

## 32. INTERESTED VEGETABLES, RATIONAL EMOTIONS, AND MORAL STATUS\*

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**ABSTRACT.** Many discussions of the moral status of "mindless beings" such as the permanently comatose, the dead, trees, and human fetuses seem to take for granted the thesis that it is improper to appeal to emotions to establish the fundamental distinction between "persons" (beings capable of rights "in their own right") and "things" (beings not capable of rights except in some fictional or illusory sense). Persons are persons, however we may feel about them.

That thesis seems to be a major obstacle to any non-utilitarian account of the personhood of mindless beings.

I argue that the thesis of independence is true, if at all, only for one class of persons ("rational agents"). Beyond that class, our emotional response to a being can be relevant to its moral status. Acting on some consideration (or believing something in virtue of it) can be rational in the "constitutive", "regulative", or "associative" sense. A consideration is a good reason if it is rational in any of these senses. The importance of this claim is shown by briefly examining Feinberg's well-known argument that it is a conceptual truth that mindless beings are incapable of rights. His argument assumes that our emotions cannot be rational in the appropriate sense and collapses without that assumption.

My concern here is a certain thesis that, though appearing most often in discussions of abortion, appears elsewhere too, for example, in discussions of the rights of the permanently comatose. The thesis denies the propriety of appealing to emotions to establish the fundamental moral distinction between being someone with rights and being something without them. Let us call this thesis "the thesis of the logical independence of moral status and emotion"--or, for short, "*the independence thesis*".

The independence thesis has obvious affinities with what has come to be known in ethics as "externalism", the extreme form of which holds that reasons are good (or bad) independent of their capacity to move us, that reason and motive are logically independent. The independence thesis is nevertheless of independent interest. The thesis applies to a subject about which we have strong intuitions more or less independent

of our attitude toward externalism generally. Externalists have been concerned primarily with motives like desire and self-interest rather than with emotion. The thesis might well be true, even if externalism turned out to be false; or false, even if externalism turned out to be true. The independence thesis is, however, not so independent of externalism that its disproof would leave externalism (in its extreme form) untouched. If the independence thesis is false, there is at least one sort of motive, emotions, that have a part in determining whether certain reasons are good reasons for acting as the motive instructs.

What I shall argue here is that the independence thesis is true of only one class of persons ("rational agents") and that, beyond that class, our emotional response to a being can be relevant to its moral status because that response is relevant to the interests it can have. My argument should have consequences for a number of problems about moral status, including those related to the rights of the senile, infants, trees, and even fictional characters. But I shall not draw out those consequences here, except as necessary to provide a convenient example. The purpose of this paper is merely to open up a line of research till now largely overlooked.

### I. THE INDEPENDENCE THESIS AT WORK

I should like to begin with a few examples of the thesis at work both to clarify the thesis further and to remove any doubt that it is widely held. The first example comes from Michael Tooley's well-known paper on abortion:

The second suggested cutoff point--the development of a recognizably human form--can be dismissed fairly quickly. I have already remarked that membership in a particular species is not itself a morally relevant property. . . . Similarly, it is clear that the development of human form is not in itself a morally relevant event. Nor do there seem to be any grounds for holding that there is some other change, associated with this event, that is morally relevant. The appeal of this second cutoff point is, I think, purely emotional.<sup>1</sup>

Mary Anne Warren provides a second example:

. . . [The] fact that people tend to respond to the thought of abortion in the later stages of pregnancy with emotional revulsion [is not an argument in favor of placing legal limits upon the stage of pregnancy in which an abortion may be performed], since mere emotional responses cannot take the place of moral reasoning in determining what ought to be permitted.<sup>2</sup>

Lawrence Becker provides yet another example:

In the first place, I think we may plausibly reject quickening and live birth as candidates for the sort of moral divide at stake here. We are, after all, talking about *duties* not to kill, and the sort of psychological pulls created by these two events . . . are just not the sort of

grounds advocates of a morally relevant definition are interested in. They are interested in justifying a right *in the victim* not to be killed--a so-called right to life.<sup>3</sup>

While the three papers from which these examples come differ in important ways, these examples do not. None makes an argument for the independence thesis. The thesis is assumed, as if to deny it would self-evidently commit a fallacy of irrelevance. The thesis is invoked at a crucial step in the argument. Tooley and Warren have stated their respective criteria for being a person; Becker, his criterion for being a human being. Each understands himself (or herself) to be providing a criterion for picking out a certain kind of being with which everyone is familiar (though Tooley denies concern with "ontology"). Each writer then finds himself facing an objection that goes something like this: "Your criterion makes the fetus into a nonperson (or nonhuman), but we don't react to it that way: so, there must be something wrong with your criterion." The independence thesis nicely undercuts this (potentially serious) objection. If our reactions are morally irrelevant, then the fact that we react one way rather than another cannot show there to be something wrong with the criterion in question. One might as well try to show that the earth does not circle the sun by pointing out that ordinarily we do not talk or act as if it does.

Though most writers invoking the independence thesis think invoking it enough, some go further, yielding something to emotion without yielding up the thesis. Kant provides a classic example of such partial yielding:

[Man] can have not duty to beings other than men. If he thinks he has such duties, it is because of an amphiboly of the concepts of reflection, and his alleged duty to other beings is really a duty to himself. He is led to this understanding by mistaking his duty *with regard to* other beings for a duty *to* other beings. . . . [Thus a] propensity to wanton destruction of the beautiful in inanimate nature . . . is opposed to man's duty to himself; for it weakens or destroys man's disposition to love things (e.g., beautiful crystal formations . . .) without regard for their utility. And while this feeling is not in itself moral, it is still a disposition of sensibility that greatly promotes or at least prepares the way for morality.<sup>4</sup>

Jane English provides a contemporary example of the same move:

An ethical theory must operate by generating a set of sympathies and attitudes toward others which reinforces the functioning of that set of moral principles. Our prohibition against killing people operates by means of certain moral sentiments including sympathy, compassion, and guilt. But if these attitudes are to form a coherent set, they carry us further: We tend to feel similar compassion toward person-like non-persons. . . . It is because of "coherence of attitudes", I think, that the similarity of a fetus and a baby is very significant.<sup>5</sup>

Kant seems willing to recognize duties with regard to other beings as duties of some sort (though only disguised duties to oneself or other rational beings). English does not even go that far, our "obligations" to the fetus having for her the status of "supererogatory" acts or acts of "compassion". Still Kant and English agree that inanimate beings, animals, and fetuses are not the sort of being to have rights (or to be owed duties) in the same sense as you and I have rights (or are owed duties). Both are willing to admit only that it may be useful to act *as if* such beings had rights. We should (they say) treat such beings as if they had intrinsic worth not because they do but because, given our unfortunate psychology, we will be safer from one another if we treat them that way. If we could torture animals without ourselves losing any sensitivity to human suffering, there would (it seems to them) be no objection to torturing animals. But (as a matter of fact) we cannot (they claim); so, we had better treat animals as we would treat one another. Respect for fetuses, animals, plants, and even inanimate nature is a wall we build around the moral law for our own protection. We protect such beings (Kant and English say) for our own sake, not theirs.

There are other ways to make a place for emotion while holding the independence thesis (for example, by treating nonpersons as if they were persons so as not to injure the tender but "confused" feelings of other persons). I need not discuss those other ways here. All share at least two faults of the examples already cited.

First, they seem to misdescribe our moral experience. When we see a dog being tortured, we want to stop the torturer at least as much for the dog's sake as for our own. We seem to take the dog to be being on behalf of which (of whom?) we can make claims.

Second, though we may indeed worry that someone who tortures his dog today may torture his wife or neighbor tomorrow, the question is *why* we worry about that. The answer Kant and English give is that we worry because we know that people are morally half-blind, psychologically unable to see a morally important distinction right under their noses, and therefore likely to misjudge disastrously if not hedged in by a protective wall. The impulse behind this answer cannot, I think, be saving experience. We do not worry that the woman who butchers a steer today will butcher her husband or neighbor tomorrow.<sup>6</sup> We do not even worry that a policeman who shoots a fleeing felon today may shoot innocent joggers tomorrow. The answer our experience suggests is that we worry about the man who tortures his dog because he is *already* doing something wrong, that someone who would do something that bad might well do worse. In other words, our intuition seems to be on the side of fetuses, animals, and so on having moral status in their own right.

Whatever appeal the independence thesis has, whatever appeal the bad psychology we find in Kant, English, and others has, is attributable, I think, to our not having a theory that makes sense of that intuition.

## II. WHY NOT UTILITARIANISM?

It may seem that I have been too quick. We do have (someone might think) a theory, utilitarianism, which saves both our intuitions and the independence thesis, without any bad psychology. After all (someone might observe), it is to be expected that anyone who (like Kant) finds morality on reason must find it hard to protect all those reasonless beings our intuition tells us deserve some protection, because (to quote Bentham's often-quoted decree) "the question is not, Can they reason?, nor Can they talk? but, Can they suffer?"<sup>7</sup> Once we found morality on pleasure, happiness, preference, or something else connected with sensation or experience, then (it may seem) all conflict between intuition and theory disappears too, and yet our feelings toward fetuses, animals, and other sentient beings do not decide their moral status.<sup>8</sup>

Utilitarianism is, however, not all it may seem. Beside the textbook problems concerning what is to be weighed, how it is to be weighed, how it is possible to weigh it in the way required, and whether such weighing gives each person what intuitively seems his due, there are two problems with utilitarianism directly relevant to our intuition about moral status:

The *first problem* is that utilitarianism seems not to extend the bounds of the moral community far enough. Certain beings we suppose to have some moral status turn out to have none. Consider, for example, Joel Feinberg's thoughtful elaboration of the "interest principle". Feinberg can provide for the rights of dead persons only by (what he himself labels) "a fiction". He has to declare rights for plants conceptually impossible. And he finds himself forced to assimilate killing a permanently comatose patient ("a human vegetable") to killing a weed.<sup>9</sup> Though evidently not altogether happy with his conclusions, he accepts them as the wages of his ethical theory. Other utilitarians (though not always with Feinberg's lucidity) have reached much the same conclusion.<sup>10</sup> If moral status depends upon the ability to sense or experience, those who cannot suffer cannot be objects of moral concern in their own right.

The *second problem* with utilitarianism is related to the first. Because utilitarianism does not extend the bounds of the moral community far enough to protect everyone and everything intuition tells us deserve protection, it ends up with certain counter-intuitive rankings among beings. For example, "a human vegetable" falls outside the moral community while the louse on his body does not. So, it seems, the utilitarian must say that--all else equal--we would be morally wrong to kill the louse or even to remove it from its host. The sufferings of the louse count for something; the unconsciousness of the host, for nothing. No doubt the utilitarian would instantly add that all else is (of course!) never equal. The relatives of a human vegetable may be upset if they find their loved one providing lice with dinner. There is a risk of lice spreading from the vegetable to patients who are (or will be) conscious. The idea of lice crawling on a human body, even a permanently comatose one, makes our skin crawl. And so on. Reassuring as they are, these additions threaten to make us again dependent on the bad psychology utilitarianism was to help us do without. Why, for example, can we not end the family's distress simply by reminding them that their former loved one is no more? The answer, it seems, is that the family wants to kill the louse (at least in part) for the good of its host, "human veg-

etable" though he be. The good of the louse counts for little or nothing against that substantial good. It is just this acting-for-the-good-of-the-human-vegetable that the utilitarian, no less than the rationalist, seems forced to explain away.

The distinction between act-utilitarianism and rule-utilitarianism, however useful elsewhere, is of little use here. The rule-utilitarian can, it is true, explain why we might have rules protecting nonsentient beings. The explanation (he says) is that such rules indirectly protect sentient beings (which are what we really care about). But that explanation returns us to Kant's distinction between duties with regard to something and duties to someone. The rule-utilitarian can explain how we could have duties *with regard to* "things" but not how we could have duties *to* them (much less how they could have *rights* against us). Yet, it is just this sort of duty-to we suppose ourselves to have to a human vegetable but not to a louse.

So, the standard forms of utilitarianism fit our intuitions here no better than do the standard forms of rationalism.

### III. EMOTIONS AS GOOD REASONS

Something seems to be wrong with both the ordinary rationalist and the ordinary utilitarian approach to determining the moral status of such beings as fetuses or the permanently comatose. Both have trouble understanding how such "mindless beings" could have any moral status in their own right. The source of that trouble seems to be the independence thesis. We might then expect the relevant literature to include many sustained discussions of the thesis. I have found none.<sup>11</sup> Yet, it is not hard to see what might be said in defense of the thesis. We might put it this way: *moral status should be a matter of reason; emotion (or feeling) is opposed to reason (or, at least, has nothing directly to do with it); and so, moral status should never depend on emotion.* If this is the (primary) defense of the independence thesis, then we should be able to dispose of the thesis by showing that sometimes appealing to emotion is appealing to reason.

Of course, as soon as we have put the matter this way, we see why the literature contains no defense of the independence thesis. Traditionally, reason has been considered cold, emotion hot. Reason calculates, emotion feels. Reason sees, emotion is blind. Reason is eternal, emotion changeable. We certainly would not want our moral status to depend on emotion so conceived. But our moral status is not the issue. The argument for our moral status depends (almost everyone seems to agree) on our ability to reason, to experience pain, and so on. The issue now is what happens to those who cannot pass such mental tests. What is the moral status of "mindless beings" such as the permanently comatose? If we allow emotions into the argument, we might be able to justify granting such beings moral status in their own right because of how we feel about them. But, if we do not allow emotions into the argument, we seemed forced to deny such beings any moral status except that of means to some good of ours. Given those alternatives, making the moral status of "mindless beings" depend on the emotions of others, especially if those emotions are rational, does not seem so bad. So, let us consider whether emotions are as opposed to reason as traditionally supposed.

There is, I think, little doubt that emotions sometimes function as reasons, that is, as facts about us we cite to justify some act of ours. For example, if you ask me why I gave you a present on your birthday, I might answer, "Because I like you." My liking you was what moved me to make the gift. Had I not liked you just then, I would not have made the gift, birthday or not. But, more to the point, it was considering your birthday in light of my liking you that led me to decide to make the gift. My liking you not only (in part) explains the gift, it also had a positive role in the deliberation that led to the gift. It was the decisive reason for the gift.

Some may be inclined to dismiss this example with "Mere liking is not a reason", "It's not a good reason", or at least "It's not reason enough". To provide a "good reason" or "enough reason", I would (it might be said) have to show not only that my liking you was what moved me to make the gift but that my relation to you was the sort that made it appropriate for me to do what I did. I would have to point to some objective state. And once I had done that (it might seem) careful analysis would show the liking to be unnecessary for justification. What justifies my gift to you is (it might be said) not my liking you but my being in a certain relationship with you (for example, that of friend). If I gave you the present because we are friends, I was justified, however I happened to feel. If I gave it to you because I happened to like you just then, friendship or not, my gift might not be justified. So (this objection concludes), the friendship, not the emotion, is what justifies the gift (if it is justified under the circumstances).

I find this objection quite odd. Of course, there are some friendships, for example, "business friendships", in which liking seems to have little to do with what people should do for one another. Mutual service takes the place of liking. In such a friendship, gifts might be given out of a sense of duty or appropriateness. But, even in such a relationship, would it be inappropriate to cite one's liking as an additional reason for the gift? Anyway, that is not the sort of friendship I have in mind. What I have in mind is "personal friendship". Liking is, I think, central to that relationship. (To say, "He's a personal friend, but I don't like him in the least" is at best paradoxical.) So, to note that in reasoning about such a relationship we can substitute the relationship for the liking does not seem to show that the liking is not necessary to justify the gift. The relationship includes the liking as a proper part. The liking is as necessary to the justification as it is to the existence of the relationship (and the motivation for the gift). So, this objection seems merely verbal.

It might also be objected that my example is particularly ill-chosen. Liking is not (it might be said) an emotion but a disposition to feel or act in a certain way, an attitude. Emotions are violent, sudden, temporary. Liking is not like that. By giving liking as an example of emotion, I have (it might be said) loaded the dice. It is much easier to see how such gentle feelings are consistent with reason than it is to see how emotions like anger or hate are.

This objection too is easily disposed of, for two reasons. First, the emotions I would expect to support moral status are as gentle as liking. So, the example of liking shows what I need to show, whether we call liking an emotion or something else. Second, there is no reason not to

use "emotion" to include any feeling, or disposition to feel, whether violent or quiet, that can *move* a person to act. A violent emotion like anger or hate can serve as a justification for acting just as liking can. For example, suppose that I struck you because you made me angry. If you then asked me to justify my action, could I not correctly cite my anger in the justification? "I struck you because you unjustifiably angered me. You have no cause to complain. You got just what you deserved".

As with the example of liking, some may want to drop the emotion from the justification. If you deserved the blow, why (it might be asked) must it matter whether I was angry or not? Why is the desert not enough to justify me in doing what I did? And, as with liking, the answer to these questions is that the emotion will only *seem* to drop out. I am justified in striking you, if I am, because I am the victim of you unjustified provocation. But your angering me is part of what makes me your victim. If you had teased me but had not made me angry, I might not have been justified in striking you even though, because your teasing angered me, I am. Part of what justifies me in striking you is that I am striking out in anger. The anger itself is a necessary ingredient in the justification. I would not have a good reason for striking you (or, at least, as good a reason) if my reason for striking you did not include the anger you provoked.

So, emotions like anger or liking can in fact function as reasons justifying what we do. But, should they? Can such emotions really help to justify our acts? Can they in effect be part of reason? That, of course, depends on what we mean by "reason" and "reason" is not among words easily defined. Yet, for our purposes, perhaps it will be possible to say enough briefly.

"Reason" seems to be a capacity rational beings have because (and insofar as) they are rational, *the* capacity to determine in a certain way what to believe and do. We need not, I think, worry much about the distinction between belief and action here. A being who came by his beliefs rationally but either acted contrary to them or without taking them into account or did not act at all, would be anything but rational. Part of being a rational being is acting on beliefs one has come by rationally rather than on those one has come by in some other way (at least, all else equal). To be a rational being is (in part at least) to be a rational agent. Reason seems to be (in part at least) the capacity to act as a rational being would.

"A reason", on the other hand, seems to be what would (all else equal) lead a rational being (insofar as rational) to do the act the reason is a reason for doing. Perhaps we should call a reason in this sense "a good reason" to distinguish it from those facts that move *us* because they seem good reasons but may not be. These reasons we may call "mere reasons", "merely our reasons", or "reasons in the weak sense". They are at least candidates for "good reason" as explicit irrelevancies, absurdities, and the like are not.

This distinction between reasons and good reasons gives us two senses of "reason", one empirical, the other normative. If reason is understood as the capacity to be moved by mere reasons, determining what reason is is an empirical matter (once we have identified the class of rational beings). One who possesses reason in this sense might be de-

scribed as "reasonable", that is, as a being able to take reasons into account in his choice of action. If, however, "reason" is understood as the capacity to be moved only by good reasons, determining what reason is will be normative insofar as specifying what rational beings (as rational beings) would do requires some standard beyond what seemingly rational beings actually do. We might, for example, have to imagine rational beings to be choosing under idealized circumstances. Let us call reason in this second sense "rationality".

We must, I think, understand "reason" in the second sense. Our concern is not whether rational beings do conclude that "mindless beings" should have moral status in their own right. Clearly, many rational persons have concluded that. The problem is that such people do not seem able to defend their conclusions unless they can appeal to certain emotions. If we are to show the propriety of such appeal, we shall have to do more than show that some rational persons treat their emotions as reasons. We shall have to show that it is rational to do so, that rational persons might choose to do it even under ideal conditions of choice.

If this much seems safe, then we have transformed our problem without solving it. We have transformed our problem from one about reasons to one about rationality. But, to solve it, we need to know whether it is ever rational to be moved by emotions. We need to know more about rationality.

What then is rationality? One answer to that question, perhaps the best, is that rationality is acting according to reason. But that answer is closed to us because we wish to define "reason" in terms of "rationality".

Another way to define "rationality" is as being an agent having consistent ends and choosing means serving those ends most efficiently. However useful elsewhere, that conception is not useful here. It fails in at least two ways to provide an adequate characterization of rationality.

First, that conception fails to take account of the fact that many persons considered rational have inconsistent ends without seeming any the less rational. Rationality seems to require not that one never have inconsistent ends but merely that one try to avoid inconsistency when it is recognized and avoidable at reasonable cost. We can, of course, imagine idealized conditions under which all inconsistency would be avoidable and so, conditions under which rationality would consist of a single-minded pursuit of consistent ends. Much of the theory of games begins with such idealized conditions. Such conditions are, however, so unlike those under which rational agents in fact act that there seems little to be learned about the full concept of rationality from action under such conditions.

The second way "single-mindedness" fails to provide an adequate characterization of rationality is by including among the rational some beings generally considered irrational. For example, there seem to be insane persons whose disease consists in having only one bizarre end and pursuing it with remarkable efficiency. Rationality thus seems to be a good deal more than coherence and efficiency. Part of being rational seems to be a certain critical shifting of one's ends as well as of one's means, a kind of "multi-mindedness". A being that did not consider it

better, all else equal, *both* to minimize pain to himself *and* to look out for those about whom he cared, would not seem rational.

We have now rejected the only two definitions of "rationality" having wide acceptance among those who seem to accept the independence thesis. We are therefore at an impasse. We cannot rely on an argument that uses a definition of "rationality" those accepting the independence thesis would reject. That would beg the question. But, except for such definitions, we have none upon which the argument can proceed. What then are we to do? I propose that we put aside any attempt to define "rationality", that instead we simply appeal to our intuitive notion of rationality to identify a class of persons about whose rationality we have no substantial doubt and then consider what such persons would count as reasons under good conditions as evidence of what rationality consists of. In effect, we will be using our experience of rational persons, especially of ourselves, in place of a theory of rationality. So, we must now consider how we would expect paradigms of rationality to act (or, at least, how we would expect them to act without calling into question their rationality).

Let us again consider the example of giving a gift. If we do not expect people, insofar as rational, to like other people, then a gift motivated by such liking would be irrational because the motivation was. If, however, someone's liking another is consistent with his rationality, then there remains the question whether acting on that emotion would be something a rational person would do insofar as he is rational. If it is not, then even if the liking is consistent with rationality, the liking cannot be a good reason for the gift. So, the question whether my liking you is a good reason to give you the gift seems to consist of two subquestions: a. whether we would expect a paradigm of rationality never to like another enough to give a gift and b. whether we would expect a paradigm of rationality never to consider his liking a reason to give a gift he might not otherwise give.

These do not strike me as hard questions. Let us begin with the first. While I can imagine a rational being who liked no one, my experience of rational beings is of beings who like others. Indeed, rationality is so far from seeming inconsistent with liking others that I cannot imagine conditions of choice that I would consider good (much less ideal) which *reduced* this tendency of rational persons to like others. Rationality does not seem inconsistent with an emotion like liking.

Now, given that a rational being liked someone else, it would (all else equal) seem *inconsistent* with his rationality to suppose him not to consider his liking a person a reason (a good reason) to give a gift he might not otherwise give. After all, to like someone is, all else equal, to be moved to do him good and the fact that we are moved to do something is, all else equal, a good reason to do it. A being who, all else equal, was hostile or even indifferent to his own likes would seem self-defeating and so, less than fully rational.

#### IV. RATIONAL EMOTIONS

The last section thus seems to yield a weak form of "internalism". We have not concluded that all good reasons provide motives for action or that all motives for actions are reasons, much less good reasons, for

acting in accordance with the motive. We have concluded only that a certain class of motives (that is, emotions like liking) can be good reasons for acting as the motive directs. We have shown only that it is not irrational (all else equal) to act on one's emotions.

Showing that is enough to show that there is no necessary opposition between reason and emotion. But it is not enough to show that appeals to emotion can have a significant part in justifying important moral claims, for example, the claims of moral status with which we began this paper. To show that, we would have to show that appeal to emotion can play a significant part in that attempt to win the agreement of all rational persons that seems to constitute moral discourse. Yet, at first at least, it seems that appeal to emotion is ill-suited to such a use. Emotion seems more likely to divide than to unite. People's emotions differ. Appealing to one person's emotions may even alienate others. How then can appeal to emotion help to get all rational persons to agree on any moral proposition?

There are at least two ways in which appeal to emotion might nevertheless produce agreement among rational persons. One way is for some people's emotion to provide *others* with good reason; the other, for emotion to be more closely connected with reason than just not inconsistent with it, for there to be (in an important sense) "rational emotions". Let us begin with the first of these ways, though it is the less interesting of the two.

There is a sense in which all emotions are private. For example, I cannot have your fear (though I can "share" your fear by myself being afraid of the same thing you are afraid of). But there is also a sense in which any emotion can be public. For example, I can "see" your fear (that is, tell that you are afraid by the expression on your face, the way you move, or the like). It is this public side of your emotion that can provide me with reasons in at least two ways. First, if I have any concern for you as an individual, your emotion may move me to do what I would not otherwise do. For example, your fear might give me reason to do something to reduce your fear. Second, even if I have no concern for you as an individual, our similarity may evoke a sympathetic response in me. Your fear may make me uncomfortable even though I myself have nothing to fear and have never before had anything to do with you. Sympathy is a sort of "impersonal concern" (at least insofar as one need have no personal connection to the particular object to sympathize with it). My sympathy for you can turn your fear into a reason for me to do what I can to reduce your fear (almost as if I cared for you "personally"). That people's emotions differ does not mean that emotions must provide inconsistent reasons. They may, like your fear and my concern or sympathy for you, all tend in the same direction.

It seems then that in principle nothing bars my trying to convince all rational persons to adopt a particular rule by appealing to *my* emotions. So, resting a moral argument on how one person "feels" is not necessarily to commit the fallacy of irrelevance. If rational persons are concerned enough about that one person in particular or sympathize with him enough, they might find that appeal convincing. Of course, it is unlikely that very many rational persons would be concerned about me (or you) in particular or that sympathy for me (or you) in particular would be both widespread enough and strong enough, for any emotion I

(or you) have to matter in the appropriate way in any important moral debate.

Founding the defense of a moral rule on one person's emotion is not, therefore, a mere possibility. Some arguments actually appearing in moral discourse seem to have this form. For example, consider the argument that some act (for example, treating the permanently comatose as if he were not a person) is morally wrong because so acting displeases God (where the person making the argument does not accept a divine command theory). For those for whom God is someone about whom they care, God's displeasure would (rightly) have considerable weight in determining what they would want to allow or forbid. They would be inclined to accept constraints on their conduct they would not otherwise accept. If the ultimate test of whether a rule is morally binding is whether rational persons are willing to accept it as a constraint on their conduct, then (for those concerned for God) God's displeasure would be relevant to what it is rational to suppose morally binding.

Such an argument would, however, be of no use to us even if all rational person's agreed in their concern for God's displeasure. To support a rule granting rights to beings like the permanently comatose out of concern for God, would only create a duty *with regard* to the comatose rather than a duty *to* them. They would have rights, but not "in their own right". Because our concern is the possibility of arguing for granting rights to mindless beings out of concern for them, this form of argument need not concern us further.

That brings me to the second way by which appeal to emotion in moral debate might bring agreement, that is, appeal to rational emotions. We can, I think, distinguish at least three senses in which emotions might be suitably rational: a) the constitutive, b) the regulative, and c) the associative. Let us consider these in order.

- a. The criterion for applying "rational" to beings provides our first universal sense of "rational". We do not call a being "rational" unless he has certain powers (deduction, memory, planning, and so on), certain beliefs (that something exists, that acts have consequences, and so on), and certain motives (that absence of pain is, all else equal, to be preferred to pain; that, all else equal, one should choose to have what one wants rather than go without; and so on). Such powers, beliefs, and motives are rational in that they more or less *constitute* rationality. An agent lacking some of them is not exactly rational (and may well be insane, immature, or otherwise irrational, depending on what he lacks and the degree to which he lacks it). Some emotions (for example, the fear of death) may be rational in this most stringent sense. Not to have such an emotion would be to lack part of what constitutes rationality.

I suppose it need not be stressed that the emotion in question is not an occurrence but a disposition. Consider, for example, my fear of death. I fear death even now. Yet, as I write this, I do not tremble, a dreary grave haunting my imagination like a prophecy. My (rational) fear of death consists in a general tendency not to take risks that might bring death, to suffer other evils rather than suffer death, and so on. In circumstances of

extreme and sudden danger, I might well tremble. But, if I did not, I would properly be thought brave rather than fearless.

- b. Closely related to the constitutive sense of rationality is what we may call the "regulative". Something is rational in this sense if it is "what reason requires". An act, for example, is rational in this sense if, given the powers, beliefs, and motives that constitute rationality, a person would not knowingly choose to do otherwise. The act is, as we say, "the logical choice".

Whatever is constitutive of rationality is trivially regulative. But much that is rational in this regulative sense cannot be rational in the constitutive sense. Rationality does not consist in being everything rationality entails. People can be rational and yet sometimes do what reason forbids. That is so because, for example, even rational persons may not see clearly what their beliefs and motives logically lead to. They can make mistakes in reasoning. Such mistakes, though forbidden by reason, do not impugn a person's rationality (so long as they are not sufficiently common to raise doubts about the person's powers of deduction). At worst, they mark him as thoughtless, "blind", or stupid, not as irrational.

So, the fact that an emotion is rational in this second sense does not entail that all rational persons in fact share it. Still, there is little reason to doubt that some emotions (for example, the fear of torture) are in fact shared by (virtually) all rational persons (and so, are in fact rational in this sense). Many deductions are obvious--or easily made so as soon the question arises. (It does not, for example, take much acumen to understand torture well enough to realize that it is painful and generally not for one's good).

- c. That brings us to the third sense of "rational", the associative. Something is rational in this sense if 1) it is something to which the word rational could properly apply, 2) it is not forbidden by reason, and 3) it is characteristic of rational beings as they are in fact are. To become angry if grossly and repeatedly insulted is, we might say, rational in this sense because any rational person would become angry under such provocation. Yet it would not be true to say that becoming angry under such provocation is part of being a rational person or required by reason. A person who did not become angry under such provocation would be described as "thick-skinned", "like a machine", or "inhuman", not as "insane", "thoughtless", or "stupid". So, while much that is rational in the constitutive or regulative sense is also rational in the associative, some things may be rational only in the associative sense.

Whatever is rational in the associative sense is necessarily something all (or, at least, virtually all) rational persons share, since nothing can be characteristic of a class of beings unless all members of the class (or, at least, virtually all) have it. The associative sense of "rational" thus provides us with a distinct sense in which emotions can be rational, a sense which seems to bring some emotions previously excluded (for example, anger un-

der gross and repeated provocation) into the category of rational.

But, this third sense may seem to do that at too high a cost. After all (it might be objected), many things are characteristic of rational persons as we know them, for example, stomachs or mistakes in addition. Yet no one supposes such characteristics to be rational. Why then count emotions as rational because they too are characteristic of rational persons as we know them?

The answer is that emotions are different from stomachs and mistakes in addition. "Rational" can be applied to many sorts of entities including persons, acts, beliefs, expectations, plans, and motives. It cannot, however, be applied to anything whatsoever (except perhaps metaphorically). Jones can be rational. Her beliefs can be rational. Even her fear or desire can be rational. But her house cannot be (though the plan of it can be). "Rational" can be applied only to agents that can act for reasons, to aspects of the process by which such agents choose to act, or to the acts themselves (insofar as they may be thought subject to control by reasoning). Stomachs, however common among rational beings, do not qualify for application of the adjective "rational" in any of these respects. They are not the sort of entity that can literally be rational (or irrational). So, stomachs fail to satisfy condition 1 for applying "rational" in the associative sense.

Mistakes in addition, on the other hand, fail condition 2. Among the constituents of rationality or deducible from them is the belief that the world is more or less independent of how we happen to think it to be, that acting on a false belief about the world is likely to be self-defeating, and that following the rules of logic (including those of addition) is more likely to generate true beliefs than unintentionally departing from them. So, mistakes in addition are forbidden by reason. To make such a mistake, however universal the mistake may be, is "stupid", not rational in the associative sense.

This point may be put another way. To act on one's rational emotions (even on emotions rational only in the associative sense) is significantly different from acting on a mistaken belief because acting on a rational emotion is (by definition) *not* self-defeating or otherwise opposed to what a rational person would wish to do (even under ideal conditions). If acting on a particular emotion were self-defeating (as acting on a mistaken belief tends to be), the emotion--and the act it supports--would be rational. There certainly are such emotions. Perhaps the best example is envy, an emotion which we all recognize we would be better off without even if it were possible for us all to envy the same things.

## V. EMOTIONS, INTERESTS, AND MORAL STATUS

We observed earlier that there seemed to be something wrong with both the ordinary rationalist and the ordinary utilitarian explanation of the moral status of such beings as the permanently comatose. We suggested that the "something" was the independence thesis with its stark

separation of emotion and reason. Having pointed out some ways in which an appeal to emotion might be appropriate in a moral argument, we must now explain how such an appeal *could* show that "mindless beings" have moral rights. Since my purpose here is only to explain how such a showing is possible, not to provide a decisive argument for the moral status of any particular mindless being, I shall simply examine critically one argument *against* such moral status and show how we might get the opposite conclusion by appeal to a certain rational emotion. Because Feinberg's argument against granting moral status to the permanently comatose is among the most lucid and influential of such arguments, let us make that the object of our examination.

Feinberg recognizes that the claim that a "human vegetable" has no more right to life than a weed rests not only on what he calls "the interest principle", that is, the principle that "the sorts of things who can have rights are precisely those who have (or can have) interests,"<sup>12</sup> but also on what we might call "the wants principle", that is, that the sorts of things that have (or can have) interests are precisely the sorts of things that can have wants (or beliefs).<sup>13</sup> Once we accept those two principles, Feinberg's argument is irresistible. Because we have no grounds for attributing even rudimentary wants to a human vegetable, we must, according to the wants principle, conclude that a human vegetable can have no interests. And so, according to the interest principle, we must conclude as well that the human vegetable can have no rights.<sup>14</sup> The argument would be exactly the same if we substituted "weed" for "human vegetable".

Feinberg believes that both the interest principle and the wants principle are conceptual truths. It is not hard to see what might make him think so. We cannot, it seems, imagine what could be meant by "rights" in a world where no one had any interests or what "interests" could mean in a world where no one wanted anything. Still, as they stand, neither principle is a conceptual truth.

We can, I think, distinguish two senses in which a being can be said to have an interest, what we may call "the active sense" and "the passive sense". I have an *active* interest in something if I have that interest because I am *taking* an interest in that something. It is in this sense of interest that we talk about a philosopher having a research interest in Plato, a speculator benefiting from his interest in copper mining, or an addict's renewed interest in becoming a pusher. In this sense of "interest", interest is necessarily connected with the *interest-taker's* wants (occurrent or dispositional). Only insofar as a being is capable of wanting something is it possible for him to take an interest in anything. So, if this were the only sense of interest, the wants principle would be a conceptual truth (and the interest principle would not be ambiguous).

But, there is also the "passive" sense of interest, a sense which does not require a being to do anything in order to have an interest. I need not, for example, take an interest in my health to have an interest in being healthy. I can intelligibly be said to have that interest, whatever my beliefs or wants, just because it is possible to conceive my good as including health (occurrent or dispositional). Insofar as my good does in fact include health, I have a passive interest in health. In this sense of interest, all that is necessary for us to be able properly to say that a being has an interest in something is for us to be able to

conceive that something as good for *it*. It is in this sense of "interest" that we must talk about (most of) the interests of young children, animals, and other sentient beings who cannot plan beyond the moment and who therefore have only a very limited conception of their own good.

So, the interest principle can be interpreted as a claim either about active interests alone or about passive interests as well active.<sup>14</sup> As a claim about active interests, it says that only what takes (or, at least, can take) an interest in something can have rights. As a conceptual claim, that is plainly false. Whatever our views concerning the rights of human vegetables or fetuses, we have no trouble with the concept of infants having rights before they are capable of taking an interest in anything, of the senile still having rights after they have lost interest in everything (so long as they have not lapsed into a permanent coma), and so on. Limited to active interests, the interest principle seems to be false even as a claim about which beings are in fact accorded rights. So, if the interest principle is to be at all plausible, we must interpret it as concerned with passive as well as active interests.

As a claim including passive interests, the interest principle does seem to be a conceptual truth. We have trouble making sense of the idea of something having a right where we cannot identify some interest (active or passive) of its that the right serves. If, for example, a human vegetable has a passive interest in being kept alive, then of course it would have a right (though perhaps not an indefeasible right) to be kept alive. But if it had no interest in being kept alive--if, in other words, being kept alive were not good for it--on what could we found *that* right?

The question of moral status for "mindless beings" thus becomes whether we can sensibly talk of the (passive) interests of a being that does not (and cannot) have any wants. Given that (passive) interests are possible for a being only if we can identify something as good for it, the question becomes what exactly is the connection between having a good of one's own and having wants of one's own? The answer the wants thesis suggests is that wants are at least a precondition of having a good of one's own. Thus Feinberg is unwilling to grant rights to plants because he cannot understand how a plant can literally benefit from what we do. He does, of course, recognize that, for example, we say that we are pruning a rosebush for its own good (that is, to protect it from disease or otherwise help it to prosper). But he considers such talk a mere disguise for talk about what pleases us. We cannot (he believes) in fact understand talk of the good of the rosebush except as a disguised way of talking about what we want. Talk of the good of plants is, for Feinberg, what Kant called "an amphiboly of the concepts of the understanding", that is, an extension by analogy of our concepts to a range of phenomena to which they apply only in a sense too weakened to carry an argument.

What is curious about this way of analyzing the good of a plant is (as Feinberg recognizes) how inconsistent it is with ordinary experience. For example, we say we prune the rosebush for *its* good, but we would never say that we were tearing it up by the roots for *its* good. We have a relatively clear conception of the difference between our good and the rosebush's. Our conception of its good does not seem to be defined in terms of our pleasure. Indeed, our talk of the health of the rosebush is

so far from looking like disguised talk about what pleases us that we seem to take pleasure in a healthy rosebush not because whatever gives us pleasure in health but because we like seeing things we like prosper. And so, though we do not, of course, like healthy weeds, we can still distinguish between what is good for the weed and what is good for us. Feinberg seems to have got the relation between the interests of the rosebush and our wants backward.

But, it might be objected, all that may be as you say. It is nevertheless easily explained in a way that will leave Feinberg's point unchallenged. When we talk about the good of a plant or the like, we are simply anthropomorphizing. We are reading our feelings into the plant, mistaking our emotional response to the plant for something about it. It is merely how we happen to feel about it. Thus, our feelings may change over time, even if the plant does not. We may go from feeling that the rosebush benefits from pruning to feeling that it is hurt by pruning. Once classical gardeners, we may become romantic ones, without the rosebush changing at all. If the good of a plant is so subject to change in us, how (the objection concludes) can we take seriously talk about the plant's good?

This takes us to the central problem. Why should we describe what is going on here as "simply anthropomorphizing", "merely how we feel about it", and so on? Plant health is not the only health our conception of which changes over time. People used to think being heavy was healthy. Now it is thought to be dangerous. Doctors used to recommend early removal of tonsils. Now they recommend leaving them in as long as possible. And so on. When it comes to human health, whether of rational adults or of persons too young (or too infirm) to take any interest in their own health, we do not conclude from such changes in fashion that health is a mere illusion, not a fact upon which it is rational to act. We suppose instead that we have advanced in our understanding of what health is. Why then not do the same when we think about the health of plants?

The answer to that question seems to be that behind the wants principle is the thesis that no morally important distinction should depend upon an emotion (or feeling), that the categories of morality are categories of reason and reason is opposed to feeling. Behind rejection to "anthropomorphizing" the plant's good is, it seems, the independence thesis itself. If so, we can dispose of Feinberg's argument in a few words.

Feinberg himself recognizes what appears to be virtually a universal feeling that certain states of plants are good for them and others not. That feeling may in fact arise from plants being similar enough to us that we can read certain interests into them, that is, those interests analogous to our own. Such a feeling of similarity, a kind of sympathy, is enough to permit us to talk, quite literally, about the passive interests of plants. There need be no "amphiboly". Our sympathy could be quite rational, in the associative sense, and so, quite capable of carrying an argument (if the ultimate test of an argument is its ability to win the agreement of all rational persons).

But, is our sympathy rational here, even in the associative sense? That, I am afraid, is a topic for another paper. All I have undertaken to do here is to establish the possibility and see what follows. And I have,

I think, done that. Yet, it would be easy enough to sketch the argument and such a sketch might be useful for understanding what I have already argued. So, I shall briefly sketch the argument. It has three steps.

First, we must determine whether sympathy is the sort of entity to which it would be appropriate to apply the term "rational". Our sympathies can, it seems, be rational or irrational, depending on whether they are founded on reason. So, sympathy satisfies the first condition for being rational in the associative sense.

Second, we must determine whether the sympathy in question, our sympathy for plants, is allowed by reason. That sympathy certainly does not appear to be against reason. We are not likely to be worse off for thinking of plants as having a good of their own. Thinking of plants in that way does not seem to make us inconsistent or otherwise self-defeating. So, our sympathy for plants seems to satisfy as well the second condition for being rational in the associative sense.

That brings us to the third step. We must determine whether the emotion in question is characteristic of rational beings as we know them. If sympathy for plants is as widespread as even Feinberg seems to think it is, then it also satisfies the third condition for being rational. Our sympathy for plants, including our feeling that they have a good of their own, thus seems to be rational.<sup>16</sup>

What is true of plants must, of course, be at least as true of "human vegetables". So, the interest principle would not bar recognizing rights in either plants or human vegetables as a means of protecting *their* interests. Since such beings can have a good of their own, they can have rights in their own right too. Whether their interests are in fact important enough actually to deserve that much protection is another matter.

## VI. CONCLUDING REMARKS

But (it might be objected), that is too quick. Is there not a fundamental difference between the interests of sentient beings and the "interests" of nonsentient ones? Is not all this talk about the "interests" of plants or the permanently comatose a mere play on the word "interest"?

This objection has, I think, already been answered. It is not I who have played on an ambiguity in the word "interest" but those who are willing to apply that word both to agents with some conception of their own good and to beings who (though they may feel pain, experience pleasure, and so on) have no such conception. For hedonistic utilitarians, of course, the ambiguity is not important, since they conceive everyone's good to be the same, that is, the maximum of pleasure with the minimum of pain. But, for all those who understand the good of rational agents to be at least in part what they conceive it to be, the distinction between active and passive interests must be important. It must be important because even most sentient beings are not capable of taking an active interest (occurrent or dispositional) in much beyond the moment. That is as true of infants as of the severely retarded or senile. Insofar as we conceive any of them as having interests beyond

what they take an interest in, and we certainly suppose them to have such interests (for example, in long-term care or good health), we must understand their interests to be "passive".

I don't think the concept of passive interest is in dispute. The problem then is to provide a principled way to apply that concept. Feinberg's wants principle was one. I have provided an alternative principle, sympathy, which at least has the advantage of fitting many intuitions the wants principle did not (not surprisingly, since the intuitions in question were themselves apparently expressions of that emotion). I have explained why I believe that emotion not to be against reason. I think it now up to critics to show either that my alternative principle is against reason or that it is inconsistent with important intuitions. It is not enough simply to say that the argument cannot be right because nonsentient beings differ too much from sentient beings for them both to have interests in the same sense. Hedonistic utilitarians alone seem to have said much more and, as commonly noted, they have not made their theory more appealing by what they have had to say.

#### ENDNOTES

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<sup>1</sup> Michael Tooley, "Abortion and Infanticide", *Philosophy and Public Affairs* 2 (Fall 1972), 37-65. Reprinted in *The Rights and Wrongs of Abortion*, ed. Marshall Cohen et al. (Princeton, New Jersey: Princeton University Press, 1974). Quotation is from Cohen, 69.

<sup>2</sup> Mary Anne Warren, "On the Moral and Legal Status of the Fetus", *The Monist* 57 (January 1973), 43-61. Reprinted in *Today's Moral Problems*, 2nd. ed. Richard Wasserstrom (New York, Macmillan, 1979). Quotation is from Wasserstrom, 47.

<sup>3</sup> Lawrence C. Becker, "Human Beings: The Boundaries of the Concept", *Philosophy and Public Affairs* 4 (Summer 1975), 348-349.

<sup>4</sup> Immanuel Kant, *The Doctrine of Virtue*, trans. Mary J. Gregor (Philadelphia: University of Pennsylvania Press, 1964), 108-09.

<sup>5</sup> Jane English, "Abortion and the Concept of a Person", *Canadian Journal of Philosophy* 5 (October 1975), 241.

<sup>6</sup> Robert Nozick makes much the same point in *Anarchy, State, and Utopia* (New York, Basic Books, 1974), 36.

<sup>7</sup> Jeremy Bentham, *The Principles of Morals and Legislation* (New York, Hafner, 1948), 311 note.

<sup>8</sup> Compare Bentham's criticism of "the principle of sympathy and antipathy", *Principles*, 13-21.

<sup>9</sup> Joel Feinberg, "The Rights of Animals and Unborn Generations", in *Philosophy and Environmental Crisis*, ed. William T. Blackstone (Athens,

Georgia: University of Georgia Press, 1974), 43-68. Reprinted in Wasserstrom, 581-601. Wasserstrom, 586, 592, 589, 595.

<sup>10</sup> See, for example, Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1979), especially 118, 131, and 138-39. I shall hereafter limit my observations to "ordinary utilitarians" because utilitarianism is too fertile an approach to be summed under any one category. For an example of a utilitarian who might accept the argument of this paper, see Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979).

<sup>11</sup> None, that is, in any discussion of the moral status of mindless beings or the like. Of course, general arguments for externalism are common enough, but only as part of the "externalist-internalist debate".

<sup>12</sup> Wasserstrom, 586.

<sup>13</sup> Wasserstrom, 588.

<sup>14</sup> Wasserstrom, 595.

<sup>15</sup> The distinction between active and passive interests (though not the terms) and the resulting criticism of Feinberg were, I think, first made by Tom Regan in "McCloskey and Why Animals Cannot Have Rights", *Philosophical Quarterly* 26 (1976), 252-57 and "Feinberg on What Sorts of Beings Can Have Rights", *Southern Journal of Philosophy* 16 (1976), 485-96. I should be thought of here as providing an underpinning for his criticism.

<sup>16</sup> Compare Stephen L. Darwall, *Impartial Reason* (Ithaca: Cornell University Press, 1983), 162: "Our capacity for sympathy, both with others and with ourselves, underwrites our conviction that the flourishing of any creature with whom we are capable of sympathy has a value and importance that gives any of us an objective reason to promote it." The text gives no indication whether Darwall has thought to extend this general internalist claim to mindless beings of the sort we have been concerned with here.