1. **Moral Standing.** I believe the concept of moral standing is conceptually related to the content of questions like these:

- For whom should we have moral respect?
- To whom do we owe moral respect?
- Who is worthy of moral respect?
- Is it the case that some entities are worthy of more moral respect than some other entities?
- Do we owe more moral respect to some than to others?

2. **Some Prominent Competitors**

**Kant:**

“Beings whose existence depends, not on our will, but on nature, have none the less, if they are non-rational beings, only a relative value as means and are therefore called things. Rational beings, on the other hand, are called persons because their nature already marks them out as ends in themselves—that is, as something which ought not be used merely as a means, and consequently imposes to that extent a limit on all arbitrary treatment of them (and is an object of reverence).” *(Groundwork for the Metaphysics of Morals)*

“But since all animals exist only as means, and not for their own sakes, in that they have no self-consciousness, whereas man is the end…it follows that we have no immediate duties to animals; our duties towards them are indirect duties to humanity.” *(Lectures on Ethics)*

“Lest he extinguish such qualities, he must already practise a similar kindliness towards animals; for a person who already displays such cruelty to animals is also no less hardened towards men.” *(Lectures on Ethics)*

**Neo-Kantians:**

Some neo-Kantians hold less austere positions regarding the moral standing of animals, suggesting that we do in fact have some direct moral obligations to them. Christine Korsgaard maintains that opportunities to relieve pain—regardless of the type of entity suffering—always carry some moral weight. The possibility of relieving pain is always a morally relevant factor. *(See Sources of Normativity.)*

**Classical Utilitarians:**

Utilitarians believe that all sentient beings—those capable of experiencing pleasure or pain—enjoy moral standing. All of their potential pleasures and pains must be included in the utilitarian calculus when attempting to identify the normative status of a line of action, or the possible implementation of a policy. Jeremy Bentham writes: “The question is not, Can they reason? nor Can they talk but, Can they suffer?” *(An Introduction to the Principles of Morals and Legislation)*
Radical Animal Rights Theorists:

Some philosophers endorse even more radical positions than the utilitarians. Tom Regan might be included in the category of radical animal rights theorists. Regan believes that all sentient entities (and perhaps even more) are subjects of lives. He maintains that anything that is a subject of a life—something that can experience positive or negative welfare states—is a bearer of inherent value. Inherent value allegedly doesn’t come in degrees; no entity has more inherent value than any other entity that possesses it. On Regan’s view, morality requires us to respect the inherent value of any creature that would be affected by any given action. Regan seems to place people and many animals on equal moral ground, claiming that many of our practices involving animals are thereby absolutely morally unjustifiable. (See his *Case for Animal Rights*.)

3. Desert-Adjusted Utilitarianism

Fred Feldman introduces desert-adjusted utilitarianism in his confrontation with “the most profound moral objection to act utilitarianism—the objection from justice.”

**DAU:** An act, \( A \), is morally right iff \( A \) maximizes **desert-adjusted** utility.

DAU is a species of act consequentialism. An act, \( A \), maximizes some value just in case no alternative to \( A \) has more of that value than \( A \) has. DAU requires that we do the best we can for the world, where the notion of what’s best for the world is cashed out in terms of desert-adjusted hedonism. The central concept of DAU—desert-adjusted utility—has proven to be fairly difficult to explicate in a satisfying way. Roughly, according DAU, the value of the consequence (or outcome) of an action is the value of a specific function that takes as its arguments (i) the hedono-doloric value of the consequence (how much pleasure minus pain is contained in the consequence) and (ii) the extent to which individuals are getting what they deserve in the consequence.

In order to get DAU off the ground, a conception of moral desert is required. Here are some likely (or popularly accepted) sources of desert (or “desert bases”):

1. excessive or deficient receipt of goods or bads
2. innocent suffering
3. conscientious effort towards morally attractive goals
4. moral worthiness

“There are undoubtedly other factors that may influence the extent to which a person deserves some good or evil, and in a full exposition of the theory of desert, each of them would be described in detail. Furthermore, in real-life cases several of the factors may be jointly operative. The ways in which the factors clash and harmonize so as to yield an overall desert-level must also be investigated.” (“Justice, Desert, and the Repugnant Conclusion”)

4. Traditional Utility Rankings of People and Animals

Utilitarians should embrace a relativistic conception of moral standing: moral standing relevant to an action (or a moral alternative) in a moral choice situation. A utilitarian conception of moral standing imposes a ranking upon all those potentially affected by some act or policy. In one choice scenario some particular person might outrank everyone else, but in another scenario that very same person might be outranked by somebody else.
Utilitarian Factors Relevant to the Moral Standing of an Entity:

1. Capacity for well-being
2. Dispositions to utilize one’s abilities to impact the world in positive ways
3. Dispositions to develop and improve many such abilities

“...there is something amiss in a philosophical system that cannot distinguish between people and sheep. In utilitarian morality, a driver who swerved to avoid two sheep and deliberately killed a child could not be considered a bad man, since his action may have increased the amount of happiness in the world. This result is contrary to every ethical intuition we have.” (Posner, “Utilitarianism, Economics, and Legal Theory”)

Some people don’t have much of a capacity for positive welfare. Failure to develop personal potential, pessimistic attitudes, poor physical health, psychological problems, bitterness—all of these (plus who knows how many other factors) can result in people whose capacities for positive welfare are far outstripped by millions of members of the (non-human) animal kingdom. Some horses and dogs beam with happiness throughout most of their lives. Stumbling upon river otters in the wild is—often times—embracing pure, unadulterated exuberance. Many such animals enjoy greater capacities for positive welfare than perhaps even millions of people.

Many people lag far behind their animal counterparts when it comes to developing dispositions to utilize one’s abilities to impact the world in positive ways. The same can be said about dispositions to develop and improve abilities that prove fruitful for the world. So many domesticated animals provide such wonderful labor to the world. Service animals are—in many cases—dream beings: happy, hard-working, value generators. And millions of animals in the wild pull their own weight as self-sufficient creatures contributing positively (at least in many cases) to healthy ecosystems.

While many people are greater utilitarian heroes than animals, millions are not. Lazy leeches bathing in petty selfishness abound. Pathetic prodigal punks suck valuable resources from the world, contributing far less—if anything at all—in return. Scores of folk don’t even strive for self-sufficiency. Scores of others are committed to stripping the world of potential value for selfish or otherwise pathetic reasons. A utilitarian tragedy. And others just aren’t competitive with their animal counterparts. Animals outrank such folk in a plethora of choice situations; animals enjoy higher traditional utilitarian moral standing in such scenarios.

5. Desert Rankings of People and Animals

According to DAU, every morally relevant being potentially affected by some action in a moral choice scenario is morally deserving of either benefits or burdens to a certain extent. A moral desert ranking is imposed upon all such individuals, one that serves to establish—at least in part—the moral standing of each of them. Other things being equal, those enjoying higher desert ratings enjoy higher moral standing.

“It is impossible in this matter to find a better standard than the very law of justice, which dictates that everyone should take part in the perfection of the universe and in his own happiness in proportion to his own virtue and to the extent that his will has thus contributed to the common good.” (Leibniz, “On the Ultimate Origination of Things”)

We can now imagine another route by which an account of moral standing consonant with DAU might generate the implication that people generally enjoy a higher moral standing than animals. People are capable of conscientious effort, of reflectively and intentionally engaging in laborious activities in efforts to achieve morally attractive goals. And people are capable of accruing moral worthiness through striving to perform morally praiseworthy acts, through developing moral virtue to the greatest degree possible. Thus, people are capable of being more morally deserving in ways that (many?) animals
cannot. On the assumption that animals have a neutral status (neither positive nor negative) with respect to desert generated via conscientious effort and moral worthiness, DAU secures a moral preference for people over many animals in a wide array of scenarios.

Note, however, that just as people are capable of accruing positive moral desert, so are they capable of accruing negative moral desert, unlike most animals. Many people don’t engage in laborious activities to achieve morally attractive goals: Many people are lazy; many pursue morally heinous goals. Millions of people wallow in moral vice: laziness, rashness, intemperance, prodigality, excessive selfishness, cowardice, pettiness, etc. Their desert levels fall far below those of animals with neutral desert status. They accrue no positive moral worthiness, and they (sometimes happily) embody moral vices, no moral virtues. A massive percentage of these people are also tragedies on traditional utilitarian rankings. They contribute nothing (or very little) of positive value, yet they suck up vastly more valuable resources than their animal counterparts. They’re not even worthy of the scarce, valuable resources they consume. Any account of moral standing consonant with DAU seems to imply that most animals (probably) enjoy higher moral standing than such people. Moral preference should be given to animals over such people according to DAU.

There is a rich tradition in moral philosophy suggesting that moral virtue can be developed—and moral worthiness can be accrued—only by those who possess a bit of philosophical knowledge and commit themselves to acting in ways grounded in such knowledge.

Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which a man of practical wisdom would determine it. (Nicomachean Ethics 1106b36)

This puts us in an interesting philosophical predicament. There’s something attractive about the conception of moral virtue and moral worth employed by some of the ancients and Kant, among others. If it tracks the truth, then it seems that huge swaths of the human population occupy the same position as animals when it comes to desert generated through obtaining moral virtues and accruing moral worthiness. While many people rank well above animals—and perhaps just as many well below—on this desert ranking, millions will occupy neutral ground shared with the beasts. DAU might imply that such people are (at least generally) no more deserving or undeserving than their animal counterparts, and thus do not enjoy higher moral standing (generated through moral desert) than the beasts.

Millions of people have attractive dispositions to behave in fruitful ways even if they aren’t motivated by a commitment to rationally defensible moral principles. Perhaps that’s all that’s required for virtue and any moral worthiness generated via virtue development. (Some virtue consequentialists might embrace this sort of view.) After all, many such people are diligently working towards morally attractive goals even if they aren’t justified in believing that such goals are morally attractive. But the same goes for (probably) millions of animals. Hell, on this sort of account, my dogs are more benevolent, courageous, trustworthy, temperate, and patient than most of the people with whom I interact. They have attractive dispositions to behave in fruitful ways; they work towards morally attractive goals despite having no clue as to what makes such goals morally attractive. They’re well-trained, just like some people are.

People are plagued with a much wider range of temptation. People—not animals—stair into the face of the problem of normativity, experience existential despair. And millions are—in some sense—robbed of their (at least potential) philosophical and moral autonomy by brainwashing ideologues. There are probably a myriad of other relevant factors as well. Still, if animals are able to accrue any amount of moral worthiness, then that’s a whole lot more than can be said about a whole lot of people.
6. Concluding Remarks

I consider Feldman’s DAU to be a serious competitor in the normative ethics of behavior, and it seems to enjoy serious theoretical advantages over its prominent competitors regarding its implications for the moral standing of people and animals. Regan’s theory makes use of the mysterious, unexplained concept of inherent value. I’m skeptical that the concept can be understood. It’s impossible for me to grasp what it means for someone to respect the inherent value of all creatures involved. The implications of the theory (if there are any clear ones) evade me. (I hold a similar view regarding the mysterious “moral rights” talk employed by some animal ethicists and seemingly too many other moral philosophers.) This DAU-inspired theory is sensitive to a much wider range of morally relevant phenomena than those proposed by Kant and the Neo-Kantians. Classical Utilitarians provide only half of the story. The new theory is looking good. If it’s closer to the truth than its conceptual competitors, then the common general belief that people are perched upon a privileged moral place above the animals is absolutely unwarranted in a wide range of cases. Those animals should be shown more moral respect.

References


