotion, albeit a very special emotion, rather than from reason. But since Kant disagrees that moral motivation can from any emotion, he cannot take this way out; he says that the feeling of respect is "wrought by reason."²

This is an issue which need not be settled. It is enough to point out that while we may shortly come to some agreement about what Kant's theory holds to be of intrinsic value and of moral value, we can rightly wonder whether such a theory will do full justice to Kant's sympathies for the struggles of ordinary people whom Kant so champions. It is the ordinary person as an individual, not (merely) as a rational being instantiating the categorical imperative, who (along with certain sorts of nonhuman individuals) I will argue later ought truly to be valued intrinsically.

² As pointed out by Rem Edwards in a personal comment.

B. Intrinsic Value

The question of just what is of intrinsic value or worth in Kant is not easily settled, however. In pursuit of such clarification it is best to start with a definition, such as Edwards' definition or description, of intrinsic good:³ "Intrinsic goods are things that are desirable for their own sake, ends in themselves, inherently worth actualizing and preserving in existence" (Edwards, 1991, p. 81). That which is intrinsically good for Kant may seem to be the moral agent, called an end in itself, *as* a unique, individual human being, counter to Edwards' suggestion that in Kantian moral theory the individual is nothing but a receptacle for lawabidingness. Consider the following passages in support of this suggestion:

man and, in general, every rational being exists as an end in himself and not merely as a means to be arbitrarily used by this or that will. ... he must always be regarded at the same time as an end. All objects of inclinations have only a conditional worth.

...

Such an end is *one for which no other end can be substituted*, to which these beings should serve merely as a means. For, without them, nothing of absolute worth could be found, and if all worth is conditional and thus contingent, no supreme practical principle for reason could be found anywhere (my italics, Kant, 1967, p. 344).

If the first passage is taken on face value, then that intrinsic value is located in the unique individual seems a likely reading. Further, this reading seems consistent the italicized phrase in the second of the above quoted passages. However, the words following and qualifying the italicized words redirect one's attention from the interpretation of an end in itself *as* an intrinsic good, that is, an *irreplaceable* end (one that cannot be replaced by another end in itself without loss of intrinsic value). The meaning of "one for which no other end can be substituted" becomes that, for example, I as an end in myself cannot replace myself by another end, such as a pleasure or another person. I cannot treat myself *only* as a means to the end

³ This definition of intrinsic good will suffice for the present discussion but will be developed in greater detail in the Chapter VI.

of pleasure or to the end in itself that another person is. This interpretation, then, has nothing to do with whether it makes any difference, for example, in the overall scheme of things whether I as a unique individual or you as a unique individual survive an accident where only one individual can survive. If each of us were valued intrinsically as an individual, each would matter as a unique individual, where none of us is replaceable without some intrinsic value being lost. For Kant, however, it is *not the uniqueness* of a person as an individual that constitutes his intrinsic value, *but instead the person's being an instantiation of a universal*, a good will, that is intrinsically valued. It would therefore seem that for Kant, it is a good thing that a rational being did survive, but, *ceteris paribus*, it does not matter which individual rational being survives.

This understanding of just what is of intrinsic value in an individual is also suggested in a comment Kant makes about the "realm of ends," where the importance of rationality rather than personal uniqueness in giving a person intrinsic value is noted

[b]ecause laws determine ends with regard to their universal validity, *if we abstract from the personal difference of rational beings and thus from all content of their private ends*, we can think of a whole of all ends in systematic connection, a whole of rational beings as ends in themselves as well as of the particular ends which each may set for himself (my italics, Kant, 1967, p. 347).

Once individual differences or uniqueness is abstracted from each person, this passage suggests, we have left *rational beings* that *as such* are ends in themselves, of intrinsic value. Therefore, it is the rational capacity, alike in all of us despite differing attentions paid to it, that makes persons ends in themselves, hence of intrinsic value, of "absolute worth" (Kant, 1967, p. 344). This interpretation is further supported by another passage:

The inclinations themselves as the sources of needs, however, are so lacking in absolute worth that the universal wish of every rational being must be indeed to free themselves completely from them.⁴

Regardless of whether one would agree or disagree with Kant here, this (questionable) assertion nonetheless points to rationality as the basis of intrinsic value in the person.

It may be objected that Kant, in saying that all moral agents are ends in themselves, of "absolute worth" (Kant, 1967, p. 344), or good without price, is saying that people are irreplaceable, after all.

In the realm of ends, everything has either a price or a dignity. Whatever has a price can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity (Kant, 1967, p. 348).

The implication here appears to be that the person has no equivalent, hence is not morally valued merely because it is a receptacle for the instantiation of the categorical imperative, as suggested by Edwards. Do we have a contradiction within Kant after all? No, because once the paragraphs subsequent to this quotation are considered, we are back with valuing a stripped down version of the person:

That which is related to general human inclination and need has a market price. That which, without presupposing any need, accords with a certain taste, i.e., with pleasure in the mere purposeless play of our faculties, has an *affective price* (Kant, 1967, p. 348).

The aspects that make up the personality or differences that constitute the uniqueness of the person, then, have merely a market or an affective price, both relative prices or values.

But that which constitutes the condition under which alone something can be an end in itself does not have mere relative worth, i.e., a price, but an intrinsic worth, i.e., dignity (Kant, 1967, p. 348).

To conclude that intrinsic value or good simply is a unique individual who is

⁴ (Kant, 1967, p. 344). While this passage may represent one of Kant's more extreme moments, it is indicative of his deep distrust of sensual motivation.

an end in himself, a moral agent, is to miss the subtle meaning behind such an assignment. Despite the initial or apparent meaning of the phrase quoted farther back, "one for which no other end can be substituted" (Kant, 1967, p. 344). Kant locates intrinsic worth in the individual *by asserting that* the characteristic of rationality gives individuals their intrinsic worth. Thus, according to Kant, individuals can be intrinsically good *only insofar as* they are or can be rational in the image of the holy will which is the paradigm for rationality (influence of *imago dei*). If one has rational capacity, *then and only then* can one will; and will is directed by and directed *only* by this rationality to act according to the moral law for the sake of that law.

Kant may seem to suggest that rationality, a universal, is good in itself: the perfectly good will, the holy will, is the perfectly rational will, and the imperfectly good will is the will that sometimes is influenced not by reason but by passions and inclinations (Kant, 1967, p. 334). Ultimately, however, one cannot conclude that for Kant rationality is intrinsically valuable. One can conclude only that rationality is a necessary characteristic of those individuals who instantiate that which is intrinsically valuable, the good will. Remember, rationality has uses other than determining the moral law, for example, determining how to achieve certain goals and identifying hypothetical imperatives that will allow the attainment of certain nonmoral goals. These skillful and prudential utilizations of rationality do not produce the good will.

The good will is not good because of what it effects or accomplishes or because of its adequacy to achieve some proposed end; it is good only because of its willing, i.e., it is good of itself. ... Usefulness or fruitlessness can neither diminish nor augment this worth. ... this idea of absolute worth of the will alone ... [goes into teleology] (Kant, 1967, p. 322) ...

the highest and unconditional good can be found only in such a will [that of a rational being]. Therefore, the pre-eminent good can consist only in the conception of the law in itself (which can be present only in a rational being) so far as this conception and not the hoped for effect is the determining ground of the will. This pre-eminent good,

which we call moral, is already present in the person who acts according to this conception ... (Kant, 1967, p. 326).

Is the good will the only thing identified by Kant as having intrinsic worth? It would seem not. Recall the passage quoted earlier:

But that which constitutes the *condition* under which alone something can be an end in itself does not have mere relative worth, i.e., a price, but an intrinsic worth, i.e., a dignity (Kant, 1967, p. 348).

Consider additionally:

Now *morality is the condition* under which alone a rational being can be an end in itself, because only through it is it possible to be a legislative member in the realm of ends. Thus morality and humanity, so far as it is capable of morality, alone have dignity. Skill and diligence in work have market value; wit, lively imagination, and humor have an affective price; but fidelity in promises and benevolence on principle (not from instinct) have intrinsic worth (my italics, Kant, 1967, p. 348).

Here it is suggested that morality and, under certain conditions, humanity both have dignity, where dignity is used by Kant to mean the same as intrinsic value. Are these two universals the *same* as the good will? First, 'morality' can be understood as the characteristic of being moral, that is, of willing according to the law for the sake of the law. This constitutes having a good will. Humanity, when it can be moral, that is, when it can exhibit lawabidingness, consists⁵ of persons who are instantiating the good will, that is, persons who are willing according to and for the sake of the categorical imperative. Can we distinguish between the good will and the person who instantiates the good will? I think that we can, but does this mean that Kant holds that moral persons, persons capable of good will are also intrinsically valuable? This is doubtful because it may still be argued that persons have dignity or intrinsic value *derivatively*. It is the fact of instantiating the good will that gives persons so doing

⁵ I do not think that Kant is merely following Aristotle in defining 'man' as the rational animal. Kant's agenda, described earlier in the dissertation, to free all people from the tyranny of religious leaders, is based on arguing that even the most ordinary human being has the rational capacity to determine the morally right act in any given situation. The person simply has to listen to the rational side of her nature, resisting the temptations of the sensual side of her nature.

dignity or intrinsic value. I believe that we are back to locating intrinsic value directly in the good will, a universal, that is instantiated in one particular person or another.

Finally, the two passages quoted above contain some puzzling statements if one wants to argue that Kant finds intrinsic value in *individuals*, in persons as ends in themselves. Kant says that "*morality and humanity*, so far as it is capable of morality" (my italics), "fidelity" and "benevolence on principle," and, finally, laws all have dignity, that is, intrinsic value. In the final analysis, I would have to agree with Edwards that for Kant it is the universal (or, actually, several) that has intrinsic value, not the individual person qua complete individual.

II. *How Intrinsic Value Relates to Moral Value*

It is clear that for Kant moral action qua moral does not intend to *produce* intrinsic good; it is not a means to an end. This style of Deontological theory is entirely incompatible with Utilitarian moral theory. Rationality does the "manifesting," namely, the manifesting of a good will.⁶ It is the good will that Kant emphasizes as having intrinsic worth. A good will is, as we recall, that which is rational in a particular way: it wills to act according to the law for the sake of the law. The morally good action is the action of the good will. Here, being moral is a matter of having a certain kind of rational *attitude*, that of lawabidingness. The italicized phrase in the passage we have already seen supports, then, the suggestion that such a moral attitude has intrinsic worth, if we can appropriately call fidelity and benevolence on principle *attitudes*, as I believe we can:

fidelity in promises and benevolence on principle ... have intrinsic worth. ... They exhibit the will which performs them as the object of an immediate respect, since

⁶ Remembering *Wille/Willkür* distinction, the *Willkür* as choosing can be argued to dispute the claim referred to here that *rationality* manifests the good will. It seems that it would be more appropriate to say that the *Willkür* chooses to let rationality manifest the good will.

nothing but reason is required in order to impose them on the will. ... This esteem lets the worth of such a *turn of mind* be recognized as dignity and puts it infinitely beyond any price ... (Kant, 1967, p. 348).

In this passage, fidelity and benevolence are described as of intrinsic worth because they manifest a particular attitude which itself has intrinsic worth. If this is plausible, then the good will is itself really an attitude that a person manifests in his acting morally. In this way, then, after the things that Kant identifies as having intrinsic value have moral value because they manifest a moral attitude, that of lawabidingness for the law. The only things identified as having intrinsic value which cannot also be identified as an attitude are laws. Perhaps it could be argued, not that Kant does, that laws have moral value in that they, discovered by application of the categorical imperative, tell us what is morally right in a given situation.

III. *The Limitations of a Focus on Moral Agency*

Efforts to understand Kantian moral theory to see what might support or detract from my intuitions regarding the scope issue prompt a basic but fruitful observation: Kantian moral theory is essentially a theory about moral agency. Kantian moral theory seems to try to answer questions about the nature, source and justification of moral authority for the moral agent. Why is this? Kant's essential reduction of religion to morality⁷ and his highly rationalistic moral theory reflect in general the conflicting influence of the high valuation of rationality characteristic of the Enlightenment and of his Pietist background, his experience with the hypocrisy of the Church as well as with excessive and hypocritical emotionalism in religion (Kant, 1960, p. xxviii). In line with the best aspects of Pietism, Kant evinces a strong sensitivity to the moral struggles and dignity of common people. Kant believes average persons fully capable of discerning and applying the moral law. Part of Kant's agenda, as

⁷ See Theodore's Green introduction to Kant's *Religion Within the Limits of Reason Alone*, p. li.

discussed earlier, is to provide a philosophical foundation to support the switch in that moral authority from the extrinsic, Church authorities, to the intrinsic, common rational will. As Green points out in his introduction to *Religion Within the Limits of Reason Alone*:

Believing that man should recognize no authority in heaven or on earth superior to his own conscience, Kant requires him to make his own moral and religious decisions and work out his own salvation (Kant, 1960, p. lxxiv).

The result of this focus on moral agency is that the question of scope is not met directly but is derivative from the fact of moral agency: the only beings with moral value have such value by virtue of their potential for agency alone, as an instantiation of rationality in the form of the categorical imperative. Not only are animals left out of the scope but so are the individuals *as wholes, as unique or particular persons*.

A. Moral Patienthood Linked With Moral Agency

A major result, or I would argue, distortion comes from building a moral theory from the perspective of moral agency and is central to discerning Kant's position on the scope issue. This result is the assertion that only those entities capable of moral agency can also be moral patients, beneficiary of moral duties. Only beings with rational capacity can be an ends in themselves, have dignity, intrinsic value, and thus be proper objects of moral concern. Moral patienthood is derived from moral agency. At best non-agents can benefit indirectly from duties, being merely means to ends; this is the explicit position that Kant takes with respect to nonhuman animals. Kant ignores questions about immature, non-rational or less than fully rational human beings; so we can only extrapolate from Kant's statements about why animals cannot be direct objects of moral duties. This extrapolation may seem counterintuitive to Kant's position and therefore will have to be reasoned out shortly.

The reason one sort of being is an end in itself or a "person" and another is not, hence is a "thing," goes back to the person's ability to be moral, to act according to the

law for the sake of the law, this ability being dependent upon possessing rationality:

Morality, therefore, consists in the relation of every action to that legislation through which alone a realm of ends is possible. This legislation, however, must be found in every rational being. It must be able to arise from his will (Kant, 1967, pp. 347-348).

Also:

morality is the condition under which alone a rational being can be an end in itself, because only through it is it possible to be a legislative member in the realm of ends (Kant, 1967, p. 348).

These two passages point to the further characteristic of moral agents, that they are the autonomous members of a community made up of moral agents. Identifying and following moral law in concrete situations has a *community* focus, which is the opposite of mere prudential or self-centered concerns. This is an important insight, one I accept *if* the community is recharacterized to include both moral agents and moral patients. The latter group is larger than the former. Further, the characterization of moral agency must be derived from moral patienthood rather than vice versa.

B. Is There a Species Bias in Kant?

An inappropriate, inaccurate development of the criteria for moral patienthood results from Kant's focusing on morality from the perspective of moral agency, that is, from building moral theory around the link of morality to reason, of moral value of individuals to their capacity to instantiate the categorical imperative, and of the utilization of speciesist metaphysical assumptions in fleshing out such a theory. Is Kant's moral theory itself speciesist? To answer this question, let us look at what is or seems to be Kant's position on those beings that fall on both sides of the human species line. In particular, I will look at animals in general on one side and at women and fetuses on the other side.

1. *The Animal Side of "Species Line"*⁸

To summarize, then, the possibility of animals as either moral agents or moral patients is precluded because moral agency requires rationality

- (1) specifically, to possess theoretical reason upon which practical reason (needed to be able to "act") is necessarily dependent, and
- (2) to control the sensual nature through employment of rationality;
- (3) to entertain any maxim and determine its moral status and thereby to know what is the morally right or permissible thing to do in a given situation;
- (4) to have the presumption of freedom of action, whereas a completely determined creature (one without reason, therefore whose behavior is totally dictated by natural law) is unable to be free in any way;
- (5) hence, to "act," as Kant defines this term,⁹
- (6) particularly, to act with the proper moral motivation.
- (7) Most significantly, since the value of a being as an end in itself is predicated upon possession of rational capacity and animals are assumed to lack rational capacity, animals necessarily possess no value as ends in themselves and thus
- (8) since only those who are valued as ends in themselves can be recipients of direct moral concern, animals cannot be recipients of direct moral concern.

This account of Kant's position on moral agency as requiring one to be rational is not strictly speaking speciesist, but the assumptions it makes about the metaphysical nature of animals are speciesist. They are *assumed* true, probably precisely in contrast to the assumption about

⁸ The expression 'species line' is often believed to be a clear cut line of moral separation of human animals and all nonhuman animals. Kant draws this line based on rationality, as have others, especially Aristotle. In Chapter VII I will challenge the popular concept of species, hence 'species line,' but throughout the dissertation my intent is to show why even if there were such a line, it would have no relevance in determining who is a proper moral patient.

⁹ See the discussion of the act/event distinction discussed by Paton and presented in Chapter III.

the distinguishing nature of human beings as rational. Perhaps this very structuring of the account of moral agency as dependent upon the capacity for rationality results from the bias of the *imago dei*, where the incentive is to link the value of individuals to their capacity for moral agency. However, the account itself as examined with respect to animals is not strictly speaking speciesist, since any non-rational being will be excluded, not just animals. But Kant's account of moral agency and patienthood is wrong.

2. *The Human Side of "Species Line"*

The second part of this investigation into the question of speciesism in Kantian moral theory is a consideration of how Kant might handle certain beings on the other side of the species line, namely fetuses. This discussion is necessarily an extrapolation from what little we know about Kant's views on those human beings who would seem not to be moral patients yet because they are not yet mature rational human adults, capable of being moral agents. Are only animals condemned to fall outside the scope of direct moral concern since they fail to meet the Kantian agency requirement for moral patienthood? It would seem that Kantian morality is not necessarily speciesist if the case can be made that certain biological humans join nonhuman animals in falling outside the scope of direct moral concern. Consider those biological human beings who possess no organ of reason, much less an actual rational capacity, such as anencephalic fetuses or newborns or genetic human life before the development of the brain. *If* Kant would agree that such beings have no rational capacity and therefore are not objects of direct moral concern, though we might show them indirect concern as we should show animals, then Kant could avoid the label of speciesist.

What about the moral status of the non-anencephalic newborn or fetus beyond the time of basic brain development, the infant, the child? Let us first consider a few comments that Kant makes to see if they help us. With respect to developing the proper use

of rationality, he recognizes that experience can improve one's judgment in a morally relevant way (this could apply to adults as well as children):

No doubt these laws require a power of judgment sharpened by experience partly in order to decide in what cases they apply and partly to procure for them an access to man's will and an impetus to their practice (Kant, 1967, p. 319).

Thus growing children presumably sharpen their judgment as experience accumulates. But by what age have children acquired sufficient judgment to identify moral situations, sufficient ability to draw out of themselves "attention" to the moral law and strength to resist passions and inclinations? We get but a few hints from Kant. In a *footnote* he refers to the "fact" that lawabidingness

elevates the soul and arouses the wish to be able to act in this way. Even moderately young children feel this impression and one should never represent duties to them in any other way (Kant, 1967, p. 332).

Here Kant refers to moral sentiment rather than to when a child is mature enough to be a moral agent, hence a moral patient. Perhaps potential rationality is sufficient to allow children (or even fetuses) to be drawn under the umbrella for moral concern. Although Kant does not talk about potentialities, we cannot be sure he might not have, had he realized the implications of ascribing moral duties only to those with actual rational capacity. When Kant says that "rational beings are designated 'persons,' because their nature indicates that they are ends in themselves ..." (Kant, 1967, p. 344), reference to "nature" may be interpreted to include potentialities as well as actualities because it is a reference to membership in a natural kind, namely rational beings.

Let us then consider whether there is an argument from potentiality involved here. If Kant considers human beings who cannot yet reason to be moral patients, perhaps he would point to the *potential* of the normally developing but pre-rational human being for rational capacity and therefore grant *actual* moral status. This strategy appears to gain

plausibility if we accept that for Kant the rational capacity is an all or nothing ability, merely unawakened in the young. If this is the case, however, it might seem more reasonable to attribute an actual rational capacity once the brain is formed, allowing that it (rational capacity) is there but merely needs to be awakened (Kant, 1967, pp. 328; 328). Therefore, I think that to say that Kant would employ an argument from potentiality is challengeable; Kant's understanding of the rational capacity assumes an odd kind of actuality from the beginning of the human being. Today, however, this assumption may stretch the idea of rational capacity beyond its breaking point.

Going beyond the issue of maturity, let us consider other possible states of being that depart from that of the "normal" adult human being. Since Kant does not require mankind to be perfectly or even usually rational in practice in order to be rational in the requisite sense, perhaps mentally retarded or brain damaged human beings *insofar as they possess any* bit of the brain ("organ") required for possession of rational capacity thereby can be said to have the rational capacity necessary to be moral agents, hence also moral patients. Otherwise, how would they be different from animals, assuming that Kant would believe that they were indeed different from animals? Are very retarded humans capable of the high level of rationality required for moral agency (being able to apply the categorical imperative and recognizing the rationality of the moral law, hence willing to act accordingly)? Many people might argue not, indeed, might believe that such a level does not even seem to be present in infants or very young children, much less the more severely mentally retarded or brain damaged. Also, according to common sense in Kant's time or now, do we judge that such human beings possess moral agency? No, certainly not in the full sense that we allow to normal human adults. If such human beings are thought to be incapable or less than fully capable of being moral agents, then, according to Kant's linkage of moral patienthood with

ability to be a moral agent, such human beings cannot be moral patients.

If Kant were to agree with this reasoning, then again he would not be called speciesist because he allows some members of the human species, namely the rationally defective members, to fall outside the scope of direct moral concern (although in all likelihood they would be objects of indirect moral attention, as are animals). While this reasoning counters our modern common sense belief that such human beings are proper objects of direct moral concern, Kant might have supported such a non-speciesist position.

I think, however, that Kant might assert that possession if not manifestation of rational capacity is the key and that its awakening is a matter of breaking through the phenomenal, sensual, or bodily influences that prevent rationality from manifesting itself in action. Perhaps the immature and defective are so because of their phenomenal aspect. The problem here, though, is whether for Kant an being must at least sometimes manifest rationality in some of its actions in order to be a moral agent, hence moral patient. This requirement of actually acting rationality at least some of the time seems to be necessary for the maintenance of his distinction between humans and the animals a fundamental distinction, assumed and important to Kant.

In summary, since moral theory itself does not dictate a position on the moral status of fetuses, and there are no direct comments about the relationship of physical development and the present of the rational capacity, the issue, then, may hang on whether potential or actual rationality is sufficient for assignment of moral status. If Kant were to maintain that mere potential for rational capacity, hence for moral agency, is sufficient to qualify a being to have value (be an end) in itself, then the infant and even the fetus with a minimally developed brain can be a moral patient in actuality while a moral agent in potentiality. Here I am assuming that brain development is linked to capacity for rationality

or linked to ensoulment, where the soul is rationality. If this is unacceptable, then in order to account for the almost universal intuition in our culture that children and infants have moral worth as ends in themselves, either we must break the link between characteristics that qualify beings as moral agents from those characteristics that qualify them as moral patients or/and we must allow for degrees of moral agency according to degrees of rational capacity and parallel degrees of moral value as patients. Kant would like to take neither alternative; I suggest taking both.

It is not important to settle the issue of Kant's position on fetuses or children. It only evidences the possibility that calling Kant's moral theory speciesist is incorrect because any speciesism found would be linked not to the theory itself but to accompanying metaphysical assumptions. Non-speciesism in Kantian moral theory is most readily seen in his *consistent* reference not to man or humanity (though such reference are made), but to the rational being. This allows that if other beings are rational in the requisite way, but nonhuman, they can be moral agents, hence moral patients as well. The only other rational but nonhuman being actually referred to, however, is the holy will; but the possibility of a third or fourth sort of rational but nonhuman beings is neither discounted nor affirmed.

Even if Kant is exonerated from the charge of speciesism, he still may be challenged for some of his metaphysical assumptions about animals versus humans. However we deal with the problem of speciesism, Kant's assumption about animals and structuring of moral theory around his concept of rationality effectively preclude animals as direct moral patients, regardless of the implications for certain categories of biological or genetic humans.

Had Kant not had his own agenda of providing a successful account of ordinary persons as adequate to the job of being autonomous moral agents, perhaps he could have paid more attention to the ramifications of the intuition that ordinary persons matter;

and he could have tried better to understand why and how this relates to the task of morality.

It is to unpack this intuition and reveal its moral implications that I move next.

C. Conditional Versus Intrinsic Value: From Whose Perspective?

Another problem arises also because Kant's analysis proceeds from the perspective of the moral agent only. Recall that if I am a moral agent, it is only rational to treat other agents who are rational as I am as ends in themselves. An agent values another being intrinsically as a rational creature because that agent values himself or herself intrinsically as a rational creature; to do otherwise would be inconsistent, not rational. I agree, as far as this reasoning goes. Also, if an agent treats another being on the basis of the agent's desire, the *agent's* valuation of the being is conditioned.

All objects of inclinations have only a conditional worth, for if the inclinations and the needs founded on them did not exist, their object would be without worth. ... the worth of any objects to be obtained by our actions is at all times conditional" (Kant, 1967, p. 344).

These statements refer to the act of *valuing another being* (animate or inanimate, I would presume) *instrumentally*. It cannot be said, however, that since a being is valued instrumentally, it *also and therefore* has no absolute or intrinsic worth, although coincidentally it might not. These are two separate issues. A being does not get its intrinsic worth from the *agent's* view of it but, I assert, from its own valuation of itself, if it can value itself implicitly or explicitly, whether or not it can see itself as a rational creature. Although I think that the above quoted passage is faulty, it seems that Kant would agree with the first part of my comment. However, he would disagree with my qualification because he assumes that only rational beings can value themselves intrinsically. Kant assumes that persons must be absolute ends or ends in themselves so that there can be a ground for the categorical imperative. Hence, persons must not be merely objects of conditioned desire as such a desire

can only give its objects "conditional worth" rather than the absolute worth Kant ascribes to the ground for the categorical imperative. However, this is in contrast to those beings found in nature (that is, not products of our minds or actions) which "if they are not rational beings, have only a relative worth, as means and are therefore called 'things'" (Kant, 1967, p. 344), where this would include animals.

D. *The Good*

Kant's focus on rationality as a keystone of his moral theory leads to an underdeveloped theory of moral good. The appearance of the concept of *moral* good, as opposed to a skillful or prudential good, is in connection with the holy will. We recall that *only* the holy will can act for the sake of goodness, whereas imperfectly rational beings, that is, humans, act from duty.¹⁰ The morally good act is that done according to the (moral) law *for the sake of the law*. Does goodness mean anything more than lawabidingness? Do we get any further enlightenment about what good is when we look at the paradigm of goodness, the holy will? No, because the *only* fleshing out of the concept of goodness for the holy will consists in saying that that which unimpeded reason says is rational is thereby good. That does not tell us anything other than that acting from moral duty is good, which we already have been told. How do we recognize morally good persons? We do this by attending to the nature of their intentions, whether they are acting according to the moral law for the sake of the law. In the case of the holy will we cannot not logically question its goodness because it defines goodness and apparently defines it *only* in terms of rationality. In this way, then, the theory of good appears to be underdeveloped and at odds the nature and significance of moral good.

¹⁰ See Chapter III, section III D.

With respect to Kant's theory of the good, another point is worth reiteration.¹¹ Paton draws attention to a reasonable objection: cannot the good will as a *good* will act "for the sake of goodness: rather than just for the sake of duty?" (Paton, 1965, p. 52). As Paton explains the criticism, Kant "forgets the good man's delight in goodness and good actions. Indeed goodness for its own sake, and not duty, is the motive of the really good man" (Paton, 1965, p. 52). The problem here, Paton suggests, is *where* Kant draws the line; good will cannot act for the sake of goodness instead of for the sake of duty. Kant's standards are extremely high, as we have seen; only the holy will can act for the sake of goodness because only the holy will has no obstacles in its way. The presence of (any) obstacles requires that one act for the sake of duty; one cannot act for the sake of goodness because obstacles get in the way. This is, for Kant, simply the natural, unavoidable, unalterable condition of mankind. I think that the problem is deeper; the development of a better, richer theory of the moral good is needed.

What assumptions of Kant's will account for his belief in the inability of any human being to be good for the sake of goodness? Paton suggests that Kant is

afraid that if we slur over the motive of duty in the interests of love of goodness, we shall lay ourselves open to all sorts of moral enthusiasms..., to a windy, high falutin, fantastic attitude of mind which will regard moral action as the meritorious manifestation of a bubbling heart. This may easily lead to vanity, self-complacency, and arrogance ... (Paton, 1965, pp. 52-53).

Are these fears really justified? While I will argue not, Paton appears to think so. This is not to say that Kant lightly dismisses the efforts of ordinary persons to overcome obstacles, to act for the sake of duty. To the contrary, Paton strongly asserts, Kant had the utmost appreciation and sympathy for ordinary persons trying to do what is morally right (Paton, 1965, p. 53). Despite this fact, Kant's theory of intrinsic good as identified with rationality

¹¹ Foot makes this point, essentially, as discussed at the end of Chapter IV.

(lawabidingness) and as clearly rejecting the value of good consequences produced by given actions, leaves a theory of intrinsic good that I find inherently dissatisfying, counter to all my intuitions about the nature and task of moral theory.¹²

I shall argue for a fundamentally different conception of intrinsic good and moral duty and that the notion of the perfection of God can be unpacked in different ways. Who is to say that there is one idea of perfection, such that rationality would necessarily understand it as Kant suggests above?

E. *Autonomy*

When we focus on morality from the perspective of moral agency, the value of autonomy becomes paramount. For Kant it includes at a fundamental level the concept of responsibility. This inclusion is a good thing, something that for the most part has been lost in today's rendering of the concept of autonomy, which instead seems to embody the perspective of prudence rather than morality.¹³ However, this is a responsibility among moral agents, hence among equals, and is therefore a matter of reciprocity. I believe that this distorts an understanding of what I take to be the institution of morality. It seems to me that one of the points of being moral is to correct the power imbalances that naturally occur because there is an overabundance of those in power who are motivated exclusively or primarily by self-interest.

Kant sees morality as a matter of lawabidingness; the antithesis of self-interest

¹² We must be careful to recognize that while the holy will is the paradigm for moral perfection (highest good, perfectly rational as one and the same), such a conception holy will arises from the *human conception of moral perfection*. "Even the Holy One of the Gospel must be compared with our ideal of moral perfection before He is recognized as such ... But whence do we have the concept of God as the highest good? Solely from the idea of moral perfection which reason formulates a priori and which it inseparably connects with the concept of a free will" (Kant, 1967, p. 331).

¹³ This will be argued in more detail in Chapter IX.

is the universalizability of one's contemplated maxim for action. How can we adequately explain the reason that and the mechanism by which morality looks after the interests of those who are disempowered, temporarily or permanently, or never empowered to look after their own interests? Kant does not address adequately relationships among those of unequal power; thus Kant's moral theory seems incomplete, distorted.

IV. Conclusion of the Examination of Kantian Moral Theory

With respect to scope, by focusing on the moral agent in order to develop his highly intricate, nuanced theory of morality, Kant misses the possibility that the characteristics that qualify a being as a moral patient are not the same that qualify a being to be a moral agent. Implicit in Kant's moral theory is the assumption that moral patienthood is derivative, not the focal point. I believe, however, that why a being is a moral patient is a separate consideration from who is a moral agent and how an agent is moral. It has therefore been my intention to separate moral agency from moral patienthood.

Going beyond consideration of the scope issue per se, this separation will allow me to address the distortion and incompleteness in Kant's idea of responsibility, to reassess the moral role of the idea of autonomy, and a related moral notion, sacrifice, and finally to rearticulate the very task of morality.

First, however, traditional Utilitarian moral theory will be considered, especially with respect to what is held to be of intrinsic value, its relation to moral value, and how this does or does not illuminate the scope issue.

CHAPTER VI

TRADITIONAL UTILITARIAN MORAL THEORY

I. *Chapter Introduction*

As a result of the evaluation of my intuitions about scope against Kantian moral theory¹ I have serious doubts about the adequacy of Kantian action guiding theory and theory of good. Thus my intuitions remain essentially intact as I turn to the other style of traditional moral theorizing to be evaluated, Utilitarianism, of which there are several versions. Most common are those versions Edwards calls "Maximizing" Utilitarianism in order to distinguish them from a significantly different version developed by Mill, called "Minimizing" Utilitarianism.² Whereas for Maximizing Utilitarianism the principle of utility is the ultimate *moral* principle, for Minimizing Utilitarianism the principle of utility is the ultimate *evaluative* principle, although not the basic moral principle.

Utilitarianism's *defining* principle of utility first appeared when Jeremy Bentham recast Hume's principle of utility as follows:³

By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question; or, what is the same thing in other words, to promote or to oppose that happiness. ...

By utility is meant that property in any object whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this is the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that

¹ This task was originally identified in Chapter I and begun in Chapter III.

² Rem Edwards, "The Principle of Utility and Mill's Minimizing Utilitarianism" (1986).

³ The editor, A. I. Melden, notes in his prefatory comments to selections from "An Introduction to the Principles of Morals and Legislation" in *Ethical Theories* (1967) Bentham's debt to Hume. Edwards (1986), p. 127, notes other instances of a greatest happiness principle that precede Bentham and to which Bentham may also owe a debt.

party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual (Bentham, 1967, p. 368).²

In the first of these two passages the principle of utility evaluates an *action* with respect to its apparent *happiness* producing ability. A critical examination of the principle of utility should identify and focus on the two components of moral theory that correspond to the two preceding italicized concepts: (a) the method of determining the morally right *act* in a given situation and (b) the theory of the intrinsic good, here identified as *happiness*, that the act is to promote.

At this basic level several observations must be considered. First, Utilitarian theory is not constructed, as is Kantianism, solely in terms of moral agency. Therefore the Utilitarian may direct at the criteria for moral patienthood a discovering eye not already blocked or clouded by the criteria for moral agency. The first component of moral theory, as noted above, describes how to determine if an act is morally right in a given situation and is intended to educate and direct moral agents. According to the principle of utility, the beneficiary of a morally right act need not be itself a moral agent. The principle of utility contains no such stipulation explicitly or implicitly. Further, the two passages quoted above from Bentham do not necessarily apply the principle of utility to the greatest number of *people*. From the outset, Utilitarians apply the principle to "sentient beings," not solely to "people." Since (1) for Utilitarianism an act is desirable to the extent that it produces happiness and (2) insofar as happiness can be construed as pleasure and the absence of pain, Utilitarianism's principle of utility can include within its scope those beings capable of experiencing pleasure or pain; and this includes nonhumans as well as humans. Just who *can* be benefited will be directly relevant to the question of who ought to be benefited, indeed to whom moral duties apply. Whether a particular version can and does include non-sentient

beings depends at least in part on how it develops its theory of intrinsic good; but Utilitarian theory seems immediately to be far less hostile than Kantianism to including within its scope non-rational beings. Even if a Utilitarian theorist were to hold the same metaphysical assumptions about the (lack of) rational capacities of nonhuman animals that Kant holds, the moral implications for scope question would not be the same. If the Utilitarian were to assert that the ability to experience happiness is *necessarily* dependent on rational abilities, then, like the Kantian, the Utilitarian must exclude non-rational beings from moral patienthood. Few people, and no Utilitarians, would assert this, however, where happiness is defined in Bentham's way as consisting of pleasure and the absence of pains. However, more people might assume that animals are not moral patients if happiness were believed to include an absence of *suffering as opposed to pain*, where suffering is defined to require rational abilities (conceptualization, foreseeing future, having self-identity and long range plans).

Since my dissertation focuses on elucidating the scope question, I will spend more time examining the second component (theory of intrinsic good) of Utilitarian moral theory than the first (action guidance theory). However, attention to the first component is still necessary to point out the major insights and faults of Utilitarian theory and to suggest why some better moral theory ought to be sought which would provide a better account of the criteria for moral patienthood.

Second, the two quoted passages evidence the essential purpose or value of the institution of morality for the Utilitarian, which is to *produce* something, happiness, in certain ways variously described in different versions. For the Kantian, however, the purpose or value of morality has been argued to be the instantiation or manifestation of the categorical imperative in (necessarily) rational beings. Kant takes the ideal of morality to be the promotion or production of harmony among the those who belong to the kingdom the

ends (rational beings only)⁴, where, *however*, what is *morally* virtuous is not the striving toward the ideal (as for Kant that would be too consequentialist) but the *attitude* of lawabidingness or reverence for the law. I agree with Utilitarianism that morality is appropriately task oriented where the task is to produce something valued. However, *that* to be produced is not merely some degree of happiness or the greater good, but is instead respect for and intrinsic valuation of individual subjects of a life as whole and unique individuals. Individuals are valuable intrinsically neither because they instantiate the categorical imperative, as with Kant, nor because they are vessels containing some measure of happiness, the traditional Utilitarian rendering.

Third, in contrast to Kantianism, there is an additional element considered by the Utilitarian when deciding what is the morally right act in a given situation. Different versions of Utilitarianism determine the moral value of an act according to its consequences, whether (1) directly, according to its promise to produce the greatest amount of happiness (for Maximizing Act Utilitarianism) or (2) indirectly, according to its being in accord with a moral rule which is designed to maximize happiness (for Maximizing Rule Utilitarianism) or (3) indirectly, according to its being the kind of act guided by rules worth the cost of sanctions utilized to enforce them and efforts to teach them (for Minimizing Utilitarianism). Thus the Utilitarian talks about an aspect of the moral value of act that is taken to exist independently of the moral agent.⁵

In his book, *Morals, Reason, and Animals*, Steve Sapontzis identifies such

⁴ This Kantian belief is expressed, as Paton explains, in what Paton numbers as Formula IIIa of the Categorical Imperative. See Chapter IV for more on this and the other formulations of the Categorical Imperative according to Paton.

⁵ I say "*taken to exist independently*" because at least some Utilitarians do accept the existence of what Sapontzis calls "agent-independent value." However, shortly I will argue that this is a mistake, that all moral value ascribed to an act directly or indirectly traces back to the moral agent.

value as "agent-independent" to distinguish it from that part of the moral value he attributes to the agent, "agent-dependent value" (Sapontzis, 1987, p. 12f). This distinction is illustrated by Sapontzis in his multi-part example of the "foiled" bank robbery. I want to focus on only one of Sapontzis' scenarios where the foiler, Barney, stops the robbery by inadvertently bumping into the robber and *de facto* but not intentionally causing the robber to drop his gun. Sapontzis explains that there is no agent-dependent value in the foiling action as Barney did not intend by his "action" to prevent the robbery. In this scenario Barney did not even know there was a robbery about to happen. Sapontzis argues that nonetheless the "action" has moral value because its consequences promoted the greater good.

As I shall explain, my construal of the concept of moral is much narrower, essentially limited to moral virtue, to describing as *morally* valuable an agent's *intention* to act so as to promote the well-being of other sentient beings or to embody in the action a respect for the other beings as a subject of a life. I do accept the idea of an agent-dependent moral value to an action. I understand the usefulness of Sapontzis's distinction because of the prevalence of the idea of the agent-independent moral value of an action. However, I reject calling an act morally valuable *unless* this way of speaking is short hand for saying the act has agent-dependent value. Kant is correct to emphasize the moral virtue of the agent, the nature of the intention of the agent, such that the *act* then that has *derivative* moral value. After all, an act is a direct, though sometimes distorted, reflection of an agent's intention; it is an act as opposed to an event because an agent does it.

Common moral practice includes a variety of understandings of moral value, but this does not mean any and all uses are to be recommended. One has to look at the rationale for such varying applications of the concept of moral. I agree with those who assert that one cannot definitively and essentially define most concepts (technical terms being an

arguable exception).⁶ However, some terms or concepts may have questionable applications. For example, to term a living genetically human zygote 'child' seems to be a misappropriation of the concept of child. In other cases a term or concept can be used in significantly different ways which must be carefully distinguished lest equivocal usage results. For example, to call a fetus 'human life' can mean two things: (1) human in the genetic sense or (2) human in the morally valued sense of being a person. Also, to call some being 'person' could be thought either a factual observation or a normative judgment. Thus, similarly, I believe calling an action morally right in *ordinary usage* might mean that it is taken to have agent-independent value and/or agent-dependent value. Sapontzis is right to call attention to this distinction because without it moral thinking remains a victim of equivocal usage of the term moral. However, I think that Sapontzis' agent-dependent/ agent-independent distinction as he draws it is itself mistaken if by it he means that both values as articulated exist.

Perhaps a carefully drawn distinction between moral goodness and moral rightness might help to explain my point. I shall offer a stipulative definition of 'moral goodness' based on my understanding of morality.⁷ I shall distinguish my understanding of moral goodness from but also show how it is related to moral rightness. I shall break down the concept of moral rightness based on slightly the different uses of these terms among the styles of moral theory examined. First, I suggest that there are at least three senses of 'morally right'⁸ in use. For the Maximizing Utilitarian the morally right₁ act is that act which is in accord with the moral rules or, if rules are not being utilized, with the goal of producing

⁶ Wittgenstein's reference to family resemblances among commonly recognized meanings of a term or dimensions of a concept is well taken.

⁷ See Chapter IX for detailed explanation of my understanding of morality.

⁸ I will subscript the three uses of morally *right* for the sake of clarity in the subsequent discussion.

happiness, but in either case ultimately with the principle of utility. For the Minimizing Utilitarian the morally right₂ act is that which is in accord with the principle of utility plus the added stipulation that the act be worth the cost of social sanctions of enforcement and of teaching. The Kantian talks about the morally right₃ act as that act intended to manifest the categorical imperative, so that this sense of 'morally right' includes intention in addition to accordance with moral law. I want stipulate a fourth sense that fits into my understanding of morality, to argue that the morally right₄ act is one that is intended to promote fairly the well-being other moral patients. Second, in contrast to these senses of 'morally right,' I stipulate that moral *goodness* is an umbrella term to refer to the moral virtue of the agent: (1) when the reference is direct, it refers to an agent's moral virtue and (2) when indirect, it refers to Sapontzis's agent-dependent value, to that part of the moral value of an act that *refers back* to the moral agent. Thus, Kant's morally right₃ act is "*morally right*"⁹ essentially because of its element of moral goodness, of its direct reference to moral virtue, to willing for the sake of the law. If a person performs an act that is merely in accord with the law, it is not a *moral* act. On the other hand, those Utilitarians who accept Sapontzis' agent-independent value tacitly assume that that part of the morally right₁ or right₂ act which they take to embody agent-independent value has *no* moral goodness to it. Sapontzis asserts that an act can have agent-independent moral value without necessarily having agent-dependent moral value, that an act with moral value can have no element of moral goodness. I reject this assertion.

Why? Before explaining why, I must note that I do not want to ascribe moral

⁹ By this I mean that I recognize Kant's variation of the meaning of 'morally right' as a legitimate use.

value in the sense of goodness to an *event*, even if the event is part of a larger action.¹⁰ I am employing a distinction, that Sapontzis also employs, between an event and an act.¹¹ Before utilizing this distinction, however, I want to point out that an act *or event* can be said to have (positive or negative) *value* in that it causes benefit and/or harm to one or more other sentient beings, whether or not an agent intends it. I do not, however, want to call this value 'moral' value. I want to reserve the term 'moral' for *directly* describing an *attitude* that is other-directed, caring and respectful of the intrinsic value of other unique sentient beings who are subjects of a life.¹² Whenever this attitude is *manifested in action* the act can be called *indirectly or derivatively* moral, that is, when I say that the act is of moral value I refer to the embodiment of a particular kind of attitude in the action.

I want to analyze more closely the act/event distinction. Sapontzis suggests that the distinction between act and event based on the presence or absence of purpose

is morally significant in some contexts, such as those of fixing guilt and commending valor. However, when the agent-independent value of what was done is what is at issue, as is the case here, a distinction based on the presence or absence of purpose in the agent must be irrelevant.

Furthermore, although this action/event distinction is a useful tool for certain analyses. it does not provide an accurate analysis of the ordinary meaning of "action" (Sapontzis, 1987, p. 15).

There are two points to make. First, I will argue that Sapontzis' assertion that the act/event

¹⁰ Delineation or description of the experienced flux in our lives as particular actions or events is in a sense arbitrary, guided by interests and needs of the *observer*. How fine or coarse the description is varies according to the goals of the observer. I need to make a finer general analysis than ordinarily made in order to make my point.

¹¹ For an extended discussion of this distinction, see Chapter IV.

¹² By placing this limitation on the meaning of morality I preclude rivers or stones, for example, from even possibly being considered to have moral standing. I do not believe that they can meet my criteria for intrinsically valuable individuals. According to my understanding of morality rivers and stones cannot have moral standing because they cannot be centers of experience. If it were shown that they could be, then I would have to reconsider the possibility that they have moral standing. Regardless, I do advocate a responsible relationship to the inanimate parts of the environment (as well as the animate), but I would ground it in something other than moral standing.

distinction based on presence or absence of purpose is only relevant in some contexts is false. Second, I shall argue that the act/event analysis that I am about to make may well not be an accurate analysis of the ordinary meaning of "action," but ordinarily we speak for the sake of practicality (sometimes even carelessly) with less attention to detail and nuance than we might. This does not mean that such ordinary meanings, whether merely pragmatic or theoretically desired, are privileged. Ordinary usage can confound an issue that ought to be clarified. If we look beyond ordinary usage we will find something helpful.

If a person acts, that it, intends to do a particular set of physical movements, what actually happens physically usually includes unintended movements and results in at least some unintended consequences. While such inadvertent movements and their consequences originate in the agent, they must be described more precisely *as events* occurring within or stemming from the overall action rather *than as* pieces of the action themselves. This is necessary to maintain a meaningful distinction between event and action, between inadvertence and intention. To maintain this distinction, in turn, is important in order to distinguish between harms that are merely tragic but morally neutral and harms that are morally bad (in a derivative sense, as consequences from an action that is, in turn, morally bad in a derivative sense as explained above). For example, I see a moral difference between the harm resulting from a tree limb naturally falling and killing the person underneath and the harm resulting from an agent who deliberately kills the person. The first situation is tragic but morally neutral whereas the second is a moral matter, where the agent is morally bad and her action morally wrong if unjustified or right if justified. The accidental falling of tree limb is in the same class as the inadvertent physical movements of the agent.

The sort of Utilitarian who is concerned with what action is morally right₁ insofar as it is in accord with established moral rules may object that of course there is a

moral difference: the tree limb is falling neither in nor out of accord with a moral rule, hence there is no agent-independent moral value assignable to the event. The murderer, however, is acting against moral law. I agree: with respect to the tree limb's motion, certainly there is no rule followed or not followed (only laws of nature) but the murderer is breaking a moral law.

But the objector might say in reference to Barney's inadvertent thwarting of a bank robber: to thwart a robbery is a morally good thing. Even if Barney does not intend to do so, he is in accord with society's moral rules against stealing and harming persons. The agent-independent value, the objector argues, comes only from the fact that the event is in accord with rules. In this accounting of agent-independent value, the moral value is independent only of Barney's intentions. The moral value asserted to exist is *dependent* on the community of moral agents who set up the rules. So it is really agent-dependent value after all, if we push the analysis far enough.

Thus even if I did not reject the concept of morally right₁ (as well as morally right₂), I would have to reject the idea of an agent-independent moral value. Barney's inadvertent foiling of the attempted bank robbery is *also* neither in or out of accord with any moral rules. If a bolt of lightening instead of Barney were to knock the gun out of the robber's hand we would say that the action is fortuitous, not that it is morally right (in any sense). What is the difference between the unintended motion of the lightning bolt and Barney's unintended bumping? Nothing: both are events, not actions, and neither has moral value, just happy consequences.

If agent-independent moral value is believed to be *moral* value that is *entirely disconnected* from an agent and the rules of this or any agent *and* only refers to the fact that the consequences of the act harm the patient, then the agent-independent moral value must

be ascribed to the event of the tree limb falling and killing someone merely because of the harmful consequences to that person. This ascription, however, is counterintuitive, a misappropriation of the term 'moral' in any of its usual senses. I am suggesting, then, that all moral value directly or indirectly is an expression of moral goodness, whether (1) applied to an action or a rule, that is generally understood to produce happiness and that refers back to an *agent* or (2) to the agent, who is called virtuous. Thus acts not events can be called morally good derivatively or morally right primarily when this means simply that they are in accord with the rule of utility, for the Utilitarian, or willed in accord with the moral law, for the Kantian. The moral rule itself reflects or embodies the moral goodness of those who construct and follow it.

There is another problem with saying that actions have agent-independent moral value (happiness producing potential or are in accord with a moral rule). There is the resultant tendency to see actions as being natural kinds, where a particular sort of action becomes seen as being morally good or bad almost as if the goodness or badness were a (non-natural) *property* of the action. If such a view is taken, explicitly or implicitly, there is a great danger of not putting the action in context where one can see what values are at stake, what the actual benefits or harms are that can be intended and produced. An action stereotyped as a natural kind can be morally evaluated in very different ways according to the context *if* the stereotyping does not cloud the person's ability to see what is at stake, what is possible and/or actually happening. For example, to say that killing is wrong is to oversimplify greatly acts that ought to be evaluated in their individual contexts. Killing may be evaluated as merciful, a justified case of self-defense, the lesser of two evils, an accident, or in any number of other ways. Similarly to say that all human abortions are murder, meaning unjustified killing, is to say that all killing of human fetal life, regardless of context, is morally wrong.

Again, individual acts of killing may be many things other than murder. The concept of agent-independent moral value if defined as *entirely agent-independent* can have the unfortunate result of encouraging people to believe that there is something about that kind of act as such that is wrong. This can lead to a blindness *to* the moral relevance of context, embeddedness, and relationship among sentient beings that I assert to be the primary locus of moral dialogue and activity, and *to* the fact that rules and principles are tools constructed to help us treat each other well. Utilitarians as Utilitarians would agree to the danger of such blindness. However, as long as any Utilitarian accepts the concept of an agent-independent value thought to be *entirely independent of the agent*, a problem remains. Even if Utilitarians steer clear of seeing actions as natural kinds, they may still fail to see that (1) if the analysis is deep enough, there is revealed to be no agent-independent component of the moral value of an act and (2) their moral rightness ($right_1$ and $right_2$) can be redescribed as a kind of moral goodness. Utilitarians *do* recognize moral virtue. But if a Utilitarian talks about agent-independent moral value as *completely* independent of the agent, the meaning of moral has been carried too far astray, and the family resemblance is so strained as to fail. One qualification must be repeated: it does make sense to say that the agent-*independent* value of an act is *moral* even if the value of the act is independent of the actual agent who is acting *as long as it is dependent on agents in general* who make moral rules with reference to which the act gets its agent-independent moral value. If we must use Sapontzis's term, agent-independent value, we must be very clear in our meaning to prevent unfortunate extrapolations: *from* speaking about the moral value of an act that traces back ultimately to some moral agent(s) *to* the moral value of an act mistakenly seen as a *property* of the act.

II. *Utilitarian Method of Determining What the Morally Right Act Is (Component A)*

A. *Act Utilitarianism*

Act Utilitarianism is straightforward and relatively simple conceptually: it directly addresses the act or acts to be evaluated for potential moral rightness (in sense of right₁) or wrongness, asking which act will produce the greatest happiness for the greatest number of people or sentient beings. *Act Utilitarianism* directly evaluates the act considered. There are several standard criticisms of Act Utilitarianism, (1) that at times it yields counterintuitive results, (2) that it sacrifices the individual for the overall good of society, (3) that it turns supererogatory acts into normal duties (Edwards/Graber, 1988, p. 9).

The first criticism may be made of any specific theory. Indeed, it is my criticism of traditional moral theory in general (not just of Act Utilitarianism) insofar as the styles examined do not account for my intuitions about the scope issue. The criticism in itself is not necessarily fatal to a particular theory.¹³ The intuitions themselves may be modified, even discarded, after evaluation in the light of more careful reflection. The challenge of counterintuitions keeps moral theory evolving, hopefully in a positive direction (however one may try to define that!).

Act Utilitarianism is vulnerable to a particular counterintuition that also illustrates the second criticism, that Act Utilitarianism can wrongly permit the sacrifice of an individual for the good of the group. Consider the phrase "greatest good for the greatest number of people or sentient beings" in the principle of utility. In judging what will produce the greatest good for the greatest number if an act is done, the evaluator is aware that each particular act will produce various kinds and amounts of pain or pleasure (harms or benefits),

¹³ See Chapter I.

hence the need to apply the so-called Utilitarian calculus in order to sum all the various amounts of pleasures and pains for all involved. Not the *who* but the *how much* is what counts. For the Act Utilitarian there seems to be no difference between harming one person in the measure of 100 units (putting aside the question of how to define and measure such units) and harming 100 people one unit each, *if that is the extent of how the harm occurs*. In this way, each person seems to be a vessel or container of happiness or benefit, however defined and quantified. The individuality or uniqueness of the person is not taken into consideration.

An example might help to demonstrate how the application of the principle of utility, by employing Utilitarian calculus, can lead to a counterintuitive sacrifice of the individual. A suitable example is offered by Rem Edwards and Glenn Graber (Edward/Graber, 1988, p. 9): Act Utilitarianism would seem to require the sacrifice of one entirely healthy and vital individual if by transplanting her organs the lives of five other individuals, each with a diseased vital organ, may be saved. Assuming (1) the five lives could be fully saved if the one individual is secretly¹⁴ sacrificed and assuming (2) the secret could be safeguarded, and finally, assuming (3) this sacrifice thereby would produce that greatest amount of good for the greatest number, the Act Utilitarian would have to say that this is the morally right act. This entire transplant scenario of sacrifice goes against strong moral intuitions of most if not all in our society. Perhaps such moral intuitions are wrong. There are instances where we believe it is morally permissible to sacrifice human lives. That may be argued plausibly,¹⁵ but I do not believe that this is the case in the present scenario.

¹⁴ Assuming secrecy here is intended to simplify things, as it eliminates the need to take into consideration all the societal ramifications for such a sacrifice.

¹⁵ See a discussion of such scenarios by Edwards/Graber in their article "Ethical Foundations" in the book they also edited, *Bioethics* (1988) p. 10.

If we extend the scope of beings that have moral standing to include nonhuman sentient beings and we contemplate the sacrifice of some animal(s) for the sake of one or more human beings, the intuitions change for a large portion of our society. The Act Utilitarian method of application of the principle of utility remains the same but the outcome may be different, depending upon how much happiness is determined to be lost by the animals in comparison with the happiness gained by the person(s) affected. An example could be the experimental transplant of an adult baboon's liver into an adult human being. The predominant moral judgment is that this is permissible, whereas the sacrifice of the human being for five other human beings would not be so judged. Act Utilitarian calculus can produce this result and most people do not challenge it. Why does Utilitarian calculus as applied in the first transplant scenario seem to go against common moral intuition and as applied in the second transplant scenario seem to go in accord with common moral intuition? There are two explanations, at least. First, perhaps the second scenario is believed by most people to be correct simply because it is widely believed that (others affected aside) the baboon does not, indeed cannot, experience as much happiness as the person who is benefited, even if that happiness is short-lived. Then, the question would follow: how many baboons would it take to equal one person in amounts of happiness that can be experienced, or, what is the exchange ratio? If the evaluator does not believe that this is a proper question, then something else is problematic. Perhaps the problem is something that Act Utilitarianism cannot adequately account for, namely, the notion that the intrinsic value of a being cannot be reduced to so much benefit or harm experienced by that being, that an intrinsically valuable being *is not merely a receptacle* of happiness or sorrow. Thus the difference in common moral intuition between the two scenarios is attributable at least in part to the fact that most people believe that human beings are intrinsically valuable but they also believe that

nonhuman animals are not intrinsically valuable or are significantly less so.

A third and very damaging criticism of Act Utilitarianism is that so-called "supererogatory" acts are morally required because Act Utilitarianism requires that each act *maximize* good for the greatest number of sentient beings. This does not allow, then, for the possibility of going *beyond* the call of duty. It requires that everyone be a saint and hero at all times. This powerful criticism goes against the fundamental and enduring intuition that it is not morally *required* for any person always or ever to be a saint or a hero, although it is fine if a person volunteers to make such a self-sacrifice. In fact, the meaning of 'saint' or 'hero' includes at its core the idea of goodness in going beyond the call of duty. However, Act Utilitarianism does not give us a way to account for the morally laudable *choice* of self-sacrifice because it requires (exacts as a duty) self-sacrifice. Sometimes certain kinds self-sacrifice may be exacted, but self-sacrifice is not routinely within the scope of duty as required by Act Utilitarianism.¹⁶ This is yet another manifestation of the overarching criticism of Act Utilitarianism that the individual as an individual can be devalued, even inappropriately sacrificed, for the greater good, however broadly that be described.

B. Rule Utilitarianism

Rule Utilitarianism attempts to address the criticisms of Act Utilitarianism by modifying solutions to moral dilemmas, but it begins to get complicated. Rather than looking only at the sum of the positive and negative values of anticipated consequences of *particular* acts for all affected, the Rule Utilitarian judges whether following a particular moral rule would produce the best result *if everyone were to follow* the rule. While it is possible that this version would correct some of the counterintuitive positions yielded by Act Utilitarianism,

¹⁶ See Chapter IX for the development of this issue.

there are remain criticisms for this version as well.

First, is the criticism of required "supererogatory" acts in Act Utilitarianism diminished or even eliminated by Rule Utilitarianism? The power of this criticism is greatly reduced if not eliminated in most cases for Rule Utilitarianism. This is because any *rule* requiring "supererogation" (self-giving normally deemed beyond duty) would most likely not produce the greatest amount of good for everyone if everyone followed it. In evaluating "supererogatory" acts we must consider *all* affected parties, including the giver and her dependents. I believe that experience and theoretical analysis would show a point of diminishing returns for all involved. So "supererogatory" actions would not be required as a strict duty described in a particular moral rule. They may still be encouraged as an occasional behavior judged appropriate or desirable by the agent.

This conclusion is different from that reached for Act Utilitarianism, which must evaluate every individual act with respect its unique potential to maximize happiness for all affected. An act either meets the principle of utility and is therefore a duty or it does not and is not. For Rule Utilitarianism there is a third road which avoids the criticism of Act Utilitarianism's inability to make any sense of supererogatory acts. For Rule Utilitarianism the morally right₁ act is that which accords with the rule, which itself is justified by appeal to the principle of utility; but this does not preclude the occasional beneficent act that would neither be required by a rule nor go against a rule. It would probably not be an acceptable rule to require everyone to take in as many stray dogs as she could effectively care for, but one particular Rule Utilitarian might choose to do this and give up many comforts and freedoms in order to do so. It would be beneficent but not a moral duty. For the Act Utilitarian faced with the same prospect, the Utilitarian calculus would conclude that if she did this she would either produce the greatest amount of good for the greatest number or she would not; it

would either be a duty to do it or a duty not do it.

The criticism that Act Utilitarianism sacrifices individuals to the greater good remains in force against Rule Utilitarianism. It might seem that Rule Utilitarianism can meet and defeat this criticism by arguing that a rule designed to protect the interests and dignity of individuals as individuals *would in fact be* a maximizing producer of good for all, hence an appropriate moral rule if everyone followed it. However, this strategy does not meet the criticism sufficiently for the reason that the individual should be valued as a unique individual *because* she is such an individual, *not because* such a valuation is for the greater good. It could be objected that this is not a problem: Rule Utilitarianism could make it a rule that everyone should value every other individual as an individual. This objection misses the fact that the rule while requiring the asserted right attitude must itself be justified by appeal ultimately to the principle of utility. However, we should value individuals as individuals because they are of intrinsic worth not because the principle of utility would require it. Rule Utilitarianism may deliver the intuitively "right" result but for the intuitively "wrong" reason or at least for an intuitively incomplete reason.

More basic criticisms of the Utilitarian method of determining what acts are right also apply to the Kantian method. Both appear to assume that there is an objectively correct moral answer in every given situation. Further, both styles of moral theory assume that the correct answer can be found regardless of who the particular moral agent is if that agent applies the method rationally. This assumes that there is a universal, uniform, dependable, accessible rational method; but these are questionable assumptions, problematic ideals about moral truth, moral epistemology and the moral knower. The method of determining what the morally correct act is in a given situation is perhaps messier for the Utilitarian than for the Kantian. The messiness comes from the different sorts of judgments required of the

Utilitarian evaluator: (1) how do we initially tell that the act has a moral consequence? (2) how broadly and far into the future must one's considerations be cast? (3) how can it be determined just who will be directly and/or indirectly affected, (4) how well can we identify and articulate such effects or consequences? (5) how well can we judge the positive and/or negative quantity of the consequence as experienced by any particular interested party? (6) how can we judge the fact and nature of mitigating factors foreseen and unforeseen? (7) how can we judge the interactions of and modifications to the various consequences of one act? The evaluative task appears to be exceedingly complex, and to do it at all well would require a great deal of experience, knowledge and energy. Of course, this is why Utilitarians see the need for common sense moral rules as rules of thumb rather than categorical absolutes. To the extent, however, that Utilitarians retain the epistemological ideal and share Mill's belief in laws of human psychology, they still believe that even theoretically there is one answer to be yielded by the application of Utilitarian calculus applied in a given situation. Are moral knowers truly, theoretically interchangeable? The answer is no, *because* there are no universal rules of thinking (in part because their supporting reason/emotion dichotomy has been shown to be problematic).

Is the messiness of Utilitarian calculus cleaned up by Rule Utilitarian methodology where individual idiosyncrasies of judgment are canceled out by the formulation and enactment of rules? The problem remains of judging whether, when, and how a rule is to be applied, how a rule is to be interpreted in its meaning, and whether and when there are exceptions to the rule. Such judgments are all too often made differently by different people. Morality is an art, not a pseudo-mathematical calculation.

C. Minimizing Utilitarianism

The next version of Utilitarianism to be examined is Mill's Minimizing

Utilitarianism, where by definition, the principle of utility is still important.

The principle of utility is its [Minimizing Utilitarianism's] basic axiom of general axiology, or what Mill called "Teleology" or "The Art of Life." This principle affirms that it is *desirable* (and in this sense right or correct) to act so as to maximize the greatest happiness, or minimize the unhappiness, for the greatest number of persons (or sentient beings) (Edwards/Graber, 1988, p. 13).

In Mill's version, however, to be desirable is not the same as to be a moral duty. Another normative principle is required to determine whether an action is *morally* right or not, to determine specific "concrete action-guiding rules (Edwards/Graber, 1988, p. 14). As articulated by Edwards:

The basic norm of morality: To the extent that the results are possible, we are morally required to act in accord with those concrete secondary rules which demand (a) that we avoid harm to all other persons (or sentient beings) who are affected by our behavior and (b) that we protect and/or provide for everyone else (or every other sentient being) certain minimal essential conditions of any sort of well-being whatsoever, such as life, liberty, security, basic education, and basic health, and (c) that we engage in a decent minimum of charity or benevolence (and perhaps other "imperfect obligations" such as gratitude (Edwards/Graber, 1988, p. 14).

Further, that which is moral rather than merely desirable is "worth the cost of social enforcement by such negative sanctions or reinforcers as guilty conscience, adverse public opinion, or the police power of the state" (Edwards/Graber, 1988, p. 13). This definition of the moral catches the idea that morality is a social institution, an idea with which I agree. Finally, for Mill moral sanctions must be "correlated with easily teachable and learnable action-guiding rules" (Edwards/Graber, 1988, p. 13). This makes sense because principles and rules must be able to be learned and effectively applied or they are not useful. Obviously, to be action-guiding a rule must be able to guide.

This version of Utilitarianism has much to recommend it. It obviously addresses one major criticism of Act Utilitarianism, that of requiring "supererogatory" acts; it explicitly identifies a moral duty to provide only some *minimum* level of good for each moral patient. Just how such a minimum is to be determined presents a considerable

challenge. By itself, however, the extent and difficulty of this challenge would not invalidate the possible moral correctness of Minimizing Utilitarianism.

This version of Utilitarianism is subject to its own criticisms, two of which I will consider: (1) Mill professes not to allow for moral duties to oneself, (2) it also may not adequately protect the interests of the individual, although this is not as clearly a problem with this version as with the previous two (Edwards/Graber, 1998, pp. 14-15).

With respect to the first criticism, I also believe that people do not have moral duties to themselves, but I arrive this conclusion differently. Mill's position reflects his empirical assessment that the cost of sanctions for enforcement of and the cost of teaching rules requiring certain prudential actions are too high. Hence what are initially seen as prudential decisions may remain prudential; they do not become included under rules worth the cost of sanctions and teaching and which are thereby classified as moral. Thus to determine whether there are any moral duties to oneself Mill would have to ask "what rules for acts directed at oneself are worth social sanctions?" and select those rules that are worthwhile and call these a matter of morality. Mill selects none, although other Minimizing Utilitarians might indeed select some, such as being prohibited from selling oneself into slavery.

I believe, in contrast, that prudential acts insofar as they can be pure are not moral duties, where their purity means that they do not yield consequences that hurt anyone else. If, however, acts affecting oneself also can affect the well-being of another, they thereby become moral matters, sometimes even matters of duty. Thus one has duties to oneself only indirectly, through one's duties to others, through the social context in which I take morality to arise.

It might seem that for Mill morality is concerned only with duty. After all, a

rule governing an action or class of actions falls within the moral domain rather than the prudential by passing the test of being worth the social cost of sanctions for enforcement and of teaching the rule. So it might appear that either there is a moral duty or there is merely a desirable rule or action that is morally neutral, but no supererogatory actions have moral value (reflecting the moral virtue of the agent). Should there be the clean separation between moral duty and nonmoral desirables? Perhaps an act has moral merit or value and ought to be encouraged but not required. In fact Mill does recognize this. As Edwards quotes Mill:

As a rule of conduct, to be enforced by moral sanctions, we think no more should be attempted than to prevent people from doing harm to others, or omitting to do such good as they have undertaken. ... But above this standard there is an unlimited range of moral worth, up to the most exalted heroism, which should be fostered by every positive encouragement, though not converted into an obligation.¹⁷

Does this recognition of a moral worth not simply equivalent to duty conflict with Mill's separation of the moral domain from, for example, the prudential? Since the moral domain consists of rules that have passed the test of being worth sanctions and hence being moral duties, the moral domain seems coextensive with the domain of moral duties. However, Mill recognizes the moral virtue of the agent and, derivative from this, the moral worth of an action that while not a duty is still of "moral worth" or what I am calling moral goodness.

With respect to the second criticism, Minimizing Utilitarianism may do better than Maximizing Utilitarianism but still not sufficiently well with respect to valuing the individual as an individual. As with Maximizing Utilitarianism, Minimizing Utilitarianism respects individual rights for the wrong reason: moral duty always reduces to doing what is good for society as a whole. It can be objected fairly that for Mill society is merely the aggregate of individuals. Further, Mill's basic norm of morality, as quoted above, requires at least minimal living conditions for every individual. But the justification for requiring minimal

¹⁷ In his article, "The Principle of Utility and Mill's Minimizing Utilitarianism" (1986) Edwards is quoting Mill from "The Later Speculations of M. Comte," in par. 9, as detailed in Edwards' footnote #33, p. 136.

essentials is rooted in the principle of utility. Individuality is valued because it contributes to the greater good, i. e. happiness, not for its own sake. Mill seems *so close* to recognizing the value of the individual qua individual; but, while teetering on the brink such recognition, he never quite takes the plunge. Yet Minimizing Utilitarianism is a significant advance over Maximizing Utilitarianism, which could require the sacrifice of the minimal essentials, even life itself, for the greater good.

III. *Traditional Utilitarianism: Intrinsic Good and Moral Good (Component B)*

With respect to theories of good we will look first at Maximizing Utilitarianism, though much that is said about the nature of intrinsic good will also be applicable to the Minimizing form.

A. *Maximizing Utilitarianism*

Utilitarianism aims at producing a nonmoral good *such as happiness*. Hedonists construe the nonmoral good to be pleasure, either understood quantitatively to be one kind of thing present in varying quantities or qualitatively as a number of different kinds of pleasures, but pleasures nonetheless. Pluralists suggest that numerous kinds of nonmoral goods are valuable in and of themselves, that is, intrinsically rather than instrumentally. The list from which any pluralist may select her sorts of nonmoral goods might include love, freedom, reason, knowledge, virtue, beauty and desire fulfillment (Edwards, 1991, p. 82). Whether one is a hedonist or a pluralist, the important point is that such nonmoral goods are construed to be *intrinsically* valuable, therefore worth producing or maximizing. Utilitarianism is a theory of good where the (or each) good valued is a *universal, a repeatable abstraction*. The moral goal for the Maximizing Utilitarian is to realize this universal in as many concrete situations as possible and to the greatest degree, but intrinsic goods themselves are universals,

not individuals.

This construal of intrinsic good is shared among most styles of traditional moral theories (Utilitarian and non-Utilitarian alike), as Edwards observes in the beginning of his article, "Universals, Individuals, and Intrinsic Goods." Realizing that the nonmoral good to be maximized is a universal, we can see better how individuals are reduced to mere receptacles for value instead of being intrinsically valuable themselves. This is a fundamental difficulty for the theory of intrinsic good assumed by traditional Utilitarian theory. It is in fundamental contrast to my (but not only my) thesis that individuals as individuals are of intrinsic worth or value or are intrinsic goods.

The question of scope for Maximizing Utilitarianism is whether good ought to be maximized for all sentient beings, not just human beings. Most if not all traditional Utilitarians believe that animals are proper objects of moral concern, though who wins out in a conflict between a human being and an animal in a given situation can still be judged differently from one Utilitarian perspective to another. The hedonist may feel that a particular animal can only experience a small degree of pleasure whereas a human can experience a much greater degree of pleasure. If only one of these two can receive the pleasure, then it ought to go where it is maximized, namely to the human being. If the nonmoral good being maximized is a sophisticated pleasure that no nonhuman animal can experience, then the animal does not fall into the scope of moral concern in that particular situation. If pluralists believe that most if not all animals cannot have knowledge or are not rational, then such nonhuman animals obviously fall outside scope of moral concern with respect to the maximization of the intrinsic goods of knowledge or reason. Pluralists, depending upon their list of nonmoral goods to be maximized, may believe that consideration of some of the nonmoral goods manifested in certain animals may indeed be a part of the

Utilitarian calculus. These scope determinations depend upon nonmoral assumptions which vary considerably among even those who hold the same version of Utilitarian theory.

All this shows just how complex the scope issue can be, but it is essentially not resolved by appeal to the moral theory of right action at all nor by appeal to the respective theory of good alone. Insofar as all Utilitarians recognize that sentience is the crucial characteristic of a being who falls under the scope of moral concern, if animals are believed to be sentient, then they would appear to be included. An atypical Utilitarian may assume that the principle of utility applies only to "persons", and not to those falling into the broader category of sentient beings. Then the question becomes: how does one define 'person'? Does the term only pick out human beings? This issue seems to be a matter of either social usage of the term 'person' or a metaphysical belief or the mere prejudice arising from somewhere other than the requirements of Utilitarian theory itself.

B. Minimizing Utilitarianism

As Edwards articulates it, Mill's version of Utilitarianism, while remaining Utilitarian, has some significant differences from Maximizing Utilitarianism. The ultimate question is whether Mill holds a theory of intrinsic good that is essentially different from that of Maximizing Utilitarians.

Did Mill begin to see the problems with the theory of intrinsic good assumed by traditional Utilitarianism, especially in his chapter "Of Individuality, as One of the Elements of Well-Being" in *On Liberty*? He addressed the value of individuality to the individual, and I find myself expecting at any moment to read that Mill realizes that *this* is where intrinsic good or value lies. However, it seems that Mill is always just short of such a realization. Despite his obvious sympathies with individuals Mill still remained in thrall to Utilitarian tradition on this matter. Mill seemed to recognize that individuals are of value to

themselves and to recommend that society respect the value of individuals. The reason for this, ultimately, is *for the sake of the societal good*, for the aggregate of individuals, not for the good or sake of the individual *as an individual* but as one of many. He wrote that "[a]mong the works of man, which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself" (Mill, 1991a, p. 66).

This statement might lead to the realization of the intrinsic value of individual human beings (though in this case not of all sentient creatures). However, if we read further, looking for ultimate reasons, we find:

In proportion to the development of his individuality, each person becomes more valuable to himself, and is *therefore capable of being more valuable to others*. There is a great fullness of life about his own existence, and when there is more life in the units there is more in the mass which is composed of them (*italics mine*, Mill, 1991a, p. 70).

IV. Chapter Conclusion

The Utilitarians make progress over Kantianism because they see (1) that morality is properly concerned with the production of happiness (even if I argue that they do not incorporate this correctly into moral theory, even if they miss what I have argued is the proper moral role of agent intention), hence (2) the moral relevance of sentience (sentience beings required in order to be able to be happy or unhappy), and (3) thereby are able to allow the inclusion of sentient nonhuman animals within the scope of moral concern.

However, Utilitarianism ultimately does not value the individual as an individual but as a receptacle for the universal intrinsic good of happiness and the intrinsic bad of unhappiness. This is true despite Mill's close approach to the brink of recognition that the individual as an individual is the locus of intrinsic value. This failure so to recognize the individual presents a significant problem insofar as it can require a strongly counterintuitive sacrifice of the individual. Mill's version of Utilitarianism, however, may escape this problem

through that part of his "norm of morality" that requires minimal essentials for every individual sentient beings insofar as this requirement is worth the cost of moral education and enforcing moral sanctions. Yet, Mill falls short of direct recognition of the location of intrinsic value in the individual as an individual *without regard to* the fact that this individual is one of the aggregate forming the greater good.

Further, and also related to the scope question, *insofar as* any Utilitarian accepts Sapontzis's concept of (completely) agent-independent value, the theorist misses what I have argued to be the ultimate root of moral value in the *intentions* of the agent and may fall prey to seeing actions as natural kinds, as having a "non-natural" property of moral goodness (or badness). This would distract the Utilitarian from fully appreciating what she otherwise appreciates so well, the embeddedness of moral decisions in the varied and individuated contexts in which problems arise. When such distraction occurs, it may keep the theorist from seeing the moral patient appropriately and fully as an individual. Just what an individual is will be the focus of the next chapter.

V. Conclusion to the Examination of Traditional Moral Theory

Different versions of the traditional moral theories make it to varying degrees difficult or easy to include animals and/or fetuses. With respect to animals Kantianism precludes animals most easily because of the theory's rationality and agency requirements for moral patienthood which animals seem most unlikely to be able to meet by almost anyone's current metaphysical assumptions (though we have to be careful to avoid the fallacy of ignorance). Kant unlike Descartes does believe that animals "have 'feelings and a faculty of desire,'" ¹⁸ hence can "share with humans the standard panoply of feelings," including pain

¹⁸ Steve Naragon citing Kant from a letter by Kant to Marcus Herz, May 26 (Naragon, 1990, p. 5).

and pleasure, but not those emotions, such as suffering, that are assumed to have by their very nature a rational component (Naragon, 1990, p. 6). However, Kant assigns moral value (as indicated by calling them ends in themselves) only to those with rational capacity, since the latter is required for moral agency, the ability to will for the sake of the moral law. Moral patienthood is derived from moral agency, hence stems from a being's rational capacity and will. Thus the ability to experience pain or pleasure is rendered morally irrelevant to the scope question. In contrast those Utilitarians who have neither a rationality nor an agency requirement for patienthood will naturally find it much easier to include within the scope of moral concern many sentient beings beyond human beings. The inclusion is in some versions limited or precluded by the particular theory of intrinsic good utilized, but it is usually more a matter of the particular metaphysical assumptions made about the nature of animals and employed in the application of the moral theory.

With respect to human fetuses, traditional moral theories were developed prior to the emergence of abortion as a moral issue with the faces and complexions with which we see it today, (though this is not the case with more recent versions that stem from these traditional theories). Thus a traditional moral position on human fetuses would have to be generated essentially by extrapolation from the respective theories and will probably vary according to (1) whether and/or how they assign worthiness for moral consideration to the *potentially* rational and/or *developing* sentient (biological) human beings that fetuses are, in varying degrees relative to gestational state and (2) the various beliefs about the (pregnant) woman's proper status or role.

The question of whether assignments of moral worth or lack of it to animals or fetuses stem from traditional moral theory itself or are merely assumed in the course of theory application is really oversimplified. Even if and where a moral theory itself might seem

to address the scope issue, it can nonetheless and fairly be asked whether the particular construction of the theory deliberately or unconsciously reflected established biases against animals and women. It will be recalled from Chapter II that theories of religious interpretation may be criticized in this same way. For example, the decision about how to interpret the meaning of the term "domination" used with respect to the relationship between man and animal may reflect whether or not and to what extent there is an initial bias in favor of the man and against the animal. To take a second example, the opinion about whether women are in the image of God directly or only indirectly through their relationship with men may reflect whether and to what extent there is an initial bias against women having value equal to that of men. It has been observed in Chapter II that certain highly questionable ideas assumed in Western religious tradition are carried over, consciously or unconsciously, either into the fabric of traditional moral theorizing of either considered style or, if this is too strong a claim, at least into the application of traditional theories. Such dubious ideas that can and have prompted biases in favor of men over women and animals include most importantly that of the *imago dei*, with the related ideas of human dignity, mankind's unique and defining characteristic as rationality, God as the designer, and God's particular purposes as creator (expressed in the doctrine of teleology).

However, as I discussed in Chapters III, IV and V, Kant makes various and sometimes seemingly inconsistent statements about just what is intrinsically good and why. An attempt to render his position consistent has required a closer look at why something is considered to be intrinsically good and then on how he seems to connect intrinsic good and moral good or worth. The individual as individual was not seen to be intrinsically good except insofar as she instantiated the categorical imperative, a universal.

Also, as seen in this chapter, for traditional Utilitarian theories the intrinsic

good is a universal, variously described as pleasure or happiness (when reducible to pleasure) for the hedonist or including pleasure but also different sorts of intrinsic goods such as virtue, reason, knowledge, beauty and freedom.¹⁹

The ultimate question for this second focal point is whether such "things," such intrinsic goods are universals or something else entirely: individuals or, as we will see Edwards argue in the next chapter, a certain combination of the two. The first step has been to see in sufficient detail, how traditional theories for the most part have in fact understood intrinsic goods to be universals. Chapter VII will offer a way to understand intrinsic good that is superior to that of most versions of traditional moral theory and will show how the scope issue is central rather than peripheral to moral theory as it ought to be conceived.

¹⁹ See Edwards (1991), p. 82, for a fuller list of the sorts of intrinsic goods identified by pluralists.

CHAPTER VII

TOWARD A BETTER THEORY OF INTRINSIC VALUE

I. Introduction to the Examination of the Moral Significance of the Intrinsic Value of Individuals

The next three chapters will attempt to develop a better account of my enduring intuition that the scope issue, the question of who qualifies as a moral patient, is not determined according to species membership. This is necessary because I have argued that traditional moral theory as represented by Kantianism and by Maximizing and Minimizing Utilitarianism neither clearly supports nor falsifies my intuition. Specifically, inadequacies of the representative theories both with respect to the scope issue and more broadly with respect to the roles of reason prompt me to look very closely at the nature of intrinsic value and the individual. Here, I believe that we will find a foundation for building a better moral theory, hopefully one neither anthropocentric nor androcentric.

In the last chapter I argued that the theories of intrinsic value promoted by most versions of traditional moral theory have mistakenly located intrinsic value in an abstraction or universal rather than in individuals exhibiting certain kinds of characteristics, summed up in being centers of experience and activity. Why this should be so will be tackled in more depth in these next three chapters.

I shall examine in this chapter the meaning of intrinsic value, including the idea that there can be degrees of intrinsic value. Then in Chapter VIII I shall look more closely at how we have tended to understand individuals who are asserted to be of intrinsic value, those frequently but not exclusively taken to be moral agents. Examination of a general but faulty understanding of individuals who are moral agents and/or patients has several

ramifications. First, our faulty, oversimplified understanding of individuals has blinded us to who should be properly an object of moral concern, limiting us to considerations only of beings who are capable of moral agency. Second, our faulty understanding has contributed to a misunderstanding of moral epistemology and the method of moral decision making. Third, our misconstrual of the nature of individuals has left uncriticized what I take to be a faulty conception of the very task of morality. Finally, in Chapter IX, I shall explore the relationship between intrinsic value and morality. This is far from a simple relationship. To so explore, I must first consider afresh what ought to be the task of morality, which I argue has been largely misunderstood in traditional moral theory, perhaps due to mistaken theories of intrinsic value.

II. *Chapter Background: Hartman and Edwards*

To lay the groundwork for a better theory of the nature of intrinsic value, I shall discuss Edwards' evaluation of Hartman's contributions and mistakes, beginning with his definitions for the terms 'universal' and 'individual.'

Universals are things which can occur concretely more than once within the universe, and individuals are things which occur only once, in their full immediacy and concreteness. Concrete or fully definite instances of universals are capable of repeated instantiation. However, concrete or fully definite individuals are not repeatable in their fullness, though they can be partly repeated in the experience and constitution of other individuals. Individuals are unique, one of a kind (Edwards, 1991, p. 81).

Edwards correctly sees Kant as failing to see the intrinsic value of individuals, despite his promotion of individuals (rational beings) as an ends in themselves. As Edwards explains it,

When he [Kant] explained what he meant by the enigmatic phrase "respecting persons," it is clear that Kant valued only the universal law: "Respect for a person is properly only respect for the law (of honesty, etc.) of which he gives us an example." ... For Kant, individuals are mere receptacles for the instantiation of universal categorical imperatives, just as they are mere receptacles for the instantiation of pleasure for hedonistic Utilitarians (Edwards, 1991, p. 82).

Kant is by no means alone in his error, as I have argued and as Edwards points out: "[m]ost traditional philosophers, whether Utilitarian or non-Utilitarian, have regarded only universals, i. e. repeatable properties, as intrinsic goods" (Edwards, 1991, p. 81). Edwards identifies only a few philosophers who see that individuals are of intrinsic value, namely Kierkegaard, Emerson and, more recently, Hartman. Edwards also wonders about Mill: "Mill may have toyed with this possibility in his chapter 'Of Individuality, As One of the Elements of Well-Being'" (Edwards, 1991, p. 82). Given the recentness of Hartman's theorizing and Edwards' constructive responses to Hartman, I shall look here for fertile soil in which to try out my intuitions and to develop a better theory of intrinsic good.

My enduring intuition is that to locate intrinsic value in a universal is wrong and, as will be argued in Chapter IX, twists moral theory itself out of shape. In asserting the intrinsic value of such universals as pleasure or happiness does the traditional Utilitarian theory take into consideration the possibility, which I take to be a certainty, that such universals are intrinsically valuable *only when concretely experienced*? No, it seems that they only focus on the *sort* of experience, the *universal* of pleasure or happiness manifested in concrete instances. This, I assert, is their mistake. They have stopped their analysis too soon. How can anything but the actual concrete experience of an individual be intrinsically valuable? Granted that the happiness to be promoted can only occur in concrete instances, but the *focus* is on the fact of the manifestation of happiness, not on the fact that this or that unique individual experiences the happiness. By focusing on the *quality* of the concrete experience to be promoted, where, as Utilitarian moral theory is set up, *ceteris paribus* it makes no moral difference whether individual A or B is the experiencer, the Utilitarian has stepped up to the first level of abstraction. The concrete experience has been abstracted from the individual experiencer, odd though this sounds. But how can an abstraction be intrinsically

valuable in itself, separate from the particular individual, when at this level there really is no "itself" at all? As a universal the quality of concrete experience valued, happiness, could have *instrumental* value, but that is entirely different. I shall argue that the unique, experiencing individual as well as the experience of the individual have intrinsic value. How can the Utilitarian who links the moral good to production of experiential states such as happiness ignore the unique experiencer and settle on a universal?

Rather than accepting the conceptualization of intrinsic good as a universal Edwards looks for guidance to Robert S. Hartman. Edwards clarifies and makes some modifications to Hartman's theory to better describe what is of intrinsic value--a certain combination of individuals and universals. Edwards points out that for Hartman "intrinsic value is the value of uniqueness" (Edwards, 1991, p. 82). Despite some perhaps misleading statements, Hartman seems to believe, Edwards explains, that "all intrinsic goods are unique, that the only intrinsic goods are individual persons (whether human or Divine)" (Edwards, 1991, p. 83).

[H]uman persons are intrinsic goods because they have an infinite capacity for combining concepts with objects, they have their own definitions or concepts of themselves in themselves, they can conceptually mirror or represent all things in themselves, and they are consciously self-actualizing ... (Edwards, 1991, pp. 83-84).

Several observations are in order. First, whether this is an exhaustive and/or plausibly account of how certain individuals can have intrinsic value is the issue. The implication is that Hartman thinks his account correctly addresses the components that individuals must exhibit if they are to be considered intrinsically valuable. Note that this description of intrinsic good requires a high and complex level of rationality, language use and self-awareness. Is this level too high or demanding a level? Further, why would being able to combine "concepts with objects," for example, be thought an intrinsic value conferring property?

Second, the scope issue even for a non-traditional Utilitarian may depend on certain conceptual and/or metaphysical assumptions such as, in this case, about what a person is. A moral theory of any kind may be designed so that only certain sorts of beings can fit the criteria for moral patienthood (such as, for Hartman, rational beings, or beings with language skills and a concept of self). In this way certain limitations of scope are built into the theory. *Which actual individual beings* are to be recognized as appropriate moral patients will depend on certain metaphysical assumptions made about them, namely what sort of being they are. If a person is defined in Hartman's way, it is easy to see that the only sentient creatures who would qualify as persons would be (mature?) human beings.¹ This common application of the term 'person' only to human beings actually makes an assumption about the kind of being animals are, about their abilities, largely in the face of ignorance about what different animals are actually capable of doing and experiencing. *From the premise that most of us believe that experience does not warrant applying Hartman's definition of 'person' to any of the higher nonhuman primates, we cannot conclude* that no nonhuman animal would qualify as Hartman's "person." To conclude this would commit the fallacies of ignorance, popularity and the aesthetic² fallacy. With respect to the fallacy of ignorance, if one is ignorant of the existence of any animals who have the qualifying abilities, one *does not know* whether there are animals with such abilities. One can conclude neither that such animals do exist nor that they do not exist. With respect to the fallacy of popularity, just because most people do not

¹ To be discussed shortly: perhaps they must be mature if the characteristics must be fact be actually manifested, perhaps they must be merely "normal" humans of any age if the characteristics need only potentially present; perhaps they can be any genetic human life, at any stage or in any condition if the characteristics need only be manifest in that natural kind to which the particular biological life belongs.

² As John Nolt explains, "there is no logical connection between what we ourselves feel or believe and the truth. ... We'll call this sort of inference the **aesthetic fallacy**, from the Greek word *aisthesis*, which means "feeling" or "perception" (Nolt, 1984, p. 253).

believe that any nonhuman animals possess the qualifying abilities, such popularity of opinion is no guarantee of truth. Truth is not a popularity contest. With respect to the aesthetic fallacy, just because any (or many) people believe that nonhuman animals do not possess the qualifying abilities, such a belief is not thereby fact. Belief requires more than earnestness to qualify as truth.

If the term 'person' carries any moral baggage, *this* must be brought to light and challenged to see if and how it might be defended.

Hartman's concept of person seems to include babies but exclude nonhuman animals. This happens, Edwards suggests, because Hartman confuses actuality with potentiality. This mistake is made possible, I would suggest, because of a species bias in Hartman, one he himself may not have recognized. Hartman seems to view human babies but not nonhuman animals as having intrinsic worth. After all,

He used "a baby" (a newly created person) as the example of the intrinsic valuation of an intrinsic value on the "Hartman Value Profile;" but he did not treat individual animals as intrinsic goods.

Hartman apparently accepted the view of Pico della Mirandola that because animals are incapable of doing so, God created man "to ponder the plan of so great a work, to love its beauty, and to wonder at its vastness." ... Lacking these abilities, animals seem to lack intrinsic worth, on Hartman's view (Edwards, 1991, p. 85).

I have argued in several places against believing that the *imago dei* and God's teleological plan are to be accepted at face value. Even if we accept this quoted description as God's plan and its relevance to who has intrinsic value, can human *babies* ponder so? Potentially they probably can, but actually they surely cannot. As Edwards suggests, for Hartman babies only qualify as intrinsically valuable because they are *potential* persons. There is a big difference between potential and actual intrinsic worth, as Edwards explains:

If actual worth does not correlate with merely potential properties, basing the intrinsic worth of human infants on properties possessed only potentially rather than actually is precarious business. This implies that babies possess no actual intrinsic

worth since they are not actually persons in Hartman's sense (Edwards, 1991, pp. 86-87).

We should try to avoid the confusion of actual with potential properties. I certainly have no trouble seeing and being dismayed by the difference between potentially having my doctorate and actually having it. I would much prefer the latter. Actual intrinsic worth is to be correlated with having actual properties, but it is *not* to be correlated with the mere potential for having properties. This does not mean that potentiality is in itself unimportant and unable to guide one's actions to some degree. It means that *potentiality is not to be equated with actuality* and falsely accorded the *same* value. A being with a potential property is not to be treated the same way as a being who actually has that property.

Is Hartman's apparent confusion between potential and actual intrinsic worth unwittingly prompted by an unconscious speciesist bias? It is not important here to settle this question. Rather, the task is to take from Hartman that which is useful, as Edwards does, to support the thesis that an intrinsic value or good is actually neither merely an individual nor a universal, but a particular combination of the two.

Intrinsic values consist in the realization of certain kinds of universal and repeatable properties by certain kinds of unique and unrepeatable individuals, i.e., those kinds of unique individuals that are capable of consciously actualizing the relevant universals (Edwards, 1991, p. 87).

Edwards argues that despite Hartman's own explicit identification of intrinsic values as individuals, he was *in fact* arguing for just such a combination. Further, in addition to the repeatable properties contained in Hartman's description of a person (given earlier), another universal is implicitly "a defining trait of intrinsic value," namely, the "capacity for intrinsic valuation" itself (Edwards, 1991, p. 88). To understand this other universal, we must look at what Edwards takes to be an important distinction in Hartman--that between *intrinsic value* (or valuable being) and *intrinsic valuation*. The former for Hartman characterizes

individual human beings. The latter is a particular sort of activity:

intense positive conceptual, dynamic, and affective personal involvements of unique conscious individuals with valued objects. Intrinsic valuation is maximal conscious involvement (Edwards, 1991, p. 84).

When the object is a thing, the relationship is aesthetic; but when the object is a person, the relationship (the "valuation") is ethical (Edwards, 1991, p. 84). Maximal conscious involvement is accomplished through universals identified by Hartman as including, "love, enjoyment, appreciation, emphatic and empathetic personal involvement, mystical union, conscience, and creativity" (Edwards 1991, p. 85).

Edwards reveals that Hartman actually did what Edwards would do, understand intrinsic value *as combining an individual with one or more universals*, such as those just named. If this succeeds, it supports an account of how animals and human babies may be nonetheless of intrinsic value, while not being persons according to Hartman's definition. In particular, Edwards suggests that:

Human infants and animals can have intrinsic worth, however, if (1) at least some individual non-persons that can value intrinsically are intrinsic goods, whether infants or animals, and ... (Edwards, 1991, p. 87).

Further, animals and babies can have intrinsic value *not* based on any potential properties (cognitive properties such as language use, etc) *but on* actual properties such as "affective and dynamic capacities" (Edwards, 1991, p. 88).

Although human infants and most animals have no language-dependent concept of self, they nevertheless seem to have a sense of being conscious centers of experience and valuational activity that are distinct from the rest of the world. Degrees of intrinsic worth correlate with the degrees to which individuals actually exemplify various capacities for intrinsic valuation (Edwards, 1991, p. 88).

This minimal or simpler level of conscious experience can be conceived to be toward one end of a continuum. At the other end are fully self-conscious individuals who are able intentionally to seek their own highest fulfillment or actualization. Edwards concludes that

those beings whose level of consciousness lies at the latter end have much more intrinsic worth proportional to their greater capacity to value intrinsically. Hartman cannot allow such a scale of intrinsic value because he maintains that intrinsic value is applicable to only those at the higher end. Intrinsic value "involves the fulfillment by themselves of the concept which unique individuals have of themselves" (Edwards, 1991, p. 89).

Conceptually, intrinsic valuation involves measuring valued objects by individual concepts, seeing things in their uniqueness, as one of a kind, as in a class by themselves. Our intrinsic value as individual persons is determined as we are measured by our own concepts of ourselves (Edwards, 1991, p. 91).

A requirement of sophisticated self-consciousness would greatly restrict individuals who are intrinsically valuable. It links intrinsic value to individuals with a sophisticated ability to use language. I think that Edwards correctly suggests that a concept of intrinsic value can indeed be extended well beyond the limits set by Hartman and thus can include a wider range of individuals.

Thus Edwards' "synthesis hypothesis" may be gleaned from the above argumentation and explanation. This thesis affirms that

an intrinsically good thing involves a fusion of (1) unique centers of conscious experience and activity with (2) universal valuational capacities like love, appreciation, enjoyment, empathy, conscientiousness, creativity, etc. Irreversibly comatose and pre-conscious individuals satisfy neither of these conditions, and in considering them we are not reflecting on (1) in isolation from (2) (Edwards, 1991, p. 94).

Edwards then asks whether (1) or (2) alone is enough for intrinsic worth. In trying to imagine a center of consciousness existing by itself he considers whether (1) without (2) can be of intrinsic worth. He considers mystical experience of the individual in which one tries not to exercise the "universal valuational capacities." Edwards concludes that the relevant sort of mystical experience which "is so pure that it excludes self-consciousness, all awareness of individuality" is in fact the "poorest, not the richest, form of consciousness" (Edwards, 1991, p. 95). How could *this* be considered to be of intrinsic worth? This is powerfully

counterintuitive. Some other more substantial form of mysticism may be of value precisely because it involves a rich experience and is thus (1) *with* (2), not without (2).

Edwards next invites us to contemplate the example of an impoverished consciousness where "universal capacities and opportunities for intrinsic valuation are almost completely excluded" (Edwards, 1991, p. 96), due to extreme, unmitigated pain physically and emotionally. In this case life seems far from intrinsically valuable; it is intrinsically a nightmare, "a liability rather than an asset" (Edwards, 1991, p. 96).

Can (2) alone have intrinsic value? This of course is the position of most traditional moral theories. Edwards suggests that they

have adhered so blindly to the tradition of universals-alone-as-goods that they have not taken seriously the idea that unique individual centers of conscious experience, activity, and valuation have an intrinsic worth *that is not reducible to* the value of happiness or some other universal good which they contain. Those who regard only good universals as intrinsic goods have never considered them in isolation from individuals, for *they cannot be found apart from* individuals (my italics, Edwards. 1991, p. 97).

Individuals suffer concretely, not in abstraction! Happiness, in any of its many forms, can only be valued in its actual manifestation in the *individual* who is happy. Happiness is a mode of *being*, of *experiencing*. In abstraction from conscious individuals, happiness is just an idea. How can the ultimate or intrinsic good be merely an idea? This is counterintuitive, even nonsensical.

Edwards is not content to rest his case. Perhaps while a universal must be actualized in an individual, it does not matter *in which particular individual* a universal is actualized as long as it is actualized in some individual. Here Edwards considers the problem of the individual as a receptacle. Can one individual be replaced by another individual equally able to manifest the same sort of universal *without loss of intrinsic value*? The loss of one's child is not compensated for by the prospect of having another child. The switching back of

children accidentally switched at birth cannot be done without loss of intrinsic value experienced by each (set of) parent(s). As Edwards observes, traditional Utilitarian theory certainly does not explain the feeling of the loss of something of intrinsic value beyond the instantiation of valued universals.

When we love other persons, we cherish them as individuals and not solely as receptacles for the instantiation of pleasure, love, conscientiousness, creativity ... Traditional utilitarianism cannot adequately account for love and grief (Edwards, 1991, pp. 98-99).

Certainly when the bond of love between two individuals is broken or lost, grief is felt. While the Utilitarian as a person recognizes this, her theory does not have the means to explain how a person A feels the grief over loss of B, a beloved dog, when B can be "replaced" with a new dog, C, who otherwise would not have been brought into the family. How can the Utilitarian account for loving this or that unique individual, as long as there is some individual to love?

To conclude the discussion of Utilitarianism on theories of intrinsic good, I want to acknowledge that traditional Utilitarianism is on to something significant missed by Kantian Deontology, namely the value of sentience and its relevance to the development of a proper theory of intrinsic good. However, traditional Utilitarianism does not go far enough, as I have utilized Hartman and Edwards to explain.

Utilitarians make another important observation that Kant fails to make. Unfortunately, traditional Utilitarians do not fully develop their insight. In considering the relevance of sentience Utilitarians realize that feelings and emotions play an important and positive role in morality; feelings should not be completely extinguished or controlled. They are not necessarily obstacles to overcome if one were to behave morally, which is for the most part Kant's view. Kant realizes that feelings have a place to play in human life, but only outside and beneath the sphere of moral behavior. That is, only feelings and emotions can be acceptable as long as moral laws are not broken.

Moderation in emotions and passions, self-control, and calm deliberations not only are good in many respects but even seem to constitute a part of the inner worth of the person ... they are far from being good without qualification. For, without the principles of a good will, they can become extremely bad ... (Kant, 1967, p. 322).

While Kant makes such a carefully carved out place for the emotional side of life that naturally arises out of our sensual side, he asserts that all persons would want so far as possible to rid themselves of their inclinations and passions which give rise to their needs. While this may represent an extreme moment for Kant, he at one point he entertains the possibility that people would want to experience no feelings or emotions other than reverence for the law, would want to be entirely rational beings only, in their creator's image.

All objects of inclinations have only a conditional worth, for if the inclinations and the needs founded on them did not exist, their object would be without worth. The inclinations themselves as the sources of needs, however, are so lacking in absolute worth that the universal wish of every rational being must be indeed to free themselves completely from them (Kant, 1967, p. 344).

In contrast, Utilitarians realize that pleasure or happiness, necessarily rooted in feeling and emotion, is an experience to be sought, *to be valued* for its own sake rather than to be controlled for the sake of moral law. Utilitarians recognize that morality is concerned with promoting benefits and decreasing harms to conscious beings, only possible insofar as these beings are sentient. Utilitarians can separate moral agency, which requires some degree of sophisticated or higher level rationality, from moral patienthood, which need have no such requirement. Accordingly, they can allow the latter to be attributed to at least some nonhuman animals. Hartman and Edwards point the way to the recognition that intrinsic value is located in individuals who expresses certain universals. The next task is to look more closely at the nature of intrinsic value and at those individuals who can meaningfully be identified as having intrinsic value.

III. *Toward a Better Theory of Intrinsic Value*

A. *Intrinsic Value*

I shall begin by looking at the two words used in "intrinsic value." As previously noted, 'intrinsic' means in itself, of its essence, inhering in it. This is fairly straightforward, but its significance gets more complex and subtle once combined with the next term. 'Value' refers to worth or meaning or utility and often includes the idea of good. It is not quite as straightforward a concept, as will be explained. If we put these two terms together and apply the phrase to something, that something is thereby said to be good or worthwhile in itself, for itself, essentially. Intrinsic value is frequently contrasted with instrumental value, where a thing is valued as useful or a means to something outside itself.

Let us look at the idea of value more closely. In the following analysis of value, I follow the usage that Jaggar found to have begun in the seventeenth century when science separated value from fact, from physical things in themselves.³ I believe that value cannot meaningfully be ascribed to a thing as a property of a thing *apart from a valuer*, from a consciousness capable of judging or merely exhibiting an attitude toward something, including itself. Valuing is the activity of a conscious entity toward itself or something in itself or outside of itself. Valuing is like hearing. If no one is in the woods when a tree falls, there are physical vibrations from but no "sound" of the tree falling. Sounds only arises in a hearer, whereas the physical vibrations causing the experience of sound can exist independently of a hearer. Analogously, there is no intrinsic (or instrumental) value "in" a thing (whether it be the valuer or something else) without there being a valuer. If there is one thing in the universe and it is a valuer, we can ask meaningfully if anything in the universe is of intrinsic

³ See discussion of Jaggar's idea in Chapter IV, as well as the referenced article (Jaggar, 1989).

value. Unlike having instrumental value, a thing can have *intrinsic* value *only if* it is itself a conscious being (although not necessarily so at a high level and not necessarily a *self-conscious*). In this way only can what happens in the world matter⁴ to the self. Just because an entity must be conscious and able to value and to have intrinsic value, this does *not* mean that it must be able to articulate its valuing. One can value without having any linguistic ability, though the latter may well increase the sophistication and complexity of the valuing.

The assertion that the only thing that can (but might not necessarily in every case or at every time) have intrinsic value is a conscious being can be more fully understood if we recall Hartman's distinction between intrinsic value and intrinsic valuation. We can and do intrinsically value things that do not have intrinsic value. The activity of intrinsically valuing is the expression of an intense, other-oriented attitude where the other is animate or inanimate. This kind of attitude and involvement strikes me as being exactly what Keller says Ernest Schachtel refers to as "allocentric perception" (Keller, 1985, p. 118). This is an expression for a "loving relatedness to others and to the world" where, as Keller explains,

[t]he perceptual tools developed to meet this interest in the world are part of what he calls "allocentric," or other-centered, perception. They require a "complete focusing of all the perceiver's perceptual and experiential faculties on the object, so that it is experienced in the fullest possible way ... a full turning [of the perceiver] towards the object" ... For Schachtel, allocentric perception is perception in the service of a love "which wants to affirm others in their total and unique being" ... it permits a fuller, more "global" understanding of the object in its own right (Keller, 1985, pp. 118-119).

There is a difference, however, between intensely valuing an object for itself (perception of the other) and that object being the sort of individual who can intrinsically value itself (perception of the self). Hartman, as I will argue in more detail shortly and as Edwards argues

⁴ See Chapter IX for a discussion of why mattering must be a conscious experience.

in his article (Edwards, 1991), inappropriately limits the sorts of individuals that can have intrinsic value to highly rational, language using individuals.

This concept of intrinsic value actually has several applications, as has already been noted. First, certain sorts of *individuals*, namely conscious beings, can properly have intrinsic value. Also, as found in traditional moral theory, certain *experiences*--paradigmatically for the hedonist pleasurable experiences--are judged intrinsically valuable or good. This is also a proper application of the concept, but it can easily be misunderstood. The problem arises when the analysis of how an experience can be intrinsically valuable or good is stopped too soon. We commonly look at our pleasurable experiences and judge them good or worthwhile in themselves, that is, intrinsically. If the analysis goes no farther, one might call the universal or abstraction of pleasure intrinsically good. The abstraction or universal picks out the quality of the experience that makes it good, but it "forgets" most absurdly that such an experience is good *only in its concrete manifestation or setting*, i.e. "in" or as a way of being for a conscious individual at a particular time. To say that an abstraction or universal is intrinsically good or valuable is patently ridiculous, despite the prevalence of this view throughout the history of philosophy. Pleasure is good only because it is the quality of this or that particular valuable experience. The traditional reification of abstractions creates considerable trouble.

If Utilitarians can incorporate this into their theory of intrinsic good, is all well? I argue that we are still left with individuals as *receptacles* of the good or valuable experiences. It is not enough to recognize concrete experiences of pleasure or good (for the pluralists). The value of good experience is not fully explained in merely looking at the experience as if we can rip it out of this particular or that particular individual's life. It is ultimately the *individual* who experiences intrinsic value in this way or that. Granted that any conscious individual experiencing pleasure is having an intrinsically valuable experience, that

experience is the experience of that individual. The uniqueness of the individual is important ultimately not as a universal but as the particularity of this or that individual. Thus I am stipulating that to say that an individual has intrinsic value means that she is a center of experience, subject of her life. Her experience essentially and unavoidably is hers, even if each and every experience of two individuals could be otherwise identical in kind. That her experience is hers is tautological but oddly the point that a particular person's experience is that person's experience has been missed, it seems, in traditional Utilitarian theory. Edwards illustrates the inadequacy of traditional moral theories in failing to account for the grief or love that one particular individual has for another. An experience is valued because it is the experience of a particular individual. An Individual matters to herself, even if this mattering is not expressed at the linguistic level.

If we look at Kant's expression "end in itself" or at the frequent description of intrinsic value as value in itself, the use of 'in' is noteworthy. This conception, 'in,' also contained in the term 'inherent,' suggests a receptacle view of an individual's intrinsic value. I think that we should articulate the concept of intrinsic value as existing as an end *for* or *to* itself. The 'for' or 'to', then, is important to bring out the directional quality of valuing. The individual who is of intrinsic value is that individual who values herself, her experiences. What happens in the world, even if it is something good happening to another, can matter *to* the individual in question. If one individual intrinsically values a second individual, the first recognizes that that second individual values herself, whether explicitly or implicitly. This discussion points to the central importance of the concept of the self, which will be examined in the next chapter.

It may be objected that my explication of intrinsic value requires that the individual be the sort who can be conscious. I see no problem with this requirement.

Consciousness in the individual is important so that she can be a valuer and bestow intrinsic value upon herself and/or experience her valuing of others. I cannot accept that there can be a intrinsic (much less instrumental) value *independent of a valuer*. This is to say I reject value as a kind of non-natural property existent in something independent of a valuer. A valuer does not *recognize* independently existing value, but *bestows* value. What would it mean to say that a work of art has intrinsic value? Would it make sense to say that a work of art has intrinsic value in a world where no valuers existed? It makes no sense to me. If it does make sense to others, then we simply disagree at this basic level.

B. Degrees of Intrinsic Value

In examining the proposed descriptions of centers of experience, I will begin with Hartman's because it poses the greatest threat to my intuitions about the scope of moral concern. Recall from the previous chapter that

Hartman claimed that "intrinsic value is the value of uniqueness," ... he really believed ... that the only intrinsic goods are individual persons (whether human or Divine). ... Hartman argued that human persons are intrinsic goods because they have an infinite capacity for combining concepts with objects, they have their own definitions or concepts of themselves in themselves, ... they can conceptually mirror or represent all things in themselves, ... and they are consciously self-actualizing beings. ... Individual non-persons cannot do these things and thus are not intrinsic goods (Edwards, 1991, pp. 83-84).

Hartman's definition of the sort of individual that can have intrinsic value is named a 'person,' and this usage seems fairly common in moral theory. This word is problematic; it is too often assumed to do more work than it actually does. In calling a being a 'person' people assume too often that this is a factual observation not a normative statement or judgment that actually assigns moral value. People have mistakenly assumed that the *fact* of being a person includes the (highly questionable) *fact* of having moral value. Yet, whether a being is morally valuable is a matter of judgment, not of factual observation. We

will return to this point when we discuss the relationship between an individual's having intrinsic worth and having moral worth.

Let us now focus on Hartman's required characteristics (universals) for the intrinsic value of individuals. Most if not all the characteristics listed in the above quotation seem to require sophisticated linguistic ability. I say "seems" here because it is commonly believed that a concept is necessarily and solely a linguistic entity.⁵ But how can a pre-linguistic child, for example, come to learn concepts and language? How can the pre-linguistic child come to recognize what a word means, hence be able to use it properly, if the child has not already (roughly) developed a non-linguistic concept to carve out meaningful patterns in the "perceptual flux ... [the] big blooming buzzing confusion" (James, 1981, pp. 185-186)? If such a child had not the capability to generate concept first, the child could never become a linguistic creature. I suggest that concepts often are linguistic, but that they are based on pre-linguistic patterns recognitions, pre-linguistic concepts, if you will, that develop from personal and social experience in getting along in the world. If so, then a definition of intrinsically valuable beings, such as Hartman's, could also include non-linguistic beings. If we go with the common or traditional understanding of concepts, then a definition such as Hartman's seems true only of human beings (for the moment setting aside a Divine being). As Edwards points out, the capacities that Hartman requires for the ascription of intrinsic value cannot be applied to all human beings, especially not the youngest. Hartman's concept of person is also not applicable to those human beings who are unable by reason of

⁵ Here I am referring to the common assumption that language is human verbal language (signs in sign language being the gestural equivalent of spoken and written words, although there is not a one to one correspondence), where the existence of concepts is believed to require words, to be formed verbally. Thus, the possibility of pre-verbal or linguistic concepts is being alluded to in the text. But it is entirely possible that there is a broader concept of language as a form of communication that does not require words but is still language. This is not the issue here.

severe mental defect to operate conceptually and linguistically at the level necessary to fit Hartman's definition of person.

This is a problem for any recognition of intrinsic value in an individual that totally depends on that individual's possession of (sophisticated) linguistic abilities. Here we must bear in mind that *potential* properties (such as being a language user) yield only *potential* intrinsic value. A baby is only a potential language user. Inconsistently even Hartman, along with most others, would hold that a baby has actual intrinsic value based solely on potential abilities and capacities. Is this confusion on Hartman's part a hint of speciesism unconsciously operating?

Hartman's description of intrinsically valuable individuals is similar to Kant's. Both philosophers connect the ultimate value of individuals to the possession of the property of rationality, particularly a high level of rationality that requires well-established linguistic ability. Exactly what is ultimately valuable about the human being for Kant remains disputed, but many people identify rationality (the high level required for sophisticated language use) as the property that distinguishes humans from animals. They take the possession of this property to be morally relevant. Perhaps this is because there remains in much of current moral thinking remnants (certainly from Kant) of the assumption that the paradigm for an intrinsically valued individual is the moral agent. Many people also accept the religious tradition that asserts that man was created in the image of a God who is rational.

Hartman's definition of an intrinsically valuable individual is perhaps properly applicable to those beings with the greatest degree of intrinsic value. However, his definition leaves out a great number of individuals who ought to be included. If we disconnect being intrinsically valuable from being a moral agent, then we are free to look for intrinsic value in something other than (or in addition to) rationality, as most Utilitarians do. Even if those who

have the most sophisticated rational abilities have the richest lives, there are degrees of intrinsic value associated with many degrees or levels of rational ability. Rationality can contribute to the value of an individual and the experience of reasoning can be pleasurable (for the hedonist) or valuable in itself (for the pluralist); but this by no means exhausts what is intrinsically valuable in an individual. Many other sorts of experiencing and acting are good or enjoyable in and of themselves. In fact, one can be eminently rational and always act in a reasonable way and still find one's life without much intrinsic value.⁶ For this reason moral theorists who say that an individual's intrinsic value is somehow dependent on her rationality are presenting a severely deficient account of that individual's intrinsic value. Our emotional life, our caring involvement in the world, in the lives of other conscious individuals as well as in our own makes our lives intrinsically valuable. We may *like* to reason, to gain knowledge; we *enjoy* or *relish* beauty or excitement; we *find* self-actualization *satisfying*; and we *want* to be *cared* for and to *care* for others. Our emotional involvement in these sorts of activities makes them valuable experiences. There often is a rational element to making a value judgment, but essentially valuing is a mode of feeling or emotion or an attitude that generates the intrinsic value that our lives have for us.

Individuals as centers of experience and activity vary in the nature and extent of their abilities to experience and do. The nervous system determines the possibility and nature of experience. This varies in complexity from individual to individual and from species

⁶ This is not to say that our valuation of our life could change with help and time. This is not to say, either, that simply because at one particular time we do not find our life to have intrinsic that we are not valued by others. If we cease to be able to value our life intrinsically and it could be known that nothing could change this, then our life has lost irretrievably its intrinsic value. We have still have symbolic and instrumental value. This matter will be pursued in Chapter IX.

to species.⁷ In the "lower" animals, the nervous system is less complex, affording a less rich and perhaps, but not necessarily, a less intense experience. With the increasing complexity of the living organism, an increasingly organized consciousness seems to emerge, evolving into a capacity for self-consciousness and finally including sophisticated linguistic abilities that greatly enrich the quality of living. This increasing complexity of the nervous system with all the suggested ramifications for increasing quality of life *occurs both within* the evolution of living organisms from species to species *and within* the development of a particular living organism from its conception through birth into maturity.

Within the maturing human being, life often becomes increasingly valued by that individual, at least up to a point (differing greatly from person to person). The problem with trying to correlate too closely the intrinsic value of complexity and diversity of experiences with intrinsic value of individuals is that the value of particular experiences does not easily and uniformly correlate with its complexity or sophistication. Sometimes within an individual adult human life, for example, the simplest pleasures, those a dog or rabbit might also have, may seem equal to or better than pleasures arising from more complex or "higher" abilities. Then, too, a particular sort of sensory or intellectual experience may be particularly pleasing at one time but not another. The experience of a particular so called "pleasure" changes. We may indulge in a particular pleasure but find that it loses its enjoyable quality once we become satiated or if other unrelated circumstances occur. For example, cool, fresh orange juice may usually taste great, unless we have just tasted tooth paste or unless we are sick and our taste buds are dulled.

Thus it is difficult to defend the claim that increasingly complex or

⁷ The use of term species is commonly assumed to refer to a natural kind, but this use will be questioned in the next chapter.

sophisticated capabilities yield increasingly pleasurable experiences. If there were ever a way actually to measure it, it may not be better to be Socrates dissatisfied than a pig satisfied. One cannot be at once Socrates and a pig in order to make the requisite comparison. For all we know the pig's pleasurable experience in eating food may be different than Socrates' pleasure in what appears to be the same activity. As evaluators of the quality of experience, we are necessarily locked into our human perspective, indeed into our individual perspective. We can only do our best to understand how the life of another is experienced by that individual. Despite this difficulty and consequent inability to be certain about how others experience their lives, we make such judgments every day. On what basis and how well do we make such judgments? The basis seems to be judging the experience of other analogously to our own experience, along with what those others can tell or show us about how they relate to the experiences of their lives. While we cannot experience their lives as they do, we can still learn a lot from them about those experiences that they enjoy or do not enjoy and seek to cultivate or avoid. Similarities between anatomies, experiences, language, culture all increase the chance that we can to some significant degree understand whether and to what degree certain experiences of others are valued and whether their lives overall seem to be intrinsically valued, hence worth pursuing. We can only do our best.

CHAPTER VIII

THE INDIVIDUAL AS INDIVIDUAL

I. *Chapter Introduction*

I have argued that the intrinsic good with which moral theory is concerned ought not be, as traditional theories commonly suppose, a universal. Further, I have agreed with Edwards that that which is an intrinsic good is a certain kind of individual, one capable of sentience, of experience, who is the center of experience, the subject of a life, one who manifests one or more universals. The role of the universal, then, is not to be that which is intrinsically good but that which *picks out* those concrete, particular individuals who are intrinsically good. But how has this proper role been so easily and universally misconstrued? How has the individual qua individual, who ought to be the focus of morality, remained an indirect and uncertain beneficiary in the form, for example, of the instantiation of the categorical imperative or the receptacle for happiness?

II. *Blinded to the Individual as Individual*

People have been and largely remain blinded to the nature of the individual as individual, whether as moral patient or agent. One contributing factor has been discussed, namely, formulating moral theory solely from the perspective of the moral agent. There is a broader reason, which itself may contribute to the tendency to take the agency perspective as the sole perspective. Often people, theorists or laypersons, inadvertently, even deliberately, distance themselves from the individual as an individual through their conceptualizations of individuals. This affects how people talk about and act toward individuals. With respect to moral agents both as actors and, less often, formulators of moral theory, even their own individuality is inadequately conceived; and such distortion is reflected in their moral decisions

and their moral theorizing. While acknowledging various motivations and practicalities behind such obscuring ways of thinking and acting, I shall focus, although not exclusively, on *what* is happening *not why*.

A. "Ontological Reductions"¹

In his article, "The Death of the Animal: Ontological Vulnerability," phenomenological psychologist Kenneth J. Shapiro identifies ways of talking and acting which he calls "ontological reductions." He speaks Heideggerian style of how we are predominantly "living toward" animals in our culture (Shapiro, 1989, p. 184). First, the way we speak informs our construal of the ontological status of humans or animals. Wittgenstein's concept of *seeing as* is another way to articulate this point. Further, naming and other language activities can show how we consciously or unconsciously *want* to understand or see those we name and about whom we talk. Species bias can thus be built in at the level of naming and talking about. Finally, "living toward" includes how people manifest in action the attitudes expressed in their language.

1. *The Social Construction of the Individual*

Shapiro asserts that Kant's assumption, going back to Aristotle and prevalent today, that rationality is the characteristic distinguishing human from nonhuman animals is not a neutral observation of "fact." Rationality is seen as the faculty of the human being that is exercised freely and is "freeing," that allows the human being to be autonomous (Shapiro, 1989, p. 186). Then "[i]t is argued that free reason is the *sine qua non* of individuality, for only

¹ In explanation of this phrase, Shapiro says "For Heidegger ... ontic refers to the particular condition and experience of an entity, that person, dog, or rock; while ontological refers to a more general being, a structure of structures that provide the condition for the possibility of the particular entity to be what he or she or it is" (Shapiro, 1989, p. 193, footnote #1).

an individual is self-determining or autonomous" (Shapiro, 1989, p. 186).

If we accept with Shapiro that individuality is a social construction,² perhaps we can follow him in seeing that "in this construction animals are defined as the exemplar non-individual in order to more discretely and exclusively preserve individuality for human animals" (Shapiro, 1989, p. 186). It is true that we do not do this with some animals, namely those with which we develop a personal relationship, such as pets. However, by far the majority of animals are not seen as individuals.

In contrast to autonomous human beings, then, animals are viewed as instinct driven, as "need-dominated rather than rational" (Shapiro, 1989, p. 186). The use of the term 'animal' typically refers to "the instinctoid, the biologically determined, the nonrational" (Shapiro, 1989, p. 186). Kant employs such a reduced understanding of animals, exiling them to thinghood because as presumably non-rational animals they cannot be autonomous, hence can be neither moral agents nor moral patients.

Shapiro identifies two "ontological reductions."

2. *Loss of Individuality*

The first reduction is the loss of individuality. More specifically, it is the reduction of an individual animal to a species, where, rather than living toward an individual deer or dog in all its idiosyncratic reality, the reducer³ focuses on one or more identifying *features* of the individual, reducing the individual to a mere example or a member of the species characterized by the essential features. Shapiro cites the deer hunter who, although

² This refers to how through language and culture, hence from within the social context, we come to see an entity as a particular individual, not merely an example of a kind. Thus we socially construct some entities but not others as individuals.

³ Although Shapiro does not talk about a 'reducer,' a reduction is done by someone. Therefore, for clarity and accuracy in explaining Shapiro's theory of ontological reductions, I feel justified in occasionally employing the term 'reducer.'

occasionally in the presence of an individual deer, nevertheless fails to actually *see* this individual deer. The hunter instead *sees* the deer *as*

an impersonalized, deindividualized but reified abstraction, as, for example, some feature of the population of the deer herd in Maine. ... In Heidegger's term, this deer is lived toward as a "standing reserve," a resource there waiting for our use (Shapiro, 1989, p. 185).

I suggest that although this first reduction is characterized as a loss of individuality, in the eyes of the beholder a particular animal *loses* nothing. One cannot be seen to lose what one is not seen to have; in our culture the default mode of understanding animals is at best as species members. Only when we come to know a particular animal as an individual is the default mode of thinking challenged and penetrated. Consider the public attention given a few years ago to several stranded whales in Alaska. It was as *members of the whale species* that they were first noticed becoming trapped by ice. It was as emerging individuated centers of lives in the eyes of humans that these whales eventually aroused a deep caring response among their would-be rescuers and much of the watching public (some of whom may have given names to the creatures). Yet, most persons watching were also aware that whales *as members of a species* are captured for zoos or hunted and killed. While some of the public cared about those captured and killed whales, from many of these caring people there was no attendant or comparable outpouring of compassion and energy, except (for the most part) insofar as whales are an endangered *species*. A small minority saw the whales as individuals rather than mere species members. However, for the majority of human beings who very occasionally may see a whale as the center of its own life, but who usually see whales merely as species members, these two different ways of *seeing* the whale *as* are inconsistent and therefore problematic when viewed side by side in the same moral universe.

Although Shapiro does not make it explicit, such instances of reduction appear

to be a way of distancing oneself (one's conscience and emotions) from the individual as an individual, of putting a buffer between the inconsistent ways of *seeing as*. The purpose is to enable one to ignore a level of reality that has moral implications which one does not want to face. It is easier to kill *an example* of the species of deer, or, to reduce it even further, to kill "venison" or "food" or a "trophy" than to kill an individual sentient creature who can feel the pain, suffer the dying, leave caring companions, and has a biography including specific fears and enjoyments.

3. *Loss of Species*

Shapiro's second reduction is a move from species to "generic animality" (Shapiro, 1989, p. 187). He considers the uses of animals in medical laboratories and in factory farming where in each case the animal is removed from or never permitted access to the particular habitat that defines its species-specific behaviors or "species-ways," as Shapiro calls them (Shapiro, 1989, p. 189). The factory farmed chickens become lived toward "as potential meat or eggs, produce or producers of stock for the market;" the research animals become lived toward as "objects of study" or each as a "preparation where what is being readied is not a rat or cat or dog but an organic or behavioral process" (Shapiro, 1989, p. 188).

Shapiro uses another example perhaps more accessible to the average person, that of the lion in a cage (Shapiro, 1989, p. 191). The lion we happily watch and supposedly learn from at the zoo is so far removed from its natural habitat, *the environment in which it can develop and exercise its species-ways*, that its caged behaviors are no longer species-specific. Instead, an animal rather than a lion sways, paces or simply remains motionless for extended time periods, having little interest in anything. Through enforced and

persistent boredom the lion has become the generic animal.

4. *Analysis of the Concept of Species*

Against this background we can gain a better understanding of the concept of species. Shapiro identifies two levels in the development of the present understanding of this concept and a third level that transcends this concept that must be made explicit to see how we are living toward animals. The first level embodies an idea that goes back to Aristotle but endures today, the belief that each sort of animal has an identifying telos. The species categorization is purportedly the identification of a natural kind and purpose, a fixed and eternal nature whose salient features allow us to pick out its members and see their place in the scheme of things. 'Human being' also refers to a species, albeit one occupying a privileged position.

At the second level the concept of species is developed according to Darwin's theory of evolution. Here one takes species labels to be fairly arbitrary; individuals "of the same species" vary greatly from each other and evolutionary changes progress from one individual to the next rather than from one species to next. As Rachels quotes Darwin from *The Origin of the Species*:

I look at the term species, as one arbitrarily given for the sake of convenience to a set of individuals closely resembling each other, and that it does not essentially differ from the term variety, which is given to less distinct and more fluctuating forms (Rachels, 1990, p. 195).

At this level Shapiro feels most comfortable (Shapiro, 1989, p. 190), as do Rachels and I. Conceptualization of and talk about individuals is not reduced at this level; people can see individual animals as individuals. Further, the changes in species and in species-ways are attributable to nature, such as evolutionary processes. Shapiro warns us of a third level, however, where the concept of species actually disappears. One way in which

this happens is that the nature and possibilities of an animal are deliberately and concretely made through genetic engineering (as opposed to the "natural" process of evolution). Rather than dealing with species (first reduction), the genetic engineers are dealing with genetic material (second reduction). As Shapiro explains,

[t]he genetic engineer thinks less in terms of combining discrete species-ways and more in terms of gene pools that consist of raw material or raw information. ... A species is a momentary organization of a certain chunk of information (Shapiro, 1989, p. 189).

B. Extrapolated Application of Shapiro's "Ontological Reductions"

It is useful to extrapolate from Shapiro's development of "ontological reductions" with respect to animals, that is, to develop the ideas of "ontological reductions" with respect to humans. For example, the way women and fetuses are lived toward by a significant portion of our society similarly blinds us to appropriate conceptualizations of their respective natures, with all the corresponding moral implications.

1. First Reduction

While Shapiro talks in the referenced article about reductions almost exclusively with respect to animals, reductions are also made of humans. For human beings, the first reduction is also of individuality, but it can take two stages. First, individuality can be lost not to species membership but to sex, race, class, or other subgroup membership, where one is *still a member of the human species*. For example, the first reduction occurs when individuals lose their individuality by being called or labeled 'people of color,' 'disabled,' 'liberals,' 'homosexuals,' 'women,' or 'feminists.' To thus label individuals does not necessarily mean that the label users in fact reduce the individuals, only that this can and too often does happen. The label users forget or do not desire to see beyond the label.

In the second level of the first reduction subgroup membership is lost to

species membership. In an odd but significant example, any female person in all her particularity is reduced (first level of first reduction) to being a 'woman' who is then subsumed under the species category (second level of first reduction) 'human being,' *also typically labeled* as 'man' or 'men.' By the second level of the first reduction, the particular femaleness of the original person is entirely lost, along with her other particular characteristics. This particular loss of sexual identity is not shared by the particular man, however, who is reduced to 'human being' but returns to 'man' or 'men' by virtue of the common view that these terms are synonymous with 'human being.' This peculiar reduction eliminates women as female in a way it does not eliminate men as male. Thus, going from female to generic human being typified as male, is androcentric. This linguistic practice perpetuates the *appearance* of moral theory as androcentric, where most theorists, at least until recently, uniformly refer to the human being as 'he.'

There are also concrete differences resulting from what may initially seem a harmless if annoying androcentric linguistic practice. For example, in medical research on human heart disease, until very recently research subjects have been male *as if* men are the prototype human being, *as if* any biological or other differences (i.e., female characteristics) are an aberration on the essential human form or, if we are to apply the principle of charity, *as if* gender differences are irrelevant. A significant consequence is that doctors do not understand the different ways in which heart disease affects women as opposed to men and women *die* as a result.

There is another odd twist (deliberate or inadvertent) on reductions, namely, a reverse reduction or reification, where mere biological life, as found at very early fetal stages, is *constructed*, that is, imbued with an individuality that it *does not yet have* (and may

never have).⁴ It is an "individual" in the sense of being a numerically and genetically distinct instance of human life (at least, within a few days after conception), but it does not have what I shall argue is the morally relevant kind of individuality.⁵ Calling such early fetal life the 'subject of a life,' especially using terms such as 'baby' or 'child,' problematically conceptually projects metaphysical (physical and psychological) elements on early fetal life. Such labeling also inappropriately presents to the imagination contexts, relationships, and a suggestion of personality for the fetal life, all used to imply the "factual" suitability of this life for being the subject of moral valuation. More egregiously, pictures of later stages of fetal life are used to suggest that (1) what is superficially physically identifiable as human *has the same moral value* (as worthiness to be a moral patient) as the born human life and also that (2) the pictures are suitable for properly portraying stages of early (earlier) fetal life that do not even resemble the pictures.⁶

This construction, reification, or reverse reduction, is just as problematic as the reductions Shapiro talks about with respect to animals and I talk about with respect to human beings. Such applications can be factually and morally misleading ways of seeing or "seeing as."

2. Second Reduction

A second reduction of human beings can occur in a variety of ways. First, the reduction can move the human being as a species member to nonhuman. One example is the

⁴ As fetal life develops, the way it is talked about ought to change accordingly. There will come a time when the fetal life may be appropriately seen as a primitive center of a life and as having some claim as a moral patient. This emergence of such a subject of a life will constitute the beginning rather than the end of the abortion debate as a moral issue. See Chapter XI for further analysis.

⁵ See the next chapter.

⁶ Recall from Chapter II the discussion of the religiously employed doctrine of preformationism, and its subsequent falsification.

use of 'slave,' to suggest that such a being is subhuman, a brute, even a thing. Treatment embodying the suggestion may follow. Another example of the second reduction occurs whenever a pregnant woman loses her humanity and is identified as a womb or receptacle in which a fetus is developing. A third example may seem harmless, namely, where medical patients are referred to as 'the esophageal cancer in room 1256' or simply 'room 1256.' The problem in any of these examples is that the individual is not seen as an individual. Even if this is a temporary lapse and appears harmless, it can have significant moral consequences.

III. *Perspectives on the Self--Looking for the Individual*

An examination of the various ways to conceive of the nature of the self who is the moral patient and/or moral agent is required. The term 'self' ordinarily implies self-reference, hence self-consciousness. The 'self' that I am seeking, however, the individual as individual, is a subject of a life, a sentient being who is an experiencer but who may not necessarily be aware explicitly, that is, self-consciously of itself as such. The term 'self' will be used to draw attention to the subject as not solely but to an extent an *interior* being, a center of experience. Only the subject of a life has *its* particular experiences, and this involves an interiority or a core inaccessible to others. This interiority does not preclude shared experiences among individual selves, where one subject is so in tune with another as to be able to empathize with the other's experience. There can probably never be a complete sharing; hence each subject of a life is at the core an interior being, a private being with unique perspective and experience.

However, one must not infer too much from the concept of interiority, for this does not completely describe the self. This self is in contrast to a reduced sense of the self as merely an interiority, sufficient unto itself, primarily isolated in its life experiences, whose salient feature from a bird's eye view is that it occupies a unique perspective or point in

Newtonian space/time.

In an effort to reach a basic understanding of the various aspects of the self assumed by styles of traditional moral theory, it is natural for a thinker to take her *self* as the starting point for philosophical reflection. The popularity, even necessity, of this starting point must be acknowledged. While it can provide a valid perspective, it may also be dangerous. It may be impossible to transcend this starting point completely, to assume the perspective of another individual entirely, especially one of a different species.⁷ It may prove impossible to escape entirely an anthropocentric morality, although with men and women working together it ought to be possible to create a morality that is not androcentric. The danger with this starting point is that an agent may fail to understand that the moral patient may be unlike herself, that is, may be incapable of being (her kind of) a moral agent. Kant's moral theory falls victim to this very danger.

A. *Social Atomism*

The concept of a moral patient is a relational concept, where a being is a patient in relation to some agent(s). Thus, although this dissertation is primarily concerned with the nature of the individual who is or ought to be the moral patient, the nature of the patient is revealed by first looking at the *moral agent* as social atom.

In traditional moral theory and current, popular moral thinking, the self qua moral agent is a reduction, although the precise nature of the reduction will vary among traditional moral theorists. The reduction takes the form of what is commonly called a 'social

⁷ Whenever I use the term 'species,' I am bearing in mind that species is not a natural kind. I do not intend this term in the sense of Shapiro's first reduction.

atom.⁸ The concept of atom in 'social atom' is modeled on the classical conception of the atom as an elementary building block of nature. The relevant characteristics of this atom are that it is whole or indivisible, is fixed in its internal nature, exists independently of other atoms, and its very nature is determined independently of other atoms. As applied to the agent self 'social atom' suggests a view of the individual whereby it⁹ is primarily reduced to an isolated, self-sufficient, rational agent who is thereby interchangeable with any other agent qua agent. This self is interchangeable as a knower of the practical, scientific or moral answers and as a practical, scientific or moral agent. The agent's idiosyncratic, hence untrustworthy, psychological nature remains safely encapsulated and "properly" irrelevant to knowing and acting in the "correct" ways. Thus, there are physical and psychological¹⁰ elements of and epistemological ramifications of the concept of social atomism. The individual as a social atom is a prudential being, acting out of enlightened self-interest who may also be (1) a moral agent who is independent and rational, and (2) a moral patient who is a receptacle for happiness or the instantiation of categorical imperative.

Thus, the individual as a social atom who is incapable of being a prudential being (incapable, that is, of rationally identifying and acting according to its own needs) lacks as well the rationality required to be a moral patient for the Kantian. Nonetheless, such an individual may be a moral patient for the Utilitarian, a receptacle of pleasure or pain even

⁸ The term 'social atom' is widely used, with a variety of specific explications of the concept. In general, however, I understand it as referring to social isolation of one being from another. I will also talk about, for example, a 'psychological atom,' or a 'epistemological atom,' with the understanding that these ways of talking are shorthand references to aspects of the base concept of social atom.

⁹ I say 'it' rather than 'she/he' here to indicate that sexual identity is ostensibly lost for both genders. The reduction, however, is typically to an agent stereotyped as male, hence 'he' rather than 'it,' but I wish to avoid this sexist language.

¹⁰ More detailed ways of describing the metaphysical aspects of the social atom will be examined later in this chapter, when I differentiate the Kantian moral agent (and patient) as a social atom from the moral agent and patients as a social atom as conceived by moral theorists, such as Mill, who reject Kantian metaphysics.

if just at a primitive level; rationality is not here required.

1. *Background*

In order to flesh out prior to criticizing the myth of social atomism let us look at a telling account suggested for its origin and connection to traditional moral theory, especially to the moral agent. Seyla Benhabib in "The Generalized and the Concrete Other" from *Ethics: A Feminist Reader* shows how the concept of social atom can be developed out of "a powerful metaphor: the 'state of nature'" (Benhabib, 1992, p. 276).

To help account for the origin and application of such a metaphor to morality, Benhabib briefly notes the changes undergone in the conception of morality from the ancient and medieval conception to the modern. The former ("Aristotelian-Christian") addresses "a definition of man-as-he-ought-to-be, a definition of man-as-he-is" and offers a way that helps man¹¹ to become what he ought to become (Benhabib, 1992, p. 275). Such a morality is "embedded in a more encompassing conception of the good life. This good life, the telos of man, is defined ontologically with reference to man's place in the cosmos" (Benhabib, 1992, p. 275).

With the advent of modern moral theory, the belief emerges that the general purposes of nature, if there are any, are not known by mankind. As a result, man is freed "from cosmology and from an all-encompassing world-view that normatively limits man's relation to nature" (Benhabib, 1992, p. 275). Benhabib suggests that early forms of contract theory are intended to separate justice from the good life in an effort to protect the "privacy and autonomy of the self, first in the religious sphere and then in the scientific and

¹¹ As I am doing with 'man' created in the image of God, I will follow the practice of talking about 'man' rather than "human being" in the Hobbesian description of 'man' in the state of nature. In both cases I want to leave open the possibility of an embedded androcentrism that would be masked if I were to talk about 'human beings.'

philosophical spheres of 'free thought' as well" (Benhabib, 1992, p. 275).

Here the task for morality ("what 'ought' to be") is to determine by rational agreement what would be required to keep peace and enable mankind to flourish, according to Locke and Hobbes, or, in the case of Kant and Rousseau, "the 'ought' is derived from the rational form of the moral law alone" (Benhabib, 1992, p. 275).

This move from the old to the modern conception of the moral task makes private an entire area of individual life:

The sphere of justice from Hobbes through Locke and Kant is regarded as the domain where independent, male heads of household transact with one another, while the domestic-intimate sphere is put beyond the pales of justice and restricted to the reproductive and affective needs of the bourgeois paterfamilias (Benhabib, 1992, p. 276).

The area that includes love, nurturance, and reproduction is the domestic or the woman's sphere and is considered to be outside the political and moral arena, to be "relegated to the realm of 'nature'" (Benhabib, 1992, p. 276). The implication is that the concern of the self as moral agent is with matters of justice, which are public rather than private or personal matters, and by implication, male and not female.

Benhabib's description of the delimitation of the moral domain reveals an androcentrism directly related to the scope issue. To the extent that Benhabib's analysis is accurate,¹² women as selves are defined by what is assumed to be their telos as women. Such a reduction relegates their traditional concerns and activities to the private or nonmoral arena. Thus, it seems to preclude them from being moral agents and, for Kant, it seems to

¹² Fortunately today such an androcentrism is no longer so explicitly held in our culture, although it is still a pervasive and influential subtext in much of our thinking.

preclude them from being proper moral patients as well.¹³

While women today are ostensibly accepted as moral agents and moral patients, there remains a flavor of androcentrism. There is an inconsistency in the way in which women/females are conceptualized. Being "old enough" to bear her responsibility is assumed true of the pregnant woman (regardless of actual age or emotional maturity) while, inconsistently, childish thinking is often attributed (1) (appropriately) to the pregnant child, (2) even (usually inappropriately) to the pregnant woman. This attribution of childish thinking is readily apparent where women are portrayed as unable and/or disinclined to make the right decision about abortion autonomously, responsibly, rationally. She is accused of taking the decision too lightly, frivolously or immaturely, of being hedonistically careless in "getting herself" pregnant, of needing to "take responsibility for the consequences of her actions" almost as if she is being punished as a naughty child. She is described as overly emotional and self-centered in not thinking about that life she is "wantonly" destroying. She is immorally or unsuitably shunning her telos as child-bearer and nurturer. While a significant portion of our society does not so accuse and describe the woman contemplating an abortion, a significant portion does so accuse and describe.

2. *State of Nature*

The metaphor of the state of nature asserts that "in the beginning man was alone" or, as Hobbes puts it, "[l]et us consider men ... as if but even now sprung out of the earth, and suddenly, like mushrooms, come to full maturity, without all kinds of engagement

¹³ Recall from earlier chapters that Kant's theory refers explicitly to "rational beings," but that other of his writings denigrate women's rationality and by *implication* their suitability as moral agents and, therefore, moral patients.

to each other."¹⁴ This is the ultimate picture of man as autonomous, independent, even

a narcissist who sees the world in his own image; who has no awareness of the limits of his own desires and passions; and who cannot see himself through the eyes of another. The narcissism of this sovereign self is destroyed by the presence of the other (Benhabib, 1992, p. 277).

Benhabib suggests that the result is a picture of a man who must be very insecure and who must therefore work out a way to coexist with other insecure men through the formation of law. Enlightened self-interest is the motivator here. Even today, Benhabib asserts, such a myth still pervades man's conception of the self:

For Rawls and Kohlberg ... the autonomous self is disembedded and disembodied; moral impartiality is learning to recognize the claims of the other who is just like oneself; fairness is public justice (Benhabib, 1992, pp. 278-279).

The very articulation of the metaphor talks about man and men instead of humans. Thus the language is androcentric and consistent with Benhabib's portrayal of the moral domain, belonging to what she describes as the modern conception of the moral task, as purportedly belonging to men and their interests.

3. Aspects of Social Atomism

As noted at the beginning of this section, the metaphor of social atomism has physical, psychological and epistemological aspects. An explanation of the various ways of construing the metaphysical self is needed to avoid an over-generalization. For the theorist who accepts the dualism of the phenomenal and noumenal in Kantian metaphysics, the noumenal self is the rational self totally separated from the phenomenal in its nature but able to act within the phenomenal world all the same. For the moral theorist who does not accept Kantian metaphysics there may well be a different dualism, that of the mind/body. For Kant,

¹⁴ As quoted by Seyla Benhabib (1992, p. 277)

the psychological aspects of a person are perhaps in that person's phenomenal nature.¹⁵ Regardless, the psychological aspects are clearly separated from the rational. For the mind/body dualist, depending on how this dualism is construed for a particular theorist, the psychological aspects of a person are probably relegated to the mental rather than the physical, but are differentiated from the rational aspect of a person's mental nature.¹⁶ For both kinds of dualisms, then, the rational is separated from the emotional or feeling part of life.

a. *The Prudential Self*

I shall first talk in more detail about social atomism as it pertains to the prudential self which as prudential makes practical and scientific judgments and which may or may not also be a moral agent self.

The prudential self (1) includes physically a body separate from other bodies, as able to survive while physically separated from others, and (2) as psychologically self-contained, does not emotionally need others for survival and (3) symbolically is depicted as standing alone, physically and emotionally, in the initial situation before socializing is sought for reasons of enlightened self-interest. This self is reduced to rational, independent, self-sufficient and in these important respects the *same* as every other mature or adult person, whether operating in moral or nonmoral matters.

The prudential self can be male or female, even if women are thought by some

¹⁵ This is a difficult area to understand. It is arguably a Kantian doctrine that all "phenomenal" objects have a corresponding noumenal aspect so that even the psychological aspect of a person has a noumenal counterpart. Thus although a person's feelings may be said to have a noumenal counterpart, the person's conscious experiencing of a feeling is phenomenal, not noumenal. Whether this doctrine makes any sense is debated question. It makes no sense to me.

¹⁶ When such a being's psychological aspects are termed 'emotions' or 'feelings,' these are associated with the mind to distinguish them from biological sensations. But the usage of such terms are by no means uniform.

to be less able to take care of themselves, to be more emotional than men. Women can still be prudential selves with some efficacy in their private sphere of activities. It is reasonable, however, to ask whether the moral self is male as opposed to female. While not explicitly asserting this, traditional moral theory nonetheless implicitly portrays the moral agent self as male *insofar as* such theory retains its connection with the portrayal of the self in the state of nature metaphor, the separation of rationality from emotion, rationality as definitive of man's telos, and the relegation of excess emotion and insufficient rationality to women. In the first two chapters we saw that the prevailing (though not unanimous) attitude has been and largely remains that it is man as male who was created in the image of a God who is *rational*.

To focus on the psychological aspects of the self, the prudential self is therefore idealized as isolated, self-contained, properly motivated in moral and scientific matters by reason alone. Further, some traditional theorists, along with laypersons, believe that people are psychological egoists, such that even their motivation is (enlightened) self-interest. This implies that psychological fulfillment occurs *within* the person. In this way also the self is seen as atomistic. When persons do something good because they care for someone else, that caring is described as feeling good to the care-giver and thereby benefiting the care-giver, the doer of good deeds. The motivation is asserted to be for the sake of the self not the recipient of the good deed.

The state of nature myth presents a self whose only hope for security and happiness lies in being rational, promoting the rational way of living and necessarily controlling the emotions and feelings that threaten such control. The emotions and feelings are not a valued part of the individual as a prudential or moral agent to the extent that they are uncontrolled by the individual, hence unpredictable, idiosyncratic, and a likely impediment to the exercise of rationality and to the desired attainment of harmony among men. In

contrast to the rational part of the psyche, passion or emotions are to be *kept within* the person, within the shell, so to speak, and are not proper prudential or moral motivators.¹⁷ It is in one's interest to have an emotional life, but its pursuit must be constrained by reason so that passions do not get in the way of attaining one's best interest or prudential goals. For many, the emotions, feelings, nurturance, caring and so forth are relegated to the private, to women, and must be controlled, as must women, if not from within, then from without by social pressures. Interestingly, even a man is divided into the private and the public self: "(w)ithin his chest clash the law of reason and the inclination of nature, the brilliance of cognition and the obscurity of emotion" (Benhabib, 1992, p. 279). His emotions must be controlled, must be contained in his shell even more that the woman's must, for his "work" is disrupted by emotion, whereas a woman, in her emotional life, her work (especially as nurturer) in the private sphere, are allowed to be less psychologically atomistic, more needy. Women are also psychological atoms in the first sense of psychologically self-satisfying if they are seen as psychological egoists.

The moral agent self is similar among styles of traditional moral theory but with a few important differences. For the Kantian, the human self as moral agent shares a fundamental part of the characteristic of the paradigmatic social atom¹⁸ in that an identifying characteristic of both is the uniform, independent, self-sufficient rationality. This reduction of the human individual to the moral self as a purely rational self is a second level reduction

¹⁷ This discussion assumes that prudential goals may be chosen for non-emotional or emotional "reasons," where in the case of the latter the means to the goal(s) remain rationally selected.

¹⁸ If we take as *the* paradigmatic social atom the Hobbesian prudential self who becomes a moral self through enlightened self-interest, this is close to but not the same as the Kantian moral agent. In the latter case, the motivation to become a moral agent is not motivated by enlightened self-interest (which can include meeting sensual needs) but by a willingness to be rational (follow the moral law), where such willing is believed by Kant to be a matter of reason not passions or inclinations. The resulting moral agent, however, is in both cases the social atom as rational, self-sufficient (excluding any relationship to God), independent.

insofar as it is conceived to transcend the full humanity of the agent, (the sensual and rational nature). Kant speaks of rational beings, not just of rational human beings, which includes rational nonhumans such as the holy will or, perhaps, angels or some undiscovered rational nonhuman beings.

For Kant, some element of psychological atomism is perhaps suggested by the belief that the sensual nature, including emotions and desires, is to be kept apart from the moral agent *qua* moral, hence, *qua* rational. I do not want to push this too far, however. It is sufficient to point out that the moral agent as knower and actor ignores or controls the psychological side of human nature.

For a Utilitarian a moral agent self is also a social atom whose identifying characteristic is its rationality,¹⁹ its ability, ideally, to apply the Utilitarian calculus uniformly and determine the right act in a given situation. A Utilitarian might or might not allow that emotions help develop the requisite knowledge for applying the Utilitarian calculus. Insofar as they follow, for example, Mill's belief in laws of human nature, the employment of emotions and well as reasoning will ideally be able to determine uniformly the morally right act in a given situation. Emotions therefore do not throw an idiosyncratic monkey wrench into the Utilitarian calculating machine.

Utilitarians such as Mill include a psychological element in their social atomism. Mill believes that there are knowable laws of human nature,²⁰ such that if known can be combined with other facts about the situation at hand and affected parties to determine precisely the harms and benefits that would result from contemplated actions and

¹⁹ While to the Utilitarian as an individual pain and pleasure are of fundamental importance, this importance influences the goal sought (happiness) but not the morally correct means of attaining it, which is determined by application of the Utilitarian calculus. The agent *qua* agent must remain rational.

²⁰ See Mill (1988), particularly Chapter Four, "Of the Laws of Mind."

thus determine the morally right action. Insofar as Mill believes in such laws of human nature, he believes that every person is psychologically alike in her functioning, although the particular psychological profile would be individualized insofar as different life histories form psychological character. Theoretically, all this could be known. Psychological atomism here does not mean that each person is alike in their actual psychological life, then, but that (ideally) each person develops and behaves predictably, according to the laws operating in her psyche.

There is a further demonstration of the social atomism of the Utilitarian moral agent, namely, Mill's idea of liberty as a right against interference. This assumes that an individual, as *first* independent and self-sufficient, is free to pursue her own interests *until* running into the comparable rights of others. This view begins with the individual as a social atom, as if primarily standing alone, and attempts to protect the boundaries of such an atom from unwarranted intrusion. Respecting the rights of others could be motivated by enlightened self-interest, but need not be.

Epistemologically, the self as knower is also an atom, because the self (1) is separated from that which she knows but nonetheless (2) can, through the use of reason, discern practical, scientific, and moral truths. For example, we saw in Kant the assumption that the faculty of reason is uniform, allowing any rational self to gain the same objective knowledge in a given situation.²¹ This ideal of the operation of reason also appears to be the tacit assumption for traditional Utilitarians. Clearly Utilitarians acknowledge practical but formidable epistemological obstacles to applying the Utilitarian calculus correctly and uniformly. In both styles of traditional moral theory, however, the knower is separated from the object and is interchangeable with other knowers in the exercise of her rational powers

²¹ See the discussion of the epistemological ideal in Chapter IV.

since the only relevant characteristic of the knower qua knower is her rationality. The importance of the particularity of the knower appears to be merely her point of viewing in Euclidean space/time. Any atom at a given point in space and time will have the same view of the world. The process of knowing, as uniform and consistent through application of reason, and the nature of the known, as objectively independent of the knower, are thought to be a simple matter. The epistemological ideal is thus embodied in the conception of the self as a social atom.

b. *The Moral Patient Self*

The self as moral patient is variously described in traditional moral theory; but, as with the moral agent, it is a reduction and, in different ways and degrees, also a social atom. For Kant the moral patient must first be a moral agent, hence a social atom in like Kant's moral agent, and an instantiation of the categorical imperative, a second reduction. However, for Utilitarians, the moral patient need not be a social atom in the same way as the Kantian moral patient. Since a moral patient's minimal qualifying characteristic for the Utilitarian is its sentience, the entire self, sentient (including emotional) and rational (wherever patient is rational) constitute the morally valued self. This self is a reduction because it is a receptacle of happiness (and/or unhappiness), hence a self-contained atom. But is this reduction a form of social atomism?

The moral patient need not be a moral agent, hence *as moral patient*, as a center of experience, is relieved of being conceived in terms of the social atom as rational, independent, and self-sufficient; it is sufficient that the moral patient can experience pain and pleasure. Such experiences when openly expressed rather than kept private can serve to connect individuals to one another rather than keep them isolated from one another. Nonetheless, for the Utilitarian, to some extent the moral patient still may still be seen as an

social atomism. For example, until recently, a popular understanding of babies' survival needs was that they were limited to the physical, including medical and nutritional care. The need for psychological connection, touching, and emotional nurturance, was not fully recognized as necessary for thriving in the same way as physical support. I interpret this as: babies were seen social atoms in the sense of being minimally self-sufficient psychologically. Love was great but not crucial for survival.

However, Utilitarians, in contrast to Kant, can see moral patients as individuals, even if often they do not. For every intellectually functioning human being trying to survive (minimally or maximally), the habit of reducing people and animals through categorization is helpful in developing and organizing the information needed for practical living. The danger is in taking categorization as too fixed and, consequently, in being blinded by it to the individual as individual.

B. Social Atomism--What Is Wrong with this View

The metaphor of social atomism does not reflect human nature and experience. Social atomism suggests most broadly that individuals are essentially independent but contingently or accidentally in relationships. This is untenable insofar as it ignores the practical and moral relevance of the fact that sentient beings, whether prudential or not, whether moral agents or not, *are essentially embedded in relationships*.

Also, I am arguing that this formulation of the essence of social atomism applies basically to the agent and only secondarily to the patient. Thus it is vulnerable to my criticisms of morality as developed solely from the perspective of moral agency. Challenging the myth of social atomism has stronger ramifications for Kantian moral theory than for Utilitarianism.

Let us look specifically at the elements of social atomism briefly described in

the last section. First, the physical boundary between the self and other(s) seems to be the most clearly defined (except in the most unusual human cases) for human and nonhuman sentient beings. This obvious independence of one human being from another (except for the rare instance of conjoined beings) may have inspired seeing man as originally isolated in the Hobbesian state of nature. However, even here, for example, questions about the extent of and significance for the nature of an individual's electromagnetic field are yet to be explored. Is the physical boundary of the individual appropriately reckoned to be at the visible limits familiar to us, or it is more appropriately put at the end (if such can even be defined or determined) of the reaches of that individual's electromagnetic field?

A more palatable hence serious challenge to the idea of social atomism arises from the way in which the human beings (and some of the nonhuman beings) are created. Each of human being begins intimately connected physically, to (within) another, and the possibility of living separately develops until at birth it is accomplished. What is the significance of the initial physical connectedness? Further, not only physically but psychologically the human being begins a part of another human being. Out of initial connectedness comes the relatedness in which virtually all of us live our whole lives. The pain of another can in a real way and in some manner be our pain. Margaret Mahler, in her co-authored book, *The Psychological Birth of the Human Infant*, describes the psychological state of the infant as beginning with unity (Mahler, Pine and Bergman, 1975). Initially there is no differentiation of the infant as a self from any other individual, no self psychologically separate or individuated. In the beginning, all is one from the perspective of the human infant. There is just largely undifferentiated experience. Gradually the infant individuates psychologically and thereafter throughout its life a tension remains between being separate, autonomous and being connected, dependent. Against this, the Hobbesian state of nature

represents one conceptual extreme of human existence.

Psychological egoism is compatible with the above scenario and is seen by some to be a feature of psychological atomism. But this theory is false as a universal theory of human nature, specifically, as a theory of human motivation and care.²² To be able to feel good about doing something good for someone else, the agent must *first* value that individual intrinsically. Otherwise, someone else's happiness could have no value for the agent. Hence, for the agent there could be no feeling good *in response* to the happiness of another, much less a plausible postulation that the response could be an initial and sole motivator for the good deed.²³ Our psychological lives are intimately and essentially connected with others, nourished or stifled within the context of relationships.

The known world is one we partly create through patterns and forms of understanding, flexible and responsive to context and needs and to language, custom and culture. Kant's conception of the faculty of reason postulates too rigid a notion of the organizing conceptual patterns that he calls "categories of understanding." While there may be certain default patterns or tendencies to carve out the world in common ways, such patterns can not be Kant's "categories of understanding" because they must be (and in fact seem to be) flexible, able to evolve. This flexibility has survival value for the individual as well as the species.

Further, in an effort to refute the epistemological ideal in Kant, I have argued that knowing (1) is not a rational exercise by a uniform and universal faculty of reason, (2) is not even merely a rational exercise, where rationality is understood to have many forms,

²² This is introduced at the end of Chapter IV.

²³ This point is also made in the context of Philippa Foot's analysis of Kant's Categorical Imperative, Chapter IV.

(3) but is also an exercise of feelings and emotions, which focus attention, define, draw boundaries, and select or choose data through preset (explicit or implicit) agendas and valuations.²⁴ One knows through emotion as well as reason, *as a part* of rather than *separate from*, because one exists essentially as a part of more than as separate from the world.

Not only Kant, but traditional Utilitarians accept the viewpoint of classical science that the moral agent employs a uniform faculty of reason to determine the right act. This involves borrowing from the viewpoint of classical science the assumption that the psychological aspect of the human being is simply irrelevant, that only rationality is needed for scientific knowing, hence for moral knowing as well. Here the appeal is to an ideally precise method of knowing, uniformly yielding the morally right act in a given situation, with psychological aspects of the self deemed irrelevant, even a hindrance if allowed to "interfere with" and "skew" the results. The contemporary Utilitarian may accept a more flexible understanding of reason and the role that emotion can play in developing knowledge. Further, such a theorist can allow that Utilitarian calculus might at best be a guide, yielding different results depending upon the particularity of the individual knowers. However, some Utilitarians may retain the epistemological ideal with knowers as interchangeable epistemological atoms and thus open themselves to criticisms I have made against this ideal.

To employ the epistemological ideal with respect to moral "knowledge" of the right act in a particular situation inappropriately hinders the development of a moral theory that would incorporate a truer picture of the human being, as being from the beginning essentially fundamentally embedded in not only a body but in a physical and social, including psychological, relatedness. Relatedness is the primary human condition; and independence or

²⁴ See Chapter III.

autonomy is only, actually and appropriately, *relative* to this relatedness or embeddedness. Insofar as the individual is seen as a social atom, a great injustice is done to the very concept of the nature of the human being. The very source, motivation and goal of moral life, the enhancement of the subject of a life as an experiencer embedded in social relationships, is ignored. We miss the fact that the joys and the sufferings, indeed, the very meaning of life come from this embeddedness.

As noted, the social atom reduction as arising from Benhabib's rendition of Hobbes's state of nature is also androcentric. This is problematic over and above the troublesome fact that myth of social atomism ignores the possibility of nonhuman animals as moral patients, much less primitive moral agents, that comes from focusing on morality from the perspective of moral agency. The Hobbesian "man" is fundamentally a prudential being who through the socializing influence of enlightened self-interest becomes a moral agent and a moral patient.

In the context of the myth of the state of nature as depicted I wonder whether woman can act morally insofar as her actions are limited to the private sphere. Woman, it seems, does not necessarily or completely share in being autonomous. Within the state of nature metaphor she is part of nature, along with nonhuman animals, rather than a part of culture. Is her self predominantly a private or personal self, a dependent, emotional self whose activities largely fall outside the moral arena, hence an amoral self? Until fairly recently in history this may have been an acceptable and common picture of woman's place in many parts of western culture. As we have seen, even Kant's picture of women is tainted with notions of her limited and different sort of rationality, of her emotionality. This view of women, however, not only blinds moral theorizing to the individuality of the person who is also a woman and who suffers or enjoys, but is offensive to any woman who wishes to strive

to live to her fullest potential.

IV. Chapter Conclusion

The overall conclusion of this chapter is that we must look beyond reductions, especially that of social atomism, to be able to see the individual as an individual, as having intrinsic value. Further, we must be careful lest the use of reductions forms the conception of the moral method and task to the detriment of respecting the intrinsic value of the individual as individual. The next chapter's task is to draw together the aspects of morality discussed so far to show how respecting and fairly promoting the intrinsic value of the individual is a true and critical moral task.

CHAPTER IX

MORALITY: GOING BEYOND MAN-CENTEREDNESS

I. *Chapter Introduction*

Efforts to evaluate my intuitions about the scope issue against traditional moral theory, including its religious roots, have led me *not* to discard my intuitions. The considered styles of traditional moral theory have themselves been discovered to be in trouble. They incorrectly conceptualize as a universal the intrinsic good to be manifested or produced. The traditional conceptions of the goal or task of morality, even the very definition of morality, must be reconsidered. If the purpose of morality is *neither* the Kantian instantiation of the categorical imperative *nor* the Utilitarian's maximization of, or at least minimal production of, the nonmoral good of happiness, what is it? While there may be other possible goals championed,¹ my examination of my intuitions about the scope issue have revealed a deeper, guiding intuition about the proper focus of morality: the individual as a conscious center of a life, the experiencer, the valuer, the sort of being for whom life can matter is the foundational value out of which moral value arises.² If this is accepted, then, the task of morality becomes the promotion of the respect for individuals as individuals, as intrinsically valuable, the promotion of the well-being of *individual sentient beings or centers of a life*. This amounts to advocating a "moral individualism." As Rachels explains:

Moral individualism is a thesis about the justification of judgements concerning how individuals may be treated. The basic idea is that how an individual may be treated is to be determined, not by considering his group memberships, but by

¹ Among the possible options let me draw the reader's attention to one very different from that which I am developing: see J. Baird Callicott whose holistic environmental ethics is offered in "Animal Liberation: A Triangular Affair," (1984).

² As I said in Chapter VII, this is a starting point which others may reject.

considering his own particular characteristics. ... Treating them differently cannot be justified by pointing out that one or the other is a member of some preferred group, not even the 'group' of human beings (Rachels, 1990, pp. 173-174).

Once closely attended to, then, my reformulated the concept of intrinsic value or good has led me to argue that the scope issue is an *essential* or *focal* rather than a derivative element in moral theory.

I have also called into question the very methods of the two considered styles of moral theory for determining the morally right act because (1) they each necessarily reflect of a relationship to a respective, incorrect concept of the intrinsic good and (2) their methods have been revealed to have inherent problems rooted, for example, in a faulty conception of the nature and functioning of rationality itself, in a mistaken epistemological ideal. As Benhabib illustrates this:

In Kantian moral theory, moral agents are like geometricians in different rooms who, reasoning along for themselves, all arrive at the same solution to a problem. Following Habermas, I want to name this the 'monological' model of moral reasoning (Benhabib, 1992, p. 286).

In this chapter I shall present some aspects of a reformulated moral theory, weaving together discussions presented throughout the dissertation. The organizing focal point for the chapter is the examination of how the intrinsic value of the individual is essential to, indeed, anchors morality.

II. *Toward Reformulation of Moral Theory*

A. *Starting Point: A Partial Definition of 'Moral'*

Toward developing a theory of how the moral good relates to the unique individual as an intrinsic good, I suggest a definition of 'moral,' albeit incomplete, and will examine how it could relate to the intrinsic value of the individual. I define 'moral'(ly good) partially as (1) that quality of a person's intention to affect positively the well-being of moral

patients or (2) that quality of action *that refers back to the intent of the actor or agent* to affect the well-being of moral patients. Further, this is only a starting point, an attempt to ground my belief that morality is a particular way of living towards others which springs from an agent's caring about the well-being of others. Thus, this is an incomplete definition; it must be developed, for example, to show how moral values, such as fairness, are more definitive expressions of the basic other-oriented caring I have here identified as moral goodness.

A number of comments will be made to clarify and defend this offered partial definition. The first is fundamentally important. That, and how, the intrinsic value of the individual is a *premoral* value, one existing as the foundation of morality but not itself a moral value, must be explained.

B. *Premoral Value as a Foundation for Morality*

1. *The Intrinsic Value of the Individual: Premoral Value*

As we have seen in Chapter VII, the individual, patient or agent, is of intrinsic value in and to herself; I shall argue, *only for this reason* can she be intrinsically valued by anyone else. The source of intrinsic value is *within* a subject of a life, a center of experience. The individual's self-valuation is *logically* the primary value, a morally neutral or nonmoral value, an empirical fact of valuing. This self-valuation consists of having one's own self-interests and/or interests of others *matter to oneself*. I call this a *premoral* value because without such there is no focus with respect to which morality has a purpose or aim.

For example, if we consider two individuals, how can it matter other than prudentially to the agent what she does to or for the other if that other individual either (1) is an experiencer who absolutely and irreversibly does not value her own experience or (2) is not an individual in the requisite sense, that is, not an experiencer of self? I assume that

implicit in the idea of experience is conscious evaluative response, not reflex, that by its very nature, however simple or seemingly passive, presumes a conscious center or subject, one to whom events in the world matter.

It may be asked why it can matter only prudentially. I would agree if one were to argue that it could matter morally because others beside the individual in question, family for example, would care. But this mattering *morally* arises out of the others being individuals with premoral value, whose caring we are respecting.

It may be objected that an individual might not (or might cease to) value herself but (continue to) live for the sake of others.³ As long as she values anything, however, her life does have meaning; what happens in her life or the lives of those for whom she cares *does matter to her*. If she is taken ill and cannot do her charity work, for example, she will want to get well. Her life matters to her because through her manner of living it, caring for and about others, she is able to live meaningfully.

However, it is wrong to conclude that the intrinsic value of the self (as defined) is therefore not the foundational premoral value based on the possibility of the rare case where the meaning in a person's life appears to come solely from doing good for those for whom she cares. Perhaps this can be seen better if we imagine a universe in which no center of a life derives meaning from valuing herself. The only meaning in any individual's life comes from those others for whose sake her beneficent actions are directed. But if those who are the recipients of her good actions do not care about *themselves*, they receive nothing of value from her actions. She, then, can find no meaning either since the source of her meaning, the joy she can give to others, is eliminated. Further, I believe that if she really

³ That such a person could exist is very doubtful, if not impossible psychologically. Nonetheless, for the purposes of analysis, let us assume she does.

believes that her own life is worthless in itself, she will have nothing to give them. Regardless, the meaning in her life requires that there are individuals who value themselves intrinsically (even if she is at this point not among them) and she can promote their valuation of their own lives.

It may be objected that a person can benefit from an action even if she is indifferent to its happening. While this is true with respect to this action or that action, the reason that an action is beneficial⁴ is that somewhere along the line it contributes to the quality of her life. This is true even when she cannot trace of good quality of life back to a particular action that either did not know about or did not appreciate at the time (such as her parents making her study against her will). The point is, however, that she is the sort of being for whom life matters. If she does not value her life at all and this is irreversible, nothing can benefit her because ultimately nothing matters to her. To be beneficial, something has to be for her good, but she has no good, no well-being, all she has is meaninglessness to her. The only sort of person that I can imagine who could actually exist in this manner would be someone who is in a permanently vegetative coma or truly wants to commit suicide. Any other person who continues to live in part due to her own efforts (eating, avoiding life-threatening situations and so forth) values her life to some, if small, degree.

Are we back to identifying the logically primary or premoral value as intrinsic or self-valuation *that can also be valued by another?*

One might remain uncomfortable, asserting that this argument counter-

⁴ Do we not talk about ridding a river of toxic pollutants and otherwise cleaning it up, thus "benefiting" it by restoring it to "health"? Can there not be, then, beneficiaries who are not conscious centers of a life? In a sense yes, but this way of talking presumes and reflects a valuer, an individual who (probably in the company of others) defines what constitutes a benefit to or the health of a river. Thus to say a river is healthy is a normative judgment, not a factual observation (except insofar as saying the factual conditions of the river fill the normative definition of 'health' for a river. What does benefiting a river mean unless there is a valuer to see an action as benefiting something (animate or inanimate) and giving the criteria for the benefiting? Without any valuers, a river simply is.

intuitively implies that if a person does not intrinsically value herself, no one has any moral duties to her. Here intuition is thought to suggest that others nonetheless have moral duties to her, such as not to kill or otherwise harm her. In response I argue that if a person *truly does not*⁵ care or intrinsically value herself, this means that whatever happens to her *does not matter to her*. She cannot be harmed because this would entail that she intrinsically value her experience, that she experiences something *as harmful* to her. Her failure to value herself intrinsically would waive many moral duties that others believe themselves to have to her.⁶

If my position remains strongly counterintuitive, I suggest that the reason lies in the prevalent but perhaps hidden and I assume true assumption that all persons in some way intrinsically value themselves. This is true, for example, even in cases where a person might feel herself better off dead. The person dying of an intractably and unbearably painful cancer could reasonably say that she no longer values her life, that her life is a burden. But this person who may desperately want to end her life still intrinsically values herself in that she does not want to continue to suffer. That she might go on living and suffering matters enormously to her. Thus she wants something for herself, an end to the suffering attainable only through death.

Perhaps the hypothetical person who does not intrinsically value herself used to so value herself? Do we not have an obligation to see if we can restore such a person's intrinsic valuing of self? If we have such a moral obligation, I would argue, it is because we

⁵ Perhaps I should say "no longer" because caring about oneself is essential to survival from the very beginning, even if such caring is very primitive, even instinctual. The person we are talking about would seem to be one who has survived for a period of time and must have cared about herself sufficiently to have so survived. I will direct address this situation shortly, so for the moment will assume that we are talking about an individual who has never cared intrinsically about herself.

⁶ If a person has previously valued herself there may remain duties from that time. With respect to killing such a person, depending upon the intent of the killer, it may or may not be murder, that is, unjustified. Murder laws ought to be rewritten to reflect certain circumstances when killing a person who no longer values herself (and never will) may be justified.

assume the current indifference to self might be reversible. This would return what we *do* value, the normal state of self-valuing to that person. For example, this is how we respond to people we label 'depressed.' Even if a person were apparently chronically severely depressed, I do not believe that anyone could know that she would never regain an intrinsic valuing of her life. Thus we could not justify arguing that we have no moral duties to her.

This assumption of moral obligation reveals that what we value about that person is that person's ability to intrinsically value herself. If it is no longer possible that this person intrinsically value herself and we can know this, then we no longer have moral duties to her.⁷ Further, if any beings are not and have never been capable of intrinsically valuing themselves, we have no moral duties to them.

One final comment, in part a reiteration, is that I am not arguing that an individual's valuation of herself is isolated from her valuing others, from her relationships with others, from being valued by others. As I have argued, individuals are not social atoms. Each individual has her unique way of manifesting her valuing of self and others. Each individual she values is also unique, not a social atom, and is most fully valued *as an individual*. To value authentically another most effectively and completely, she must know that other, must empathize by means of that which they share, acknowledge openly that which is different, and be willing to embrace, as appropriate, differences as well as similarities.

2. Degrees of Premoral Value

In Chapter VI I used the term 'intrinsic' value to refer to kinds of experience

⁷ We may think that we do. For example we may believe that we have a duty to keep a promise to her current self, but which was made at an earlier time when she did intrinsically value herself. I would argue that we do have a duty to keep a promise, but the promise was made to an intrinsically self-valuing person and the current (continuing) duty stems from that previous situation. I do not have a moral duty to the individual *as* a non-intrinsically self-valuing individual. If we see this as a temporary situation and therefore know that the previous self-valuing individual as self-valuing can return, we should try to make this possible. We have a moral duty here to the past and future self-valuing individual.

and to subjects of experience or subjects of a life. As explained in preceding section, I also refer to the latter kind of 'intrinsic' value as a 'premoral' value. In contrast to my two uses of 'intrinsic,' Regan wants two separate terms, 'intrinsic' and 'inherent.' What I call the intrinsic value of a 'subject of a life' he calls the 'inherent' value and argues that this is a "categorical concept" (Regan, 1983, p. 240). By this he means that to have inherent value is an all or nothing matter, that all inherently valuable beings "have it equally, whether they be moral agents or moral patients" (Regan, 1983, p. 240). The clarity of the distinction between intrinsic value, which is possessed in degrees (having a more or less pleasurable experience, for example), and the allegedly non-quantifiable value of a subject of a life does seem to profit from two distinct terms.

Two problems arise for Regan: (1) trying to define 'inherent' value as something more than intrinsic value and thus not necessarily (and, in fact, not) quantifiable and (2) satisfactorily dispelling the pervasive intuition that subjects of a life possess degrees of inherent value, within their own lifetimes and relative to other subjects of a life. First, look at Regan's definition of 'inherent' value. He asserts that some individuals "have value in themselves" and continues, "I shall refer to this kind of value as *inherent value*" (Regan, 1983, p. 235). Subsequently terming individuals who have inherent value 'subjects of a life,' he fleshes out his definition of 'inherent' value by giving his criterion for subjects of a life:

they have beliefs and desires; perception, memory, and a sense of the future, including their own future; an emotional life together with feelings of pleasure and pain; preference- and welfare-interests; the ability to initiate action in pursuit of their desires and goals; a psychophysical identity over time ... (Regan, 1983, p. 243).

Along with Edwards, I am struck by the fact that such a description can and does apply to individuals *in degrees*. As Edwards explains,

subjects-of-a-life differ immensely with respect to (1) the complexity of their organization, (2) the extent to which they exemplify the defining characteristics of the notion, and (3) the richness with which they may manifest additional traits of

subjectivity conspicuously absent from Regan's list like rationality, self-consciousness, moral agency, etc. All the defining characteristics ... are ability or capacity concepts ... (Edwards, 1993, p. 2).

Regan continues his description of the subject of a life; they have

an individual welfare in the sense that their experiential life fares well or ill for them, logically independently of their utility for others and logically independently of their being the object of anyone else's interests (Regan, 1983, p. 243).

This may seem to point to a fact about the subject of a life that is not a capacity or ability insofar as this quote directs our attention to the experiencer as a unique center or subject (identified in language by a noun) rather than to the ways of experiencing (captured in language by verbs and adverbs). I believe, however, that what is referred to by the noun and the verbs, with their attendant adverbs, is inextricably bound together. The subject of a life cannot exist without experiencing. This has a major implication for the nature of the subject of a life as a subject: it emerges, develops, and eventually perishes. Further, individuals need not possess abilities and capacities to an equal degree to be subjects of a life. They may not even have the same set abilities and capacities in order to qualify as subjects of a life. I have argued that rationality, especially in its most sophisticated forms, is not necessary for a being to be a subject of a life, while it may be necessary for a high degree of moral agency. Regan and Hartman (see Chapter VI) both offer a description of a highly developed and complex subject of a life that may well be true of the sophisticated moral agent. On the other hand, I have argued that sentience (in its varieties and degrees) is necessary for a being to be a subject of a life. The question is how few abilities and capacities, which ones and what level of development are required to say that a subject of a life has emerged, one that is only a moral patient, at least at this point. I shall argue that there is no line,⁸ but an area in which

⁸ This point is made by others, including Norman Gillespie; see his article, "Abortion and Human Rights" (Gillespie, 1984).

one suspects that a subject of a life is emerging.

Let us address the second problem, Regan's counterintuitive belief that subjects of a life do not possess varying degrees of inherent value. Contrary to Regan's position captured in his stipulative definition of 'inherent' value, we commonly experience individuals as having different degrees of "inherent" value relative to each other. This experience is strongly expressed⁹ in the prevalent judgment that the "inherent" value of an ant is less than that of a rat, is less than that of dog, is less than that of a baboon, is less than that of a adult human being. The differences run roughly along a continuum or continua. The theory of evolution supports the idea of continua of abilities changing, and generally but not necessarily increasing in variety, complexity, and degree with the process of evolution. After all, the evolutionary process is not, for example, movement along one line from simplicity to complexity (manifested in beings ranging from the 'lower' to 'higher'). As evolutionary theory is conceived, there are numerous continually branching lines, where different complexities evolve along different lines. Dogs, for example, have a much more "highly" developed sense of smell than do human beings. Humans, on the other hand, have more highly developed abstract cognitive abilities than do dogs. For all we know, however, dolphins may surpass adult human beings in some cognitive areas. Although as far as we can tell we have more highly developed abilities in some areas, to say unequivocally that humans are superior to all other living beings is a grand and arrogant distortion.

I use 'intrinsic value' rather than 'inherent value' to describe a subject of a life because being appropriately identified as a subject of a life is a function of manifesting the criterion that is itself a list of abilities and capacities present in individuals, as Edwards points

⁹ While the details of such intuitions are certainly diverse and questionable, the general intuition remains strong and plausible enough to require serious consideration.

out, to varying degrees. My usage reflects my definition of the subject of a life as of intrinsic value insofar as she values herself. The subject might be properly described as valuing herself negatively if her experiential life is an intolerable burden and she would rather die, cease to be a subject of a life, than continue suffering unbearably. Her life has an intrinsic disvalue. While she is not reducible as a subject of a life to a receptacle, merely a sum of her valued and disvalued experiences, the value of her experiences are intricately bound to her valuing of herself. By applying the term 'intrinsic' value, then, to the value of the experiencer herself and to the value of her experiencing, I am trying to tie closely the value of the two.

Another crucial observation to make about the *fact* that subjects of a life have different capacities and abilities, in kind and degree, is that their respective *valuing* of themselves is not necessarily proportional to the degree and variety or complexity of these capacities and abilities. Sapontzis makes this point:

We cannot enjoy the life of a dog, a bird, a bat, or a dolphin. Consequently, we cannot appreciate the subtleties of smell, sight, sound, and touch that these animals can apparently appreciate. Here, we are the boors. Of course, they in turn apparently cannot appreciate Michelangelo and Mozart (an insensitivity not limited to members of other species). Here, they are the boors. ... However, as John Stuart Mill himself acknowledges, the only way to determine which are the qualitatively superior feelings is to find someone who can appreciate the lot and ask that person which ones he or she prefers (Sapontzis, 1987, p. 219).

This we cannot do and therefore we must be extremely careful in comparing the degrees of intrinsic value among individuals unlike us. This is a difficult call even among human beings, who as individuals greatly vary from one another. Despite this difficulty, we can do this to some extent, especially if we take the time to know the individuals involved. Knowing is particularly important when comparing individuals that widely differ, such as an ant, a dog and a "normal" adult human being. Sapontzis suggests

feelings are not like jelly beans, and they are not related to the one who has them as beans are to their receptacle. *Feelings* cannot exist by themselves, and they *are what the one who has them makes of them*. ... the one who lives that life must show us what

its value is for him or her (my italics, Sapontzis, 1987, p. 221).

This suggests that Sapontzis believes, as do I, that we can determine something about the degree and way in which a being values itself. Sapontzis, however, ultimately and perhaps contradictorily concludes that we cannot compare our feelings with those of animals, and therefore

we cannot determine whether a human gets more or less enjoyment and fulfillment from his enjoyable and fulfilling life that an animals gets from its enjoyable and fulfilling life (Sapontzis, 1987, p.221).

I suggest that perhaps we can in some very rough way. To examine this in more detail, however, is beyond the scope of my dissertation. I suggest that if, as Wittgenstein would argue, feelings are not internal invisible states of being, but publicly present in the activity of a being, it is possible to get a sense for how important a being's life is to itself and whether we could contribute to its valuing itself more. Of course this requires us to have enough in common with an individual that we can be a part of the public that appreciates this individual's feelings. For example, if we were to swim with dolphins as some people do, we would probably come to appreciate some of their feelings, even if in a limited way.

3. Connection between the Premoral and the Moral

How do we get from the premoral to the moral? The crucial transitional fact is that any agent's action, although freely chosen, has consequences for other individuals, or patients, that help form 'the given' for the patients. By 'the given' I mean those consequences with which the patients must contend. It is true that patients can sometimes counter, modify or perhaps maintain indifference to the encountered consequences of another's action, but all too often patients must accommodate themselves to such consequences as the given in their lives. When the given could have been less troublesome *but for the thoughtlessness or bad intentions of agents*, the agents are responsible for this fact. This responsibility is moral

responsibility, the responsibility to care about how one's actions affect the well-being of others. The value at stake for patients (and agents who are also patients vis a vis the actions of others) is the exercise, to the extent possible, of one's valuation of self in, for example, self-determination, control over one's own life which is partially defining of oneself. If agents deliberately or negligently eliminate or diminish patients' authentic expressions of self, it is a *moral* issue and as such must be examined for its justification. It is important to realize that while negligence is not a matter of direct intention (be definition), I suggest that it reflects an earlier failure to do what one knew to do. This is true even if what one should have done was a general action such as developing the habit of being considerate of others or the habits of self-discipline and responsibility. If one does not do such things because of laziness or selfishness for example, one may contribute to one's future carelessness and incompetence in specific areas, hence be called negligent in certain situations.

4. *Morality as a Social Enterprise*

To become a morally good person, then, one must move from being motivated to act in a given way (which is manifesting an attitude in action) solely by self-oriented or prudential concern, be that crass selfishness or enlightened self-interest, to being motivated also and more importantly by a caring for the well-being of other experiencing beings. This caring may range from intensely personal empathy to an abstract respect for moral patients. Whatever the character of the caring, however, it is *other-directed*. This description of the morally good person is of a person *in relationship with* or *living toward* others. The element of other-directedness, of relatedness reveals what I take to be a fundamental fact of morality, that it is an interpersonal or *social* activity. The moral person is one who is in caring relationships with or toward other individuals of a certain sort, namely, sentient, experiencing

beings who are centers of a (their own) life. It is true that moral persons care also about themselves. Can this be called a caring 'relationship' with the self? We do talk like this. However, the nature of the relationship of the self with the self is significantly different from the relationship one self has with other selves. There is a unity within or of the self, referred to as a center of experience or subject of a life, that does not exist between or among selves. This will be pursued further in the next section when I argue that there is no duty to the self because of the unity within the self that precludes a *social* relationship of the self with itself.

5. No Moral Duty To Self

The assertion that the moral is a dimension of social relationships may prompt the following objection: do not persons have a moral obligation to themselves? It may be believed to be the case, but if I look at two explanations for this, I remain unconvinced. Even before looking at the explanations, I shall admit that in one sense I would say that a person has a moral duty to herself; insofar as the well-being of *others* will be affected by a person's decisions about her own future, a person does have moral obligations to herself. These are *indirect* moral obligations, however. Duties to the self, then, become duties to the self *as a social* being, as morally responsive to how acts that she directs at herself secondarily affect others. She morally ought to do something not because of how it affects her own well-being but because of how it secondarily affects the well-being of others. For example, if a person seriously injures herself through extremely risky thrill seeking behavior, this remains a prudential matter unless through her self-injury she negatively affects the well-being of others. How and whom she affects will vary depending upon the circumstances. These others might include her children to whom she has moral obligations that she temporarily or permanently cannot meet. The general tax paying public might also be negatively affected, if, for example,

she must be rescued at great expense and/or her subsequent medical care must be funded with tax dollars because she has no private medical insurance and insufficient personal funds. Because she has a direct moral obligation to others insofar as they are affected by her risk taking action, she accrues an indirect moral obligation to herself.

Is this response true to the spirit of the objection that one does not have a direct moral duty to self? Does not a person have a moral obligation to her future self, *setting aside* any considerations for how the well-being of others will be affected? I argue that persons do not have moral obligations, even the obligation to care, for themselves, to value themselves intrinsically.

How can this objection be met? To answer this, let me begin by recalling that Kant argues that a rational being has duties to herself. Any self-legislating, autonomous person insofar as she is acting rationally follows the moral law she gives to herself and all other rational beings alike. For Kant an agent may not treat herself merely as a means to an end any more than she may treat any other rational being merely as a means to an end. This allows Kant to imply that the agent may at times be required to sacrifice even her life for the sake of duty as described in a moral law. I am not suggesting that Kant says that one is allowed to kill oneself, but only that in applying the categorical imperative, one may run into a situation in which one is required to tell the truth at the *risk* of getting oneself killed. The law not the consequences guide one's actions. I believe that not only can this be inferred from Kant's moral philosophy as I have discussed it in earlier chapters, but that Kant himself may have realized this. In support of the latter, consider his assertion in the following two passages:

truthfulness is a duty that must be regarded as the basis of all duties founded on contract, the laws of which would be rendered uncertain and useless if even the least exception to them were admitted. ...

Every man has not only a right, but the strictest duty to truthfulness in statements which he cannot avoid, *whether they do harm to himself or others* (my italics, Kant, 1923, pp. 363-364).

Such harm to self could include sacrificing one's very life insofar as one knows that this is a grave risk incurred by telling the truth in a given situation.

I have argued against Kant's position that the *attitude of lawabidingness* defines morality, the practice of which might get one into the very precarious situation described in the example above. Kant's position amounts to putting the instantiation of the moral law *before* the valuing of individuals as individuals. This makes willing obedience to the law the moral issue rather than the respectful valuing of intrinsically valuable whole sentient beings that I advocate. While self-legislating is important in that one sets rules and principles for action that best express the valuing of other individuals, in my view the moral law is of instrumental value, a *tool* for promoting the (at least) decent and equitable treatment of sentient beings, not the be-all and end-all of morality.

Therefore, I disagree with Kant's basis for requiring duties to the self, such as the risk of self-sacrifice for the sake of the moral law, out of moral duty to the self and others *as* the instantiations of the categorical imperative. To say that for Kant this is a duty to the self *as* I have defined it is misleading; it is, more accurately, a duty to self *as* instantiation of the moral law that a rational being self-legislates. I do not find Kant helpful here at all.

To follow Mill in saying that that which is worth the cost of social sanctions (of teaching and enforcement) is a moral duty could theoretically allow moral duties to the self, even were such moral duties with respect to purely personal matters (matters affecting the well-being of no one else). I agree that moral duties must be worth the cost of social sanctions. However, behind Mill's concept of moral is the belief that morality is intended to

promote the greater good. I have rejected this, however, asserting that morality should fairly promote the intrinsic good of individuals qua individuals, which in turn I supported by presenting the concept of the given in section II 3 B of this chapter. Recall my basic assumption that the moral agent qua moral realizes and cares that her actions contribute to "the given" of other sentient beings, that the heart of acting morally is to take into consideration that someone else's well-being will be constrained by the consequences of her action. Thus, those of the moral agent's actions that concern only her own personal interest (do not affect the well-being of others) remain that, personal. For this reason, I have asserted that one cannot make purely personal matters a moral issue. What I would call prudential are purely personal matters that theoretically Mill might call personal but moral because they are worth the cost of sanctions. Mill's criteria for calling something a moral rather than a prudential matter are different from mine.

Whether a person may have duties to herself directly, whether we see her to have a social relationship with herself (among her sequential selves) might depend on one's philosophy of personal identity. Suppose I see the self as a collection of selves sequentially evolving through time. If I speak of myself today having a 'relationship' to my future selves and as I do with other people, then perhaps my conception of morality as a social enterprise would require that I speak of moral obligations to my future selves. I believe that the term 'relationship' is ambiguous, even equivocal. This is because I understand personal identity to be a unity of self through time, even if the characteristics of that self evolve or change or do not even form overall a coherent integrated self. My "future" self is not a different self (with whom I could sensibly have a relationship) but myself at a different time.

To talk about future 'selves,' is therefore and also misleading. I make some decisions with which I shall most likely have to live in a way that you will not have to live. I

may act in a way that will result in my experiencing pain in the future. I shall experience my pain in the future; you will not, cannot have my experience of my pain. *I* reap the fruits of *my* actions; *I* create some of *my* future given. I have an experiential, material, necessary relationship with myself in the future that I have with no other person. If I take a slow acting poison that once given cannot be counteracted, I shall have to pay the price, suffer the consequences in a way that I shall not if I give someone else the poison. I have just as much effect on my future as the other person's future, depending upon to whom I administer the poison, but there is a difference in the consequences that I suffer, in my relationship to the outcome of my action, in how I take responsibility (necessarily versus contingently). Therefore, I am related to my past and future selves in a way *unlike* my relationship with other people. This 'relationship,' if that term once clarified remains the best expression, is prudential.

I prefer this second conception of the self for several reasons. In addition to the arguments already offered, I believe that the self must be a unity through time in order to account for responsible (in sense of being held accountable) moral agency. If today I deliberately or negligently injure my neighbor seriously, I must be held accountable tomorrow and the day after.¹⁰ This is true even if by the time I am called to account for this action I have changed so completely that I am no longer the terrible person who wantonly harms another person. It may be that I no longer need rehabilitation and that the neighbor does not want retribution, but I still have a moral debt to pay. *I* diminished that person's experience of her life and must now in some way try to repay or at least to show respect for that person

¹⁰ This is not a simple relationship, however. The degree of accountability may change somewhat over time and with respect to other factors. The 30 year old has a different degree of relationship to what she did when eight years old than she did at nine years old. Further, the degree of responsibility will change with time and distance between one's action and its consequences. But I believe, differing opinions notwithstanding, that one is responsible through one's lifetime for those consequences that were closely connected to one's actions, even if the appropriate expression of that responsibility changes, probably diminishes, the further one is from the time of her actions.

who suffered at my hands by sincerely apologizing and making sure that I do not revert to my previous terrible ways.

If there is but a sequential set of selves with no underlying unity, how do we hold a past self accountable today or tomorrow? That past self is gone and today's self did not do that dastardly deed.¹¹ Generally, though, I believe that the conception of the unity of the self through time is how most of us do see ourselves and is basic to how we understand the possibility of moral responsibility or agency, hence of the very institution of morality.

6. Self-Determination versus Autonomy

Self-determination is an expression of one's intrinsic self-valuation. Valuing oneself as an end rather than merely a means to someone else's end is manifested in choosing one's ends and attempting to secure those by choice and pursuit of the means to those ends. The ends may reflect self-interest and interest in the well-being of others. Thus self-determination may be expressed in terms of goals reflecting the purely personal or prudential and the moral (as I have defined it). Further, not only successful self-determination but also compromised or failed attempts at self-determination are important as ways of valuing the self intrinsically. These are valuating or merely valuing acts¹² that help to define the person. Such self-definition contributes significantly to the meaning of one's life to oneself, to one's dignity and individuality.

This is not to say that self-determination is a moral value. It is a nonmoral or

¹¹ This account is admittedly oversimplified; for example, it does not address such problems as insanity or multiple personalities. Nor does it consider selves that partially change through time, with some of the same self being maintained for varying lengths of time, while other parts disappear and new parts appear. This would become complex to unravel for the purposes of ascribing moral responsibility. This latter notion, depending upon how it is detailed, may approach my conception of the self as essentially a unity rather than a collection of successive selves.

¹² Which term is appropriate depends on intensity of focus acts, since to valuate intrinsically is an intense involvement, according to Hartman's definition. Not all our valuing of self and others is sufficiently intense to be valuating.

premoral value that comes to have moral significance when valued by another. A person's intrinsic valuing of herself expressed in self-determination is in itself a premoral value; but once this self-determination as expressive of self-valuing *is also valued by another*, her premoral value gives rise to her moral standing in the eyes of the other. If there were no self-valuing individuals in the world, there would be no purpose for morality; it would not matter how the individuals interacted since the individuals do not matter to themselves. Even if there were only one self-valuing individual in the world, this individual would have no other self-valuing individual to impact, hence there would again be no purpose for a moral system. Morality would have no meaning in either of these two scenarios. In the second scenario, however, since there is an instance of self-valuation, there is value in the world; it is just not a moral value. It embodies a nonmoral value that is seen as premoral insofar as it is a logical building block in the structure where the cement is moral valuing. It is in (social) interaction among intrinsically self-valuing individuals that morality arises.

'Autonomy' is commonly used interchangeably with 'self-determination.' I have argued that self-determination is a premoral concept, not a moral one, where by 'moral concept' I mean a concept that embodies a moral value rather than a premoral value. I could use 'autonomy' in the same way as I use 'self-determination,' as a premoral concept; then I could say that the phrase '*respect for autonomy*' refers to a moral value.

However, the common usage of 'autonomy,' and often of 'self-determination,' is *as* a moral concept. By my definition of morality, however, this would not make sense. I could add something to my understanding of autonomy to distinguish it from 'self-determination' and turn it into what I could comfortably call a moral concept.

In wanting to define 'autonomy' in a way that renders it a moral concept, I follow a practice that began with Kant. Kant builds responsibility, responsiveness to moral law,

into his concept of autonomy, although not in the way in which I shall advocate shortly. He does this by saying that the autonomous person is one who not only acts in accordance with the moral law but who *self-legislates* the moral law. This self-legislation is not a matter of legislating according to desire or whim, not a matter of simple unqualified self-determination or liberty on the part of the self-legislator. Rather, as Paton explains it

to say that a moral will is autonomous, that it makes its own law, is to say that it is not determined by any interest. To be determined by interest, and so by desire and inclination, is to be heteronomous, to be subject to a law not of our own making, and so ultimately to a law of nature ... (Paton, 1956, p. 182).

If we recall Silber's distinction between *Wille* and *Willkür*, I can better explain what I take to be Kant's meaning for 'autonomy.' The passage just quoted implies that the will (*Willkür*) can choose not to act for the sake of the moral law. Yet Kant's use of autonomy suggests that it refers to the will (*Wille*) as choosing freely to act in accord with and for the sake of the moral law, that is, choosing the morally correct action. Consider what Kant says in the *Foundations*:

Autonomy of the will is that property of it by which it is a law to itself independently of any property of objects of volition. Hence the principle of autonomy is: Never choose except in such a way that the maxims of the choice are comprehended in the same volition as a universal law. ...

If the will seeks the law which is to determine it any ... where else than in the fitness of its maxims to its own universal legislation, and if it thus goes outside itself and seeks this law in the property of any of its objects, heteronomy always results (Kant, 1959, p. 59)

I believe that there is support for this understanding of autonomy also in Kant's Theorem IV offered in the *Critique of Practical Reason*, where he contrasts it with heteronomy:

The autonomy of the will is the sole principle of all moral laws and of the duties conforming to them; heteronomy of choice, on the other hand, not only does not establish any obligation but is opposed to the principle of duty and to the morality of the will, (Kant, 1956, p. 33).

Consider also:

Morality is thus the relation of actions to the autonomy of the will, i.e., to possible universal lawgiving by maxims of the will. The action which can be *compatible with the autonomy of the will is permitted*; that which does not agree with it is prohibited. The will whose maxims necessarily are in harmony with the laws of autonomy is a holy will ... (my italics, Kant, 1959, p. 58).

Settling the issue of whether one can *autonomously* choose to ignore the moral law, however, or whether such choice (*Willkür*) is free but not properly called 'autonomous' is not important. It would depend on how one finally understands Kant's uses of *Willkür* and *Wille* and their relationship with the concept of autonomy. The point to make is that Kant's concept of autonomy seems to be a moral concept. Importantly, today's use of 'autonomy' seems to carry with it the connotation of 'moral concept' without retaining the Kantian grounding for such a connotation.

How would I define 'autonomy' as a moral concept, if I do not want to follow Kant's explication? I want to make the challengeable but prescriptive suggestion that *if* autonomy is to be a moral concept, then autonomous action, for example, should refer to action *intended* to do the "morally right act."¹³ Autonomous action becomes an expression of the individual as an individual within certain moral constraints. Autonomous action is thus responsive to the fundamental needs and interests of individuals as individuals and to justice considerations, such as fighting prejudice and bias and not yielding to special interests to the detriment of the interests of others.

This admittedly unusual rendering of autonomy contrasts with the noted common identification of an individual's intrinsic valuing of self, expressed in self-determination, with 'autonomy.' However, as argued, self-determination unqualified by responsiveness to the well-being of others embodies only a *pre-moral* value, the value of the individual to herself. If this is also called 'autonomy,' then autonomy is tantamount to the

¹³ However one defines this, and I define it differently from Kant. See Chapter VI for my 'morally right.'

liberty, even license, to indulge in desires or inclinations as one chooses. This is not a *moral* value since morality is intended to limit such license. The premoral concept of self-determination, then, properly identifies only the value upon which morality is built, the intrinsic value of the self. I assert that the premoral value of self-determination yields to my prescribed understanding of autonomy as a moral concept *only when* the premoral value is broadened to *morally responsible* self-determination. Such responsibility is an ability to respond caringly to the experiential individuality of the affected individuals, to how the action affects the well-being of others, to its context, its social dimension. If one does not want to call morally responsible self-determination 'autonomy' as a practical matter, then the idea remains, but without a simple label, and the usages of 'autonomy' may remain ambiguous and misleading at times.

7. *Sacrifice*

If 'autonomy' embodies a moral value, a responsiveness to the plight of others, can we require as a moral duty some sacrifice of self for the sake of another? In order to answer this question, the word 'sacrifice' must first be examined. Most loosely (and commonly) it means to give up something tangible or intangible, ranging from the non-essential to the essential. I would like stipulate and defend a tighter meaning. I intend 'sacrifice' to refer to giving up something *essential* to *one's own* well-being. With respect to the requirement that the something given up be an essential, I want to avoid what I see to be too cavalier a use of the concept of sacrifice. Also, what is seen as essential to one individual may not so seem to another individual. However, for living and sentient individuals, there are widely recognized essentials for physical survival, at least, which provide a baseline of essentials to be valued and protected by society.

A second part of my stipulative meaning for 'sacrifice' is that one can only sacrifice or give up something essential to *one's own* well-being. I cannot sacrifice something of essential value to *another* person. To defend this assertion I need to distinguish among three ways of talking about sacrifice: (1) the prudential, where one sacrifices one's own essential for another of one's own (presumably a greater essential), (2) the moral(ly good), where the sacrifice of one of one's own essential is for the sake of the well-being of another, and (3) immoral, as such because for it there is no moral justification (no consent by patient, no claim of self-defense against patient) for the agent's "sacrifice" for her own sake of the essential of another. This third I see as an illicit use of the term 'sacrifice,' because it disguises what might be better called, in some circumstances, stealing, that is, morally unjustifiably taking from others what is *prima facie* rightfully theirs (be it, for example, health, life, opportunity for basic self-fulfillment).

An important connotation for 'sacrifice' that I value and wish to keep is that it is somehow ultimately positive, admirable, even courageous. While this may not seem ordinarily true of prudential sacrifices, it may be. An example was recently in the news. A man trapped and out of the range of timely help cut off his own leg in order to free himself, thereby enabling himself to seek help and save his own life. This strikes me as courageous and admirable even if it was only done for his own sake. I argue that courage is a prudential good that is admired even when applied for one's own sake, and that it becomes a virtue when applied for the sake of the well-being of others. I am perhaps going against the common intuition that such a courageous act is 'morally' admirable. But as I have defined 'moral,' I believe that such an act is morally neutral, however positive an act. It is much easier for me to reconsider and jettison this common intuition than it is to reject my conception of morality as described in this dissertation.

With respect to immoral sacrifice, however, the judgment of positiveness, goodness, or admirableness does not apply. I do not consider it admirable to injure unjustifiably one person for the sake of oneself or another.¹⁴ Such selfishness or favoritism would be the opposite of caring for all moral patients affected in a given situation. Yet the term 'sacrifice' is used in what I shall argue is just such a way, masking, deliberately or not, what I take to be an immoral act (as will see in next chapter).

Moral sacrifice does seem to exemplify virtue. To see this and to explain better my conception of moral sacrifice, additional examples are in order. If I make difficult choices involving a trade-off of essentials for the well-being of another individual, such as my child, I do not want to say that *I* am sacrificing one of her essentials for another of her essentials. If she is consulted and agrees, then *she* is doing the sacrificing of her essential, not I. Without her participation, I am merely making a best interest decision for her. I may suffer or rejoice with her at the result, but that is an issue secondary to the issue of sacrificing. However, I may sacrifice for her sake when I significantly risk one my essentials, such as my health, by, for example, donating my kidney to her.

Thus the motive for the licit instances of sacrifice may vary, prudential or moral, depending upon whom I intend to benefit by my sacrifice (myself or another, respectively). Sacrificing is a form of gifting when it is a moral sacrifice, that is, a sacrifice for the sake of another's well-being.

Sacrificing, so defined, generally can never be required or exacted as a moral

¹⁴ I may consider it admirable even virtuous to injure justifiably one individual for the sake of another, as in coming to the defense of someone being mugged or abused by another. What reasons are considered justifiable will depend upon community rules for morally good and fair conduct toward one another. There always will be a dispute about this or that rule, and general consensus about many other rules. If only judges an action justifiable when most others do not, practically speaking one may have to pay the price for following one's conscience. Most people who try to live by society's rules (moral and legal, where they do not conflict) would not consider fighting off a mugger to be wrong, although there may be disputes to how much force and risk of injury to mugger is justified.

duty. It can be either prudential or a moral extra, a gift. If an individual is required to give up something essential, this jeopardizes the entire basis of morality, the premoral value of the individual as an intrinsically valuer of self. We cannot require that one give up that which constitutes her intrinsic value to herself, for such a requirement amounts to ceasing to value her intrinsically. Once we stop valuing intrinsically those who value themselves intrinsically, those for whose sake morality exists in the first place, the purpose of the institution of morality is logically undermined.

I say "generally" because there is an exception. There can be a duty to sacrifice something essential to one's well-being if (1) everyone else affected by the problematic situation is also required to do so, to the degree appropriate, and (2) the essential to be sacrificed is for the sake of a greater essential for oneself. Thus, there may be a situation where everyone must give up sufficient nutrition for a period in order to share a limited food supply with the group and, thereby, give everyone an equal chance for survival. Figuring out just what the actual sacrifice will entail for each individual involved will require looking at the particular circumstances for each individual affected. In this way the value of each intrinsically valued individual is respected and morality is not undermined.

I shall consider here an example that might be thought to involve sacrifice. Consider the dilemma posed by five human beings, similar in all relevant characteristics, and a lifeboat that can only support four. This example is chosen because it is basically Tom Regan's example, with the exception that in Regan's script one of the five is a large dog which would take up comparable room in the lifeboat.¹⁵ Here I would like to consider a situation with all people, however, in order to set up the framework for an extended discussion in the next chapter of Regan's example and variations on his scenario. This will be

¹⁵ See Regan (1983), where the lifeboat example is first introduced on p. 285.

useful because in some sense our world is a "giant lifeboat"; there are limited resources, hence competition for what is available (Edwards, 1993, p. 5). Such competition may well involve sacrifice, but I shall explain what sacrifice I take to be appropriate, what is immoral, and why none is required in this case.

If the five people are all of equal intrinsic worth, as I have defined this, then how should they solve the life and death problem posed by having a lifeboat only big enough to hold four people? I shall assume all five begin their ordeal in the water. If all five try to climb into the boat, it will sink and all will die. Each person understandably and appropriately values herself, constituting her own premoral value. All five, insofar as they are moral persons, also value each other; each person sees the others as having moral standing. An immoral person might try to drown one of the others in order to survive, with the unintended side consequence of also saving the three remaining persons. What, however, ought the moral person do? The solution is a lottery, assuming that bouncing around, wet and miserable in the high seas, fearing for their very survival, these five could conduct a lottery. The moral reasoning in support of a lottery is that all are presumed in this example to have an equal claim to life and as moral persons to respect the rightness of this claim on everyone's part. This does not, however, amount to requiring anyone to sacrifice her life, which is the sort of essential I do not believe that anyone ought to be *required to sacrifice*.¹⁶ Any one person might volunteer to remain in the water, facing certain death, and this would be a legitimate sacrifice (as I defined it), a supererogatory act. If, instead, all participate in the lottery, they are behaving in a morally correct way, the only morally correct alternative to all five drowning

¹⁶ I take this to be a contradictory notion, as is implied by my unusual definition of sacrifice. I would say that someone might be required (for example) to forfeit, give up, or trade off things or opportunities valued. These latter terms have connotations different from what I have argued are a common connotation of the word 'sacrifice' that has led me to redefine 'sacrifice.'

since they are taking an equal risk of harm to self. They are respecting the intrinsic value of each other as well as maintaining an intrinsic valuing of themselves. Consider: in partaking in the lottery each person has an 80% chance of surviving¹⁷ in contrast to a 0% chance if all crowd into what quickly becomes a sinking lifeboat. In choosing to participate in the lottery, therefore, each is respecting the intrinsic value of the self and others by allowing each to have a significant chance of survival as opposed to no chance. No person is sacrificing anything. Although one person will lose her life, she would also have lost it without the lottery. If one person refused to participate in the lottery, however, the others have the right of self-defense to include her name in the lottery and to try to prevent her from climbing into the lifeboat if her name is picked. This could not constitute "sacrificing" her; it would be appropriately called a justified action, if my reasoning is correct.

C. Morally Good Intention Is Primary

1. Attitude, Intention, and Action

There are gray areas in differentiations among attitudes, intentions, and actions. I understand attitudes to refer to psychological/behavioral dispositions, ranging in their breadth, where at the broadest they are expressive of character. Intentions are narrower in scope, referring to goals for individual or sets of actions. A particular intention may or may not be reflective of overall character (we speak of something being "in character" or "out of character"). Actions are the individual physical manifestations of attitudes and intentions. Hairs may be split by asserting that some attitudes do indeed harm or help others. Insofar as this is true in certain cases, the attitude has manifested itself in an action, however slight, as

¹⁷ For simplicity's sake I am assuming that they all know that help is on the way, but that it will take too long to reach these five to allow for the possibility that they can all survive in or out of the lifeboat. Thus I am assuming that one has to die and that they all know it.

a telling facial expression or bodily stance, and thereby has consequences for those observing.

As discussed in Chapter VI, the move from evaluating the action back to evaluating the intention of the agent is critical to understanding just what I take to be the fundamental focus of moral evaluation, the intention of the agent expressed in action. We think of an agent as being held morally accountable for her actions but not her thoughts or attitudes, as the former have the power to harm or help others in a way that thoughts or attitudes do not *until* manifested in actions. As explained in Chapter VI, actions are to be understood as manifesting agent intentions, not as having a free standing moral value. Otherwise, the falling of a tree upon a passerby, resulting in a serious injury, would be morally bad. This, however, is not how one would attempt to describe the event, except perhaps in a fairy tale where trees can adopt attitudes and can intentionally hurt passersby. Unless an action can be attributed to an agent whose intention it at least partially manifests, the action cannot be called good or bad. Calling an action good or bad is really a short cut for calling the agent morally good or bad in her intent as expressed or manifested in the action. If one were tempted to say, as Steve Sapontzis does, that an action has a truly agent independent value, this is deceiving. It may be true that an action is identifiable in its form and has a usual result, but this does not mean that the intention of the agent can ever become morally irrelevant and the value of the action can ever be independent of the agent. For example, what appears to be a calming stroking gesture usually intended to give comfort may in some odd instance be intended to calm but distract a person in order to harm that person, such as to allow secret administration of poison. Actions are not like natural kinds, each with a moral value as a fixed property.

The ambiguity of an isolated or abstract description of an action may be resolved by seeing such an action in context, especially in seeing how an agent sees the

situation and action, both of which shape the expression of the agent's intentions. The context of the action, therefore, is critically important for understanding the significance, including, most importantly, the intention of the action. In the example presented above, the stroking action reflected ambiguously on the subsequently revealed morally bad intentions of the agent. An observer could not truly evaluate the moral value of the action itself unless she knew what the stroker intended. The action itself seems good but in fact is not, as the harm (death or serious bodily harm) to the poisoned person far outweighs the benefit (temporary feeling of comfort). Thus, it is misleading but common to talk about actions as morally good or bad.

Thus, to talk of the 'moral' or 'morally proper' or 'morally good' *act* reflects different ways of saying that the intention of the act is to produce benefit for or reduce harm to those affected. The morally bad or evil act is that which (1) is intended to harm those affected or (2) is negligent to the extent that the agent (a) does not care when she should know better about how her act affects others or (b) is incompetent or thoughtless, both reflect her character, the development and nature of which she is at least partly responsible. Since morality primarily relates to an agent's (other-oriented) attitude rather than some quality or characteristic of an act (whose moral value is instead derivative from the attitude of the agent), I will try to extend the discussion of the domain of the moral by describing the moral (or morally good) person, the person with the proper or morally good attitude.

Two distinctions will help here. The first distinction is between moral and amoral. This distinction draws attention to the scope of concern. When a person acts solely in her own interest and in such a way that no one else's well-being or interests are affected, the action is prudential, that is, the scope of concern is just the self. Such an act therefore has no moral dimension. In the context of particular acts, this distinction is probably not clear

cut. Rather there is a continuum where most actions have some moral dimension, ranging from trivially to seriously affecting the well-being of another sentient being. Only the social context of an agent acting gives the act its moral value. Thus the term 'ethical egoist' is an oxymoron; it does not refer to a type of moral person but to a person who is *amoral*, without moral sensitivities. Any theory that calls itself 'ethical egoism' is not a moral theory as I have defined 'moral,' although it may be a theory describing a certain kind of motivation, namely egoistic motivation. 'Nonmoral' would be synonymous with 'amoral.' Persons thus described need not be bad persons, rather persons who are immature or for some other reason incapable of understanding moral valuing. Such beings would include human and nonhuman infants, most (most would argue all) nonhuman animals and certain mentally ill or defective human beings who *cannot intend* to harm or benefit others.

The second distinction is between moral and immoral and points to a different aspect of a person's intention. The immoral person is one who acts prudentially, for the sake of self-interest alone, or according to self-directed goals alone (which may actually be self-destructive) *despite* an awareness that such an act might harm another person. Thus such a person knows better, whereas the amoral person need not. The immoral person can be held morally accountable, whereas the amoral person need not.

In reality it may be difficult to tell the difference between the immoral person and the amoral person or correspondingly and more commonly it may be difficult to tell whether the agent sees her act as an immoral act (deliberate or negligent) for which she is to be blamed or as an amoral act which carries no moral blame. This is important because sometimes her attitude toward her action (her intention) is relevant to determining her moral accountability. She may be insane, too immature to distinguish right from wrong, or can plausibly explain her action as one of self-defense (when was not obviously so on the face of

it). To complicate matters more, in evaluating the agent's intention for its moral content, we must take into consideration that an agent can misjudge the moral value of the act and its consequences. This becomes particularly evident when we realize that actions may have a long temporal and spatial reach. The agent may not happen to or even be able to think far enough down the line to see what will ultimately happen as a result of her act. In judging another agent, we must also realize that different but fully competent people describe, understand and judge an act and its consequences differently. As Benhabib asks:

Can moral situations be individuated independently of our knowledge of the agents involved in these situations, of their histories, attitudes, characters and desires? Can I describe a situation as one of arrogance or hurt pride without knowing something about you as a concrete other? (Benhabib, 1992, p. 285).

2. Morality Is More Than Care

It is not enough that the attitude, intention or act reflect personal caring for the well-being of other sentient beings. This is to say, through the institution of morality as a way of living in larger society we require more of ourselves than love and affection will inspire and sustain. If we truly value other loved ones as sentient, experiencing beings, as intrinsically valued individuals, we may eventually learn to value those with whom we have no personal relationship or of whom we do not even have knowledge. There is a certain (psycho-)logic in extending care beyond our personal relationships; if we care for one sentient, experiencing being for her own sake, why not¹⁸ for all the others, even if that means our caring is at a hypothetical, a more abstract level? This would not mean that we behave in the same way to every such other, but only that these others fall within the scope

¹⁸ I argue this way because I realize that those individuals not known to me personally are also the instantiations of the universal 'self-valuing being.' This is a practical recognition that although the morally good person must whenever possible take the unique individual into consideration when deciding how to act toward her, this ideal way of relating has a limit and we want to be fair to those whom we do not know as well as those we do know.

of our caring concern however manifested.

The extension of care beyond the personal is the goal of morality, of each moral person. Since we can affect the given in the lives of those we do not know as well as those we know, and since it is the individual as an experiencer who matters, we qua moral try to find a way to extend respect and caring beyond our personal scopes. The "ought" in "each of us ought to be moral" is a combined rational and emotional "ought" that comes from realizing that best reasons why we care for our family and friends, namely, whom we value as ends in themselves, *also* apply to those whom we do not and may never know personally. If we are to be logically consistent in our caring or to think hypothetically ("if I knew that person or animal, I would care concretely") we must want to recognize the premoral value of *all* sentient, experiencing beings. The "ought" is prescriptive, but it does not have force sufficient to make each of us want to be moral. Ideally, the wanting to is nurtured in us from the beginning of our existence, with varying degrees of success. We can pass laws and exert peer or other social pressures to attempt to make people toe the moral line, but we cannot force people to care about others. This is to say, we can provide external pressure and incentive but we cannot necessarily produce internal motivation, the moral feeling.

The means to reach the goal is articulated in that part of any ethical theory that attempts to formulate a guidance system for making the right moral decisions. Such a guidance system is a tool for the moral person to utilize in order to make the best possible moral decisions in the very particular contexts in which she finds herself. Being moral is a way of being toward others, an other-regarding style of relating that reflects one's self-development and can lead to self-fulfillment. Being moral can always be improved upon with experience and effort. When we define morally right action as action done in accord with certain Utilitarian rules of thumb or Deontological principles, we must be careful lest we are

mistaking using the tool properly for accomplishing the task. The spirit and the well-spring of morality in caring for the well-being of others seems to be submerged in Kant's moral theory and to be clouded over in Utilitarian theory to the extent that most if not all versions of Utilitarianism see intrinsic good as a universal rather than residing in each and every individual exhibiting certain universals, where these include at least sentience if not more particular characteristics.

Morality, therefore, is more than caring well and individually (if not personally) for another; it is caring well for *all* those we affect by our actions in a way that maintains the caring for each individual. I take this to be the most basic notion of justice, the equitable or fair¹⁹ way of distributing caring recognition of the intrinsic value of each individual affected, where we try not to care for one individual at the expense of another any more than is necessary given that interests often do compete.²⁰

Here again we can see how foundational the premoral value of the individual is. How can it matter *how* we distribute the valuing of individuals if each individual by herself is not first of intrinsic value, worth valuing in and of herself as a subject of a life? Thus, as said above, logically the individual is valued first, and from this it becomes imperative that its being valued is maintained in the face of conflicting demands from other individuals who also want to be valued intrinsically. Since each individual merits her own consideration, which in turn affects the manifestation of consideration for other individuals, there is required the coordination of concern for the interests of each individual affected by a contemplated action.

¹⁹ It is an immense problem to define justice, equity or fairness in a way acceptable to all. But there is a basic sense that justice embodies the recognition of the value of all falling within the scope of moral concern (who so falls is also a matter of debate), does not "play favorites."

²⁰ To decide how to allocate the expense would need to be developed in a full moral theory; I am only presented a partial moral theory.

Kant's categorical imperative is designed with the belief that it will do this. As a psychological tool it certainly will promote fairness, but it cannot be as effective as Kant would wish. Morality is an art, not the application of logic, not a science.

3. Morality Is More Than Duty

Since the moral is primarily that other-regarding element of agent intention, it is not just descriptive of duty. There can be moral value to an action that means such an action is to be promoted and valued, but not required. Thus sacrifice, as I have defined it, may be valued and lauded but not required as a duty. The person of strong moral character is usually one who goes beyond the call of duty, because such a person truly cares for others and demonstrates this is how she consistently lives toward other intrinsically valuable individuals.

4. Degrees of Agency

Importantly it must be noted here that there are (increasing) degrees of moral agency that parallel the developing ability to and awareness of how one can harm or benefit another and the developing of or limitations on one's ability to control one's actions in light of their potential to harm or help others. Thus, and in contrast to Kant's position, being autonomous ought not be limited to choosing rationally that action which can be universalized. Autonomous action can be action chosen for "reasons" more akin to the expression of care, commitment, respect, valuing those affected by action than to logical derivation of morally right act from the assessment of situation (through the logical application of the categorical imperative). This means that there are degrees of moral agency that reflect degrees of sophistication in rational and emotional abilities. The fullest moral agent, the one held accountable according to the highest standards, is the most rationally and

emotionally developed. Education, then, can be seen to be a very important part of developing in individuals their fullest moral potential. This lead us to a consideration of the role of character development.

5. *Character*

a. *Praise and Blame*

A most important activity associated with moral evaluations is the assignment of moral blame or praise to the agent. If moral evaluations are intended to promote morally good activity by teaching, guiding and encouraging or prompting the agent to act in morally appropriate ways, then the activity of assigning moral responsibility and subsequently blaming or praising the agent is crucial. People can be happy about fortuitous consequences of an action, but the agent is not the *moral* agent for the fortuitous consequences, though she is, strictly speaking, the causal agent. Praising the agent for accidental good results will not prompt future accidental good consequences to actions, although it may put her on her moral toes. So why praise? Moral responsibility means that the agent is responsible for the outcome of her actions in some significant way not accounted for in accidentally produced consequences. Ultimately the moral connection between action and consequences is intention. The activity of praising and blaming the moral agent, then, is intended to recognize that rightness or the wrongness of the agent's action, to hold her accountable for her actions. It also promotes the moral development, most basically the moral character, of the agent in order to promote the valuing the intrinsically valuable individuals as individuals.

b. *Rules and Principles*

As I would explain rules and principles, they are fundamentally the expression

of those moral values that we cherish. A particular rule or principle when adopted as morally good (by an individual or society, for example) is so because it is intended to promote the living of the value in concrete situations. Some rules or principles are more general expressions of values that, in turn, need more specific rules (rules of thumb) to connect them to the concrete situations.

There is another role for rules and principles. Character development of individuals is important as part of self-fulfillment and for the development of a moral society. The agent's character is the general grounding of intentions that are expressed in actions. Thus character development promotes, but does not guarantee, morally appropriate intentions manifested in morally good actions. Rules and principles are partly in service of promoting, through promoting within each agent, society-wide valuing of intrinsically valuable individuals.

The development of a person's character begins in early childhood with the imposition (and teaching) of external rules and principles that are highly generalized, hence relatively easy to understand and follow. Ideally, as the person matures, she internalizes the rules and principles, "makes them her own," and learns how as best she can to tailor them to the particular demands of individual situations and to express the values inherent in the rules and principles. The agent learns how to manifest her attitude of caring in the most effective and fair way she can, where the rules and principles, then, are best seen as rules of thumb.

When I talk about moral rightness or correctness, I refer to the acts where there is a match between the act (as a reflection of the actor's intention) and a particular moral rule or principle. Ideally the rule or principle promotes fairly the well-being in moral patients. Sometimes, however, what one or a group of persons takes as a proper moral principle others will reject. Perhaps the rejection is a judgment that the rule or principle fails to do its job or reflects a different criteria for calling a rule or principle morally right.

Such labeling of actions as morally 'right' or 'correct' is an important educational and enforcement tool to be used in the development of good moral character. In turn, good moral character is valuable because it increases the likelihood of valuing other individuals intrinsically through general attitudes and specific intentions, expressed in actions affecting such individuals.

This is in contrast to the common assumption of moral truth made by traditional moral theory and retained today by a great number of people. As we recall from the extended discussion of the epistemological ideal, it is assumed that there is an *objective morally correct* action to be selected in a particular circumstance and that *reason* applied to the situation can *discover* the right solution to the moral problem. We saw that the Kantian applies the categorical imperative and the Utilitarian applies the moral calculus, so that although the methods are different, both assume that reason is the tool to discover the morally correct action in the given situation. Both types of theory operate in the particular circumstance of concrete moral decision making by *abstracting* from the concrete circumstances either the maxim, to then be evaluated, or categories of harms and benefits, then to be quantified and totaled. Of course some non-Kantian theories simply begin with abstract statements (principles) of morally wrong actions (do not murder, do not steal or lie...) and assume that recognizing which principle(s) is(are) to be applied in a given situation is not difficult. In any case, traditional moral theories try to utilize universal or abstract principles or rules to discover the morally correct action in a concrete situation.

The beauty and appeal of postulating and trying therefore to develop a moral science is that as with natural science on the Newtonian model one can theoretically determine the moral laws and apply them in a given situation or can calculate the consequences of several contemplated actions in order to determine which will produce the

greatest amount of good for the greatest number (itself the moral rule for Utilitarians, roughly). If Kant were right that reason itself could identify the morally correct action in a given situation and that reason *unimpeded* by the obstacle of emotions or feelings would be sufficient to motivate moral agents to follow the moral laws, how good might the quality of life be! If Utilitarians, such as Mill, were right that there are laws of human action theoretically able to be discovered and utilized, and that the harm or beneficial value of consequences could be calculated, then here too ideally to the extent that moral agents could be motivated to behave according to the dictates of morality, the quality of life might be so much better than it is now. To the extent that everyone were to act in the morally right way, a tremendous amount of security would be generated, itself a benefit. Kant's dream about rationality and the categorical imperative is a dream about the good or better life, if Philippa Foot is to be agreed with (controlling the destructiveness of hedonism by reason's overcoming the obstacle of passion). Utilitarian calculus is also a dream about being able to secure a reliable universally applicable method to determine morally right actions and thereby improve the quality of lives lived. If there could be a moral science on the model of Newtonian science, then perhaps there would be hope that moral decision making can be taught, encouraged precisely, and that the development of the rational faculty is key to this enterprise.

I have argued against this ideal for moral theory, one which I have described as reductive of the moral agent and patient and as androcentric at level two. The problem, we saw, is that the moral analysis of a situation, including the selection or abstraction, the interpretation and the application of the relevant moral principle or rule will greatly vary from moral agent to moral agent. Reason simply is not 'monologic,' not uniform, reliable, and sufficient to do the assigned task. The task itself is an unrealizable ideal. There is no one

system of morally right or true actions that exist completely independent of the moral decision maker, that can be discovered by the infinitely honed tool of reason. What we nurture in the development of moral sensitivity and, ultimately, character is a caring attitude toward others, embracing their differences from the caregiver. What we teach includes rules and principles but only insofar as they fairly promote the art of living well toward others and, in service of this, help develop good moral character.

CHAPTER X

INDIVIDUAL WOMEN, FETUSES, AND NONHUMAN ANIMALS

I. Chapter Introduction

To see in this and in the last chapter how certain positions argued for in this dissertation ought to be used to clarify some aspects of the abortion debate and the increasingly challenged use of nonhuman animals in medical research, I want to pull together and expand some basic observations about how these issues have been and continue to be muddled terribly. First, recall the positions argued for: (1) a moral individualism where (2) the individual intrinsically valuing self is a premoral value that (3) is foundational to the social enterprise of morally valuing one another, where (4) there are degrees of premoral value, with bearing on a particular individual's moral standing, but that (5) there are certain essentials (core to the possibility and fact of intrinsic self-valuing) that any sentient being may volunteer but not be required to give up, no matter what the consequences of not doing so are to other sentient beings with varying degrees of moral standing. The observations to be reconsidered in greater depth in this chapter are the *imago dei* and *telos*, especially as these have been recast in the current debate(s), and of reductive concepts and descriptions, both those related and those unrelated to the *imago dei* and *telos*.

This chapter's discussions attempt to uncover further and correct biases in favor of human beings over nonhuman animals and in favor of male human beings over female human beings. I have argued that while there can meaningfully be said to be degrees of intrinsic value among various individuals and within individual lifetimes, such differences

are not necessarily limited or defined by one's species membership¹ and have no necessary relationship to one's sexuality.² Many, however, assume that there is a necessary relationship; this false assumption itself makes a relevant and critical difference.

Further, it may seem that this identified and discussed anthropocentrism and androcentrism essentially operate in two distinct realms. This is not true, as will be revealed by examining together "the" human abortion "issue" and "the issue" of the use of animals in medical research. I shall show that there is a strong undercurrent, some parts more explicit than others, of male human beings being *contrasted with both* female human beings *and* all nonhuman animals. As already discussed for the most part separately with respect to human versus nonhuman animals and to male versus female human beings, this is accomplished in part through use of false or questionable metaphysical assumptions about imago dei and telos as well as reductive (or reversely reductive) language. In this chapter I shall pursue this line of attack in more detail. I want to show that and how there is a similarity in attack and choice of weapons used against women and nonhuman animals. Essentially, women and nonhuman animals have been and still are *divided* from male human beings. Further, and perhaps oddly but significantly, with the emergence of the abortion issue the human fetus seems to have been and remains held on the side of and close to the male humans.

If the beliefs and/or categorizations associated with the imago dei and telos and captured by reductive language are accepted as fact, then the motivating prejudice is

¹ The identification of an individual as a member of a particular species gives us some general guidelines about what an individual's particular abilities and capacities might be like, but to go no farther than consideration of species membership is to fail to respect the individual as ultimately an individual.

² Nor is it necessarily related to many other characteristics, such as race, intelligence or class. Any of these, as well as one's sexuality, in a given context might in fact detract from (or add to) the quality of one's life experience, hence even perhaps (to or) from one's strength of desire to continue living (this being an expression of one's intrinsic self-valuing). In situations where a person's intrinsic self-valuing is diminished by circumstance, we should try to change the circumstance, knowing that the individual could be helped to value herself more.

hidden. If the "facts" are revealed to be unjustified valuations used to exert power over women and nonhuman animals, then we see the prejudice, which is the antithesis of proper moral valuation accomplished by utilizing legitimate and relevant facts.

II. *Cleaning Up the Debates*

A. *Masks: Reductions of Complex and Varied Moral Problems*

In the previous section I put quotation marks around the words 'the' and 'issue' to indicate that the singularity implied by the words is suspect. Up to a point morality needs to work in generalities, such as principles and rules of thumb guiding action decisions, universals manifested by individual subjects of a life (such as rationality, emotion, sentience), general categories of value (autonomy, privacy, responsibility, honesty). However, in the final analyses we have to decrease sufficiently and appropriately the level of generality to look at individuals in particular situations carefully. Only in this way can we reveal in a moral situation, for example, the particularity, nuance, diversity, and process involved. One of the most misleading masks of generality worn by particular situations is a broad label such as 'the use of animals in medical research' or 'the abortion issue.' The easy, uniform, static, universal identification provided by the mask covers the multitude of actual situations that may have very little in common with each other in terms of the values and interests actually at stake. The oversimplified description of some situations as "using animals in medical research" or "an abortion problem" prevents the truly individual analyses required to do justice to the individuals at risk and diverse values at stake. The simplicity of description distorts an actual situation and prevents as full and honest an analysis as is merited from being carried out.

The oversimplified description of a situation as an instance of "the use of animals in medical research" gives lie to the enormous diversity of values and interests at

stake. Under this one rubric, then, one finds, for example (1) general science that might eventually lead to some medically valuable bit of information (of different degrees of importance), that is (a) original, responsibly repetitive, or unnecessarily repetitive, (b) well-designed or poorly-designed in terms of scientific principles, efficient utilization of research animals, statistical soundness, experimental structure appropriate to goals (2) testing of specific therapeutic medicines, therapies or other interventions that fall into various spots in the categories (a) and (b) listed under (1) above. One also can categorize experiments with respect to (3) whether they benefit humans alone or other nonhuman animals as well, (4) the seriousness of the problem being addressed at the cost of nonhuman animals lives, (5) whether the experiments address problems that can be more effectively or efficiently or less harmfully be addressed without using test animals, (6) whether human beings are using animals to solve problems that could disappear if humans behave more responsibly (quit cigarette smoking, drive cars more safely, avoid use of firearms to "settle" disputes, quit using drugs), (7) whether the research involves pain and/or loss of life or is innocuous enough that animals might willingly take part.³

Similarly, with respect to "the abortion issue," moral analysis must consider that (1) there are many circumstances in which a woman may get pregnant, such as rape, failure of birth control, irresponsible failure to use birth control, inability to obtain appropriate birth control and to prevent intercourse due to the power imbalance in a relationship, and a male's forbidding of the use of birth control, (2) there are various social, political and economic factors beyond an individual woman's control that nonetheless affect a woman's ability to prevent unwanted pregnancies or seek safe and timely abortions, (3) there are many reasons

³ For a discussion of an interpretation of informed consent that makes sense with respect to some nonhuman animals, see Sapontzis (1987, p. 210f).

to seek an abortion, such as fetal demise, severe fetal deformities or disease ("fetal indications"), severe physical or psychological maternal risk to continued pregnancy, inability to afford a child and to give up a child born, negative impact on existing family, no desire to be a parent, and (4) there are different stages of pregnancy at which one might choose an abortion from the very early stages of gestation when most abortions occur to the later gestational stages where few abortions are sought and then only for serious fetal or maternal health reasons. Various combinations of circumstances, motivation and timing, which can be significantly different from one another, result in a multitude of particular situations in which abortions are sought. The circumstance in which a woman seeks a late term abortion because she suddenly has decided that the pregnancy is inconvenient is virtually non-existent and a profound insult to women and ignores the difficult, serious and soul-searching quality of almost any decision to seek abortion. To say categorically that abortion is murder⁴ is to tyrannize woman by putting all these diverse situations under one label.

Neither attempt to demonstrate the variety of situations that fall under either of the two issue categorizations is exhaustive or representative of the full range of situations. I have just tried to provide a sense of the diversity lost behind the masks. One observation that results from looking carefully at these lists is that there is a range of moral values at stake. Therefore, one cannot simply say that animals used in medical research are either simply "renewable resources" or "tortured and murdered" (using this latter term in a moral not legal sense), hence there is respectively no moral problem or an absolute and one-dimensional moral problem. Similarly, one cannot simply, dismissively and categorically say that "abortion is murder." Thus each "issue" includes many different value concerns. Further, by looking at

⁴ All but the most extreme position allow an exception when the woman's life is in imminent danger or, perhaps, when there was rape or incest.

the lists together we find that there are values at stake common to the lists, including the value of life (of all kinds) and how and when killing is (un)justified.

However, this caveat issued, I shall continue to use these two issue labels because certain general observations and analyses will pertain to most of the particular situations loosely gathered under each heading. This is important because I want to show some similarities in the attacks and well as draw out differences that may at first seem counterintuitive. This is not an attempt to resolve the "issues" once and for all, but I will try to clean up some of the debris cluttering and distorting a constructive view of the debates and indicate the essential strategy for tackling them.

B. Masks: Reductions of Individuals

Not only are moral issues reduced, but, as we saw in Chapter VIII, so are individuals, both in their roles as agents and patients. Who makes the reductions? All we human beings capable of language do. Those of us with the most power (or any power we wish to retain) have the most (or at least something) to gain by doing so, perhaps. Most reductions are designed, consciously or not, to distance the reducers as individual experiencers from the reality of the reduced. This makes it easier for a reducer to control and use others for her own purposes without moral pangs. The reducer can maintain the appearance of full moral responsibility and responsiveness while in fact seeking selfish interests. Reductions can thus be instances of bad faith, of unauthentic living toward others.

Attempts to reduce persons to tools in some cases may be seen as victimization and can be examples of what Newton Garver calls "violence."⁵ He sees violence as essentially a moral concept, the violation (serious harm) of a person physically, psychologically or both.

⁵ This is developed in his article, "What Violence Is" (Garver, 1981).

As Garver puts it, a person has a right, for example, to dignity and autonomy. However, these rights or, as I might put it, the expectation that one's premoral value *prima facie* ought to be respected by other persons, may be ignored in part through use of reductive language. This language cloaks what is happening, hides hurtful attitudes or beliefs that can in turn result in actions harmful to the reduced. For example, consider language that turns a person into a thing, merely a means to someone else's end, that comes between a person and her positive self-valuing by, if internalized, lowering her self-esteem. This language is a vehicle of violence. Sandra Lee Bartkey makes a relevant point: women can and some do participate in their own "psychological oppression" by coming to believe that they are victims:

To be psychologically oppressed is to be weighed down in your mind; it is to have a harsh dominion exercised over your self-esteem. The psychologically oppressed become to themselves their own oppressors ... psychological oppression can be regarded as the 'internalization of intimations of inferiority' (Bartkey, 1981, pp. 418-419).

As we have seen in earlier chapters, women are reduced to being stereotyped as (1) "inferior," "emotional," "flaky," referring to alleged reduced intellect, (2) "dumb blondes," "broad," fragmenting self by epitomizing the person by a physical characteristic (and by implication reducing intellect, seeing them as bodies instead of minds), (3) "girls," "child-like," "frivolous," impugning the maturity and ability to be morally responsible, (4) a "mother," or belonging "in the home" or "knowing their place" (woman's place is in the home), limiting their role to the domestic, non-public arenas, and (5) "bitches," "chicks," and, being called by truck drivers talking over the Citizen Band Radio by the name of a certain animal whose name is also used as slang for a particular part of the female anatomy, where these terms link women with "dumb," "instinctual" animals, and perhaps "fair game."

In contrast to lowering the stature and standing of women through their characterization by reductive language, the status or standing of the fetus is enhanced by

reverse reductions.⁶ Thus, the fetus is the "unborn *child*," or just "child," "baby," "fetal person," "the innocent." These characterizations call for protection, hence appeal to compassion, through associations between even the earliest conceptus and full persons like you or I. Underlying this talk is an extremely powerful appeal to one's own desires for survival, to one's own sense of vulnerability. Petchesky cuts to the chase when she remarks on the pro-life strategies of utilizing fetal pictures, emphasizing clinical details of fetal anatomy, choosing inappropriate language to talk about fetuses:

The fetus as an image of the small, the helpless and the mortal is made to *embody* one's desire for protection, for the safety of the womb; hence its power as a symbol to manipulate emotions. Through an erroneous attempt to portray the fetus as a miniature replica of you or me, this imagery not only denies the subtle processes of biological development but also seeks to arouse one's sense of identity with the fetus (Petchesky, 1992, pp. 415-516).

Even more poignant is a subsequent observation that:

The cry that women are 'killing their children' (*you too it seems to say, might have been an abortion*) signals a new wave of 'momism' and 'motherhood revivalism', a fundamental current of the New Right's moral offensive (*my italics*, Petchesky, 1992, p. 423).

This projection of the self into the position of the fetus is a fallacy, as if all the fullness of personality that the adult human being has is already contained in the fetus. This is in a way a throwback to the idea of homunculus, where gestation is just a matter of getting bigger, except that we are more than a body, whatever size. Suffice it to say that this reverse reduction inappropriately gives to the fetus the moral status given to children. It projects onto the fetus (at any gestational state for the most "conservative" pro-lifers) the moral status of personhood given to the mature moral agent, your and my personhood. It appeals to us not just as persons, but to us personally. It seems to operate by playing on our desires for self-defense, hence appeals to our enlightened self-interest, which is the opposite of what I

⁶ See Chapter VIII.

believe to be the moral task, caring well for others.

As seen in Chapter VIII, the reduction of individual animals is straightforward. Since to see animals as tools and resources is (still) respectable in our culture, in our public life, not too many apologies are seen by the reducers to be required. We do not have to hide too much from each other. The main reason for these reductions, I believe, is to keep our personal sentiments hidden from ourselves. To the extent we are in touch with our emotions, our caring relationships with others (human or nonhuman), we may find ourselves not able to use animals so cavalierly, wantonly, and cruelly. Reductive language is the mask we put on our victims so that we may not see their suffering at our hands. We do not want to address the physical and psychological violence done to animals in the name of science, which is to say, in the name of our self-interest as human beings. In this way we avoid in part our true moral responsibilities.

The most morally troubling reduction, perhaps, is of the self cast as the paradigmatic moral person, where this is seen to be a descriptive and innocuous casting. The paradigm is modeled on the *imago dei* qua rational, but in our culture we have had and continue to have a patriarchal paradigm. This self is the normal adult male human being who is a moral agent.⁷ Times have changed and sole reliance on religious assumptions and beliefs is no longer readily acceptable to the majority of our public. Such assumptions and beliefs nonetheless remain; they have simply put on modern masks.

Before we look at the masks to see how closely they resemble the corresponding masks of old, I want to propose a description of and examine the patriarchal paradigm of the moral agent. I want to summarize and expand on what I have said thus far

⁷ While this is the case, it is not truly seen or honestly admitted by a number of people. Although I do not deal with this directly in this dissertation, I must point out that in our culture this self is also Caucasian.

with respect to the elements that I have included in my description.

C. The Patriarchal Paradigm of the Moral Person

The paradigmatic moral person is a rational, responsible moral agent who is a male adult human being naturally (created) and in all ways morally superior to all nonhuman animals.

1. Point One

As discussed at length with reference to Kant, the focus on the nature of the moral agent does not imply that all and only moral agents have moral value. To be a moral agent is to value others; to be a moral patient is to be valued by others because one intrinsically values oneself. Further, woman and the man are equally capable as a moral agents.

2. Point Two

I have argued that rationality is not monological, that knowledge relevant to good moral decision making involves reason (in its variety) and emotion, where these are not clearly dichotomous. Further, there are degrees and kinds of rationality and emotional maturity and sensitivity that allow for a recognition that the moral person develops in time and in different ways.

3. Point Three

If there are degrees and kinds of rationality and emotions that play a role in a person making the best moral decisions she can, this means that various beings, not just human and not just adult, can be moral agents. Moral agency can be understood to exist in varying degrees.

Sapontzis makes this point when he identifies what I take to be two ends of a moral agency continuum, the "fullest" moral agent at one end and the primitive moral agent at the other. To present his position will require some background. First, I concur with Sapontzis when he argues that

morality is supposed to be a worldview and a way of life. Moral_{ad} actions are supposed to be guided by that worldview and to be dedicated to the fulfillment of an ideal way of life. ... If we follow Aristotle's counsel, when we want to discover what is the right thing to do, we try to find a good man or woman and follow his or her example.

Again, this dimension of morality is shown by our insistence that a person not merely follow a moral_{ai} rule but that, in order to be fully moral, she must do the morally_{ai} right thing because of her commitment to its rightness (Sapontzis, 1987, pp. 41-42).⁸

Although I do not agree with Sapontzis' distinction between agent-dependent moral rightness and agent-independent moral rightness (Chapter VI), I agree with the cited description of morality as a way of life. I agree with the recognition that there are degrees of (fullness of) moral agency. However, I put the primary emphasis on the moral goodness of the person and secondary emphasis on rules and principles. As I redescribe the "fully moral person," then, she is one who has a "commitment" to the "rightness" of a rule *because* she has a commitment to intrinsically self-valuing others. She can, as Sapontzis holds, pursue an ideal way of life, try to better herself in ways that we ordinarily do not believe most if any animals can. Experience with chimpanzees and baboons who have been successfully taught some level of sign language indicate an ability to manipulate the world⁹ and some efforts to behave better (often knowing when they are misbehaving).¹⁰

⁸ Sapontzis uses subscripts _{ad} (agent-dependent) and _{ai} (agent-independent) after 'moral' to differentiate his two meanings of moral value. Therefore, when he uses 'moral' his precise meaning is clear.

⁹ This is by no means the only way in which some animals manipulate their world.

¹⁰ See such books as Francine Patterson and Eugene Linden's *The Education of Koko* (1981) and Jane Goodall's *The Chimpanzees of Gombe* (1986).

At Sapontzis' other end of the continuum are beings of (much) less sophisticated rational abilities who, qua minimal moral agents, are only able to respond in caring or virtuous ways to the needs of another subject of a life, without awareness of the more abstract significance or contribution of their actions to any ideal way of life (Sapontzis, 1987, pp. 42-46). Children or mentally deficient human beings of any age as well as many sorts of nonhuman animals fall closer to the minimal or primitive end of the continuum. As an individual beings matures in its own lifetime, it may move up the continuum, but not farther than its own potentials may allow. Further, and for example, it can happen that at a given time a biological human being may be closer to the primitive end than is an adult dog or a baboon. Species membership alone cannot dictate placement along the continuum.

4. *Point Four*

Closely related to the above point is the fact that the term "responsible" is too often construed to mean simply acting in accord with moral principles or rules¹¹ rather than to mean caringly *responsive* to the varying needs of other sentient individuals. As we have just seen, Sapontzis includes this latter understanding as a dimension of moral responsibility in his recognition that animals, while unable to operate at as high a level of morality as mature human beings, "do recognize the needs of others and respond to those needs compassionately, courageously, responsibly, loyally ..." (Sapontzis, 1987, p. 46).

5. *Point Five*

'Human being' is commonly used synonymously with 'person.' I believe that this is not an advisable practice because it is an obfuscating one. 'Human being' is often used as a species identification term, believed to be merely a factual or morally neutral description.

¹¹ As discussed, with Kant moral responsibility also means acting in accord with moral *for the sake of the law*.

But both these terms also carry with them the assumption that being called 'human being' or 'person' means that the individual has moral standing. This gives rise to a number of problems.

The practice of using these words interchangeably has perhaps led to and promoted the assumption that "persons," seen to have moral standing by definition, are always and only "human beings," indicating species membership. Recall, though, that the latter term also seems to carry with it the assumption of moral standing. Of the two terms I think that 'person' has the stronger sense of including the assignment of moral standing in its most common meaning. While Sapontzis wants to distinguish between a descriptive and a moral use of 'person',¹² it seems to me that 'person' has primarily a moral use.¹³ On the other hand, 'human being' seems to be more evenly both a descriptive and a moral term. If I were to be prescriptive in the service of clarity, I would want to limit 'human being' to being a merely descriptive term, identifying a species, and to restrict 'person' to a moral use, denoting a moral agent or patient which may or may not be of the human species.

6. *Point Six*

The assumption that human life is morally superior (in every way) to all nonhuman animals and its interests therefore trump the interests of all nonhuman animals is at best a questionable extrapolation beyond the plausible judgment that only normal adult human beings can be the highest sort of moral agent. At worst this assumption is arrogant and both cruel and deadly in its consequences to so many nonhuman animals who suffer and die as a result. Even if we were to feel justified in believing that a particular being were morally

¹² See Sapontzis' discussion, p. 47f (Sapontzis, 1987).

¹³ If I am correct, then it is curious that 'people,' which is one of the plural forms of 'person,' is commonly used in a purely descriptive sense. The plural form is 'persons,' which carries into the plural the moral use of the singular.

inferior, we can ask whether *as a general principle* we are justified in treating a lesser being *however we desire*, as too many of us do with most animals? Sapontzis makes this point, asserting that the general principle does not hold in common moral practice (and we would not want to change this practice):

Morally superior beings sometimes have extensive obligations to and only circumscribed privileges over their inferiors, as in the case of human adults dealing with young children. Similarly, matters of life and death are morally more important than matters of convenience ... Just what follows from *P* being morally superior to *Q* is an open question (Sapontzis, 1987, pp. 222-223).

Sapontzis continues to press the point. For example, he argues that the Kantian would regard the morally superior being as one who would *not exploit* the "weaker," who would forgo yielding to self-interest in favor of following a disinterested analysis (as theoretically attainable through rational application of the categorical imperative) (Sapontzis, 1987, p. 223).

D. *Biblical Versus Modern Masks: How Different?*

1. *Imago Dei and Telos*

Recall that in our Judeo-Christian culture the *imago dei* as predominantly interpreted offers a clear cut separation of human from nonhuman animals by asserting that humans alone are created in the image of God, the criterial characteristic most commonly being interpreted as rationality. The major interpretation of man's being given dominion over the animals holds that animals were placed on the earth to meet the needs and desires of mankind. Certain religious threads in the Judeo-Christian fabric place some restrictions on what and how animals are to be used, but this is by no means universal or uniform. Today animals used in scientific experiments can be made to suffer and die if this is deemed "necessary," (however that might be self-servingly, conveniently or prejudicially interpreted).

Recently guidelines have been designed but ineffectively and unevenly put into law to reduce somewhat the overall suffering of experimental animals. However, the dominant opinion of scientists and laypeople alike at best is that if serious human interests are at stake, then of course we ought to do whatever "it takes." Even if we are as compassionate as "circumstances allow," significant suffering will occur. At worst there are still too many people who cling to the *imago dei's* absolute separation of nonhuman animals from humans, with moral standing being recognized only for the latter. For many it is not even a moral issue that animals suffer for the sake of trivial or much less serious human interests.

Does the *imago dei* separate men and women equally from nonhuman animals? It is true that if the *imago dei* is interpreted as creating man in the image of God *as rational*, women as well as men have long been defined as rational in contrast in the definition of nonhuman animals as non-rational. However, as was argued in Chapter II, some interpretations of the *imago dei* also portray it as placing women beneath men. Recall that the *imago dei* places women below men and closer to animals by means of a very closely related ancient philosophical and Biblical doctrine, the *telos* or the natural function of a kind of being. Male humans have been portrayed as essential rational beings in the image of God, where as female humans while ostensibly recognized as rational, are really believed to be less rational and more emotional and instinctual than men are. Explored in Chapter I, this characterization of women is not only long standing, it is also implied by the assumption that women's defining function is child bearing and nurturing. The woman's *telos* is seen as "natural," a "physiological function" (Petchesky, 1992, p. 425), thus more closely aligning women with the mere biological, instinctual functioning asserted to characterize nonhuman animals. *Male* human beings are *the* rational beings. In this way there is the alignment of men with the mind and of women and nonhuman animals with body.

A revealing attitude toward women and their role as child bearers is manifested in historical, even current, societal attitudes toward the sex of the fetus. The male fetus/child is often favored over the female. In some cultures it is still true that a dowry is given in order to marry off daughters. Not only is this practice demeaning to women, but a graver problem stems from this practice, for example, in India. Men have been known to marry, collect the dowry, and kill the wife in a fire (explained as "accidental kitchen fires"). The other face of the problem, especially in countries where the number of children per couple is limited by law or poverty, is the inappropriate use of ultrasound. Women may have access to ultrasound so that they can know ahead the sex of the fetus. Too often they seek to abort the female fetus in hopes of seeking another chance to present the husband with a coveted son.¹⁴

Further, we have noted that the telos of animals is explicitly to serve as a resource to humans. The telos of women is almost as explicitly to serve the men as well as the children (where male children have typically been valued more than female children). The relegation of the woman to body is also expressed in the common (but not total) denial of spiritual dimension or fitness. In many Judeo-Christian religious traditions it is the men who have and continue to served God directly, as, for example, women are deemed unsuitable to be rabbis in the Jewish Orthodox tradition or priests in the Catholic tradition. Although historically and even contemporarily women are seen by many as less rational, less spiritual and more emotional, more in thrall to their bodies than men, however, the gap between men and women is small in contrast to the widely held (if increasingly challenged) belief that animals have much less (if any) rationality than do humans.

¹⁴ The reasons for preferring male offspring are many and vary with the culture, ranging from numerous economic reasons to reasons of inheritance of political power to diffuse cultural preferences reflecting other prejudiced values.

2. *Modern Masks: Imago Dei and Telos Revisited*

Through secularization there has been a modernization but not an abandonment of the spirit of the ideas of imago dei and telos. This has occurred in response to our current pluralistic society. There has been a shift by those who would prefer to argue within a religious tradition toward finding a more acceptable way to make the same points previously made in religious terms (that nonhuman animals have no moral standing and humans are infinitely intrinsically valuable, of infinite moral value, even if that means for women that they should sacrifice their personal autonomy and interests to the infinitely valued fetus, even conceptus).

Instead of asserting directly that man is created in the image of God, the assertion of human dignity accomplishes the same thing, the assertion of a clear and unequivocal distinction between human and nonhuman animals. I have challenged Kant's moral theory on this point, utilizing Rachels' extensive discussions about the problems with this concept. Perhaps we can retain the concept of human dignity, although Rachels does not want to, if we do not thereby imply that only humans have dignity. We can acknowledge that any center of life has some dignity and relate it to the individual's intrinsic self-valuing. This is the individual's pricelessness to itself. This would amount to redefining the term to avoid the problem Rachels saw with the concept as traditionally used, namely, that it is speciesist. Perhaps what is special, if anything, about human dignity is that as far as we know human beings can be the fullest moral agents. With this goes the highest responsibility to create a better world, to live respectfully toward all other subjects of a life. Part of our dignity, then, is that we value ourselves intrinsically *as moral beings*.

Next, the imago dei has been metamorphosed into body shape and genotype. As Rosalind Petchesky observes of the pro-life assertion that the fetus is a person:

Increasingly, in response to accusations of religious bias and violations of church-state separation, the evidence marshaled by anti-abortionists to affirm the personhood of the fetus is not its alleged possession of a soul but its possession of a human body and genotype. In addition, by relying on biological, or genetic, determinism, the 'right-to-life' movement asserts a claim to scientific objectivity (Petchesky, 1992, p. 414).

Several points should be made here. First, the appeal to scientific beliefs instead of religious beliefs banks on the general acceptance of "scientific truth" in a religiously pluralistic society. Physical evidence carries a weight that spiritual appeals do not to people of diverse religious faiths. Second, instead of citing possession by the fetus of a soul or, which functions in the same way, claiming the fetus to be created in the image of God, the updated version is an appeal to the body and the human genotype of the fetus as the repository of its moral standing, captured by the application of the terms 'person' and 'human being,' in its moral sense, to the fetus. What is so special about the human shape and genotype that implies superiority, moral or otherwise?

Taking the reference to body shape first, consider Sapontzis' fruitful observation: 'person' is used to distinguish human beings from animals, plants and other things. He suggests that such a distinction is based on

both bodily shape and patterns of behavior which must have a kind of organic fluidity and unity to them, express some purpose, and appear self-motivated and self-directed. ... However, in everyday experience these traits are not more important than bodily shape for identifying persons ... often less important. For example, the behavior of a normal, adult dog is more organic, intelligent, and self-aware than that of a human infant or a human adult suffering some severe muscular, neurological, or mental disorder; nonetheless, that dog is still not considered a person,¹⁵ while these humans are (Sapontzis, 1987, p. 48).

I suggest that the reason that a dog is never called a 'person' is precisely because the common meaning of 'person' is of a being with moral standing. Regardless, I

¹⁵ The subscript used with 'person' identifies this use as descriptive rather than moral. I disagree with Sapontzis' distinction. As I have mentioned, I think that 'person' usually if not always carries with it the assumption of moral standing.

think that Saponitzis is correct that we identify beings with moral standing more on their physical shape than on the other mentioned characteristics. This is manifestly evident in the impact of the pro-lifers' use of pictures of "aborted" fetuses to show the morphological resemblance between early (fetal) and later (born) biological human life. Even when they correctly identify the gestational stage of the pictured fetus, the appeal of the pictures is just to bodily shape. I call this the morphological fallacy, that bodily shape is by itself morally relevant: because something looks human, it morally valued as a human being, or, to put it another way, we are our bodies. The emotional weight of such an appeal also contributes significantly and ironically to the profoundly disquieting moral response many people have to whether and if so, how, an anencephalic newborn can be an organ donor. The anencephalic newborn looks human, but I do not believe that it can meaningfully be called a person or even potentially a person. How we treat it has more to do with what had been hope for, with (but not limited to) the parental need for meaning and closure.

Further, if the appeal to human shape has merit, why does it not make a difference if an animal's shape is close to human shape, as in the cases of chimpanzees, gorillas and baboons? Should not the degrees of similarity of an animal's shape to a human shape imply a degree of moral standing that increases according to similarity? The terrible truth is that similarity to human shape (with its attendant biophysiological similarities) either makes no beneficial difference to the animal or makes an animal more useful as a medical research subject.

The appeal to genotype is a more sophisticated, "scientific" appeal that, however, is problematic. It can be played out in several ways. First, the terms 'person' and 'human being,' as stated above, are asserted to be *factual* matters readable off of a particular genotype *and at the same time* signifying more than genotype, namely, *moral* standing.

Petchesky criticizes this

leap from the fact of genetic individuality--a characteristic not only of humans but of all living things, including cows and chameleons--to the value of human personhood" (Petchesky, 1992, p. 418).

In more general terms, then, if the term 'person' or 'human being' is believed to be a factual description *from which* we can justifiably deduce a value attribution, namely, moral standing, this is an instance of the naturalistic fallacy. Further, it seems prejudiced to read off moral value from biological human life and read off no moral value from a being that is genetically 98% the same as the human being without further justification.

The appeal to genotype does not work for another reason. Recall that the appeal to genotype is a modern day rendering of the *imago dei*. It is assumed that the defining characteristic of a human being, rationality, is "in the genes" of humans but not of nonhumans and thereby unequivocally and clearly separates humans from all nonhuman animals. However, human beings and certain nonhuman primates are genetically extremely similar. For example, human beings and chimpanzees share 98% of their genes (Orlans, 1990, p. 28). If they are so close to us in this important characteristic, then the appeal to genotype would seem to require an explanation for why humans but not chimpanzees have moral standing. How could *totally* excluding the chimpanzee be justified on the basis of having a mere 2% not in common? That the exclusion is justified requires explanation not assumption of its appropriateness. This is particularly true in light of recent work with chimpanzees that reveals their reasoning abilities, even if they are less impressive than average adult human rationality. How rational is sufficiently rational to confer moral standing on a rational being? This is problematic when we confer to young children moral standing not conferred to a chimpanzee who manifests a higher degree of rationality than the child.

Second, a problem arises in the way the appeal is made to the genotype rather

than to some other facts about or characteristics of individuals. As Petchesky explains, this problem is called the genetic fallacy, which confuses "genetic *potentiality* with *actual* human personality and character, which are highly influenced by culture" (Petchesky, 1992, p. 418). This is a failure to take nurture and development into account as well as nature in understanding what it is to be a person. It reduces the personality, character, the full dimensions of living beings and their behavior entirely to their biology, specifically their genotype. This is an example of the atomistic reduction talked about in Chapter VIII. Along this line, whether we are talking about the genotype or the body that is a fetus, Petchesky notices

the bourgeois myth of atomized individuals; it disregards that the necessary premise for such persons to exist is the prior human world of interrelationships, interdependence--in short, of social life. Philosophers of diverse persuasions have understood that the preformed, self-sufficient monad--of which the fetus as person is a vulgarization--is not only philosophically but socially (*and biologically*) implausible (Petchesky, 1992, p. 426).

As Lawrence Tribe cites Charles A. Gardner, University of Michigan Medical School, Department of Anatomy and Cell Biology

[t]here is no program to specify the fate of each cell. Rather, a cell's behavior is influenced at each stage by its location within the developing body pattern of the embryo. Each stage brings new information, information that will change as the body pattern changes. And each cell will respond to this new information in a somewhat random way. ... With this layering of chance event upon chance event the embryo gradually evolves its form (Tribe, 1990, p. 118).

A further look at the genetic fallacy reveals more mistaken reasoning and assumptions. The appeal to genotype does not do the work intended and believed to be done. The genotype is roughly speaking a collection of genes, traditionally conceived to be units of inheritance.¹⁶ Just because a particular gene is a part of one's genotype does not mean it

¹⁶ Genetics is extremely complex, such that the idea that there is a unit of heredity is oversimplified, but nonetheless sufficient for the purposes here.

is manifested in the individual to whom it belongs. After all, some genes are recessive. Some of these genes if manifest would be killers or deformers, others would simply alter color of hair or eyes, maybe contribute to change the temperament. Also, genes mutate spontaneously and in response to environmental triggers. Further, and importantly, whether or not some genes are activated may depend upon environmental triggers (of many sorts, including chemical "poisons" or stress factors, such as emotional stresses or the stresses of illness). That a person has certain genes means that (crudely put) she has at most globs of paint on her artist's pallet. This does not tell us what her self-portrait looks like.

Therefore, the idea that a person is merely her genotype seems completely false and misleading. The proper description of the actual person's genetic manifestation is phenotype, which changes as the persons continues to live and develop. The phenotype, therefore, would be of no use in establishing at conception the unique, essential person that lies at the heart of the appeal to genotype.

The imago also remains, albeit disguised, in the paternalistic attitude of (especially male) society toward women. With respect to the pregnant woman, as pointed out in Chapter VIII, a dominant stance taken toward her implies that she is a child, more emotional than rational, impulsive, frivolous, and selfish. She cannot make decisions for herself as responsibly as society can with its restrictive abortion laws. Women are demeaned both by (proposed and actual) laws and by extra-legal social forces, whether exercised by groups or individuals. For example, when we look at how pregnant women seeking abortions are described and treated in law,¹⁷ it becomes apparent that under all the talk of equality their status is closer to that of a child, even an animal, who is not able to make "rational" or mature decisions regarding its own life choices. The woman who "gets herself pregnant" is

¹⁷ See Tribe (1990), especially Chapter 6, for a detailed discussion of various restrictive laws and proposed laws.

irresponsible, unable to control her impulses, like a small child or "instinctual" animal. To the extent that men control her access to virtually all safe, timely, affordable abortions through their legislative control and generally greater economic resources, she is often not able to be autonomous. The circumstances these past twenty years have been better than they were prior to *Roe v. Wade*, but the legalization of abortion in the early gestational stages is under constant attack and could be reversed. Further, various laws designed to impede a woman's successful access to legal abortions are discriminatory, such as the law disallowing federal funding of abortions for poor women. Other impeding laws are delaying tactics. Take for example waiting periods that are very inconvenient, financially costly and, above all, insulting to the serious, caring and intelligent demeanor of the majority of women facing the decision about abortion. It is as if the (every) woman has blithely, frivolously, impetuously sought an abortion; and thank goodness some intelligent and, for the most part, male persons had the foresight in some jurisdictions to require through law a waiting period in which she is to reconsider her impulsiveness and selfishness. If the tone here is sarcastic, it is appropriate to the level of insult aimed at women. For what serious operation, much less relatively safe operation, is any man required by law to spend a waiting period in consideration of his decision to undergo said operation?

This is closely tied to the modern mask of telos, which is that one's place is determined by one's biology. For women, Petchesky says, biology singles out as the defining function a woman's "natural" and "appropriate" function the reproductive system. Motherhood, then, is the essential role for women, a role seen to be denied anytime a woman seeks an abortion. Women are

the physical vessels for genetic messages rather than responsible moral agents. Motherhood ... becomes not a socially determined relationship, but a physiological function ... a moral and social duty (Petchesky, p. 424).

She believes this amounts to seeing motherhood as "a passive biological state" which in turn and in effect separates motherhood from women as a mature, autonomous, responsible and responsive persons, preventing them from taking "their own moral judgements seriously" (Petchesky, 1992, p. 443). As Lawrence Tribe remarks:

While we might not impose selfless and virtuous behavior on a man--because it would be futile, perhaps, but more likely because it would demean his capacity for individual choice and independence--some may find it less of a contradiction to impose such virtue on a woman because of the traditional view of her nature.

But to impose virtue on any person demeans that person's individual worth. It is no more acceptable when the individual is a woman than a man. There should be no "woman's exception" to our traditional regard for individualism and autonomy (Tribe, 1990, p. 135).

An element of paternalism also creeps in here in what Petchesky calls the "'Christian compassionate' view of abortion" (Petchesky, 1992, p. 422). This version of "patriarchal ideology" holds that women are forced or intimidated to go against their own nature and seek abortions. They thereby become

victims--of profiteering doctors or coercion by Planned Parenthood--and should be offered protection and Christian compassion. In this view, abortion is depicted as contrary to women's true desires and interests as mothers, invariably as source of anguish and 'ambivalence' (Petchesky, 1992, p. 421).

Further, according to this view, women who abort "will surely suffer or become 'hardened' (read, unmotherly, *unwomanly*)" (Petchesky, 1992, p. 422). This is patently false as well as patronizing, demeaning and insulting.

Next, the redefinition of an(y) animal's telos as a resource given by God and determined by an animal's biological functioning does not seem so obviously applicable to animals in medical research, except where the animal is genetically engineered. Even here, however, just because they can be used in a certain desired way is no reason that they ought to be so used. Just because women can be pregnant is no reason that they should become mothers. There are too many instances where this reasoning is shown to be poor. After all,

just because we can blow up the world with nuclear weapons does not mean we ought to do so. Further, although generally we may not be able to point here to a biological determinism, we tend to *see animals as by nature* resources for our use. Adams observes, "[s]omething we *do to animals* has become instead something that is a part of animals' nature" (Adams, 1991, p. 63).

It is the redefined imago, however, that is used more categorically and devastatingly than biological determinism is against nonhuman animals. The imago dei is intended to reduce unequivocally the status of all nonhuman animals to that of thing, a resource for human use. While this reduction of animals to resource is not uniformly held by all humans, it is held by the vast majority as fact not a value judgment. Some people are willing to extend compassion to some animals in some circumstances. But, as I have argued with respect to animals used in medical research, this area is deemed so vital to essential human well-being that for most kinds of animals almost anything goes *during* an experiment if it is categorized as "necessary." This judgment of necessity has considerable leeway in interpretation. While we saw in Chapter II that there is disagreement as to what may be legitimate human need, the dominant message is that animals were created as non-rational and for the benefit of humankind.

CHAPTER XI

PERSPECTIVE ON

HUMAN ABORTION AND USE OF ANIMALS IN MEDICAL RESEARCH

I. Chapter Introduction

In relation to the anthropocentrism and androcentrism of traditional morality theory and manners of application, I have attempted to challenge obfuscating arguments and assumptions, to draw attention to distorting uses of language, to redefine the moral task with the well-being of individual subjects of a life as its proper focus, and to show how an individual is a moral patient, a subject of a life. In this chapter I want to apply the results of my analyses to issues of human abortion and animals as research subjects in medical research. It is as if each of these issues were a complex fabric woven of many values and the interests of those involved, with diverse motifs as numerous as the particular situations that are grouped together under an issue label. Most generally I have attempted to draw out from the fabric the strong threads of speciesist and male bias that run all through the fabrics. The species and male biases are behind the otherwise inconsistent position that Adams observes among pro-lifers.

Some antiabortionists define meaningful life so broadly as to encompass a newly fertilized egg, yet so narrowly that fully grown animals with well-developed nervous systems and social sensibilities are excluded (Adams, 1991, p. 65).

It is also the species bias that leads Donnelley to say, despite his effort to argue for reduced animal waste and suffering, that

[e]ven moderate levels of unrelieved suffering must be ethically countered by an arguably important scientific goal and a well-designed protocol. The more acute the suffering, the more important the goal and the tighter the design, until we reach moral repugnance (Donnelley, 1990b, p. 13).

How can we justify deliberately inflicting on nonhuman animals experimental, non-therapeutic

procedures we know causes them suffering for the ultimate benefit of human beings *unless* we believe that human beings qua human beings are superior?

In this chapter, therefore, I want to look at the selected issues with eyes hopefully unclouded by species and gender bias. My purpose throughout this dissertation has been to examine the scope question, to see how and why we have chosen who should be a moral patient and to suggest how and why it should be done differently. While I have wanted simply to show how nonhuman animals (beyond the gestational stage) do fall within the scope of moral concern whereas at least some biological human life (such as at the earlier stages of gestation) does not, I will also indicate but not fully develop how we should proceed to balance those conflicting interests that arise among subjects of a life.

II. *Human Abortion*

A. *Emergence of a Subject of a Life*

The abortion debate is largely snagged on a question, "When does human life begin?" Too many people assume this to be a clear and the pivotal question, the answer to which will settle the abortion debate. This is mistaken on two counts. First, the question is muddled. That this question is mistakenly assumed to make clear sense and thus require an answer takes attention away from the more important issues, determining why and whose life is morally valuable. It is these latter two issues that I have addressed in this dissertation. The question of when a morally valued life begins can only be answered subsequently. Second, even if our society were to reach an agreement that the fetus at some time during the gestational state has some moral standing, *this does not settle the debate*. Such a consensus would only be the first step along many diverse paths that particular problematic situations related to fetal life could take. Of the many problems remaining, a very important one is that

of how to resolve conflicting interests among individuals of equal or unequal moral standing.

First, what is wrong with the question "when does (human) life begin?" Since the term 'human being' has both a descriptive and a moral meaning, a serious problem arises; this term is used equivocally.¹ Too often this equivocation is missed and the question is assumed to be easily answered by an appeal to biology. Petchesky notes the inappropriate

appeal by anti-abortionists to biological science. ... Jesse Helms, in introducing the 'human life state'... in the Senate, cited, not moral and religious authorities, but sources on human embryology; and Noonan takes for granted that the argument for fetal personhood is established 'biological knowledge common to all Americans'... Using biological and theological language almost interchangeably, pro-life spokesmen, in supporting the Helms statute ... argued that science is now able to determine 'when human life begins' and that this settles the matter of the moral and legal status of the fetus ... (Petchesky, 1992, p. 416).

The fact that there are two distinct uses of 'human' and 'life' must be brought explicitly to everyone's attention. If we are asking when a "person" begins, when a morally valued human being begins, that is one question, and one that is not easily answered. If we are asking when does *biological* human life begin, we are asking an *entirely different question*. In the second sense, the question asks when a "human," as a species type, "life," as opposed to either dead or inanimate, begins. Clearly the living (not dead) fertilized genetically human (not baboon or canine) egg cell is the beginning of a unique instance of biological human life (or lives, if it subsequently divides and becomes two organisms). To question when morally valued human life begins cannot be answered by stipulating when biological human life begins. That is the wrong answer to the right question. As noted above, however, this "right" question is not the only question that must be asked.

If instead the question is "when does a morally valued human being begin?",

¹ If we ask when a 'person' or 'personhood' begins and try to answer it by an appeal to biology, we are making the same mistake that I will shortly assert we make with 'human being,' assuming that a 'person' or 'human being' functions as a descriptive term only.

we are free to see that this might be a question about the process of the emerging self, the premoral value, the center of a life that intrinsically values itself. Since I have argued for degrees of premoral value both in the lifetime of one individual and among the diverse kinds of nonhuman animals, I believe that the question here *is* one of process, of emergence, not the all or nothing judgment of line-drawing. One simply cannot say that at a given point in gestation or along any one continuum of evolution we suddenly have a subject of life with moral standing equal to that of every other subject of a life.² To describe how to make comparative judgments of degrees and to compare different kinds of self-valuing is beyond the scope of this work, but to establish the importance of this direction of investigation has one of my major objectives.

The importance of looking at the process of the emergence of the intrinsically valuing self is that it makes us ask what about an individual allows it to be an intrinsically valuing self. It focuses on the individual and its characteristics, the quality of its experiencing. The question does not assume, however, that we are talking only about individuals of a particular species, race, or sex. It is also not a simple matter of having certain characteristics such as intelligence or self-consciousness. Experience may be enhanced or diminished by being self-aware, for example, but this is not the only characteristic that allows a being to value itself intrinsically. I have argued that there is one minimum necessary characteristic for a subject of a life, sentience, where even this comes in degrees and kinds. These are all issues that will have to be closely examined for their contribution to an individual's being a subject of a life, hence have at least some moral standing.

² For a discussion about the "line-drawing problem" see Norman Gillespie (1984), p. 97f.

B. Respecting the Essential Interests of a Subject of a Life

The concept of premoral value grounds any claims or "rights" that an intrinsically valuing self might properly (morally) make against other individual moral agents. While I do not want to address the complex issue of rights, I do assume that any individual who meaningfully can be said to have premoral value has certain *interests so essential to its continuing ability to value itself intrinsically*, that any other moral individual qua moral will respect those interests. The subject of a life has a right to having its essential interests respected. This may involve non-interference or sometimes assistance depending upon the particulars of the situation. The point is that if a moral person in absence of a morally acceptable justification fails to value these essential interests of the other, the moral person ceases to be moral in that instance.

Are there any morally acceptable justifications for harming the essential interests of a subject of a life? In general one cannot be required to give up or "sacrifice" one's own essential interests in favor of the essential interests of another, though one may volunteer to do so. In the latter case the act is supererogatory, a gift. To be required to give up one's essential interests in favor of those of another is to reject premoral value which is the foundation of morality. One's premoral value is as foundational to morality as the premoral value of another subject of a life.

What about degrees of premoral value the existence of which I have admitted? Before discussing the impact of the fact of degrees of premoral value on that which I have talked about above, I want to establish a ranking of interests that affect the intrinsic valuing of the self. The most essential interest that any sentient being has is *not to suffer unendurably*. The second most essential interest is *not to suffer only, albeit endurably*. The third interest is *living*. I put this value third because I believe that death, where one is neither suffering nor

enjoying anything because one no longer *is*, is *prima facie* preferable even to unabated though endurable suffering, which makes life a burden. It may be that for some reason a person would choose to suffer rather than die. In lieu of a person being able to make that choice, I assume that for such a subject of a life that death is better than a life of suffering with no or insufficient let up. I assume that a basically pleasurable or satisfactory life, even if at a low level of pleasure and with some bad times, is better than no life at all. It will require a great deal of thought, experience, and investigation to judge when "some bad times" become too many and too intense for continued living to be desired by the individual. Regardless of the difficulties, the concept of a basic level at which subjects of a life are entitled to be able to live is sound. That which is necessary for a particular individual to maintain life at least at this level is what I call its essentials. No individual should *at the hands of others* be forced to live less than at this basic level.

Just what constitutes a basic level may vary in general from one sort of being to another and from one particular being to another. A great amount of work would be required to make a good faith effort to establish what is a worthwhile life for various individuals. This is less a problem when the individual can tell us verbally that her life is worthwhile, but the problem is greater when an individual cannot. However, if we know an individual as a species member and as an individual we may be able to judge whether that individual wants to pursue (find intrinsically valuable) its life and whether it does not. As Sapontzis noted:

Feelings cannot exist by themselves, and they are what the one who has them makes of them. ... the one who lives that life must show us what its value is for him or her. A life that looks as if it would be a hard and dull one for us to lead (e.g., the life of a beaver) may be experienced by the one who lives it to be enjoyable and fulfilling (Sapontzis, 1987, p. 220).

If the individual does not seem to pursue living with any relish, we must ask ourselves if we

can help without pushing other individuals beneath their basic levels of quality of life.

All this said, how does our analysis accommodate the fact of differing premoral values? This is a question that must be tackled, but it is beyond the scope of this work. I would suggest, however, that the answer is related to my ranking of essential interests expressed according to suffering, lack of suffering and good quality of living. Any being no matter how unsophisticated or low on the various branches of evolutionary continua has a moral right to freedom from suffering, *if it can be prevented without causing another individual to suffer*. Thus, some suffering cannot be remedied in a morally acceptable way, and consequently it may well be better to die than to continue to suffer.

Beyond this base level the situations will get very complex, where this complexity will have to be sorted out to the best of our ability. The recognition of this complexity and the need to work on sorting it out and understanding it is reflected in my contention that morality is the *art* of trying to live well toward others, something we work at doing better and better through trial and error. It is helped by compassion and sensitivity as well as by our reasoning skills.

C. Looking at Situations in Which Abortions Are Sought

Against the background of the above discussion, I assert that abortions that are sought for "fetal indications"³ meet what I have described as the two most basic interests of the fetus *if and insofar* as it can reasonably be said to have any interests--not to suffer bearably or unbearable (whether or not we could tell the difference at this stage). At earlier gestational stages there simply is no subject of a life, and "human life" is merely biological. To end it, for example, with a morning after pill, therapies designed to prevent implantation, or

³ It is in the best interests of the fetus because of a uncorrectable condition that will result in suffering.

early D and Cs is not a moral issue. Further, most abortions occur at these earliest stages. If a fetus is to be aborted after it is developed enough possibly to feel any degree of pain, but further life would involve greater pain and suffering, then to kill the fetus may be a moral action, justified on the basis of the interest of any sentient creature not to suffer. Whether and to what degree it makes sense to talk about fetal pain or suffering requires a great deal of investigation and thought which ought to be carried out. We do not want to inflict any unnecessary pain or suffering even in ending fetal life on the basis of fetal indications.

What about the situation where the reason for seeking an abortion is other than fetal indications? First, if the fetus is still undeveloped enough not to be reasonably conceived of as a subject of a life, then again the issue in abortion is in most cases not a moral issue. If a woman wants her as yet early pregnancy to go to term, but is forced to have an abortion, this is a moral issue; but the grounding of what is morally proper is the interests of the woman, not the fetus, who at this stage has no experience, is not the subject of a life, hence has no interests). If an abortion is sought after the period when the fetus may reasonably be said to be able to experience some pain or discomfort and therefore has an interest in no pain or suffering, this is a moral issue from the perspective of the fetal life. However, this does not mean that the fetus, being possibly but at a most primitive subject of a life, consequently has moral standing equal to that of the pregnant woman carrying it. There is some conflict between valuing (morally or otherwise) the fetal life and valuing the woman who is carrying the fetal life. What is the nature of the conflict?

This issue, while being a moral issue, nonetheless is resolvable fairly easily. In contrast to the primitive level of development and interests of the fetus, the interests of the pregnant woman are established and highly evolved. Pregnancy is burden enough to a woman when it is wanted. Her risks and the upcoming biological, psychological, and overall

life changes are a gift, a sacrifice that she is making for the yet-to-be person.

Pregnancy entails unique physical invasion and risk. As Chief Justice Rehnquist has observed ... any pregnancy entails "profound physical, emotional, and psychological consequences" ...

pregnancy also entails substantial medical risk. ... Early abortion, of course, is statistically a far safer procedure for a pregnant woman than carrying her pregnancy to term (Tribe, 1990, p. 103).

If the pregnancy is not wanted, she is enslaved. As Tribe quotes Professor Robert Hale,

when a government requires a person to act, it is necessarily interfering more seriously with his liberty than when it places limits on his freedom to act - to make a man serve another is to make him a slave, while to forbid him to commit affirmative wrongs is to leave him still essentially a free man (Tribe, 1990, p. 131).

The question is whether seeking or performing an abortion is an affirmative wrong. I argue that it is not; the action done is intended to respect an essential value of a being whose premoral value is much greater than that of the fetal life. At the earliest stages the fetus has none, but eventually (at a later gestational stage) it may emerge as a very primitive subject of a life whose premoral value is still very small.

To offer adoption here as a good and relatively easy option to ending the pregnancy is to misunderstand completely and trivialize the physical and emotional changes that carrying a pregnancy to term entails for the woman. The woman cannot simply walk away essentially unchanged after giving up her child for adoption. Tribe expresses "special concern that a woman not be forced to use her body to bring a new life to the point where it can lead a separate existence *but she no longer can*" (my italics, Tribe, 1990, p. 207). She has become a mother, experienced a connection and probably formed a bond with the baby, and may not be able to forget about the child she gives up for adoption.

To continue the exploration of the conflict between the woman and the fetus who is developed enough to be considered a primitive subject of a life, we must recall the strategy of building self-sacrifice into the very definition of woman. Despite all the focus on

the fetus, Petchesky argues that the woman's telos as mother has been more fundamental than the assertion of fetal personhood. She points out that in 1966 Bernard Häring, a Catholic theologian, wrote:

If it were to become an accepted principle of moral teaching on motherhood to permit a mother whose life was endangered simply to 'sacrifice' the life of her child in order to save her own, motherhood would no longer mean absolute dedication to each and every child.⁴

This position amounts to building into the woman's telos, into her biology, required self-sacrifice, an idea that I have strongly criticized. No person should be required to sacrifice her very self for the sake of another self, even if that other's life is at stake. To require this would invalidate the very basis of morality, the valuing of other intrinsically self-valuing individuals (where the "other" is here the woman), the recognition of the premoral value of subjects of a life. However, is the mother not similarly violating the basis of morality as so defined? Two points are to be made here. First, in life and death situations our culture holds that any person is allowed morally to defend herself against the lethal threats of others (regardless of the intentions of others); but to rest the argument for the moral permissibility of abortion simply on the more encompassing notion of morally defensible self-defense is not to rest easily. As Tribe points out, legally the burden of proof is on the person acting in self-defense to prove her (legal) rightness (Tribe, 1990, p. 157f). To allow an analogous moral burden of proof to rest on the woman is unacceptable; it places an uneven burden on her ability and opportunity to exercise her autonomy compared to a man's ability. Second, when one's life is not at stake, a person is still not required to injure or seriously burden herself for the sake of another. One is not required to do any number of potentially life saving activities that might not be self-endangering. For example, no one is

⁴ Petchesky (1992), p. 422; Petchesky evaluates this position: "[t]hus does anti-abortion ideology reveal its association, not only with anti-feminism, but with the most primitive traditions of misogyny" (Petchesky, p. 423).

required to participate in the bone marrow donor program, to give up one of two kidneys, to participate in risky but important medical experimentation for the sake of another (related or not). Why should participation in an unwanted pregnancy be any different? It has far more life changing impact on oneself than participating in a bone marrow donor program (even where that is just being tested and registered).

There is, in fact, only one place in the law where a really significant and intimate sacrifice has been required of anyone in order to say another; the law of abortion (Tribe, 1990, p. 130).

With respect to the parent of a child whose life is at risk, Tribe points out:

It is suspiciously easy to say that women should and must make an enormous sacrifice whenever their sexual activity results in pregnancy, even though men need not.

But even when a man might logically be called upon to make a roughly similar sacrifice, after his child is born, our laws do not ever compel him to do so ... nowhere do we require a voluntary parent to make, for an already born child, the kind of sacrifice some would have us impose on the pregnant woman in the name of the fetus. Imagine, for example, a little girl who needs a liver transplant. Even if, because of tissue type, only her father can provide a segment of liver that her body will not reject, our laws have never required any such sacrifice of him (Tribe, 1990, p. 133).

While this is an argument about what is legally required or not, as a society we do not accept a moral requirement to make such sacrifices, even though it may be morally good or beneficent and highly desirable. We certainly do not see pro-lifers or others vocally arguing that such parental sacrifices should be either moral or legal requirements. Why would there be laws about abortion only?

Why does so much of the pro-life argument leave the woman out *except as a womb*, as if the abortion issue is only about saving fetal life? Pro-lifers manipulate people through pictures. What they ask is for us "to visualize ... an isolated picture of a fetus. Where is the person who develops, nurtures, and sustains the fetus we are looking at? Where is the woman? In this vision, she is insignificant, devalued" (Tribe, 1990, p. 136). Further, the pro-life position concentrates on getting a woman to perform her "natural" function, to get

a fetus born, but not on the quality of the subsequent life or even on critical prenatal care that will enhance the life of the fetus once it is born as a baby. The pro-life argument is really a pro-birth argument that treats the woman as if she is a vessel, a thing and for all intents and purposes stops its crusade at the time of birth.

III. Use of Animals in Medical Research

A. General Comments

Among the variety of uses to which we put animals for our own benefit, I have chosen for consideration the use of animals as experimental subjects in medical research conducted for the benefit of humans. Such a cause seems on the face of it to be one of the most justifiable uses or, more accurately, exploitations of animals. I say 'exploitation' because I am limiting my focus to research that has no direct or indirect therapeutic value to the particular research animals and that causes the animals pain, suffering and/or death without any overriding consideration the quality of the animals' lived experiences. Such animals have been reduced to things such as preparations, resources, or laboratories, as discussed in Chapter VIII; they are seen to have instrumental value only. Anyone who conducts or benefits from such research cannot emotionally afford to see them in any other way because it might be difficult to do or to live with the research. Rendering the research animal invisible as an experiencing being is necessary for people who have an interest in seeing the research go forward. It is true that an increasing number of researchers are giving more consideration to the well-being of the animals, especially in the area of husbandry and in the area of experimental procedures through the minimization of harm to animals through better experiment design, reductions in the numbers of animals used and in some cases not using animals. This reform within the arena of experimental procedure is called the three R's,

refinement, reduction and replacement.⁵ However, the base line is still human interest, even if such interest is increasingly better defined and less trivial than it used to be. It is still difficult to argue against the importance of experimentation that may cause research animals pain and suffering if the research is to benefit human welfare, such as to find a cure for breast or lung cancer or heart disease, to know how best to treat head trauma or bullets wounds.

However, I have argued against trying to lessen the suffering of one individual at the deliberate expense of the most essential interests of another individual. The only leeway may be in a particular case where the premoral value of one being is believed to be so much less than that of the other and the interests at stake are important but not the most essential. However, even when we are considering individuals with such a significant difference between their respective premoral values, (as I have argued in the previous section) certain essential interests are close to if not absolutely inviolable, those shared by all beings capable of suffering regardless of their species, namely, not to suffer unbearably or even bearably where there is no compensating pleasure to make life overall worth living. One cannot morally justify ceasing to respect the premoral value of one individual to protect that of another.

To investigate the issue of whether and to what degree various animals are capable of suffering is beyond the scope of this work. However a few comments will be helpful. Eric Cassell discusses human suffering in some detail, but his criteria for the individual who can be meaningfully be said to suffer can be extended to include many kinds

⁵ For one discussion of such efforts, see Donnelley (1990b), p. 13.

of animals, although the particular quality of the suffering may vary.⁶ If the suffering is enough to make that individual, human or nonhuman, cease to find its life worth living, this is the critical fact. Cassell's definition of suffering is "the distress brought about by the actual or perceived impending threat to the integrity or continued existence of the whole person" (Cassell, 1991, p. 24). Cassell's criteria that I assert can be extended to a number of animals but the manifestation of which varies in degree include (1) sense of future, where even the next moment is a bit of the future. (2) a sense of the past, (3) having goals or purposes, including self-preservation that includes our place in the world that includes others. These criteria all speak to having a self-identity that one is concerned to maintain. It may be argued that animals do not possess enough intellect to have a sense of self; certainly most animals cannot articulate this, except perhaps an gorilla taught enough sign language. However, such an objection is being increasingly challenged as we begin to learn much more about different kinds of nonhuman animals. Further, young children are thought to have a sense of self, although limited, long before they develop their linguistic skills. To have a meaningful sense of self-identity need not be contingent upon linguistic abilities as I have argued that concepts, generalized patterns of understanding, need not always be language dependent. A sense of self-identity develops in maturing human beings and, I argue, similarly develops, even if to a less sophisticated level, among many sorts of nonhuman animals. An animal without a sense of self is going to have a difficult time surviving in a complex, changing environment, thus a sense of self is a survival characteristic. The "more" evolved and complex animals do survive well and for long periods of time.

For the most part animals to be used in medical research are already born

⁶ For more on animal suffering, see Morton (1990). This discussion includes a list of "adverse states in animals" drawn up by the American Veterinary Medical Association, p. 14, and utilized by the author in defining animal suffering.

when they are used, hence at some level are subjects of a life.⁷ Therefore, it is not a question of taking into consideration the moral implications of the emergence of a subject of a life, as in the abortion debate. It is a matter of evaluating the degree of intrinsic value that different individual animals have and deciding what moral standing properly follows. Species membership may be a guide; but it is not a final indicator, especially with more complex and developed animals such as primates where individual differences may be much greater than those among individuals belonging to a less complex and developed class of organisms.

A fundamental question to ask first with respect to the morality of using any animals in medical research deemed significant to the well-being of humans is whether all other ways to solve the problems have failed. A central issue is whether human beings have exercised their responsibility to do all that they can to avoid the medical problems in the first place. If humans willingly smoke or support the means to or any inducements to others to smoke, then they have no moral justification for asking nonhuman animals to bear the burden of fighting disease humans have needlessly incurred. If humans take the risk, humans should pay the price *within* their species rather than turn to another species that will not benefit from any research discoveries. Yet, even this may be too strong a position. After all, why should some human beings who do not take a particular risk (such as smoking) be required to be experimental subjects in research addressing bad outcomes of the risk behavior? In general, however, since everyone of us human beings does benefit from the generosity and sacrifice of other human beings, perhaps we all have at least a minimal responsibility to participate in some kind research even if the particular problem to be solved is not one to which we have directly contributed. But we cannot and do not force people to be

⁷ If ever they are successfully argued not to be subjects of a life, there would be no moral issue directly arising from their use.

experimental subjects. Without nonhuman animals as fallback research subjects, this would make much medical research difficult if not impossible to accomplish, although it would push scientists to look for acceptable alternatives they would not have otherwise discovered. We should not overlook the fruits of need and ingenuity. Regardless, those who contribute to the problem do have a major responsibility to bearing the burdens of problem resolution.

It may be that some things cannot be avoided or that certain human practices are not easily eliminated. They may adversely affect innocent bystanders. Then the question becomes: has everything been done to find alternative methods of scientific investigation? It is too easy to continue to use animals, putting aside real questions in a number of instances about whether using animals is even good science.

B. Pro-Research Considerations

If no other way can be found to solve medical problems and humans are suffering and lives are at stake, is it then morally permissible to use less evolved animals, and as few as possible, of presumably less intrinsic moral value in well-designed experiments with excellent expectations of success? My answer is that this is only permissible if the animals do not suffer, to the extent this determination can be made without anthropocentric bias. Why should any animals suffer just so that some humans do not or might not? Life is not fair and this includes not being fair to humans. We should do our best to make life as fair as possible, but this does not include unfairly shifting the burdens. If unavoidable disease or injury occurs, this is unfortunate, even tragic. However, it does not therefore justify deliberately risking harm to or inflicting harm on nonhuman animals so that humans may benefit. Why should animals who intrinsically value their own lives be made to shoulder human burdens?

As I have already argued, this position challenges the notion of human superiority to nonhuman animals. This challenge will remain even when a researcher, as noted

above, expresses compassion for the research animal by assuring that in deciding what and how to design and conduct experimentation on nonhuman animals

[t]he more acute the suffering, the more important the goal and the tighter the design, until we reach moral repugnance and the possible "beyond the pale" experiment (Donnelley, 1990, p. 12).

This position does acknowledge that some experiments should not be performed, but still allows suffering and death that I have argued we may not morally force on nonhuman animals. If from the animals' perspective their lives would not be worth living in specific experimental situations, however this determination is made, scientists should be able to anticipate this. The scientist should not disallow *only* that suffering than occurs when experiments go "beyond the pale."

Two arguments are offered in defense of this researcher position. First, although some people might believe certain uses of animals as research tools violate the moral respect or obligations due animals,

such judgment seemingly ignores a fundamental fact of natural reality: all forms of animals including human life must by nature use other instances of organic life in order to be and to flourish. ... (Here "natural necessity" and ethics--the real, the good, and the obligations they engender--meet) (Donnelley, 1990, p. 10).

Just because human and nonhuman animals alike use each other in order to survive and survive well does not mean that "natural" or "normal" uses are necessary. Humankind can certainly live without much of the suffering and death that it inflicts on others, human and nonhuman. The whole point of the moral project is to do whatever we determine is morally right, not merely whatever is in our enlightened self-interest (which would include things done for friends and family). The idea, "natural necessity," is intended to carry far too much weight; much research, even research that is called "necessary" for human health and minimal well-being, may in fact not be "necessary." Here it is impossible to prove a negative, that without such a projected animal research project, there is no possible way to solve a given

problem. So that an experiment is "necessary" is a judgment, one too easily made because underneath all is the speciesist assumption that human life is "higher" or superior to nonhuman life. Donnelley concludes:

Thus as both scientific naturalists and ethical actors, biomedical researchers can appeal to the fundamental and ultimately good fact of metabolic existence, life using life, in the pursuit of a science that involves the use and harming of animals. But then the ball of ethical justification falls squarely into their court (Donnelley, 1990. p. 10).

This statement recognizes what I have been arguing for, that *the use of nonhuman animal is a moral issue*. Nevertheless, to assert that the "good fact of metabolic existence" assumes fallacious reasoning, that the way things are is therefore good. We do not have to experiment on animals in order for many people to live good lives. There may other ways to solve or ameliorate disease and injury problems.⁸ In cases where we have not yet discovered these "other ways" and consequently people suffer and/or die, is that not also natural? The viruses or bacteria naturally use, even kill us. Unlike so many different organisms, we can improve our lot and we choose to live better, to respect other individual subjects of a life as well as possible. We just want, albeit understandably, to live as long and well as possible. Even here, however, there is a contradiction in our behavior as a society and as individuals. If we look at the risks we take, the wars we wage, the child abuse and other violence prevalent in our society, I have to ask if we are doing as much in these areas where we could make a difference in the overall good without using research animals.

The second argument is that "each use of animals in science" should be evaluated on its own merits on the general Utilitarian goal of promoting the

overall good (human, animals, and organic) at the least or ethically tolerable overall cost. The underlying assumption is that the human, animal, and organic good ought not to be pursued independently of each other" (Donnelley, 1990. p. 11).

⁸ It is not as if we could ever, with even unlimited research, conquer disease and injury challenges for all times, although I believe this to be a tacit assumption.

I have rejected this Utilitarian willingness to sacrifice some for the sake of many, even if it is done only in extreme circumstances. This Utilitarian stance, however, allows the most fundamental argument for using and "sacrificing" animals in ways in which we do not use and "sacrifice" humans, the appeal to human superiority. This allows the understanding of what constitutes the overall good to be biased in favor of human beings. Sapontzis captures this is what he calls the "pro-researcher" argument, referring to an argument in favor of the researcher who wants to justify using animals as research tools. The argument is:

B1: Human life is a higher form of life than animal life.

B2: Experiments ought (morally) to be performed to preserve or enhance the (quality of) life of the higher life forms, even if this involves sacrificing the lives or quality of life of lower life forms.

B3: Therefore, experiments on animals to preserve the (quality of) human life ought (morally) to be performed, even if this involves sacrificing the animals' lives or quality of life (Sapontzis, 1987, p. 209).

The two premises of this argument have been challenged, but I shall make one further observation. To argue that human life is superior to nonhuman life is often based on an appeal to evolutionary theory, where we commonly talk about higher and lower forms of life. There is a fallacy here that is comparable to the fallacy noted in the question "when does human life begin?" The term 'higher' may be thought to refer to being farther along (in time) some evolutionary line of development, often also meaning more complex in development and perhaps more varied in capacities and abilities. 'Higher' is also thought to mean better in a normative way. It may be true that human beings are superior as moral agents to most if not all nonhuman animals. However, as I have argued at length, this is not to say that since human beings are perhaps the best or "fullest" moral agents, they have the most moral value as patients. After all, I have defined moral value of the patient as its intrinsic self-valuing, something that can be true of a being who is not capable of being any kind of moral agent.

Therefore I allow that some nonhuman moral patients may have more moral worth than some human moral patients. Thus, as Sapontzis says,

[o]ur rejection of slavery, feudalism, aristocracies of birth, sexual and racial exploitation, and the like all have in common the discrediting supposed 'natural hierarchies' in favor of a presumption of equal consideration and opportunity for all. Consequently, it is not inappropriate to see the pro-researcher argument and contemporary animal research practices as vestiges of feudal mentality ... (Sapontzis, 1987, pp. 226-227).

While for the most part I agree with this passage, there is a problem that creeps in, namely with the notion of equality. The fear exists among those who believe that advocates of animals rights or welfare advocate *equal* rights (having all rights humans have and having them equally), that to give an inch is necessarily to give a mile. However, rights or justified claims are necessarily but not sufficiently made based on an individual's capabilities, abilities and circumstances. This said, however, there is a core or essential group of rights that belong to all sentient beings. What is essential for an individual's life to be of minimally acceptable quality establishes a base line of essentials that all individuals ought to have respected if they are respected of any individual. These claims or rights deserve the equal respect.⁹ If any subject of a life is suffering such that its life is below a minimal level of worthwhileness, it has a right to relief if it wants it (even if this is death, in cases where suffering is not able to be abated), but not at the cost of pushing another individual below its respective minimal level into a state of suffering. In this sense there is an equal right not to be made to suffer (through inaction or action) held by those who can suffer. Beyond this, however, theoretically the claims to life and other goods are not equal. As I have argued, there are degrees of intrinsic self-valuing or premoral value among moral patients that imply unequal moral standing, hence varying moral obligations on the part of moral agents who are in a position

⁹ A definition of "equal respect" needs to be offered and evaluated, but to do so is beyond the scope of this work.

to affect the individual's well-being. The relationship is complex and to sort it out would require efforts beyond the scope of this work, but which ought to be pursued elsewhere. Pursuit would include attempting to determine (1) how to evaluate and compare suffering for individuals of varying capacities and abilities, (2) how to establish and identify the presence of the minimal essentials for a life to be "worth it" for a variety of individuals, (3) how to determine better the relationship between premoral value and moral standing.

C. Pro-Animal Considerations

Not all medical research on nonhuman animals ought be eliminated, however. Sapontzis makes this point in his critical analysis of an argument against all research on nonhuman animals. Sapontzis calls this the "pro-animal argument." It goes as follows:

A1: Animals cannot freely and with understanding give or withhold consent to participate in experiments.

A2: Experiments can (morally) be performed only on those who freely and with understanding consent to participate in them.

A3: Therefore, experiments cannot (morally) be performed on animals (Sapontzis, 1987, p. 209).

Sapontzis argues that the two premises are false. Sometimes animals can consent and even where they cannot, as with humans, consent is not always necessary for research that is either "therapeutic or innocuous" to the subject, human or nonhuman (Sapontzis, 1987, p. 215). First, sometimes animals can meaningfully be said to give or refuse to give consent. We can so judge the cat if we attend to the cat's behavior as the experiment is beginning or as it is being repeated. Sapontzis' example is the ever curious cat who is subjected to shocks whenever it begins to fall asleep in the course of an experimental run in a sleep deprivation experiment. Having had the experience, the cat subsequently becomes unwilling to be taken out of its cage for another run of the experiment. Sapontzis employs a popular phrase to

observe that this cat is "voting with its feet." Giving or withholding consent does not necessarily require sophisticated conceptual and linguistic abilities in order to accomplish what is important, agreeing or refusing to partake in an activity based on how the activity will affect one's interests. If to give informed consent is understood to require not that one comprehend all aspects of the experiment and the experimenter's objective but only how one's own interests will be affected, the cat can give a meaningful refusal. If the cat willingly and repeatedly, as a curious animal, partakes in an experiment, however, this might not be enough to justify using the animal. To the extent that the cat cannot understand how its interests will be affected, the experimenter should so consider. The experimenter should not subject the cat or any other nonhuman animal or any human being to experiments that will have a serious adverse affect of the well being of any one of them. To do so is to treat the subject merely as a means to the experimenter's end, to reject the premoral value of the individual subject. The question of who should take such a paternalistic concern for the cat's well-being must also be considered in order to avoid a potential conflict of interest in the experimenter. After all, the experimenter has a vested interest in seeing the experiment go forward.

D. Criteria for Morally Acceptable Research

If the experiment is worth doing but "innocuous," the premoral value of the individual might not be devalued. I say "might not" because I am concerned about the larger question of taking an animal out of its natural habit, away from its ordinary activities with their potential for allowing the animal a meaningful or worthwhile living experience (whether or not we can understand how this is so for the animal). An example of important research that appears, according to its description, to be both of benefit to the research subjects as well as to others is related by Albert M. Prince, M.D. in his article "Is the Conduct of Medical Research on Chimpanzees Compatible with Their Rights as a Near-Human Species?" (Prince,

1993, pp. 48-49). The chimpanzees have been and continue to be used to test potential vaccines for hepatitis B (now accomplished), hepatitis C and Onchocerciasis (in progress). While the diseases produce misery in humans, they do not in the chimpanzee. Nonetheless the chimpanzees are effective hosts for the disease and can be used to test the efficacy of potential vaccines. The chimpanzees used were those who for various reasons had literally no future in their original habitats and were given a rich new environment more than adequate for meaningful existences. The testing itself is implied to be innocuous, neither painful nor risky for the chimpanzee. To the extent that this is true, such an experiment seems to fit Sapontzis' criteria for morally acceptable research. Consider Sapontzis' first three guidelines:

- (i) experiments that do not require distress, frustration, or the destruction of healthy, sentient life,
- (ii) experiments conducted on those who already suffer from the malady in question and for whom the current, standard remedies, if any, promise significantly less relief than does the experimental procedure,
- (iii) experiments that are compensated with a return for the research subjects that significantly outweighs the burden that they must bear as participants in the experiments (Sapontzis, 1987, p. 224).

With respect to the chimpanzee experiment briefly outlined above, it fits with (i) and (iii). Criterion (ii) does not appear to be relevant in this instance because according to the Prince, although the chimpanzees do not suffer, they are not made to be sufferers as a result of the experiment.

I now want to look at a fourth criterion that Sapontzis offers. The first three guidelines are unproblematic for me because they are in line with respecting the pre-moral value of human and nonhuman animals, as I would advocate. However, the last guideline is problematic.

- (iv) experiments that require individual sacrifices as the only known way for attaining *clear and present, massive, desperately needed* benefits for others (e.g., developing a vaccine to fight a severe epidemic), where these benefits greatly outweigh the

required sacrifices, and where the sacrifices are designed to cause the least possible suffering or loss and are fairly distributed among those likely to benefit from the research (e.g., by sacrificing older individuals in preference to younger ones and by choosing the research subjects randomly from among those likely to benefit from the research) (Sapontzis, 1987, p. 224).

Sapontzis talks about "required sacrifices;" but I have strongly argued against such. If Sapontzis is arguing for individuals to "sacrifice" what I have identified as their most essential interests, then I disagree. However, if we add to this fourth guideline the expectation that the first guideline must also be met, then a different interpretation arises. The "sacrifices" are not of the essentials to which I have been referring because according to (i) what is required cannot be a significant level of pain or suffering, thus would not even be a matter of sacrificing, as I use the term. The key to how Sapontzis is to be interpreted, however, may be in some of his subsequent comments on the species-blindness of these restrictions:

While this would permit sacrificing animals in research under extraordinary circumstances, it would also justify sacrificing humans under similar circumstances, for example, using irreversibly comatose or terminally ill humans to develop vaccines to combat raging epidemics (Sapontzis, 1987, pp. 224-225).

Would "sacrificing" an animal, then, only involve the life of a comatose or terminally ill nonhuman animal?¹⁰ If so, this might not go against my stated position. However, throughout his book Sapontzis utilizes (among other arguments) the Maximizing Utilitarian argument that for the greater good in some (extreme, for Sapontzis) cases individuals may be "sacrificed," that is, killed or harmed. Therefore, I think that Sapontzis may not sufficiently (in my judgment) value the individual subject of a life.

Sapontzis' comment clarifies that when distributing the suffering and losses fairly among those likely to benefit, humans as well as animals should participate as research subjects. This is in line with my requirement that human beings take responsibility for the

¹⁰ I am assuming that we did not make the animals comatose and/or terminally ill.

solution of their own health problems.

Thus, Sapontzis' guidelines, with the noted exception, meet my requirements against significant pain and suffering and for respect of the premoral value of an animal, however that is manifested in a particular animal. Deliberations about the use of a rat versus a primate will differ in general because the two animals have different abilities and capacities which nonetheless differ in degree and sophistication with some overlap in sentience and intelligence. Both, however, can experience pain and suffering to some degree; hence both have a basic interest in not suffering.

An example of experimentation that does not fit Sapontzis' or my criteria for morally acceptable research is experimental cross-species organ transplantation. Sapontzis lists three ways in which such transplantations fail to be justified. Killing a healthy animal, such as a baboon, in its prime (or earlier) solely for the purpose of researching whether and how cross-species transplantation might extend the life of a human being violates his fourth criterion. Baboons are not among the intended recipients of transplantation protocols, from other baboons or human beings who, for example, have sustained fatal head injuries. Further, this practice "aims merely at shifting that burden [the minimization of suffering] from 'us' to 'them'" (Sapontzis, 1987, p. 227). Finally, there is no sound argumentation to support cross-species transplantation as the only or even the best way to address the problem of organs that are fatally ill-formed or are failing. With respect to the second two of Sapontzis' points, certainly human beings have not significantly tapped the resource of potential human donors. Humans would prefer killing healthy baboons to, for example, a policy of presumed consent for human organ donation. Human beings are not taking responsibility, not doing their fair share to solve their own problems.

E. *Sacrifice*

I want to conclude this section on the consideration of the moral problems with the use of animals in medical research by looking more close at the issue of sacrifice. Recall from Chapter IX my distinction among three different ways of talking about sacrifice: (1) the prudential, where one sacrifices one's own essential for another of one's own (presumably a greater essential), (2) the moral(ly good), where the sacrifice of one of one's own essential is for the sake of the well-being of another, and (3) immoral, where there is no moral justification (no consent by patient, no claim of self-defense against patient) for the agent's "sacrifice" of the essential well-being of another. This third is, I argue, an illicit use of the term 'sacrifice,' because it disguises what might be better called, in some circumstances, stealing, that is, unjustifiably taking from others what is *prima facie* rightfully theirs (be it, for example, health, life, opportunity for basic self-fulfillment).

As an illustration of what I believe is morally appropriate sacrifice versus inappropriate 'sacrifice', consider Tom Regan's well-known lifeboat example.¹¹ This example is talked about as if it is about sacrifice. Despite the prevalence and acceptance of this use, I do not like Regan's use of the term 'sacrifice' because, as I have said, it does not refer to a *volunteer* giving up her own essentials. He is talking about taking a life, even if justified.

Let us look at his example. Suppose that five survivors are in a lifeboat capable of holding only four. Each is of same weight and takes up the same amount of room, and four are "normal adult human beings". What if any significance would a moral evaluator attach to the fact that the fifth survivor is a (very big) dog? I would add, what difference would it make if instead of a dog, the fifth were a baboon or a convicted criminal on her way to execution? To reduce the effects of overgeneralization that easily result in rendering of all

¹¹ Regan discusses this (Regan, 1983) in several places, pp. 285f, 324f and 351f.

beings affected as well as the outside moral evaluator as social atoms, I shall place myself on the lifeboat. This moral decision, therefore, will reflect my development as a sensitive, caring moral agent.

Taking the dog scenario first, I disagree with Regan's solution, which is to "sacrifice" the dog *because* while he takes all to have equal inherent worth, he judges the dog to have fewer opportunities for satisfaction to lose in losing her future. Thus, Regan argues, the dog is harmed less than the others would be.

I have number of comments. First, as evident from my position as so far explained, I must agree with Regan that the situation presents a moral problem. Even if the dog is chosen to be tossed overboard, that is a *moral* decision (whether or not it is the best one), the dog is a moral patient. If I were to take Regan's lead by comparing harms to be lost, I would have to know more about the human beings. Regan implies that all the adults face a similar degree of loss if "sacrificed." I would expect him to agree that if, instead, one were very old or a diabetic who, not having her required insulin, would shortly lapse into diabetic coma and die before rescue, this would might affect the calculations of harms lost, with the result in favor of keeping the dog.

Second, in contrast to Regan, I am not sure that all survivors here do have "equal inherent worth." As discussed in Chapter IX, I do not agree with Regan's concept of inherent value. I use the term 'intrinsic worth' or 'premoral value' instead. Therefore, I would say that while the dog has intrinsic worth or premoral value, it may not be as much as the adult human companions; its life may not be as meaningful or intrinsically valuable to it as the lives are respectively meaningful to the others. Thus, theoretically intrinsic values can be compared, although how one might actually do this is very difficult. The difficulty, however,

does not negate that importance of trying to do this.¹²

If instead of a dog there were a young healthy baboon, the decision more difficult might be for Regan (in his evaluation of who is harmed the least) and for me (in deciding who has least intrinsic worth). Regan might assert that the baboon will lose less and therefore be harmed less. In contrast, I might assert that the baboon values her life as much as we humans value ours, despite differences in complexity and sophistication respective experiences. I would then term any attempt to toss the baboon over the side as murder, not sacrifice (my "illicit sacrifice"). The use of the term 'murder' deserves comment. I define it as morally unjustified killing, and as such I am using it as a moral rather than a legal term.

Next, the difference in intrinsic worth between the dog and the human beings would not be the only consideration. If one of the humans were a normal adult but also a convicted murder condemned to death, then that person ought to be thrown overboard instead of the dog. Such a person can be argued to have forfeited her right to life by violating the very foundation of morality, valuing other intrinsically valuing selves. The dog has more of a claim to rescue than does the murderer. If the dog were thrown overboard instead of the murderer, I would call the treatment of the dog murder or morally unjustified killing.

The genuine instance of sacrifice would come if one of the humans, who understood what she were doing, were to volunteer to jump overboard. She would be giving up an essential, her life, for the sake of the others. It might be that I, in this situation, could not face myself as a moral person if I allowed the dog or the baboon to be thrown over and would consequently volunteer. This would be because in this situation neither the dog nor the baboon could meaningfully be said to be able to sacrifice itself; it could not understand the

¹² I will not make such an attempt as that goes beyond the scope of this dissertation. It is simply important to indicate my divergence from Regan's solution.

situation sufficiently to choose to give up its life for the sake of the others. There may be other situations in which the dog or baboon could be meaningfully said to sacrifice itself for the sake of another.

The lifeboat example, however plausible a metaphor for life together on this one planet, must be put in context to avoid missing some very important considerations germane to settling a wide range of moral dilemmas. First, the lifeboat example in its very simplicity strips away many possibilities for solution for moral problems by reducing the variables. To goal for the would-be survivors in the lifeboat is to decide in a morally proper way whom to throw overboard, to "sacrifice." If they fail to decide and carry through on the decision before the lifeboat sinks under the weight of all five, presumably all will drown. It is assumed that no there will be no timely rescue of anyone in the water. This scenario leaves us with a life and death conflict where the only solution seems to be either for all to die or someone to die. Sometimes this may be the situation and we must know what we are morally entitled to do. For this reason I have considered Regan's lifeboat example at some length.

However, this model does not allow us to establish any priorities due to the differing premoral values of various individuals. In Regan's scenario this is to be expected since he believes in the equality of inherent value among all subjects of a life. However, I have argued against this. Further, the lifeboat scenario does not consider why and how the would-be survivors got into their difficulty. Perhaps some or all of the individuals were to some extent and to varying degrees responsible for finding themselves in the predicament. This is relevant to deciding which if any may have a stronger responsibility to take a (greater) personal risk to remedy or improve the chances for a resolution to the situation. This points to another variable eliminated, namely, that ordinarily we do not know if a solution is forthcoming, that once in the lifeboat a timely rescue will be made. Given the uncertainties

of rescue, maybe the would-be survivors should take turns swimming, hoping that rescue will arrive before anyone drowns or otherwise dies. In most situations there are possible solutions to even the most serious dilemmas that are not seen if we simply take the usual or most obvious way out without genuinely trying to find more morally acceptable ways out. The use of animals as experimental subjects is widespread and commonly acceptable practice. It is also in some cases a part of "good" science (for example, that is well designed and efficiently run, with results that extrapolate well to human beings). Perhaps, however, we have not tried nearly hard enough to find alternatives. If necessity is truly the mother of invention, without the use of nonhuman animal to take the pressure off (reducing the feeling of necessity), human desire to reduce its own suffering might produce successful, inventive alternatives. Also, alternatives are not merely with respect to discoveries of solutions to problems but include closely scrutinizing and taking responsibility with respect to our own behaviors that contribute to the development of very serious medical problems. Thus, we might have choices other than jumping in the life boat together. Moral problems can often be addressed with *cooperative* rather than competitive efforts, responsible rather than burden shifting tactics.

A final comment is that the lifeboat scenario is not applicable to some pressing moral issues, such as human abortion. The many moral dilemmas that are collected together under the label "abortion issue" cannot be captured at all by the lifeboat situation. Pro-lifers mistakenly put two ostensibly equal persons, the fetus from the point of conception and the "mother," into the lifeboat. I have argued that such a view is entirely incorrect, although once a pregnancy is sufficiently advanced a primitive subject of a life emerges. This does not, however, become representable as two persons of equal moral standing sharing the lifeboat. Nor does the situation become that of two individuals of vastly different moral standing in a lifeboat. This is because the fetus up until birth has a unique relationship of dependence upon

another particular person. To say that the woman is the lifeboat would also be inappropriate, since that would reduce the woman once again to vessel or receptacle.

In summation, as Midgley observes of the lifeboat model:

this model is an inadequate one for most of the situations where it is applied to human affairs.

It often militates against generosity, justice, intelligent invention and even enlightened self-interest. ... Lifeboat situations are supposed to be ones in which our ingenuity can do nothing, either to increase existing resources or to distribute them better. ... Competition is not the basic law of life (Midgley, 1993, pp. 20-21).

V. *Dissertation Conclusion*

I have argued that the intrinsically valuing self, the subject of a life, is the *raison d'être* of morality. Such individuals are moral patients and may be but are not necessarily moral agents. These individuals are those for whose sake moral theory attempts to provide guidelines to moral agents trying to identify morally proper actions. Such actions must be intended to embody valuing by moral agents of intrinsically self-valuing individuals.

Further, I support a version of moral theory that Rachels calls 'moral individualism' whereby the intrinsically valuing self that is valued through the institution of morality is identified by virtue of its own characteristics, not its membership in some select group (defined, for example, by species, race, sex, or possession of a rational faculty). However, we must be clear that for individuals to fall within the scope of moral concern, to have moral standing, *only* gets them under the protection of the proverbial moral umbrella. This is *just the first step* in resolving conflicts among those who are recognized to have moral standing. One has to know who the players are in the moral drama before one can begin to see what is happening, what is at stake, and what should be done.

Part of the solution to conflicting claims among individuals with moral standing

assumes degrees of premoral value within the lifetime of an individual and among individuals. Further, the intrinsic value of an individual is not an all or nothing matter, because there is the emergence, (level of) development, and even disappearance of a subject of a life. The intrinsic value of individuals theoretically and to some extent practically can and ought to be compared. This will be exceedingly difficult to do in fine detail but is possible in rough measure. Can we get beyond our anthropocentrism in order to do this as well as possible? We must first, then, do our best to throw off the prevalent, recognized, but biased assumption that human beings are superior to any and all nonhuman beings. As Adams concludes,

animal *exploitation* is antihuman. In positing animal suffering as essential to human progress and conceptualizing morality so that this suffering is deemed irrelevant, a deformed definition of humanity prevails (Adams, 1991, p. 63).

Animals are not the only subjects of a life exploited, the only exemplifications of "a deformed definition of humanity." We must get beyond our androcentrism which in subtle and not so subtle ways enslaves women by their biology. We call women 'persons' who have equal rights. However, the most important of these rights, the right to self-determination or, as I would describe it, to have one's premoral value respected within moral limits, often turns out to be an empty right. A woman has to struggle to make her own choices with respect to her child-bearing options, with the enormous consequences that follow from having or not having a child. All too often she loses her struggle. Society seems significantly more concerned about a fetus, that may be little other than potential subject of a life, than the woman, who is a fully actualized subject of a life.

If moral persons ostensibly reject "might makes right," why as moral persons do so many of us support an anthropocentric and androcentric way of living toward one another that reflects in part the influence of traditional moral theory and in greater part biased applications of this theory? There is much yet to consider and yet to learn so that we

can make our best moral judgments. In order to be morally good persons all of us must develop the art of caring for other individual subjects of a life as well as we can without giving into self-centered interests. It is exceeding difficult to be a moral person, but no one ever said it would be easy!

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