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# Some Perspectives on Moral Status of Human Brain Organoids

With Focus on Consciousness and the “We” as Humans

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## Abstract and Keywords

Human brain organoids are three-dimensional structures that reproduce the structure and function of the human brain *in vitro*. In this paper, I focus on the question of the moral status future human brain organoids will occupy. It is generally believed that the moral status a being occupies depend on sentience it possesses. However, in this paper, I argue that the presence or absence of a “consciousness” other than sentience may also have moral importance in the light of the features that seem to be unique to human brain organoids, and assert that a new perspective on whether human brain organoids belong to “we” or not may be necessary for thinking abstractly about how they should be treated morally. I argue that even if future human brain organoids lack sentience, they can occupy a moral status when they have so-called phenomenal or access consciousness. On the other hand, I argue that as long as future human brain organoids are as much a part of the “we” in terms of family membership as patients in a persistent vegetative state are. This would imply that even if human brain organoids do not have any kinds of consciousnesses, they may occupy some moral status.

Keywords: organoids, moral status, consciousness, family membership, speciesism

## Introduction

Human brain organoids are three-dimensional structures that reproduce the structure and function of the human brain *in vitro*. Recent advances in science and technology have raised concerns about how to treat them morally. Are human brain organoids morally important in their own right? If so, do we have a moral obligation to treat them fairly? How should we think about the rights and wrongs of harming or hurting them relative to humans and non-human animals? The question of the moral status of human brain organoids, somewhat sensationally described as “miniature brains,” looms over us as a practical issue that cannot be ignored.

It seems safe to say that the prevailing view amongst contemporary analytic ethicists of a certain stripe, is one according to which the moral status a being occupies and, therefore, the restrictions imposed on its moral treatment depend on the psychological capacities it possesses, especially sentience, which is related to

the ability to suffer or feel pain. Following this view, the presence or absence of sentience is essential when considering the moral status of human brain organoids.

However, in this paper, I examine the moral status of human brain organoids by introducing two perspectives that cannot be captured by the prevailing view. The first perspective focuses on the psychological capacity of consciousness of various kinds, and the second on the “we” humans as a moral group. With respect to the first perspective, I argue that the presence or absence of a “consciousness” other than sentience may also have moral importance in light of the features that seem unique to human brain organoids. Even if future human brain organoids lack sentience, the kinds of psychological capacities they will develop matter morally since they can occupy a moral status even when they have only so-called phenomenal or access consciousness. However, in terms of the second perspective, I assert that, the moral status of human brain organoids depends on their being members of the human species and,

thus, members of the “we” as a moral group. As long as we cannot exclude the view that future human brain organoids are as much members of the “we” in terms of family membership as patients in a persistent vegetative state are, and that “we” are nothing less than human animals, even if human brain organoids do not have any kinds of consciousnesses, they may occupy some moral status in virtue of their being members of the “we.” This possibility may provide an opportunity to develop a new perspective on whether human brain organoids belong to the “we”, in addition to the previously pointed out perspective of whether they have “consciousness” or not, when thinking abstractly about how they should be treated morally.

The remainder of this paper is organized as follows. In Section 1, I briefly summarize the current state of organoid research and identify moral concerns that may arise in the future. Section 2 summarizes the idea of moral status in general, focusing on sentience. Section 3 presents one perspective on the moral status of human brain organoids, considering the variety of consciousnesses. In Section 4, I propose another perspective, based on an analogy involving patients in a persistent vegetative state, that the moral status of human brain organoids can be understood from a new aspect of “we” in terms of family membership. In Section 5, I will briefly reply to two objections to my proposal to include human brain organoids as a member of the “we.”

## 1. Current Status and Future Concerns of Organoid Research

So-called organoids refer to various types of pluripotent stem cells cultivated in dishes or *in vitro* and are specifically three-dimensional biological structures that self-organize to mimic actual organs. In 2008, a research group in Japan’s RIKEN Institute showed that cortical tissues derived from pluripotent stem cells self-organized into three-dimensional structures and the characteristics of human cortical development could be reproduced (Eiraku *et al.* 2008). At this point, they were very small in size and had a limited range of neurons, but in 2013, by improving protocols and enhancing nutrient absorption, a group of researchers succeeded in generating three-dimensional structures with cerebral cortical regions displaying an organization similar to the developing human brain at early stages (Lancaster *et al.* 2013). This generation of brain organoids with larger sizes and a wider range of neuron types was a breakthrough, and many human brain organoids (HBOs) have been generated in the laboratory since then.

As evidenced by a multitude of biotechnology examples, there have been remarkable technological advances and achievements. A recent study found

that cerebral organoids cultivated for long periods of time acquire the structural features of mature neurons, including spontaneously active neuronal networks and differentiation of photoreceptor cells with light-responsive proteins (Quadrato *et al.* 2017). In addition, certain long-term cultured cerebral organoids derived from human embryonic stem cells have been found to contain specific mature inhibitory and excitatory neurons (Matsui *et al.* 2018). Other studies have demonstrated that cortical organoids spontaneously develop periodic and regular electrical activity, similar to the electroencephalogram patterns of preterm infants, as well as complex neural activity (Trujillo *et al.* 2019).

This series of organoid studies is now considered useful for modeling diseases, testing drug responses, personalized medicine, and organ transplantation. For example, the HBO has been used to identify how the zika virus causes microcephaly in fetuses and to screen for drugs that might weaken the infection (Qian *et al.* 2016). In the future, organoids could greatly advance the development of treatments for neurodegenerative diseases such as Alzheimer’s and Parkinson’s; organoids may also replace damaged organs, including parts of the brain, without rejection. Progress in organoid research will bring a ray of hope to a number of patients.

However, organoid research is just beginning to develop. In fact, the HBO is still currently much smaller than a real human brain and does not even have blood vessels. It is far inferior to the actual human brain in terms of the number, complexity, and maturity of its neurons, and does not even have the developed sensory inputs and motor outputs necessary to interact with and respond to the external environment. Therefore, it seems unlikely that the current HBO has thoughts or a sense of pain; hence, at the moment, it is an entity that does not resemble us. It is true that we should not deny the possibility that some of current HBOs have some phenomenal conscious experiences, depending on how consciousness is viewed.<sup>1</sup> This means that moral concerns might be raised in the creation and handling of HBOs even at the present time as long as current HBOs as well as future HBOs are regarded as having some consciousness.

However, a more obvious and pressing moral concern

1 For example, if some current HBOs not only exhibit complex neural activities but are also able to have causal interaction with the environment, and thus acquire integrated information, then they have consciousness according to integrated information theory. Since there are many competing theories that offer an explanation for the nature and source of consciousness, it cannot be said that HBOs are free of any ethical concerns even at this time. For a more detailed analysis of HBOs and consciousness, see Niikawa *et al.* 2022.

would arise if HBOs are found to be conscious in most promising theories of consciousness. Given the rate of progress in the field, it is quite likely that the current limitations will be overcome in the near future, and it is not inconceivable that HBOs that interact with their surroundings and eventually gain consciousness will become a reality regardless of which promising theory is chosen. As some ethicists have noted, recent developments “do suggest a growing need to think about the possibility that brain organoids might one day acquire consciousness” (Koplin and Savulescu 2019, 760). Indeed, the International Society for Stem Cell Research 2021 cautioned that the ethical issues could arise, as organoid research has progressed (International Society for Stem Cell Research 2021). Thus, we can predict that concerns about how to deal morally with HBOs and other organoids will sooner or later become one of the most pressing issues that ethicists must address.

## 2. Moral Status and Sentience

What moral status will future organoids, including HBOs, occupy? To address this question, the concept of moral status must be clarified. In general, when a being has characteristics related to moral values and occupies a moral status, some moral restrictions are imposed on its treatment. Among other things, moral agents have an obligation to treat those who occupy a moral status fairly, that is, without harming them, as there are strong moral reasons against harming or killing beings with moral status (Warren 1997, 3–4). In other words, occupying a moral status means that one has certain rights and, thus, matters morally.

As some theorists have argued, for a being  $x$  to occupy a moral status means that  $x$  is morally important in its own right, without depending on other beings (Harman 2007; Kamm 2007, 227–28). In short, moral status is closely tied to the intrinsic moral value of the being that occupies it. A representative example of a being with such an intrinsic value is a person. For example, consider the case of the person called Claire. Claire occupies a sufficiently high moral status, which is a reason for someone to refrain from harming her, except in special circumstances such as self-defense. On the other hand, the reason for refraining from harming Claire’s car is not because of the moral status that the car itself occupies, but rather because harm to the car indirectly harms Claire, and Claire herself occupies a moral status. In other words, we should refrain from harming her car only because the car has a special relationship with her (in this case, a relationship of ownership), and not because the car itself is a being that morally requires special treatment. In this sense, objects such as cars do not occupy any moral status and are not morally important in

themselves.

How, then, can we determine whether a being occupies a moral status? There has been no small amount of advocacy for the idea that a being’s “consciousness,” especially sentience, which is a sensation regarding the qualitative experience of pleasure and displeasure, such as pain and suffering, contributes to the conferral of moral status (Singer 1979; DeGrazia 2008). According to one of its proponents, David DeGrazia, sentience is phenomenal consciousness plus hedonic valence, which can make things better or worse for the subject, depending on the perceived quality of the experience.<sup>2</sup> For example, let us say that I hit a dog with a hard stick. It is clear that my action is morally despicable, even more so if the dog is my neighbor’s dog; however, even if it is a stray dog with no special relationship to anyone, my action still deserves strong condemnation because dogs can feel pain, and the pain, which is harmful to the dog, deserves moral consideration. Therefore, I have a moral obligation not to inflict pain on dogs. In general, any creature that can feel pain or suffer is, by the very fact, morally significant and occupies some moral status. On the other hand, if I had hit a non-sentient stone on the road instead of a dog, there would have been no moral problem because the stone cannot experience pain or suffering. Accordingly, sentience, which relates to the ability to suffer and experience pain, is a major criterion in determining whether one has a moral status.

Let us now return to the moral status of future organoids (and, for the sake of brevity in the discussion below, “organoids” will be taken to refer only to cultivated human stem cells). If the widely accepted explanation above is correct, then among organoids, only HBOs raise moral concerns. For example, liver and kidney organoids are unlikely to have morally important features such as sentience, and therefore do not occupy a moral status. Therefore, a series of organoids that mimic human organs will probably not raise serious ethical concerns.<sup>3</sup> However, the situation is different for HBOs. The closer the future HBOs are to the actual human brain in terms

2 Underlying these ideas is the assumption that having the capacity for sentience leads to having interests (because it leads to experiential well-being) and that those who have interests occupy a moral status. Alternatively, suffering as an experience of pain with a dislike of such a sensation can be considered intrinsically bad in itself because of its phenomenal character. See Kahane 2009, on this.

3 This does not mean that no regulation is needed for the handling of a series of organoids other than brain organoids. For example, some legal regulations may be necessary to prevent their commercialization of them for transplantation and the resulting abnormal price increases. It should be noted that interview surveys with non-experts have shown that HBOs are of a greater moral concern than other organoids. See Bollinger *et al.* 2021, on this.

of function and structure, the more likely they are to have sentience. There is no good reason to exclude this possibility. If this is the case, then sentient future HBOs, like dogs, should occupy some moral status, and some moral restrictions should be imposed on their handling. For example, it is morally imperative to refrain from inflicting unnecessary pain on sentient HBOs in the course of experimentation, as well as to avoid choosing disposal methods that cause them to experience excessive suffering.

However, two points must be noted. First, it is expected that there will be many cases where it is difficult to determine whether HBOs have sentience. In such cases, it seems morally justified to follow the so-called precautionary principle and treat them as sentient beings, taking a generous stance for the time being. This is because the harm of mistakenly treating a sentient being as a non-sentient being is overwhelmingly greater than the harm of mistakenly treating a non-sentient being as a sentient being. This is similar to how it is worse to wrongly convict an innocent person of guilty in criminal justice than to wrongly convict a guilty person of not guilty; hence, the principle of the presumption of innocence is upheld (Sebo 2018).

Second, future HBOs' sentience and thus occupation of some moral status do not immediately prohibit scientists from using or disposing of HBOs in their experiments. From a consequentialist point of view, if HBO research and experimentation have significant benefits, such as the promotion of disease modeling and personalized medicine, then those benefits may outweigh the moral status of sentient HBOs in some cases. Nevertheless, as with animals in animal experiments, we cannot unconditionally do anything to HBOs. As long as HBOs occupy a certain moral status because of their sentience, the amount of pain and suffering they endure should be minimized, or at least not neglected, unless there is some particular reason.

### 3. Varieties of Consciousness

The discussion thus far has revealed that future HBOs will occupy a certain moral status as long as they have sentience. However, this is merely an application of the moral status argument mainly constructed for non-human animals to HBOs. The above argument does not reflect the unique characteristics of HBOs. Then, what exactly are the "unique characteristics" of HBOs?

In my opinion, one feature is that HBOs may or may not have various kinds of "consciousness" in some cases. In general, there is no doubt that the everyday word "consciousness" is polysemic. Ethicists often regard the word as interchangeable with sentience, but

both so-called phenomenal and access consciousnesses are also types of "consciousness" (Block 1995). Here, it is beneficial to briefly review the terminology.<sup>4</sup> Phenomenal consciousness is a subjective experience of qualitative content that concerns what it is like to see or feel something. This subjective experience is essentially a first-person, private phenomenon that no one but the being who actually has it can experience. For example, my experience of tasting a lemon is not identical to yours, even if they are qualitatively similar. Access consciousness, on the other hand, is the cognitive, intentional, and functional aspect of consciousness associated with the availability of information. When used as a premise for reasoning or for rational control of action, the subject with that mental state can be said to be in a state of access consciousness, characterized by representational content. Beliefs, desires, plans, and intentions are typically classified under this type of consciousness.

The problem is that if at least two of these "consciousnesses" are characteristics that are related to moral importance as well as sentience, then the moral status of HBOs in the future will take on a multifaceted aspect. Among other things, when HBOs have *this* consciousness but not *that* consciousness, how they should be dealt with it morally becomes much more complicated.

Consider, for example, a being that lacks sentience but has phenomenal consciousness, that is, a being that must have some subjective experience from a first-person perspective but has no sensation of pleasure or displeasure about it. It is possible that future HBOs that develop only specific nervous systems or brain regions will be examples of such beings. Is it then plausible that the HBO can subjectively see the color of and smell some chocolate in front of it but has no moral status because it has no sentience? This argument is debatable. There is still room to think that having a set of phenomenal consciousnesses makes one's life worth living, and that depriving one of such first-person consciousnesses in any way is morally unacceptable. For example, assume that the dignity involved in a non-discriminating kind of respect lies in a certain norm associated with the phenomenal privateness that is characteristic of phenomenal consciousness, namely, the norm of incorrigibility, according to which no conscious subject can be corrected or interfered with by another subject about what goes on in their mind. According to Uriah Kriegel, it is because each person's unique

<sup>4</sup> There are, of course, many other kinds of "consciousness" that cannot be dealt with in this paper due to space limitations. Specific examples of these are self-consciousness, monitoring consciousness, reflective consciousness, higher-order consciousness, minimal consciousness, and so on.

subjective experience entails the norm of incorrigibility that a phenomenally conscious being becomes worthy of being respected—by virtue of its inherent dignity and being treated as an end (Kriegel 2017). At this point, a phenomenally conscious life is better than a phenomenally non-conscious life by itself and might be morally important thanks to having the dignity. There are many kinds of phenomenal consciousnesses, including those related to perception, the sense of smell, and emotions; however, whatever the kind, maintaining phenomenal consciousness enhances the value of the owner and losing it by being killed or maimed would be morally undesirable as it would be harmful to the owner who are worthy of being respected.

Of course, it is not without question whether phenomenal consciousness itself is morally important. This is because when comparing a world where there are only minimally conscious organisms that have the sole experience of brightness with a world where there are only organisms that have no conscious experience at all, it is not at all clear whether the former world is really better (Lee 2019). In addition, cases of the separation of phenomenal consciousness and sentience might be unlikely in organisms because of natural selection (DeGrazia 2021). In the case of HBOs, however, it is not impossible to adjust the brain to reproduce only certain brain functions relevant to phenomenal consciousness; therefore, the existence of HBOs that can subjectively experience things without sentience is one of the more realistic possibilities.<sup>5</sup> Moreover, as the subjective sensory experiences that each HBO can have as an only owner of them become richer and broader, it is at least undeniable that each HBO, as a phenomenally conscious entity, becomes a being worthy of respect and thus gains the status of morally important being in its own right. Therefore, insofar as phenomenal consciousness itself can be considered to have some moral importance, or insofar as having rich and varied types of phenomenal consciousnesses is considered more important than a complete lack of phenomenal consciousness, then it follows that HBOs lacking sentience does not necessarily lack moral status.

Various other patterns can be envisioned depending on the polysemy of “consciousness.” For example, if future HBOs do not have sentience (and hence phenomenal consciousness) but possess access consciousness, what will their moral status be? According to some ethicists, sentience and phenomenal consciousness do not contribute to moral status on their own (Levy and

Savulescu 2009; Levy 2014). What is directly related to moral status is the relatively advanced cognitive capacity to have future-oriented desires about what one’s life will be like and to think and believe that one is temporally viable. However, to make full use of these psychological capacities, information must be sufficiently available for rational thought and contemplation, which would require sophisticated access consciousness. Indeed, the states in which we care about and desire our own future contribute to our interest in survival, but they are mostly informational states and not phenomenal states.

Furthermore, a moral emphasis on access consciousness instead of phenomenal consciousness would be compatible with so-called *desire-satisfaction theory*, one of the most promising theories of well-being (Kahane and Savulescu 2009). Under this theory, which holds that the satisfaction of one’s desires makes one’s life better, having access consciousness involving desires and their satisfaction—even if one does not feel such a satisfaction phenomenally—is a necessary condition for a better life. This means that it is bad for the subject that his or her relatively sophisticated future-oriented desires, such as desires regarding how his or her own life goes, fail to be satisfied by being killed or maimed. Accordingly, having this sophisticated kind of access consciousness, including desires, can be a sufficient condition for the subject to occupy a moral status, as long as there are moral reasons to refrain from interfering with or making impossible the satisfaction of his or her future-oriented desires. If this is the case, then an HBO with a sophisticated level of desires, preferences, beliefs, and other components of access consciousness, even if it lacks any phenomenal experience or sentience, should be said to occupy a moral status, since it could be harmed by being killed because of the unsatisfaction of the future-oriented desires it would have been satisfied if it was alive.

As discussed above, moral concerns arise in conjunction with future HBOs’ unique characteristics, not often found in the natural world where natural selection works. Determining the moral status of HBOs is difficult without clarifying what kind of consciousness they can have and how morally important possessing each type of consciousness are.<sup>6</sup> Conversely, considering the moral status of future HBOs necessarily requires a perspective on what kind of consciousness future HBOs

5 Similarly, it has been suggested that it is possible to develop a fully mature brain *in vitro* that is capable of reason but feels no pain at all because it has no nociceptors. See Hostiuc *et al.* 2019.

6 Among other things, since the acquisition of self-consciousness has been considered to be deeply related to the moral status of the fetus in the context of the moral pros and cons of abortion, the moral status of self-conscious HBOs would also be an issue if viewed analogously to this. For more on this, see Koplín and Savulescu 2019; Hyun *et al.* 2020.

will achieve as a specific issue.<sup>7</sup>

#### 4. Family Membership in Relation to “We”

However, does the perspective on the moral status of future HBOs really require only sentience or various forms of consciousness? Previous studies examining the moral status of HBOs have focused exclusively on the possibility that they possess psychological capacities such as consciousness, reason, and self-consciousness (Munsie *et al* 2017; Hostiuc *et al.* 2019; Koplin and Savulescu 2019; Hyun *et al.* 2020; Lavazza and Pizzetti 2020). I think we need to look at another vector as well, because while ideas that strongly link moral status to psychological capacities do have advantages, such as encouraging moral consideration of sentient or conscious beings, they also run the risk of mercilessly cutting off unconscious beings from the discussion of moral status. Prime examples of the unconscious beings are patients in a persistent vegetative state (PVSs) who are in a so-called coma due to complications of an underlying disease or head injury. Assuming that they are beings with no phenomenal consciousness or sentience at all, let alone access consciousness,<sup>8</sup> it follows that they have no psychological capacities of any moral importance. Nevertheless, our common sense or conscience strongly resists the claim that they do not occupy any moral status and are morally unimportant in their own right. Does this mean that the attempt to explain moral status entirely in terms of psychological capacities, such as consciousness, is itself unreasonable? If that is the case, we will need to introduce another perspective other than psychological capacities when considering how to deal morally with future HBOs.<sup>9</sup>

7 Therefore, as some theorists have pointed out, it will be important to introduce tools to evaluate whether organoids have consciousness or not. For example, integrated information theory can be a useful evaluation tool because it can quantify consciousness according to the degree of information integration. See Lavazza and Pizzetti 2020.

8 This assumption is necessary because it is generally not easy to distinguish between PVSs and patients in a state of minimally conscious state (MCSs). Unlike PVSs, MCSs have intermittent consciousness and may also experience pain.

9 This non-psychological perspective is often overlooked when considering the ethics of human brain research. For example, Henry Greely collectively calls things such as HBOs and genetically edited non-human animals “human brain surrogates” and examines their welfare and rights (Greely 2021). In doing so, Greely focuses on the pain and consciousness that these surrogates can have, while asserting that they are “not human beings” (*ibid.*, 38). However, the basis for the assertion is not clear, and furthermore, Greely

As Jeff McMahan pointed out, the treatment of PVSs is analogous to the treatment of pets (McMahan 2002, 228–32).<sup>10</sup> There are certainly reasons PVSs should not be treated badly, McMahan argued, not because of their intrinsic moral value, but because of the special relationships (of love and sympathy) they have with their families and relatives that should be respected. He asserted that while our sense of kinship with human PVSs pushes us to treat them well, it also leads us to dismiss many animals as strangers, greatly reducing our sensitivity to them. Giving moral status to PVSs who lack morally important traits—traits that McMahan himself linked to a psychological unity—simply because they are “human” is comparable to pernicious nationalism, which regards non-nationals as inferior and sometimes “dehumanizes” them (McMahan 2002, 221–22).

However, as Eva Feder Kittay argued, drawing a line between those who have moral status and those who do not based on psychological capacities is itself an aspect close to pernicious nationalism (Kittay 2005). The dangers of drawing a line between persons with sophisticated psychological capacities and PVSs, viewing the latter as inferior in moral importance, even for the laudable purpose of promoting animal well-being, cannot be overemphasized. Kittay denied that the presence or absence of certain psychological capacities is the basis for conferring moral status and instead argued that family membership is morally important. In her view, family membership is not pernicious unless it is abused and falls into nepotism; rather, it plays an important role when we need to rely on someone, such as in childhood or when we are suffering from an illness. She expanded the moral group from the family to the human species, to which we all belong, and argued that “membership in a group of moral peers based solely on species membership has as its appropriate moral analogue family membership.” In other words, “as humans we are indeed a family” (Kittay 2005, 124). As long as beings such as PVSs and severely cognitively impaired patients are human, even if they lack the psychological capacities in question, they are members of the “we” in terms of a moral group called a family, which gives them proper moral status.<sup>11</sup>

unjustifiably excludes the option that membership of the “we” as human beings might itself be of moral importance, and thus lead to a better understanding of the welfare and rights of these surrogates.

10 In fact, McMahan’s focus here is primarily on severely retarded human beings, but I will use PVSs for our discussion because there are few notable differences between severely retarded human beings and PVSs in terms of moral treatment.

11 On the other hand, Kittay cites the capacity for caring, empathy, and kindness, as well as the capacity for rationality

But here, a question might arise. Why is being a member of the “we” morally important enough to confer moral status on an entity? Kittay does not say anything on this point, but in my view, the moral importance of membership of the “we,” which is morally analogous to family relationships, stems from an understanding of the nature of morality. We usually place moral importance on “fellowship,” such as family or ethnicity. These particular social or biological relationships provide a moral reason for preferring one being over another. If we consider this on a global scale, being a human being is much like being a member of a family. In other words, we prioritize humans over nonhuman animals because of a sense of belonging to the human species as a sense of solidarity with our fellow human beings. This view is based on a focus on the so-called *agent-centeredness of morality*. To take a simple example, if two people, one a child and the other a stranger, are drowning and only one of them can be rescued, it is morally permissible for the mother to give priority to rescuing her own child. This conclusion is because morality does not necessarily require an impartial observer or agent-neutral moral point of view, but can be considered agent-centered or agent-relative because moral goodness and wrongness are located in the attitudes of agents, not in actions. In the above case, the mother is considered to have a special moral obligation to her child regardless of any moral reasons the other agents might have.

If so, it is not so far-fetched to extend this to humans as a whole and consider that we have a special moral obligation to those who belong to our own species. A similar point has been made by Bernard Williams, who like Kittay, argued that humans could be morally more important than other animals. To borrow his words, “there is no other point of view except ours in which our activities can have or lack a significance” (Williams 2006, 137) and thus “creatures are treated in one way rather than another simply because they belong to a certain category, the human species” (ibid., 142). Under this view, taking morality per se from nowhere or from a cosmic perspective is itself a source of error. Human beings are morally important from our perspective as human beings. Therefore, the membership of the “we” confers a moral status because moral importance is linked to a sense of solidarity or fellowship with the human species as seen in the family on a global scale.

Let us now return to the discussion of the moral status of HBOs. I think that Kittay’s suggestion hits the nail on the head and has serious implications for the moral status of HBOs. Now, if we understand the “we” in terms of

a moral group called a family, then for HBOs to be one of us, insofar as they fall into the same category of the human species under which we all fall—even if it lacks any morally significant psychological capacities—that classification would give us reason to believe that HBOs occupy at least the same moral status as PVSs. This is because, via the relationship of family membership, a member of the human species is associated with some moral status, and insofar as HBOs become members of the human species, they become members of the “we” and have a certain concomitant moral importance.<sup>12</sup>

However, can the future HBO really be a member of the “we” in terms of a family membership and thus a member of the human species, even though it is only a brain? To examine this claim, a view related to the metaphysics of “we” may be helpful. The view, called *animalism*, emerged at the end of the 20th century and has since gained a certain amount of support (van Inwagen 1990, 142–81; Olson 1997, 124–53; Merricks 2001, 118–37). According to this view, we are all human animals as living organisms called *Homo sapiens*, and you and I are each numerically identical to the corresponding specific human animals. On the contrary, the existence or non-existence of rationality, self-consciousness, and other abilities thought to be unique to the concept of a so-called “person” has nothing to do with our essence and identity; rather, what we are consists in the biological fact that we are human animals and each of us human animals are identical diachronically if and only if we continue to sustain our individual lives as self-organizing biological and chemical events that maintain a complex internal structure. As some animalists have agreed, we will disappear from the world when we cease to be a human animal, that is, when we lose our life-sustaining functions and die a biological death.<sup>13</sup>

Notably, the dependence of our essence and identity

12 In a similar vein, Thomas Scanlon, from the perspective of contractualism, cites relationships such as friendship and family as deeply related to the requirement of right and wrong, and also emphasizes the analogous relationship of being a member of the human species. See Scanlon 1998, 183–187, on this.

13 Not all animalists agree with this proposal. For example, some animalists claim that we cease to exist completely only when the structures appropriate to life are destroyed (e.g., most of our parts become dust), which in turn allows us to continue to exist not only as life-preserving animals, but also as lifeless or dead animals (Mackie 1999; Snowdon 2014, 114–20). However, the question of what is a human animal as a living organism is a serious philosophical question in itself, and is beyond the scope of this paper. At the very least I am assuming here a standard animalism according to which the nature and identity of the human animal lies in the preservation of its life-supporting functions.

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which is characteristic of personhood, as important properties for morality. I do not deny that these abilities may play an important role in acquiring moral status, but in light of the fact that PVSs do not even have these abilities, I will ignore them in this paper.



on being human animals does not negate the fact that we humans can be reduced to the size of a brain. Just as the loss of a limb does not necessarily mean the loss of life, that is, our extinction, even if we lose not only our limbs but also our torso and are pared down to just our brain, we can continue to exist as long as the brain continues to serve as a controlling center for the autonomic nervous system (through external life support systems, etc.) and continues to sustain life. As one of the main proponents of this view, Peter van Inwagen pointed out that “the severed head is a genuine living organism” (van Inwagen 1990, 177).<sup>14</sup> In the view of animalists like van Inwagen, there is a crucial difference between the brain and the rest of the body.

It would be beneficial to consider this difference for a moment. On the one hand, the brain only requires a very simple pump to keep the brain supplied with blood to keep it functioning. Even if a certain part of the brain, such as the cerebrum, which controls advanced mental abilities like reasoning and memory, is not functioning, if the brain can perform functions essential for life in a certain environment, it can be said to continue to sustain its life on its own. On the other hand, the rest of the body including the torso and limbs need a constant supply of electrically transmitted information to keep functioning and maintain itself. In other words, the rest of the body cannot coordinate its activities without something that plays a role in sending down very complex electrical information into the spinal column, and the brain as a controlling organ does play exactly such a role. If the dividing line between whether something is an organism or not is considered to be whether it can control something on its own initiative and thus maintain itself, a being with no torso or limbs but only a brain, unlike the rest of the body, can be a human animal as a living organism, i.e., a member of us. Again, in van Inwagen’s words, we can summarize it as follows: “We should remember that the brain is not only the seat of our experience and our conscious thought; it is also the seat of our capacity to have lives” (*ibid.*, 179).

If these claims of animalism are correct and if being a brain-sized being does not preclude belonging to human animals, then there is no reason to exclude the possibility that future HBOs will acquire biological life

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14 See also Olson 1997, 44–46; Merricks 2001, 52 for similar remarks. As Derek Parfit has pointed out (speaking for animalism), when one assumes the existence of an organism whose head or brain occupies 90% of its entire body, it is relatively natural to assume that the identity of the organism depends on the identity of its brain. If this is the case, it is hard to deny the possibility that the brain plays an important role in the identity of animals like us human animals that have brains, regardless of what percentage of their bodies is occupied by the brain. See Parfit 2008.

and belong to the human animals. When there can be a brain-sized “we,” it is understandable that a being born from human stem cells and with a brain size structurally and functionally analogous to that of a human brain could also be a human animal, that is, a member of the “we,” even if it is not born from the womb and requires external life support. It is true that we do not know exactly what kind of biological life an HBO can acquire, and it is not easy to capture the exact moment when an HBO acquires life. Nevertheless, it can be said that HBOs that belong to the biological category of humans without so-called bodies may exist in the future for reasons similar to how we humans can be beings pared down to the size of a brain. And here, applying Kittay’s abovementioned suggestion, it follows that when a future HBO belongs to the human species and becomes one of us, the individual will be included in the family membership that allows for the granting of a moral status. This leads, analogously to the PVSs case, to the assertion that future HBOs belonging to our own species of human animal can be morally important in their own rights, even if they lack psychological capacities such as sentience and various forms of consciousness.

Thus, I argue that as long as the moral status of PVSs depends on their being one of the “we” in terms of family membership, and we humans can be pared down to the size of our brains, the moral status of future HBOs must be considered in terms of whether they are one of the “we.” To the same extent that it would be morally unjust to “dehumanize” PVSs and treat them like objects by depriving them of their moral status, it may be morally impermissible to “dehumanize” some HBOs that lack consciousness or other psychological capacities and treat them like objects. Such a suggestion has not been made by ethicists before, but it seems to me that the perspective based on the analogy with PVSs might illuminate how HBOs should be treated.

## 5. Objections and Replies

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When considering the moral importance of HBOs, it is not enough to consider some psychological capacities; we must also consider whether HBOs belong to the human species and thus to the “we” in terms of family membership. However, there may be some objections to these arguments. Before concluding this paper, I would like to address two possible objections and try to respond to them.<sup>15</sup>

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15 There may be more than two objections to my arguments. In particular, as an anonymous reviewer of this journal suggested, if being a member of the “we” is viewed in terms of human community and interaction with us in an environmental space, HBOs who do not have bodies to

The first objection concerns understanding moral status. Moral status was introduced earlier as related to intrinsic value. According to this, the moral status that  $x$  occupies means that  $x$  has moral importance or value on its own, without dependence on other entities. However, family membership, based on being one of the “we” belonging to the human species, is clearly a relational property and is not intrinsic to HBOs. Is it possible for such a non-intrinsic element to support the intrinsic value of HBOs?

I would like to answer this question in the affirmative. The analogy to be drawn is based on other types of value, especially aesthetic value. Suppose an artifact has no intrinsic properties that contribute to its aesthetic value. It is commonplace and unremarkable in terms of form, color, and texture. However, in my opinion, such artifacts can, in some cases, have intrinsic aesthetic value as works of art, because they can become objects of aesthetic criticism through social relationships with viewers. A good example of this is Marcel Duchamp’s *Fountain* or other avant-garde modern art. Although it might not have the intrinsic value of powerfulness that Michelangelo’s *David* has, it is a work of art in its own right, as long as it is placed in an appropriate art-world space, and the viewer perceives it as a work that overturns conventional aesthetic concepts. In other words, whether an artifact has intrinsic value as a work of art is not necessarily determined by its intrinsic nature alone.

Similarly, even if an HBO does not have any morally significant intrinsic properties such as sentience or consciousness, it can still have intrinsic moral value and occupy a moral status through some non-intrinsic relations. What I have argued in the previous section is that one of those relations is equivalent to being one of the “we.” In other words, HBOs can have intrinsic moral value in virtue of its family membership along the rest of us humans and hence the relation of being one of the “we” in terms of family membership is a source of the intrinsic

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interact with us may not be members of the “we” (See Cordeiro-Rodrigues and Ewuoso 2021 for a relational approach that emphasizes the capacity to positively relate to others). I cannot analyze such views in detail, but it is debatable whether so-called brains in a vat (BIVs) that often appear in philosophical thought experiments, are excluded from the membership of the “we” as a moral group only because they cannot interact with us humans, or do not have bodies to relate to others. I do not currently believe that a BIV, detached from your body and irreversibly losing your consciousness, would lack moral importance if it continued to be yourself because of its life-sustaining function according to animalism. However, I agree with the assertion that a being’s interaction with us humans may make the being more morally important. In this regard, there would be no need to deny that bodily PVSs occupy a relatively higher moral status than BIVs.

moral importance HBOs can have in some sense.<sup>16</sup> However, the next question that must be addressed here is this: What exactly is the “intrinsic value” in question?

Generally, the intrinsic value of  $x$ , whether aesthetic or moral, is understood as a monadic property that is grounded in (or supervenes on, depends on) the intrinsic property of  $x$ . Following this, both Duchamp’s *Fountain* and some HBOs as unconscious human animals do not seem to have any intrinsic properties that could be morally valuable by themselves, such as aesthetic powerfulness or psychological properties, and therefore they do not seem to have intrinsic value grounded in those properties either. In my view, however, there is no particular reason why the intrinsic value at issue here should be taken as a monadic property. In other words, there remains the possibility that the intrinsic value that  $x$  possesses is nothing other than the value-related dyadic relation  $R$  that obtains between  $x$  and an entity  $y$  which can be different from  $x$ . Since intrinsicity can be established not only for monadic properties but also for dyadic relations, the relation  $R$  is intrinsic as long as  $R$  obtains independent of any external entities other than  $x$  and  $y$  as its relata. In particular, in the case of moral value, let us recall the rationale on which the moral status of HBOs was thought to be conferred by the membership of the “we.” The argument in favor of this was the agent-centeredness of morality, and in particular, the moral importance not from nowhere but from the perspective of us, human beings. In other words, moral status can only be established from the perspective of us, human beings, and people such as PVSs and HBOs are morally important only in relation to us.

Thus, in the case of moral value held by HBOs,

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16 John Robertson described the creation of embryonic stem (ES) cells with the capacity for self-renewal and differentiation into diverse cell types for research purposes as “inherently disrespectful” of human life (except when it would not otherwise be possible to advance important research) because embryos serve as a powerful symbol of human life (Robertson 1999). However, my arguments focus on the moral importance of belonging to us humans, whose essence and identity consist in the biological fact, based on a moral analogy with PVSs and the agent-centeredness of morality, instead of regarding embryos or HBOs as symbols of human life. In other words, I am not committed to the claim that beings with symbolic value should be respected. And, as critics have pointed out, the damage to symbolic value may be relevant to aesthetic value in the sense of “bad taste,” but it may not be unethical and thus not lead to damage to moral value (Bortolotti and Harris 2006). The analogy between aesthetic and moral values I use is not intended to emphasize the existence of symbolic values, but to show that there are intrinsic values based on some relations. I would like to thank an anonymous reviewer for bringing these points to my attention.

assuming that it is not, in fact, a monadic property but a dyadic relation  $R^*$  that can only be established in relation to us humans,  $R^*$  can be “intrinsic” regarding to its relata (i.e., HBOs and us humans) if the obtaining of  $R^*$  is grounded in (or supervenes on, depends on) the intrinsic properties of its relata, instead of being dependent on any external entities.<sup>17</sup> Now the intrinsic relation of  $R^*$  is the very relation of moral family membership. Given the intrinsic nature of HBOs and us humans, i.e., being human, moral family membership, or being one of us human animals, which is the basis of moral values, obtains between them automatically. This is analogous to the intrinsic relation of being taller; given the intrinsic property of both Claire and Michael, i.e., their height, being taller obtains between them automatically. Just as no other extrinsic elements are required for the obtaining of the relation of being taller between Claire and Michael, so too no other extrinsic elements are required for the obtaining of the relation of moral family membership between HBOs and us humans. Thus, it is not impossible for HBOs to have “intrinsic moral value” (in relation to us humans) as long as the moral value is none other than a dyadic relation rather than a monadic property and the very relation is being one of us in terms of family membership as an intrinsic relation whose obtaining between HBOs and us humans is grounded in their intrinsic property.

Let us now move on to the second objection. This emphasizes the earlier crisis of pernicious nationalism, which has often been linked to “speciesism” (Kuhse and Singer 1990; McMahan 2002, 217–28). The claim that belonging to the human species is a basis for moral importance may not be different from viewing belonging to a particular race as a basis for moral importance. In other words, favoring one being simply because it is a member of the “we” as human animals, while neglecting consideration for other beings, seems to be as abhorrent a prejudice as racism, which decides whether or not to favor a person based on the color of the skin or ethnicity.

The many responses to this objection are impossible to examine fully here (Hopster 2019). However, limiting the scope of the discussion to my proposal, I can provide brief responses from at least two viewpoints.

First, the claim that HBOs are one of the “we” in terms of family membership, enabling the HBO to occupy a moral status, does not imply a lowered moral status for non-members. As we saw earlier, insofar as sentience and various forms of consciousness are included among the features associated with moral value, the moral status of non-human animals should be

considered by virtue of their psychological capacities. In some cases, a chimpanzee who has not only sentience but also sophisticated access consciousness may occupy a higher moral status than HBOs or PVSs. There is no reason to deny this at least, and the moral importance of some psychological abilities never diminishes depending on whether these beings are one of the “we” or not.<sup>18</sup> In other words, my proposal is not a call to downplay consideration for non-human species or to prioritize the interests of members of the human group over others; therefore, it is far from any discriminatory actions.

Second, strictly speaking, my proposal is not that the HBO occupies a moral status precisely because it belongs to the human species. It is true that moral status is determined not only by psychological abilities but also by being one of the “we” in terms of family membership. However, it is only through animalism, which is one of the leading metaphysical views, that we can understand that such membership is based on the biological species of human animals. At this point, I strongly disagree with the unwarranted or unconditional equation between the potentially morally significant relationship of family membership and the biological category of belonging to humans. In my view, one of the grounds for moral status lies in family membership construed as being one of the “we,” and as a result of my support for animalism, all humans, including HBOs, can occupy a moral status because “we” are nothing other than human animals who can also be brain-sized. This is not to argue that the biological concept of being human animals have intrinsic moral value. It is stating that each of us has intrinsic moral value precisely because we are members of the “we” in a family; hence, future HBOs can also have intrinsic moral value as long as they are human animals like us because “we” can be found to be numerically identical to each human animal in the metaphysical framework of animalism.

On the contrary, options other than animalism may well be possible with regard to what “we” are. For example, it is possible to expand the scope of “we” the family to include all living things that have biological life or limit it to “social humans” in the sense that they are born of human parents, raised by humans, and treated as humans in human society. Alternatively, we could even restrict it to “persons” who possess advanced psychological abilities, such as self-consciousness and rationality. If we limit it to a “person,” some HBOs would not occupy any moral status at all, even if they do belong to the class of human animals because beings who do not have psychological abilities are no longer

17 This kind of *intrinsicity* might be called internality. I owe the view that an intrinsic (in my sense) or internal relation is one that depends on the intrinsic properties of its relata to the eminent philosopher David Lewis (Lewis 1986, 62).

18 Peter Singer famously wrote: “pain is pain, and the importance of preventing unnecessary pain and suffering does not diminish because the being that suffers is not a member of our own species” (Singer 2009: 220). I completely agree with this suggestion.

part of the “we.” Furthermore, we can even separate “we” as a moral group from “we” as metaphysical beings. In this case, we can consider HBOs as metaphysically belonging to the “we,” i.e., human animals, but excluded from the other “we” in the sense of a moral group analogous to the family.

What is important here, however, is not which view is valid but rather that the adoption of some views will reveal moral concerns that have been overlooked. As we saw in Section 3, the moral status of HBOs that do not have sentience but possess phenomenal or access consciousness depends on whether each consciousness really has moral value. Some may hold that sentience is the only morally important feature. However, as long as there can be positions representing other ways of thinking, we cannot claim that there are no moral concerns over HBOs that are not sentient. In the same way, the moral status of HBOs, which lack any morally significant psychological capacities but have developed life-sustaining functions, depends on the claim that other analogous beings, such as PVSs, have a moral status because they belong to “we” the family, and on the claim of animalism, which identifies each of us with each biological human. If these claims are true, and furthermore, if we can think that “we” as a moral group coincides with “we” as beings whose nature and identity should be metaphysically elucidated, then moral concerns would have to be raised for HBOs, which do not have psychological capacities. Put another way, if we avoid the danger of depicting PVSs as lacking intrinsic moral value and expelling them from membership of the “we,” and given that animalism is a promising metaphysical view, the claim that unconscious but alive HBOs occupy a moral status should not be ignored as an option.

Of course, it is easy to imagine that there could be many cases of HBO that may or may not belong to the class of humans. An obvious example would be the transplantation of HBOs into a non-human brain, such as a rodent brain. In fact, such transplantation was performed in real life, and in this experiment, a “fusion” occurred between the host tissue and the HBO, and functional neural networks and blood vessels developed in the graft (Mansour *et al.* 2018). It is highly debatable whether this so-called chimeric entity really belongs to the class of humans.<sup>19</sup> However, it seems morally

more desirable to treat the HBO in question as a being that belongs to the class of humans and therefore to the “we,” unless it can clearly be judged as not belonging. This is just as it is morally legitimate to treat the HBO in question as a sentient being, basically following the precautionary principle, even if it is difficult to determine whether it is sentient, as discussed at the end of Section 2. The harm associated with mistakenly treating a being that belongs to the “we” as one that does not belong is overwhelmingly greater than the harm of mistakenly treating a being that does not belong to the “we” as one that does belong. In other words, it is by no means impossible for an HBO that lacks consciousness to occupy some moral status, even when it is unclear whether it belongs to the class of humans.

Even after the above discussion, I cannot completely deny the possibility that my proposal may result in an abhorrent bias that overemphasizes the importance of belonging to the class of humans. However, I believe that a response from the above two viewpoints can contribute to a more convincing theoretical path for thinking that HBOs can occupy a moral status without having any psychological capabilities.

## Concluding Remarks

Let me summarize what I have argued. In my view, the moral status of HBOs in the future demands at least two perspectives related to the characteristics that seem to be unique to HBOs. The first is the varieties of consciousness an HBO can possess. Rarely discussed by applied ethicists, the second is whether the HBO belongs to the “we,” i.e., to the class of human animals. Indeed, these two perspectives, even if they point in the right direction, are only rough sketches for an accurate assessment of the moral concerns surrounding HBOs, and they leave many issues and problems untouched. For example, does the distinction between the first and second perspectives imply that there are two types of moral status—or does it only indicate that a unified moral status is associated with both conditions? What respective effect do the first and second perspectives have on the degree of moral status? If we can only rescue either HBOs, which belong to the class of humans but do not have any psychological capabilities such as consciousness, or non-human beings such as robots having sophisticated consciousness, which should be rescued first? Furthermore, what exactly does occupying a moral status require us to morally refrain from doing, and in the case of HBOs, what are the ethical demands

<sup>19</sup> As Sawai *et al.* correctly point out, the study of HBOs can be divided into at least three phases: *in vitro* studies of HBOs, transplantation of HBOs into animal brains, and transplantation of HBOs into human brains (Sawai *et al.* 2021). From this perspective, it might be fair to say that I have primarily examined only the first phase in this paper. Note that Sawai *et al.* also make a persuasive proposal in that they urge a focus on the precautionary principle prior

to this paper, stating that “it may be advisable to adopt a precautionary approach that assumes future brain organoids will possess particular kinds of consciousness” (ibid.: 90).

on the scientists in the lab? There are many remaining questions, and none of which will be easy to answer. However, focusing not only on the possibility that HBOs can develop various kinds of “consciousness” individually, but also on the new possibility that HBOs are members of the “we” in terms of family membership, as are PVSSs, is an important guide to seriously considering the moral status of HBOs. I end this paper with the hope that the abstract discussion engaged in here will serve as a springboard for a more detailed analysis of these points in the future.<sup>20</sup>

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