

ORIGINAL ARTICLE

The Problem with Person-Rearing Accounts of Moral Status

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Agnieszka Jaworska and Julie Tannenbaum recently developed the ingenious and novel person-rearing account of moral status, which preserves the commonsense judgment that humans have a higher moral status than nonhuman animals. It aims to vindicate speciesist judgments while avoiding the problems typically associated with speciesist views. We argue, however, that there is good reason to reject person-rearing views. Person-rearing views have to be coupled with an account of flourishing, which will (according to Jaworska and Tannenbaum) be either a species norm or an intrinsic potential account of flourishing. As we show, however, person-rearing accounts generate extremely implausible consequences when combined with the accounts of flourishing Jaworska and Tannenbaum need for the purposes of their view.

Keywords speciesism; animal ethics; moral status; Agnieszka Jaworska; Julie Tannenbaum

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1 Introduction

For the most part, no one defends speciesism—namely, the view that being human is *itself* a morally relevant property, one that makes each human more morally valuable than every nonhuman. Instead, philosophers defend what we might call *general human exceptionalism* (henceforth, exceptionalism), according to which the vast majority of humans possess a property that makes them more morally valuable than all nonhumans. What's more, we're long past the era when people took the relevant property to be something such as tool use or certain linguistic abilities. These days, exceptionalists often appeal to traits that aren't subject to empirical investigation (e.g., souls, root capacities, and modal properties).¹

It's difficult to resolve disputes between exceptionalists and their critics. But progress may still be possible. After all, we may be able to show that some of these new views have problems *on their own terms*. That's our aim here. Specifically, we focus on Agnieszka Jaworska and Julie Tannenbaum's ingenious and novel exceptionalist view—the person-rearing account. In defending it, Jaworska and Tannenbaum hope to provide an account that explains why “a baby whose cognitive capacities are otherwise on a par with a mature dog's capacities—that is, what they can do, cognitively speaking, on their own is roughly the same—nevertheless has a higher moral status” (Jaworska and

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Tannenbaum 2015, p. 244). While this view is a marked improvement over various other forms of exceptionalism, we argue that it generates deeply implausible verdicts in certain cases — ones that shouldn't be acceptable even to the view's proponents. On that basis, we argue that the view should be rejected, at least in its current form.

We begin by providing an overview of Jaworska and Tannenbaum's person-rearing account of moral status. Since this account of moral status appeals to creatures' flourishing, it needs to be coupled with an account of flourishing. Jaworska and Tannenbaum are neutral between two such accounts: the species norm account and the intrinsic potential account.² We first outline a case that has troubling implications for the person-rearing account when it's coupled with the species norm account of flourishing. In short, the view implies that two infants with the same cognitive capacities and life prospects have different moral statuses. The natural move, at this juncture, is for Jaworska and Tannenbaum to retreat to an intrinsic potential account of flourishing. But, in the subsequent section, we provide reasons against such a strategy. The main problem is that it, in certain cases, assigns different moral statuses to two nearly identical nonhuman animals with the same cognitive capacities and life prospects.

2 Person-rearing accounts of moral status

Jaworska and Tannenbaum offer an innovative argument that almost all humans, including babies³ and severely cognitively disabled humans, have a higher moral status than nonhuman animals (Jaworska and Tannenbaum 2014). On their view, typical mature humans have a higher moral status than nonhuman animals in virtue of their sophisticated cognitive capacities (Jaworska and Tannenbaum 2014, p. 243). Anyone who has these morally relevant sophisticated cognitive capacities is a *self-standing person* (SSP). This, of course, cannot explain the supposedly higher moral status of babies and cognitively disabled humans. This is where Jaworska and Tannenbaum's person-rearing view comes into play. Jaworska and Tannenbaum argue that babies and cognitively disabled humans have a higher moral status than otherwise cognitively similar nonhuman animals, such as dogs or chickens, in virtue of their capacity to engage in some activities that are part of a *person-rearing relationship*. In such relationships, the rearer of the relationship can have the *minimally reasonable end* of turning the reeree into a SSP (Jaworska and Tannenbaum 2014, p. 253). Now, since that end is supposedly particularly valuable, the moral status of infants and cognitively disabled humans is high in virtue of participating in that relationship. So, although they may currently have the same cognitive abilities as certain nonhuman animals, the humans, and not the nonhumans, have the ability to be the reeree in a person-rearing relationship. As a result, the humans supposedly have a higher moral status than cognitively comparable nonhumans.

Now, Jaworska and Tannenbaum maintain that ends are "minimally reasonable if and only if [they are] grounded in reasonable beliefs about achievability" (Jaworska and Tannenbaum 2014, p. 247). Since severely cognitively disabled humans can't be turned into SSPs, one might wonder how can it be minimally reasonable to *try* to turn them into SSPs. According to Jaworska and Tannenbaum, severely cognitively disabled humans,

while unable to become SSPs, can still “incompletely realize” certain cognitive activities (e.g., form certain emotional attachments, though this doesn’t count as a *sophisticated* cognitive activity) which allows them to be in a person-rearing relationship with their caretaker(s) and this supposedly suffices for them to have a high moral status. Jaworska and Tannenbaum also argue that it’s minimally reasonable for potential rearers to adopt the end of turning them into SSPs as an *end-standard*, which is distinct from an *end-aim*. To treat an end as an end-standard (as opposed to an end-aim), “is to treat it as a guide to one’s next-best options to achieve” (Jaworska and Tannenbaum 2014, p. 260). The idea is that caretakers of severely cognitively disabled humans are obligated to have as their end their child’s flourishing and, since becoming a SSP is necessary for their child’s flourishing, they should do what they can to transform their children into SSPs. This supposedly makes turning a severely cognitively disabled human into a SSP an appropriate end-standard for the rearee of the person-rearing relationship to adopt. As will become clear in the subsequent discussion, the plausibility of person-rearing accounts largely hinges on the correct account of flourishing. It’s just as important to flesh out the correct (or plausibly correct) account(s) of flourishing as it is to determine what constitutes minimally reasonable ends and end-standards, feasibility of achieving ends, SSPs, and person-rearing relationships. Each of these issues concerns a vitally important component of Jaworska and Tannenbaum’s view.

To recap: Jaworska and Tannenbaum argue that humans have a higher moral status than nonhuman animals either in virtue of (a) their sophisticated cognitive capacities or (b) their capacity to realize (or incompletely realize) certain sophisticated cognitive activities, where a sufficient condition for such realization is having the capacity to be in a person-rearing relationship.⁴ Those who can engage in person-rearing relationships are the ones that it’s reasonable to have an end-standard or end-aim of turning into a SSP. It’s supposed to be reasonable to have the end-standard of turning severely cognitively disabled humans into SSPs because, while it’s not actually feasible to turn them into SSPs, aiming to do so is necessary for them to flourish as humans.

We’ve only been able to provide a very condensed version of Jaworska and Tannenbaum’s intricate argument. It consists of a number of interesting moves that merit discussion. This condensed version will suffice for our purposes, however, because our focus is restricted to the implications of Jaworska and Tannenbaum’s account in a few particular cases. The plausibility of the person-rearing account hinges on whether it can avoid absurd conclusions when coupled with the accounts of flourishing Jaworska and Tannenbaum discuss. We argue that it cannot.

3 Anomaly

Jaworska and Tannenbaum assume that the standards for a creature’s flourishing are either determined by the intrinsic potential of the being in question (where the intrinsic potential is determined by the being’s genetics) or by what is good for normal members of the species. The former is referred to as the *intrinsic potential* account and the latter is referred to as the *species norm* account (Jaworska and Tannenbaum 2014, p. 262).

The species norm account offers a way to distinguish cognitively disabled humans from nonhuman animals since, on this view, it is *not* minimally reasonable for humans to adopt the end-standard of turning nonhuman animals (e.g., pets) into SSPs because it isn't necessary (and wouldn't even help) their pets flourish. But it *is* minimally reasonable to do this for severely cognitively disabled humans because that is necessary for them flourish. This is simply because what is necessary for any individual being to flourish will depend on what is good for normal members of the species. Thus, the more these cognitively disabled humans are able to take part in activities that are good for the typical human, the more these humans flourish according to the species norm account of flourishing.

The following case shows that supplementing the person-rearing account with the species norm account of flourishing won't get the desired, seemingly plausible, extension of beings with high moral status:

Anomaly: Two human parents give birth to Anomaly, where a large random genetic mutation causes (genotypic) speciation to occur. Consequently, the DNA make-up of Anomaly is importantly different from human DNA. For instance, although Anomaly is still fertile — i.e., were another of her kind to exist, she would be able to produce viable offspring — it's impossible for her to reproduce with a genotypic human. So, on any genotypic conception of species, Anomaly is *not* human. What's more, Anomaly's mutated DNA has exactly the same phenotypic effects as normal human DNA with one notable exception: she will not develop a cognitive capacity higher than that of a average two year old. As such, Anomaly looks identical to any other human baby and will continue to look like a normal human as she develops physically. However, her mental life will always mirror that of a set of cognitively disabled humans.

To be clear, Anomaly is a case where a creature is *not* human by genotypical standards (since she's fertile and unable to reproduce with humans), but was born to human parents and looks identical to humans. Apart from her purely genotypic features, the only difference between Anomaly and typical humans is that Anomaly has a lower cognitive capacity than they do. Now, it seems clear that Anomaly would have the same moral status as a human with the same cognitive capacity. After all, she is (to the naked eye) physically identical to any other human baby. More importantly, she is mentally and behaviorally identical to any other human baby at the same developmental point. Any view that denies that Anomaly has the same moral status as a human with the same cognitive capacity has a serious problem. On the face of it, though, the person-rearing view is committed to just that. Although Anomaly has capacities equivalent to those of a normal infant, and so can incompletely realize activities characteristic of SSPs, it supposedly isn't in her interest to do so; that won't contribute to her flourishing. After all, she isn't human. So, it isn't the case that Anomaly is an "incompletely realized SSP," as her capacities aren't directed toward that end (p. 257). So, despite her general similarity to her human peers, she has a lower moral status than they do—and, crucially, a lower moral status than a cognitively disabled human infant whose mental capacities will never exceed Anomaly's.

The natural move for one to make is to insist that Anomaly's parents ought to adopt the end-standard of raising Anomaly as a SSP anyway. After all, they are her parents, and one may believe that the alternative would conflict with their core moral obligations. Jaworska and Tannenbaum might claim that her parents have a *compelling rejoinder* to any suggestion that Anomaly's species is morally decisive here. But this strategy won't work. Anomaly's cognitive profile isn't the result of a genetic mishap; it's the standard for her kind and it had better turn out that having a compelling rejoinder to raise your child in a particular way depends on what your child is like.⁵ If your child is human, and if it really is the case that human flourishing is bound up with becoming SSPs, then that's one thing. But if your child isn't human, then by Jaworska and Tannenbaum's own lights that ought (morally) to factor into your assessment of your obligations — and, moreover, what it's permissible to do in those circumstances. To say otherwise seems to commit you to the following view: your obligations as a caretaker have more to do with what's normal in your cultural context — that is, how you would have expected to parent, and how others will expect you to parent — than with what's in the best interest of your child. That's not an attractive position to take.

But suppose that Jaworska and Tannenbaum tweak their view—in some here-unspecified way—to allow that it's both morally permissible and minimally reasonable for Anomaly's parents to have the end-standard of turning her into a SSP. Then, it turns out that the bars for moral permissibility and minimal reasonability are extremely low. On such a version of the view, for instance, it looks like what's minimally reasonable has nothing to do with the intrinsic capacities of the being that may or may not be raised as a SSP, and everything to do with whether you have independent moral reasons to relate to a being in that particular way. If so, it could be minimally reasonable for you to try to raise any sentient pet as a SSP — thereby granting it a higher moral status — so long as you had sufficiently strong moral reasons for doing so. For example, it seems that you would have such moral reasons for raising a dog as a SSP if it was the dying wish of a delusional, but beloved, family member that you should do so. Or, at least, as long as independent situational factors (e.g., raising a dog as a SSP out of respect for a delusional but beloved relative) are in place. This isn't an attractive implication for any view about the nature of moral status. Moreover, it's one that Jaworska and Tannenbaum should find particularly implausible since they explicitly deny that it's generally minimally reasonable to have the end-standard of turning a pet into a SSP (Jaworska and Tannenbaum 2014, p. 258).

Next, Jaworska and Tannenbaum could point out that there are phenotypic and genotypic species concepts, and assert that a phenotypic, not genotypic, conception is the morally relevant one. On a phenotypic (e.g., morphospecies) conception, species membership is determined by phenotypic similarity. If Jaworska and Tannenbaum make this move, then Anomaly will still be human in the morally relevant sense of the term despite her genetic differences from other humans. More importantly, if we assume the species norm account of flourishing, then it would be true that her flourishing would involve her becoming a SSP, which would make it minimally reasonable for her parents to adopt the end-standard of raising her to become one.

However, this move comes with serious costs. It amounts to saying that what's morally relevant is the mere physical appearance of being human, and if there's any position we should want to avoid, it's that one. Moreover, it makes a species norm account of flourishing especially implausible. On a genotypic conception of species, the species norm account can appeal to some shared intrinsic features. These can explain why certain things are good for a class of organisms, while others are bad for them. But on the phenotypic conception, there are no shared (intrinsic or extrinsic) features that are even remotely plausible candidates for being morally relevant. So it's mysterious why phenotypic characteristics should have any bearing on the criteria for a creature's well-being.⁶

Finally, they could insist that it doesn't matter whether Anomaly has different DNA or looks exactly like a normal human infant. They could maintain that neither the genotypic nor phenotypic species concepts are relevant here. Instead, they might maintain we should have a hereditary species concept—something to the effect that if one being is the offspring of another, then the two are of the same species.⁷ However, this sort of account won't get the desired result. To illustrate, suppose that, through some bizarre fluke, a woman gives birth to an animal that is genotypically and phenotypically a puppy. Should we now say that the puppy is human, or thereby has the interests of a human? Certainly not. So, we are left with an implausible result when we combine Jaworska and Tannenbaum's view with the species norm account.

4 The curious use of CRISPR

Jaworska and Tannenbaum may be willing to accept that Anomaly has a different moral status than her human peers. After all, they recognize that they have to bite a similar bullet if it turns out that intrinsic potential accounts of flourishing are true.⁸ According to the intrinsic potential account, "one's flourishing should be assessed by the benchmark of the highest capacities that one has possessed or had the intrinsic potential to possess."⁹ Intrinsic potential is thought to be determined by one's genetic constitution.

Consider two babies, one that's cognitively disabled as a result of a genetic defect and another that's similarly disabled as a result of some developmental issues. Let's call the first baby Neverdid and the second baby Hadit. Jaworska and Tannenbaum are committed to claiming that it is minimally reasonable for the parents of Hadit to raise her in a way that would normally turn a child into a SSP. Yet, they are also committed to thinking it wouldn't be minimally reasonable to raise Neverdid in a way that would normally turn a child into a SSP because she never had the properties that could turn her into a SSP.

To be clear, Anomaly's case shows that Jaworska and Tannenbaum will need to bite this bullet on whichever account of flourishing they accept, and that biting it has some strange implications about the moral status of nonhuman animals. But if Jaworska and Tannenbaum are willing to accept a difference in moral status between Hadit and Neverdid, then why shouldn't they also accept that there is one between Anomaly and her peers? First, we don't think that the cases of Anomaly, on the one hand, and Hadit and Neverdid, on the other, necessarily stand and fall together. But, more importantly,

we're also skeptical that there is any morally significant difference between Hadit and Neverdid.

To see the problem, consider first that it seems arbitrary to draw a line between Hadit and Neverdid. As CRISPR and other genetic engineering tools improve, it may become possible to correct whatever caused Neverdid's disability. We wouldn't say that a child born with cataracts never had the potential for sight, even if that's a result of a genetic problem, as we can remove cataracts via surgical methods (Jaworska and Tannenbaum 2015, p. 1111). But having such technology doesn't determine whether someone has an *intrinsic* potential. It just reveals that our intuitions about potentiality are often influenced by the technology that is currently available. Once we appreciate that point, we should be skeptical of the claim that Neverdid never had the potential to develop normally—and so of the claim that she has a lower moral status of Hadit.

Still, some may be sympathetic to the idea that there is a morally relevant distinction to be made between those two. Even if there is, it isn't obvious that merely having had the potential to become a SSP in the specific way that Hadit did is sufficient for a higher moral status. To see this, consider the case of Briefly:

Briefly: CRISPR technology has advanced considerably. It's now possible to modify the genome of a dog so that, if placed in the right environment, the dog will develop into a SSP. A scientist does this to a newborn puppy named Briefly, and she finishes the process just before her lunch break. During that break, however, she has second thoughts and immediately reverses the genetic interventions on Briefly, returning him to his prior state.¹⁰

As expected, Briefly develops into a normal dog. Does the fact that he briefly had the capacity to become a SSP have any bearing on his moral status now? It seems to us that it does not. So why should it matter in Hadit's case?

Jaworska and Tannenbaum's answer, we presume, will be that someone is able to adopt the relevant SSP-creating end with respect to Hadit, but not Briefly. Why might this be? They can't say that it's because a dog's intrinsic capacities make it such that no one could reasonably try to parent it, since, like Hadit, Briefly once possessed the very capacities in virtue of which it would be appropriate to describe him as having the capacity for the (incomplete) realization of being a SSP. They also can't say that no one could have core moral obligations that would make it reasonable to try to parent a dog. It's easy to imagine complicated circumstances where someone's obligations to third parties require it—for example, your mother's dying wish was that you raise Briefly to be a SSP. Finally, of course, if the issue does come down to the intrinsic characteristics of the beings in question, which seems the most plausible option, Hadit and Briefly aren't relevantly different on that score. So, it's unclear how Jaworska and Tannenbaum could avoid this counterintuitive implication in *Briefly*.¹¹

We conclude, then, that just as we should think that Anomaly has the same moral status as her human peers, so too should we think that Hadit and Neverdid have the same moral status. Since the intrinsic potential and species norm versions of the person-rearing

account each has to deny at least one of these two claims, we have good reason to reject person-rearing accounts of moral status.¹²

5 Conclusion

Given our two cases, it is difficult to see how the capacity to engage in person-rearing relationships could be of any moral significance. Unless Jaworska and Tannenbaum's account can be modified to avoid these deeply implausible consequences, without generating other comparably implausible consequences, we have a strong reason to reject person-rearing accounts of moral status.

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Notes

- 1 See, for instance, Liao (2010), Hsiao (2015), and Kagan (2016).
- 2 These accounts are not exhaustive. Other, seemingly quite plausible, accounts of flourishing are not discussed. Jaworska and Tannenbaum find these alternatives less plausible than the two accounts they discuss (Jaworska and Tannenbaum 2015, p. 1108). David DeGrazia (2014, p. 551) seemingly endorses the current cognitive capacity account in his work. Notably, pairing the person-rearing view with such alternative accounts of flourishing would not preserve the very intuitions that motivate Jaworska and Tannenbaum's view. Since their own defense of the person-rearing view necessarily relies on appealing to a species norm or an intrinsic potential account of flourishing, we will limit our discussion to these accounts as well.
- 3 Some humans (e.g., anencephalic babies) lack the relevant capacity of engaging in person-rearing relationships. This means that Jaworska and Tannenbaum's view, even if true, would not entail that all humans have a higher moral status than all nonhuman animals. It would, however, entail that almost all humans have a higher moral status than all nonhuman animals.
- 4 Jaworska and Tannenbaum maintain that having the capacity for the incomplete realization of certain cognitive abilities is equivalent to being an incompletely realized SSP, at least within the context of a person-rearing relationship (Jaworska and Tannenbaum 2014, p. 27). Since we will only focus on cases that assume the existence of a person-rearing relationship, we ignore this distinction in what follows.
- 5 Note that given the species norm account, plus species essentialism (the view that your species is essential to you), it follows trivially that Anomaly has not suffered a misfortune: there was no other way for her to exist.
- 6 For more on the problems with holding that phenotypic accounts of species membership are morally relevant, see (Timmerman 2018).

- 7 Similarly, they might also adopt a biological species concept, where species are demarcated by reproductive isolation from other groups. On such a species conception, Anomaly would be a human.
- 8 See (Jaworska and Tannenbaum 2014, p. 263, note 38) and (Jaworska and Tannenbaum 2015, pp. 1104–05).
- 9 This point is made in (DeGrazia 2014, p. 551), but (cf. Jaworska and Tannenbaum 2014, p. 262).
- 10 Others have discussed cases where nonhuman animals acquire the capacity to become SSPs—for example, Tooley (1972, p. 61) and McMahan (2002, p. 147). Tooley’s case doesn’t involve altering one’s genome, however, and McMahan’s case involves a chimpanzee who maintains its high cognitive capacity, whereas Briefly loses it.
- 11 They could, of course, just embrace the conclusion that Briefly has the same moral status as Hadit, odd though it is. If they make that move, however, it’s hard to see how they will avoid the conclusion that *all* dogs have the capacity to be SSPs, because the technology is general purpose: it can be used on any canine. Indeed, this seems to follow even if no one ever uses the technology. Someone could create it and never use it, instead locking it away in a vault. Nevertheless, its mere existence would imply that all dogs (and perhaps many other nonhuman animals) would have the same moral status as humans. This is a tough pill to swallow, one which Jaworska and Tannenbaum gloss over. See Jaworska and Tannenbaum (2015, pp. 1111–12).
- 12 The Briefly case may also make trouble for Harman (2003). Given her potentiality view, she would probably say that after genetically modifying Briefly, he’s morally on a par with babies. What should she say after Briefly has been returned to his original state? She might say that he’s now morally on a par with ordinary dogs. The problem with this answer is that it doesn’t seem to fit with what she says about “terminal babies”: namely, those that have the potentiality to become persons since they “have the plans to become a person intrinsically within them; but they also have within them, something that interferes with these plans” (p. 189). But why can’t we say the same about Briefly? If we can, then Harman seems to be committed to the claim that we can have different moral reasons regarding genetically indistinguishable canines. And if we can’t, then we need an account of the difference between the way that a terminal infant and Briefly “have the plans to become a person intrinsically within them” that explains why we can’t, which may not be easy to develop.

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