

Chapter I

The Moral Status of Information and Information Technologies: A Relational Theory of Moral Status

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ABSTRACT

The purpose of this chapter is to explore whether information and information technology in certain cases ought to be valued as ends in themselves rather than as mere means to other ends. I will address this problem by proposing a theory of moral status: a theory of who or what has moral status in the sense that we, as moral agents, have an obligation to take their well-being into consideration when making ethical judgments. The proposed relational theory of moral status draws on insights from both classical Western and East Asian philosophy in order to question the exclusion of all nonliving entities in most theories of moral status. The relational properties constitutivity and irreplaceability are singled out as ethically relevant and are suggested as one possible way to ground the moral status of information and information technologies.

INTRODUCTION

In its *Charter on the Preservation of the Digital Heritage*, the United Nations Educational, Scientific and Cultural Organization (UNESCO) states that a vast amount of information “is at risk of being lost. Many of these resources have *lasting value* and significance, and *therefore ... should be protected and preserved* for current and future generations” (UNESCO, 2003, pp. 67-68, emphasis added). UNESCO further states

that the seriousness of this threat has not been grasped fully and stresses the important role of information technologies (IT) in preserving this information.

The purpose of this chapter is to explore one possible theoretical grounding for the claims made by UNESCO. In what sense does information have lasting value, what kind of value can it be, why should we protect and preserve it, and what is the role of IT? I will address these problems by proposing a theory of moral status: a theory

of who or what has moral status in the sense that we, as moral agents, have an obligation to take their well-being into consideration when making ethical judgments. I have termed this general, stand-alone theory *the relational theory of moral status*. It consists of an intrinsic and relational component, ascribing moral status in virtue of intrinsic and relational properties, respectively. The intrinsic component is based on traditional Western accounts of moral status, whereas the relational component is based on insights borrowed from classical East Asian philosophy. By proposing this theory, I wish to question the exclusion of all nonliving entities in most theories of moral status and explore whether it is at all possible to extend the notion so as to include information and information technologies.

The argument proceeds in several steps, gradually extending the range of entities whose well-being we have an obligation to take into consideration. Due to constraints on space, I will limit myself to opening up the possibility of ascribing moral status to nonliving entities in very special circumstances. I also will outline in what sense this can be a step toward identifying in what sense information has lasting value. In line with UNESCO's claim, it is important to emphasize the importance of preventing irreversible loss of our informational heritage, which often follows when information is ascribed value only in virtue of its perceived utility. The goal is a more sustainable development of the infosphere.¹

THE MORAL STATUS DEBATE

The debate on who or what has moral status has been prominent in animal and environmental ethics in the last couple of decades, and the notion is central to the controversies surrounding abortion and stem cell research. The notion *moral status* signifies whether or not we have an obligation to take an entity's well-being into consideration when making ethical judgments. In order not to

beg the question, well-being initially should be defined in a broad sense. The broad definition of well-being is analogous to *soundness*, which can describe the condition of both living and nonliving-entities. A sound entity is free from disease, damage, and decay; it is unimpaired, uninjured, and in good condition.² We should at least start out with this broad definition and then make it more restrictive once we know what entities to include among the class of entities whose well-being should be taken into consideration.

Some entities have moral status in virtue of certain properties that are deemed ethically relevant. This is based upon the Principle of Formal Equality, which is a guideline for consistent thinking when it comes to practical matters. The principle can be formulated as follows: entities that are relevantly similar should be treated in a similar manner; a differential treatment requires an ethically relevant difference (Wetlesen, 1999). Thus, the crucial questions in the moral status debate become as follows:

1. What properties are ethically relevant in the sense that a differential treatment of x and y can be justified on the basis that x has property F , whereas y does not (or at least not to a sufficient degree)?
2. What entities are in possession of these properties?

Mary Anne Warren (1997) has introduced a helpful distinction between uni-criterial and multi-criterial theories of moral status. Unicriterial theories single out one property; for instance, rationality (Kant, 1996), sentience (Singer, 1990), or self-consciousness (Regan, 1983), and claim that all entities that satisfy that criterion should be treated equally. Multi-criterial theories (Warren, 1997; Wetlesen, 1999) utilize a number of criteria, resulting in theories in which some entities have higher moral status than others.

Among the most prominent theories in Western accounts of moral status, we find the theories of

Immanuel Kant, Tom Regan, and Peter Singer. Kant famously held that only moral persons have moral status; moral persons are the only entities toward whom we have direct moral duties. For Kant, the capabilities of free will, reason, and linguistic competence are necessary and sufficient criteria for being a moral person (Wetlesen, 1999). It is important to emphasize that a moral person in this context does not signify a person who is morally good but rather a person who is worthy of moral respect due to the fact that he or she is capable of moral agency. In practice, only humans are regarded as moral persons, but other entities are not excluded by definition. Tom Regan, although a deontologist of a Kantian bent, criticizes what he sees as Kant's anthropocentrism and singles out the ability to see oneself as a subject-of-a-life as sufficient for having moral status. *Subject-of-a-life* can be described roughly as being self-conscious and having the ability to see oneself as a temporal agent with future plans and goals. Being a subject-of-a-life also includes having experiences and beliefs from which future plans and goals are derived. Peter Singer, a utilitarian, mirrors Bentham's original utilitarian concept of measuring morality in terms of pain and pleasure, and singles out the ability to be sentient (capable of feeling pain and pleasure) as sufficient for having moral status.

Based in part on these efforts, Jon Wetlesen proposes a theory that combines the ethically relevant properties of Kant, Regan, and Singer. His biocentric, gradual theory of moral status also extends moral status even further, and *conation* (i.e., a striving to maintain one's existence or will to live) is seen by Wetlesen as sufficient for having moral status. In Wetlesen's theory, however, this is only the minimal criterion for having moral status, and moral status comes in degrees. With decreasing levels of moral status:

1. Moral persons (for convenience, I will sometimes refer to these as persons; in practice, they include humans only)

2. Merely self-conscious beings (e.g., dogs)
3. Merely sentient beings (e.g., fish)
4. Merely striving entities (e.g., microorganisms)³

THE INTRINSIC COMPONENT

The intrinsic component of the relational theory of moral status is based on Wetlesen's gradual theory of moral status. The underlying premise of Wetlesen's theory is that persons have moral status and that moral status is ascribed on the basis of an entity's relevant similarities with persons.⁴ This seems to follow from the principle of formal equality already mentioned, but requires an analysis of what it means to be a person and what it means for something to be relevantly similar. Wetlesen answers these questions in terms of Christine Korsgaard's notion of practical identity, and I follow his lead.

In *The Sources of Normativity*, Korsgaard gives an insightful analysis of what she terms *practical identity*. According to Korsgaard (1996), one's practical identity is best understood as "a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking" (p. 101). The ethically relevant properties that constitute my practical identity are properties that I endorse and recognize as valuable in myself and, if I am to act consistently, properties that I ought to value in others. It seems evident that the properties that make me a person in a Kantian sense constitute an important part of my practical identity. Hence, free will, reason, and linguistic competence are ethically relevant properties. But, as Wetlesen (1999) points out, these properties alone leave us with a "fragmented and inadequate conception of ourselves" (p. 311). Having a practical identity without the ability to make plans on the basis of one's experiences makes little sense. Consequently, Regan's subject-of-a-life is an integral part of our practical identities and an additional ethically

relevant property. Furthermore, it seems arbitrary to exclude our sensations of pleasure and pain, since the experience of pleasure is an important part of what makes life worth living. Wetlesen also adds the criterion *conation* (i.e., an entity's striving to maintain its own existence) as an integral part of our practical identity and ethically relevant property. Conceiving one's life as worth living almost by definition includes our having a conscious experience of striving or will to live. Thus, at the very least, the properties singled out so far are arguably integral parts of my practical identity. They are all fundamental properties that I value in myself by an act of reflective endorsement.⁵ Violating these properties is a violation of my core identity and my very reasons for living and, consequently, places an obligation on both myself and others to not impede upon these properties. Furthermore, if I am to act consistently I ought to value these properties in you, and recognize that it would be morally wrong for me to impede upon them. According to this line of reasoning, it is morally wrong to hinder someone from actualizing their reason and linguistic competence—and to obstruct their free will.⁶ It is morally wrong to hinder their ability to make plans for their lives (being a subject-of-a-life), and it is morally wrong to willingly inflict pain upon them. Evidently, it is also morally wrong to impede upon their will to live. If we are to act consistently, we should respect those properties in others—not only those that satisfy all of them but also any entities that satisfy one or more of these criteria. Therefore, according to Wetlesen, we should not impede upon a dog's self-consciousness, a fish's sentience, or a microorganism's will to live.

A couple of further points must be addressed in order to establish the intrinsic component: (1) Is there an ethically relevant difference between humans and highly evolved nonhuman animals? and (2) Is there an ethically relevant difference between biological life and other highly complex entities?

First, the ascription of higher moral status to persons (in practice, human beings) than certain highly evolved nonhumans is vulnerable to what is often called the *argument from marginal cases*. This argument is utilized by both Regan and Singer in order to criticize what they see as Kant's anthropocentrism. Many so-called marginal cases of humans lack free will, reason, or linguistic competence. At the same time, it is plausible that many nonhuman animals—at least to a higher degree than marginal humans—possess some degree of free will, reason, and possibly even linguistic competence. According to the principle of formal equality, differential treatment requires an ethically relevant difference.

Thus, if we are to act consistently, we should either (1) exclude marginal humans—among them the severely retarded and newborn—from having the same moral status as “normal,” adult humans or (2) include animals that are relevantly similar to marginal humans among the ones with moral status. Since most would find the former absurd, the conclusion becomes that we cannot make a sharp distinction between humans and animals that are equivalent to marginal humans.

In reply to this objection, Wetlesen defends his differentiation between persons and other animals by differentiating between abilities and capabilities (Wetlesen, 1999). Most humans, including the marginal cases, have the capability for free will, reason, and linguistic competence. Although some never actualize these capabilities into operative abilities, the mere capability is what sets humans apart from other animals. The capability is sufficient for being a moral person, whereas having the operative ability makes you a moral agent. I agree with Wetlesen that when it comes to moral status, we should not differentiate between moral persons and moral agents. The latter have additional moral duties and responsibilities, but not a higher moral status. At the same time, there is an ethically relevant difference between those who have the capabilities in question (e.g., an infant or a comatose person) and those who

do not (e.g., a chimpanzee). The latter will never become moral agents, whereas the former might actualize their capabilities into operative abilities, and it is therefore morally wrong to harm them in ways that will hinder this actualization. The human exceptions are those who are so severely retarded or injured that they have no chance of regaining their free will, reason, or linguistic competence; not only the abilities but also the capabilities are lost. Consequently, they have no moral status whatsoever. This poses a problem for Wetlesen and many other accounts of moral status, which is one of my reasons for adding the following relational component.

Second, the ascription of moral status to all living entities and none whatsoever to nonliving entities runs into a similar problem with marginal cases. Wetlesen argues that the conation found in all life is an ethically relevant property due to its similarity with the conscious experience of a will to live, which is central to our practical identities. This seems to be an unnecessary and inconsistent favoring of biological life. In order to encompass all living entities, conation must be defined very broadly, and a broad concept of conation does not seem to follow from a Korsgaardian notion of practical identity.⁷ My conscious experience of being a striving individual with a will to live, which rightly belongs to my practical identity, is qualitatively different from that of a microorganism. I agree with Wetlesen that any integral part of my practical identity should be respected in others, but this requires that the property is relevantly similar. It is possible to describe an amoeba or a light switch, for that matter, as having a painlike reaction, but there is, of course, nothing “to be like” that amoeba or light switch. Consequently, that “pain” is not relevantly similar to the experience of pain felt by a sentient being. I believe the same holds for Wetlesen’s comparison of the conation found in nonsentient beings with the conscious will to live found in the practical identity of a person. They can be described in a similar manner, but the unconscious reflexes of an

amoeba or the growth of a plant is not relevantly similar to our conscious experience of a will to live. If we define conation in a broad way, as non-conscious striving, then this property also can be satisfied by a number of nonliving entities (e.g., advanced robots). In short, conation considered as an unconscious striving is not relevantly similar to our conscious experience of a will to live, nor is it a property unique to living entities.

Based on these considerations, the intrinsic component of the relational theory of moral status follows Wetlesen’s theory of moral status with the exception of conation. To summarize, moral status (or what I later will refer to as the subclass moral standing) comes in three degrees:

1. **Moral Persons:** (Satisfying the capability for free will, reason, and linguistic competence) enjoy full and equal moral status; no moral person has a higher moral status than other moral persons do.
2. **Merely Self-Conscious Beings:** (With future plans and goals based on beliefs and experiences and with the ability to see themselves as temporal agents) have moral status but less than moral persons.
3. **Merely Sentient Beings:** (With the ability to experience pain and pleasure) have moral status as well, although less than self-conscious beings and considerably less than moral persons.⁸

Although Wetlesen and the intrinsic component of my theory abandon the traditional unicriterial approaches to moral status, they rest upon what is known as intrinsic properties only. There are multiple definitions of what an intrinsic property is, but often it is defined as a property that it is possible for an entity to possess, even if it were in isolation. Being sentient is an intrinsic property because it is logically conceivable that an entity can be sentient even if it were the only thing in existence. Being married, on the other hand, is an extrinsic, or relational, property, since

it is logically inconceivable that an entity can be married if it were the only thing in existence. The reason that intrinsic properties, explicitly or not, often form the basis of moral status is that intrinsic properties are the only properties that can give rise to intrinsic value; that is, value in itself. In order for moral status to be objective and independent from outside valuers, the properties upon which this is based must persist, even if there were no valuers around. G. E. Moore (1971), to whom I will return next, stated, “This is, in fact, the only method that can be safely used, when we wish to discover what degree of value a thing has *in itself*” (p. 91, emphasis added). This commitment to objectivity and noncontingency, which is apparent in most theories of moral status, seems to be a reflection of the two-world metaphysical order inherited out of classical Greece, which has given Western philosophy its tradition for seeking objectivity and universality (Ames, 2000).

MORAL STATUS IN LIGHT OF WESTERN AND CLASSICAL EAST ASIAN PHILOSOPHY

Most ethical theories come with metaphysical commitments, and theories of moral status are no exception. In Western philosophy, since the ancient Greek philosophers, the distinction between reality and appearance has been a central topic of discussion. This is reflected in the fundamental questions in Western philosophy, such as “What is the Being behind beings?” and “How do we attain knowledge about the world itself, not merely its appearance?” This two-world metaphysics is the very basis for separating objectivity and subjectivity, and has had a profound impact on Western philosophy ever since. Wittgenstein (1958) characterized Western philosophy as having “a contempt for the particular case” (p. 18). The same focus on objectivity is also dominant in Western accounts of moral status. The exclusive focus on intrinsic, objective, and noncontingent

properties became even more evident after the notorious early 20th-century dispute between G. E. Moore and F. H. Bradley over internal and external relations.⁹ In short, Bradley argued that all relations are internal in the sense that the essence of an object is contingent and influenced by all the relations in which it stands. Moore’s (1993) reply is complex, but in short, he argues that Bradley’s dogma of internal relations implies that any entity “which does in fact have a particular relational property, could not have existed without having that property. And in saying this it obviously flies in the face of common sense” (p. 88). Moore, who is generally regarded as one of the founders of analytic philosophy and who has made a major impact on Western ethics, reinforced the objective/subjective distinction, now in terms of intrinsic/extrinsic. In addition to the preference for the objective and universal, a related notion of our consciousness as distinct from the physical world also has been dominant in classical Western philosophy. This is especially evident in Plato’s notion of kinship between the soul and the world of ideas, and the Cartesian separation between *Res Extensa* and *Res Cogitans*.

In classical East Asian philosophy, however, the starting point is not the search for Being behind beings or the ultimate objective reality of the world, nor is the mind typically construed as distinct from the physical world. Instead, the point of departure is the assumption that there is only this one continuous concrete world. Rather than asking what lies behind the world as it appears, classical East Asian philosophy asks how the different objects in this continuous world are related, seen from our own specific place in the world (Ames, 2000).¹⁰ Entities do not have essences in an Aristotelian sense, but differing relations at different times define their very nature—much in line with Bradley’s notion of internal relations. The difference between classical East Asian and Western philosophy also is reflected in their respective languages. “Essentialism is virtually built into ... all Indo-European languages” (Ames &

Rosemont, 1998, pp. 21-22). In Western languages and philosophy, the world typically consists of discrete substances and essences, and objects are only extrinsically related, “so that when the relationship between them is dissolved, the [previously related entities] are remaindered intact” (Ames & Rosemont, 1998, p. 24). In classical Chinese language and philosophy, however, a “dissolution of relationships is surgical, diminishing both parties in the degree that this particular relationship is important to them” (Ames & Rosemont, 1998), p. 24). From this perspective, certain relations between myself and other living or nonliving entities are constitutive of my identity, and consequently, this relation places restrictions on how one ought to treat the related object.

Most Western accounts of moral status inherit the metaphysical preference for objective and noncontingent criteria. Likewise, the intrinsic component ascribes moral status based on intrinsic properties alone. Are there good reasons for grounding moral status solely on intrinsic properties? The main reason is that intrinsic properties supposedly give an entity objective, independent, and noncontingent value in itself. We thereby avoid the relativist threat. If we insist that moral status must be objective and observer-independent, then intrinsic properties are clearly the only viable criteria for ascribing moral status. My claim in outlining the following relational component is that moral status does not have to be objective and observer-independent. On the contrary, a number of undesirable consequences follow from relying on intrinsic properties alone and the conflation of nonintrinsic and instrumental value. The same holds for the way in which Western accounts of moral status usually treat our conscious faculties as separate from the body and the rest of the world. The relational component is inspired by the Chinese way of viewing entities in the world as centers of mutually constitutive relationships and our identities as extended into the world. Although this approach faces some serious problems of its own, the purpose is to challenge the Western

preferences mentioned previously and explore in what way it can make sense to ascribe moral status to certain nonliving entities.

THE RELATIONAL COMPONENT

Recall Wetlesen’s inclusion of the severely retarded and newborn among moral persons based on their possession of the capability of moral agency. This is all fine, but consider the following example. Imagine a comatose father with no possibility of regaining free will, reason, or linguistic competence—nor self-consciousness, sentience, or a conscious will to live. According to Wetlesen, the intrinsic component, and most other accounts of moral status, this comatose father has no moral status; if the capability is gone, then the moral status is gone. Wetlesen (1999) would reply that we should give the comatose father the benefit of the doubt but admits that this is a somewhat ad hoc assumption (p. 302). In any case, if there were no doubt, there would be no moral status. The comatose father would have, at best, instrumental value. The same holds for stillborn children or children born without a functioning brain. Does it make sense to speak of these entities as having no moral status whatsoever? Can I do whatever I please with the stillborn child? One might be tempted to answer these questions instrumentally by saying “yes, as long as nobody knows,” but at the same time, I believe our moral intuition tells us something more fundamental. If Achilles had dragged the corpse of Hector around without anyone knowing, would that have made it permissible? If I am not mistaken, our moral intuition tells us something more fundamental. There is something morally wrong with treating certain dead entities in this manner, despite the fact that there were no ethically relevant intrinsic properties in the corpse of Hector. As long as we are limited to intrinsic or instrumental value, then a comatose father, a stillborn child, and the corpse of Hector has, at best, instrumental value; they

deserve no value as an end and only have value insofar as they serve some other end.¹¹

Intrinsic, Relational, and Instrumental Value

One common feature of most theories of moral status, explicitly or not, is that having intrinsic value—value in itself—is necessary for having moral status. The two terms often are equated, since they both are contrasted with mere instrumental value. Furthermore, value in itself is often conflated with value as an end, which both are contrasted with instrumental value. In “Two Distinctions in Goodness” Korsgaard (1983) attempts to clarify these concepts and distinguishes between the following:

1. **Final and Instrumental Value:** Entities with final value are valued as an end for their own sake, whereas entities with instrumental value are valued as means to something else.
2. **Intrinsic and Extrinsic Value:** Entities with intrinsic value have value in themselves; the source of their value is their own existence. Entities with extrinsic value, on the other hand, have their value derived from some other source.

Intrinsic value entails final value, but not the other way around. More importantly, instrumental value entails extrinsic value, but not the other way around. If the value of an entity is derived from some other source (extrinsic value), this entails that it cannot have value in itself (intrinsic value), but not necessarily that it has no value as an end (final value). The conflation between extrinsic and instrumental value is dangerous, because entities that do not meet the criteria of intrinsic goodness then become mere instruments. This includes, for instance, the original *Mona Lisa* and the corpse of a loved one. By stressing the third category—extrinsic final value—we can avoid

the counterintuitive implications of operating with only two categories. The *Mona Lisa* and the corpse of a loved one do not have intrinsic value, but do they have final value—do they have value as ends? Let us refer to this nonintrinsic, final value as *relational value*. If an entity has relational value, this means that it has value as an end but that this value is derived from some other source; hence, it is contingent, nonobjective, and dependent upon an external valuer.

Interestingly, Wetlesen seems to be open to the idea of a third category between intrinsic and instrumental value.¹² According to Wetlesen (1999), an object can have final value “in so far as someone has an interest in it for its own sake. [This is] a relational term, relative to the interests ... of some subject” (p. 291). Nevertheless, Wetlesen states that having final value in virtue of mere relational properties does not add up to moral status. Wetlesen agrees that certain objects can have final value by virtue of their relational properties but still reserves moral status for intrinsic final value. Presumably, the reason is that final value based on mere relational properties is derived from some other source; hence, the value is not objective and noncontingent, and our duties are not direct. Thereby, they are excluded from having moral status according to his definition. This is a clear indication of the Western preoccupation with objective and intrinsic properties. If we are operating only with intrinsic and instrumental value in which only the former has moral status, a comparison between the respective ranges of valued objects within those categories becomes somewhat counterintuitive. For instance, Wetlesen (and Singer) extend moral status in order to include all sentient beings, which yields that a fish (given that fish are capable of experiencing pain) has moral status, whereas the original *Mona Lisa* has none. Add to this the fact that the original *Mona Lisa* in reality is valued far beyond most animals (i.e., we have a stronger obligation to preserve the well-being of the *Mona Lisa* than a merely sentient being). Consequently, it seems

strange to preserve moral status for intrinsically valued entities only.

Granted, the original *Mona Lisa* does not have intrinsic value, but at the same time, its value seems to be vastly higher than the intrinsic value of a fish, let alone, in Wetlesen's case, a microorganism. Since many entities are, and ought to be, valued far beyond merely sentient beings and not only in terms of utility, the notion of moral status loses its significance if, despite this fact, it includes only intrinsically valued entities. This raises the need for operating with relational value in addition to intrinsic and instrumental value and to extend moral status so as to include this category. The well being of a human being, a dog, and the *Mona Lisa* should be taken into consideration when making ethical judgments, because they have value as ends, regardless of whether the source of this value is intrinsic or relational. We do not need to investigate any further consequences of destroying a human being, a dog, or the original *Mona Lisa* in order to say that it is morally wrong; their well being matters in itself.

The Anthropocentric Objection

A common objection to the previous line of reasoning is that intrinsic value is radically different from what I have called relational value. Only the former entities have value independently of someone actually valuing them. In order to have genuine value as an end, an entity must have value as an end, even if it were the only thing in existence. By caring for the well being of anything but persons, we are caring, in fact, for the well being of the person(s) to whom this entity is related. If I take the well being of a corpse into consideration, this is just an indirect way of taking the well being of the ones who care for the corpse into consideration. Thus, the corpse serves merely as a means to an end; namely, taking the well being of a person into consideration. Consequently, its value is only instrumental—or so the objection goes.

This objection is forceful, but only if we consider it possible at all to have moral status if there were no conscious valuers around. In an anthropogenic approach, however, “the moral language game has its origin in human culture, not in nonhuman nature. It only makes sense to humans” (Wetlesen, 1999, pp. 296-297). Consequently, nothing has moral status if there are no conscious beings around to ascribe this moral status. Moral status, defined as the class of entities whose well being we have an obligation to take into consideration, only makes sense to someone who actually is able to take the well being of someone into consideration—and capable of letting that consideration guide one's actions. As seen from an anthropogenic standpoint, the very notion of something having moral status independently of human beings makes little sense. Entities with intrinsic value by definition retain their intrinsic value in isolation, but not their moral status. In this view, we should be concerned with value as an end, not value in itself. As long as the starting point is that nothing has moral status independently from human judgment, then the question of moral status is not “What has value in itself, independently from humans?” but rather “What ought we, as humans, to treat as an end in itself?” In terms of well being and moral status, “What has moral status in the sense that we, as moral agents, have an obligation to regard their well being as an end in itself, not merely as a means to another end?”

Based on these considerations, we can distinguish between three kinds of values: intrinsic, relational, and instrumental. The task remains, however, to provide reasonably precise criteria for entities that do not have the necessary intrinsic properties yet have a value independent of their utility. If something has value as an end, this means that it is not a mere means to an end and that it has value independent of its utility. For instance, the *Mona Lisa* and the corpse of a loved one are valuable, regardless of their use. These entities seem like clear candidates for having moral status

without having intrinsic value, but what makes them so? What are the criteria for being an ethically significant relation?

Organic Unities and the Irreplaceability Criterion

Perhaps the most important difference between instrumental and relational value is that instrumentally valued entities are replaceable, whereas relationally valued entities are not. Money has mere instrumental value, since the individual tokens are replaceable. Whether I have this or that \$100 bill does not make much of a difference. This is also a clear indication that it has no value as an end, since a similar entity, by appearance, function, or convention, can take its place and receive the same value. This is not the case with the original *Mona Lisa*. It is not possible to replace the original *Mona Lisa* for any other entity and retain its value, not by appearance, function, nor convention. If it is destroyed, it is irreversibly destroyed. The irreplaceability of an entity is important because this in itself requires us to treat it differently from replaceable entities; this in itself can provide sufficient reason for taking its well being into consideration precisely because its destruction never can be rectified.

As we can see, relational value is linked closely to the uniqueness and irreplaceability of an entity, but this is not a sufficient criterion. A grocery list scribbled on the back of an envelope is also unique and irreplaceable in a very weak sense, but that does not mean that it has moral status. If an entity has no value for anyone, its irreplaceability does not make a difference. We need additional criteria for defining when an irreplaceable entity has value as an end. I have previously mentioned Moore's critique of Bradley's notion of internal relations, and at first glance, the Moorean view appears to be the antithesis of the relational theory of moral status put forward in this chapter. Nonetheless, his concept of organic unity comes very close to the relational component presented here.

According to Moore, an entity has intrinsic value if and only if a universe containing only that entity would be good; it would be a better universe than no universe at all. Although this definition requires a further clarification of what a good universe would be, it is at least a good test to find out what does not have intrinsic value. Regardless of whether or not we think the *Mona Lisa* has any value in our actual universe, it is hard to see how the *Mona Lisa* could have any value if it were the only thing in existence. This also signifies the difference between the intrinsic component discussed previously and the relational component. Entities that satisfy the intrinsic criteria singled out in the intrinsic component—rationality, self-consciousness, and sentience—have value in isolation because their well being matters to themselves. The well being of the *Mona Lisa*, on the other hand, does not matter to anyone in isolation. However, Moore's definition of intrinsic value takes on an entirely new meaning when he introduces his notion of organic unity. According to Moore, the intrinsic value of an organic unity (a whole) can be different from the intrinsic value of its parts. For instance, "a whole formed by a good thing and an indifferent thing may have immensely greater value than that good thing itself possesses" (Moore, 1971, p. 28). In other words, an entity with no value in isolation can, by being part of an organic unity, make that unity more valuable. Thus, the existence of that entity brings more goodness into the world, not in isolation, but if considered as part of an organic unity, if it stands in a certain relation to an intrinsically valuable entity. To illustrate this point, Moore uses a beautiful object as an example:

A beautiful object ... is commonly held to have [no intrinsic value] at all. But the consciousness of a beautiful object is certainly a whole of some sort in which we can distinguish as parts the object on one hand and the being conscious on the other. ... We cannot attribute the great superiority

of the consciousness of a beautiful thing over the beautiful thing in itself to the mere addition of the value of consciousness to that of the beautiful thing. (Moore, 1971, p. 28)

The *Mona Lisa* in isolation has no intrinsic value, whereas a conscious being in isolation has intrinsic value. A whole consisting of the *Mona Lisa* and a conscious being in isolation have even higher intrinsic value. In terms of isolation, a universe in which only a conscious being capable of aesthetic appreciation existed would be worse off than a universe in which the organic unity of this being and the *Mona Lisa* existed. Thus, the *Mona Lisa* cannot bring value into the world as long as it exists in isolation, but together with such an intrinsically valuable entity, it can and does.

If we combine the intrinsic component, the anthropogenic presupposition and Moore's notion of organic unity, this yields that an entity with relational value is an entity that is capable of increasing the intrinsic value of an organic unity consisting of itself and a person (i.e., an entity with rationality, self-consciousness, and sentience). The related entity does not thereby attain intrinsic value, but by being a necessary part of a unity that has intrinsic value, it attains value as an end. In contrast with being a mere instrumental part of a unity, the criteria for being part of an organic unity is that "the good in question cannot conceivably exist, unless the part exist also ... [it] is a necessary condition for the existence of that good which is constituted by the whole" (Moore, 1971, p. 29). If an entity is a mere instrumental part of a unity, this means that the good constituted by the unity in question can continue to exist, even if the instrument is annihilated; the instrument can be replaced. In other words, one criterion for having relational value is that the annihilation of such an entity means that the good constituted by the whole also is annihilated; it is an irreplaceable part of an organic unity. Furthermore, in order to have intrinsic value as a whole, the organic unity

must be a unity between the related entity and something that has intrinsic value.

Practical Identities and the Constitutivity Criterion

The intrinsic criteria singled out as integral parts of our practical identities are sufficient for having intrinsic value. But, as Moore pointed out, certain entities can form part of a whole with a higher intrinsic value than the parts. This means that the intrinsic value of a whole consisting of our practical identities and a related entity can have a higher intrinsic value than our practical identities alone. Paraphrasing Korsgaard, if a related entity is constitutive for seeing one's life as worth living and one's actions as worth undertaking, then the organic unity of the person and the related entity have a higher intrinsic value than the person alone—it is an organic unity in the Moorean sense. Furthermore, it is not the consequences of destroying such an entity that makes it morally wrong, but the very fact that it is a part of an organic unity with a person. If no one were aware of Achilles' mistreatment of Hector's corpse, this does not make that action morally good or indifferent. It is even conceivable that Achilles' mistreatment of Hector's corpse overall had positive consequences (e.g., if the pleasure felt by Achilles was the only relevant utilitarian consequence); still, it is morally wrong due to the fact that it formed an organic unity with those who loved him. Whether or not they were, in fact, harmed by Achilles' deeds does not make a difference as to the moral wrongness. In this sense, the relational theory of moral status, in contrast with utilitarianism, does not measure the harming of an entity in terms of mere consequences. It is monotonic in the sense that intentional damage to the well being of entities with moral status may be inevitable due to conflicting obligations but never can be morally good or indifferent due to lack of negative consequences.

The way in which we are related to other entities also can be seen as an extension of our practical identities beyond the inside of our skulls. As Ames and Rosemont (1998) puts it when describing Chinese philosophy, “As the quality and quantity of our relationships proliferate, so, too, are we extended in the world” (p. 24). Moore’s notion of organic unity escapes his somewhat abstract notion that only things in isolation have intrinsic value. Furthermore, the mere logical conceivability of something having value in isolation is too far removed from our actual world of ethical dilemmas, considerations, and complex interdependencies. It also stands in contrast to the knowledge we have about the very source of our practical identities: Although Descartes might have been right in assuming that it is logically conceivable for our minds to exist distinct from our bodies, cognitive science has long since abandoned the Cartesian, self-contained mind. It is empirically inconceivable. Nevertheless, many accounts of moral status hardly consider the relation between mind and body. The brain and our practical identity, if anything, constitute an organic unity. Beyond reasonable doubt, the brain is constitutive of the mind, in a strong sense. All theories of moral status considered in this chapter stress our conscious faculties and not those parts of our bodies that actually give rise to these sensations. For instance, persons have moral status in virtue of their rationality, but there is little mention of the role of the brain in all of this. Does my brain have moral status or mere instrumental value? The brain is not replaceable, and, save religion and superstition, there is little reason to deny that it is constitutive of having a practical identity. Consequently, the brain is not a mere instrument for bringing about our rationality, self-consciousness, and sentience—it is the physical aspect of our practical identities. Thus, harming the well being of a brain is morally wrong as long as it is forming an organic unity with our practical identities. It is irreplaceable and constitutive of our practical identities. Evi-

dently, few entities are constitutive of someone’s identity in the same degree as a brain. I will return to the question whether there are degrees of replaceability and constitutivity and whether or not these are necessary or sufficient criteria. First, however, I will focus on my primary task in this chapter, which is to argue that information and information technology in certain very special circumstances should be ascribed moral status. In certain circumstances, information and information technology can be both constitutive of my practical identity and irreplaceable—far beyond a metaphorical sense.

INFORMATION TECHNOLOGY AS STRONGLY CONSTITUTIVE

In the intrinsic component, I argued, in line with Korsgaard (1996) and Wetlesen (1988), that our practical identity is the source of why we have moral status. If we, for the sake of argument, at least, agree that the brain is a necessary condition for (and a physical aspect of) our practical identities and, consequently, deserves moral status, then the crucial question becomes, as Clark and Chalmers (1988) put it, “Where does the mind stop and the rest of the world begin?” (p. 7). Do we draw the line at the brain?

Consider the following example (Clark & Chalmers, 1988): Otto suffers from Alzheimer’s disease, and he has become dependent upon a notebook in which he writes down everything that he needs to remember. He carries the notebook wherever he goes, and whenever he needs some old information, he looks it up. For Otto, the notebook plays the same role as our biological memories. The information technology (notebook) plays the same role as our brain’s storage of information, and the information (entries in the notebook) plays the same role as information stored in the brain.

At first glance, there might appear to be a number of radical differences between the notebook

and the brain, but on closer inspection, none of them is really that radical. Our biological memories also can be unavailable in some circumstances, can be permanently lost, and others can insert false information. Furthermore, to say that Otto's memory disappears when he is not consulting his notebook would be equivalent to saying that our biological memories disappear when we are not conscious of them. There is nothing sacred about information that happens to be stored on the inside of our skin. The causal role played by Otto's notebook mirrors the causal role of our biological memories in every important respect. Clark and Chalmers put the point in terms that come very close to Korsgaard's and the argument from practical identity:

The information in Otto's notebook ... is a central part of his identity as a cognitive agent. [Otto] is best regarded as an extended system. ... To consistently resist this conclusion, we would have to shrink the self into a mere bundle of occurrent states. ... In some cases interfering with someone's environment will have the same moral significance as interfering with their person. (Clark & Chalmers, 1988, p. 18; emphases added)

In this example, Otto's notebook is clearly something different from ordinary notebooks, and destroying the notebook (i.e., information technology) would be ethically equivalent to tampering with the mind/brain. The notebook is irreplaceable in the same sense that our brains are irreplaceable; if the notebook were destroyed, most of Otto's memories and beliefs would be irreversibly lost. In Moore's terminology, Otto's notebook is a necessary part of an organic unity, together with Otto's practical identity—its destruction would be irreversible. Indeed, Clark and Chalmers (1988) echo Moore's (1971) notion of organic unity and the constitutivity criterion in describing what is so special about the notebook: “[T]he relevant parts of the world are *in the loop*, not dangling at the other end of a long causal chain. [They] play

an ineliminable role” (p. 9). Entities at the other end of a long causal chain would be so distant that they have, at best, instrumental value. But, as in classical Chinese philosophy and language, the very interconnectedness and co-relation of our minds and certain entities makes the dissolution of this relation surgical. The brain is not dangling at the other end of a long causal chain, and neither is Otto's notebook; they are in the loop; that is, constitutive and irreplaceable—their destruction cannot be rectified. Furthermore, it satisfies Korsgaard's description of our practical identity in the sense that it is something that makes Otto's life worth living and his actions worth undertaking. To paraphrase Wetlesen, without the notebook, Otto's identity would be fragmented and inadequate. Thus, in the same sense that we should respect and value someone else's practical identity and its physical aspects, we should respect and value Otto's practical identity, including the notebook.

The case of Otto's notebook suggests that IT can become inextricably linked to our practical identities. Although the strong relation between Otto and his notebook is not a common one, the expected convergence between biotechnology and increasingly powerful information technologies suggests that the gap between our practical identities and IT will become increasingly narrow. As the case with Otto shows, we by no means need to conjure up future scenarios in order to realize that IT can be an inextricable part of one's practical identity. For most of us, IT is still a mere tool, hence deserving of nothing but instrumental value, but there are cases in which technologies take on a completely different role—and, therefore, deserve a completely different status.

STRONG IRREPLACEABILITY AND STRONG CONSTITUTIVITY

The case with Otto's notebook suggests that information and information technology can have

moral status, but only if they are constitutive and irreplaceable in a strong sense. My primary conclusion in this chapter is that in these special cases, there are good reasons to extend moral status so as to include nonliving entities. But this claim is still rather exclusive and fails to include entities that many intuitively regard as having value as an end.

Throughout this chapter, I have used the original *Mona Lisa* and the corpse of a loved one as prime examples of something that does not have value in itself but, at the same time, is valued far beyond whatever uses to which it can be put. Although the *Mona Lisa* seems like an intuitive case of value as an end, it is hard to give a precise account of why it has value as an end. The *Mona Lisa* does occupy a special place in the practical identity of many, and it is certainly irreplaceable. As Matthew Humphrey (2002) wrote:

There are at least a group of people who insist that their lives go significantly better knowing that they live in a world in which the Mona Lisa exists ... [it] serves to give their lives meaning. ... [K]nowing this to be true, those who see little, or even no value in the Mona Lisa, and think it would be better used as fuel, should be prepared to share in the burden of keeping the Mona Lisa in existence. It is strongly irreplaceable. Although it can be reproduced and copied, none of the copies would embody Leonardo's genius, none would be authentic. ... These give us all good reasons (although not always trumping reasons), to engage in Mona Lisa preservation. (p. 193)

At the same time, it is too strong to claim that the *Mona Lisa* actually constitutes someone's practical identity. Is it enough to be important for someone's practical identity, to merely contribute to making someone's life worth living? By itself, this seems like a vague criterion, since it is possible to include a vast number of entities in this category. But, as mentioned, the strong irreplaceability of certain entities ought to make us more sensitive

to their well being, based on the simple fact that damage to such entities would be impossible to rectify. This suggests that the question of relational value is a question about the correlation between irreplaceability and constitutivity: The more irreplaceable an entity is, the less constitutive it has to be, and vice versa. For instance, the original *Mona Lisa* can be said to have relational value due to being important (constitutive in a weak sense) for someone's practical identity and irreplaceable in a strong sense, while various technical aids can have relational value if they really are constitutive of someone's practical identity but irreplaceable in a somewhat weaker sense. The problem is that these criteria become too vague and inconclusive as soon as we start operating with degrees of irreplaceability and constitutivity. For instance, Musschenga (1998) tries to make a claim about the importance (weak constitutivity) of certain cultural artefacts and, consequently, that we have moral duties toward them, but fails to provide precise criteria for when cultural artefacts are constitutive enough. He states:

[They] are the components or constituents of the good life. A life enjoying [these] entities is richer than a life in which these values are absent. ... Although cultures do not have moral standing comparable to that of humans, we do have moral duties to cultures insofar as they contribute to the richness of life. (Musschenga, 1998, p. 214; emphasis added)

Intuitively, I agree with Musschenga, but "contribute to the richness of life" is too vague and ultimately may lead to supererogatory obligations. This is not an argument against extension of moral status to cultural artefacts, but it shows that more work must be done in terms of precision in order to make such a claim. This is the reason why I have focused on the case with Otto in which the related entity (the notebook with its entries) really is constitutive of his practical identity and irreplaceable in the sense that its annihilation

would be irreversible. I limit myself to suggesting that the correlation between irreplaceability and constitutivity might be the way to go if we are to extend moral status even further—if we are to provide a theoretical grounding for how an even wider range of information can have lasting value and ought to be protected.¹³

THE RELATIONAL THEORY OF MORAL STATUS

I have made the point somewhat dramatically so far, and I willingly admit that there is, of course, a difference between moral status grounded in intrinsic properties and moral status grounded in relational properties. Nevertheless, they should not be considered completely different phenomena followed by completely different obligations. In order to underline that relational properties can give rise to moral status *and* acknowledge the difference between moral status based on relational and intrinsic properties, I propose to refer to value as an end in general as moral *status*, and refer to value as an end based on intrinsic properties as moral *standing*. If an entity has value as an end in virtue of its relational properties alone, it has moral status but not moral standing. In other words, moral standing is a subclass of moral status. The moral status of an entity comes in degrees in the following order (again, these claims are *ceteris paribus*):

1. **Moral Persons:** (Satisfying the capability for free will, reason, and linguistic competence) enjoy full and equal moral standing; thus, the moral status of a person cannot be augmented by relational properties.
2. **Merely Self-Conscious Beings:** (With future plans and goals based on beliefs and experiences and with the ability to see themselves as temporal agents) have moral standing but less than moral persons. Their moral status can be augmented by relational properties, but only minimally (e.g., an

owned and loved dog has a higher moral status than a stray dog).¹⁴

3. **Merely Sentient Beings:** (With the ability to experience pain and pleasure) have moral standing as well, although less than self-conscious beings and considerably less than moral persons. Their moral status can be increased significantly by their relational properties (an owned and loved fish has significantly higher moral status than a fish in the wild).
4. **Non-Sentient Entities:** Have no moral standing but can have moral status by being an irreplaceable and constitutive part of someone's practical identity (e.g., Otto's notebook).

As stated in the previous section, the inclusiveness of the fourth category depends on how strictly we define irreplaceability and constitutivity, which I have left as an open question.

Problems with the Relational Theory of Moral Status

Although I have tried to argue that the relational theory of moral status deals with living and non-living entities in a manner consistent with our moral intuitions (at least as long as we interpret these criteria in a strong sense), the theory faces quite a few problems of its own.

First, the theory itself rests upon a couple of presuppositions that have not been discussed sufficiently due to constraints on space. In addition to the anthropogenic presupposition discussed previously, some of the arguments appeal to our moral intuitions. These presuppositions are not uncontroversial, but a full discussion and defence is beyond the bounds of this article.

Another problem is that moral status often is defined in terms of direct duties, which, in practice, entails that entities must be able to recognize their own well being in order for us to have direct duties toward them; they must have preferences

that can be satisfied or frustrated. I agree that this is necessary for having intrinsic value; hence, the intrinsic component of the theory. However, the rejection of ascribing moral status to everything else stems from the conflation between moral status and intrinsic value. They both are seen as having to be objective, non-contingent, and still exist in isolation. If the notion of who or what has moral status is meant to be an anthropogenic guideline for moral actions, as opposed to a metaphysical claim, I have tried to make the case that value as an end rather than value in itself should be conflated with moral status. Value as an end, as opposed to value in itself, can be derived from another entity and does not presuppose that an entity is conscious.

Finally, ascribing moral status to information and IT, even in very special circumstances, might be considered too strong, and it can be objected that it will lead to supererogatory obligations. This is especially problematic if we weaken the irreplaceability or constitutivity criteria. The case with Otto, however, rests on seeing our practical identities as the ultimate source of normativity. Consequently, if anything at all can form the basis of moral status, it is our practical identities. If this is agreed upon, the objection would have to reject (1) that being a constitutive and irreplaceable part of our practical identities, even in a strong sense (e.g., our brain) is sufficient for having moral status, or (2) that information and IT cannot possibly satisfy these criteria. With regard to (1), I cannot see how any physical entities at all should be taken into consideration if not the human brain, and I hope the case with Otto's notebook (which is an information technology) provides sufficient reason to reject (2) in some very special circumstances.

CONCLUDING REMARKS

In this chapter, I have tried to make the case that information and information technology, at

least in very special circumstances, ought to be ascribed moral status. Inspired by the East Asian way of viewing the world as consisting of mutually constitutive relationships, I have argued that relations, in some cases, can give us sufficient reason to take the well being of an entity into consideration. More specifically, an entity that is an irreplaceable and constitutive part of an organic unity together with a person thereby attains value as an end and moral status. I have limited myself to arguing that this is reasonable, at least in certain very special circumstances. Although the potential value of nonliving entities must be contingent, dependent upon human subjects, and might have originated for purely instrumental reasons, their value ought not to be regarded as such once they have become an irreplaceable and constitutive part of someone's practical identity. How far we are to extend the criteria of constitutivity and irreplaceability and thereby widen the range of nonliving entities with moral status is an issue that has been left open.

There are certainly other ways to reach a similar conclusion, and this theory struggles with problems of its own, but the reason I have chosen an approach in terms of moral status is to underline the threat of always treating information and information technologies as mere means to other ends. Instrumental value derived from human interest easily can be sacrificed for other, more immediate human interests and thereby lead to shortsighted irreversible decisions and an unsustainable development of the infosphere.

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ENDNOTES

- ¹ The infosphere is “shorthand for the fusion of all the world’s communications networks, databases, and sources of information into a vast intertwined and heterogeneous tapestry of electronic interchange . . . which creates a network ecology” (Vlahos, 1998, p. 498).
- ² See the *Oxford English Dictionary* (<http://dictionary.oed.com>) for more uses of the term *soundness*. For a more detailed analysis of

what it means for nonliving entities to have well being, I refer the interested reader to Floridi (2002). Floridi (2002) presents a comprehensive list of features (p. 47) that are “related to the well-being of (regions of) the infosphere not in a contingent, external and means-end relation, but internally and in a constitutive sense” (p. 45).

³ Let me hasten to add that the examples used to illustrate subjects-of-a-life and sentient beings throughout this chapter are meant as illustrative and for the sake of the argument only. I am concerned mainly with which properties are ethically relevant, not which entities satisfy these criteria. In other words, I am not insisting that dogs are (merely) subjects-of-a-life or that fish are (merely) sentient.

⁴ This is known as casuistic argumentation, which aims to analyze a moral problem by drawing parallels between paradigmatic cases upon which we agree and the case at hand.

⁵ See especially pp. 49-89 in Korsgaard (1996).

⁶ The Kantian caveat is, of course, as long as your free will does not impede upon the free will of others. As Kant (1996) puts it, “[I]f a certain use of freedom is itself a hindrance to freedom in accordance with universal laws (i.e., wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal laws, that is, it is right” (p. 25 [6:231]).

⁷ This broad concept of conatus seems to be what Spinoza had in mind, but, as an ethically relevant property, Wetlesen attributes it to living entities. In Spinoza, all entities in the universe, including nonliving entities, have conatus as they strive to preserve their being. See Pearce (2004) for an analysis of Spinoza’s wide-reaching notion of conatus.

⁸ These are *ceteris paribus* claims in the sense that we cannot justify the killing of an animal based on a minor violation of the moral status of a person. If I had to inflict a small wound on a moral person in order to save the life of a merely self-conscious being, I should, of course, save the merely self-conscious being’s life. If I had the choice between saving the life of a merely self-conscious being and that of a moral person, I should save the life of the moral person.

⁹ For the views of Moore, see especially chapter I of Moore’s *Principia Ethica* (1971, pp. 1-36) and “External and Internal Relations” (1993). Bradley’s view on the intrinsicity of relations appears first and foremost in chapter XXIV and Note B in the appendix of the 2nd edition of his *Appearance and Reality* (1959).

¹⁰ This short presentation of East Asian and Western metaphysics is inevitably a very generalized picture. My intention is by no means to deny or to gloss over the tremendous diversity these labels cover, but they are used here in order to analyze some of the broader, more common issues generally shared by the respective traditions. I especially rely on Ames (2000), Ames and Rosemont (1998), and Wong (2004) when it comes to the general features of classical East Asian philosophies, primarily Confucian philosophy. As Wetlesen has pointed out to me, Buddhism constitutes one important exception from the generalized picture of East Asian philosophy, since all schools of Buddhism stress the Western distinction between highest/objective truth (*paramarthasatya*) and apparent/conventional truth (*samvrtisatya*).

¹¹ See Floridi (1999, p. 55) for an alternative way to defend the value of Hector’s corpse and how death poses a problem for many traditional ethical theories.

¹² Wetlesen's (1999) terminology is somewhat confusing, since he refers to value in itself based on relational properties as *intrinsic* value (p. 291). Kagan (1998), however, cites value as an end based on intrinsic properties as the common meaning given to intrinsic value (and goes on to criticize that definition).

¹³ Strictly speaking, an entity also can attain value as an end by being a constitutive and irreplaceable part of an organic unity with merely self-conscious or sentient beings

since they also have intrinsic value. I have left out this issue, but this can provide the basis for ascribing moral status to ecosystems.

¹⁴ Some might find that ascribing a higher moral status to owned and loved dogs than to stray dogs sounds counterintuitive. Let me reiterate that, as subjects-of-a-life, the difference is only minimal and normally would come into play only if somehow we were forced into sacrificing one for the other.