

An African Theory of Moral Status: A Relational Alternative to Individualism and Holism

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Abstract The dominant conceptions of moral status in the English-speaking literature are either holist or individualist, neither of which accounts well for widespread judgments that: animals and humans both have moral status that is of the same kind but different in degree; even a severely mentally incapacitated human being has a greater moral status than an animal with identical internal properties; and a newborn infant has a greater moral status than a mid-to-late stage foetus. Holists accord no moral status to any of these beings, assigning it only to groups to which they belong, while individualists such as welfarists grant an equal moral status to humans and many animals, and Kantians accord no moral status either to animals or severely mentally incapacitated humans. I argue that an underexplored, modal-relational perspective does a better job of accounting for degrees of moral status. According to modal-relationalism, something has moral status insofar as it is capable of having a certain causal or intensional connection with another being. I articulate a novel instance of modal-relationalism grounded in salient sub-Saharan moral views, roughly according to which the greater a being's capacity to be part of a communal relationship with us, the greater its moral status. I then demonstrate that this new, African-based theory entails and plausibly explains the above judgments, among others, in a unified way.

Keywords African ethics · Communitarianism · Holism · Individualism · Moral considerability · Moral status · Rationality · Relationality · Sub-Saharan morality · Welfarism

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English-speaking philosophical accounts of moral status are typically either holist or individualist. For example, claiming that a being warrants moral consideration in light of its

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capacity for reason or pleasure implies that moral status is a function of something internal to an individual. In contrast, views that ascribe moral status to ecosystems and to species are holist accounts, deeming moral status to inhere in groups of certain kinds. Much of the contemporary debate about moral status is about whether it is adequately captured by either individualism or holism alone, and about which specific versions of these general perspectives are most attractive.

There is, however, a third perspective on moral status available, one that grounds moral status in *relational properties*. My aim in this article is to develop a new relational theory of moral status, and to bring out its often appealing implications in a wide variety of contexts.¹ While I do not have the space to argue that it is more justified than all the views that currently dominate English-speaking discussion, I do mean to demonstrate that it should be taken just as seriously. Of particular interest is that the theory promises to solve some long-standing conundrums that continue to plague Anglo-American discussion of moral status, e.g., of why animals and humans might both have moral status that is of the same kind but different in degree, of why even a severely mentally incapacitated human being might have a greater moral status than an animal with identical internal abilities, and of why a newborn infant might have a greater moral status than a mid-to-late stage foetus.

I call the theory I develop “African”, since it is grounded on what is the most central strand of sub-Saharan ethical thought, which places relationality at the core of morality. One will find individualism and holism in African moral philosophy,² but the relational theory I articulate fits with much more of the field. One will also find some relational ideas in Western philosophy, particularly in the ethic of care, but it is far from a prominent contender, probably in part because it and similar views are overly parochial. My goal is to spell out a relational account of moral status that is informed by sub-Saharan ethical reflection, avoids major problems facing the relational accounts that one currently finds in the literature, and plausibly accounts for many intuitions about moral status.

I begin by defining what I mean by “moral status” and differentiating between individualist, holist and relational theories of it (2). In the next section, I sketch the existing relational theories of moral status, and argue that they all face the same objection, that they exclude beings from having moral status that clearly have it (3). This criticism will pave the way toward developing a new relational account that is not vulnerable to it (4). I propose the view that, roughly, the more a being is capable of being part of a certain communal relationship, the greater its moral status. I contrast this modal theory with other relational accounts, deeming it to be a *prima facie* improvement over them, and I explain the sense in which it counts as “African”. Then, I apply the African, modal-relational theory to many cases, noting respects in which it easily entails and reasonably explains a variety of firm judgments about moral status, including several that have evaded theoretical capture up to now by the most prominent, Kantian and utilitarian traditions (5). I conclude that, in light of the African theory’s ability to account for many widely shared intuitions, it warrants no less attention than individualist and holist accounts as a promising form of monism (6).

¹ I first very briefly suggested this account of moral status in Metz (2010a: 57–58), and I have discussed related ideas of dignity in Metz (2010b: 91–95), reasons for beneficence in Metz (2010c: 61–67), and legal personhood in Metz (2010d).

² For an example of individualism in African philosophy, see Bujo (2001), who is naturally read as holding that a being’s spiritual nature is what constitutes moral status, and for an apparent example of holism, see Oruka and Juma (1994: 125–126).

2

A *conception* of moral status is a theory of it, i.e., a comprehensive and basic principle that purports to entail that, and explain in virtue of what, things either have moral status or lack it. A conception of moral status aims to account for the “underlying structure” of the myriad things with moral status by invoking as few properties as possible. Individualism, holism and relationalism are (abstract) conceptions of moral status. In contrast, the *concept* of moral status is what all these competing conceptions are about; it is that which makes a given theory one of moral status as opposed to something else such as right action or good character.

The concept of moral status is the idea of something being the object of a “direct” duty, i.e., owed a duty in its own right, or is the idea of something that can be wronged. Contrast this idea with that of an object of an “indirect” duty, where an agent has a moral reason to treat it a certain way but not ultimately because of facts about it. For a standard example, I could have a duty not to destroy a football, where this duty would be indirect, something owed not to the ball, which cannot be wronged, but to its owner.

The way I understand moral status, it in principle admits of degrees. Some philosophers do not understand the concept this way (Gruen 2003; cf. DeGrazia 2008), but there are strong reasons for siding with those who think otherwise (such as Miller 1988; VanDeVeer 1995; Warren 2003).³ For one, the existence of degrees of moral status best explains many intuitions about forced trade-offs among the urgent interests of different beings. Suppose, for example, that you are driving a bus and have no alternative but to run over either a mouse or a normal, adult human being. The right thing to do would be to run over the mouse, which seems *best* explained by the idea that its moral status is not as great. For another, differential moral status also accounts best for uncontroversial judgments about how to treat beings that have already been killed. If an animal has been killed for whatever reason, many find it permissible not to let it go to waste; even many vegetarians would find something respectful in the stereotypical Native American practice of using every part of a buffalo. Yet such a practice applied to humans would be horrific; consider a Nazi thinking, “Well, we have already killed this Jew, and so may as well make the best of it by using his hair to stuff pillows, fat to make soap and bones to fashion buttons.” In any event, I shall work with a sense of “moral status” that is not an all or nothing matter; I suppose that something can have either full moral status, which normal, adult human beings are typically thought to have, or partial moral status.

An individualist account of moral status is the view that properties intrinsic to an entity ground the capacity to be wronged or to be the object a direct duty. An intrinsic property, as understood here, is a property that is internal to an individual and that includes no essential connection to any other being. Influential forms of individualism include the views that moral status is solely a function of: being the agent (egoism), possessing a soul (monotheism), being alive, or at least a living organism (biocentrism), exhibiting the capacity for autonomy or rationality (Kantianism⁴), being able to recollect the past and satisfy desires for future states of affairs (subject of a life theory), and having the capacity for preference realization/frustration or for pleasure/pain (welfarism). All these properties can be purely internal to an individual.

³ The rest of this paragraph borrows from Metz (2010d: 308–309), which includes some evidence beyond that mentioned here.

⁴ Kant himself might hold a view that would count as “relational”, for he deems moral status to be grounded in the capacity to act according to maxims that can be universalized without frustrating purposes, or, allegedly equivalently, the capacity to act in accordance with the absolute value of rational nature wherever it is encountered.

A holist account of moral status, as I construe it here, is the view that the bearers of moral status are groups, where a group is a discrete collection of entities that are near, similar to or interdependent with one another. Aldo Leopold's (1968) land ethic is a clear version of holism, as are accounts that accord moral status to species, and not merely to their individual members.

A relational account of moral status is the view that it is constituted by some kind of interactive property between one entity and another. It therefore stands "in between" individualism and holism. Similar to individualism, a relational account implies that moral status can inhere in things as they exist apart from their membership in groups. A relational theory implies that something can warrant moral consideration even if it is not a member of a group, or, more carefully, for a reason other than the fact that it is a member. Similar to holism, though, a relational account accords no moral status to organisms on the basis of their intrinsic properties. A relational theory implies that a being warrants moral consideration only if, and because, it exhibits some kind of intensional or causal property with regard to another being. Below I contend that the most promising kind of relationalism is one according to which something has moral status insofar as it has a certain relation to human beings in particular.

One might reasonably wonder what the difference is between holism and relationalism, for, after all, is not a group just a kind of relationship? As I understand "group", something could constitute a group without it being a "relationship" in the relevant sense. For example, the species of elephants is a group, but there is not any *interaction* between elephants in Kenya and those in India, and hence no relationship. Furthermore, there could be a "relation" between organisms that do not constitute a group, say, a person whom tourists pay to ride them on an elephant. In short, relationships require interaction of some kind between organisms, while groups do not, and groups require some kind of discreteness, while relationships do not. To be sure, there are *some* groups that are constituted by relationships, e.g., ecosystems and biotic communities within them, but the properties of being a group and of being a relationship are nonetheless conceptually and metaphysically distinct and ground differing accounts of moral status.

3

The relational theory that I shall develop is much less parochial than existing accounts in the literature. My favoured view is much better able than these others to count as having a moral status those things that intuitively have it. In this section, I show that existing Western and African relational accounts are counterintuitive for being arbitrary, or partial in the wrong ways, and then, in the following section, I develop an alternative view that avoids this problem.

In the Western tradition, talk of grounding morality in relationality immediately brings to mind the ethic of care. On the classic model from Nel Noddings (1984), a being has moral status to the extent that it does or would respond to a person who cares for it. That is, a being has moral status only insofar as there is or would be reciprocation, a back and forth, between a person caring and the one cared for. In Noddings' words,

If the other toward whom we shall act is capable of responding as cared-for and there are no objective conditions that prevent our receiving this response—if, that is, our caring can be completed in the other—then we must meet that other as one-caring.... When we are in relation or when the other has addressed us, we must respond as one-caring. The imperative in relation is categorical. When relation has not yet been established....the imperative is more like that of the hypothetical: I must if I wish to (or am able to) move into relation (Noddings 1984: 86).

Beings who are not already interacting with a person, or who are interacting but cannot or will not respond to her caring behaviour, counterintuitively cannot be an object of a direct duty that she has toward them. Excluded are, for example, animals in the wild that have no interaction with us but foreseeably can be harmed by our actions. More significantly, human strangers with whom one lacks any interaction and who would not demonstrate appreciation or some other response to help are not owed duties of aid, including the distant who could be easily rescued from starvation (Noddings 1984: 86). Also beyond the pale of direct duty are any severely mentally incapacitated humans and Alzheimer's patients who cannot respond to caring behaviour, supposing, as per the early Noddings, that "our obligation to summon the caring attitude is limited by the possibility of reciprocity" (1984: 149).

More recent versions of the ethic of care usually do not restrict moral status in the way that Noddings' original account does (e.g., Noddings 1992: 110–112; Donovan and Adams 2007). However, they fail to articulate an alternative conception of moral status with any rigor and specificity. Similar remarks apply to recent work in African moral philosophy. However, in that literature there are some suggestive ideas that can form the basis of a promising new theory of moral status, and I therefore turn to them now.

Central to much sub-Saharan moral thought is the maxim usually translated as either "A person is a person through other persons" or "I am because we are."⁵ To most non-African readers, these phrases will indicate nothing normative, and instead will bring to mind merely some empirical banalities about the causal dependence of a child on her parents or on society more generally. However, such statements express a controversial moral claim.⁶ In typical African reflection, talk of "personhood" (as in the second instance of "person" in the quote above) is inherently moralized, such that to be a person is to be virtuous or to exhibit good character. That is, one can be more or less of a person, self or human being, where the more one is, the better. One's ultimate goal should be to become a full person, a real self or a genuine human being. And the phrases say that obtaining humanness—"ubuntu", as it is famously known among Zulu and Xhosa speakers in southern Africa—is entirely constituted by relating to others in certain ways. Such a purely relational account of self-realization contrasts with characteristically Greek conceptions of it that include "individualist" or "self-regarding" elements such as organizing one's mental faculties (Plato's *Republic*) or contemplating basic features of the universe (Aristotle's *Nicomachean Ethics*).

Exactly which sort of relationship is the key to virtue? The well-documented recurrent answer is, roughly, a *communal* one, as can be gleaned from this brief survey of the views of some prominent African intellectuals. First off, note the following summary of the moral aspects of John Mbiti's famous post-war survey and analysis of African religious and philosophical worldviews: "What is right is what connects people together; what separates people is wrong" (Verhoef and Michel 1997: 397). Next, consider these remarks from South African black consciousness leader Steve Biko, in an essay that explores facets of culture that are widely shared by Africans:

We regard our living together not as an unfortunate mishap warranting endless competition among us but as a deliberate act of God to make us a community of brothers and sisters jointly involved in the quest for a composite answer to the varied problems of life. Hence...our action is usually joint community oriented action rather than the individualism which is the hallmark of the capitalist approach (Biko 1971: 46).

⁵ For classic statements of these ubiquitous sayings, see Mbiti (1969: 108–109) and Menkiti (1979). My explications of the basics of African morality borrow from Metz (2010b: 83–84).

⁶ As is made particularly clear in Wiredu (1992) and Gyekye (1997: 49–52).

And, finally, consider a recent summary of the nature of indigenous African society and its characteristic morality by the foremost professional African philosopher in the world, the Ghanaian Kwasi Wiredu: “(T)here can be little doubt that traditional African society was communitarian, unless it be a matter of exceptions that prove the rule....Communalism is an embodiment of the values of traditional Africa” (2008: 333, 336).

It is as yet unclear how a communal relationship is precisely to be understood, a concern that I address later (see section 4). For now, I note that the above influential thinkers, along with many other theorists of African morality,⁷ maintain that it is typical of traditional sub-Saharanans to conceive of morality in terms of community, and that this major strand of African ethical reflection applied to the issue of moral status naturally suggests two conceptions of it. First, there is the idea that a communal relationship *itself* is the bearer of moral status. Awareness of this view is occasioned by the following remark from Desmond Tutu, renowned chair of South Africa’s Truth and Reconciliation Commission, about what, for many sub-Saharanans, has fundamental moral value: “Harmony, friendliness, community are great goods. Social harmony is for us the *summum bonum*—the greatest good. Anything that subverts or undermines this sought-after good is to be avoided like the plague” (1999: 35).⁸ It is natural to identify the greatest good, a harmonious relationship, with that which has moral status (though I do not claim that this is Tutu’s view).

It is implausible to think that moral status inheres *solely* in existing relationships of any sort, as that view implies that any being that is not part of the relevant relationship entirely lacks moral status. This would include not merely Robinson Crusoes, but also people who interact with others on the “wrong” basis, namely, at least for Tutu, in a roughly unfriendly or discordant way. Such individuals would plausibly have less “personhood” in African thinking, for recall that to be a full person in this tradition means that one has exhibited moral excellence. However, even if one has not been an upright moral agent, one should still count as a moral patient, someone owed moral treatment of certain kinds in her own right.

Equally vulnerable to this criticism is the view that persons are the bearers of moral status, but only if, and because, they are parts of an existing communal relationship. Whereas the view inspired by Tutu’s comment is that a communal *relationship* is the sole bearer of moral status, the present view is that a person can bear moral status but only *in virtue of* being in a certain communal relationship with others. This view is brought to mind by some comments of Nigerian Ifeanyi Menkiti (though I do not claim that it is his view), in one of the most widely read texts in African moral philosophy:

(W)hereas most Western views of man abstract this or that feature of the lone individual and then proceed to make it the defining or essential characteristic which entities aspiring to the description “man” must have, the African view of man denies that persons can be defined by focusing on this or that physical or psychological characteristic of the lone individual....(I)n the African view it is the community which defines the person as person, not some isolated static quality of rationality, will, or memory (1979: 171, 172).

Menkiti is in first instance speaking of “man” in the sense of “humanness” (“*ubuntu*”) or “morally virtuous individual”. However, when Menkiti contrasts the African view with the

⁷ For a few more representative examples, see Shutte (2001: 16–33); Murove (2004); and Mkhize (2008).

⁸ For a similar comment from a moral-anthropological survey, see Silberbauer (1991: 20), and for philosophical analysis and defence of the idea that a relationship *qua* relationship can provide a reason for (beneficent) action, see Metz (2010c): esp. 67–72.

Western one that prizes the capacity for rationality, will or memory, he is slipping into discussion of moral status, for these attributes are classic contenders for moral status, not for virtue, in the Western tradition. In any event, someone friendly to a relational ethic might think that persons are bearers of moral status, but only insofar as they are components of a community. But, again, the problem facing this view is that if one is not part of a community of the relevant sort, then one counterintuitively lacks a moral status. There are hermits who live utterly on their own and individuals who are locked up in solitary confinement, but they are surely worthy of moral consideration for their own sakes.

So far, I have canvassed three different ways that a relational ethic might ground moral status, and all have suffered from the problem of failing to entail that certain beings that intuitively have moral status in fact do. If something has moral status only if it would reciprocate in some way upon being cared for, only if it is a communal relationship itself, or only if it is part of a community, then too many beings that uncontroversially have moral status will be excluded.

4

In order to avoid the problem of arbitrariness and parochialism, my suggestion is to keep the characteristically African idea that morality is a function of communal relationship but to focus on a novel relational property. My proposal is that a being has moral status roughly insofar as it is *capable* of being part of a communal relationship of a certain kind. A large majority of existing relational theories of morality appeal to *actual* relationships, but my suggestion is instead to appeal to *modal* ones. I first spell out the nature of the communal relationship, ground a conception of moral status on the capacity for it, and then bring out its largely sub-Saharan pedigree. I apply the theory only in the following section.

What is a morally attractive sort of communal relationship? Elsewhere in the context of formulating a principle of right action grounded on African mores, I have articulated and defended the following analysis of community: a relationship in which people identify with each other and exhibit solidarity with one another (Metz 2007). To identify with each other is largely for people to think of themselves as members of the same group, i.e., to conceive of themselves as a “we”, as well as for them to engage in joint projects, coordinating their behaviour to realize shared ends. For people to fail to identify with each other could involve outright division between them, i.e., people not only thinking of themselves as an “I” in opposition to a “you” or a “they”, but also aiming to undermine one another’s ends. To exhibit solidarity with one another is mainly for people to engage in mutual aid, to act for the sake of one another. To act for the sake of another is, in the first instance, to seek to improve some other organisms’s quality of life for non-instrumental motives. Solidarity is also a matter of people’s attitudes such as affections and emotions being invested in others, e.g., by feeling good consequent to when their lives flourish and bad when they flounder. For people to fail to exhibit solidarity would be for them to be either indifferent to one another’s good⁹ or downright hostile and cruel.

⁹ Some suggest that factors besides sentience or even well-being more generally can ground a being’s moral status. For instance, Nussbaum (2006) has recently argued that the capacity to be a good member of its kind grounds moral status to no less a degree than the capacity to live a good life. However, even she maintains that in order for the former, perfectionist good to matter morally, it must inhere in a being with the latter, welfarist good. With Nussbaum, I suggest that exhibiting solidarity with a being can involve acting for its perfectionist good, but if and only if it also has a welfarist good. Such a qualification most easily enables one to exclude, say, knives from being objects of moral status.

An equivalent way of phrasing my preferred analysis of community is in terms of relationships in which people share a way of life and care for one another's quality of life. Note that the combination of sharing a way of life and caring for others' quality of life (or of identifying, and exhibiting solidarity, with others) is basically a relationship that English-speakers call "friendship" or a broad sense of "love". Hence, one way to put my favoured conception of moral status is this: the more a being is capable of being part of a friendly or loving relationship with normal humans, the greater its moral status.

By the present view, a being that is capable of being both the *subject and object* of such a relationship has *full* moral status, whereas a being that is capable of being merely the *object* of such behaviour has *partial* moral status. Being a subject involves identifying with others and exhibiting solidarity with them oneself. A being can be a subject of the relevant communal relationship insofar as it can think of himself as a "we", seek out shared ends, sympathize with others and act for their sake. In contrast, a being can be the object of a friendly relationship insofar as characteristic human beings could think of it as part of a "we", share its goals, sympathize with it and harm or benefit it. Note that having the capacity to be an object of such a relationship does not imply that a being would or even could *respond* to any friendly engagement by another.

This modal view is neither that a communal relationship itself has moral status, nor that only those who are in such a relationship have it, but is rather that those who could be part of it have it.¹⁰ To be "capable" of being part of a communal relationship means being able *in principle*, i.e., without changes to a thing's nature. Contingent obstacles to being a subject or object of a communal relationship are not constitutive of a thing's "capacity" to be a part of it in the relevant sense.

Examples of contingent inability to be the object of a communal relationship, irrelevant to a being's moral status, include the facts that the being is: unknown, the object of false beliefs and the object of fear or disgust on the part of an individual. While these might hinder a being's actually becoming the object of identity and solidarity with one of us, they are not relevant to determining its moral status, for it nonetheless could become such an object in light of its nature and ours. A being that "cannot" be the object of a communal relationship in the relevant sense would, for instance, be one that utterly lacks the ability to have a better or worse life, say, a rock.

Examples of contingent inability to be the subject of a communal relationship include: being asleep, having drunk too much alcohol, electing not to sympathize, being too sick to help others and being ignorant of what would benefit others. While these might hinder a being's actually becoming the subject of identity and solidarity, they are not relevant to determining its moral status, for it nonetheless could become such a subject in light of its nature. A being that "cannot" be the subject of a communal relationship in the relevant sense would be one that is, say, genetically unable to act for the sake of others.

I mean two things when I say that the *greater* the capacity for communal relationship (of identity and solidarity), the *greater* a being's moral status. In the first place, I am indicating, as I have said, that being capable of both subject and object of a communal relationship constitutes a higher status than merely being the object. In the second place, though, I mean that large, and not merely incremental, differences in degrees of ability to be either a subject or an object of a communal relationship constitute differences in moral status. So, for example, if, by virtue of the nature of human beings, dogs and mice, humans were *much*

¹⁰ There are a very small handful of other modal views in the literature, restricting moral status either to the capacity to be caring (Jaworska 2007) or to the capacity to be an object of sympathy (Mercer 1972: 129–133).

more able to identify with and exhibit solidarity with dogs than with mice (upon full empirical information about both), then dogs would have a greater moral status than mice. The qualification about “much” is important. Of those who believe in degrees of moral status, most implicitly think of it in a way that can be captured well, I submit, with an orbit metaphor. Supposing that dogs were only marginally more capable than, say, cats of entering into the relevant communal relationship with us, cats would intuitively get “pulled into” the same moral status orbit that dogs have.

Before explaining why this theory of moral status counts as “African”, I note two friendly amendments to it that one might be inclined to suggest, but that I do not accept. First, a reader could fairly wonder whether, instead of focusing on the *capacity* for community as the relevant property, I should rather focus on the *potential* for it. Both a tree and a first trimester human foetus lack the capacity for community, but the latter exhibits the potential for community, whereas the former does not. I deem capacity to be the crucial feature precisely because of my prior stance on the abortion debate; my intuitions are the common ones that abortion is permissible in the early stages of pregnancy but that infanticide is wrong. Those who believe that abortion is no less wrong than infanticide, and who find a relational theory attractive, probably should appeal to potential and develop a theory that differs from mine.

Second, a critic may reasonably question my appeal to community *with normal human beings* as the relevant property, and instead propose community *with some other being or other*. For what is probably the most powerful example of the latter, imagine an intelligent alien creature who could be both the subject and object of friendly relationships with members of its own species, but not with us, for whatever reason. To reply in depth, I would need to consider the case in some detail, carefully paying attention both to the respects in which this species would be incapable of community with us and to the reasons why. What I can say, though, is that if I had to choose between rescuing a member of another species that were capable of friendly relationships with us and one that were not, I would judge myself to have more moral reason to save the former, which might be best explained by its having a greater moral status. In addition, in the following section I explain how my African theory can—attractively—deem “abnormal” rational beings, viz., ones incapable of various aspects of community with us, to have less moral status than us but more moral status than animals.

Thinking of moral status in terms of the capacity for relationships of identity and solidarity coheres well with a principle of right action prescribing respect for such relationships, which captures several salient (not universal) facets of behaviour and thought south of the Sahara desert.¹¹ For example, sub-Saharanans often think that society should be akin to family; they tend to believe in the moral importance of greetings, even to strangers; they typically refer to people outside the nuclear family with titles such as “sister” and “mama”; they frequently believe that ritual and tradition have a certain degree of moral significance; they tend to think that there is some obligation to wed and procreate; they usually do not believe that retribution is a proper aim of criminal justice, inclining toward reconciliation; they commonly think that there is a strong duty for the rich to aid the poor; and they often value consensus in decision-making, seeking unanimous agreement and not resting content with majority rule. I have the space merely to suggest that these recurrent (not invariant) practices are plausibly entailed and well explained by the prescription to respect relationships in which people both share a way of life and care for one another’s quality of life. I am not suggesting that this principle has been believed by even a majority

¹¹ As I have argued in detail in Metz (2007).

of Africans; my point is rather that it promises to capture in a *theory* several salient aspects of a communal way of life that has been widespread in the sub-Saharan region, and hence that it and its companion account of moral status qualify as “African”.

Some might question, though, whether the present account of moral status is rightly called “African”. After all, plenty of Westerners are fans of friendship, and the account is reminiscent of the ethic of care as well as some elements of Aristotle’s ethic. Why associate it with the region below the Sahara desert?

In reply, for something reasonably to count as “African”, it need not be utterly unique to the continent of Africa. It need merely be salient there in a way that it is not most other places. Baseball is American, even though the Japanese and Cubans play it, and the combination of markets, industrialization and Constitutional democracy is Western, despite the fact that one will find it in places such as South Africa and Australia. Similarly, the present conception of moral status draws on ideas that are prominent in sub-Saharan moral thought and that differ from the views that dominate Western philosophy, which are individualist and holist. It is similar to the ethic of care, but, even here, a caring relationship would be (roughly) equivalent only to the solidarity element of community. The facet of identifying with others is more distinct, as many traditional African peoples and contemporary African ethicists deem sharing a way of life to have moral importance beyond the mere sharing of feelings, time or resources, as per the ethic of care. Moreover, even if one were to find an interpretation of care that were the same as my understanding of communal relationship, it would still be sensible to call it “African” since it is *much more common* in African philosophy than in at least Western philosophy to think of moral properties in essentially communal-relational terms.

Although I believe it apt to call the theory of moral status I have constructed “African” since it is grounded on features of folkways and worldviews that are salient among the black peoples of the continent, it ultimately matters little what it is called. What matters most is how well it accounts for comparatively firm judgments about what has moral status and to what degree. A good explanation for the parochialism of other relational theories is that they make an actual relationship a necessary condition for moral status. The present, modal view does not, instead appealing to the capacity for relationship, and for this reason does much better at accommodating our intuitions, or so I now argue.

5

Here I consider what the sub-Saharan account of moral status from the previous section entails in a variety of contexts, bringing out its many strengths and putative weaknesses in relation to dominant Western approaches. I first apply the theory to human beings, then to non-human animals, and finally to other things.

When it comes to normal, adult human beings, exemplary instances of beings with full moral status, it follows from the African moral theory that they have it. This theory implies that full moral status inheres in beings that can be both subjects and objects of harmonious relationships, and typical humans not only are capable of being identified with and cared for, but also can identify with others and care for them. So far, the theory on the face of it does as well as Kantianism and utilitarianism at *entailing* the moral status of human beings.

Furthermore, there are reasons to think that the African account of human moral status is *explanatorily* more attractive than at least some of the Western individualisms. Utilitarians deny that dignity is a genuine moral category; while they readily think in terms of a being

warranting moral consideration, they do not believe that any being has a superlative intrinsic value respect for which grounds basic human rights. However, many of those who believe that human beings have a moral status also think that they have a dignity, and the African theory can account for that intuition. It is naturally extended to say that humans have a dignity in virtue of their full ability to participate in communal relationships. If one is driving a bus and must run over either a mouse or a human being, the Africanist could plausibly contend that the reason to run over the mouse is that it lacks a dignity the human being has in virtue of the latter's capacity for love.

Friends of Kant's and Kantian views, of course, are also friends of dignity. Although Kant himself maintained that the capacity for moral reason is definitive of dignity and hence of moral status (1797: Ak. 423, 434–435), contemporary Kantians usually ground it in a being's more general capacity for reasoned deliberation or self-governance. The African theory is an attractive alternative to Kant's view and is competitive with regard to recent forms of Kantianism. Kant himself cashed out the ability to act morally in terms of a capacity to act on the basis of representations that are beyond space and time in a noumenal realm, which involves a less than compelling metaphysics that the African theory does not invoke. And unlike contemporary Kantianism, the African moral theory entails that a rational being that can, say, neither think of himself as a "we" nor act for the sake of others, lacks a full moral status, which many (though, I accept, not all) will find intuitive. The suggestion is not that individuals who have acted wrongly have a lower moral status, but rather that individuals who are utterly incapable of any other-regard do. In contrast, the Kantian (though not Kant) is committed to the view that a rational being capable only of self-regard has a dignity equal to one capable also of other-regard.

Let us consider the case of the purely self-regarding rational agent in more detail. Although the African theory probably cannot claim an advantage relative to the Kantian with respect to this sort of case, I submit that the former is not much, if any, worse off than the latter. First off, note that the African theory need not entail that autistic humans, or at least "higher" functioning ones such as the well-known Temple Grandin, lack a dignity or full moral status. While these individuals are comparatively incapable of empathetic awareness and sympathetic emotion, the evidence indicates that they are capable of additional forms of other-regarding behaviour (Kennett 2002). They are able to coordinate their actions with others, to do what is likely to make others better off, to act for the sake of others, and so on. Given the orbital account of degrees of moral status I suggested above, the African theory entails that many autistic individuals have a dignity equivalent to what we have.

However, the African theory does appear to entail that severely mentally incapacitated human beings and extreme psychopaths lack a dignity comparable to ours, for they are incapable of being subjects of a communal relationship. The Kantian, of course, is also committed to the view that severely mentally incapacitated human beings lack a dignity and indeed a moral status altogether. So, the nub of controversy between the Kantian view and the African one is the extreme psychopath. Now, even though the extreme psychopath has the capacity only for being an object of a communal relationship, that capacity is *much greater* than that had by other beings such as mice and dogs, and hence the African view entails that, even though he lacks a dignity equal to ours, his moral status is greater than that of animals. Compared with animals, normal human beings are more able to include "deformed" humans such as psychopaths, as well as the mentally incapacitated, in a "we", cooperate with them, act in ways likely to improve their quality of life, exhibit sympathetic emotions with them, and act for their sake. We do much more for the psychopathic and the mentally incapacitated than we do animals, which is evidence of a greater ability to make

them an object of a friendly relationship. And even with respect to psychopaths, we readily feel for them and are disinclined to punish them (while remaining firm about their confinement, to protect others) when we learn that the large majority of them suffered horrific abuse as children.

The African moral theory is interesting and worthy of consideration for being able to ascribe a “middle” moral status to both the extreme psychopathic and the severely mentally incapacitated. Neither Kant nor the Kantian would grant any moral status to the severely mentally incapacitated; the Kantian would ascribe full moral status—indeed, a dignity—to the psychopathic; and the utilitarian would naturally grant full moral status to both, as they are capable of pleasure or preference satisfaction.¹² The African theory presents a plausible alternative of granting to both more moral status than animals but less than normal humans.

Furthermore, the African account is to be credited with providing a reasonable explanation of why members of two different species that have the same internal properties, viz., animals and severely mentally incapacitated humans, might nonetheless have a different moral status. It provides a genuine reason to doubt the influential “argument from marginal cases” (e.g., Singer 1993; Dombrowski 1997), the rationale that at least some animals are entitled to as much moral status as humans, since the two are biologically similar. The African theory entails that even if there is no *intrinsic* difference between two beings, there could be a (*modal-*)*relational* difference between them, *qua* capacity to have a life that is shared with, and cared for by, normal human beings, that grounds differential degrees of moral status. The idea that humans have a greater moral status than animals is a persistent intuition, and invoking the property of degree of capacity for communal relationship is a more attractive way to account for it than is the speciesist one of the bare fact of human life.

The last category of human being that I address is the very young. According to the African theory, zygotes, blastocysts and embryos lack moral status, and, if they would warrant protection, it would be only on indirect grounds. They cannot be subjects of a friendly relationship, for they lack the abilities for conceptualization, intentional action, emotion and the like that are constitutive of it. Furthermore, they cannot even be objects of such a relationship, since they are not yet organisms capable of engaging in goal-directed activity and of being better or worse off.

Of course, the embryo is alive, and so there may be a sense in which it would be “better” if it were to stay alive, but not in the relevant sense of being “better off”, i.e., having an improved quality of life. And while it is true that some people, particularly pregnant women, are inclined to think of themselves as a “we” with extraordinarily young human beings, the tendency for us to identify with them increases substantially as they develop. Typical humans much more readily think of themselves as a “we” with mid-to-late stage fetuses and newborns than they do with a mere clump of rudimentary cells, upon a clear awareness of their nature. Furthermore, fetuses, at a certain point, are organisms with the capacity to feel pain and hence to be an object of solidarity. Although they still cannot be subjects of a relationship of identity and solidarity, they can be objects of them to some meaningful degree. Similar remarks go for newborn infants. So, the African theory appears to entail that human beings younger than two months old—when the large majority of abortions take place—lack a moral status, but that they acquire a moral status upon becoming a mid-to-late stage fetus.

¹² Some utilitarians argue that people’s “global” desires, with regard to their lives as a whole, are more important than “local” ones, giving them priority over the severely mentally incapacitated in cases of conflict. But what if a normal person, such as Galen Strawson, lacked such desires?

Comparing mid-to-late stage foetuses and newborns now, the former would have less moral status than the latter, if normal humans could more easily make the latter the objects of a friendly relationship, upon information about both kinds of beings.¹³ Newborns and foetuses, while sometimes identical in biological terms, are not identical in respect of essential functions, and partly for this reason are not identical in respect of capacity to be the object of identity and solidarity with characteristic human beings. Babies cry, look people in the eyes, ingest food through their mouths, are out in the world, have desires and engage in goal-directed behaviour, which enables them to be more readily conceived as a “we”, sympathized with, and helped by normal humans. The point is not that newborns are more similar to us than are foetuses, but rather that the latter are, *by their nature, cloistered* in such a way as to make communal relationship with them much more difficult. If that empirical claim were indeed true, then it would follow from the African theory that newborns have a greater moral status than foetuses.

Again, the African theory is to be credited for promising to account for a long-standing and widely shared intuition that has not been firmly captured up to now, namely, that moral status increases along with the development of a being from embryo to foetus to newborn. Utilitarianism cannot entail or explain that intuition, for once a foetus is capable of pain or preferences, there is no difference in moral status between it and a newborn, such that, notoriously, if abortion is routinely permissible, infanticide often is, too. Kantians also have difficulty accommodating the differential moral status of foetuses and infants, as either they both lack moral status for being non-rational, or they both have moral status for exhibiting the potential for rationality. Only a *relational* theory of the present sort has any real chance of differentiating between these beings.¹⁴ And *nothing else could*, given their intrinsic similarity.

I now turn from focusing on human beings to saying more about animals. In my view, a glaring weakness among dominant theories of moral status is that they cannot entail all the following: (1) both humans and animals have moral status; (2) humans have a greater moral status than animals; (3) both humans and animals have moral status for a unitary reason. On (1), I find it incontrovertible that at least some animals have a moral status, and even those who question the existence of animal *rights* and defend practices such as eating animals and experimenting on them invariably admit at some point that they do (e.g., Frey 1983). The best explanation of why it is wrong to put a live cat in a microwave merely for the thrill ultimately has to do with facts about the cat, not solely the agent or other persons; Kant’s ethic and contemporary Kantianism are simply mistaken.

Although utilitarianism accounts for (1), it fails with respect to (2). It entails that many animals have the same moral status as human beings, for both kinds are capable of pleasure and pain, or of preference satisfaction and frustration. And Tom Regan’s (2004) subject of a life criterion, according to which a being has moral status roughly insofar as it has propositional attitudes toward the past and the future, as well as Paul Taylor’s (1986) biocentric view, which prescribes respect for all living organisms, are also well known for entailing the equal moral status of humans and many animals, something that I, and I presume most readers, find counterintuitive (see section 2).

Finally, there are accounts of moral status that entail (1) and (2) but that are pluralistic and hence fail (3). For instance, Christopher Stone (1985) and Mary Anne Warren (2003) are known for thinking that several features ground moral status of differing degrees,

¹³ This line of reasoning is inspired by some remarks from Slote (2007: 17–19).

¹⁴ Note how the African theory differs from the classic ethic of care with regard to foetuses and infants, which grounds their moral status in their *responsiveness* to care (Noddings 1984: 87–89).

ranging from rationality to sentience to (actual) relationships to landscapes to species. However, all things being equal, a view is more desirable, the greater its unity and simplicity, meaning that a monistic theory is preferable.

The African theory promises to account well for (1), (2) and (3); it appeals to a singular property to ground moral status that entails differing degrees of it between humans and animals, and between various classes of animals as well. As I have explained, since normal humans are capable of being both subjects and objects of harmonious relationships, they have full moral status. There is evidence that some animals, such as chimpanzees and gorillas, are capable of being subjects to an extent, at least insofar as they can coordinate their behaviour, exhibit sympathy and act consequent to it (e.g., de Waal 1996), and so they would have the highest moral status in the animal kingdom. Below them would be animals that are utterly incapable of being subjects of a friendly relationship, but would have a substantial ability to be objects of one, namely, most other warm-blooded creatures. Farther down would be animals that are capable of a better or worse life and so could be objects of a friendly relationship, but would be less able to be objects than other animals due to either their comparative lack of sentience or the dispositions of human nature, say, fish.

I now address beings other than humans and animals, and, not coincidentally, respond to two major objections that are likely to be made to this African theory of moral status. To some readers, the glaring weaknesses of this view are that it is, first, anthropocentric and, second, unable to account properly for ecological concerns. I take up both objections in turn, before concluding.

The theory might appear to be anthropocentric in that it cashes out moral status in terms of certain human capacities. To be able to be an object of a communal relationship, on this view, is analyzed in terms of a capacity to relate to normal human beings in a certain way. And so there is an irreducible appeal to humanity in its conception of moral status.

However, the African view is not anthropocentric in the most clearly questionable forms. First, it does not entail that natural objects have merely an instrumental value for human beings, for it entails that many animals have moral status, i.e., are the proper object of ethical concern in their own right. Second, the view is not speciesist, for it does not imply that human life *qua* human has a basic moral value. The theory is capacity-based, making it an empirical matter to determine not only which beings have the capacity to identify with and exhibit solidarity toward others (which chimpanzees and gorillas may well have), but also which beings can be the objects of such a relationship with us.

Even so, some friends of an environmental perspective will find the African theory unsatisfactory. For one, it entails that plants—even Redwoods—lack a moral status, so that any duties with regard to them will be indirect. Although there is a sense in which a tree can “flourish” (as Stone 1972 helped make clear), that is a matter of being able to be a good instance of its kind, and not being able to live a good life, which is necessary to be an object of solidarity (cf. footnote 9). For another, groups such as species and ecosystems obviously are incapable of being subjects of friendship, and also cannot be objects of it, as they are not beings with goals and lives that can be better or worse off.

In reply, here is some reason to think that such ecological concerns might be plausibly captured without ascribing moral status to plants and groups. To put it tersely, not all final value is moral value. As Robert Nozick points out (1989: 163–164, 170–171), scientific theories and the game of chess are organic unities and for that reason plausibly have a value that is not merely instrumental, but it is implausible to think that they are ever the direct object of moral obligations. Even if the African theory of moral status denies it to plants and groups, there could be other respects in which these things are finally (not merely instrumentally) valuable and warrant respect and protection, even

at some cost to beings capable of communal relationship (supposing, as is plausible, that morality is not invariably overriding).

Consider how an agent (or at least one not yet in the grip of a theory) would likely feel if she destroyed a Redwood, landscape or an ecosystem. I submit that if she would feel guilt, she would most likely feel guilt with respect to the animals or humans, including future generations, affected by this behaviour, and she would probably not feel *guilt* with respect to the tree, landscape or the ecosystem *as such*. She would be more likely to feel *shame* with respect to the way her behaviour has affected those things, but guilt is a much more reliable marker of moral status than is shame. People often feel shame about their unattractive appearance, or their impoverished condition, or their having been the victim of wrongdoing, conditions unrelated to their having violated moral norms. There is, therefore, *prima facie* reason to exclude plants and groups from the domain of moral consideration in their own right, and to continue to try to account for their non-instrumental value in other terms.

6

Those deeply committed to holism and individualism, or even a combination of them, may well not be convinced by this discussion. Diehard holists will reject the idea that anything other than a group can ground moral status, while pure individualists will reject the recurrent suggestion that two beings that are internally identical (foetus v neonate, severely mentally incapacitated human v animal) could differ in their moral status. However, my aim has not been to convince anyone to change her mind, or even to provide a complete justification for doing so. My goals have instead been the more limited ones of articulating a new, modal-relational account of moral status grounded in sub-Saharan moral philosophy, demonstrating that it avoids the severe parochialism facing existing relational accounts, and showing that it accounts better than standard Western theories for a variety of widely shared intuitions about what has moral status and to what degree. Many of these intuitions are captured by neither holism nor individualism and have lacked a firm philosophical foundation up to now. Of importance here is the African theory's promise to underwrite the ideas that humans and animals have a moral status grounded in the same property that differs in degree, that severely mentally incapacitated humans have a greater moral status than animals with the same internal properties, and that a human's moral status increases as it develops from the embryonic to foetal to neo-natal stages. It is too early to conclude that one has most reason to believe the African theory of moral status, particularly in light of criticisms that I have not yet had the space to address,¹⁵ but I submit that the field would be misguided to ignore this unique and promising view in future debate.

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¹⁵ Does the African theory entail: that cuter animals have a greater moral status than ugly ones, that a late-term human foetus has a lower moral status than a chimpanzee, that a stereotypical Mother Teresa has a greater moral status than us, or that someone actually part of a communal relationship with us has a greater moral status than someone who merely could? And, if so, are these implications counterintuitive?

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