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## TWO

# Against Moral Intrinsicism

Nicolas Delon

**[2.0]** Human beings tend to treat the following animals quite inconsistently. Pet mice, lab mice, and “pest” mice enjoy wildly different treatments: at one end of the spectrum, mice are named, cherished, treated like friends or companions; in the middle, they are handled in batches and anonymously yet carefully cared for, and some of them named, before suffering and dying as experimental subjects; at the other end of the spectrum, mice are ignored, fended off, busted or destroyed. Most people also believe domesticated animals are entitled to our assistance in a much larger range of situations than animals in the wild; among the former, cattle is normally slaughtered and consumed, while many among Western people would consider eating pets as grossly immoral and tend to consider them like family. Finally, billions of sentient nonhumans are killed and experimented upon every year for food or research, while few of us, if any, recommend doing so on any sentient human being.<sup>1</sup>

**[2.1]** Advocates of the moral status of nonhuman animals believe that at least some, if not all, of these practices are wrong, because these animals have similar *interests* in virtue of their physiological and psychological *capacities* to have various sorts of experience. But what are the relevant similarities between these animals that make it wrong to treat them differently? Aren't there any relevant differences that equally make it permissible to treat them differently aside from their capacities?

**[2.2]** In this chapter I challenge a widespread, if tacit, assumption of animal ethics—namely, that the only properties of entities that matter to their moral status are intrinsic properties (typically psychological or cognitive capacities such as sentience or consciousness) that are independent of their context, species or relations. This view is sometimes called *moral*

*individualism*.<sup>2</sup> The rejection of speciesism has long relied on the so-called Argument from Marginal Cases,<sup>3</sup> which points to the absence of intrinsic morally relevant differences between infants, comatose, senile or severely mentally impaired humans on the one hand, and nonhuman animals with allegedly comparable capacities on the other hand, to argue that our speciesist practices are inconsistent. Accordingly, relationships, arbitrary group memberships (gender, race, species nations), and emotional or spatial distance have become unreliable moral standards.

Moral individualism, McMahan writes, “is a thesis about the justification of judgments concerning how individuals may be treated. The basic idea is that how an individual may be treated is determined, not by considering his group memberships, but by considering his own particular characteristics”.<sup>4</sup> So construed, moral individualism has been taken for granted by most “animal rights” theorists—consequentialists,<sup>5</sup> rights theorists,<sup>6</sup> contractarians,<sup>7</sup> capabilities theorists<sup>8</sup>—in their search for *morally enfranchising characteristics*.

Disputes about the relevance of relations such as love and affection, or species membership, are actually as old as animal ethics. So-called Singer-Regan theories have long been opposed on this ground.<sup>9</sup> Indeed, many accounts of our obligations to animals have focused on, or made room for, some relationships.<sup>10</sup> For instance, Wittgensteinians and care ethicists have challenged moral individualism, whether or not they call it so, arguing instead for the importance of nonbiological ideas such as “fellow creatures”,<sup>11</sup> “being human”,<sup>12</sup> “an animal”,<sup>13</sup> or “some mother’s child”.<sup>14</sup> Below, I will use the very concepts of mainstream animal ethics to undermine the default assumption that moral individualism lays bare.

Although these debates may seem well worn, capacities and relations have too often been understood as mutually exclusive, the notion of what counts as “morally arbitrary” too often taken for granted by moral individualists, and the relevance of relationships too loosely related to moral status by critics. My goal here is twofold: pinpointing the specific assumptions underlying the denial of morally relevant relationships and highlighting the compatibility of the latter with a genuine account of moral status. I will argue that, while it is true that some intrinsic capacities central to flourishing are fundamentally relevant, the principled exclusion of extrinsic properties (in virtue of their “extrinsicness”) is unwarranted, some relations are relevant to some obligations, and such obligations are a part of an animal’s status. The argument rests on an analysis of moral status in terms of supervenience, final value and the connection between value and obligations. In section 1, I explain further what moral individualism is. In section 2, I spell out my analysis of moral status and address the assumption, which I will label *intrinsicism*. The negative part of the argument, here, is that the assumption is not implied by a plausible analysis of moral status. In section 3, I build a positive case



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for the relevance of extrinsic properties to moral status based on vulnerability and on the reasonableness of partiality.

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MORAL INDIVIDUALISM

[2.7]

The motivation for the focus on intrinsic properties is understandable. Consider Lori Gruen’s apt reminder:

[2.8]

Extrinsic considerations such as popularity, usefulness to others, political expediency, and social prejudice can be set aside. . . . No one should be denied the possibility of exercising their capacities and satisfying their interests simply because of inegalitarian social conventions or discriminatory traditions. These sorts of relational properties have a long history of being used to exclude members of “out” groups, and appeals to such relational properties have led to ethically unacceptable practices and policies.<sup>15</sup>

[2.9]

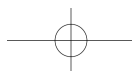
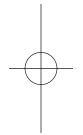
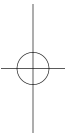
Moral individualism is a formal, or metanormative, rather than a substantive, thesis about our obligations. Basically, it is a requirement of impartiality across relevantly comparable individuals. It is based upon three central claims: (1) the moral status of an individual is a normative consideration for all agents; (2) moral status is an agent-neutral consideration; (3) extrinsic properties cannot be the basis for agent-neutral reasons. Hence, insofar as relations provide only agent-neutral reasons, they cannot ground moral status.

[2.10]

The notion of moral status is central to both animal ethics overall and moral individualism.<sup>16</sup> A “status-conferring intrinsic property”, according to McMahan, is “a property that gives its possessor a moral status that is a source of ‘agent-neutral’ reasons”.<sup>17</sup> Properties that qualify as status conferring may be sentience,<sup>18</sup> being a “subject-of-a-life”,<sup>19</sup> variable sets of cognitive abilities,<sup>20</sup> central capabilities,<sup>21</sup> or, for those who tend to deny animals direct moral standing, higher-order consciousness,<sup>22</sup> language<sup>23</sup> and rational agency.<sup>24</sup>

[2.11]

While McMahan acknowledges that some special relationships (e.g., this child being’s *my* child) may provide significant reasons,<sup>25</sup> such reasons, he claims, are merely agent-relative. Agent-neutral reasons, in contrast, arise from intrinsic properties and normally trump the former. He writes, “It is foundational to . . . moral individualism that . . . only intrinsic properties can be status-conferring and give rise to agent-neutral moral reasons”.<sup>26</sup> Let me call *intrinsicism* this “foundational” assumption of moral individualism. This assumption, I will argue, is not uncontroversial. For instance, Elizabeth Anderson writes that “[m]oral considerability is not an intrinsic property of any creature, nor is it supervenient on only its intrinsic properties, such as its capacities. It depends, deeply, on the kind of relations they [e.g., an individual with severe Alzheimer’s] can have with us”,<sup>27</sup> while Ronald Sandler remarks that “something



might, owing to its particular history, be due gratitude and loyalty, whereas a like entity with a different history is not due these. Thus, morally considerable entities can have different (and multiple) types of moral status".<sup>28</sup> I want to build on these insights to strengthen and formalize the links between extrinsic properties and moral status.

Consider two animals with roughly comparable psychological capacities (say, the same levels of sentience or cognitive capacities such as memory, self-awareness, empathy, etc.). Consider now that two such individuals have different relational properties insofar as they may serve different purposes, or be bonded to human agents through affection or proximity. The question is: Are some of those relational properties morally relevant too? According to proponents of moral individualism, the answer is no, and to think otherwise an agent must be confused by irrelevant factors such as species bias, economic profit, emotional bonds or other forms of cognitive or sociological biases. Thus, McMahan writes:

A rough guide to what we owe to animals is this: we owe to them whatever kind of treatment we believe the severely retarded would be owed in virtue of their intrinsic natures by morally sensitive Martians. We should, in short, treat animals no worse than we believe severely retarded human beings with comparable capacities should be treated by moral agents who are not specially related to them.<sup>29</sup>

As Anderson writes, "In this individualistic framework individuals must earn entitlements on their own merits, independently of their membership in generally meritorious groups". In sum, biological comembership is morally *irrelevant* (species, gender, race), while nonbiological comembership is associative and accordingly either merely *agent-relative* (family, friends, fellow citizens) or morally *insignificant* (wealth, social or geographical origin, religion, sexual orientation).<sup>30</sup>

McMahan's view is typical of other proponents of moral individualism who do not defend the basic assumption that only intrinsic properties matter; instead, the significance of properties is invoked to argue against relational views. The very claim that intrinsic properties are what matters is never directly addressed. But it does not follow from the irrelevance of some relational properties that all relational properties are irrelevant to considerations of moral status. It may be that when the full gamut of relational properties are laid bare then there will be some that have a bearing upon moral status, that some extrinsic features of an individual are relevant to the individual herself, or to moral agents, in a fashion that affects moral status. I believe vulnerability is one such relational property, and that reasonable partiality provides another source of extrinsic value relevant to status, but before I proceed to argue for the relevance of such extrinsic properties, I need to posit some machinery.



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**[2.16]**

## MORAL STATUS DOES NOT IMPLY INTRINSICALISM

**[2.17]**

A common understanding of moral properties (e.g., value) is that they “supervene” on natural properties, such as the capacities of animals emphasized so far. According to a standard definition, *a class of properties B supervenes on a class A just when, necessarily, if x and y are A-indiscernible, they are B-indiscernible*. That is, *no B-difference without an A-difference*. Supervenient properties (e.g., mental, aesthetic, moral) are said to supervene on base properties (e.g., physical, natural). The supervenience relation provides a framework to illuminate standards of consistency and universalization in moral reasoning, whereby like individuals in relevant respects ought to be treated alike.

**[2.18]**

Importantly, the same relation can apply to supervenience on nonintrinsic properties. Suppose R is one (and the only) morally relevant relation among a given set of individuals:<sup>31</sup> *if x and y are indiscernible in respect of their one-place nonmoral properties, if x and y are discernible in respect of their moral properties, then they must be R-discernible*. It is compatible with the form of justification (*because*) we expect when reasoning about moral differences. If this is correct, then, taking account of relationships need not preclude the admittedly essential standards expressed by the supervenience relation.

**[2.19]**

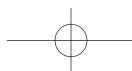
Moral status is among the moral properties an entity can have. Morally considerable entities, writes Mark Bernstein, are those “toward whom moral behaviors can be intelligibly addressed”.<sup>32</sup> But considerability is only a first step to determinate status. It is a threshold and range concept: it applies equally to all those that meet a given criterion above a given threshold. In a classic definition, Mary Ann Warren writes:

**[2.20]**

To have moral status is to be morally considerable, or to have moral standing. It is to be an entity toward which moral agents have, or can have, moral obligations. If an entity has moral status, then we may not treat it in just any way we please; we are morally obliged to give weight in our deliberations to its needs, interests, or well-being. Furthermore, we are morally obliged to do this not merely because protecting it may benefit ourselves or other persons, but because its needs have moral importance in their own right.<sup>33</sup>

**[2.21]**

Three points are worth emphasizing. First, Warren is concerned with *direct* moral status, which entities have “in their own right” rather than in virtue of the status of other entities to which they may be related. For instance, a pig with direct moral status does not matter simply as a piece of livestock with instrumental value; he matters because he has needs and interests. Insofar as one is dealing with direct status, failing to perform one’s duties wrongs the entity itself; duties are *owed to* the entity itself rather than to some other being with moral status or merely *with regard to* the entity (i.e., indirect duties). This is because only entities with



“needs, interests, or well-being” (those for which things can go well or ill, better or worse, those which can be benefited or harmed) can have status. As Elizabeth Harman writes:

A harm to a being “matters morally” just in case there is a reason not to perform any action that would cause the harm and the reason exists simply in virtue of its being a harm to that thing, and simply in virtue of the badness of the harm for that thing. A thing has moral status just in case harms to it matter morally.<sup>34</sup>

[2.22]

Following this account of moral harm, moral status derives from the importance of harms, which is a function of their *badness for the entity*. The moral individualist might then infer: an entity’s status is strictly a function of its cognitive capacities. But note that this account does not rule out something’s badness-for a being arising from nonintrinsic factors, such as the being’s environment, relationships or others’ expectations and attitudes. For instance, suppose our “nearest and dearest” give us stronger reasons than others; there may be corresponding claims that these individuals make on us. Thus, failing to meet their expectations is bad for them and makes them worse off in a distinctive way. Others do not have similar claims, and our failing to do unto them as we ought to do unto others is a different sort of harm. I will revert to such cases later. If they are plausible, then Harman’s conditions for moral harms remain compatible with a broader basis for status.

[2.23]

Second, Warren conceives of moral status as “a tool”, “a means of specifying those entities towards which we believe ourselves to have moral obligations, as well as something of what we take those obligations to be”.<sup>35</sup> Moral status is not so much *world guided* (a reflection of entities’ natures) as *action guiding* (constraining our responses to their natures). Moral status, in other words, has a *function*. It provides agents with reasons for action. It has this function insofar as it works as a placeholder, covering the bundle of our obligations towards its bearer.<sup>36</sup> When considering a given entity, it ought to be sufficiently clear that its status affords reasons to treat it in certain ways rather than others. It ought to be a salient component of a pig’s status that, and why, kicking him in the head, beating him with an iron stick, castrating him without anesthesia as a piglet, or not providing for his complex social needs harm him. And it ought to be at least epistemically accessible to the agent why this is so—because the pig is sentient, has a complex emotional life, flourishes in a complex social environment, revels in play, foraging, mud cooling, and so on. It ought to be clear, in other words, that the pig has his status in virtue of *his* characteristics.

[2.24]

Third, moral status has a specific axiological underpinning. If something has status, then it is meaningful to say that it is valuable, and the way we value something that has status is, typically, in Kantian terms, as an end rather than as a mere means. Final valuing is thus built into the

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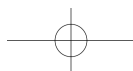
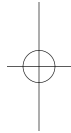
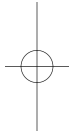
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concept of moral status, as opposed to instrumental valuing. This difference parallels, to some extent, the difference between direct and indirect moral status. Hence, I believe, moral status implies final value.<sup>37</sup> The phrase *in their own right* in Warren's definition is a mark of final value. When we perform our duties directly to the pig, because he has moral status, we take him into account "for his own sake" —not instrumentally or for the sake of anything else. As Warren notes, something cannot have direct moral status if it matters *only* because the way we treat it affects another entity's well-being, or because we value something external, to whose value it contributes. For instance, breaking a vase harms the owner, not the vase, whereas kicking a pig harms the pig, not only or primarily his owner.

**[2.26]** Final value is (1) *nonderivative* (i.e., not derived from the value of something else) and (2) *noncontributory* (i.e., its bearer is not valuable merely as a part of a valuable whole). (1) A finally valued object is therefore the primary bearer of value, from which other objects derive their secondary (that is, instrumental) value. For instance, the value of a tool derives from the value of what it helps one achieve; the value of a biological species, from an "animal rights" perspective, derives from the value of its individual members. (2) Animal rights theorists, broadly construed, believe animals are not valuable merely in virtue of the species they belong to, while environmentalists typically believe natural wholes have final value, to which individual parts contribute.

**[2.27]** Final value can apply to a variety of objects: human and nonhuman animals, natural wholes, biological species, artworks, monuments. However, writing on the concept of moral status, Frances Kamm marks a distinction between entities counting *in their own right* (e.g., a painting) and those *for whose sake* (i.e., welfare) we can act (e.g., a bird).<sup>38</sup> And having a sake seems required for having moral status in the relevant sense, even though morality also pertains to things and acts that are finally valuable but lack moral status. Artworks, monuments, precious artefacts and natural wholes can count noninstrumentally, but they cannot be harmed; rather, they can be hurt, damaged, destroyed, or caused to disappear.<sup>39</sup> Nothing is owed *to* Leonardo's *Mona Lisa*, the Parthenon, or the Grand Canyon, even though we ought, plausibly, not to treat them as mere means or dispensable commodities.

**[2.28]** The latter distinction is important because it is highly plausible that final value can supervene on extrinsic properties (being rare or precious, having a historical or symbolic role),<sup>40</sup> including the value of natural entities such as rare specimens, endangered or fragile species or ecosystems, unique landscapes, forests or canyons.<sup>41</sup> If final value implied moral status, my claim would be easily supported: entities whose value supervenes at least in part on their extrinsic properties would have moral status. And provided, as is likely, that moral status and final value depend on the same properties, such entities would also have moral status





based on their extrinsic properties. However, final value does *not* imply moral status, and I still need to substantiate the claim that they both depend on the same properties among a given entity's properties.

The first step in the argument is: final value can supervene on extrinsic properties. Concrete objects or events can have final value in virtue of their uniqueness, rarity or history, such as athletic records, biological species, landscapes or ecosystems, national monuments, artworks, precious artefacts, delicacies, and more. But this is also true of some entities that qualify for moral status. People (e.g., friends, lovers, children) and other animals (pets, certain zoo, lab, work or wild specimens) can have special final value in virtue of special relationships to valuers (shared history or commitments, being unique, parental or other special responsibilities). That is, final value can supervene on properties that two intrinsically similar entities, or duplicates, need not share. Now, there remains to be shown that their moral status depends on such properties.

First, note that this special sort of value certainly provides some agents with additional reasons and likely generates additional duties of care and assistance. Yet moral individualists would remark, such reasons and duties are merely agent-relative—that is, they bind only the participants in the relationships. My cat makes stronger claims on me than on other cats, and other people. If my cat has moral status, then the specific responses and attitudes (e.g., care) that her value warrants and calls for are based on precisely those features of hers on which my obligations to her are based. Thus, I finally value my cat in a distinctive way in virtue of the features that entitle her to specific treatment. These features may include: her being my *cat*, the fact that I rescued and adopted her, my responsibility in her present situation, her dependency, and so on.

Even responding appropriately to specially finally valuable things such as a painting of Vermeer's or the California redwoods—the value of which is based in part on the fact that such things are not related to the world like intrinsically similar things—involves the recognition of significant *agent-neutral* constraints against damaging, destroying or replacing them for the sake of other things. And these constraints stem from the relational properties of those things. With respect to such entities, therefore, valuing comes closely tied with *actions* required by the properties that ground value (rarity, uniqueness, majesty, history, etc.).

When it comes to the special final value of my cat or my child, however, more fine-tuning is required to show that such value leads to special status in the agent-neutral sense. For one thing, reasons not to harm any child are surely agent-neutral, but they are also independent of a child's relational properties; on the other hand, *our own* children yield mainly agent-relative reasons, as remarked above. Still, overlooked by the moral individualist is the fact that any parent's ability to provide for her children critically depends on a wider context of institutions, schools, health care, family and social support and, crucially, anybody's and society's





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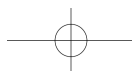
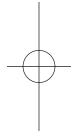
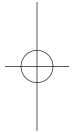
recognition that parents are allowed and obliged to care first and foremost for their children's essential needs. Hence, on the top of agent-relative constraints, special relationships generate agent-neutral, second-order reasons to enable people to act upon their reasonable agent-relative reasons. Now, the obligations that relate to these reasons are not merely owed to the ones taking care, they are also owed to the ones cared for. The next section will elaborate on this claim.

**[2.33]** MORAL STATUS, PARTIALITY AND VULNERABILITY

**[2.34]** Moral status has an irreducibly relational component but still involves agent-neutral considerations. Thus, my view differs, on the one hand, from purely relational, contractarian accounts of status according to which status can, in principle, be reduced to any given pair of individuals bound by possibly asymmetrical moral considerations, such as my friend's status *to me*.<sup>42</sup> On the other hand, it differs from individualist views according to which relationships cannot bear on moral status since they are merely agent-relative. Finally, my view is not simply that relationships matter in addition to, or instead of, moral status based on capacities; I show how moral status breaks down into two distinct but possibly interacting components. And now for the positive argument.

**[2.35]** Agent-neutral reasons for status based on extrinsic properties, I believe, have two main sources: (1) the "reasonable" character of partiality and special relationships; (2) vulnerability. First consider "reasonable partiality". This is the view that agents may appeal to agent-relative "restrictions" and "prerogatives",<sup>43</sup> or are allowed to give priority to their own good, or the good of their "near and dear". Special relationships such as love, friendship, family, expectations generated by shared commitments and projects can ground partiality, the reasonableness of which is grounded in the contribution of special relationships to the flourishing of all those who partake in them. This much has been widely acknowledged by a variety of authors,<sup>44</sup> including with respect to pet keeping and domesticated animals overall.<sup>45</sup> Even consequentialists have acknowledged indirect, impartiality-based reasons to allow for a degree of partiality in human undertakings and cares so as to address the "nearest and dearest" objection, and to the extent that partiality has optimal consequences overall.<sup>46</sup> To my knowledge, however, none has noticed how such considerations bear on direct moral status, as analysed in this chapter, and emphasized the relevance of extrinsic final value.

**[2.36]** Regarding pets, an indirect case for partiality can be rested on maximizing utility: absolute impartiality would require people to give up on some of their most significant commitments and attachments, it would deprive them of valuable experiences, would, at least until extinction, make millions of animals worse off than they would be under the prac-



tice of pet keeping. This is, in a nutshell, what motivates the consequentialist response to the “nearest and dearest” objection. But the case can also be made on the basis of direct considerations. Insofar as reasonable partiality is justified, pets provide their caretakers with agent-relative reasons to care for them more than they care for *other* animals. But the final value of the pet to her related caretaker is justified precisely in virtue of the fact that the relationship instantiates a finally valuable aspect of human and nonhuman lives. My cat and I—or cats and people in general—can benefit from the multispecies community they give rise to,<sup>47</sup> with all the particular features of each relationship (uniqueness, shared history, past commitments) resonating in a distinctive way with the general features of the typical pet-human relationship. Insofar as caretakers have special obligations to their pets, and as anyone has some obligations not to disregard, impede, or interfere with the relationships giving rise to them, the caretaker’s failure to specially care for her pet *wrongs* the pet—which anyone ought to recognize and has reasons to prevent, or at least regret or blame.

Finally, note that reasonableness is essential. For radical partiality would allow one to discount an animal’s status according to morally irrelevant factors such as disgust, comfort or self-interest. For instance, being a “pest” is a relational property, but intrinsic capacities matter too. In hard cases, conflicts of interest must be settled with due consideration of all relevant factors, not just one’s negative partiality towards certain groups.

Consider now the concept of vulnerability. One explanation for the special wrongness of harming vulnerable beings lies in the extrinsic disposition of vulnerability. Children and domesticated animals plausibly have different rights than their adult or wild counterparts, respectively, either because of a lesser degree of autonomy (regarding, for example, voting) or as a means of protection (regarding, for example, driving), though the diminished capacities that account for this fact also account for the increased protection they deserve when children or domesticated animals cannot fend for themselves. The special status of children and domesticated animals is therefore based on both *intrinsic* properties (their actual capacities) and *extrinsic* properties (vulnerability, dependency).

To be vulnerable means to be able to be harmed in a certain context. Jennifer McKittrick has convincingly shown that dispositions are not necessarily intrinsic.<sup>48</sup> Among examples of extrinsic dispositions, she cites weight, visibility or vulnerability. An intrinsic disposition is shared by perfect duplicates (e.g., the fragility of a vase, grounded in its internal physical properties), and its *manifestation* (breaking) depends on given *circumstances* (e.g., being struck), whereas an extrinsic disposition is not shared by perfect duplicates since the circumstances of its manifestation can vary if the environment changes (e.g., disability or vulnerability are a function of how context allows individuals to achieve some of their goals



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or avoid being harmed). Importantly, vulnerability is a central feature of most domesticated animals, especially farm and research animals that have been specifically designed to remain dependent and sometimes vulnerable to specific harms (e.g., cancer for the infamous Harvard Oncomouse).<sup>49</sup> More straightforwardly than partiality, vulnerability generates agent-neutral reasons to protect the vulnerable. Protection is owed directly to them, hence the corresponding obligation is based on extrinsic properties. Hence, at least part of their moral status depends on their extrinsic properties. Plus, insofar as attending to vulnerability implies special care and related attitudes, it implies recognition of a special kind of value: vulnerable beings, unlike intrinsic duplicates, are those by the sake of which our protection ought to be directed. Again, there is an internal relation between valuing and acting as status requires, which shows that wherever there is moral status and special final value, there is *special moral status*, since value and status depend on the same properties. More accurately, value supervenes on an entity's morally relevant properties, including sometimes her extrinsic properties, and determines the kind of status that it has in virtue of those very properties.

[2.40]

CONCLUSION

[2.41]

Moral status, I pointed out at the onset, is not the whole truth about moral obligations. Warren writes:

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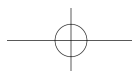
Many of our obligations are based not only upon the moral status of those towards whom we are obliged, but also upon situational factors, such as a promise we have made, a personal relationship in which we are involved, a civil or criminal law that has been justly enacted, or a wrongful past action of our own that requires restitution or compensation.<sup>50</sup>

[2.43]

As I showed, however, obligations are not strictly speaking “based upon” status; status *consists in* certain obligations. And obligations based on personal relationships are among such obligations insofar as they bind agents beyond those involved in such relationships.

[2.44]

From widely shared starting points, I explicated moral status in terms of supervenience, final value and direct obligations; then, I linked the possibility of extrinsic, or special, final value with moral status to show that the latter can depend on extrinsic properties; finally, I offered two sorts of relational properties on which special final value supervenes, which in turns determines special status. In sum, animals to which we are specially related have a twofold special status: one is agent-neutral (vulnerability), another is agent-relative but binds all agents in an agent-neutral way (partiality).<sup>51</sup> This status consists in duties directly owed to the animal, and each of its aspect is based on an extrinsic property on which a distinctive final value supervenes. *Contra* moral individualism,



some extrinsic properties give rise to agent-neutral reasons. Following a plausible analysis of moral status, such reasons bear on moral status. Hence, moral status is not a mere function of capacities, along with separate, additional obligations; instead, moral status is best understood as a (variable) set of obligations depending on capacities *and* context, yet binding agent-neutrally, thus meeting both requirements of relational accounts and those of impartiality but captured by the idea of the super-venience of final value on extrinsic properties.

At the beginning of the third section above, I claimed that the intrinsic and extrinsic components of moral status possibly interact. By this I mean two things: first, capacities affect what relationships one can take part in, or what harms one is vulnerable to; second, that which morally relevant capacities typically support—for example, needs and expectations—can also be affected (e.g., strengthened) by context (e.g., domestication). This dual-source status is therefore compatible with impartiality since intrinsically comparable animals can still have different expectations and interests depending on context.

[2.45]

## NOTES

[2.46]

1. The inconsistencies of our current practices and attitudes are nicely described by Harold A. Herzog, *Some We Love, Some We Hate, Some We Eat: Why It's So Hard to Think Straight About Animals* (New York: Harper, 2010).

[2n1]

2. The label was coined and championed by James Rachels and more recently defended by Jeff McMahan. See James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford and New York: Oxford University Press, 1990); Jeff McMahan, "Our Fellow Creatures", *Journal of Ethics* 9, no. 3–4 (2005): 353–80. This view, however, is central to much of mainstream animal ethics.

[2n2]

3. For a specific use of the argument to deny morally relevant cross-species differences in our treatment of nonhumans, see Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: Random House, 1990).

[2n3]

4. McMahan, "Our Fellow Creatures", 335.

5. Singer, *Animal Liberation*; Rachels, *Created from Animals*; Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford and New York: Oxford University Press, 2002); Alastair Norcross, "Puppies, Pigs, and People: Eating Meat and Marginal Cases", *Philosophical Perspectives* 18, no. 1 (2004): 229–45.

[2n4]

[2n5]

6. Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983); Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia: Temple University Press, 2000).

[2n6]

7. Mark H. Bernstein, *On Moral Considerability: An Essay on Who Morally Matters* (Oxford: Oxford University Press, 1998); Mark Rowlands, *Animal Rights: Moral Theory and Practice*, 2nd ed. (New York: Palgrave Macmillan, 2009).

[2n7]

8. Martha Craven Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, The Tanner Lectures on Human Values (Cambridge, MA: The Belknap Press, 2006). Nussbaum's view is actually ambiguous: she argues against Rachels's moral individualism for the relevance of a "Species Norm", but her focus on species-specific capabilities does not carry over to other extrinsic properties such as social context and membership. Whether her view qualifies as intrinsicalist depends on whether species norms are intrinsic or extrinsic.

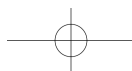
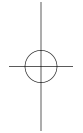
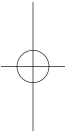
[2n8]



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*Against Moral Intrinsicism*

- [2n9] 9. Cora Diamond, "Eating Meat and Eating People", *Philosophy* 53, no. 206 (1978): 465–79.
- [2n10] 10. See, for example, Mary Anne Warren, *Moral Status: Obligations to Persons and Other Living Things*, Issues in Biomedical Ethics (Oxford and New York: Oxford University Press, 1997); Elizabeth Anderson, "Animal Rights and the Values of Nonhuman Life", in *Animal Rights: Current Debates and New Directions*, ed. C. R. Sunstein and M. C. Nussbaum (Oxford and New York: Oxford University Press, 2004), 277–98; Elisa Aaltola, "Animal Ethics and Interest Conflicts", *Ethics & the Environment* 10, no. 1 (2005): 19–48; Josephine Donovan and Carol J. Adams, *The Feminist Care Tradition in Animal Ethics: A Reader* (New York: Columbia University Press, 2007); Clare Palmer, *Animal Ethics in Context* (New York: Columbia University Press, 2010); Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford: Oxford University Press, 2011).
- [2n11] 11. Diamond, "Eating Meat and Eating People"; Raimond Gaita, *A Common Humanity* (London: Routledge, 2000); Alice Cray, "Humans, Animals, Right and Wrong", in *Wittgenstein and the Moral Life: Essays in Honor of Cora Diamond*, ed. Alice Cray (Cambridge, MA: The MIT Press, 2007), 381–404; "Minding What Already Matters: A Critique of Moral Individualism", *Philosophical Topics* 38, no. 1 (2010): 17–49.
- [2n12] 12. Cora Diamond, "The Importance of Being Human", *Royal Institute of Philosophy Supplement* 29 (1991): 35–62.
- [2n13] 13. Cray, "Minding What Already Matters".
- [2n14] 14. Eva Feder Kittay, "At the Margins of Moral Personhood", *Ethics* 116, no. 1 (2005): 100–31.
- [2n15] 15. Lori Gruen, *Ethics and Animals* (Cambridge: Cambridge University Press, 2009), 66.
- [2n16] 16. Rachels, however, suggests we might dispense with the notion, which is redundant, cumbersome, or inaccurate: assessing precisely what treatment a given individual is entitled to in virtue of its own characteristics is done by considering the latter rather than its species-specific status, though talk of moral status can be convenient "for purposes of public policy". See James Rachels, "Drawing Lines", in *Animal Rights: Current Debates and New Directions*, ed. C. R. Sunstein and M. C. Nussbaum (Oxford and New York: Oxford University Press, 2004), 170–3. Here Rachels seems to me to be hinting at R. M. Hare's two levels of moral reflection: "critical", on the one hand, and "intuitive", on the other hand. See Richard M. Hare, *Moral Thinking: Its Levels, Method, and Point* (Oxford: Oxford University Press, 1981).
- [2n17] 17. McMahan, "Our Fellow Creatures", 355.
- [2n18] 18. Singer, *Animal Liberation*; Steve F. Sapontzis, *Morals, Reason, and Animals* (Philadelphia: Temple University Press, 1987); Francione, *Introduction to Animal Rights*.
- [2n19] 19. Regan, *The Case for Animal Rights*.
- [2n20] 20. David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge: Cambridge University Press, 1996).
- [2n21] 21. Nussbaum, *Frontiers of Justice*.
- [2n22] 22. Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (Cambridge: Cambridge University Press, 1992).
- [2n23] 23. R. G. Frey, *Interests and Rights: The Case against Animals* (Oxford: Oxford University Press, 1980); Michael Leahy, *Against Liberation: Putting Animals in Perspective* (New York: Routledge, 1991).
- [2n24] 24. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), §77; Jan Narveson, "Animal Rights", *Canadian Journal of Philosophy* 7, no. 1 (1977): 161–78.
- [2n25] 25. McMahan, *The Ethics of Killing*, 231–2; "Our Fellow Creatures", 354.
- [2n26] 26. "Our Fellow Creatures", 357.
- [2n27] 27. Anderson, "Animal Rights and the Values of Nonhuman Life", 289.
- [2n28] 28. Ronald L. Sandler, "Enhancing Moral Status", *On the Human*, 23 May 2011, <http://onthehuman.org/2011/05/enhancing-moral-status/>, accessed 25 July 2014.
- [2n29] 29. McMahan, *The Ethics of Killing*, 227. My emphasis.



30. Anderson, "Animal Rights and the Values of Nonhuman Life", 281.
31. Relational properties can be intrinsic (e.g., part/whole relations), but here "relational" is always nonintrinsic.
32. Bernstein, *On Moral Considerability*, 9.
33. Warren, *Moral Status*, 3.
34. Elizabeth Harman, "The Potentiality Problem", *Philosophical Studies* 114, no. 1–2 (2003): 173.
35. Warren, *Moral Status*, 9.
36. Also see David DeGrazia, "Moral Status as a Matter of Degree?", *Southern Journal of Philosophy* 46, no. 2 (2008): 181–98; Christopher W. Morris, "The Idea of Moral Standing", in *The Oxford Handbook of Animal Ethics*, ed. Tom L. Beauchamp and R. G. Frey (Oxford: Oxford University Press, 2011), 255–75.
37. This feature is stressed, for instance, in Frances M. Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* (New York: Oxford University Press, 2007), 227–36; Morris, "The Idea of Moral Standing"; Agnieszka Jaworska, "Caring and Full Moral Standing", *Ethics* 117, no. 3 (2007).
38. Kamm, *Intricate Ethics*, 28.
39. This claim is more controversial with respect to natural entities such as species and ecosystems, depending on one's value perspective (i.e., ecocentric, biocentric, zoocentric). Environmentalists believe such entities can be harmed in a genuine sense. Indeed, they believe the value of individuals derives from the value of these wholes.
40. Christine M. Korsgaard, "Two Distinctions in Goodness", in *Creating the Kingdom of Ends* (Cambridge: Cambridge University Press, 1996), 249–74; Shelly Kagan, "Rethinking Intrinsic Value", *The Journal of Ethics* 2, no. 4 (1998): 277–97; Wlodek Rabinowicz and Toni Rønnow-Rasmussen, "A Distinction in Value: Intrinsic and for Its Own Sake", *Proceedings of the Aristotelian Society* 100, no. 1 (2000): 33–51; Jonas Olson, "Intrinsicism and Conditionalism About Final Value", *Ethical Theory and Moral Practice* 7 (2004): 31–52.
41. The *locus classicus* is John O'Neill, "The Varieties of Intrinsic Value", *The Monist* 75 (1992): 119–37. Also see Dale Jamieson, "Animal Liberation Is an Environmental Ethic" and "Values in Nature" in *Morality's Progress: Essays on Humans, Other Animals, and the Rest of Nature* (New York: Oxford University Press, 2002).
42. Christopher W. Morris, "Moral Standing and Rational-Choice Contractarianism", in *Contractarianism and Rational Choice: Essays on David Gauthier's "Morals by Agreement"*, ed. Peter Vallentyne (Cambridge: Cambridge University Press, 1991), 76–95; Andrew I. Cohen, "Contractarianism, Other-Regarding Attitudes, and the Moral Standing of Nonhuman Animals", *Journal of Applied Philosophy* 24, no. 2 (2007): 188–201.
43. Samuel Scheffler, *The Rejection of Consequentialism* (New York: Oxford University Press, 1982).
44. See Michael Stocker, "The Schizophrenia of Modern Ethical Theories", *The Journal of Philosophy* 73, no. 14 (1976): 453–66; John Cottingham, "Partiality, Favouritism and Morality", *The Philosophical Quarterly* 36, no. 144 (1986): 357–73; Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991); Susan Wolf, "Morality and Partiality", *Philosophical Perspectives* 6 (1992): 243–59; Samuel Scheffler, *Boundaries and Allegiances* (Oxford: Oxford University Press, 2001); Niko Kolodny, "Which Relationships Justify Partiality? General Considerations and Problem Cases", in *Partiality and Impartiality: Morality, Special Relationships and the Wider World*, ed. Brian Feltham and John Cottingham (Oxford: Oxford University Press, 2010), 169–93.
45. Keith Burgess-Jackson, "Doing Right by Our Animal Companions", *The Journal of Ethics* 2, no. 2 (1998): 159–85; Robert Heeger, "Reasonable Partiality to Domestic Animals", *Ethical Theory and Moral Practice* 8, no. 1–2 (2005): 123–39; Bernard E. Rollin, "Reasonable Partiality and Animal Ethics", *Ethical Theory and Moral Practice* 8, no. 1–2 (2005): 105–21; Tony Milligan, "Dependent Companions", *Journal of Applied Philosophy* 26, no. 4 (2009): 402–13; Steve Cooke, "Companion Animals", *Res Publica* 17 (2011): 261–74.

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**DRAFT**

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[2n46]

46. Hare, *Moral Thinking*; Peter Railton, "Alienation, Consequentialism, and the Demands of Morality", *Philosophy & Public Affairs* 13, no. 2 (1984): 134–71; Frank Jackson, "Decision-Theoretic Consequentialism and the Nearest and Dearest Objection", *Ethics* 101, no. 3 (1991): 461–82; Brad Hooker, *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality* (Oxford: Clarendon Press, 2002), 126–41.

[2n47]

47. Note that my argument generalizes over individual and collective relations.

[2n48]

48. Jennifer McKittrick, "The Case for Extrinsic Dispositions", *Australasian Journal of Philosophy* 81, no. 2 (2003): 155–74.

[2n49]

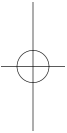
49. For a general theory of vulnerability as a context-dependent disposition to be harmed, see Robert E. Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (Chicago: Chicago University Press, 1985). For two philosophical accounts of vulnerability/dependency-based obligations towards animals, see Palmer, *Animal Ethics in Context*; Donaldson and Kymlicka, *Zoopolis*. For a sociological account of vulnerability, see Leslie Irvine, *Filling the Ark: Animal Welfare in Disasters* (Philadelphia, PA: Temple University Press, 2009). For an anthropological account of domestication and the creation of dependency, see for example, Tim Ingold, "From Trust to Domination: An Alternative History of Human-Animal Relations", in *Animals and Human Society: Changing Perspectives*, ed. A. Manning and J. Serpell (London: Routledge, 1994), 1–22; Juliet Clutton-Brock, *A Natural History of Domesticated Mammals* (Cambridge: Cambridge University Press, 1999).

[2n50]

50. Warren, *Moral Status*, 9.

[2n51]

51. Kittay claims that parents or caretakers should be entitled to the whole community's help and care to provide for their disabled children. But she has a fully relational analysis of status and avoids relying on properties to ground status. See Eva Feder Kittay, "The Personal Is Philosophical Is Political: A Philosopher and Mother of a Cognitively Disabled Person Sends Notes from the Battlefield", *Metaphilosophy* 40, no. 3–4 (2009): 606–27.



EDITS (as reflected in published version)

- [2.2], line 12: change "species nations" to "species, nations"
- [2.4], 3-4: add quotation marks: " "Singer-Regan" theories"
- [2.5], 10: delete quotation marks: "extrinsicness"
- [2.5], 14, change "explain further" to "further explain"
- [2.5], 18, change "a plausible" to "the most plausible"
- [2.5], 20: delete second "on"
- [2.18], 7: change "because" to " "because" " [quotation marks, no italics]
- [2.18], 8: change "this" to "that"
- [2.28], 1: change "because" to "for"
- [2.30], 5-6: change "stronger claims on me than on other cats, and other people" to "stronger claims on me than other cats and on other people"
- [2.31], 9: change "rarity, uniqueness, majesty, history, etc." to "rarity, uniqueness, wildness, naturalness, history, etc."
- [2.36], 1-5: edit sentence to " ... attachments, deprive them of ... experiences and, at least ... make ... " [i.e. keep only first occurrence of "would"]
- [2.38], 2: change "harming vulnerable beings" to "harming certain beings"
- [2.39], 17: change "hence the," to "that is, the"
- [2.44], 18-19: delete "but" and put remaining part of sentence in brackets
- [2.45], 1: delete "above"
- [2n39], 4: change "these" to "those"

