Equal Consideration Of Animal Interests Not Sole Determinant Of Moral Status

By David DeGrazia

In ethical debates concerning animals, it is crucial to distinguish two normative concepts whose conflation easily leads to intellectual mischief: (1) equality in moral status, and (2) one's interests having moral weight equal to the identical interests of others. The latter concept, which is difficult to formulate precisely without awkwardness, might also be put this way: one's interests deserving equal consideration to the identical interests of others. After distinguishing and clarifying these concepts, I present a preliminary case for the thesis that animals are unequal to human beings in moral status—though their interests should be given equal consideration.

To begin to clarify these concepts, consider these two claims: (1) that two individuals, say a human and a chicken, have equal moral status, and (2) that an interest had by one of them, say the interest a human being has in avoiding suffering, has equal moral weight with the identical interest had by the other, i.e. the chicken. Let us first elucidate the simpler notion of the equal consideration of interests.

I begin by stipulating two premises: (1) some animals have interests, and (2) their interests have some moral weight. Given this stipulation, we must consider whether identical interests count equally, i.e., whether they have equal moral weight. The principal of equal consideration of interests says that they do. Obviously, this issue is of the utmost importance for animal ethics. If the interests that, say, a cat has in X does not have as much moral weight as the interest a human has in X, perhaps it has very little weight. If all animal interests had very little weight compared to the identical interests of humans, this would vindicate the ways animals have traditionally been regarded in our society. But if the principle of equal consideration is correct, then, obviously, many of our animal-exploiting institutions are morally unjustified.

The principle of equal consideration is not a formal requirement of morality (as Singer and Hare claim). Would a putatively moral system that stipulated that the interests of everyone counted equally, except for Jesus', which counted twice as much as the others, for that reason fail to be a moral system? Still, if the interests one being have in X do not have the same moral weight as the interests another being has in X, there must be a morally relevant difference between them. This is a consequence of the principle of universalizability: If A judges that P in circumstances C, A must judge that P in circumstances relevantly similar to C. This principle has the following implication: If A judges that the interests of individual B have weight W, A must judge that the interests of individuals relevantly similar to B have weight W. Thus while it cannot simply be taken for granted that all identical interests count equally, the burden of proof falls on the egalitarian, for she must identify the relevant difference between the two individuals that justifies making different moral judgments with respect to them.

Let us turn now to equal moral status, a somewhat vague but commonly employed notion. A and B have equal moral status if and only if they deserve (at least roughly) equal treatment—in a specific sense of equal that is difficult to define, but easy to grasp through examples. For example, to give cats cat food and dogs dog food, is to treat them equally, in the relevant sense, although it involves giving them different kinds of food. It is in their interests to be fed food appropriate for their species, and to feed them in this way is to affect the only interest at stake equally. It is compatible with the claim that dogs and cats have equal moral standing to judge that dogs deserve dog food and cats deserve cat food. It is not compatible with this claim to judge that dogs deserve dog food and cats deserve no food, for this judgment implies that the two creatures deserve unequal treatment (in the relevant sense).

If having equal moral status is a matter of deserving (roughly) equal treatment, what is moral status itself? Moral status is the degree (relative to other beings) of moral resistance to having one's interests—especially one's most important interests—thwarted. More positively, moral status is the degree of moral protectability a being enjoys (vis-a-vis other beings). Suppose that when it is morally imperative that either A or B die, suffer, endure a severe restriction of freedom, or have some other important interest thwarted, it is always A whose interests, morally, should be thwarted. Then B has greater moral status than A because the moral resistance of B's most important interests against being thwarted is greater than the moral resistance of A's interests. In other words, B is more protectable than A. But for two beings to differ in moral status, it need not be true that in every case of conflict one being is more protectable than the other. Actual differences in moral status are more subtle than that. But even if two beings' interests have equal moral resistance to being thwarted, except for one very important interest—with respect
to which one's interest is always (or almost always) rightly
sacrificed instead of the other’s identical interest—it is correct
to say that they differ in moral status (to that degree).

The essential idea is simply this: If we consider a broad
range of cases in which the important interests of either A or
B must (morally) be thwarted, and A loses out in some of
these cases but B does not (or rarely does), then A is more
sacrificeable in an important sense. In this sense A has lower
moral status. As an illustration, we tend to think that goldfish
have lower moral status than humans; we tend to believe that
there are many cases in which it would be right to sacrifice
a goldfish’s interests, but not vice versa. (For lack of space,
I assume here that goldfish, as vertebrates, are sentient and
therefore have some interests.)

Some will claim that I have distorted the concept of moral
status, proposing as an alternative that two beings have equal
moral status if and only if they deserve equal consideration.
But this does not seem to capture how we think about moral
status. Given the principle of equal consideration, the alterna-
itive analysis implies that A and B can have equal moral status
although A is consistently sacrificeable in conflicts with B;
it also implies that humans and goldfish—in short, any beings
with interests—are equal in moral status. Moreover, it leaves
us with an unnamed but important normative concept, deriving
from A’s moral interests being significantly more sacrificeable
than B’s moral interests. Of course, one might avoid these
difficulties by denying the principle of equal consideration.
But recall that there is a burden of proof—established by the
principle of universalizability—on the person who does so.
It remains to be seen how this burden could be met nonarbi-
trarily and without begging questions.

I will now argue that, consistent with the principle of equal
consideration, there is good reason to believe that animals
differ in moral status. An examination of interests shared by
animals and humans suggests that humans have greater moral
status than animals. (Assume from now on that by humans I
mean normal, adult humans.)

In my view animals (that have interests at all) share these
three fundamental objects of interests with humans: (1) a
favorable experiential welfare; (2) the freedom (lack of exter-
nal constraints) necessary to do what they desire to do; and
(3) life or remaining alive. Do differences in moral status
appear with respect to any of them? First, for reasons that I
cannot present here, I am somewhat doubtful that equal con-
sideration of experiential welfare interests reveal differences
in moral status.

However, I think such differences do begin to appear when
we consider freedom, at least in the case of many species.
Because external constraints thwart an individual’s freedom
interest by preventing her from doing what she wants, it may
be said that they thwart this interest to the extent that they
prevent her from doing what she wants. And this is a function
of the range and nature of things an individual wants to do.
The point is that if an animal and human are kept captive for
a number of days for the purpose of an experiment, no matter
how humanely they are treated, such captivity would generally
(not always) do more harm to a human’s plans than it would
to the totality of things the animal would want to do. I ask
the skeptical reader to consider all the things she wants to
do, say, in the next five days and where she would have to
go to do them. This gives us, in most cases, one reason for
preferring the use of animals over humans in involuntary
freedom-restricting research.

Differences in moral status appear most vividly, I submit,
with respect to life, but this is also the interest about which
it is most difficult to say anything with certainty. Before
proceeding to the main argument, let me clear up a possible
misunderstanding. Although I speak of the interests different
animals have in life, making it sound as if the same interest
were at stake, the relevant interests are not identical. A cat
has an interest in continuing to live in a cat’s existence, while
a human has an interest in continuing to live a human ex-
istence. That is why it makes sense to say that death takes
away things of different value when it takes away the lives
of cats and of humans.

A good way to start the analysis is to ask why death is a
harm or, equivalently, why life is valuable. People seem to
use different language to describe the same intuitive idea.
R.G. Frey holds in an essay called “Animal Parts, Human
Wholes,” that life is valuable because of its riches and that
the value of a given life is a function of its riches. For this
reason he thinks that human life—which is characterized by
deep personal relations, enjoyments of myriad kinds and au-
tonomously pursuing life plans—simply overwhelms in value
the life of an animal. Tom Regan argues in “The Case for
Animal Rights” that death is a harm because it forecloses all
opportunities an individual has for obtaining the satisfactions
available to members of one’s species, and more opportunities
are closed off in the case of a human than in the case of a
dog. I make essentially the same point as Frey and Regan by
asserting that the death of a human thwarts more interests,
and more very important interests, than the death of an animal,
Decade of Europe
To Make the 1990s
Triple Revolution

By Bryan Hehir

In 1974 Henry Kissinger gave an address as U.S. Secretary of State entitled “The Year of Europe”; the idea never took hold and there was no follow-through in terms of U.S. policy, preoccupied as it was then by Watergate at home and Vietnam abroad. The only purpose in recalling this title now is to use it in a new and larger sense: The 1990s may well be called “The Decade of Europe.” This time, something will happen. The forces that guarantee change in Europe are already unleashed; the ideas to provide direction and context are being discussed in the East and West and the personalities who represent the future of a Europe in transition are on America’s television screens nightly.

The changes that are occurring in Europe are so rapid and so manifold that it is difficult to establish a framework for interpreting the process we are observing. A voice from the past might provide the best starting point for the creation of a framework to interpret what has happened in Europe and what will be likely to happen in the 1990s. The voice is that of Charles de Gaulle, often depicted in U.S. circles as an obstacle to the process of Western European integration. It is true that de Gaulle did oppose a certain form of integration—a supranational political integration conceived by his countryman, Jean Monnet—but he also was committed to a vision of a united Europe of states.

Atlantic to Urals

De Gaulle’s conception of European unity went beyond Western Europe to encompass the territory “from the Atlantic to the Urals.” In his view this expansive conception of Europe would not only preserve the integrity and independence of each state, but it had the capacity to create a “Third Force” between the United States and the Soviet Union.

Diverse but complementary voices reinforce de Gaulle’s vision today, even though he is seldom cited as a source or even an inspiration. Throughout the 1980s, Pope John Paul II continually pressed the case for a conception of Europe that matched de Gaulle’s in geographical scope. In the Pope’s mind, Europe possessed a spiritual and cultural foundation for unity and it should find a political and economic expression for this foundation. The same theme was echoed by President Vaclav Havel of Czechoslovakia in his historic address to the Polish Sejm and Senate on Jan. 21:

“In any event, one thing is certain; there is before us a real historic opportunity to fill with something meaningful the great political vacuum that arose in Central Europe after the breakup of the Hapsburg Empire. We have the opportunity to transform Central Europe from a phenomenon that has so far been historical and spiritual into a phenomenon that is political.”

De Gaulle’s conception of Europe as a Third Force was greeted in the 1960s with polite skepticism. When the Pope spoke to the idea in the early 1980s, it seemed a highly unlikely possibility as the superpowers renewed the rhetoric of the Cold War and Europeans argued about deploying new missiles in the East and in the West. But by the time Havel spoke in 1990, it seemed almost natural to expect a decade in which political, strategic and economic changes would produce a “New Europe.”

What has happened to create this possibility for the 1990s? Three kinds of transformations are occurring simultaneously: in superpower relations, in the European theater and in Germany. The elements and the meaning of these interlocking changes can be sketched, but not explored in an essay of this length.

The change in superpower relations is really the precondition for European developments. The pattern of the Cold War had frozen relationships between East and West so that only a narrow margin of change was possible. In the 1970s, Willy Brandt had expanded the margin a bit with his ingenious “Ostpolitik,” but its consequences were primarily humanitarian; they did not promise fundamental political developments. Unless the superpower relationship was altered, the chance for a new Europe of East and West was negligible. Indeed, the first half of the 1980s looked more like a return to the late 1950s than a move beyond the 1970s.

NATO Discounted

The shift in the superpower dynamic began with Mr. Gorbachev. As Lawrence Friedman observed, he came to the leadership of the Soviet Union “persuaded that there was not really a serious threat from NATO and that acting as if this were the case imposed an unacceptable burden in both material and human resources while at the same time ruining relations with the West.” This conviction led Gorbachev to his “New Thinking” in foreign policy, involving fundamental shifts in the Soviet position toward the West, designed to provide the international context in which he could pursue perestroika and glasnost at home.

The “New Thinking evoked new responses from Mr. Reagan. Between 1985 and 1988 the Reagan-Gorbachev summits transformed the political context and the arms control agenda of U.S.-Soviet relations. The only tangible product of these changes was the Intermediate Nuclear Forces Treaty of 1987, but the meaning of the new pattern of U.S.-Soviet relations went far beyond this single document. Essentially, the change amounted to a different set of expectations for the superpowers; during the Cold War, the conviction on both sides was that fundamental political amelioration of U.S.-Soviet relations was not possible. Hence, the highest objective either side would pursue was “strategic stability,” a condition designed to reduce the possibility of nuclear war between East and West. The best that could be hoped for in this framework was a mix of arms control and strategic doctrine pursued collaboratively so that major instability in the deter-
Books

Recent Acquisitions

(New additions to the collection of the National Reference Center for Bioethics Literature.)


Canada. Law Reform Commission. BIOMEDICAL EXPERIMENTATION INVOLVING HUMAN SUBJECTS. Ottawa: Law Reform Commission of Canada, 1989. 69 p. Working paper number 61 outlines in five chapters the views of the commission eventually to be presented to the minister of justice and parliament. Comparisons are made between Canadian, U.S. and French laws dealing with human experimentation. Conditions for experimentation include free and informed consent. The special cases of prisoners, children, the mentally disordered, and embryos and fetuses are considered.

Gunderson, Martin; Mayo, David J.; and Rham, Frank S. AIDS: TESTING AND PRIVACY. Salt Lake City: University of Utah Press, 1989. 241 p. The medical history of AIDS along with relevant aspects of privacy law are presented as background for discussion of the specific issues involved in testing for HIV infection, including AIDS education, insurer-, employer- and state-mandated and voluntary anonymous testing, warning patients and their partners, health-care delivery and perceptions of AIDS.

Hackler, Chris; Mosely, Ray; and Vawter, Dorothy E., eds. ADVANCE DIRECTIVES IN MEDICINE. New York: Praeger, 1989. 196 p. Fourteen essays discuss various aspects of advance directives. Included are interpreting proxy directives, living will statutes, financial enforcement of living wills, talking with patients about advance directives, health care for the elderly, and self-determination.

Kater, Michael H. DOCTORS UNDER HITLER. Chapel Hill: University of North Carolina Press, 1989. 496 p. National Socialism's impact on doctors in Germany in the 1930s and 1940s is shown especially as it affected women and Jewish physicians and medical education. The continuing influence of that era on the medical establishment in Germany is also discussed.


Meisel, Alan. THE RIGHT TO DIE. New York: Wiley, 1989. 573 p. Through reported judicial cases and statutes, the ethical and legal aspects of the right to die are described. Decision-making procedures in general as well as in the context of advance directives and ethics committees are studied.

National Leadership Commission on Health Care (U.S.). FOR THE HEALTH OF A NATION: A SHARED RESPONSIBILITY. Ann Arbor, MI: Health Administration Press, 1989. 206 p. Established to propose realistic solutions to the problem of the high cost of health care, uncertain quality of medical treatment and unequal access to medical care, the commission reports on how to control costs, improve quality, and finance access to the health-care system as well as giving proposals for medical professional liability reform and development of national health-care guidelines.

Nelkin, Dorothy and Tancredi, Laurence. DANGEROUS DIAGNOSTICS: THE SOCIAL POWER OF BIOLOGICAL INFORMATION. New York: Basic Books, 1989. 207 p. Medical screening is judged from an ethical viewpoint. Defining the diagnosis, interpreting the tests, testing in the workplace, testing for learning problems, using genetic tests as criminal evidence, and social control through biological tests are issues raised in the eight chapters.

O'Rourke, Kevin D. and Boyle, Philip. MEDICAL ETHICS: SOURCES OF CATHOLIC TEACHINGS. St. Louis: Catholic Health Association of the United States, 1989. 335 p. Two Dominican priests have compiled official Catholic teachings on 51 ethical issues ranging from abortion to withholding life support. Two introductory chapters explain the values underlying Church teachings and the formation of conscience.

Regan, Tom and Singer, Peter, eds. ANIMAL RIGHTS AND HUMAN OBLIGATIONS. Englewood Cliffs, NJ: Prentice Hall, 1989. 280 p. Originally published in 1976, this second edition includes fewer historical writings and more contemporary authors on the topics of animals in the history of Western thought, the nature of humans and other animals, animal rights, killing and the value of life, and the treatment of farm and laboratory animals and wildlife.

By Marlene Johnson
3 Revolutions Make 90s Europe’s Decade

(continued from page 3)

ence relationship would be avoided.

As the superpowers enter the 1990s, the Cold War presumption that political change is not possible has been replaced by a cautious belief that basic change is possible. The concepts of strategic stability and arms control remain very important, but they now fit within a wider political configuration. This shift—from the primacy of the strategic to the primacy of the political—set the stage for changes in the European arena.

In addressing the European developments, one has to distinguish between East and West Europe for the sake of cataloguing what has occurred. Timothy Garton Ash is correct in his view that the term Eastern Europe is quickly passing into history, but the distinction may be used here between East and West for the sake of describing a complex process of change. Quite apart from the superpower developments or from internal changes within the Soviet Union, the West Europeans had embarked on a significant, if little discussed process of change in the 1980s. Popularly described as Europe 1992 (the date of implementation), the goal is the creation of a single market for the European Community. Significant in itself as an economic move, the drive toward 1992 has political consequences, tightening the bands of integration in the already closely knit world of the community.

The changes in Eastern Europe have been more dramatic and thoroughly unexpected. The desire for change has existed for decades, a mix of political yearning for freedom, religious aspirations seeking expression and economic objectives seeking reform of a stalemated system. But these combined powerful human forces were never enough to break through the stranglehold of the Soviet system. The catalyst and key to change in 1989 was Gorbachev. His contribution was a double one: by legitimizing glasnost at home, he set loose the forces of freedom in the more volatile atmosphere of Eastern Europe; then by refusing to use force he guaranteed the success of the forces for change in Poland, Hungary, East Germany, Czechoslovakia and Romania. The transformation was total; as Mr. Ash put it in February, 1990: “Last year communism in Eastern Europe died. 1949-1989 RIP.” The newly elected governments in Poland and Czechoslovakia are already preparing their approach to the West. The dynamic of Europe of 1992 in the West is about to meet the dynamic of Europe of 1989 from the East.

But at the heart of these twin transformations—the superpowers and the two sides of Europe—stands the German Question. It too has moved faster and farther than anyone would have predicted a year ago. In fact, a question that both the superpowers thought would be in their hands to settle, has effectively been taken from them. The Germans, East and West, did not wait for signals from others. Once communism died in the East the issue was unification with the West. The superpowers, and to some degree the rest of Europe are struggling to take possession of the German Question again in the “four plus two” talks (the four responsible World War II powers, the U.S., the Soviet Union, Britain and France, and the two Germanies), but it is clear that the Germans have set a course that will not be reversed even though it may be slowed down.

The Decade of Europe is faced with carrying to successful completion this triple revolution (superpower, European and German) in international affairs. The transitional decade to the next century will likely see the reshaping of the political map of the Northern Hemisphere.

Two Openings at Hastings

The Hastings Center expects to have openings for the following two jobs on or before Sept. 1, 1990.

Editor: The editor of The Hastings Center Report supervises the editorial content and production of a bimonthly magazine and additional special supplements. This includes responsibility for commissioning articles, editing, writing articles, layout, correspondence, promotion and other details related to publishing the magazine. The center is particularly interested in candidates with a strong background in bioethics and cognate fields. We especially encourage candidates with backgrounds in journalism and publishing from a wide variety of disciplines.

Associate: An associate occupies a professional level position on the staff of the center and under the supervision of the director is expected to provide significant intellectual and managerial leadership for all facets of the center’s work. Associates direct and supervise externally funded research and they participate in the center’s educational programs. Associates are expected to sustain a vigorous and productive career of writing and scholarship in their field. They are also expected to make a significant contribution to the field of bioethics. The center is especially interested in candidates with strong backgrounds in bioethics and especially encourages applications from those in medicine, philosophy, religion, the life sciences, the behavioral sciences and the social sciences. Applications are welcomed from those with degrees in other disciplines as well.

Applicants should send a narrative cover letter indicating why their background and interests would be appropriate for the Hastings Center; a current curriculum vitae or resume; and the names of three persons the center may contact as references. Send applications to: Personnel Office, the Hastings Center, 255 Elm Road, Briarcliff Manor, NY 10510-9974. The Hastings Center is an equal opportunity employer.
Roundup

- The Kennedy Institute of Ethics will hold its Members' Symposium on May 17. The Andre Hellegers Lecture will be delivered by the Rev. Richard A. McCormick, S.J., formerly of the Kennedy Institute and now of Notre Dame University. Fr. McCormick, who was granted an honorary degree by Georgetown University on Jan. 19, will speak on "Who or What Is the Pre-Embryo" at the symposium banquet, which will begin at 6:30 P.M. The symposium itself will be held in the philosophy department's conference room in New North. It will begin at 9 A.M.

- The University of British Columbia in Vancouver is sponsoring a conference titled Moral Philosophy in the Public Domain, which will be held June 7-9, 1990. The keynote address will be delivered by Michael McDonald of the University of Waterloo on "The Future of Applied Ethics." Peter Singer of Monash University in Australia will deliver an address titled "Making People Think: Applied Ethics and Social Change." Other topics to be discussed include methods of practical ethics, the role of the professional ethicist, allocation of medical resources and corporate values and the public good. For additional information call (604) 228-5783.

- The National Center for Bioethics Literature now has FAX services available for document delivery. The new FAX telephone number is (202) 687-6770. Those wishing document delivery for hard-to-obtain material can use the postal service ($5 for the first 10 pages and 15 cents a page over 10 pages) or the material can be sent by FAX (at $10 for the first page plus $1 for each additional page (U.S. and Canada) and $12 for the first page and $4 for each additional page elsewhere.

- The Rev. John Langan, S.J. of the Kennedy Institute presented a paper on "Common Good and Personal Responsibility" at the Claremont Graduate School's conference on philosophy of religion and ethics. Fr. Langan also published an article in the Feb. 24 issue of America titled "Is There Anything Wrong with Forgiving Debt?"

- Scope Note 2, "Living Wills and Durable Powers of Attorney: Advance Directive Legislation and Issues," has been substantially revised by Pat Milmoe McCarrick to reflect the fact that the number of states that have passed natural death legislation concerned with living wills has almost doubled since the paper was originally written in 1984 by Judith Adams Misticchellie.

- New Titles in Bioethics, Annual Cumulation Volume 15, 1989, is now available. This bibliography, organized by subject, contains a current update of the Syllabus Exchange Catalogue. It includes a listing of all new books, special issues, journals and audiovisuals added to the National Reference Center for Bioethics Literature during 1989.

Animals' Moral Status (continued from page 2)

so that the former is the greater harm.

If the preceding reflections are sound, differences in moral status appear with respect to life interests. Applying the principle of equal consideration, it is worse, other things being equal, to kill a human than to kill an animal. That gives us one good reason to prefer the use of animals in experiments that result in the research subject's death, if such experiments are to be done at all. Thus, in freedom-restricting research that ends in the subject's death, there are usually two reasons to favor using animals over humans: giving identical interests equal weight, a particular confinement is generally more harmful to humans than to animals, while death is similarly a greater harm, in most cases, to humans than to animals. If this is right, then animals are, after all, somewhat more sacrificial than humans, though it may be that there are very few cases in which anyone's interests may justifiably be thwarted in research. In this light, we may acknowledge differences in moral status between humans and nonhumans (and, no doubt, among different animals). The crucial point to recognize is that this thesis is perfectly compatible with the principle of equal consideration.