



# XENOGRAFT AND PARTIAL AFFECTIONS

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Making moral decisions of the sort brought to our attention by contemporary philosophical reflections on animals has a tendency to highlight our particular connec-



## PHILOSOPHY

Jim Barter, *Animals*, 1919  
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tions to other people. The decision to adopt a vegetarian diet, for instance, is sure to affect relationships with spouses and friends, and not simply because the vegetarian becomes rather more trouble to have to a dinner party; the deeper problem is that the moral vegetarian poses by his/her diet an implicit critique of the morality of the choices of her friends. If her friends are of an enquiring turn, the critique may well become explicit. The problem here is not negligible--in fact, it has led one well-known moral philosopher to mount what I call the "argument from conviviality" against becoming a vegetarian[1]--and neither is it exhausted by considerations of one's friends. Think of the vegetarian's children. If they are within a certain age, he/she will likely be imposing his/her moral values upon his/her kinds in a place where they can actually taste it. Apart from their gustatory difficulties with a diet that is newly restricted, as well as newly expanded, the children will face their own version of the conviviality problem: they will differ from their peers at a time of life when differences may be particularly costly.

Showing how partial affections may run counter to considered moral judgments isn't to do anything newsworthy; it seems faintly unprofessional to dwell on the conflict, and tantamount to a confession of moral weakness to suggest that it might ever be resolved in favor of partiality. The major moral theories--perhaps particularly those most involved in enhancing the moral status of animals--have little patience for partiality. And why should they? Isn't any insistence on a distinct moral significance for partial affections arbitrary, an invitation to invidious kinds of discrimination against those we may not happen to feel fond of?

As it happens, the difficulties I've mentioned can often be handled with no sacrifice of principle to sentiment--friendships

can actually deepen, and young characters grow--and the fact that such accommodations can be made is just another indicator of the comparative triviality of the human interest in an omnivorous diet. But not all such conflicts are so easily solved. Lots of children, for instance, consume prescription pharmaceuticals at a dizzying rate, and such drugs are tested on a variety of animals in painful and lethal ways. But common childhood ailments--think, for example, of urinary tract infections--are more than merely annoying; if left untreated, they can badly damage very important organs. The arguments against the use of animals in at least much of scientific research and product testing are, to borrow a phrase of Thoreau's, "many and weighty and deserve to prevail," but our children need those drugs. Should moral vegetarians abstain also from ill-gotten, ill-tested elements of the pharmacopia? Should they also deny the benefits of those products to their children?

In medical contexts, the temptation to sacrifice universal principle in the name of a particular affection will be extremely strong, ever so much more than in the case of diet. Puzzling out what should be done here is tough and deserves more attention than philosophers concerned with this area of morality have given it. In this presentation, I'll be focusing on the rather dramatic case of xenograft--the transplantation of tissues or organs from members of one species to those of another--where the human stake is likely to be especially high. But I will keep sight of how more common medical therapies also affect animals and of how decisions about such treatments affect those to whom we are especially bound.

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That xenograft is at least an experimental part of medicine's armamentum is well known since the tragedy of "Baby Fae." Fae's defect--hypoplastic left heart syndrome--has killed a lot of children and will go on killing them unless their hearts can be repaired or replaced. As things now stand, replacement seems the most promising mode of treatment. Yet, trauma deaths in infants occur seldom, and children with HLHS can't wait. It's far from clear that xenograft actually served any of Fae's interests or that it was even very reasonable to believe it might. She may have been as much an

experimental animal as Goobers, her donor.[2] But it is perfectly reasonable to think that interspecies transplantation could come to be a technique of real value to many otherwise doomed children, and perhaps adults as well.

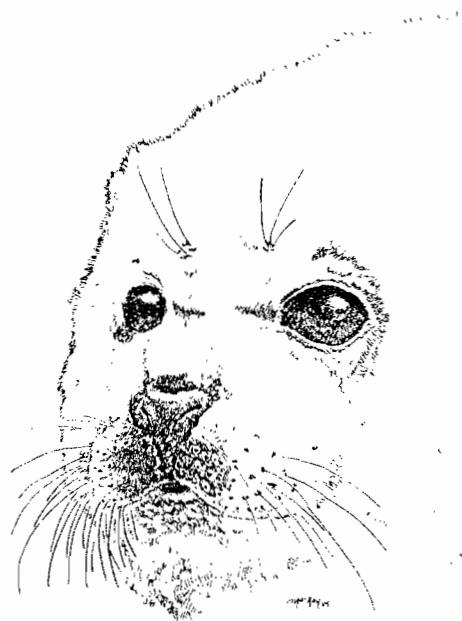
The image of infants condemned to death because of congenital defects is heartbreaking and is clearly a strong motivator for the physicians and other scientists involved in xenograft research. The compassionate traits that are involved in the intensity of our response here are morally valuable, even though limited in scope--and perhaps they could not be so valuable were they not so limited.

Perhaps it is considerations like these which have led writers such as Cora Diamond and John Benson to be critical of dialectical crowbars like the "marginal cases argument" which try to pry us loose of our biases towards "our own." In Benson's 1978 Philosophy essay, "Duty and the Beast," he writes that

partiality for our own species is, like the universe, something we had better accept. . . . The danger in [an] attempt to eliminate partial affections is that it may remove the source of all affections. (1978: 335-6)

Benson's point is apparently a causal one: particular affections are a necessary condition for the development of moral behavior, and it is perilous for us to become disconnected from that ground. But although such claims seem to bear some apparent plausibility, closer examination of authors taking this line doesn't yield answers to questions such as, "Even if the first conjunct asserting the causal link is true, why should the second be regarded as true as well? Why can't our moral sensibilities expand to more fully encompass how much of the world is morally considerable? And even should both conjuncts be true, does this mean that all our partialities need to be considered: those for our race as much as those for our nation, those for our gender as much as those for our family? And, in light of the horrifying expression of some partialities in human experience, how are we to distinguish the good from the bad?

But perhaps questions such as these are a bit out of place in the present context--



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why should it be thought that impartial moral reason and special affection for members of our own species will conflict over xenograft? As widespread as the partiality for humans is, the conviction that this preference makes perfect sense is equally widespread. In his recent Rights, Killing and Suffering, R. G. Frey tries to show how a utilitarian perspective would rank the value of human and of animal life, respectively:

Some of the things which give life its richness we share with animals; there are other things, however, which can fill our lives but not theirs. For example, falling in love, marrying and experiencing with others what life has to offer; having children and watching and helping them grow up; working and experiencing satisfaction in one's job; listening to music, looking at pictures, reading books, and so becoming acquainted with our cultural past and present; wondering where we have come from, where we are going and what explains what happens around us; experiencing human delight and fantasy; making plans and striving to realize them; striving to make something of one's life in terms of one's purposes and goals; seeking through years of training and hard work, excellence in some athletic, artistic or aca-

demic endeavour. (1983: 109-10)

This is a catalogue of what he considers to be the "greater possibilities of enrichment" characteristic of human life. Frey offers it as part of his effort to defend vivisection, arguing that well designed, serious experiments on animals--even if painful or lethal--are justified by their contributions to the more richly satisfying lives of humans. The bona fides of this problem, so far as impartiality goes, is revealed by Frey's application of the criteria. No speciesist he, Frey is willing to regard human beings who fail to measure up to normal standards as candidates for painful, lethal experimentation as well.

But how impartial is Frey's approach? Compare his text to this one from Steve Sapontzis:

We cannot enjoy the life of a dog, a bird, a bat, or a dolphin. Consequently, we cannot appreciate the subtleties of smell, sight, sound, and touch which these animals can apparently appreciate. Here, we are the boors. Of course, they, in turn, apparently cannot appreciate Michelangelo or Mozart (an insensitivity not limited to members of other species). Here, they are the boors. This would seem to leave us roughly even. (1985: 22)

This text suggests a couple of readings. On the first, we are being reminded of facts about animals which we know--their superior sensory abilities, and so forth--but often overlook in efforts to "impartially" rank the value of animal and human life. And it is a salutary reminder. But it isn't clear how taking those factors into account will lead to a judgment that the value of those lives is roughly on a par. It isn't simply a matter of operatic genius against olfactory genius, as Frey's catalogue attests. It seems more than plausible that, even granting the real value and complexity of the experience of many animals, Frey could still reasonably maintain that human experience typically outstrips it, and that vivisection--and xenograft--are therefore justified from an impartial, utilitarian perspective.

On the second reading, we are being reminded that there are facts about animals which we don't know and can never know--the

subjective features of their lives, what it is "like" to be a bat, a dog, a dolphin. Mill's test for ranking the quality of experiences just isn't open to us here. Frey's catalogue, although impartial in its application, is not impartial in its framing; it is made up of just those things that humans value. Frey is what might be called a "second-order" speciesist.

Those who have pushed this point often seem to regard it as a good thing for animals. But it doesn't seem at all that such a tack is going to support the judgment that our experiences are "roughly even" in quality. It is true, on this assumption, that it will turn out that we have no reason for holding that our experiences are more significant than those open to animals, but neither will we have any reason for thinking that theirs are equal or greater in significance than ours. We might end up saying that "our experience has our kind of value, and their experience has theirs," but interspecies tolerance no more follows from interspecies relativism than cultural tolerance follows from cultural relativism.

If this is what we are stuck with, then it seems that there are no good reasons to move us off our species partialities. If, on the contrary, we can make respectable judgments about the significance of experiences across species lines, then it looks as though "good reasons" actually support those partialities.

This is not, I think, an especially surprising result: the upshot of a utilitarian approach to the ethics of animal experimentation are reformist, rather than revolutionary. Exposes like Singer's Animal Liberation document the extent of shoddy research in pursuit of trivial goals, and thereby testify to the abuse of an institution; they are not a criticism of the institution itself. If a utilitarian orientation cannot categorically reject the experimental use of animals, it can hardly be expected to show the immorality of the therapeutic use of animals.

There are a few attempts in the literature to deflect conclusions of this kind. Lawrence Finsen, for example, has argued that the use of animals in research is unfair, as it involves an inequitable distribution of burdens and benefits: the animals do all the

suffering; the humans reap all the rewards (1984). This certainly holds for xenograft, too. Finsen thinks that this lack of distributive justice is something that consequentialist morality could well be sensitive to, but I don't believe that this has been shown. Typical consequentialist approaches to problems about fairness in the distribution of utilities try to accommodate our intuitions about justice--since, in part, doing so will increase the utility of accepting and observing the theory. But such intuitions respecting animals are simply not shared widely enough to ground a consequentialistic demand that we observe the tenets of distributive justice in the design of animal experiments on therapies. Our treatment of animals in experimental contexts is a "real-life" version of a standard, textbook refutation of utilitarianism: animals are the class whose "enslavement" renders the lives of the rest of us better off, thus improving the overall balance between utility and disutility. A common utilitarian response to the general form of this problem--that, given the way the world really is, such distributions of utilities couldn't result in an optimal ratio--is much more plausible if animals are left out of the picture. The "slaves" stand still for it, more or less; the social structure remains stable. And even if it be objected that current uses of animals in research certainly do not produce "the greatest good," it is reform, not revolution, that can address this point--reform that could well include directly therapeutic uses of animals, as in xenograft.

So, I remain strongly suspicious that a utilitarian approach will end up supporting our partialities. Oddly enough, rejecting the ranking of animal and human lives as speciesist will have the same result.

Frey's approach to adjudicating conflicts between humans and other animals involves grading the value of the kinds of experience each has. A contrasting approach is to look at animal experience categorically, as does Tom Regan. It is not the content of animal experiences that is key; the significant point, rather, is that animals are subjects of experiences at all, that they are "subjects of a life" which has value independently of its value to us.

Regan spells out the consequences of his "rights" view for xenograft in a recent Hastings Center Report discussion. That Goobers,

Fae's donor, was "the experiencing subject of a life, a life whose quality and duration mattered to him independently of his 'utility' to us" provides us with a reason not to sacrifice the interests of Goobers as a means to anyone else's ends (1984).

This, I think, is a fairly effective response to the sort of problems that trouble a utilitarian attempt to forbid xenograft. For Regan's position doesn't call on us to say that animal lives are as valuable as our own; hence, it isn't threatened if they should turn out not to be. The possibility that the relative value of human and animal lives may not be measurable is also no threat. Regan is simply insisting that Goobers' experiences mattered to that animal, that his life was valuable in his own terms, whatever those happen to be.

Much about Regan's views is controversial--in particular, how he decides conflicts between human and non-human subjects of a life. But I wish to raise a different question here. Much of the support Regan claims for his theory comes from its superiority over utilitarianism in its handling of intuitions. Of course, not just any moral intuition will be relevant to the assessment of competing moral theories; otherwise, Regan's theory would have a very different tale to tell concerning animals. Our intuitions must be run through a series of filters before they can properly be used to construct and assess moral theories. One such test is labeled "Impartiality," and here is what Regan has to say about it:

Partiality involves favoring someone or something above others. For example, if a father is partial to one of his children, then he will be inclined to give the favored child more than he gives his other children. In some cases, perhaps, partiality is a fine thing; but a partiality that excludes even thinking about or taking notice of others is far from what is needed in an ideal moral judgment. (1983: 128)

True, but not very precise. Regan warns us here against taking seriously those moral intuitions which arise from "extreme, unquestioned partiality." This is fair enough, but his own theory ends up ruling out expressions of partiality which are neither. Parental

partiality need not be a matter of favoring one child over another; rather, it may be a question of favoring one's children over other morally considerable beings--including animals--who are not one's children. such partiality need not be extended in a casual, unreflective way to gratify relatively trivial desires at the great expense of others; it may be extended reluctantly, in order to meet extremely serious interests, because there is no alternative. Our children, as I emphasized earlier, don't need Big Macs or suede pants. They often do need medical interventions of many kinds--not just xenograft--which involve using animals as means to their ends.[3]

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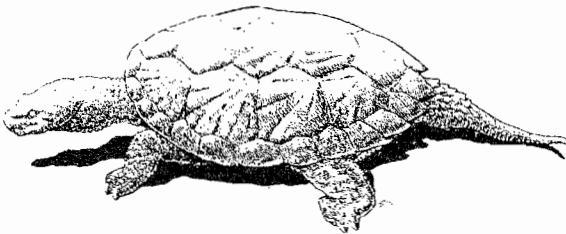
When one thinks about arguing the merits of a contentious moral issue, such as xenograft, the audience for the argument is often envisaged to be professional gatherings; one seldom thinks of trying to convince the parents of a child with HLHS that it would be wrong for them to avail themselves of the only means to save their child's life. Perhaps we restrict our imaginations in this way because we would expect people so placed to be altogether beyond the reach of reason, and could hardly blame them for being so. But against this, consider that we expect parents to be able to make good decisions for their children in crisis situations--that's just one of the tough parts of being a good parent. Or perhaps we might say that if such parents did elect xenograft, even if the decision were, all things considered, immoral, they wouldn't be blameworthy. But this suggests that we ought to strive to become

The answer to the question, "Is xenograft immoral?" depends on who is asking. If the question is put on behalf of parents struggling to save their child's life, the answer, as best I can see is "No." A Regan-style account isn't sensitive to the questioner; in categorically rejecting xenograft, it rejects too much.

But answers that come out of a perspective of species partiality or from utilitarianism are insensitive as well. They will endorse xenograft, not merely as an allowable choice for parents who are suddenly facing tragic circumstances but in general. It is just as permissible a choice for a medical researcher trying to decide to what project he/she will devote his/her professional energies. Such researchers will sacrifice not one but more likely scores of Goobers as techniques become refined to the point where they may be applied, and will possibly press on to expand the use of xenograft beyond problems like HLHS to therapies for kidney failure and for other, less directly life-threatening problems. The answer to the research community, then, is that xenograft is immoral.

The positions of species partiality and even of utilitarianism are insensitive to morally significant elements; these are not restricted to sentience alone. Regan is on to something, I believe, in claiming that many animals, like many humans, are sources of value, not merely objects on which we may place a value. Sapontzis, too, is persuasive when he observes that some animal behavior--the affection, loyalty, self-sacrifice, and industry that we associate with them--is of moral significance.[4] Along with our shared sentience, these morally important traits are the common property of several species and call for our respect for non-human as well as human animals.

But is my position consistent with such respect? Isn't it just another guise for species prejudice, and a prejudice confused by sentimentality as well? I think not. the partiality I endorse is not for our species but for one's children. It's the part of a good parent to single out one's children for types of consideration which those outside the relationship do not get. This partiality may be founded in considerations of intergenerational reciprocity; if so, it has some points of contact with general conceptions of justice. It may be rooted in efficiency in



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the sort of parents who would have the insight and courage to deny our children such a chance, and I harbor the gravest doubts about whether such a goal is really an admirable one.

satisfying needs and hence closely tied to considerations of utility. But I think that it takes considerable independent support from the moral value of the love that exists between people whose histories are intertwined in significant ways.

Love of the kind that good parents bear their children is itself worthy of our admiration. It is not, however, universalizable; I simply can't love everyone as I love my children. Some of the reason for this has to do with the particularity of the shared experiences and intimate acquaintance from which such love emerges. But some comes from the nature of parental love. It is not an agapeistic love--even with God's grace, one couldn't extend it to everyone, because it is essentially a preferential attitude. It is good for children to have someone who takes the trouble to know them intimately, who can then appreciate things about them that others overlook, someone who endorses their worth by singling them out, making them feel special, making a home for them, loving them "best of all." They thrive on such love, languish in its absence.

But even granting the moral worth of parental partialities, surely a virtuous person may not do just anything in the name of his/her children--not even if he/she is acting to save their lives. Why may he/she sacrifice the life of another creature who is worthy of moral respect? It is difficult to develop a casuistry here. I am not maintaining that the kinds of things about children that evoke parental partiality are justifications for parents' using another subject of a life as a means to their children's ends. They don't give us the warrant to develop therapies which abuse animals. But I do think that the parent who finds him/herself confronting the crisis of the birth of a child with a defect like HLHS is not just facing a conflict between a natural sentiment and a moral principle, so that all that is required is the courage to resolve it. He/she is facing, rather, a moral dilemma: the claims of impartial reason and the claims of parental affection are both morally respectable.

This still doesn't explain why it is permissible to resolve this dilemma by electing to follow one's partial affections. But there are a number of considerations which support such a choice. First, consider the fundamental character of the human interests

at stake and the parent's lack of alternatives. The parent has little real choice if she is to save his/her child. He/she could, I suppose, offer his/her own heart, but other moral and technical considerations apart, who would take it from him/her? In this respect, he/she is in a very different position from the scientific researcher, who can strive in many ways to save the life of children.

Second, it isn't altogether clear that refusing the animal's heart will save him/her, while it is certain that doing so will cost the child his/her life. The animal is caught in the experimental-therapeutic system and is probably doomed already. If he/she is not a donor for this procedure, he/she will be for another; if not a donor, then a subject of other experiments. Against this, it might be alleged that if an animal isn't expended on this procedure, it will mean that one fewer animal ultimately gets used in experimentation--the next consignment of primates for the labs will include one fewer than it might have--but there's just enough looseness here to leave the parent in some measure of real doubt about whether his/her decision has actually caused more animals to be sacrificed.

Third, it is at least plausible that death is a greater harm to the child than to the baboon. The child's death may foreclose a greater range of satisfaction and preclude projects of greater moral worth.

Fourth, if the parent chooses to reject xenograft, he/she has sacrificed partial affections altogether to the demands of impartial reason. But if he/she accepts xenograft, he/she still has a way of showing his/her respect for impartial considerations. Someone who is both a virtuous parent and alive to the moral significance of animal life will push for reform in medical research and for the replacement of xenograft with other therapies. He/she will not refuse to employ available resources if the basic needs of his/her children are at stake, even though these resources are paid for with the lives and comfort of animals. This he/she may do in deference to his/her duties as a parent. But in deference to those general, moral considerations that include animals in their scope--his/her concern that the increment of utility be figured so as to include the pleasures and pains of animals, his/her respect for "subjects of a life," even when the life is non-human, his/her admiration for moral

virtue, even when the virtuous agent is a member of another species--he/she will work to obtain the benefits of medical interventions in ways that are not damaging to animals.

Readers of Frey's Rights, Killing and Suffering will recognize in my description of the virtuous parent a version of his "concerned individual." As Frey sees it, if you're convinced of the wrongfulness of current methods of meat production, you needn't become a moral vegetarian. It is better, because it's more efficient in rectifying abuses, to become a "concerned individual" who lobbies against objectionable practices while still enjoying the benefits of eating meat. I think Frey's application of this notion to the issue of diet is mistaken; he doesn't even consider the effectiveness of joining the vegetarian and concerned-individual strategies and greatly overestimates the significance of the human interests involved. But the interests involved in the preservation of life and the restoration of health are among the most profound we have.

Does any of this refute the charge that my virtuous parent is really just another speciesist? Frey's strategy escapes such a charge, I think; his text implies that if retarded humans were being factory farmed, he would find nothing wrong with simply lobbying to make their treatment more humane. I'm not sure that I want to extend to virtuous parents the right to consent to a heart transplant for their children if the donors are children with Down's Syndrome. In another place, I have argued that there is a morally relevant distinction between animals and marginal humans: the marginal humans have suffered a tragedy in becoming the psychological equals of animals--a tragedy that animals have escaped. The sentiments properly evoked by the recognition of such a tragedy--pity and compassion--speak strongly against further injury to someone already so afflicted (1985).

The appeal to the tragedy of marginal cases can acquit the virtuous parent of the charge of arbitrary discrimination in choosing not to do to a retarded human what he/she might do to a normal baboon. Still, he/she is using another as a means to his/her ends. But if we grant the moral significance of parental affections, then the possibility is open that conflicts between partiality and impartiality should sometimes be decided in

partiality's favor.[5]

#### Notes

1. This argument appears in Devine's 1978.
2. Several short discussions of various aspects of xenograft appear in the February, 1985, Hastings Center Report, grouped under the title, "The Subject Is Baby Fae."
3. Regan discusses the moral significance of relationships with loved ones and friends in section 8.12 of his 1983. However, it is not clear that cases like xenograft would be covered by that discussion: Regan doesn't explicitly allow the appeal to such "special considerations" to justify using otherwise non-threatened subjects of a life as means to ends solely.
4. See Sapontzis' 1980.
5. I'm very grateful to Hilde Robinson for contributions constructive beyond her usual generous measure. I'm also grateful to Myron Anderson, John Bahde, David Soyer, Philip Devine, Alan Soble, Matthias Steup, and Stephen Wagner for participating in a discussion of an earlier draft.

## A CHANGING WORLD

Once people played with wolves  
And lovers like leopards.  
All forest people were almost gods.

Once people sang with wolves  
And lovers like morning doves.  
Now all forests almost are gone.

Once people slept with wolves  
And lovers like winter stare.  
All of the gods are almost gone.

Almost gone are all the wolves  
The people lovers of the Earth,  
And all the gods but one.

The people of the Earth saw God  
In all. Now humans see  
But one above and not in all.

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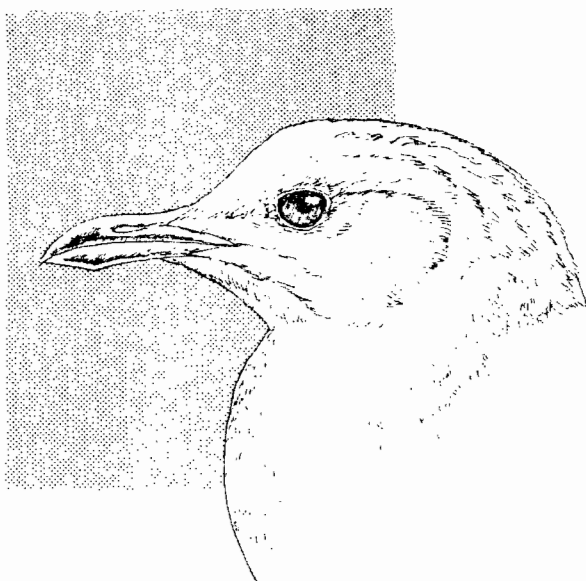
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## CHANCE

four pick-up stix  
a  
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l into my  
palm  
should i knit  
a universe or a poem?  
weave them in my hair  
with tiny bows and knots?  
tap out a tune?  
. . . tra la las  
save them in an old shoe box

(with 4-leaf  
clovers and  
dusty butter  
flys)?

cr/ack them like  
cr/ay/ons across  
marbly kNUckLES?  
taste them as chopsticks  
thrust into ----DEADANIMALFLESH ?  
shish kebab!  
ponder their pattern  
and display them in galleries?  
or should i just  
r  
o  
p them into your open  
hand  
again?

DAVE MACAULEY