A Ground for Moral Standing:
En grundläggning för moralisk status
Abstract

The concept of moral standing applies to those who are of a direct moral concern, i.e. we have a reason to directly include those with a moral standing in our moral deliberation- they matter for themselves. How one accounts for the concept in question is controversial and thus there are several different accounts that one can consult when pondering what content the concept ought to have. This paper investigates the plausibility of some of the most influential accounts of moral standing, concluding that they, as they stand alone, are insufficient. Instead an alternative account of moral standing with a kantian foundation is offered, an account which is heavily based on Christine Korsgaard’s notion of final goods, with moral standing understood as a comparative concept as its distinguishing component.
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A Ground for Moral Standing

Someone with moral standing is someone that matter, ethically, for their own sake, i.e. they have an ethical value that is independent of its instrumental value to others. What or who one concerns as worthy of ascribing a moral standing will gravely affect one’s perception of the social, political and judicial worlds that we inhabit. For example, one’s opinions regarding subjects such as sexism, racism and animals’ rights issues are often very intimately associated with how one conceives the concept of moral standing. Slaves for Aristotle, and in some sense women, seemed to, within his perfectionist conception of justice, lack a moral standing (even though he never explicitly, as far as I have understood him, stated an [at least not an explicit] account of moral standing), thus it also seemed to influence his views on their place in society. More recently the American slave trade seemed to be made possible to justify by not recognizing the moral standing of the black men and women that were shipped from overseas. Thus, the relevance of the concept in question seems to be something that makes it worthy of further investigation.

In this paper, I will argue that the best way to ground someone’s moral standing (from now on I will refer to this as merely an account of moral standing (if not said otherwise), even though the grounds of it is just a part of the concepts definition, thus, it is only a part of such an account) is a modification of the kantian account of moral standing which Christine Korsgaard has argued for in several places, where the ability to have a final good (a good in relation to a perspective) is what constitutes the grounds for a beings moral standing. I thus will not investigate further what kind of rights would correspond to those with a moral

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1 A perfectionist conception of justice would grant rights and similar claims of justice in accordance with an individual’s possessing of certain virtues, Aristotle famously argued that, because of certain human’s lack of several intellectual and artistic virtues, they were natural slaves (and in that manner, they seemed to, for Aristotle lack a moral standing, at least full moral status).
2 See e.g. (Aristotle.1995. 1254a17-1255b4 (pp.17-19) for his views on slaves and his views on women at (ibid. 1259b18-1260b8 (pp34-7)).
3 Notably neo-aristotelian virtue-ethicists such as Rosalind Hursthouse argued that the question of, for example, the treatment of animal which often, in rationalist approaches, comes down to a question of moral standing is wrongly framed, it is not a matter of the animals moral standing rather the character of the agent, rendering the concept of ‘moral standing’ maybe obsolete or at least inefficient when it comes to the influence of the actual treatment of animals (Hursthouse. 2000. pp165-6). I will however not face this critique in this paper, since its pragmatic nature would send me too far astray from its scope.
4 See for example (Hunt.1864), which seems to entail such views.
standing. I will nonetheless, for simplicity, assume that there is a *prima facie* reason not to hurt someone with a moral standing throughout the discussion. Why this is the best way to ground the concept of moral standing will be partly motivated by several refutations of other influential accounts of moral standing (or accounts which I think seem *prima facie* plausible) and a demonstration of their inability to account for the intuitions which constitutes the core of my purpose, this while showing that the modified korsgaardian account lack the above-mentioned inability. The critique of other accounts of moral standing will, in addition, serve as an implicit defence of those intuitions. The influential accounts will include Peter Singer’s equal consideration view, contractualistic accounts of moral standing, the land ethics of Aldo Leopold and J. Baird Callicott, Elizabeth Anderson’s community based account of moral standing. However, I will due to the similarities between the account of Christine Korsgaard and Tom Regan, exclude Regan’s quite influential account of moral standing (which basically recognizes the inherent value of individual’s which possess a special type of sophisticated cognitive capabilities). Both of which have a kantian origin and will due to that come to similar conclusions and practical implications.

The intuitions that I will accommodate for and that will constitute the core of my purpose are intuitions that I think many will share with me. For example, I do consider non-human animals as, in some sense, pertaining to the category of entities with a moral standing. But it seems like the value of humans surpasses the value of non-human animals. For instance, if I drive along a road and I must, all things being equal, choose between to either hit a human or a non-human animal of some kind it seems like I ought to choose to hit the non-human animal rather than the human. Furthermore, it also seems like a non-human animal is to be considered more valuable than a natural entity such as a bush, and in a similar situation as described above when obligated to choose between destroying a bush and a non-human animal it seems like I ought to destroy the bush. Psychological constellations like our own seems to be something that ought to grant a being a moral standing, and there seems like individuals with a moral standing and their identities matter. Besides these intuitions, it seems like an account of moral standing ought to avoid arbitrary and highly biased elements such as speciesism or racism and it needs to be able to guide us in our moral conduct. These are, according to me, the minimal requirements that an account of moral standing ought to

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fulfil. However, further intuitions will be stated as we go on investigating the concept that are not explicitly stated here.

With regards to the key terminology I will follow the footsteps of Allen Buchanan and his modus operandi in his article Moral Status and Human Enhancement in the manner that I will not be using the terms ‘moral standing’ and ‘moral status’ interchangeably, rather someone with a ‘moral standing’ is someone that in one way or the other do hold a range property that constitutes its moral standing (it is thus a threshold concept which constitutes a prima facie reason not to hurt the entity in whatever manner its moral standing and particularities would predicate), moral status however will be used as a comparative notion that one being can hold in a different sense than the other. In that way, a mouse and human can for example both have a moral standing but differ with regards to their moral status, i.e. there is a way in which moral status can differ in degree while moral standing cannot (certain theories [such as e.g. a classic kantian ethics] will only accommodate for moral standing, since it lacks the possibility of degrees). Furthermore, I will be using the term ‘moral patient’ in several paragraphs, this term will denote someone who have a moral standing but it is likely that they ought not to possess the responsibilities of a moral agent (which both have a moral standing and moral responsibilities). The term ‘full moral status’ (from now on FMS) will denote someone with the highest moral status i.e. someone with a moral status that pertain to a category that is ascribed the highest form of moral status. Traditionally adult cognitively normal human beings are considered to have FMS, someone with FMS will often be inviolable in ways that someone with a lesser degree of moral status will not be.

§1. Singer, Sentience and the Equal Consideration View

According to Singer we ought to consider the interests of every sentient being equally, i.e. in our moral deliberation we ought to equally consider the interest of the cow and the interests of the human being, this is denoted as the equal consideration view. A prerequisite for having an interest is to be sentient. This prerequisite is crucial when Singer further qualifies what it means to have an interest, the interest must have its origin in a sentient being with the capacity to experience the pain and joy that certain interests bring

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them i.e. sentience. Thus the apparent interest of a tree to obtain water is not, in a direct sense, ethically relevant, but the interest of a dog to not experience pain is.\(^8\) Every being with an interest of the above mentioned kind deserves an equally impartial evaluation or consideration of their interests, where the intensity and quantity of the interest will be the deciding factor.\(^9\) This kind of standard of evaluation opens up Singers account in a way that seems to allow us to prioritize humans over certain non-human animals, consider for example this quote from his article *Speciesism and Moral Status*:

*I accept the normative view that there is greater significance in killing a being who has plans for the future – who wishes to accomplish things- than there is in killing a being who is incapable of thinking about the future at all but exists either moment to moment or within a very short time horizon (for example, a time horizon limited to thinking about eating something in the near future).*\(^{10}\)

What the underlying meaning of this, that we ought to consider, is that the above mentioned standard of evaluation will, when it comes to killing, in a way, obligate us to perceive the beings with the capacity to plan their future i.e. someone with sophisticated cognitive capabilities, as a being that we, *de facto*, ought to prioritize in our moral evaluation and thus they ought to be considered as someone with a *de facto* higher moral status. Singer thus seem to value those who can conceptualize there future higher than those who cannot,\(^{11}\) what this indeed seems to mean is that, Singer seems to allow *de facto* degrees of moral status. With ‘*de facto* degrees of moral status’ I mean that he does not *a priori* regard kinds of beings to have a higher moral status, rather it is after empirical consideration that they are granted a higher moral status. So, after considering the moral status of a cow and the moral status of a human one could, with Singers standard of evaluation, conclude that the human, because of its sophisticated cognitive capacity to plan its future (they thus have interests which are of a higher order than those who do not possess these sophisticated cognitive capabilities), have a higher moral status or in other words a higher degree of moral status. However, this is not possible to conclude without an empirical investigation, so in principle they are equal, it is first after the discovery of certain cognitive capabilities the human are granted a higher degree of moral status. Thus, it would be more wrong to kill e.g.

\(^9\) Ibid. pp.18.
a human being with the capacity to conceptualize their future than e.g. a rabbit which seems to lack that ability, at least to the same extent as the human.

§1.2. Considering Singer’s Equal Consideration View

*Prima facie* Singer’s account of moral standing is quite an attractive one, especially with regards to its very intuitive foundation of sentience, its impartial nature, and seemingly action guiding qualities. After further consideration, there are also additional attractive constituents of the theory that is worthy of praise, for example it seems, to me, very advantageous for an account of moral standing to allow degrees of moral status, even if it is in this empirical manner (which is not strange when regarding the quite empirical nature and *modus operandi* of utilitarianism in general). However, there are several aspects that makes it quite unattractive. I will below mention a few that will be enough, for me, to disregard Singer’s position in this paper.

My first reason consists of an appeal to the accounts flaws with regards to marginal cases such as infants and people with Alzheimer’s disease. It seems like Singer’s account of moral standing will not, because of the marginal cases e.g. someone with Alzheimer’s, lack of sophisticated cognitive capabilities, grant them the same degree of *de facto* moral status as those who hold those capabilities. If we indeed are to ascribe them the same degree of moral status it seems unclear why. It seems like an infant, for example, have the same moral status as a being with similar cognitive capabilities such as some of the great apes (or the infant even seem to have a lesser moral status).\(^{12}\) So when faced with the decision to either kill an infant or a non-human animal which both have an equally good life (they experience similar joys and similar interests fulfilled) it seems like the only thing separating them are, all things being equal, your interests regarding them. Thus, we lack a *prima facie* reason, when we must choose, to kill the non-human animal instead of the infant. This means that, in theory, it is possible (if I do not like the infant for example) to kill the infant instead of the animal due to the fact of my resentment towards her. However, Singer does not seem to mind these kinds of conclusions and have in several places argued that it does not seem to exist any ethically relevant differences between someone with e.g. Alzheimer’s and a non-

\(^{12}\) This is of course not an empirical given, but there is research that will support it. Think of, e.g. Koko the Gorilla who show signs of very advance cognitive capabilities. See e.g. (Tanner.2006.)
human animal, and thus we lack a justification for treating them any different in our moral deliberation.\textsuperscript{13}

My second reason would be that it seems like the kind of account of moral standing that Singer is offering, treats individuals and their identities as mere instruments. In \textit{The Lives of Animals}, for example, Singer discusses with his son the possible death of his dog Max. Singer argues that there would be not ethical loss as long as another dog with similar pleasures/interests took his place.\textsuperscript{14} This seems to translate to humans as well, if I die, it seems like it is no ethical loss as long as a similar human takes my place (disregarding the, possible, sorrow of my parents and loved ones). We thus seem to be mere containers of preferences or pleasure. However, this kind of translation, Singer argues in \textit{Practical Ethics}, is indeed a problem for the hedonistic utilitarianism to which he is now loyal, but not preference utilitarianism. He reasons that because of our (humans i.e.) self-consciousness we do have an interest of not dying thus our dying seems to be different kind than that of the dog (who apparently lack this interest?).\textsuperscript{15} However, because it seems like Singer argues, or at least implies that non-existent individuals do indeed seem to have some kind of interests\textsuperscript{16}, it is unclear why my interests are to be considered more intense (thus more valuable) than that of the non-existent individual. Even if it is the case that my interests, \textit{de facto}, are more intense and thus are to be considered more valuable it is of course, in principle, possible that the non-existent individuals interest is to be considered higher. I.e. it seems like we lack a \textit{prima facie} reason to consider the death of someone as bad if someone else comes along and take the place of the deceased.

\textsuperscript{13} The example is not always the same with regards to content, however the structure of it is alike, see e.g. Singer. 1993. pp. 55-63. See also: Ibid. pp.110-17.
\textsuperscript{16} Singer seems to argue that (implicitly at least) non-existent individuals can possibly have interests, consider for example this quote from \textit{Animal Liberation}:" ...most of us would agree that it would be wrong to bring a child into the world if we knew, \textit{before the child was conceived}, that it would have a genetic defect that would make its life brief and miserable. To conceive such a child is to cause it harm. So, can we really deny that to bring into the world a being who will have a pleasant life is to confer that being a benefit? To deny this, we would need to explain why the two cases are different and I cannot find a satisfactory way of doing that" (my emphasis) (Singer, 1975. S228). However, it is of course not a clear-cut case. The interest one needs to consider might be the interest of the potential existent infant, but, nonetheless, the consideration is to be taken before it does even begin to exist in any manner. Furthermore, if Singer is to account for future people, future people (and non-existent people) indeed seem to need to have, at least, hypothetical interests that we must consider in our moral deliberations.
The individual thus seems instrumental to the preferences or interests of men, it is almost like that which has moral standing is not the beings, but their interests. It is of course possible to argue that it is an improbable situation, however it is possible and this seems enough to make the conclusion repulsive and current for Singer.

§1.3. Concluding Singer’s Account of Moral Standing

To conclude Singer, it seems like his account of moral standing would entail a lack of respect towards the individual and their identities, and at the same time it does not seem sufficient with regards to marginal cases since it lacks a satisfactory way to differentiate humans from non-human animals. However, it seems like I have encountered an intuition that seems important for an account of moral standing to account for; the badness of death. For indeed what we learnt from the example regarding Singer’s dog is that it seems in part be the lack of respect of the individual, but also, it highlights an intimately tied matter, namely the badness of death, an intuition that Singer’s account of moral standing cannot account for. In addition, a further problem seems to been raised, namely how one is to value those who do not yet exist or those who could potentially exist. Singer seems to be, at least in part, indicate that those who does not exist can have interest, if that is true his account would be able to account for the non-existent individuals. But even if this is the case the objections raised above would be, according to me, enough to put Singer’s account of moral standing aside.

§2. Contractualism

In this section I will consider both T.M Scanlon’s contractualism and the contractualism of Peter Carruthers in relation to my above mentioned intuitions and hopefully be able to learn something from them.17 Contractualism seems to, at least prima facie, be able to account for several of the above mentioned intuitions; this mainly due to its emphasis on negotiation when accounting for morality in general, which seems to respect individual’s and their

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17 It is sometimes, in the literature, a disparity with regards to terminology when referring to the different accounts, where Scanlon’s moral theory often is mentioned in the literature as contractualism while Carruthers’ is called contractarianism. This apparent difference is said to be found in the motivation of the agents, were the contractarian approach is based on the motivation of self-interest (for Carruthers this self-interest of the agents is manifested under the veil of ignorance) and, in contrast, the contractualism a la Scanlon the motivation is to justify one’s action towards others (not self-interest i.e.). However, because of my purpose i.e. to account for their accounts of moral standing, this distinction is unnecessary and I thus will refer to them both as ‘contractualism’.
identities (at least those with the ability to negotiate), it also seems to be able to cover a plurality of ethical values. Thus, I think it is suitable to argue why this will not, as it stands alone at least, be considered an appropriate account of moral standing

§2.1. Scanlon’s Contractualism

In Scanlon’s contractualism the moral standing of a given entity is determined by the equal status of each individual as a rational and autonomous agent, because of their ability to be part of contractual agreements with each other. Morality is thus constituted by mutual agreements between rational and autonomous agents, a binding agreement that respects the equal status of every such agent. What we can deduct from this, regarding moral standing, is that what seems to constitute the moral standing of an entity, within the scanlonian framework, are common and universal traits of character that will subsequently render in universal moral principles. What motivates an agent within the scanlonian moral framework is their will to justify their actions towards other rational and autonomous agents; those with a moral standing are those who we have a relation of that nature to. I.e. those who we have direct moral obligations to are those who we have a mutual social contract with, constituted of principles that no rational and autonomous agent reasonably can reject. This seems *prima facie* to grant moral standing solely to rational agents which are those we have a reasonable reason to have our actions justified by. However, this is, maybe, a simplistic view and to make Scanlon justice I will further scrutinize the implications of Scanlon’s account of moral standing below. But first I will account for Carruthers account of moral standing.

§2.2 Carruthers, Contractualism and Rawls

According to Carruthers those who, *ipso facto*, have a moral standing are those with the capacity to enter into contracts, i.e. rational agents, which is defined as someone with the capability to propose and examine normative rules and obviously be a part of contractual agreements. Rational agents thus have, because of that capacity (they also all have the same moral standing, this simply because the contractualistic framework entails that all who can participate in the making of the contract and thus the moral rules are rational agents) an

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automatic moral standing.\textsuperscript{20} However, Carruthers wants to argue that also non-rational humans such as infants or elderlies with alzheimers have a moral standing, however not automatically. To account for non-rational human beings as subjects of direct moral considerability i.e. subjects with a moral standing, Carruthers imagines that the rational agents, when drawing up the social contract, are placed under a veil of ignorance. I.e. the rawlsian concept where we are stripped of all knowledge with regards to gender, race, financial background and other knowledge that would make them biased. In addition to this they are also, according to Carruthers, forbidden to appeal to antecedent moral beliefs. Under this veil of ignorance, the agents, out of self-interest, would grant a moral standing to irrational humans, this because of the social instability it would cause if they did otherwise.\textsuperscript{21} Thus, it seems like Carruthers is trying to avoid the contra-intuitive implication of not granting infants, senile elderlies and other non-rational humans a moral standing by appealing to the consequences that it would cause otherwise, consequences that the agents under the veil of ignorance would realize.\textsuperscript{22} In Carruthers framework non-human animals will only be considered (morally) in an indirect manner. Like Kant, he argues that what is wrong when torturing an animal is cruelty, and an action of this cruel nature is wrong because of the facts of character that it unravels with regards to the agent in question. This kind of faulty character is troublesome, this because of the possibility of direct violations of humans and the rights other humans it is likely to entail.\textsuperscript{23,24} Non-human animals thus lack a moral standing in Carruthers framework, Carruthers does however considers the plausibility of guardianship (i.e. that some rational agents represent the interests of the non-human animals) and similar arguments that, he thinks, possibly could justify the moral standing of non-human animals i.e. that of social stability. But he concludes that the former is implausible because it would entail that we already have determined that the non-human animals deserve to have their interest protected and thus, we would appeal to antecedent moral beliefs and the latter because it is (i) far from clear that attachments to pets are human universals (as is the attachments’ to infants and similar non-rational humans) and (ii)

\textsuperscript{20} Ibid. pp 388.
\textsuperscript{22} And for that matter, would they know if they are the kind of non-rational individual that would not be granted a moral standing? However, this seems implausible, if it is only rational agents who can take part in the making of the social agreement, it seems like they cannot, by implication, be a non-rational individual.
\textsuperscript{23} Ibid. pp. 396.
\textsuperscript{24} For comparison see eg. (LE pp. 239-41).
the attachment to e.g. pets is not as deep as to relatives and infants, thus it would not cause the social instability the neglecting of the moral standing of non-rational humans would.25

§2.3 Critique of Contractualism

There are indeed several virtues of Carruthers theory of moral standing that seems to be on par with the intuitions of mine mentioned above it e.g. seems to be, arguably I think, unbiased, it seems to be able to account for degrees of moral status and so on, but it does not hold after scrutinizing it. From the very beginning in the process of understanding the contractualism of Carruthers there were several problems that was made clear, especially since I assumed (wrongly perhaps) that non-human animals ought to have a moral standing, and thus we seemed to be incompatible. Nonetheless, I will put that aside when scrutinizing Carruthers and thus do so from the premises he sets forward and hopefully do so in way that will make it unnecessary to grant my intuition regarding non-human animals a significant amount of weight when refuting him. However, firstly, I will indeed argue, partly, from the standpoint of that intuition when I turn my attention to Scanlon, an intuition that Scanlon seems to share with me.

§2.3.1. Scanlon, Non-rational Humans and Non-Human Animals

One aspect of Scanlon’s account of moral standing is that non-rational humans and non-human animals seem to lack something that qualifies them for direct moral concern (although Scanlon argues that we have a prima facie reason to respond to animals in pain and I guess the same applies to non-rational humans)26. To be able to respond to this Scanlon offers two different answers.

The first answer is basically to narrow down the scope of the contractualism. It is not, one could argue, meant to cover the entirety of morality, but only what we owe to other rational and autonomous agents,27 the second answer is an answer comprising to guardianship, where rational agents are appointed guardians to the non-rational beings and their interests.28

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27 Ibid. pp. 179.
28 Ibid. pp. 183.
The second answer is, according to Scanlon, unsuitable because it would also have to include trees and similar entities with some kind of, interests\(^{29}\) into the category of moral standing. If we are to narrow down the scope to only obtain sentient beings it would, Scanlon argues, be hard to see why we are not to be guardians for other entities with goods.\(^{30}\) Because trees, according to Scanlon, do not have a moral standing, this solution is not suitable.\(^{31}\)\(^{32}\)

So, after considering and rejecting the second answer Scanlon turns to the first one, namely to narrow down the scope of the contractualistic morality. This answer would not exclude that there is something wrong, at least in an indirect sense, with harming a non-rational being, but the reasons not to hurt a rational being or in any other way accommodate its interests would be more extensive and better. Thus, the reasons pertaining to the non-rational beings and the reasons pertaining to the rational beings are disparate, and those with the capacity to evaluate their decisions, and see things as better or worse for them are (this indeed seems to be his definition of ‘rationality’) to be considered to have FMS. The moral status of non-rational beings is thus an open question for Scanlon and the possibility of degrees of moral status is, with regards to Scanlon’s account, a fact.

As seen above, Scanlon leaves the question with regards to the moral standing of non-rational beings open, but, despite this, he later tries to justify the moral standing of children and other non-rational humans. Scanlon argues that children have the potentiality to obtain the necessary innate capabilities that is, according to the criteria above, necessary for FMS and maybe moral standing as such.\(^{33}\) With regards to other non-rational beings Scanlon argues that there is a special kind of human relationship that occurs when a human is born that is morally relevant; to be born a human. To be born human grants you the right of

\(^{29}\) Trees do indeed seem to have an interest of e.g. obtaining water in a draught, it is quite easy to tell when this interest is at its most pressing state (its foliage becomes dried out etc.).

\(^{30}\) All though the korsgaardiaan distinction between functional and final goods might come in handy here, I will not consider it here because it will become relevant later and thus it will be dealt with at that stage of the paper.

\(^{31}\) However, as we will see later with other accounts of moral standing, this is disputable, nonetheless it is not necessary to appeal to this when refuting Scanlon’s account of moral standing.


\(^{33}\) In *Why Potentiality Matters* John Stone argues that any being with a strong potentiality for sophisticated cognitive capabilities is what constitutes their moral standing. Where ‘strong potentiality’ denotes a potentiality where the potential in question is part of an entities normal development. I.e. if A will produce B if A develops normally and the B is so produced that it will be such that it was once A it constitutes a necessary condition for FMS (Stone, 1987, pp. 818-19), this seems like a plausible account on why children, for example, in Scanlon’s framework could have a moral standing or even FMS.
justification for the actions with ethical implications on you, thus moral standing seems to have a relational aspect to it for Scanlon, namely a kind of intraspecies relation where membership to the, in this case, human race grants one a special status, namely the status of someone with a moral standing (FMS even).\textsuperscript{34}

This seems suspiciously close to what is called ‘speciesism’ (namely the arbitrary discrimination of a being due to their species [species which, arguably, is ethically irrelevant]) in the way the relationships exclusiveness is structured. However, Scanlon argues that this is not the case, to take care of special relationships or to exclude beings from these special relationships is not a case of arbitrary discrimination i.e., in this case, speciesism.\textsuperscript{35}

This however is not a, according to me, satisfactory explanation of the moral standing of non-rational humans. The relation that constitutes the reason why one can discriminate in this manner is in itself founded on what species one belongs to, a species that is, if one is not a creationist or of similar beliefs, arbitrary assigned. Why ought I not be able to, for example, base my decisions regarding who I should hire on the fact that I, because I am born a man, and have a special relationship to men and in that manner, justify why I only ought to hire men? Or that I, because I am born a Swede, thus have a special relationship to Swedes and therefore only wants to hire Swedes? Scanlon could argue that the relationship he has in mind is not based on these arbitrary assigned properties, rather it is our rational nature that constitutes this special relationship. However, this will only force us to reside back to the beginning of the argument, and no progress is made with regards to the inclusion of non-rational (besides children and infants) humans in the category of moral standing.

\textbf{§2.3.2. Future Persons and the Non-Identity Problem}

A problem that both Scanlon and Carruthers’s accounts of moral standing (and their moral theories as such for that matter) seem to share is the problem of the moral standing of future persons (we thus have another intuition that seems to matter in some respect) and how one is to consider those who will exist because of our own acts i.e. the non-identity problem. The problem is well illustrated by Derek Parfit and his example “Summer or Winter Child” from \textit{Reasons and Persons}, the example goes as follows:

\textsuperscript{34} Scanlon. 1998. pp.185.
\textsuperscript{35} Ibid.
A woman named Mary is reasoning regarding when she ought to have a child. It can, for some reason, be either in the winter or in the summer. Because of the quite strange and rare disease Mary suffers from, to have the child in the winter would imply a significant suffering for the child in question, and the child’s quality of life will be quite low. But it is, all though, a life worth living. If Mary however decides to have her child in the summer the child will not suffer in the way that the winter child will, but it will, however, be a different child. Because it is a slight inconvenience for Mary to have the child in the summer, she opts for the winter child.36

Mary’s decision seems wrong, and the action thus seems like an immoral one. But who is, in Scanlon’s contractualist framework, to object to the principles that the action in question was based on? The child that was born in the winter does not seem to be able to object. It after all was born and have a life worth living, and the summer child does not and will not exists and thus lack the capability to object. Similarly, how is it possible, within Carruthers framework, to account for the wrongdoing of Mary? There seems like the winter child, after all exists and have a life worth living, and with regards to its self-interest it seems like it ought to favour existing before not existing and the summer child does not exist and thus does not possess the capacity to have a self-interest. However, this is not a very potent objection with regards to Carruthers. He could just argue that, under the veil of ignorance, the kind of partiality that the objection demands are not possible. But, after further inquiry it is possible to ask one self, why ought future persons in general to be granted a moral standing under the veil of ignorance? After all, it is between the (living I assume) agents motivated by self-interest that these agreements are conceived, so why would they even think about future persons? With the idea of guardianship disregarded by Carruthers (the same arguments as with non-human animals seems to apply here, if we are to forbid antecedent moral beliefs under the veil of ignorance, it seems like we could not grant future persons a moral standing in that manner) it seems, to me, like we lack any viable alternative to ascribe future persons any sort of moral standing and actions to. In the long term, save the environment seems, not futile, but uncalled for. However, one could argue that there is a risk of social instability if one is to disregard the moral standing of future persons, or that

one does not know if one is a future person or not under the veil of ignorance. It thus seems timely to scrutinize Carruthers argument regarding the matter of social instability.

§2.3.3. Scrutinizing Carruthers Argument from Social Instability

As noticed the solution with regards to the moral standing of non-rational humans of Carruthers is quite distinct from the solution of Scanlon. But what kind of moral standing are they granted? Carruthers insists that it is, in one particular sense, a direct one. In contrast with animals that have an indirect moral standing in the way that they do not matter for themselves, however in one sense the moral standing of non-rational humans are indirect, indirect in its motivation. I find the terminology quite confusing, but I do think it is more honest to use Carruthers own terminology when scrutinizing his position, consider e.g.:

Infants and senile old people aren't by any means accorded a “second-class moral citizenship” within contractualism, it should be stressed. Although it is only rational agents that get to grant moral standing through the contract process, and although the considerations that should lead them to grant moral standing to humans who aren’t rational agents are indirect ones (not emerging directly out of the structure of the contract process, as does the moral standing of rational agents themselves), this has no impact on the product. Although the considerations that demonstrate the moral standing of rational agents and of nonrational humans may differ from one another, the result is the same: both groups have moral standing, and both should have similar basic rights and protections.

It thus seems like he argues that, all though their ‘moral citizenship’ or moral standing is depending on the rationality and agreements of the agents, it is not a second class one (in that sense it is direct), but indirect in its motivation. One could question whether it is not second-class in the sense that it is indeed depending on something, seemingly contingent such as the agreement under the veil of ignorance. However, this seems implausible, they are indeed granted basic rights that seems to, in part, be something that constitutes what it means to have the relevant kind of citizenship. Before moving on it is important to once again note that this indirectness is to be differentiated with the indirectness of the consideration of animals, since they, within Carruthers framework, lack a moral standing all together.

The non-rational humans indeed have similar basic rights and it is reasonable that they have different other (other than basic rights i.e.) rights than the rational agents. However, what I find problematic (and relevant for this paper) is the way that they are granted those rights i.e. their ground for moral standing. They are granted their rights, not because they are directly worthy of them, rather because it would prevent future social instability. So, it is, in that sense, nothing within the individual as such that grants them those rights. To make it more clear one could consult an analogy; imagine you being in the company of, what you think is, a friend. However, as you later find out, the “friend’s” only reason for being with you is that not being with you and granting you the status of a friend would cause a catastrophe. The “friend” thus does not grant you the status of a friend because it is something about you that constitutes a reason for your friendship, rather it is the potential consequences of him not being your friend that constitutes his reason for your “friendship”. I for one would feel used and thus instrumental, since I, of course, would realize that I do not possess anything innate that makes me worthy of the friendship in question. I think, in Carruthers argument, the non-rational humans and moral patients are being treated in a similar fashion. The granting of their moral standing is solely instrumental, and thus contingent on something outside themselves. This sort of “moral standing” I have a hard time calling a moral standing in the correct sense of the concept, in the same fashion that I have a hard time calling the above-mentioned relationship a friendship in the correct sense of the word. For indeed if the “moral standing” of non-rational humans is contingent or one might say, is conditioned by some other value (social stability in this case) it does not seem like it is the kind of moral standing one usually refers to in these kind of discussions, it is, in my opinion, a way to redefine the concept all together. They do indeed have, and correctly so, rights but for all the wrong reasons (instrumental reasons). Then again, in the case of certain non-rational humans i.e. moral patients, it is the reasons or justifications for them having basic rights i.e. what it is that grounds their moral standing we are discussing, not if they are to have them/it at all.

§2.4. Concluding Contractualism

In conclusion, I do not think the problems of Scanlon’s contractualism are unsolvable and his account of moral standing does indeed accommodate for some of my key intuitions. It seems to be able to guide us in our moral conduct and respect individuals and their
identities, account for the badness of death (this is not explicitly argued for, but however it is a fair assumption since death seems to be fatal for any contractitarian endeavour) e.g. However there seem to be problems with regards to the moral standing of future persons and our obligations to those whose existence depends on our action (see the summer and winter child example). Carruthers’s account of moral standing on the other hand, I think, is too far away from my intuitions and too implausible in general to be further considered. What one, thus, can learn from the contractualistic accounts is the value of rational agents and the relationship between those rational agents within morality, something that later will be important in relation to my own account of moral standing. Furthermore, it will, as we in some sense learned from Singer, be important for an account of moral standing to account for future persons and in addition to this the non-identity problem is brought up. However, the latter of these will not be, directly, included in the discussion since I do not consider it to be relevant for the grounds for moral standing. The moral standing of such an individual do not seem to be disparate from the moral standing of future person’s in general. Even if the duties of one individual would have corresponding to a future non-existent individual, would differ if one would have a causal relation, the moral standing of that individual would not differ to other non-existent individual’s i.e. future persons. In the same sense as my duties to different existing moral patients will differ in accordance with my relation to those individuals. For example, my child and a stranger’s child would seem to both have a moral standing, however, the content of my duties corresponding to them would differ.

So, in conclusion, despite the merits of Scanlon’s account, the magnitude of the problems mentioned above is enough to make me think it is wise to consider further alternatives that might lack these problems.

§3. The Land Ethic

In his 1949 book *A Sand County Almanac* the ecologist Aldo Leopold argued that the natural last stage of the human moral development was what he called “the land ethic”, this land ethic is thus to be regarded as the most advanced and (I guess) most sophisticated part of morality.\(^{38}\) In such an ethic the moral standing of an entity is ascribed in virtue of its function within and in relation to a biotic whole, or as one might call it a biotic community. Leopold

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quite famously argued that the moral standing (and moral status for that matter) of a given entity is ascribed in accordance with how it “...tends to preserve the integrity, stability and beauty of the biotic community”\(^{39}\). We thus take several important steps astray from the individualistic and post-enlightenment category of accounts of moral standing to which all the before mentioned accounts have pertained.\(^{40}\) This especially with regards to the hierarchy that seems to be entrenched within Leopold’s framework, where the biotic whole serve as the undisputed top (it thus seems to allow degrees of moral status).\(^{41}\) However, one might speculate, due to the fact of Leopold’s lack of philosophical training, it seems like his account of moral standing was lacking with regards to the philosophical aspects of it in several ways. This was something that his heir J. Baird Callicott seemed to have recognized and thus later developed the land ethics of Leopold.

One important aspect of morality and moral standing that Leopold’s account seems to neglect is the worth of, not only, as implied before, the individual but the social community of humans. To destroy an entire town motivated by the slightest benefit to the biotic community e.g. seems quite ethically plausible and even demanded within the land ethic framework. Early on Callicott defended similar conclusions and argued that it does not seem to be anything special about human communities that exempt them from the same kind of standard of ethical evaluation which everything else within the biotic community is evaluated by.\(^{42}\) Later this uncompromising position was something that Callicott re-evaluated in a sense that seemed to have the ambition (or at least consequence) to redefine the use of the land ethic. Callicott argued that what the land ethic is to be perceived as, is not as the entirety of morality, rather it constitutes a complimentary ethics to the already existing intrahuman ethics. In this manner, it is not necessary to assess the moral standing of individual humans solely with regards to their contribution to the biotic community, rather the moral standing of humans is determined in the light of both the biotic and social communities to which they belong. What Callicott does to specify this claim is quite similar to the liberal communitarian ethics where we exist in several spheres of justice and morality,

\(^{39}\) Ibid. pp. 224.
\(^{40}\) With some reservations for the contractualistic accounts of Scanlon and Carruthers and their relational aspects, however they do not have the same kind of holistic account of moral standing that we can perceive in the Land Ethic. The contractualism is at its very core individualistic due to the properties necessary in the individual to obtain a moral standing.
\(^{41}\) Leopold. 1949. pp. 252.
\(^{42}\) Callicott. 1980. pp.27.
and indeed similarly Callicott argues that we belong to several moral communities that is best understood as concentric circles. Within these circles an individual’s moral standing and obligations are ascribed their respective weight in accordance and relative to the circles that they are understood to pertain to. In this sense, I might have a duty to my family, i.e. a duty that corresponds to the moral community that is my family and another duty that corresponds to the moral community that is the town I live in, another to the biotic community and so on. Quite intuitively plausible, the further in one’s moral obligations corresponds to, the heavier or more urgent is the moral responsibility that correspond to that circle. My obligation to help my mum i.e. someone within my family, with something e.g. in that sense would seem more urgent than e.g. doing something for my country (if the duties are to conflict). With the alterations of Callicott in mind I will now scrutinize the account of moral standing that the land ethic provides below.

§3.1. A Critique of the Holistic Land Ethics

Before I turn my attention to the flaws of the land ethics I would like to mention that it has several aspects that seems to accommodate for my own intuitions. For example, it is unbiased, we are given a quite clear criterion for what is to be accounted for morally and thus it is pragmatic in the sense that it seems able to guide our moral conduct, it seems very plausible that some animals are to be consider to have a moral standing, we are offered a possibility to argue that there are degrees of moral status via the concentric circles Callicott offers and so on. However, there is one mayor flaw, which I think is caused by its holistic emphasis on communities when accounting for moral standing, that will disqualify the land ethic from further consideration.

§3.1.2 The Fascist Objection, the Alien Objection and Other Objections

As M.A Warren argues in her book *Moral Status* one could easily imagine an alien that just landed on earth from a foreign galaxy. The alien could be the alternative non-human rational being that Kant might have had in mind when not explicitly mentioning humans when arguing what beings, the categorical imperative hold for (‘humanity’ is to be understood in a technical sense in Kant’s humanity as an end formulation i.e. it is to be understood as rationality e.g.). I.e. what we have at hand is an alien with similar cognitive and rational

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functions as humans, i.e. someone which many would consider to be someone with FMS. According to the land ethic of both the land ethic the alien would lack a moral standing because she does not (i) contribute to the stability of either the biotic or social community and because she does not (ii) belong to any of one of those communities that are, according to the land ethic, deemed ethically relevant. Mary Anne Warren quite sharply pointed out that this seems like a very implausible conclusion, if one e.g. think of E.T it is a character that people in general seem to sympathize with in a way that seems to entail a moral standing and, maybe even, I think, a FMS. Analogously Warren points out that existing animals that does not fall within neither (i) or (ii) also seems to lack a moral standing. Introduced rabbits in New Zealand and Australia e.g. would lack a moral standing, thus making it, all things being equal, morally indifferent how I treat them. Of course Callicott could argue that the alien seems to have the potentiality to pertain to an ethically relevant community and due to that potentiality have a moral standing. However, that would be to depart with the holistic nature of the land ethic. It would require us to judge the moral standing of the alien with standards of evaluation like the individualistic accounts (we would consider its moral standing in relation to its potentiality to be a part of communities e.g.) and thus undermine the holistic project of land ethic and render it obsolete. If, e.g. potentiality would be that which constituted a beings’ moral standing it would be an innate quality that would be isolated from the holistic system, which for all other beings would determine their moral standing and status. Thus, Callicott would allow a property of an individual to determine their moral standing and it would be hard to argue why the others ought not to be judged by that standard. It would thus not be a solution coherent with the project as such and therefore not a viable solution.

The Fascist objection is of a similar kind as the alien objection. Its origins are a worry regarding the neglecting of individuals for the whole. The objection is thus an objection that highlights the fact that it seems coherent with the land ethics to sacrifice individuals for the good of the biotic community, neglecting the moral standing and the moral status of the human. The objection does not, like the alien objection, highlight that it seems like certain individuals that we intuitively want to grant a moral standing lacks it. Rather that the

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45 Ibid.,
hierarchy of moral status within the land ethic allows and even demands that certain individuals are to be sacrificed for the greater good of the (biotic) community. Callicott argues that his solution entailing the concentric circles fends off such an objection, and Callicott furthermore argues that we indeed have duties towards humans that can override those we have towards nature (he even sets up principles which \textit{prima facie} prioritize individuals).\textsuperscript{46} Nonetheless how one is to choose between ones duties seems, ultimately, to rely on the strengths of those duties and their corresponding claims, and if that is the case, the solution Callicott offers us is far from satisfying since he argues that if the interest of the holistic biotic system indeed is stronger than that of the one individual it is to be prioritized (how we are to estimate the different strengths of the duties/claims we are not told).\textsuperscript{47} As Håkan Salwén argues in his article \textit{The Land Ethic and The Significance of The Fascist Objection} it is hard to imagine how, if the interests and hence the corresponding duty to the biotic community are indeed stronger than that of ones e.g. children to be educated (which they seem to be almost all the time), one ought to, within the land ethic framework, e.g. justify paying the tuition of one’s child rather than e.g. spending the money in a way that directly contribute to the sustainability of the biotic community as a whole.\textsuperscript{48}

Before concluding the land ethics of Leopold and Callicott I would like to express some worry with regards to, what it seems, an ethical emphasis on the natural and its value, within the land ethic framework. In \textit{Animal Liberation: A Triangular Affair} Callicott e.g. argues that what is wrong with factory farming is not the suffering and killing of innocent animals so we can enjoy their flesh, rather what is wrong is the “...transmogrification of organic to mechanical process”\textsuperscript{49}. The domestic animals are in this way only ascribed an instrumental ethical value. This is worrisome in several ways, but to start with it is quite hard to find an uncontroversial definition of the term ‘natural’, but if it is, as Callicott seems to argue, the lack of human interference (hence a lion born in the wild and not modified in anyway, e.g. via genetic manipulation would have a value that surpassed e.g. that of your pet dog that has been manipulated in such a way [by selected breeding e.g.]), it seems problematic to deem such a quality any sort of value. A devastating earthquake or salmonella are indeed natural, but to

\textsuperscript{46}Callicott. 1999. pp.73.  
\textsuperscript{47}Ibid. pp. 76.  
deem them as desirable or more valuable, all things being equal, than e.g. some unnatural but effective heart medicine seems absurd. To make the objection further vivid and for many, more current, it seems like, if we are to ascribe the natural a higher ethical value than the artificial that the family dog that was bred in a way that deemed it artificial within Callicott’s terminology would be less valuable than the ant eating your food. I think most of us would disagree with that, and deem the above-mentioned conclusions contra-intuitive.

To conclude, I cannot argue for the plausibility of the land ethic in a way that I would regard as satisfactory. However, it does indeed possess some merits, it seems to be able to account for future person’s in a way since its emphasis on the value of nature, at least in an indirect sense. For indeed to deem nature valuable would indeed have implications that would be beneficial for future person’s, if they are granted a moral standing in the correct sense of the word is, however, unclear. With that said the lack of value that the individual is ascribed results in several absurd conclusions, for example the badness of death seems only to be possible to understand in relation to a biotic community or the social community one is part of, thus it seems to be subject to the same objections I stated in relation to Singer’s discussion regarding his dog and the badness of its death. Furthermore, the pragmatic clarity that I praised above seems to, in some sense, fade away with the emergent developments of Callicott (I think it is hard to see how the different circles and their claims are to be treated). Marginal cases seem not to be accounted for since their value is understood in relation to the communities one is part of and in a sense, how they serve those communities (to me it seems implausible that the value of a person with severe disability would be chosen over e.g. a non-human animal which serve the e.g. biotic whole in a better way). A quite similar (but inverted in the sense that it has an emphasis on human society) theory to the land ethics is presented by Elizabeth Anderson and this is what I know will be considering.

§4. Elizabeth Anderson and the Human Community

The ambition of Elizabeth Anderson in her article Animal Rights and The Value of Nonhuman Life is to capture the virtues of deontological, consequentialist (i.e. theories that often ascribe moral standing in virtue of an entities sentience, even if it is not always the case) and

50 I am of course aware of the fact that none of the above-mentioned objects or phenomena’s have an uncontroversial inherent or intrinsic value, rather my point is that it seems like we do not value things due to their status as natural or unnatural.
relational theories of moral standing (such as the above mentioned land ethic).\textsuperscript{51} She recognizes a plurality of value that all of these theories together can account for.\textsuperscript{52} To combine the strengths of the above mentioned theories she constructs an account of moral standing where ones moral standing is conditioned by ones role within a community where ones belonging to a specific species seems to become relevant.

What constitutes moral standing as a concept, Anderson argues, is the special kind of relationships that we have with those who we can perceive as part of what could be called the human society. This society is not exclusive to humans and thus excluding in the manner that e.g. Carruthers argues, rather different kinds of creatures can be a part of the society or the community in question. Domesticated animals are, for example, part of that community and thus have that kind of special relationship with humans and human communities that makes them eligible for a moral standing. However, Anderson argues, just because a being is part of the human community it is not a given that they have the same moral status as everyone else. In this sense, she seems to allow a sort of moral hierarchy within that community. Humans seems to have an almost given FMS and Anderson e.g. argues that there is a difference between a pig and a patient with Alzheimer’s even though their function within that community or society is similar with regards to any ethically relevant meaning of it (the function i.e.). This is because the rights of the non-human animal is conditioned by a system of meaning where the concept of moral standing is understood in such a manner that requires an unequal relationship between humans and non-human animals.\textsuperscript{53} What moral standing is constituted by is a sort of mutual agreement between unequal beings (Anderson argues, plausibly, that indeed animal can be a part of mutual agreements)\textsuperscript{54} within a strictly hierarchical community, where a membership in that community grants you your moral standing and your degree of moral status within it.

\textbf{§4.1. Problems with Andersons Account of Moral Standing}

Anderson’s account of moral standing seems, at least \textit{prima facie}, to be of a quite excluding nature, in the sense that anyone who should be awarded any sort of positive rights ought to

\textsuperscript{52} Ibid. pp. 279.
\textsuperscript{53} Ibid. pp. 282-4.
\textsuperscript{54} See ibid. pp 286.
be part of the human community. However, she does indeed argue that there are several negative rights that ought to be respected when regarding those outside the human community. In this sense, wild animals lack all rights of a positive nature, but are indeed owed negative rights.\footnote{Ibid. pp. 283.} Coherent with this Anderson argues that we do not owe wild animals any sort of rescuing, might that be the certain death of a drowning moose or the certain death of a mouse who have fallen prey to an owl. To me, the second one seems reasonable, the owl does indeed have to feed and it seems like within its rights that its necessary hunting will not be interfered with. However, what seems contra-intuitive to me is how we ought to omit from rescuing the drowning moose. If I for example am out strolling with a couple of friends in the woods and cross paths with a moose that is obviously drowning, and me and my friends can help it without any sort of considerable risk with regards to our health, it seems strange to argue that I am not obligated in any way to act since the moose lack a membership in the human community. That moral indifference is the correct response to such a situation seems indeed to be missing something important in one’s ethical evaluation. Thus, it seems like Anderson’s account is not able to respect individual and their identities, at least if they are outside the community in question and the badness of death (outside of that community) seems to be hard to account for.

One aspect of Andersons account of moral standing that I find appealing is that it allows us to account for degrees of moral status, however how she justify does degrees seems problematic because it, at least at first glance, seems arbitrary. It seems arbitrary in the way that what constitutes one’s higher degree of moral status (FMS even) is ones belonging to the human species. This is ought to be regarded as speciesism and thus is something that I find arbitrarily partial and not a very attractive feature of an account of moral standing. However, Anderson further qualifies her claim by arguing that since humans are the founders of the moral concepts as such and because of this we create a society within which we ought to have (because we created it) a higher moral status, thus dodging the accusation of speciesism.\footnote{Ibid. pp 282.} However I am suspicious if to found something is amount to a higher moral status or higher status of any kind within any given community for that matter. It is an argument often used in a quite mundane manner to keep immigrants out of one’s country or to claim the ownership
of something, as absurd some of those arguments are (not all of course), it seems even more absurd to claim that one is more valuable (within a given society) than someone else because of one’s status as a founder. If I for example build a house I am not more valuable than anyone within the spatial area that is that house. Or if I help found a social group I am indeed more valuable in a pragmatic sense that I can help set the rules etc. but it does not make me, intrinsically, more valuable than any other member, I do indeed have an instrumental value that surpasses the others, but my intrinsic worth within that group is not (at least not in virtue of my status as founder). Despite my criticism I do indeed think this approach is something that have great potential. It could be that the underlying for this rationale is the value one places in rationality, which seems to be that which constitutes moral agency, and in this manner, someone could be granted a higher form of moral status (maybe ‘the human community’ is to be understood in this technical and kantian sense). Or even the logic of the argument as such could be appealing. If indeed the founder of the social group e.g. is its source in the sense that she is the reason it sustains, it seems reasonable to grant her some value surpassing the others, however this is something that I will investigate later in the paper and I thus leave this for now.

§4.2. Concluding Anderson

To conclude there are several aspects of Anderson’s theory that is worth considering and maybe something that one could make use of later, but as it stands alone it is not fully satisfactory. It seems to be too excluding when conceiving who ought to be a part of the moral community (i.e. those who ought to have a moral standing) and thus seems to be too narrow. This seems to have implications with regards to the badness of death (there does not seem to be something which predicates that death as such is bad, at least if one is not part of the human community). However, it seems to be able to account for future persons in the sense that the continued existence of the community which membership in constitutes the moral standing of a being is conditioned by future persons. Furthermore, I am indeed intrigued by some of the conclusions with regards to the degrees of moral status that it allows and what might have been the underlying rationale for such degrees. The motivation we are explicitly given in the paper is although not entirely satisfactory and I will thus, for now, turn my attention elsewhere and try to figure out what the value that I seem to intuitively place in
rationality is. Thus, it seems suitable to consider a kantian account of moral standing, which, however, does argue that rationality is the ground for a beings’ moral standing.

§5. Christine Korsgaard and Final Goods

Christine Korsgaard is driven by the ambition to argue, and does so successfully one might add, that it is possible to deduce a moral standing for non-human animals or non-rational beings from a kantian ethics. In several places Korsgaard argues that the demands we have in relation to other moral agents in virtue of our legislative and autonomous will, are demands which have corresponding interests and values that it is possible to deduce from our animalistic nature. For example, one could imagine that the interest we have in food is something that we share with non-rational beings, something which seems to entail that it is not our rational nature that is the interest’s source. However, this is something that I think needs further elaboration.

Korsgaards interpretation of Kant which subsequently gives her account of moral standing is as follows: Kantianism provides us with an axiology where value and normative reasons are created by the legislative will of the rational and autonomous (which could be defined as the ability to create laws for oneself) beings. Thus, that which is valuable or desirable in a normative sense is that which is valuable in relation to that will. This valuable thing is, due to the universal nature that, according to Kant, laws do possess, valuable universally and thus impartial in the sense that all, independent of their ability to give their consent to the law, are comprised by the law in question. If we for example consider an infant, the infant does not, at least not in a rationally motivated manner, seem able to object or consent to a given law, but that does not seem to entail that the law in question does not comprise to that infant. If the motivational reasons of the law also seem to obtain to the infant, the law does indeed also, by implication from the nature of laws, protect and include the infant. If this is the case, Korsgaard argues, it seems like the reasons that pertain to the infant are reasons that are not deduced from the rational nature of man, rather the reasons seem to be deduced from something different, namely our animalistic nature. In that sense Korsgaard can argue that the reasons that we, as autonomous and rational agents, support our moral laws with are reasons that we share with other non-rational beings, namely non-

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human animals. For example, the reason which support the moral law that one shall not arbitrarily torture someone does not seem to be deduced from anything comprising to my rational nature, e.g. that it in any sense violates my dignity or something similar. Rather the reasons seem to pertain to the category of suffering, namely my will not to (arbitrarily) suffer - a reason which seems disparate from my rational nature. And it does indeed seem to be part of my animal nature. Instinctively I do want to avoid suffering, i.e. without deliberation I will conclude that I want to avoid the suffering that the tortures imply. 58 So, to summarize, what matters in this case, and thus that which constitutes my reasons is not something that is deduced from rational deliberation. Rather it is the instinct that constitutes my reasons which is part of my animalistic nature. Thus, the reasons seem to pertain to other beings with the sort of animalistic nature from which my reasons are deduced. If the reasons pertain to those with that nature it seems like the moral laws which those reasons motivate (and of course due to the universalistic nature of laws), ought to pertain to those with that similar nature as well.

If one accept the argumentation above, it seems like we are bound to argue in a manner that would depart from the more common kantian notion and interpretation, that rationality is what is necessary and sufficient to possess a moral standing. So, what is it that Korsgaard argues is the object of our moral demands, or if I am to put it differently, what is it that constitutes the moral standing of an entity? Korsgaard argues that to perceive oneself as an end-in-it-self, is to perceive that which we try to obtain with our choices as valuable universally. These kinds of goods are not goods, as argued above, which only are valuable in relation to our rational nature, rather it also seems to entail things that are only valuable in relation to our animalistic nature; our natural goods. To be able to have such goods are that which (at least to put it crudely), according to Korsgaard, constitutes the moral standing of a given being. 59 However, the good that Korsgaard has in mind is not only this brute kind of good that is mentioned above, she further qualifies the good she has in mind via her distinction between a functional good and a final good.

A functional good is good in the sense that it helps a given entity or organism to e.g. survive, this good could be exemplified with how water is good for a tree. The water is good merely

in a survival sense for the tree, it does not seem to enjoy the good or in any sense perceive it. A final good, in contrast, is something that is good for a given entity in yes, partly a survival sense, but that which separates it from the functional good is that it is good in relation to a perspective or an ambition – the good is perceived. The final good is not, however, in itself normative. Rather we confer the normativity to the good when we take ourselves to be ends-in-ourselves and value that good. When we confer the normativity to that good we also, via implication, value other beings with such final goods as ends-in-themselves - thus valuing non-human animals (since they seem to have such goods) as ends-in-themselves.\textsuperscript{60}

So, what Korsgaard’s account of moral standing comes down to is this: when we see ourselves as ends-in-ourselves we make laws that entail a normativity that pertains to our natural goods i.e. goods that are deduced from our animalistic nature. This thus seems to entail that we perceive our animalistic nature as an end-in-itself, and due to the universalistic nature of laws, all those who possess this kind of nature will also, via implication, be ends-in-themselves. To be able to perceive such goods, or to have such goods in relation to an ambition or perspective is that which constitutes the moral standing of a given entity.

\textbf{§5.1. Evaluation of Korsgaard and Final Goods}

There are several objections one could consider when evaluating the account of moral standing which Korsgaard puts forward. However, I will argue that most of them are possible to overcome with tools one finds within her ethical framework in general. Especially two aspects of her account of moral standing, I will argue, are necessary (or at least preferable) to improve or modify with some outside help. This however will be treated in §6. So first and foremost I will consider the objections that not necessarily/preferably need outside support.

\textbf{§5.1.2. Respecting the Individual and its Implications}

Due the kantian foundation of Korsgaards account of moral standing, it seems reasonable to assume that the individual with the ability to have final goods has an indisputable and equal value, which would entail that it respects individual’s and their identities. However, it could

be in suitable to further argue why this is a fair assumption. What we consider when considering the moral standing of a given entity, is, within the korsgaardian framework, its ability to perceive a final good. This seems to imply that what we also must consider is the perspective of such an individual is relevant, a faculty that indeed seems to be conditioned by the individual as such. This however could also be argued for in relation to Singer’s account of moral standing, since indeed to have an interest is conditioned by sentience. Nonetheless, there seems to be a crucial axiological component which separates them. While Singer seems to argue that, that which is intrinsically good is preferences or interests, not the individual having them (this is heavily indicated by the above-mentioned example regarding the death of his dog). While a kantian would argue, a traditional kantian i.e., that what is valuable is rational nature, which seems to indicate that it is something which is innate in the being as such, that is relevant for the grounds of moral standing. It is our nature rather that a property of that nature that is valuable, analogously what is valuable for Korsgaard would not be the final goods that the individual in questioning is experiencing, rather the animalistic nature of such a being which make such a good possible.

However, this quite admirable respect means that, in practice, we have no moral justification for e.g. experiments on non-human animals with FMS since the concepts indisputable nature (at least if the experiments would risk harming the non-human animal in question or if it would be unacceptable to do on a human), for indeed there is no moral relevant difference between humans and animals since they both possess the ability to have a final good. Would it in that case be unjustifiable to e.g. experiment on a rat (which seems to have FMS within Korsgaards framework) if it would be the only option to eradicate a lethal virus potentially killing thousands or maybe millions of individuals? If not, would that not be contrary to our intuition and thus render my intuition that an account of moral standing ought to respect individual’s and their identities unreasonable? I almost want to concede that it would be okay to implement such an experiment on a human if it would potentially save millions. But then again, the experiments of Dr Mengele and other Nazis in concentration camps have benefited humanity in several ways and just because the experiment’s positive results for mankind it is hard to argue that the conduction of those experiments have a positive deontic status i.e. the experiments were obviously immoral. Thus, it does not seem unreasonable to e.g. prohibit

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experiments on humans, but however what about animals? This seems like something that Korsgaard would struggle with justifying, since she seems to lack a way to separate humans from non-human animals. This will, according to me, require a solution, however this solution will be discussed later. Along these lines it seems implausible for Korsgaard to, in the same sense, argue that it would be permitted to e.g. kill moral patients which are a threat for e.g. the biodiversity of a given ecosystem. So how ought one value nature as such and the natural objects which it entails within Korsgaards framework? This is the question I turn to next.

§5.1.2. The Last Man on Earth Objection

One could imagine being the last man on earth; what would that entail with regards to your moral conduct? Or imagine you were the last sentient being on earth, or, what if you were the last being with the ability to partake in final goods, would you be able to do whatever you want? Would you e.g. be able to destroy the Himalayas if that was in accordance with your final goods, and do so with no other moral implications besides those residing to yourself? The above described objection originates from Richard Routley’s 1973 paper *Is There a Need for a New Environmental Ethics?* It aims at showing that nature as a whole, or maybe even natural objects, have a moral standing of some sort, an inherent ethical worth which is, regardless of the lack of other beings with e.g. the ability to have final goods, worthy of preserving. When one ponders the thought experiment above one seems almost bound to say that it seems contra-intuitive to enable the last man on earth to do whatever she wants with e.g. the Himalaya’s or the entire Congo rainforest. It seems that she would, if she were to destroy the Himalayas just for fun e.g., act in a way that ought to be considered as morally prohibited. If this is true, it seems like it is something wrong with the account of moral standing that Korsgaard puts forward, since natural objects, at the most, can have functional goods (and thus lack a moral standing). We therefore seem to lack a way to account for the wrongness of the above-mentioned action. Korsgaard has even explicitly argued that we lack duties towards plants i.e. they lack a moral standing, however I do think this is, in a sense, a conclusion I want to avoid.62

It is possible to attack the thought experiment as such, and as Peterson and Sandin argue that it is non-robust or faulty in some way. 63 However, plausible I regard their arguments,

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63 Sandin, Peterson. 2013.
this is not the route I will take when defending Korsgaard’s account of moral standing. I will argue that it seems like there is a conflation of values that acts as a confusing component of the objection, and with her two distinctions of values we could decipher this apparent confusion.

In her paper Two Distinctions of Goodness Korsgaard argues that the common distinction between intrinsic and instrumental value is not sufficient to cover the complexity of value that moral deliberation and thought demands. The common distinction of intrinsic and instrumental value denotes values as either something that is worth pursuing in itself (intrinsic) or something that is merely an instrumental worth to such an intrinsic value (instrumental value). Korsgaard however suggest two distinctions; one between extrinsic and intrinsic value and one between instrumental and final value. The latter is the same distinction accounted for above regarding intrinsic and instrumental (which, within Korsgaard’s terminology, should not be taken to be opposites). The former distinction is a distinction between values, where value is derived from something outside itself but nonetheless has an objective value (extrinsic values) and values which are unconditionally valuable i.e. the given entity’s value is something which it has and is deduced from within itself (the value has no external source, equivalent with the unconditional value which Kant grants the good will). I want to argue that the value we see in nature is not instrumental, but it is neither intrinsic, rather the value we see in nature is extrinsic, extrinsic in a way that makes it a final value.

So, when one ponders the value of nature as the last man on earth the value one sees is not the intrinsic (as is the value of those with a moral standing), but the extrinsic value of nature. This naturally leads us to the question: what is the conditional proponent of this extrinsic value? I would like to argue that this conditional proponent is the former, or historical even, moral constellations one was in some sense a part of. Thus, nature would serve as a proxy for those former moral constellations and hence it seems like its value is...

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64 This is indeed similar, if not the same, as what Regan denotes as ‘inherent value’.
66 It might be suitable to point out that we ought not to confuse the value between the non-human animals and the extrinsic value of nature. Even though non-human animals lack a legislative will, the motivating reasons for the laws which holds for them have its source from within themselves, their hunger, lust for sex etc. i.e. their final goods. The reasons which would hold for nature are on the other hand not deduced from within nature as such, rather from beings with final ends i.e. those with intrinsic value who value it.
something that we ought to consider as something other than mere instrumental. But, one could argue, since they are dead, why ought we to respect those former moral constellations? Well, to respect the dead as such seems like something that is far from contra-intuitive, it seems like a rather common proponent of human morality in general (funerals, not dancing on someone’s grave etc.). Since those moral constellations and the value that inhabits them were created by the legislative will of the dead it seems appropriate to respect those as well. Thus, the value of the Himalayas is extrinsic and extrinsic in the way that it is conditioned by the former moral constellations (which valued them in some sense or the other) of beings with final goods (the moral constellations would comprise to all those with final goods, but they are created in a sense by those with a legislative will). Since those with final goods are to be considered as ends-in-themselves we ought to, as the last man on earth, respect that which has value in relation to them. The last man on earth’s destruction of the Himalayas would thus not be neither an ethically indifferent action nor a demanded action.

One could argue that it might be the case that the last man on earth was never a part of such moral constellations and thus could not have any reason to perceive nature as extrinsically valuable. However, this seems like an implausible objection for several reasons. Firstly, it seems implausible since he or she indeed needs to be born to exist and just by being born it seems like we are thrown into some kind of moral constellation. Secondly, humans are not able to suffice on their own for several years after being born. Thus, it seems like some kind of caretaker or similar is necessary for the relevant human to survive, if that is the case he or she is indeed part of some sort of relationship that seems to suffice for to perceive it as some sort of moral constellation. And lastly even if it is the case that none of the above is necessary for the human to exist it seems like the human is a part of a historical context, whether he or she knows it, that entails such moral constellations, he or she might not be accountable for her/his actions, however the value of nature still persists and the last man objection with regards to Korsgaard’s theory is in my eyes deflected.

67 This contingency, this is not this like the contingency which morality must humanity in general, or more precisely rationality. Morality and moral conduct are contingent on rationality, and in the same sense one’s moral conduct is contingent on the moral constellations one is a part of - they need each other to exist.
§5.1.4. Marginal Cases and Korsgaard

One possible problem that Korsgaard’s account faces is that all that which we would like to argue have a moral standing can be granted such a moral standing. E.g. someone in a coma seems unable to perceive or to attain final goods (they obviously lack any perception or ambition in relation to any of those goods that they receive). However, Korsgaard argues in her article *Fellow Creatures: Kantian Ethics and Our Duties to Animals* that there is a difference between kinds of life and stages within that life, a difference that seems to have a crucial moral significance. If we for example consider an infant, it seems to have the kind of life that a human usually has. When it gets sick or even sleeps it is a stage of a life of that kind (human i.e.), and when it grows up it is in a stage of that kind of life and so on and so forth.\(^{68}\) I think it is quite plausible to argue that the kind of life that the human in a coma has is the kind of life which we ought to grant a moral standing, namely the kind of life which can have final goods, the coma is merely a stage of that life. Even it is the final and irreversible stage of such a life it would still, indeed, be a stage in such a life, the kind of being one am when one is in a coma does not change, when one is in the dying hours of one’s life the kind of being one is does not change. One would still be subject to whatever duties that corresponds to one’s status as a moral patient, it thus would seem that there is no problem with regards to marginal cases (this indeed seems to solve a lot of the problems regarding other theories of moral standing and marginal cases).\(^{69}\)

In relation to this objection one could question why it is important to perceive the good? To me this however seems rather obvious, or at least not unclear. If I do not want to suffer, is part of my reason for that is that I perceive or experience the suffering in question. For indeed, anaesthetics is effective just because it disables our ability to perceive the suffering. However, just to be clear, this does not make the counter-objection with regards to the coma patient any less potent. The distinction between types of life and stages of life is still

\(^{68}\) Korsgaard. 2004. pp.22. Note 49.  
\(^{69}\) I think it is important to note that this solution, i.e. the solution comprising to the distinction between stages of a beings’ life and types of being’s/life’s, will not help Singer (it could however help Scanlon at §2.3.1.). This because his problem regarding marginal cases comprise to an empirical contingency which is predicated by the intrinsic value he grants mental attitudes, when one asses a being one must ask oneself the question: what does this particular being experience and how intense etc. are the preferences correlating to that experience. This is not necessary within Korsgaard’s framework, rather one could simply ask oneself, is this the kind of being which can have final goods? And when that question is answered it is irrelevant, with regards to the beings moral standing, if he/she experience’s the final goods the moment one is posing the question.
relevant in the sense that the reasons holds for the types of life which can experience pain.
To be under anaesthetics is rather a, very small but nonetheless, kind of stage in such a life.

§5.1.5. Korsgaard and Future Persons

Before I conclude I think it is important to briefly argue, with the objection regarding Scanlon in mind, why Korsgaard’s account of moral standing can accommodate for the intuition that future persons have some sort of moral standing. This explanation will be quite simple, because Korsgaard’s account lack the negotiable elements which characterizes Scanlon’s account it will indeed lack the problem. The universal laws which are deduced from the rational will of the moral agent are universal in the sense that they do apply even to those who are not able to consent to those laws as long as they will be the type of being which has final goods. Thus, it will also include future persons.

§5.2 Concluding Korsgaard

Korsgaards account of moral standing (alone) accommodates for several of the intuitions which I stated above. It is indeed possible to grant non-human animals, her justification for it seems like a very plausible one at that, thus it will serve as my justification a well, and future persons a moral standing. It does, because of its kantian origin, indeed respect the identity of individuals, due to this it seems like also the badness of death can be accounted for, if the individual and their identity have a value that would indeed constitute the badness of death. In addition, it is non-arbitrary in the way that it does not argue from standpoints similar to speciesism. I think this is a suitable foundation for me to try and formulate a moral standing, with which I could accommodate for all my intuitions. However, there are some problems which I would like to address in the next section. There seems to, at least from what I have understood, be a lack of opportunity with regards to degrees of moral status - why ought I not to run over the human instead of the mouse? They both seem to have final goods, so why not the human instead of the mouse (this I think also highlights the same problem which the examples regarding crucial experiments like the on mentioned above does)? Furthermore, it is quite unclear what it means to have a perspective and an ambition in relation to a good (which constitutes the final good) and thus I will try to further develop this part in the next section with a suggestion to what it could mean to have such a perspective/ambition.
§6. Modifying Korsgaard

This part will consist of a modification of Korsgaard’s account of moral standing that will suffice in relation to the above-mentioned intuitions. This modification will, as mentioned, consist of a justification regarding the intuition that seems to point me in the direction of the non-human animal rather than the human and a specification with regards to what it means to have a perspective.

§6.1. What it means to have a Perspective

What it means to have a perspective or an ambition seems to be a question that in some aspects of it conflate, at least in the way that I chose to pursue the question. I will not here argue if the realist, indirect realist, intentionalist or whatever are in the possession of the correct theory with regards to the problem of perception (which basically is, if we can hallucinate etc., how can we trust that our perception is what we ordinarily take it to be i.e. a kind of direct openness to the world). I will not do this because it is irrelevant for this paper. If our openness to the world in some sense is opaque or even entirely faulty is irrelevant with regards to the moral standing of a being. What matters is whether or not one has any sort of perception at all, faulty or otherwise. If a person e.g. hallucinates because of some drug does not seem to entail that she lacks a moral standing. I therefore will, very briefly, present a theory of perception which I think could have some sort of ethical relevance with regards to Korsgaard’s account of moral standing, and from that also argue what it means to have an ambition (which will be used as a neutral term, thus I do not take into account whether or not the ambition is bad or good etc.).

I will understand perception in a phenomenological sense, which I think is a quite basic common sense understanding of perception, where an entity with the ability to perceive things have this ability in virtue of its ability to perceive phenomena and consciously direct one’s perception or conscience towards something, may it be a hammer or some living being; this is in phenomenology often is referred to as intentionality. Via this ability we direct ourselves towards things that we perceive as good for us and interpret the world in such a way that we can claim those goods (it is not ethically relevant if the goods are real or not, what matters is one’s ability to perceive the goods regardless of ontological status). I also want to argue that this intentionality could be both triggered by instinct and rational
deliberation. One directs oneself towards the fridge if one is triggered by the instinct telling oneself to be thirsty, in the same sense as a cow is triggered by its hunger and thus direct itself towards the grass or whatever. Thus, this theory of perception would entail other beings than just rational ones.

Because of the argumentation above it seems like this intentionality is also what enables us to have ambitions and that it also is a quite distinctive part of the definition. To have an ambition is to strive for something which one perceives (might it be direct or indirect) as desirable, i.e. one perceives something that one desires and acts in accordance with that desire. The hungry cow could e.g. direct itself towards the grass in the distance and thus direct itself toward the object of its desire and when it starts to walk towards the grass and later eats it we have a proof that it can have an ambition.

To conclude my brief suggestion is as follows: to have a perspective in the relevant sense is to possess intentionality. To possess intentionality enables us to direct our consciousness towards things, which enables us to perceive the world as something which constitutes things that are good for us i.e. to perceive phenomena i.e. a directing-towards, to use a heideggerian term, towards that which surrounds us, which enables us to interpret the world or nature. This relational possibility enables us to have ambitions in relation to that world, which basically means to strive for something which one desires. With this suggestion for what it could mean to have a perspective and an ambition, I now turn my attention to how it is possible to modify the korsgaardian account of moral standing in such a way that it allows for degrees of moral status.

§6.2 Rationality and its Value and Intrinsic Value as a Comparative Concept

Arthur Schopenhauer seemed to have argued in his *The World as Will and Representation* that humans in virtue of their complexity, individuality and freedom and intelligible character, are beings with FMS and that humans thus was the top of the pyramid being a manifestation of the will (i.e. the metaphysical essence of the world according to Schopenhauer). He also argued that intrinsic value (the concept ‘intrinsic value’ from now on will be used as it is in korsgaardian terminology) was, not as Kant argued, an absolute/categorical concept. Rather it was a comparative concept, this allowing there to be different degrees of intrinsic value (in that sense one could differentiate between degrees of
Thus a rat and a human both indeed could have intrinsic value, but to a different degree. But the questions one naturally ponders after such a statement is first: is intrinsic value a comparative concept and secondly: if so, on what basis are we to compare the different degrees of intrinsic value?

§6.2.1. Intrinsic Value as a Comparative Concept

The reasons why I want to argue that intrinsic value is a comparative concept is the same reasons why I think there is such a thing as moral status (i.e. something besides the categorical concept of moral standing, a concept which comes in degrees). Indeed, the prerequisite for moral status is that intrinsic value is a comparative concept. If one e.g. concedes to the judgement that it is more right to run over the non-human animal rather than the human (if one must choose) and one at the same time wants to argue that the non-human animal, let’s say a cat, has intrinsic value one is implicitly agreeing with the notion that intrinsic value is a comparative rather than a categorical concept. Because of this, one is at the same time agreeing that there is such a thing as degrees of moral status. One could of course disregard the intuition which my above-mentioned argument is based upon, however I would like to think that most of us regard it as a plausible intuition and I thus will leave it at that.

However, one worry that I would like to state here before we move on, is the worry stated by Tom Regan, namely the worry that allowing degrees of moral status would risk leading to a perfectionist conception of justice which is undesirable due to its potential to justify a hierarchy within species, it this would constitute a potential ground for political discrimination and similar unwanted practices. I have two responses to such an objection. Firstly, degrees of moral status do not entail an intraspecies hierarchy, this mainly due to the korsgaardian distinction between types of beings and stages in that being’s life. If, as I will argue later, rationality is that which grants humans FMS, this will hold for all the kinds of beings who are the kinds of beings who possess rationality and thus it does not entail political injustice e.g. Secondly, to allow degrees of moral status does not entail that those with lower degrees are worthless, they too have a moral standing, they thus too comprise to a set of reasons which entails prima facie reasons not to hurt them/respect them or

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70 For this interpretation of Shopenhauer see Shapshay. pp.15-17.
whatever one would argue that the corresponding claims a moral patient are entitled to. The question of degrees only comes into question when there is a clash of strong reasons such as a matter of life and death or something of similar magnitude. This would thus not, according to me, constitute a slippery slope towards an elitist perfectionist conception of justice. Since we have a full stop consisting of the moral standing of the non-rational beings and we have the fixed FMS of human’s due to the fact that they are the types of being’s who possess rationality. But why does rationality grant FMS to humans? This is the question I will turn to next.

§6.2.2. Rationality and its Value

Korsgaard argues that rationality, defined as the ability to assess the principles which our actions are based upon, is what separates humans from non-human animals, making the humans moral agents and making the non-human animals moral patients; humans thus uniquely faces the problems of normativity (as far as we know).72 According to Korsgaard humans have a distinct character which gives us an entirely different being in the world than say non-human animals; we are moral beings.73 In that sense we are, due to our rationality, the only known example of moral agents and thus the only ones who are subjects eligible for moral judgement.74 This is, according to me, an entirely plausible argument and even an uncontroversial argument. However, is it not this rationality (or at least those possessing that rationality), which constitutes the prerequisite for moral accountability, something that ought to be awarded some kind of value that is separate and even superior to those values which comprise to those only possessing the ability to have final goods? My answer is yes, and my argument for this proposition will be profoundly inspired by Kant’s notion regarding the unconditional value of rational nature.

As mentioned above the kantian axiology predicates that value is created by the legislative will of the autonomous moral agent. As Onora O’Neil argues rational nature thus seems to be necessary for there to be any moral value at all. If that is the case it seems like morality as such is contingent on the existence of rational nature, and Kant indeed argued that morality

74 Ibid., pp.18-19.
is contingent on the existence of moral agents. Consequently, should we not ascribe some kind of value to that which not only enabled the creation of morality but also enables the continued existence of morality as such? One could, with my reflections regarding Anderson in mind, ask one-self why not this kind of reasoning applies to her account of moral standing (I did previously argue that to be the founder of something does not grant you an automatic higher intrinsic value within the e.g. community in mind see §4)? Well it seems like we have something else at hand here, namely that not only the creation of morality but the continued existence of it is contingent on the existence of moral agents. However, one could argue that this logic also applies to Anderson's account, the human community is indeed contingent on the existence of humans. This seems true, and this might be the lesson one should draw from Anderson and highlights on the underlying rationale of Anderson's theory, an underlying rationale which I found attractive. However, what constitutes this higher form of moral status is not that one is human in a human community, rather it is that one is a moral being within a moral community. The quality which distinguishes humans from non-human animals and the quality which enables humans to create and sustain a moral community is that which one ought to value, namely; rationality.

So, if one argues in this manner, what would the practical implications look like and how would one argue for those implications? If we for example, once again, consider the choice between, all other things being equal, running over the non-human animal and the human, how is one to act and justify that action?

How one is to act is rather obvious if one consider the argumentation above, one is to choose to run over the non-human animal. But how one justifies this is not as obvious (hence this section of the paper). So how does one justify this decision? If one opts to run over the human rather than the non-human animal, one is destroying something or someone which constitutes a source of morality, someone which what is morally valuable is deduced from, i.e. the moral agent which I would have run over. If this is the case, and humans and other rational beings are the only ones that have the capability to reason and perform reasoned action, it seems like there is some sort of imperative to help conserve and aid the flourishing of the nature which enables this sort of action, i.e. the rational nature.

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This imperative it would seem originates from the notion that the destruction of a moral agent rather than a moral patient would entail something other than just destroying someone with a final good. One would in addition be destroying that which enables the final good to be a good in the first place, thus making it an action (i.e. the action to run over the moral agent rather than the moral patient) that, considering the circumstances, is wrong. If I am to e.g. choose between destroying the manifestation of a good or the source of that good I would indeed like to argue that it is imperative to destroy the manifestation. Rather than the source (the manifestation is the being with a final good and the source is of course those with a legislative will i.e. those with a rational nature), since the manifestation and its existence is contingent on the source. This is of course not to say that the manifestation does not have a moral standing rather when comparing the source of the good and the manifestation of the good, the manifestation is inferior.

Before concluding, I think it is worth mentioning the critique that Agnieszka Jaworska expresses in her paper *Caring and Full Moral Standing* with regards to rationality or practical reasons as it is denoted in her paper as the quality which ought to determine FMS, she argues that this would exclude young children from FMS. Once again the korsgaardian distinction between kinds of beings and stages in that beings’ life is useful. Young children are not excluded from FMS because they temporarily do not possess practical reason, they are the kind of being who do possess practical reason or rationality. Their temporary lack of it is due to a particular stage in such a life - henceforth the objection is not potent. However with this in mind one could question the concept of moral agency; if we argue that this kind of distinction between kinds of beings and stages in that life is relevant with regards to FMS, will not also non-rational humans be moral agents? They indeed are the kinds of beings which have rationality which, as argued above, is what constitutes our moral agency. This objection however misses the point with the distinction between moral patient and moral agent which I think will disarm it. Accountability, which is basically what differentiate moral patients from moral agents is intimately connected with both types of beings and stages within those being’s life. If we e.g. consider a sleeping moral agent, what she does when she sleeps seems to lack the accountability which she has when awake. If she e.g. does something immoral to her partner while sleeping, for e.g. causing some physical damage to her, it seems like the sleeping moral agent cannot be held accountable for the action in
question, it is indeed an immoral action, but the unconscious individual cannot be blamed for it. While moral agents still seem to have an accountability with regards to the sleeping individual may it be a moral patient or moral agent, if I e.g. hit a sleeping moral patient my action is immoral and I am indeed to be held accountable for it.

§7. Formulating an Account of Moral Standing

In this section I will formulate my reflections above into a more condensed form without arguing for them (which I think I have, adequately, done) and see if this formulation will be agreeable in relation to the intuitions mentioned in the very beginning. It will also be able to, because of its ability to respect individual’s and their identities account for the badness of death, while also, due to the korsgaardian foundation can account for future persons and their moral standing. In addition, I will mention a possible objection to this account of moral standing and try and answer that objection.

The account of moral standing that I am offering will be the following: it will contain degrees of moral status which will determine how one is to act when facing hard moral decisions (such as the one with the choice regarding the non-human animal and the human), and the degrees will be determined by the rational nature of the concerned (if she has it or not). The moral standing of a being is determined by whether she has a final good and those who lack those goods will, consequently, not be considered to have a moral standing. The objects who lack a moral standing will be those who have functional goods or below (i.e. they have no goods at all, such as rock). However, they will be objects which could have extrinsic value in the sense ascribed to nature in section §6.1.2. The actions concerning nature and natural objects would thus not, automatically, be morally indifferent. Rather their value would be contingent on their relation to the reasons of those with final goods (i.e. reasons such as it is food or it is someone’s home etc.). An entity will thus belong to one of these three groups:

(i) The entity in question is lacking a moral standing i.e. those with functional goods or below, but can be valued in an extrinsic or instrumental sense.

(ii) The entity has a final good and thus have a moral standing, however they do not qualify, automatically, for FMS.
(iii) The entity has a final good and in addition to that it possesses rationality i.e. the ability to assess one’s actions and the principles those actions are based upon, making the entity a legitimate subject for moral judgement. In virtue of those traits the entity has FMS.

This formulation I think is agreeable with my intuitions and thus lacks the inability all the above-mentioned accounts suffer from. It does indeed grant non-human animals a moral standing and it seems to accommodate for how I value humans in relation to non-human animals and non-human animals to natural objects. The value of rationality predicates that I should run over the non-human animal instead of the human (if one faces such a decision) and the moral standing of the non-human animal predicates that I ought to run over the bush rather than the animal (this allowing for degrees). In addition, it seems like it will, due to its kantian foundation and the formulation of moral standing, respect individuals and their identities. It does not contain any bias elements such as speciesism (rationality and the ability to have final goods as reasons for moral standing and FMS is not reasons arbitrarily based on species or e.g. race). Furthermore, we are offered a way to account for future persons, marginal cases and the badness of death, it does indeed grant a moral standing to those with psychological constellations like our own, and we are indeed provided with an account of moral standing which will be able to guide our moral conduct.

§7.1. Possible Objection

One possible objection that one could discuss with regards to the above-mentioned account of moral standing, is that it seems unable to differentiate between animals. If one imagine the same situation as the one above, i.e. the one with you being obligated to hit someone, but instead of a human it is another kind of non-human animal, a cat for example and the other animal is an ant. It seems like one ought to run over the ant rather than the cat. At least it seems so prima facie. So how is one to justify that intuition within the above-mentioned account of moral standing? To me it seems quite hard to do so, for indeed both the ant and the cat seems to have final goods but they both also lack rationality.

To answer this objection, I see two possible ways of doing so, either one could argue that indeed the cat is more valuable due to its greater ability to obtain final goods or one could argue that there is no relevant difference between them, that the intuition seems to be conditioned by some bias towards cats, and thus that this superior value we regard them to
have could be motivated as extrinsic, or that the bias is irrational and morally irrelevant. The first solution I regard as implausible or at least it seems to have implications with regards to other parts of the account in question. If e.g. a greater ability to obtain final ends would generate a higher form of moral status, it is possible to argue that the same logic ought to apply to rationality, thus it would allow us to differentiate between humans. This would lead to the intraspecies hierarchy and thus constitute the justification for political discrimination etc. which Regan warned about when discussion perfectionist accounts of moral standing.

The first variation of the second solution, i.e. that there is an additional extrinsic value we place in e.g. a cat that forces us in the direction of the ant, seem implausible. This because that the value seems to be non-universal, different individuals seem to value different animals differently. It is not the case, like with nature, that we in some way will collectively confirm a sort of universal value of the given entity. Rather we seem to differentiate between animals arbitrarily or in ways that is culturally contingent. The status of a dog in the west seem to e.g. differ from the status the very same kind of non-human animal have in the east, and in addition the difference between e.g. pigs and dogs seem to be arbitrarily justified in the west. Thus, I find it hard to argue that there is some kind universal extrinsic value that certain non-human animals can be granted, that I argue nature and natural objects have. It hence, seems like I have no way of justifying that intuition and have to concede to the fact that the difference we see might be morally indifferent. There will henceforth, not be a right decision when it comes to the matter, it is a moral dilemma in the correct sense of the word. With this I conclude this section.

§8. Conclusion

The account of moral standing which I offer above I do, as mentioned, think is something which will accommodate for the intuitions of which my purpose consisted. At the same time, I think I offer several good arguments why those intuitions are plausible; the fascist objection towards the land ethic and Scanlon’s world cup example towards Singer’s utilitarian account seems to e.g. show the plausibility of the intuition regarding individual’s and their worth. The intuition regarding the moral standing of non-human animal’s, I think is adequately captured by Korsgaard argumentation. This while, along the way, considering other plausible intuitions such as the value of natural objects or nature as such and future
persons and their moral standing, and explaining why the korsgaardian foundation would account for those intuitions. With this I thus conclude this paper.
References


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