

*Comments on Aaron Simmons' 'A Critique of Warren's Weak Animal Rights View'*

In *Moral Status*, Mary Anne Warren develops and defends a multi-criterial theory of moral status, where moral status is the property in virtue of which something must be taken account of morally, in virtue of which there can be obligations *to* the being with moral status, not just obligations *pertaining to* it. For practical purposes, this is equivalent to saying that a being with moral status has moral rights. Since, on Warren's view, different criteria properly affect assessments of an entity's moral status, a natural outcome is that moral status is not all or nothing: Some beings have higher moral status than others. In particular, though practically all (post-natal and pre-vegetative) humans have full and equal moral status, many other animals have lesser status, and therefore lesser rights.

Warren's argument for the lesser status of animals proceeds from cases in which it would be right to kill an animal but wrong to kill a human being. She uses the case of rodents who may pose threats to our vital interests, by virtue of diseases they may carry. Since, in such cases, it would not be wrong to harm or kill the rodents but would be wrong to treat human beings in the same way, whatever rights the rodents have must be less weighty than human rights.

The problem with such arguments is two-fold, according to Simmons. First, on Warren's telling, what justifies us in harming or killing the rodents is that we are unable to reach any kind of reasoned or negotiated settlement with them. If other humans posed a similar risk, there would be the possibility of reasoning with them to find mutually acceptable arrangements. Simmons' reply is that if we were as unable to reason with other humans as with rodents, and if they posed the same kind of danger, then we would be as justified in harming or killing them as we would the rodents.

In addition, Warren claims that, to serve important human interests, such as "cultural, religious, spiritual and enjoyment interests in eating meat, rearing animals for food," etc., we are justified in killing animals, though we would not suppose that similar considerations justified us in killing other human beings. The problem Simmons identifies here is that the only argument for the animals' lesser moral status Warren has provided is the one that appealed to conflicts of vital

interests. Since those conflicts occurred in cases that were not really parallel, that argument doesn't work. In its absence, there is nothing left to show that animals have lesser standing or, therefore, to show that they may be killed when it would be wrong to kill human beings.

So far as it goes, this seems right. Warren's arguments, even though she is right about what to do in a conflict-of-vital-interests case, do not establish that animals have weaker rights than our own, because they do not establish that the cases being considered are parallel. That does not of course establish positively that animals have rights equal in strength to our own. I'd like to push matters further by pressing for greater clarification and extend a friendly challenge.

Consider Peter Singer's view that it is typically worse to kill a human being than to kill a rodent. On his account, this is because normal human beings are persons, beings who are conscious of themselves as enduring through time and therefore typically actually having preferences about their own futures. Killing such a being frustrates those future-directed preferences and therefore has a dimension of badness that is not present in killing a being without such preferences, such as (perhaps) rodents or chickens.

Does that show that normal human beings have a stronger right to life than normal chickens? I wonder if Simmons would say that the cases are not truly parallel – that to get a parallel case, you have to consider a human being lacking any of the future-directed preferences – and that when you consider *that* case, there is no reason to say the human being has a more stringent or weightier right to life than the chicken. Perhaps, he would – and Singer, I think, would agree. For, on Singer's view, they each equally have the same fundamental right, the right to the equal consideration of their interests. That does not mean that their interests are equal. If humans have a greater interest in staying alive, then their claim is weightier in case of a conflict. Singer accepts the moral equality of all beings with interests, to the extent of those interests. Any relevant differences flow from differences in the interests or how the protection or promotion of interests is best maximized. No difference flows from difference in moral status.

Generalizing this approach seems straightforward: wherever a difference in moral status is claimed, point out that there is some factual difference in the characteristics, situations or relations of

the beings for which differential status is asserted, and trace the difference in appropriate or justified conduct to that difference rather than to moral status.

My concerns here revolve around the question: Will *any* differences turn out to make a difference in moral status? Suppose the answer is Yes. If so, how do we avoid the force of the argument just given? Why cannot the same type of argument be applied to show that we are not really considering a parallel case? I confess to having some sympathy for the idea that all alleged differences in moral status will turn out, upon investigation, to be something else, but I wonder if that is fair to Warren's position and argument.

One way of exhibiting why it might not be fair is to consider the distinction between having and lacking moral status. Rocks have no welfare, interests, prospects of concern to them, or anything of the kind to consider or take into account. Human beings have all of those things. Thus, it is plausible that human beings have moral status while rocks do not. There are actions which are morally unproblematic when carried out with rocks, but which would be wrong to do to a human being. But someone might press the same kind of argument as above: The cases are not really parallel. To get a parallel case, you would need to compare a rock to a human being that was as lacking in interests, welfare, prospects, etc., as the rock – Terry Schiavo, for instance. Then, it is no longer clear that, apart from others' concerns,<sup>1</sup> what is not wrong to do to the rock is wrong to do to a human being. Should we then conclude that people and rocks have equal moral status?

When one reaches a surprising conclusion, one possibility is that the conclusion, however surprising, is true. Maybe humans and rocks *are* morally equal. A more appealing possibility, though, is that the argument has gone wrong somewhere. If the problem is to reach the kind of conclusion Simmons seeks – that humans and other animals have equal moral status and therefore equally strong rights – without licensing the inference that humans and rocks have equal moral status, there seems to be only one plausible way to avoid the parallel-cases argument. That would be to distinguish

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<sup>1</sup> I have in mind the concerns of the husband and family, as well as members of the general public. A complication is that many of the people opposed to disconnecting the medical support apparently believed that Terry Schiavo still possessed some rudimentary awareness. Had they been convinced that she did not, they would not have been opposed.

between the characteristics or nature of the beings under consideration and their situations or the relations in which they stand. That will leave open the possibility that some characteristic, such as sentience, is sufficient for moral status, so we can say that infants and animals both have it, but also necessary for moral status, so we can recognize that rocks do not have it.

The problem here is that once we have acknowledged that some characteristics can make a difference in moral status, at least to the extent of demarcating between having it and lacking it, something more needs to be done to say what the characteristic is upon which (some) moral status supervenes, and why possession of other characteristics does not make a difference in degrees of moral status.

Though Simmons has successfully shown that Warren's reasons for endorsing the lesser status of animals do not work, the argument that he uses presupposes, if it is to be satisfactory, the availability of a more positive account. I realize that Simmons' present paper is part of a larger project and, to that extent, I am simply acknowledging the importance of the larger project. Warren herself may be refuted, but more is needed to refute the kind of position Warren holds.

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