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Can speciesism be defended?
**A discussion of the traditional approach to the
moral status of animals**

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1. Introduction

This discussion of the moral status of animals will focus on the question whether it is morally permissible to fundamentally distinguish between individuals of different species regarding their treatment, consideration of their interests¹ or, generally speaking, their moral status on grounds of their species membership and/or on grounds of properties associated with their species membership. The approach of interspecies inequality which allows answering this question with 'yes' has been referred to as *speciesism*. I will use this term in my paper to designate approaches that state a fundamental moral inequality of human beings and (non-human) animals.² The main focus of this paper will be on the numerous attempts to *defend* speciesism – and on the question whether they fail or succeed in outplaying attackers of speciesism.

The question of the moral status of animals is a question that seems to arise naturally when we think about ethics today – though, until about 30 years ago, it was hardly ever discussed at all, except maybe as an exotic topic with no basic significance for ethics as such. Assuming morality is about rules that interfere with the way we behave, or should behave, towards others, I find it a quite fundamental question to ask in moral philosophy *who* those 'others' *are*, and, more specifically, why some beings are included in our common moral reasoning as possible objects of our behaviour, while others are insignificant or only indirectly relevant.

The reasons why such questions were, for long times, almost ignored, while they are avidly discussed today, are numerous and complex: for one thing, deeply embedded religious doctrines have prevented asking the question of interspecies equality the way we do today. Only today, after profound developments that have softened the doctrine of absolute human supremacy – namely, the Copernican turn and the Darwinian revolution – is it possible to seriously question it.

Also, the factual, everyday relationship between humans and members of other species has changed enormously over the centuries. While in earlier times it was a central part of all human beings' everyday life to use 'animal resources' to survive – namely to hunt,

¹ My use of the term 'interest' is not meant to imply a theory about what criteria need to be satisfied in a being in order to be attributed interests, neither is it meant to implicitly assume that animals do satisfy these criteria. Rather, I will use the term 'interest' very loosely, in the wide sense of 'something that matters to someone'.

² Many philosophers who oppose speciesism frequently use the term 'non-human animal' to emphasise the fact that human beings are animals, too. To simplify matters, however, I will use the term 'animal' to denote non-human animals.

slaughter and collect animals for food, clothing etc. – nowadays, most people have never engaged in these practices. It seems that this estrangement from 'animal resources' has made asking the question whether animal exploitation is right or wrong possible in the first place, since, psychologically speaking, it is simpler to question 'remote' behaviour than behaviour that is part of one's everyday routine.

Also, there are problems in animal ethics regarding certain forms of treatment of animals that did not arise in the past: firstly, the problem of animal experimentation – which, on the industrial scale we see today, was introduced only when science developed to a higher level. Secondly, the problem of killing animals for consumption – the necessity and efficiency of this practice for human sustenance is doubted today, at least to a certain degree. Though the actual treatment of animals has shaped the debate on animal ethics to a great degree, I will not attempt a detailed discussion of actual animal treatment practices and legislation in this paper.

While in one way we have, today, become estranged from animals in as far as they are 'resources', recent centuries have brought us nearer to other species in other regards: namely, the discovery of evolution has smoothed the way towards modern ethology, a science that has, over the last decades, rapidly changed the way we see members of other species and ourselves as members of our own species. The findings of ethology have had a not easily overestimated impact on questions of animal ethics – namely, regarding the question whether animals have fundamentally different capacities from humans in the fields of emotions, language, social and moral behaviour. Still, I will focus on general philosophical implications in this paper, rather than discussing actual animal behaviour and capacities in detail.

In the following chapters, I will first give an overview of the history of speciesism and of possible definitions of this point of view (sections 2 and 3). I will then elaborate on whether speciesism needs to be justified, at all, and point out what a successful justification would look like (section 4.b). In section 5, several properties that could qualify for establishing a morally relevant distinction between human beings and animals will be scrutinised, particularly with regard to whether they are suitable for drawing a 'hard-edge' line between human beings and animals, and, secondly, with regard to whether they can be regarded as 'morally relevant'. In section 6, I will assess the scope and prospects of success of 'Arguments from Marginal Cases', which allegedly pose the most serious problem for defenders of speciesism. Finally, in section 7, I will pinpoint what normative impact the

abandonment (or maintaining) of speciesism would have in certain fields of human-animal interaction.

2. Historical overview and contemporary debate

As mentioned above, there are few discussions of animals' moral status in the history of philosophy before the 21st century. I will give a very brief overview of exemplary, typical, and influential philosophical views over time, touching on ideas of ancient Greek, medieval-Christian, renaissance and enlightenment origin.³ I will then introduce the parties that shape the more recent and the contemporary debate on speciesism.

In ancient Greece, the question of animals' moral status attracted little interest. Aristotle (384-322 BC), though he admitted a similarity in kind between people and animals, brushed off the question by referring to the morally binding natural hierarchy that is present in nature and that also justifies slavery. Just like slaves, animals are regarded as less rational than men and therefore, self-evidently, they must have been shaped for the sake of man – "Now if nature makes nothing incomplete, and nothing in vain, the inference must be that she has made all animals and plants for the sake of man."⁴ Pythagoras (582-496 BC), by contrast, had believed that humans and animals have similar souls who transmigrate between species, and had therefore encouraged friendliness towards animals. Apparently, his view found fewer followers than that of Aristotle; but we can note that the similarity in kind between human and animal – an idea that seems quite modern to us, and to some seemed *too* modern when pronounced by Charles Darwin in 1859 – was prevalent in ancient Greek philosophy.

The medieval-Christian tradition offers a straight, and strictly negative, answer to the question of the possibility of an independently justified moral status of animals. Even what seems, *prima facie*, like support for the idea of protection of animals' interests in the Christian heritage turns out to be quite fruitless, as we will see. The probably most prominent catholic philosopher Aquinas (1225-1274) was strongly influenced by Aristotle, and thus adopted the doctrine that less rational beings (and beings lacking rationality) are there to conduce to more rational beings' interests because there is a natural hierarchy in which 'imperfect' beings only exist to serve the more perfect creation's crowning glory, namely: man. Aquinas only admits of indirect duties towards animals. His interpretation of

³ For discussions of the history of speciesism, see Ryder (1989) *Animal Revolution. Changing Attitudes Towards Speciesism*; Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, pp. 202-234.

⁴ Aristotle *Politics: A Treatise On Government*, 1256 b 12.

the few parts of the scripture that admonish humans not to be cruel towards animals is unambiguous: this can only be because, either, cruelty towards animals (in itself unproblematic) might instil cruelty towards humans, or because the animal might be someone's property which should not be infringed.⁵ At this point, in contrast to Aristotle's view, the similarity in kind between human and animal is strictly denied. Aquinas emphasises that we cannot and should not have any altruistic affections towards animals; i.e. that protection of animals in their own right is profoundly wrong. Aquinas' position, basically, remained the official catholic position on animal ethics until well into the 20th century. But doesn't the Christian tradition have at least some candidates for a more affirmative approach towards animals' moral status? St. Francis (1181-1226), for example, is famous for preaching to the birds and talking to wild animals, and there are many anecdotes of saints who taught and practised friendliness towards animals.⁶ St. Francis cherished all of God's creation; sun and moon were as exuberantly embraced as living creatures. However, this was not the result of intellectual reflection on the moral status of animals or the entire non-human creation: rather, this all-embracing love was an outpour of religious ecstasy.⁷ Behind this lies a utopian vision of a world that is without any violence, only filled with god's love, corresponding to the scripture's verses:

*"The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them. And the cow and the bear shall feed; their young ones shall lie down together: and the lion shall eat straw like the ox. And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice' den."*⁸

This, just like the vision that probably led St. Francis, is not meant as a practical guidance, i.e. something we should strive for in everyday life, but rather as a purely metaphorical description – a powerful picture that is supposed to lead believers in meditation and prayer, but not in practical decision-making or reasoning. St. Francis was, just like Aquinas, a full-blooded homocentrist who believed that everything was created by a loving god to serve man, and his all-embracing admiration of creation had little impact on his practical

⁵ Aquinas *Summa Theologica* [web version of Summa Theologica], II, I Q. 102, Art. 6.

⁶ Ryder (1989) *Animal Revolution. Changing Attitudes Towards Speciesism*, p. 34.

⁷ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 215.

⁸ Isaiah 11: 6, 7, 9.

behaviour towards animals (remarkably, he did not doubt that it was right to kill his 'brothers' to consume them).⁹

In renaissance, animals' standing in morality (and in actual treatment) became worse: though there were some defenders of compassion (e.g. Leonardo da Vinci, Thomas More and Michel de Montaigne), doctrines denying animals any consideration at all were much more influential. René Descartes (1596-1650) is infamous for bringing the philosophical discussion of animals' moral status to a turning point. In defence of vivisection, which became very popular at that time, Descartes claimed that animals are machines who experience neither pain nor pleasure because they have no immortal soul, which he equates with consciousness.¹⁰ An eye-witness tells us about vivisectors inspired by Descartes:

"They administered beatings to dogs with perfect indifference, and made fun of those who pitied the creatures as if they felt pain. They said the animals were clocks; that the cries they emitted when struck were only the noise of a little spring that had been touched, but that the whole body was without feeling."¹¹

Descartes' ideas about animals' sentience are not as out-dated, and, in some regard, not as far out as they seem: I will discuss neo-Cartesianism in section 5.b below. Though Cartesianism in regard to animals will probably seem utterly abhorrent to most of us, today, it is certainly to Descartes' credit that he felt the need to give some kind of philosophical justification for vivisection, at all.

Though he objected to torturing and killing animals because this behaviour might instil cruel behaviour towards other humans, Immanuel Kant (1724-1803) endorsed the view that we cannot have *direct* duties towards animals, since they are no ends-in-themselves. Humanity is identified with our rational nature, which, in turn, makes us autonomous beings, ends-in-ourselves.¹² The Kantian conception of ethics remains influential today, and has actually been used to justify direct obligations towards animals, contrary to what Kant thought himself.¹³

⁹ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 215.

¹⁰ Ryder (1989) *Animal Revolution. Changing Attitudes Towards Speciesism*, p. 57.

¹¹ Fontaine (1738) *Memoires pour servir à l'histoire de Port Royal*, pp. 52-53.

¹² Korsgaard (2004) *Fellow Creatures: Kantian Ethics and Our Duties to Animals*, p. 3.

¹³ For a discussion of compatibility of Kantian ethics and anti-speciesism, see *Ibid.* and O'Neill (1998) *Kant on Duties Regarding Nonrational Nature*, Supplement to the Proceedings of The Aristotelian Society. Since these texts are more about what position could be defended regarding animals' moral status *in accordance with a Kantian approach* to ethics (rather than what position is advisable, as such), and presuppose a profound knowledge of Kantian ethics, I will not go into details here.

Genuine opposition to speciesism occurred with the rise of classic utilitarianism in 18th century England. Jeremy Bentham (1748-1832) was the first influential philosopher to seriously question the doctrine that being human, possession of rationality, and language skills are the relevant criteria to contemplate when thinking about which beings deserve moral consideration. His much-cited exclamation "The question is not, can they reason? Nor, can they talk? But *can they suffer?*"¹⁴ put a focus on sentience as *the* morally relevant criterion when considering the status of animals. Rationality and language skills were dismissed as less important because of the occurrence of humans that do apparently lack them: "[...] a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week or even a month old."¹⁵ This train of thought, a prototype of an 'Argument from Marginal Cases' (see 5.e), but also Bentham's comparison of the status of animals with that of women and slaves, have since become the two most important roots for attacks on speciesism.

The contemporary debate of animal rights or, more specifically, the moral status of animals, started with full vigour in 1971, when a group of young Oxford philosophers published *Animals, Men and Morals*¹⁶ which was reviewed by Peter Singer in 1973.¹⁷ Singer's (utilitarian) attack on speciesism and proclamation of an 'Animal Liberation Movement' is probably best known,¹⁸ others, most importantly Tom Regan, have argued against speciesism from an 'Animal Rights' perspective.¹⁹ The environmental movement spurned arguments against speciesism, too, e.g. arguments rooting in a holistic approach to ethics. I will not discuss holistic arguments against speciesism here, since they are very distinct from common philosophical anti-speciesist accounts in as far they are *not* directed towards practical guidance in cases of conflict between animals and humans. Meyer-Abich, to take one example, believes that (just like animals) landscapes, plants, light and wind do have interests and even rights, which we are supposed to represent.²⁰ This excessive ascription of high moral status is a sign of a generous character, but does not help us when we ask 'What should I do?', confronted with problems like e.g. animal

¹⁴ Bentham (1907) *Introduction to the Principles of Morals and Legislation*. Ch. 17, section 1.

¹⁵ *Ibid.*

¹⁶ Godlovitch and Harris (Eds.) (1971) *Animals, Men and Morals: An Enquiry into the Maltreatment of Non-Humans*.

¹⁷ Singer (1973) *Animal Liberation. Review of Animals, Men and Morals*, New York Review of Books.

¹⁸ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*.

¹⁹ Regan (1983) *The Case for Animal Rights*.

²⁰ Meyer-Abich (1984) *Das Recht der Tiere. Grundlage für ein neues Verhältnis zur natürlichen Mitwelt* in: Händel (Ed.) (1984) *Tierschutz. Testfall unserer Menschlichkeit*, p. 23. A more useful holistic approach: Gorke (1996) *Die ethische Dimension des Artensterbens - Von der ökologischen Theorie zum Eigenwert der Natur*.

experimentation in medical science. If virtually *everything* has rights and interests, the terms 'right' and 'interests' lose their meaning, and their ascription fails to make a difference in cases of ethical conflict. The scope of typical non-speciesist approaches is much smaller: as I will point out in section 7, the demanded expansion of moral consideration will, ultimately, probably not include *all* animals (i.e. everything from jellyfish to gorillas), but only those which are sentient, or fulfil certain other criteria. Ethical holism's aim differs from analysing the precise differences in moral status between animals and humans. It attempts to broaden the horizon of ethical thinking, and to raise questions about the relations of humanity and nature, on a basic level.

The speciesism debate is also quite distinct from traditional animal welfare. The approach of traditional animal welfare campaigners is usually rather conservative regarding fundamental questions of animals' status (e.g. the use of animals as such is not questioned, only clearly inhumane practices are denounced). The motivation of animal welfare is distinct from that of the 'Animal Liberation' movement: it is often apolitical, and fuelled by personal compassion and 'love for animals' rather than reflected discontent with structural injustice against animals. An important motive for many supporters is their personal ownership of pet animals, which they see as an entirely positive thing, while Animal Liberationists sometimes regard all human-animal relationships that involve ownership and control as exploitative and objectionable. Traditional animal welfare often goes without any philosophical background, at all, and is well compatible with speciesist opinions such as indirect duty views, views that deny all binding duties towards animals, or religious views that vaguely promote 'respect our fellow creatures'. Animal Liberation activists tend to ridicule the tendency of the traditional animal welfare movement to focus on animals that are pleasing to the eye and to the touch, such as rabbits, calves, dogs and cats, while disregarding the plight of rats, pigs or other 'disgusting' creatures. While this and other inconsistencies are certainly justified reproaches concerning traditional animal welfare associations, the Animal Liberation movement, on the other hand, has unfortunately attracted extremists and criminals, resulting in the forming of quasi-terrorist groups that employ violence to promote their aims.²¹ This growing radicalisation and, in general, the polarisation and internal struggles of groups concerned with cruelty towards animals, whatever their orientation, has probably not helped the public promotion of animal interests during the last decades, but is a matter of politics rather than philosophy.

²¹ Examples of radical Animal Liberation groups are the 'Animal Liberation Front' and 'Earth Liberation Front'. See Wikipedia contributors *Animal Liberation Front* [online encyclopaedia entry]; Wikipedia contributors *Earth Liberation Front* [online encyclopaedia entry].

The focus of the following discussion will be on whether the attacks of the 'Animal Liberation' movement have, on a philosophical rather than political level, succeeded in refuting speciesism as a viable moral position or whether philosophers are still able to defend it, today. While sections 4 to 6 will be concerned with ethical issues, section 7 is aimed at providing an overview of the normative and practical scope of possible answers to the speciesism question.

3. Definitions and varieties of speciesism

The term 'speciesism' is sometimes used as a derogatory term – namely because it evokes analogies to ideologies like racism or sexism. This insinuation was certainly deliberate at the time when the term was coined by Richard Ryder²² (at first in a privately distributed leaflet, 1970) and brought to public attention by Peter Singer.²³ Singer himself expressly likens speciesism to racism and sexism and *defines* it as "a prejudice or bias in favour of the interests of members of one's own species and against those of members of other species."²⁴ I will not discuss here in how far speciesism is comparable or similar to sexism and racism, since this discussion, in my opinion, does not result in convincing arguments neither for nor against speciesism, and also because it would presuppose a thorough understanding of the workings of these inegalitarian doctrines which is not of philosophical, but rather of sociological or historico-cultural importance.

Irrespective of the usage as a derogatory term, I will use the term 'speciesism' as a *neutral* denominator of certain approaches to animal ethics, namely, approaches that affirm and defend interspecies inequality regarding the moral status of individual beings. I believe that this neutral use of the term 'speciesism' is justified since the term has since been embraced by exponents of interspecies inequality views who would call themselves defenders of speciesism or admitting speciesists (even if they sometimes adorn these labels with quotation marks or the relativisation 'so-called').²⁵

²² Godlovitch and Harris (Eds.) (1971) *Animals, Men and Morals: An Enquiry into the Maltreatment of Non-Humans*; Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 27, note 4.

²³ Ryder mentioned 'speciesism' in his contribution to the anthology Godlovitch and Harris (Eds.) (1971) *Animals, Men and Morals: An Enquiry into the Maltreatment of Non-Humans*. This anthology was later reviewed by Singer (1973) *Animal Liberation. Review of Animals, Men and Morals*, New York Review of Books. Also see Ryder (1989) *Animal Revolution. Changing Attitudes Towards Speciesism*, p. 328.

²⁴ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 7.

²⁵ Proponents of 'speciesism' who have accepted that term: Cohen (1986) *The case for the use of animals in biomedical research*, New England Journal of Medicine, p. 867; Cohen and Regan (2001) *The Animal Rights Debate*, pp. 59-68 (Cohen); Graft (1997) *Against Strong Speciesism*, Journal of Applied Philosophy; Gray (1980) *In Defense of Speciesism*, Behavioral and Brain Sciences; Machan (2004) *Putting Humans First -*

Clearly, the approaches which can be subsumed under this loose definition vary greatly regarding both their theoretical orientation and their practical consequences.

One possible attempt of classification of speciesist views corresponds to the different justifications that are offered for making speciesist distinctions between species. One kind of view offers the explanation that 'being human', i.e. 'being member of the species *homo sapiens*' is a morally relevant criterion, as such – this is called simple speciesism, unqualified speciesism or homocentrism (this kind of view will be discussed in 5.a). Another kind of view claims that there are morally relevant properties (typically, properties like sentience, self-awareness, language capacity, rationality and the capacity for moral judgment, or combinations of those properties) that *make* human beings, specifically, *all and only* human beings (all members of the species *homo sapiens*), morally considerable as opposed to animals. I will call these views qualified speciesism or advanced speciesism.²⁶ These approaches usually have a way of dealing with the occurrence of 'marginal cases', i.e. human beings that do not display the respective relevant property – possible solutions are discussed in 6.a to 6.c. A third group of positions claims that, though species membership is not directly morally relevant, and furthermore, there is *no* other distinguishing property that applies to all and only humans *and* that is morally relevant, human beings still deserve special protection.²⁷ This kind of view is typically the result of previous occupation with the Argument from Marginal Cases that has turned out to make qualified speciesism approaches difficult. It will be considered in 6.d.

Another attempt of classification is based on the question what moral significance animals' interests are assigned, in consequence. On one side of the spectrum, there are speciesist approaches that deny animals any moral status, at all; i.e. they claim that animals have no rights, that we have neither negative nor positive obligations towards animals and that we need not consider animal's interests, at all. This is because animals are said to have no interests (e.g. because they are not even sentient or conscious, see Cartesianism, 5.b) or because the concept of morality is construed in such a way that animal's interests do not play any role in it (see e.g. contractual approaches, 5.e).

Why We Are Nature's Favorite, p. 25; Steinbock (1978) *Speciesism and the Idea of Equality*, Philosophy; Williams (2002) *The Human Prejudice* [streaming video].

²⁶ Note that homocentrism/simple speciesism can also be construed as a property-induced view, the property being 'being human'. I think that a distinction between simple and advanced speciesism is reasonable, though: property-induced views, as opposed to homocentrism, allow for other beings to be introduced into the moral community, e.g. animals in case of new findings of ethology, or extraterrestrials. They have one more argumentative level and are, therefore, substantially more sophisticated than homocentric arguments.

²⁷ See Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, pp. 171-177.

Then, there are positions that generally allow for animals' interests having *some* significance (e.g. that we have the negative obligation not to kill or harm animals), but as soon as there is the slightest conflict with human interests, this significance is overruled (which can lead to practical insignificance of animal interests); this 'trump' of human interests, of course, also comes in weaker shades, i.e. humans' interests only trump if they are 'necessary' (i.e. for survival, for satisfaction of basic needs, etc.).

Finally, there are speciesist accounts that protect animal interests *indirectly*: though animals have no rights, or deserve no high moral status in themselves, they are protected *via* the protection of the moral status of human beings (e.g., Kant argued that we should not treat animals cruelly because it spoils our character and leads to degeneration of our character, see 2 above). These accounts can, in consequence, lead to a very high level of animal protection, banning all or most kinds of cruelty or exploitation; it is even imaginable that an indirect duty view could result in a stronger moral standing of animals than some anti-speciesist views (see 7 for some general notes on normative consequences of speciesism and anti-speciesism).

In general, one could define speciesism as any view that, in principle, assigns animals' interests no importance or fundamentally less importance than human interests. In the following, we will touch on all varieties of speciesism I mentioned above; when using the term 'speciesism' without specification, I will use it in the loose sense described above: speciesist positions are approaches that *affirm and defend interspecies inequality regarding the moral status of individual beings*.

On the other, non-speciesist side, there are numerous, diversified positions which have in common the claim of real, direct significance of animal individual interests (or rights). I will not go into detail here regarding the design of non-speciesist standpoints or systems, since my discussion is focussed on speciesism and its defence. An overview of the consequences of possible implementations of anti-speciesism will be attempted in section 7.

4. Is speciesism defensible?

The question whether speciesism can be defended needs to be answered on several levels: Firstly, one can ask whether it is necessary, at all, to defend or justify speciesist views. I will deal with this question in the next section, 4.a.

I will then discuss attempts to defend speciesism. I will first look into accounts that specify morally significant differences between normal humans and animals. In a separate section, I will then discuss speciesist approaches to extending moral consideration to atypical human beings without losing consistency. That is, at first (i.e. section 5 below), I will disregard Arguments from Marginal Cases, while speciesists' replies to the latter will be given due attention in section 6 below. Using this structure seems sensible, firstly since some, out of various reasons, do not admit of using Arguments from Marginal Cases at all (see section 6.a). I think this group should nonetheless be admitted to the discussion. Secondly, speciesists' central aim is that of excluding animals from high moral status, while the problem of marginal cases is often seen as a separate appendix problem that arises only when confronted with anti-speciesists. Thirdly, and most importantly, I believe that the order of proceeding given here is the most promising in order to defend speciesism,²⁸ and that it is prudent to choose the best version of any argument one is about to analyse.

a. Is there a need for justification, at all?

When discussing the topic of speciesism with persons new to the field, one of the first attitudes one encounters will often be that of lack of understanding: why would one need a justification for assigning animals a different moral status compared to humans, at all? Interestingly, this view is not limited to laypersons. Coope, for example, criticises Singer's constant demand for justification as an "unreasonable challenge":²⁹

*"If a farmer is prepared to eat his chickens [sic] but not his children, he is asked to point out 'morally relevant characteristics' (to use the modern catchphrase) [...]. He is not allowed to say 'Well, kids is kids, but a chicken is just a chicken'. If I were asked to choose between this response and the philosophizing of some latter-day Godwin I know what I would go for."*³⁰

In fact, as Sapontzis notes – depending on the times and moral beliefs of the majority – 'being able to justify an act' is not a necessary condition for making that act morally right.³¹ This objection might save the farmer from having to justify his eating habits, but it will not

²⁸ On the advisability of splitting a speciesism defence in two (not letting fighting against Arguments from Marginal Cases dominate the discussion), cf. Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 286.

²⁹ Coope (2003) *Peter Singer in Retrospect*, The Philosophical Quarterly, pp. 599-600.

³⁰ Ibid. – Coope is referring to William Godwin (1756-1836), a proponent of anarchist utilitarianism and writer of political essays and utopistic novels. Godwin's both highly theoretical and optimistic calls for revolution were received with great interest in his time but soon forgotten. See Wikipedia contributors *William Godwin* [online encyclopaedia entry].

³¹ Sapontzis (1987) *Moral, Reason, and Animals*, p. 24.

save a moral philosopher from thinking about consistency and justification (since scrutinising the intuitions of the majority is, partly, what moral philosophy is about).

The attitude of denial of any need of justification for speciesism is actually not as uncommon as one would believe, and is endorsed in accounts less lurid than Coope's. Bernard Williams³² dismisses anti-speciesist views, especially Singer's and other utilitarians', by stating that they actually rely on outdated views claiming there is an absolute, cosmic point of view or 'higher court' in front of which humanity needs to justify its actions. He gives a detailed review and discussion of speciesism and anti-speciesism, and admits that speciesism is a prejudice, but that, since all morals stem from the human community, and there is no such thing as an 'impartial observer', it is an inevitable, hard-wired into human thinking, and not a morally detestable prejudice like racism or sexism. Questioning that 'human prejudice' – and, for that matter, attempting to *justify* speciesism – is, Williams thinks, actually an outpour of 'self-hate' and 'misanthropy' that should best be avoided.³³ It is disappointing that Williams does not give an account of how we are to determine who is in the 'human club'. He could recommend the biological account, or an account that uses an exhaustive 'checklist' of properties. I believe that *both* accounts encounter serious problems – see my discussion of the species concept in 5.a – and that, because it builds up on a concept that is quite shady, William's denial of the need for justification is ultimately not convincing; even if we concede his criticism of utilitarianism as being based on an outdated worldview (i.e. even if we accept his metaethical assumptions which isn't obligatory).

As a matter of course, most philosophers who write about speciesism try either to justify this attitude or to show that it isn't justifiable, and so my focus in the following sections will be on accounts that do not see speciesism as an unavoidable, not-to-be-justified doctrine.

b. Moral considerability, moral significance and moral relevance

If we accept the challenge Singer and others have devised, we must be prepared to name reasons for our 'making differences' in principle between humans and animals: what makes humans different from animals regarding moral considerability and moral significance? And what criteria will a property have to fulfil to 'make a difference' morally?

³² Williams (2002) *The Human Prejudice* [streaming video].

³³ *Ibid.* 01:07:00 - 01:08:00.

Pluhar³⁴ distinguishes between the question of moral considerability – i.e. the question whether someone's interests need to be taken into account, at all – and the question of moral significance – i.e. to what degree one's interests need to be taken into account. Gruen points out: "Being morally considerable is like showing up on a moral radar screen – how strong the signal is or where it is located on the screen are separate questions."³⁵ Properties that have an influence on moral considerability or significance of beings are commonly called *morally relevant criteria*.

Bernstein proposes a condition for whether a criterion can be counted as morally relevant:

*"A property P is a MRP [Morally Relevant Property, CH] if and only if insofar as an individual possesses P, that individual warrants its welfare be given preferential consideration (treatment) vis-à-vis an individual who lacks P or has it to a lesser extent or degree."*³⁶

Bernstein uses this condition to construe a 'test' to find out whether a criterion is morally relevant and, at the same time, suitable to draw a line between human beings and animals: The property will need to warrant preferential consideration (this condition, Bernstein admits, makes the analysis non-reductive).³⁷ As a simple test of intuitions, we can imagine two human beings (one possessing the property, the other lacking it) being rushed to the emergency room, where, because of some kind of shortage, only one of them can be treated. The property of 'having white skin', to take one example, would apparently not warrant preferential treatment of the human being possessing it, while the property of 'being alive' probably would. Speciesism – a special form of 'preferential consideration' – consequently, could be justified if we would succeed to pinpoint a morally relevant property (or a combination of properties) that is found in human beings, but not in animals.

5. Candidate morally relevant properties

Over the years, a myriad of properties and combinations of properties that justify a fundamental ethical distinction between human beings and animals have been proposed, ranging from seemingly simple criteria like pain sensitivity to complex, often not exhaustively defined concepts like 'being a person.' But what property/properties could possibly justify or warrant interspecies inequality? Where is the morally relevant difference between humans and animals to be found?

³⁴ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 1.

³⁵ Gruen (2003) *The Moral Status of Animals* [online encyclopaedia entry].

³⁶ Bernstein (2002) *Marginal Cases and Moral Relevance*, Journal of Social Philosophy, p. 531.

³⁷ Ibid.

a. Species membership

On the simplest level, animals differ from humans insofar as they do not belong to the species *homo sapiens*. It seems somewhat circular to say that 'all and only members of species x have high moral status because of their property of being member of species x'. However, this position becomes comprehensible if we assume that, for some reason, species membership *in itself* is morally relevant. One motivation for this position could be that there is a moral right (or even obligation) for members of one species to do whatever promotes this species' aims and survival (Graft calls this 'strong speciesism').³⁸ Another example of a theory that suitably accommodates a moral relevance of species membership is Levy's approach: he notes that our "morality [...] is a product of our evolutionary history" and that "moral emotions [...] are inevitably triggered by conspecifics"; which is to say that since morality evolved in groups of human beings, it might be – at a very basic level – against our intuition to expand it to other species and therefore speciesism might be the "most rational systematization of morality" (Levy's approach bears similarity to transcendental approaches, see 5.d below, but it can also be classified as an indirect 'argument from emotion', see 6.d).³⁹

These, but also other accounts,⁴⁰ rely on the assumption that 'species' can be construed as a non-arbitrary, objective concept (Graft); or, in a similar vein, that 'species' is a 'natural kind' (Levy). The focus of this section will be on whether these assumptions are tenable in any form, and, in general, on clarification of the concepts of 'species' and 'belonging to a species'.

One possible concept of species is that of *typism*, claiming that there's a group of properties that all and only the members of a group of animals possess. One kind of typism would be phenotypical taxonomy which uses tangible, easily identifiable bodily characteristics as criteria for species membership (Plato's notorious 'featherless biped with broad nails' is an early prototype of this type of classification). However, phenotypical classifications of species turn out to be subjective and clearly arbitrary. It is often suggested that "an objective type-based taxonomy would regard all the great apes, including humans, as a kind, leading to a morality that encompasses them all"⁴¹ – which is to say that if phenotypical classification were coherent, applying the same standards to all species, the

³⁸ Graft (1997) *Against Strong Speciesism*, Journal of Applied Philosophy, p. 108.

³⁹ Levy (2004) *Cohen and Kinds: A Response to Nathan Nobis*, Ibid., p. 216.

⁴⁰ Williams accepts the 'species' concept as a given, unproblematic, absolute term in Williams (2002) *The Human Prejudice* [streaming video]. So does Spaemann, see pp. 17, 18 below.

⁴¹ Graft (1997) *Against Strong Speciesism*, Journal of Applied Philosophy, p. 110.

species *homo sapiens* as we know it would not exist as a theoretical concept corresponding to our everyday use of the word 'man' or 'human'.

Today, typism concepts of species are typically based on *genotype*: human beings' cells contain *homo sapiens* DNA, while animals' cells contain DNA that is different. This genotype classification seems more advanced than phenotypical taxonomy, but has numerous problems. As Graft points out, it is hard to use the criterion of genetic similarity to identify humans or other species since there are bigger genotype differences between some humans than between some humans and some apes. Analogously to problems of phenotypical classification, it is interesting to note that the level of genetic difference between humans and apes like bonobos is so small that it does, in the context of mammal taxonomy, not justify a species distinction – that is to say, if genotypic taxonomy would use the same standards on great apes that are used on other groups of animals, we could probably not call *homo sapiens* a distinct species.⁴²

Apart from genotypical and phenotypical concepts, there is also the seemingly much less complicated *biological species concept*. It claims that a species is a group of reproductively isolated individuals – everything that can procreate/reproduce with members of species x belongs to species x. At first sight, this concept avoids the problems of typism – it seems generalisable and coherent. Sadly, the biological species concept – apart from the fact that it is not applicable for the huge majority of beings who procreate asexually – is riddled with exceptions. There are numerous clearly distinct 'species' whose individuals can interbreed. Also, there are numerous species which typically only have limited reproductive possibilities (e.g. most individuals of ants, bees, naked mole-rats exhibit species-typical infertility). Then, there's the notorious occurrence of 'ring species,' e.g. in seagulls and salamanders – individuals of these species can interbreed with individuals of geographically near, but not of geographically remote populations of the same species, which poses problems for classification.⁴³ It is not clear whether the biological species concept should be based on actual or potential interbreeding – should we count clearly dissimilar beings as belonging to one species because they possibly could interbreed (like lions and tigers)? Or should we distinguish between species whose individuals display the same characteristics (and *could* procreate) just because they are geographically isolated? Both solutions seem somewhat dodgy, and this leads us to the key problem of the

⁴² Ibid.

⁴³ For an introduction to the problem of ring species, see Wikipedia contributors *Ring Species* [online encyclopaedia entry].

biological species concept: it has no correspondent in reality and does not fit in with evolution concepts. Evolutionary theories take as their unit either the individual or – which further complicates the analysis of the species concept – local groups of *actually* interbreeding individuals. Evolutionary theories are based on continuity – over time and space – rather than hard-edge discontinuity that both typisms and the biological species concept propagate. As Dunbar puts it:

*"Species, as we describe them, are matters of convenience rather than biological reality. The real world consists only of individuals who are more or less closely related to each other by virtue of descent from one or more common ancestors."*⁴⁴

Of course, this does not mean that we should give up the term 'species' altogether – it is certainly useful in many regards. But it is doubtful whether a concept as brittle as 'species' can be used to build moral theories on it – Graft notes:

*"The term 'species' may have a meaning in the context of our everyday discourse or in the context of practical taxonomy, but those contexts are not coherent for use in the context of morality. [...] the species concept cannot bear the weight of a system of ethics."*⁴⁵

These objections also apply to the position that species is a 'natural kind': the term 'species' is *not* apt to be used in "natural laws which provide significant explanations for [...] scientific purposes"⁴⁶ (though it is admittedly useful in everyday purposes). In the light of the problems mentioned above, I do not think that the species concept does "cut nature at its joints"⁴⁷ in any relevant way, since 'nature's joints' are between individuals or between actually reproductive communities. Additionally, it is telling that Levy qualifies 'species' as the 'narrowest' and therefore most 'natural' of the biological kinds. Let me mention here that there is even a narrower biological classification, that of 'race' – its being 'narrow' does not make it more natural in any way, which Levy would certainly agree with. The concept of 'race' has ultimately become discredited and is being discarded by geneticists⁴⁸ because it is riddled with problems which are partly very similar to those the species concept encounters.

⁴⁴ Dunbar (1993) *What's in a classification?* in: Singer and Cavalieri (Eds.) (1993) *The Great Ape Project*.

⁴⁵ Graft (1997) *Against Strong Speciesism*, Journal of Applied Philosophy, p. 117.

⁴⁶ This criterion for natural kinds is given in LaPorte (2004) *Natural Kinds And Conceptual Change*, p. 19.

⁴⁷ Levy (2004) *Cohen and Kinds: A Response to Nathan Nobis*, Journal of Applied Philosophy, p. 215.

⁴⁸ Tageszeitung (2004) *Genetiker gegen Rasseneinteilung*, 29.10.2004.

To make a further point about the species concept, I think it is highly interesting to look at the way laymen, biologists and ethicists typically react to the case of human-animal *chimeras*. That is because chimeras – as thought experiment, but also the existing chimeras – blatantly confront us with the continuous reality which does not fit our discontinuous notion of species boundaries. Chimeras are organisms with genetically distinct cells from two different zygotes. It is little known that today there are numerous actual cases of human-animal chimeras (e.g. pigs or apes with human blood, human organs, and mice with partly human brains) produced for medical purposes (e.g. xenotransplantation).⁴⁹ When debating where to put human-animal chimeras on the ethical scale, we encounter the problem of whether to regard them as human (and what the criteria for our decision might be). Since human-animal chimeras are artificially produced, it is clear that the biological species concept based on reproduction hardly applies to them. On the other hand, letting the classification depend on what genetic properties the majority of cells in chimeras has seems wrong: aren't there organs in the body that are, somehow, more important when deciding how to classify a being? Consequently, it is often proclaimed that what really matters is what DNA their *brain* cells have. But, after some consideration (and, certainly, weighting of moral concerns against the huge benefits medical research might get from 'human-brained' chimeras), scientists deem it to be more important whether the chimera's brain has 'human *architecture*'.⁵⁰ I believe that this whole chain of consideration points in one direction: what counts on the moral scale (as reflected by the intuition of researchers like Weissman) is not species membership, no matter how it is defined, but rather actual capabilities of the beings we are talking about, namely, mental and social capacities like the ones I will discuss in the following sections.

To sum up the discussion of the species concept, I believe that the everyday concept of 'being human' is usable in everyday contexts: it is maybe best described as a term that works by relying on a bundle of properties not all of which must necessarily be present. It is not reducible to biological or taxonomical concepts in any useful way, and thus is not

⁴⁹ Bailey (2004) *What Is Too Human? The ethics of human/animal chimeras* [online article]; Mott (2004) *Animal-Human Hybrids Spark Controversy* [online article]; Weiss (2003) *Cloning Yields Human-Rabbit Hybrid Embryo*, Washington Post 14.08.2003; Weiss (2004) *Of mice, men and in-between: Scientists debate blending of human, animal forms*, Washington Post 20.11.2004.

⁵⁰ Weiss (2004) *Of mice, men and in-between: Scientists debate blending of human, animal forms*, Washington Post 20.11.2004 – "Now Weissman [a scientist, CH] says he is thinking about making chimeric mice whose brains are 100 percent human. He proposes keeping tabs on the mice as they develop. If the brains look as if they are taking on a distinctly human architecture – a development that could hint at a glimmer of humanness – they could be killed, he said. If they look as if they are organizing themselves in a mouse brain architecture, they could be used for research." What Weissman calls a 'glimmer of humanness' would proposedly be typically human mental capacities.

suitable for fixing a stable, exact, non-arbitrary boundary between human beings and animals. The 'rock-hard', objective appearance of the scientific species concept many philosophers rely on is a rudiment of pre-Darwinian biology.

In the light of this section, I believe that philosophers like Robert Spaemann who plead for prohibiting any definition of 'being human' and call for a deliberate restriction to the "biological affiliation with the human family"⁵¹ as the one and only scientific, rock-hard criterion of humanity are actually building on sand.

As a matter of fairness, it must be noted that, of course, not all speciesist accounts are based on mistaken views of the species concept. Holland, as a laudable exception, emphasises that species evolve, change over time, and that they depend on not clearly established criteria. He incorporates this insight in his version of speciesism which he calls 'naturalistic'. "Overriding consideration," in this speciesist approach, only refers to "fellow humans as they are at presently constituted," it may "come to apply more widely" or even "cease to apply to some or all human beings" in the future. Holland stresses that "the question whether there is a morally relevant gap between humans and other species depends in part on empirically open question."⁵² This integration of modern views of 'species' is praiseworthy and shows that speciesism need not fail because of a mere misunderstanding of a concept (as I will elaborate in 6.c below, Holland's approach fails elsewhere).

b. Sentience and consciousness: neo-Cartesianism

In the historical overview (section 2 above) I mentioned Descartes as defender of the somewhat surprising view that animals are not sentient, and that they do not feel pain. If this were found to be true, it would, of course, spare us a lot of discussion regarding cruelty towards animals in experimentation, farming and hunting. If animals have no pain sensitivity, experimenting on them would be unproblematic; if they have no sentience at all, killing them might be unproblematic; so if it could be proven that animals are not conscious, this would serve very well as a morally relevant difference between human beings and animals, in general. Sentientism – i.e. the claim that sentience is the morally relevant property of beings, and that its occurrence is the decisive criterion when assigning beings moral considerability – is very popular as an intuitively appealing argument against

⁵¹ Spaemann (2001) *Gezeugt, nicht gemacht*, Die Zeit 2001/04. – The exact term Spaemann uses is 'Definitionsverbot'. Also: Spaemann (1996) *Personen: Versuche über den Unterschied zwischen 'etwas' und 'jemand'*, p. 264 – Here, Spaemann cites Wiggins' animal attribute view of persons which presupposes the 'species' concept. Spaemann is a proponent of the non-definitional approach to personhood, see 5.c.

⁵² Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 285.

speciesism, since it seems so obvious that animals suffer when treated cruelly. Can neo-Cartesianism regarding animals take the momentum out of this appeal?

The theory of animal consciousness is so vast a topic that I can only give a very coarse overview here; it is interesting not only for psychologists and ethologists, but also for epistemologists (it is, so to say, a special case of the 'problem of other minds' with the added methodological problem that animals cannot tell us about their experiences) and, of course, for ontologists who try to grasp 'what consciousness *is*'. Without opening too many cans of worms, I will try to give an insight into the points that are relevant to the discussion of animals' moral status; specifically to the question whether Cartesianism works.⁵³

'Consciousness' has many different (some say, incoherent) meanings and there is no agreed upon notion of consciousness. The discussion of whether animals possess consciousness is, therefore, often intermingled with clarifications on the meaning of the term. The most basic senses of consciousness are *conscious qua 'not asleep/comatose'*, and *conscious qua 'able to perceive and respond to one's environment'* – in these senses, consciousness is usually ascribed even to organisms that are not very complex or developed, therefore, these notions of consciousness are not interesting for us here.

Some dispute whether animals have *phenomenal consciousness* (sentience), others doubt that we can scientifically investigate *whether* there is sentience in other species, or *how* it is constituted (what its contents are, so to speak).

An even more ambitious notion of consciousness is that of *self-consciousness*, or self-awareness, pertaining to the capacity of beings to have 'second-order'-thoughts ('thoughts about thoughts'). Self-consciousness (but also sentience) is often brought into relation with the possession of a 'theory of mind', e.g. with the ability to ascribe mental states to others, and it is stated that a theory of mind is a prerequisite for self-consciousness and/or sentience.

The question whether animals can be ascribed consciousness (or a mind) partly depends on what ontological theory one endorses. Non-reductive accounts (like Cartesian dualism) do not in principle entail that animals lack consciousness – claiming that consciousness cannot be reduced to material sources; or that 'being conscious' is a fundamental property does not mean, by itself, that animals cannot have it (in fact, it would be quite hard to empirically establish that they don't, because non-reductive accounts per definitionem lack criteria for

⁵³ My overview is based on Allen (2002) *Animal Consciousness* [online encyclopaedia entry], which gives a concise outline of questions of animal consciousness.

the possession of consciousness). If one, on the other hand, endorses a physicalist account of consciousness – claiming that consciousness is identical to physical states; e.g. chemical properties of neurons – settling the question of animal consciousness would be relatively easy (presuming one would specify the physical criteria of consciousness first). Functionalist accounts try to explain consciousness by stating that the term can be explained by employing terms of other cognitive processes. In this theoretical framework, the question of animal consciousness largely depends on *what* cognitive capacities consciousness is deemed to rely on. If we assume that simple capacities are adequate – e.g. if we assume that the *conscious qua 'able to perceive and respond to one's environment'* described above is inseparable from phenomenal consciousness, we would ascribe consciousness to all animals that have internal states with representational properties (and that would even include insects).⁵⁴

Other reductive functionalists have stated that more ambitious capacities are the prerequisite for the ascription of consciousness: most influentially, *language* has been said to be so important for consciousness that animals cannot be said to be conscious in any useful way.⁵⁵

Carruthers⁵⁶ is one of the most influential philosophers in this field, and he is especially interesting for us since he tends towards Cartesianism (i.e. the view that animals are not sentient) and used to hold the opinion that they should therefore not be subjects of our concern and sympathy. While Carruthers is holding on to the claim that animals probably have no phenomenal consciousness (i.e. sentience), he has since somewhat changed his opinion on sympathy and moral concern towards animals (he now states that it is allowed, but not morally required).⁵⁷ Carruthers' account is based on the concept of 'higher order thoughts'; i.e. thoughts that are thoughts about mental states. Prerequisite for the occurrence of these 'higher order thoughts' is the presence of a 'theory of mind' in the subject. Since animals apparently do not have a theory of mind, they cannot have higher order thoughts, and therefore lack consciousness (so do babies; but I will not go into details of Arguments from Marginal Cases that could be used against Carruthers here).

Generally, it can be said that most ontological theories about consciousness do *not* automatically result in denying animals consciousness.

⁵⁴ One proponent of this view is Dretske (1995) *Naturalizing The Mind*.

⁵⁵ Dennett endorses this view in Dennett (1997) *Animal Consciousness And Why It Matters*, Social Research.

⁵⁶ Cf. Carruthers (1992) *The Animals Issue: Moral Theory In Practice*; Carruthers (1998) *Animal Subjectivity*, Psyche.

⁵⁷ Carruthers (1998) *Animal Subjectivity*, Psyche, p. 5.

Apart from different ontological approaches, there are different types of arguments against animal consciousness. Some argue that animals are *dissimilar* from humans in a way relevant for the ascription of consciousness – Descartes, e.g., states that, since animals do not master language or reason, they do not possess consciousness, either, and are therefore not morally considerable. Today it becomes more and more difficult to endorse such an account without massive exceptions, since findings of ethology suggest that animals' language (e.g. in Great Apes, dolphins and parrots) is not mere imitation, and that many animals (not only primates, but less developed mammals and even birds) have astonishing cognitive abilities (on language, cognitive, and social abilities see footnotes 71, 72 below). However, dissimilarity arguments still convince when excluding *some* – exceedingly 'dissimilar' – animals from moral consideration (e.g. molluscs, which do not even show pain behaviour).

Another, more refined, type of argument is directed towards making conceivable the occurrence of 'unconscious experience', in order to make an argument against animal consciousness more intuitively appealing. Animal behaviour is described as analogous to 'unconscious' behaviour in human beings. Driving 'automatically' without paying attention to or being aware of what happens on the road⁵⁸ and blindsight⁵⁹ are "non-conscious experiences [...] that may help to control behaviour without being felt by the conscious subject."⁶⁰ According to Carruthers, all kinds of animal behaviour should analogously be understood as 'unconscious activity'. It has been convincingly objected that this analogy is not consistent, since 'unconscious experience' in human beings has many properties typical animal behaviour does not share (e.g. unconscious experiences are typically not remembered – animals do remember some experiences; response in blindsight victims must be practised and 'triggered' by a special experimental set-up – animals often spontaneously respond to experiences).⁶¹ Since the similarity argument has apparent flaws, Carruthers has, more recently, relied on the 'high order thoughts'-argument mentioned earlier. While I avoided discussing whether the ontological premises of this argument are convincing, I think it is indicated here to tentatively question his assumption that animals do not have a theory of mind – i.e. the assumption that they do not have 'other-awareness', and this is because they do not even have self-awareness. It has been shown that some

⁵⁸ Carruthers (1992) *The Animals Issue: Moral Theory In Practice*, p. 170.

⁵⁹ *Ibid.*, p. 173.

⁶⁰ *Ibid.*, p. 171.

⁶¹ Allen (2002) *Animal Consciousness* [online encyclopaedia entry].

animals, i.e. chimpanzees and dolphins do recognize themselves in the mirror.⁶² In a similar vein, primates and dolphins have been shown to choose the 'don't know/don't want to answer' option in multiple-choice tests in a manner very similar to human beings; which suggests that they might have metacognition, a 'feeling of knowing', which supposes some kind of theory of mind, or at least the possibility of other-awareness in the relevant sense.⁶³

Insecurity cannot be avoided when trying to find out whether animals possess certain mental traits; since even if animals clearly fail tests devised to find out whether they are, e.g., self-aware, the reason might not be their lack of self-awareness, but their lack of understanding human means of communication (or simple lack of interest in experimental set-ups) – as Allen puts it, "in situations of partial information, 'absence of evidence is not evidence of absence'."⁶⁴ It is only by presupposing special methodological objections that some absolutely rule out animal consciousness (or rather, that it could be proven in principle): e.g. it could be stated that since consciousness is so clearly a subjective, private thing, it is out of the reach of scientific proof altogether. More specifically, one could go for epiphenomenalism (i.e. the view that the mind has no effects on the physical environment, that consciousness 'makes no difference' regarding the observable world); this is no real help for speciesist, since it would also apply to human consciousness, and therefore cannot be used to support the claim that animals are different from human beings pertaining to consciousness.

In the face of these uncertainties, it seems tempting to apply the principle of 'in dubio pro reo', and state that if we cannot find out for sure if animals are conscious, we should, as a matter of charity, simply assume they do, to be "morally safe."⁶⁵ This approach might skew our judgment in cases of clearly unnecessary cruelty to animals (e.g. it could motivate scientists to use anaesthetics in animal testing if this does not distort test results, even if they are not sure the test subjects are sensitive to pain), however, it is of no help in cases of conflict (e.g. in cases where potentially very painful procedures on animals are necessary to save human lives, or spare human beings from pain).

⁶² As one prominent example, cf. Gallup (1970) *Chimpanzees: Self-Recognition*, Science; Querna (2001) *Dolphins Recognize, Admire Themselves in Mirrors, Study Finds* [online article]: chimpanzees and dolphins were found to respond to their representations as if they were seeing another individual (social responses) during the first days. Then, they inspected their own body by using the mirror. Chimpanzee individuals recognized and succeeded to touch – mediated by the mirror – dye-marks in their faces the scientists had applied during anaesthesia.

⁶³ Gugliotta (2003) *Monkeys, Dolphin Say 'I Don't Know' - Research Suggests Higher Mammals Able to Think About Thinking*, Washington Post 28.11.2003; Smith, Shields and Washburn (2003) *The comparative psychology of uncertainty monitoring and metacognition*, Behavioral and Brain Sciences.

⁶⁴ Allen (2002) *Animal Consciousness* [online encyclopaedia entry].

⁶⁵ Ibid.

Arguments from *similarity* try to prove that the mental states we display also occur in animals: morphological, anatomical and neurological structures of human beings are very similar to those of other vertebrates, which is used as evidence for the presence of pain sensitivity and other kinds of consciousness in some animals. The most obvious, commonsensical proof for animal sentience seems to lie in their behaviour: just like human beings, they try to avoid sources of pain and they emit noises when they are hurt – the Cartesian view that the cries of pain of vivisected dogs could be nothing more than the "noise of a little spring" (see footnote 11 above) seems absurd today. As Rachels aptly points out,

*"(...) the reason his [Descartes'] view seems so **obviously** wrong to us – is that between him and us came Darwin. Once we see the other animals as our kin, we have little choice but to see their condition as analogous to our own. Darwin stressed that, in an important sense, their nervous systems, their behaviours, their cries, **are** our nervous systems, our behaviours, and our cries, with only a little modification. They are our common property because we inherited them from the same ancestors."*⁶⁶

Similarity arguments in favour of animal consciousness are often made suggesting that evolutionary continuity between animals and humans is strong evidence for the consciousness of animals. It is true that the Darwinian claim of evolutionary continuity entails that differences between human beings and animals are of degree and not of kind. But still, the differences between human beings and animals could be huge (in fact so huge that one species might be conscious while all others are not). For all we know, consciousness could be a by-product of natural selection⁶⁷ that only occurred in human beings, just as the capacity to learn to play chess is found exclusively in human beings.

Maybe the most promising strategy to prove (or, at least, establish a strong claim for) animal consciousness is one of *inference to the best explanation* – it starts out with asking why consciousness, in the course of evolution, should have developed, at all; on this basis, behaviour of animals is analysed, and it is argued that, for some kinds of behaviour, possession of consciousness offers a better explanation than anything else. As Allen puts it:

⁶⁶ Rachels (1990) *Created from Animals. The Moral Implications of Darwinism*, p. 131.

⁶⁷ Gould and Lewontin state that not all properties of organisms resulting from evolution are direct products of adaptation. Cf. Gould and Lewontin (1979) *The Spandrels of San Marco and the Panglossian Paradigm: A Critique of the Adaptionist Programme*, Proceedings of the Royal Society of London. Apart from those direct products of adaptation, there are also what the authors, in analogy to architectural adornments that occur because of statical necessity, call "spandrels." Subsequently, Morris and Thornhill suggest that "there is no reason why consciousness could not be a spandrel of the brain." Morris and Thornhill (2003) *Animal Rights and Theories of Origins: A Plea for Unity*, Worldviews, p. 335.

"if one knew what phenomenal conscious is *for* then one could exploit that knowledge to infer its presence in cases where that function is fulfilled, so long as other kinds of explanations can be shown less satisfactory."⁶⁸

A commonsensical answer to the question of biological functions of consciousness is that consciousness is a means of *transferring information* from the outside world and the body to the organism, but this explanation doesn't really help, since one can assume that organisms do have a 'weak' kind of awareness of their environment without having a 'strong' kind of phenomenal consciousness (and this is what Cartesians usually do). Analogously, we sometimes attribute 'awareness' to computers: they apparently have some kind of informational connection to their environment, because they react to commands we give them, or 'recognize' if we plug in a new device, or 'notice' if they have been affected by a virus; yet this is clearly different from attributing to them 'phenomenal consciousness' in the strong sense. To use a neat formula, 'consciousness *of* external events is imaginable without consciousness. Even adjusting to perceptual errors is no proof of 'real' consciousness: an organism could be capable of altering its future responses to a stimulus if an earlier response is not rewarded (this is comparable to computers than can 'learn'). To gain ground in this discussion, Allen and Bekoff propose a criterion to distinguish between the occurrence of phenomenal consciousness and mere awareness: if a being can adjust to perceptual errors and *still* make use of the content of the false perception, this is evidence for the organism's distinction between 'how things appear to me' and other judgements about its environment, which in turn would substantiate the claim that the organism is conscious. An example of this capability in human beings is that, as a typical human being, one can "learn that one is the subject of an optical illusion while the illusion persists" (e.g., one can note that a stick half submerged in water looks bent, while at the same time knowing that it isn't – the perceptual system has not adapted to the misinformation, rather, oneself has). Clearly, it would be hard to distinguish between the first, simple form of adjusting to error, and the second, conscious one – and indeed, Allen and Bekoff offer no example of this conscious capacity to detect misinformation in animals, though they are sure that, in theory, "behavioural evidence that an organism is subject to an illusion yet can make choices that depend on rejecting the illusory properties can replace direct verbal reporting."⁶⁹

⁶⁸ Allen (2002) *Animal Consciousness* [online encyclopaedia entry].

⁶⁹ Allen and Bekoff (1997) *Species of Mind. The Philosophy and Biology of Cognitive Ethology*, pp. 149-152.

As we have seen, discussions of animal consciousness, in general, take place on the brittle surface of ontological and epistemological debates which are far from settled. This is not to say that animal consciousness should not be discussed as long as we do not have a firm notion of consciousness in human beings: partly because we never may, and partly because looking at empirical phenomena (in animals) that show characteristics that are commonly associated with consciousness will probably help us to find out whether these are actually the right characteristics to look at when investigating consciousness.

c. Promising candidates: reason, language, and personhood

Of course, species membership and occurrence or lack of consciousness are not the only criteria offered when attempting a clear distinction between human and animals in a morally relevant way. It is undisputed that the capacities human beings typically master are very different from those animals exhibit: human beings, for a beginning, are rational, i.e. they are able to give reasons, understand reasons, to follow relationships from thought to thought and to draw conclusions. They have an unsurpassed level of intelligence, i.e. an extremely high ability to collect and use knowledge, and the ability to understand and make meaningful use of concrete and abstract thoughts. Human beings have self-awareness, i.e. the ability to recognize their own identity and individuality. Human beings are capable of making use of language, i.e. a system for communicating ideas and emotions that makes use of sounds or conventional symbols. Also, human beings are said to exhibit a free will, i.e. having autonomy in so far as their actions can be seen as self-determined rather than being caused externally, being purely a matter of stimulus and response. All these capacities are, without doubt, found to a high degree in most human beings, while most – some say all – animals lack them. Apart from arguments which claim that language, self-awareness etc. are indirectly relevant because they are prerequisites of *consciousness*, there are also arguments who state that these capacities, or a bundle of these capacities, are *directly* morally relevant.

The concept of 'personhood' is certainly the concept that is most often used when discussing the morally relevant differences between human beings and animals. Regarding the discussion of speciesism, I believe that we must, generally speaking, distinguish between two approaches on personhood. One approach (which I will call the non-definitional approach) claims that this concept *cannot* be reduced to a 'closed list' of properties like rationality, self-awareness, language capacity, free will or morality; that it is

a condemnable practice to subject beings, as it were, to a 'test' before admitting them to the realm of persons, that it is objectionable to presume to decide whether they have all the relevant properties to qualify as persons.⁷⁰ The opposite (definitional) approach claims that the latter is necessary and that the attribute 'is a person' is, more or less, just an abbreviation for saying 'exhibits properties x, y, z'; which also leaves room for gradation of personhood (and the moral status associated with it). Generally speaking, one can say that the non-definitional approach equals 'person' with 'human being', but without giving any room for discussing this decision since no tangible reasons for this decision are given (human beings are, without exception, persons, but why animals are non-persons cannot be discussed since we are not able to give a 'closed list' of 'person'-properties). What, in the context of the status of human beings, seems noble *epoché*, is an unchallenged judgement in the context of the question of animals' moral status, since it excludes them without even giving reasons – it presupposes speciesism. Thus, I believe that when discussing speciesism we must keep with definitional approaches of personhood, and rather think about the properties that make someone a person than try to grasp a vague concept.

While the capacities discussed in this paragraph are certainly typical for humans, none of them clearly, without ambiguity, distinguishes human beings from all animals: to a certain degree, animals – especially great apes – exhibit rationality, intelligence, use of language⁷¹ and self-awareness (see section 5.b above). Pertaining to these properties or capacities, the difference between human beings and animals seems to be rather one of *degree*, rather than one of kind. Even more importantly, it is unconceivable that rationality and language capacity *as such* should be morally relevant. I do not see how they could possibly pass Bernstein's test of moral considerability (see section 4.b above), other than by being perceived as *prerequisites of consciousness* (see section 5.c above). Applying Bernstein's thought experiment, if two human beings are rushed to the emergency room, who should be treated first should, intuitively, *not* depend on who has more rational or linguistic

⁷⁰ Proponents of this view are Williams and Spaemann, who – paradigmatically – assume that the species concept is unproblematic (see footnote 40). There is a reason for this correlation: seeing 'being human' as an easily ascertainable property and 'species' as an established, reliable concept makes the view that 'all human beings are persons, come what may' maintainable, in the first place.

⁷¹ On the use of sign-language in chimpanzees, gorillas and orang-utans, see e.g. Fouts and Fouts (1993) *Chimpanzees' Use of Sign Language* in: Cavalieri and Singer (Eds.) (1993) *The Great Ape Project*; Patterson and Gordon (1993) *The Case For The Personhood Of Gorillas* in: Cavalieri and Singer (Eds.) (1993) *The Great Ape Project*; White Miles (1993) *Language and the Orang-utan: The Old 'Person' of the Forest* in: Cavalieri and Singer (Eds.) (1993) *The Great Ape Project*. Apes display non-imitative language, create new and combined expressions, give new meanings to known words, grasp not only denotation, but also connotation, refer to objects that are not in sight, sign to themselves when unobserved, use expletives and teach sign language to their children. However, apes' language is never syntactically complex, and real 'conversation' with them is impossible – Rachels (1990) *Created from Animals. The Moral Implications of Darwinism*, p. 139.

capacities (*except* if language or rationality were prerequisites or non-ambiguous indicators of consciousness).

d. The source of morality and 'transcendental' approaches

A failure of Bernstein's test is less obvious when we think of other capacities, e.g. the capacity for moral behaviour (which, of course, massively depends on the ability to give reasons). One could imagine that a (somewhat egoistic) doctor prefers to help beings who are likely to take his interests into account (i.e. beings with moral capacities), since this would increase the probability of *him* being helped at a later point. Can we regard practical moral capacities - i.e. the exhibition of altruistic behaviour - as morally relevant? And what about theoretical moral abilities (i.e. the capacity to take other beings' interests into account)? Human beings, undoubtedly, are 'theoretically moral' beings, i.e. they have the capacity to devise an objective, generalisable system of values and know how to act according to moral rules, goals and virtues that derive from those values. Even if we think that the latter assumption is too idealistic, it is still clear that human beings do exhibit altruistic behaviour in practice, i.e. behaviour that shows selfless concern for the welfare of others, despite the lack of an observable benefit for the agent, often even resulting in a real cost to the agent. Note that, just as rationality and language, practical moral capacity is a matter of degree: animals, especially mammals, take care of their families and groups, often disregarding their own interests.⁷² Regarding this kind of behaviour as merely 'instinct-driven' in all animals while complimenting human beings who exhibit the same behaviour on their outstanding moral capacities is nothing more than applying double standards.

However, it could be relevant that human beings undoubtedly are most developed in the area of theoretical morality: they have the ability to form abstract moral principles and give detailed accounts and assessments of moral questions (like the one at hand). In this vein, many argue that human beings are *the sole 'sources' of morality*, the only beings who can give reasons and thereby substantiate values, and therefore deserve special protection, in comparison to non-moral beings like animals and plants. Some have stated that the unique moral capacities of human beings can be used as a basis for an argument that supports speciesism.

⁷² On altruistic behaviour in rhesus monkeys, see Rachels (1990) *Created from Animals. The Moral Implications of Darwinism*, pp. 149-152. In the experiment cited, it was shown that a majority of monkeys "will consistently suffer hunger rather than secure food at the expense of electroshock to a conspecific."

Michael Goldman, for example, has attempted this in what he calls a "transcendental defence of speciesism."⁷³ Transcendental arguments, in general, rely on claims about the *preconditions* of a given state of affairs, in this case, that of the existence of morality and value. Goldman's thesis is that beings with whom we can cooperate in "social reproductive efforts" have a *prima facie* moral priority over beings with whom we cannot cooperate in such ways.⁷⁴ Goldman states that only within a community of beings capable of making choices, acting on reasons, moral value can exist. He assumes – and I will concede this – that such beings are in all cases biologically human. Apart from that, living in a community of other humans is a prerequisite for existing as a human, or at least for existing as a being that can act on reason. It follows from these considerations that the existence of a human community is a prerequisite for the existence of moral value. I think that Goldman's steps are comprehensible so far, and it is also true that the preservation of the human community is a prerequisite for considering or applying any moral principle. But I do not think that it necessarily follows from these assumptions that we are morally obliged to preserve the basis for morality (i.e. human communities).

Goldman's claim that denying his 'transcendental' principle means permitting behaviour that destroys the 'prerequisite of morality', i.e. human society – is not valid, because we can have *internal* rules that prevent us from destroying human society, e.g. the obligation not to harm other individuals. Goldman's further claim that racism and sexism (i.e. inegalitarian doctrines as such) are ruled out by his argument because all human races, sexes (and other groups) contribute to the moral community equally is mistaken: his account could in fact be used to support a fiercely inegalitarian society, based on what 'productive rating' or 'moral community contribution rating' someone has – an outcome he would probably want to avoid.

Back to tackling Goldman's 'transcendental argument': generally speaking, one can say that it is based on a *metaethical* assumption that we have an *external*, objective obligation to create moral value. This assumption can be endorsed or doubted – Goldman does not even enter this discussion; and I will avoid it, too, since it is too remote from our topic here. Let me close with the comment that Goldman's argument is ultimately not a transcendental

⁷³ Goldman (2001) *A Transcendental Defense of Speciesism*, The Journal of Value Inquiry. A similar (transcendental) point is made by Blatz (1985) *Why (Most) Humans Are More Important than Other Animals: Reflections on the Foundations of Ethics, Between the Species*.

⁷⁴ Goldman (2001) *A Transcendental Defense of Speciesism*, The Journal of Value Inquiry, p. 60.

one, since he does not argue on the basis of undisputed prerequisites (this is what gives transcendental arguments their force) but rather on the basis of undisclosed assumptions.⁷⁵

e. Moral agency, arguments from reciprocity, and contractualism

There is yet another type of argument that uses the inability of animals to grasp and act on moral rules in order to exclude them from the set of creatures we need to consider (directly) in our morality.

What I will call here 'arguments from reciprocity' rely on the assumption that only those who have the *capacity to grasp and act on and moral principles* are entitled to moral consideration.⁷⁶ Relying on this, it is argued that, since animals do not meet this requirement, they should not be considered morally (at least not in a direct way).

This claim can basically be split up in two kinds of argument: a 'simple' type of reciprocity argument states that – though in our assessment of the moral importance of other human beings it is not and should not be relevant how intelligent, linguistically talented, or rational they are – there is a property that is commonly regarded as relevant, namely that of their own practical morality (or accordance to moral rules). The basic relevance of an agent's ability to master moral tasks is recognized in human agents – Holland gives the example of criminals, whom we put in prison even if this is not likely to remove their criminal disposition, but because their "performance as an agent is [...] relevant to our responsibilities towards that agent."⁷⁷ And this is, some say, extendable to animals. A more sophisticated kind of 'reciprocity argument' is one that puts the strain less on coarse reciprocity of the type 'the chicken does not respect me, so I need not respect the chicken', and more on pointing out the relevance of lacking basic capacities (as it were, by stressing that the chicken cannot even respect *itself* or other chickens, and is thereby essentially unfit to enter the moral realm). Reciprocity approaches to the moral status of animals, for that purpose, can be put in context with a larger theory, namely, that of social contract or contractualism.

⁷⁵ It is to be noted that, even apart from an undisclosed metaethical assumption, Goldman has a hard time dealing with 'marginal cases', i.e. human beings that can not, or only to a small level, take part in 'social reproduction'. He tries to solve the dilemma by stating that the treatment of both animals and 'marginal cases' depends on 'available social surplus'. I will discuss this argument in section 6.d.

⁷⁶ Sapontzis sums up the 'reciprocity requirement' as "Only those who respect the moral rights of others are entitled to moral rights" and the 'agency requirement' as "Only moral agents are entitled to moral rights"; see Sapontzis (1987) *Moral, Reason, and Animals*, p. 139. I have, in my characterisation of arguments from reciprocity, basically conflated the two requirements (since I believe they are quite intertwined) and removed reference to 'moral rights', since this type of argument can also be used outside the context of a rights view.

⁷⁷ Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 288.

Contractualists see morality as a set of rules that derives its normative force from the idea of contract or mutual agreement; i.e. from the idea that *self-interested rational agents* would consent to it. Under this assumption, the claim is made that animals cannot enter this realm of contract and agreement (because they cannot rationally grasp moral principles, or because they cannot act at all) and that, therefore, they cannot be direct subjects of our morality.⁷⁸

Contractualism can be split into two central statements (which can be endorsed independently of each other): as *genetic* theory, it makes a *descriptive* statement about the origins of the rules a society obeys (laws, or morality) – they are to be found in the rational self-interest of agents. Secondly, contractualists can make a *normative* claim: they can state that rules that are derived this way are good or just rules; or that the society thus created is a just society.

John Rawls,⁷⁹ the most prominent and influential defender of contractualism, used a heuristic device to explain what justice, in the contractualist sense, is. He drew the picture of imaginary moral agents who, in an "original position" in which they – behind the so-called "veil of ignorance"⁸⁰ – do not know what position they will have in a future society. The rules the 'ignorant' persons consent to are supposed to approximate, as a whole, an overall system characterized by justice and equality. Rawls, it is said, supposes that the hypothetical rational agents would not choose rules that lead to a direct consideration of animals' interests. For us, the most interesting part about Rawls' 'veil of ignorance', obviously, is that the persons behind it *do* know that they will *not* become animals – which ensures that they need not really worry about rules pertaining to animals. Rawls theory by itself, according to the common interpretation and Rawls' own remarks, entails that animals are not owed direct moral duties since they are no moral agents, defined by Rawls as persons that have a 'sense of justice', which animals do not possess.

Now what can we make of this interpretation of Rawls' theory? Behind contractualists' doling out (direct) moral considerability only to human beings is an intuitively appealing notion of morality as something necessarily reciprocal: contractualists see morality as a 'give and take', and since animals cannot 'give' (i.e. they do not have obligations; they

⁷⁸ Proponents of contractualism who endorse speciesism or, more specifically, refute the view that animals can have rights include Carruthers, Cohen and McCloskey - Cf. Carruthers (1992) *The Animals Issue: Moral Theory In Practice*, p. 149; Cohen in Cohen and Regan (2001) *The Animal Rights Debate*, pp. 59-68; McCloskey (1979) *Moral Rights and Animals*, Inquiry.

⁷⁹ Rawls (1971) *A Theory of Justice*.

⁸⁰ *Ibid.*, pp. 118-122.

cannot respect or consider someone's interests or rights or moral status), they cannot 'take' (i.e. have rights, or qualify for consideration of their interests) either. These thoughts speak of a certain interpretation of the relation between rights and duties: namely, that 'a right implies a duty' – in the sense of 'If A has the right to be told the truth by B, then A also has the duty to tell the truth to B', as a matter of *fairness*, so to say. If we complement to this the other interpretation of 'a right implies a duty', namely, the commonsensical thought that 'If A has the right to be told the truth by B, then B has the duty towards A to tell the truth', we get the argument behind the 'give and take'-view, namely "that we are obligated to respect the moral rights of others only if they are obligated to respect our rights."⁸¹ This would probably exclude all animals from direct moral consideration.

Sapontzis has argued that reciprocity-based arguments work quite well if we assume that all parties involved are about equally strong, but that contractualism fails to give a basis for the claims of the 'weak' against the strong, since only those 'strong enough' to claim their rights are considered.⁸² In cases like 'normal human beings vs. handicapped humans or babies', and in cases like 'human beings vs. animals', it is unfair to hold on to the reciprocity requirement (more specifically here, the requirement that only those who can represent or understand their position are considered). Sapontzis infers from this that animals can have rights without being able to understand (or have, or act on) obligations. While I find Sapontzis' elaboration of the 'weakness' of animals and the resulting concessions we should make regarding their moral status somewhat wobbly, he is certainly not beside the point when criticizing crude contractualist theories that are only based on claims of reciprocity and basically state that 'only those who can fight for their rights are assigned rights'. But does his criticism apply to Rawls' refined contractualism?

After all, John Rawls' *Theory of Justice* is praised as explicitly avoiding all kinds of unfairness inside a contractualist framework. At the same time, it has been regarded as one of the most promising theoretical frameworks in which speciesism can be consistently, and successfully, defended. Carruthers, who is a speciesist and contractualist himself, states that "animals will, therefore, have no moral standing under Rawlsian contractualism, in so far as they do not count as rational agents."⁸³ Anti-speciesist Regan assumes that Rawls' theory does not only exclude animals, but also non-rational human beings;⁸⁴ this ultimately

⁸¹ Sapontzis (1987) *Moral, Reason, and Animals*, p. 142.

⁸² *Ibid.*, pp. 142-144.

⁸³ Carruthers (1992) *The Animals Issue: Moral Theory In Practice*, pp. 98-99.

⁸⁴ "Because not all human beings are moral agents, or 'persons' in Rawls's sense, it follows, [...] that not all human beings are owed duties of justice." – Regan (1983) *The Case for Animal Rights*, p. 165.

leads to his dismissal of contractualism on grounds of an Argument from Marginal Cases. Is it true that animals (and marginal humans) cannot be assigned a direct moral status in contractual approaches, more specifically, in the Rawlsian approach? If we understand Rawls' theory as fixed on reciprocity – which is the common interpretation I described above – there seems to be no alternative.

Rowlands,⁸⁵ who defends a different interpretation of Rawls concerning animals' moral status, points out that it is important to see the *two* arguments that are the basis of the Rawlsian approach, and their special relation. The first argument, which is often overlooked or at least underestimated, is that of 'intuitive equality': it states that if a property is undeserved, no moral entitlement of its bearer should follow from it. The decisive point here is to see that Rawls not only included into his set of 'undeserved' properties the typical properties that came to mind in the prevailing 'equal opportunity' approaches (i.e. being born into a social or economical group), but also *natural capacities* like being handsome, tall, athletic, or especially intelligent that are often not taken into consideration when talking about equality. Rawls' second basic point – which is usually seen as vastly more important – is his 'social contract argument', which makes use of the 'original position' and the 'veil of ignorance' in order to pry out "the implications of certain premises concerning people's moral equality."⁸⁶ The crucial point here is that this picture does *not* entail, or stem from, any metaphysical assumptions about (real or hypothetical) persons, and that it is not concerned with the conceptual possibility of rational beings who are 'ignorant' in that way. Rather, it is a means of giving a frame for an "intuitive test of fairness."⁸⁷

If we give equal consideration to *both* of Rawls arguments – namely that about undeserved properties and that about his special heuristic device – we will indeed "begin to smell a rat,"⁸⁸ as Pluhar puts it in her discussion of Rawls. How can it be justified that the choice-makers in the 'original position', though they are supposed to be behind an extensive veil of ignorance, can be certain that they will be rational agents? Being rational (in the sense of the argument), after all, is just as undeserved as being tall, white, or rich. Arguments from 'personal identity' which state that since the choice-makers are necessarily rational at the time of their choice, they must be rational later on, collapse when we are aware of the status of Rawls' picture as a *heuristic device* (rather than a metaphysical theory). The same

⁸⁵ Rowlands (1997) *Contractarianism and Animal Rights*, Journal of Applied Philosophy.

⁸⁶ *Ibid.*, p. 239.

⁸⁷ *Ibid.*

⁸⁸ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 234.

is true for the property of 'being human' – we did not choose to be human; and therefore we should not have any benefits from being human (except if our benefiting from being human would be beneficial for non-humans, too).⁸⁹ Rawls himself states that both our initial description of the 'original position' and our intuitive judgements of equality should be under constant review, and that we should be working "from both ends"⁹⁰ in order to reach a "reflective equilibrium."⁹¹ Apparently, under this interpretation, it is not pure reciprocity that should rule morality. What do we make of this, regarding the status of animals?

Rawls' own statements on the status of non-rational, non-moral beings are somewhat ambiguous, or at least oblique. After stating, in an earlier essay, that "being capable, to a minimum degree, of a sense of justice" is a *necessary* and sufficient condition to qualify as an object of direct duties,⁹² he later changes this to the view that it is a *sufficient* condition⁹³ and explicitly leaves open whether it is necessary. There are also several passages in his *Theory of Justice* which support the view that Rawls, while he was skewed towards denying non-rational beings moral considerability, was somewhat undecided on the topic.⁹⁴ Now it seems that if we give 'intuitive equality' the high significance it apparently was intended to have in Rawls' contractualism, there is no room for sticking with the orthodox interpretation that excludes non-rational beings from moral consideration, altogether. It is more balanced on Rawls' theory if we assume that it *could* consistently include non-rational beings and it is charitable if we assume it actually does. After all, our hope for a fairer and more refined approach to contractualism was the reason for turning to Rawls after Sapontzis' critique of more crude, inegalitarian approaches, in the first place.

This is not meant to prove that Rawlsian contractualism *entails* anti-speciesism, or animal rights. Rather, I want to point out that the usual interpretation of Rawls as necessarily entailing (and consistently endorsing) speciesism is wrong. If Rawls does endorse

⁸⁹ Vandever, coherently, uses a modified version of Rawls' veil to incorporate "interspecific justice." In the "pre-original position", the participant will only know that he will become a sentient being – Vandever (1983) *Interspecific Justice and Animal Slaughter* in: Miller and Williams (Eds.) (1983) *Ethics and Animals*, pp. 152-156.

⁹⁰ Rowlands (1997) *Contractarianism and Animal Rights*, Journal of Applied Philosophy, p. 241.

⁹¹ Rawls (1971) *A Theory of Justice*, p. 20.

⁹² Rawls (1963) *The Sense of Justice*, Philosophical Review, p. 284.

⁹³ Rawls (1971) *A Theory of Justice*, pp. 505-506.

⁹⁴ Cf. Rowlands (1997) *Contractarianism and Animal Rights*, Journal of Applied Philosophy, p. 244.

Rowlands cites several 'hesitant' passages, such as: "Our conduct towards animals is not regulated by these principles, or so it is generally believed" (emphasis mine); similarly: "Presumably this excludes animals [...]" (emphasis mine) – see Rawls (1971) *A Theory of Justice*, pp. 504-505.

speciesism, he does so with poor theoretical support, but we need not necessarily believe that he does, at all. The common interpretation of Rawlsian contractualism as being based mainly on an argument from reciprocity, underestimating or overlooking the importance of the 'intuitive equality'-argument, is not very convincing if we look at the theory as a whole and at Rawls' somewhat undecided comments on the topic. Rawlsian contractualism has therefore not provided a theory in which the moral relevance of moral agency as an argument for speciesism could be consistently supported; neither have the 'unrefined' forms of contractualism given a convincing basis for speciesism, since basing morality on strict reciprocity only works when we assume a natural equality of the parties involved.

6. Arguments from Marginal Cases

The sections above discussed several candidate properties that could be used to make a hard-edge moral distinction between humans and animals. It is undisputed that humans *typically* have characteristics that distinguish them from *typical* animals in a morally relevant sense. What is at stake is the claim that *all* humans are distinct from *all* animals in that sense. This is the cue for anti-speciesists to play their trump card: the Argument from Marginal Cases. 'Marginal Humans'⁹⁵ are human beings who do not exhibit the characteristics of typical human beings as opposed to animals. Depending on what characteristics the speciesist deems relevant for the human/animal moral distinction, he will have to confront cases of human beings that do – permanently or momentarily – not exhibit them: young children, on the one hand, have admittedly limited abilities. On the other hand, some mentally handicapped or disease-stricken human beings have restricted or no language capacities, they may lack rationality, self-awareness, free will, the ability to form or adhere to moral principles or to display moral behaviour, the ability to form social bonds or capacities like pain-sensitivity or sentience altogether, or, as some claim, even personhood, temporarily or even permanently. I will, to facilitate the discussion, usually subsume both children and handicapped or disease-stricken human beings under the term 'marginal humans' or 'atypical human beings', however, the status of children deserves special treatment in some regards, especially when considering potentiality arguments (see section 6.b below).

⁹⁵ The term 'marginal' must not be misunderstood as an attempt to deny the human beings denoted the quality of being human (or being persons, or having a right to life). Rather, 'marginal' in this context is supposed to mean 'not paradigmatic' or 'atypical' in a purely descriptive sense. See Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 63; Regan (1982) *All That Dwell Therein. Animal Rights and Environmental Ethics*, p. 116.

Arguments from Marginal Cases are typically structured like this: it is assumed that marginal human beings are usually assigned a high moral status and a level of protection of their interests and/or life that is as high as that of typical human beings. Secondly, it is argued that there are cases of marginal humans who have mental or social capacities that do not rise above the level some animals reach. Now it is argued that it is inconsistent to exclude animals from the range of beings that are assigned a high moral status, while at the same time including marginal humans. More specifically, there are two subgroups of the Argument from Marginal Cases – 'weak' versions of the argument claim that *if* marginal humans have a certain (high) moral status, animals must have this status too; while the 'strong' versions state that *because* marginal humans are assigned a certain status, animals have that status too. Both versions rely on an apparent inconsistency.⁹⁶

The problem of marginal cases is that we are now, for the sake of consistency, forced either to include animals or to "throw out the baby [or the handicapped, CH] with the nonhuman bathwater."⁹⁷

There are several ways to deal with this predicament. One solution would obviously be denying cases of atypical humans special protection and/or rights (i.e. to "throw them out with the nonhuman bathwater"). Not surprisingly, hardly anybody defends this as a viable alternative – with the exception of Frey. Though he believes that marginal humans are morally separate from animals, he admits that potentiality arguments, arguments from similarity, as well as religious arguments fail to wholly include marginal cases in our moral reasoning and assign them rights, thus in result opening the door for exploitation of marginal humans *as well as* that of animals.⁹⁸ Frey, an utilitarian like Singer, is convinced that there are differences in quality both if we contrast the lives of differently developed animals and those of 'typical' and 'marginal' human beings, and that the quality of life of human beings can sink so low that it makes sense to allow 'tradeoffs' with other values (e.g. that of animal's interests) – Singer would be one of the few to accede this.⁹⁹ But while Singer aims at keeping marginal cases (and animals) at least relatively protected, Frey states that the lives of 'typical' (adult, rational, autonomous) are *not comparable* to the lives of marginal humans (and animals), and that marginal cases, as Dombrowski puts it "do not

⁹⁶ I will focus on the inconsistency claim here (and how or whether it can be overcome), rather than on the subgroups, since I am not trying to prove anti-speciesism but rather trying to analyse possible objections to it.

⁹⁷ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. xvi.

⁹⁸ Frey, for example, tentatively states that "vivisection [...] forces us to envisage the use of defective humans in such research" because the Argument from Marginal Cases cannot be escaped otherwise. Frey (1987) *Autonomy and the Value of Life*, *The Monist*, pp. 56-57.

⁹⁹ Dombrowski (1997) *Babies and Beasts. The Argument from Marginal Cases*, p. 86.

really have rights, but we act as if they do because we are squeamish about abusing them."¹⁰⁰ I will not dedicate more room to Frey's 'solution' of the problem of marginal cases since I believe it is typical case of 'saving a village by destroying it'.¹⁰¹ Giving room to exploiting marginal cases *and* human beings 'saves' the absolute high moral value speciesists assign to human beings in contrast to animals only by sacrificing the value of some human beings and thereby making the position untenable.

A more popular way to solve the problem is trying to block the use of Arguments from Marginal Cases, as a matter of principle (see section 6.a below), or by denying that there really are marginal cases in the sense the Argument from Marginal Cases relies on (see section 6.b below). The latter arguments are often combined with a position that reduces the number of 'real' marginal cases as far as possible and simultaneously disqualifies the remaining cases as irrelevant.¹⁰² The third possible way to deal with the Argument from Marginal Cases is that of admitting that there are 'real' marginal cases, but that though the human beings affected lack the morally relevant properties that confer a high moral status on typical human beings, and though this flaw is not healed by potentiality arguments, marginal humans still deserve special protection as compared to animals, because they have – to put it very coarsely – had 'bad luck', or because they are 'of one kin' with us (see section 6.c).

Finally, I will take a look at 'last resort' strategies, arguments that are used to back up or reinforce the persuasiveness of main arguments used for defending speciesism; namely, appeals to emotion or 'pragmatism' (see section 6.d)

a. Blocking Arguments from Marginal Cases

Facing the quandary of marginal cases and animals, some proponents of speciesism argue that it is not admissible (or at least not helpful) to make use of marginal cases in order to determine (or question) the moral status of human beings or animals, in general.

Nozick, to take one example, thinks that employing Arguments from Marginal Cases is mistaken: he accuses Regan of "[...] placing animals ('mentally normal mammals of a year

¹⁰⁰ Ibid., p. 96.

¹⁰¹ Alleged U.S. dictum regarding settlements infested by the Vietcong during the Vietnam war.

¹⁰² Korsgaard is a typical proponent of this strategy: briefly stating that "most of these beings [...] *are* rational beings", anyway, she reduces the number of 'real' marginal cases. Then, she quickly moves on to the status of animals who "really are *not* rational beings," drawing the curtain over the few marginal cases that cannot possibly (not even with a lenient approach like Korsgaard's interpretation of Kant) be regarded as rational. Cf. Korsgaard (2004) *Fellow Creatures: Kantian Ethics and Our Duties to Animals*, p. 5.

or more') on a par with mentally 'enfeebled' humans"¹⁰³ and thereby taking the risk of conjuring up a society that does not deem protection of the latter important anymore:

*"Our view of what treatment severely retarded people are owed surely in part depends on their being human, members of the human species. Sweeping away this consideration as morally irrelevant can only result in society's treating severely retarded people like animals, not the other way round."*¹⁰⁴

Nozick does not substantiate this strong claim, and it seems strange in the context of his article. On one hand, *prima facie* relying on a sobering and negative image of mankind, he is sure that putting into question the moral relevance of species membership would tip society over to the worse; on the other hand, he is confident that the very same society "will find the time to formulate and establish a balanced treatment of animals,"¹⁰⁵ by itself, as it were (though two decades have passed since Nozick's confident remark, this time apparently has not come yet).

Holland, much more hesitantly than Nozick, also points out the threat using Arguments from Marginal Cases could pose to the situation of marginal humans;¹⁰⁶ and states that, indeed, "speciesism may actually be the best defence of the relatively protected position of defective humans."¹⁰⁷ It is certainly true that every drawing on Arguments from Marginal Cases somehow calls into question the moral status of marginal cases, however, raising a ban on discussing the topic is probably not the right way to ensure permanent protection of disadvantaged human beings; it might be more advisable to formulate arguments which ensure their high moral status even if the shield of species membership should fail.

Machan – for whom moral agency is the relevant characteristic to distinguish between human beings and animals – argues against the use of Arguments from Marginal Cases, too, but in an entirely different way. He states that "one cannot make general claims based on special cases."¹⁰⁸ Machan apparently misunderstands Arguments from Marginal Cases as claiming that *all* humans have no superior moral status because *some* of them, i.e. marginal humans, do not fulfil the criteria required for being assigned such privileges (e.g. the ability to make moral judgements). It is unclear how he comes up with this

¹⁰³ Nozick (1983) *About Mammals and People*, New York Times Book Review, p. 11.

¹⁰⁴ *Ibid.*, p. 11.

¹⁰⁵ *Ibid.*, p. 29.

¹⁰⁶ Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 282.

¹⁰⁷ *Ibid.*, p. 290.

¹⁰⁸ Machan (2004) *Putting Humans First - Why We Are Nature's Favorite*, p. 16.

interpretation. Arguments from Marginal Cases do not make such a claim. As Nobis puts it accurately in a review of Machan's book, Machan himself makes illegitimate deductions:

*"Apparently, Machan thinks that since 'normal' human beings are moral agents, abnormal humans are moral agents, as well. But this inference is clearly illegitimate [...] We treat beings according to their own characteristics, not the features of other beings who are, in some ways, similar to them."*¹⁰⁹

More remarkably, the relevance of Arguments from Marginal Cases is also doubted by non-speciesist philosophers, e.g. Sapontzis: he notes that "morally special cases are cases in which our common moral principles must be superseded; consequently, we cannot infer from our practice in such special cases to what our common moral principles are."¹¹⁰ I do not agree with Sapontzis on the point that there can be, so to say, two different sets of morality; one pertaining to 'normal' and the other one to 'special' cases – generalisability and consistency are certainly cornerstones of whatever we think morality is, and this does not leave much room for cases of 'honorary rights-holders'¹¹¹ Sapontzis is inclined to admit of.

b. Reducing the number of relevant marginal cases: potentiality arguments

As I mentioned above, many philosophers try to weaken Arguments from Marginal Cases by showing that the number of human beings that qualify as relevant cases of marginal humans is actually very small. It is proposed that young children (and, possibly, people who are mentally handicapped due to an acquired disease) do not qualify as 'real' marginal cases because – though they may factually lack typical morally relevant capabilities like rationality, autonomy, etc. – they have the *potential* to become typical human beings (by growing up or by receiving successful treatment). What do we mean by saying X has the potential to become Y? The expression can be interpreted in different ways: it could mean that there is a possibility or a certain probability for X to become Y; or it could mean that X has a potency (i.e. an inherent capacity) to change to Y. In the context of the potentiality argument, philosophers usually propose certain criteria to distinguish between remote, indirect potentiality (à la 'If pigs had wings, they could fly') that is not deemed morally relevant and direct potentiality that shall constitute the basis for making marginal cases morally considerable and/or relevant.

¹⁰⁹Nobis (2004) *Book Review Putting Humans First* [online article, draft].

¹¹⁰ Sapontzis (1987) *Moral, Reason, and Animals*, p. 141.

¹¹¹ *Ibid.*

What do we make of 'potentiality', once we have located it in human beings; most importantly, in embryos and small children? Strict potentiality views claim that all potentially typical human beings (e.g. potential persons) have full moral status; and that they are just as morally significant as typical, adult human beings (i.e. actual persons). Gradualist potentiality views, on the other hand, while stating that all potential persons are morally considerable, make moral significance dependent on how 'close' the being is to actual personhood.¹¹²

Obviously, giving an extensive analysis of the concept 'potentiality' and the ontological problems it confers would lead too far; thus, I will only briefly sketch the arguments and objections that are indispensable for our discussion of Arguments from Marginal Cases. Arguments from potentiality are easily misunderstood: are they meant to say that an *actual* high moral status is directly derived from a *potential* qualification for that high moral status? Obviously, this is not what proponents of potentiality arguments are trying to say: the fact that I have the *potential* for being the owner of your drink (I could buy it from you) cannot automatically mean that I am *actually* allowed to gulp it down if I feel like it. This 'logical point' does not necessarily disqualify arguments from potential: there could, nevertheless, be a *morally relevant link* between potential and capacity for being a typical human, resulting in an obligation to assign the same or similar moral status to potentially typical human beings and actually typical human beings.

To spell out the thoughts that are behind arguments of this type, I believe it is fairly helpful to think about everyday situations in which we routinely ascribe high moral status to beings that do not *actually, momentarily* exhibit traits of typical humans such as rationality, free will, self-awareness etc.: this is the case with adult, but sleeping or temporarily unconscious human beings. One way to explain why we ascribe high moral status to sleeping human beings is saying that there is a (morally relevant) bond across time between what this human being *will be* after waking up (namely, a conscious, self-aware being with a lifetime of experiences and thoughts), what it is now (a sleeper), and what it used to be before the nap (a conscious, self-aware being etc.). The morally relevant bond is usually called personal identity. This is one way of establishing a morally relevant link between potential and capacity for being a typical human. Obviously, the critical question is how far this bond can be stretched to cover other stages of life: does it reach back to the embryo stage of human beings? Does it reach over long periods of time to

¹¹² For the distinction between strict and gradualist potentiality, see Feinberg (1980) *Abortion* in: Regan (Ed.) (1980) *Matters of Life and Death*, pp. 193-197.

cover passing and permanent stages of dementia? These questions of detail can obviously not be discussed here; but I will try to give an account of problems of potentiality arguments on a very general level.

One of those general problems is the question of where to cut off arguments from potential. Clearly, strict potentiality views pertaining to human embryos could be (and often are) used by objectors to abortion. Some argue that potentiality arguments can be refuted by a *reductio ad absurdum*: Most babies have the potential to develop into typical, that is rational, etc. human beings. So do embryos, and fertilised egg cells. The same is true for many pairings of egg cell and sperm. Are contraception and even abstinence morally wrong because they prevent potential human beings (i.e. compatible egg-cell-and-sperm-pairs) from developing into typical human beings?¹¹³ Why do we draw the line at nidation, or fertilisation, rather than later or earlier in the process of human development? Isn't this an arbitrary decision? Also, it seems counterintuitive that 'killing' a fertilised egg cell should deserve the same moral evaluation as killing a sleeping adult.

Gradualist potentiality views seem more appropriate for reflecting our moral intuitions in this respect. But they raise other problems: for one thing, it might be a difficult task to spell out what 'closeness to being a person' actually means (this runs parallel to the question of what makes 'direct' potentiality of X to become Y distinct from 'indirect', not morally relevant potentiality). Feinberg¹¹⁴ has proposed some criteria in this respect – firstly, it seems important that X is causally determining for Y – e.g., the sense in which John Doe is a 'potential millionaire' is not the sense of potentiality we want to obtain, since the causally determining element for John Doe's 'becoming a millionaire' is a stack of money and not a property of John Doe. Secondly, it could be seen as relevant whether the additional elements needed for making a Y out of an X are easily obtainable, and whether combining them with X is a difficult or an easy procedure. Additionally, Feinberg suggests that it is relevant to what degree 'becoming a Y' is a deviation from the normal course of the world (e.g. it is 'normal' for a baby to become an adult human being in this sense; it is 'not normal' for pairs of egg and sperm cells to become adult human beings, since most of these cells wither after a very short life span). These criteria shed some light on what is meant by morally relevant 'direct' potentiality and what it might mean to be less or more 'close' to being a person; however, they are clearly relative to our aims and purposes, and dependent

¹¹³ Nobis points out this kind of *reductio ad absurdum* in Nobis (2004) *Carl Cohen's 'Kind' Arguments For Animal Rights and Against Human Rights*, Journal of Applied Philosophy, p. 49.

¹¹⁴ Feinberg (1980) *Die Rechte der Tiere und zukünftiger Generationen* in: Birnbacher (Ed.) (1980) *Ökologie und Ethik*, p. 175.

on contingent circumstances: the ease of obtainability of certain resources, and the 'normal course of the world', after all, can and often do change. This dependency on contingent circumstances makes the moral relevance of potentiality thus defined somewhat questionable. More importantly, one could contend that gradualist potentiality views do not do a good job at protecting marginal cases against exploitation – since potentially typical humans are, in this view, never assigned a moral status equal to that of actually typical humans, under certain circumstances, gradualism might dictate sacrificing them for the sake of typical human beings (if animals were not available or suitable for the purpose).¹¹⁵

However, the most prominent flaw of gradualist potentiality views seems to be a logical one: it does not follow from the fact that someone is 'almost a person' that he must be granted the same moral status as an *actual* person (just as it does not follow from the fact that I *could* buy your drink that I'm allowed to ingest it). Apparently, we would need another argument to back up the claim that a 'weak claim' on high moral status (i.e. a claim for a 'medium' moral status) follows from 'almost qualification' for a *real* claim.¹¹⁶ Gradualist potentiality views, as we can see, do not offer the perfect solution for the problems of strict potentiality views, though they seem somewhat more reconcilable with our intuitions than the latter.

I think it is admissible to close the first step of my brief discussion of potentiality arguments here for the following reason: even if we succeed in removing the huge majority of 'atypical' humans from the set of cases we deem relevant for the Argument from Marginal Cases at this stage – namely, children, embryos and some mentally handicapped human beings – there will still remain numerous cases that do not exhibit such potential in any relevant way: there are, unfortunately, severely damaged human beings for whom it is, after an accident or illness, from birth or even from conception on, medically impossible to ever develop into a being that is 'typically' human pertaining to capacities like rationality, morality, or self-awareness: i.e. anencephalic infants, or adults with severe brain damage. Note that there are, on one hand, marginal humans who lack this potential from the very beginning of their existence, and, on the other hand, marginal human beings who have *lost* it later in life, since this will be relevant for further discussion.

We must therefore come to the conclusion that, even if we pay no heed to the problems of stating that 'being a potential typical human being' justifies special protection for *some* marginal cases, the argument is not valid for *all* of them: there are human beings who have

¹¹⁵ Cf. Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 149.

¹¹⁶ Feinberg (1980) *Abortion* in: Regan (Ed.) (1980) *Matters of Life and Death*, p. 197.

no potential for 'being a typical human'. This is where the argument from *'lost potential'* fits in: it claims that, for one thing, the potentiality argument works (which we will concede here for the sake of the discussion), and that, secondly, a *loss of potential* is morally relevant. This 'thwarted potential' can be understood as a – possibly morally relevant – difference between marginal humans (without potential for being typical humans) and animals. As Pluhar states: "A dog, by contrast, has no potential for full personhood," and since "one's species determines one's possible potentialities [...]," this could be a morally relevant difference between human beings who have 'lost' their potential and all animals (who never had this potential).¹¹⁷

Why should lost potential, even if we assume that potential, as such, has moral relevance, be of any importance? Note that there seem to be cases where we actually *do* ascribe a certain moral status to 'former bearers' of the high moral status human beings enjoy – it is commonly agreed that it is wrong to disregard the last will of deceased human beings, or to desecrate their graves or dead bodies, in respect of what they used to be, so to speak. Maybe the cases of marginal humans who have 'lost potential' are similar?

As I noted above, there are two possibilities to spell out the potentiality argument, of which the gradualist potentiality seems to be more promising. However, if we combine gradualism in regard to potential with the idea that 'loss of potential' has some moral relevance, we will get strange results, as Pluhar notes:

"If one's moral significance increases as one approaches full personhood, the moral weight of one's loss of potential would seem to depend on how close one is to full personhood before disaster strikes. According to this view, a human damaged as a three-month fetus has less moral significance than a child whose brain is damaged after birth, even if they have equivalent mental capacities."¹¹⁸

This result clearly is quite counterintuitive. Now, one might decide to put up with the apparent problems of the 'strict potentiality' view (namely, that of regress and that of counterintuitive results, such as fertilized ova having the same moral status as fully conscious adults) and combine it with the 'loss of potential' argument. To no avail: just as above, in the first step of my discussion of potentiality arguments, there would still be marginal humans that are 'left out'. The 'loss of potential' argument would, obviously, not protect those who never *had* potential to become typical human beings, from conception

¹¹⁷ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 146.

¹¹⁸ *Ibid.*, p. 148.

on, e.g. because of a defect in the parents' genetic material that prevents them from developing a brain. It seems incomprehensible why those human beings conceived without potential to become typical humans should have a lower moral status than human beings with the same (actual) capabilities who have somehow lost this potential later in life, e.g. through a disturbance of pregnancy *a day later* in gestation which prevented the growth of a brain; and it is certainly a flaw of the 'lost potential' argument that it cannot provide protection from exploitation for both kinds of atypical human beings.

One last resort for defenders of potentiality arguments might be that it is, however, *logically possible*¹¹⁹ for those 'left-out' beings to become beings that exhibit rationality, free will or whatever we deem relevant for ascribing high moral status to typical human beings. This must be conceded, but this *logical* possibility is open to animals, too. At this point, we are confronted with the dilemma we started out with: of course, one could lower the requirements we demand from marginal humans to be admitted to the set of beings that are ascribed a high moral status. But then it becomes impossible to simultaneously 'keep out' animals.

Concluding this discussion, I think that potentiality arguments could, at the most, result in an exclusion of *small children* from the set of 'marginal humans' (in the sense of the Argument from Marginal Cases). Though the view that we assign babies and small children a high moral status because of what they *will* be (rather than what they *are*) seems intuitively wrong to me, others may have different intuitions. However, I do not think that potentiality arguments are convincing in any way when applied to cases of *lost* potential; additionally, they cannot be applied to cases of human beings who never *had* potential.

c. Other attempts to maintain speciesism while protecting marginal cases

So far, this section has not offered a satisfying solution for the problem of marginal cases. But there are promising attempts to show that speciesism can be perpetuated while taking marginal cases into account. The following arguments try to prove that – though it is not an option to ignore marginal cases, and though an argument from potential does not solve the problem – there *are* morally relevant differences between marginal humans and animals.

¹¹⁹ White uses this terminology, see his contribution to Regan and Singer (1989) *Animal Rights and Human Obligations*, p. 120.

i. Arguments from 'bad luck'

'Bad luck'-arguments, endorsed, e.g., by Holland¹²⁰ and Melden,¹²¹ state that '*misfortune*' or '*disadvantage*' could warrant moral considerability of atypical humans. It is observed that the feelings we have towards a defective human being are 'compassion' and 'pity', and though a marginal human's "state is like that of an animal, [...] we do not pity animals because they are animals."¹²² It seems that marginal humans, even if all their needs are satisfied and they are, for all we know, happily living their life, are not only less fortunate than normal humans, but also *less fortunate than animals*, and that it would, therefore, seem unfair to exploit marginal humans (while it could be acceptable to exploit animals). How can we analyse this feeling which is the intuitive basis for 'bad luck'-arguments, and could it point towards a morally relevant difference between marginal humans and animals?

As Pluhar points out, our feeling could be traced back to the principle of *distributive justice*, which demands that benefits and burdens should be distributed between members of the moral community; and that therefore further worsening of already less fortunate members should be avoided, lest the existent inequality between the members increase.¹²³ This correlates with Holland's comparing the case of marginal humans to that of 'communities in the wake of natural disaster', which are usually compensated by governments¹²⁴ (in order to quench accruing inequalities, in Pluhar's interpretation¹²⁵). Thus, it seems that the argument depends on the assumption that the 'less fortunate' already *are* members of the moral community that should be regarded as equal, but that is what the argument was trying to establish in the first place. Additionally, under this assumption, as soon as we compare the fortunateness of animals with that of marginal, or other, humans, we actually must fear that some animals are, overall, less fortunate than some marginal humans (looking at the state of animal welfare, this is not entirely improbable). Pluhar even claims that

"The typical marginal human is more fortunate in many respects than the typical laboratory or farm nonhuman. Unlike the latter, the human is allowed to fulfil her basic interests in a happy, comfortable life. Her initial misfortune

¹²⁰ Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 289.

¹²¹ Melden (1977) *Rights And Persons*, p. 214.

¹²² Ibid. p. 214.

¹²³ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, pp. 157-158.

¹²⁴ Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 289.

¹²⁵ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 156.

in comparison to the nonhuman has weight, but so do subsequent misfortunes, for both parties."¹²⁶

From this it could be inferred that, considering the miserable life of, e.g., baboons kept for xenotransplantation purposes, "the happy marginal human's life should be 'harvested' instead!"¹²⁷ – This result, obviously, poses as a *reductio ad absurdum* of 'arguments from misfortune' for Pluhar. This outlook would make letting 'misfortune' count towards the moral weighting of beings a bad bargain for defenders of marginal human beings' high moral status.

Obviously, there are other explanations for our feelings of pity and sorrow towards marginal humans. It can be stipulated that feeling pity for a – even a happy – marginal human who has the same capabilities as an animal, while not feeling pity for the latter, is itself an outpour of speciesism. Maybe it would be right to pity animals, too, and we just refrain from it because we are speciesists? Intuition tells us that pitying animals because they cannot talk, reason or write philosophical essays would be strange even for the most convinced anti-speciesist. This intuition leads us to the probably most convincing interpretation for our feelings of compassion with marginal humans. While even the least complex animals (like amoeba and insects) live independent, self-sustaining lives, most marginal humans – even if they appear happy and if all their needs are satisfied – are dependent of our care in order to survive. This is why we do pity them, and this is, finally, a 'morally relevant' difference between marginal humans and animals, but also between marginal and typical humans. The helplessness of most marginal humans imposes obligations on us: we should care for these human beings, make sure their needs are satisfied as far as possible and their interests are respected. But this is *because* we assume that marginal humans have a high moral status – their helplessness is not the *reason* why we assign them high moral status. One could imagine marginal humans who lack the capacities of typical humans but who are still able to live relatively independently – and still, we would assign them a high moral status.

Thus, all three interpretations of our feelings of pity and compassion towards marginal humans that were discussed so far do not really help us to make an argument for the moral relevance of the fact that we (allegedly) have those feelings when confronted with marginal humans, but not when confronted with animals.

¹²⁶ Ibid., p. 156.

¹²⁷ Ibid., p. 156.

Let us look at 'arguments from bad luck' from a distance in order to see the frame of thought that is behind them. The central issue of these arguments certainly is this: marginal humans, through no fault of their own, lack some capabilities typical humans exhibit. So, one might object, do animals. The difference, speciesists could argue, between marginal humans and animals, in this respect, is, that marginal humans deviate from a norm, while animals are *normal* for their species. This is what gives marginal cases moral considerability, while animals have no moral relevance. Resorting here to a statistical account of 'normality' raises considerable problems: it would have the consequence that, should the majority of humans, e.g. through a disease, become 'marginal' cases, these 'marginal' cases would not enjoy a high moral status anymore, since they would have to be considered 'normal' in the sense of the argument, just as animals are 'normal' for their species. This seems quite arbitrary: the moral status of 'marginal' humans (in relation to that of animals) would depend on purely contingent circumstances, namely on the condition of the majority of the human species.

By and large, I find that arguments from 'bad luck' do hardly stand a chance to provide a basis for a moral distinction between animals and marginal humans. To me, the assumption that the moral status of a being should (in a very fundamental way) depend on what some or most other individuals of its kind are like seems dubious.

ii. Arguments from kinship

It seems to become clearer and clearer by now that the distinguishing criterion we are looking for is probably not to be found in properties pertaining to marginal humans *qua* isolated individuals. In our everyday moral behaviour, we often perceive our fellow humans as parts of coherent groups, or networks, and we often distinguish between different human beings on the basis of what group they do or don't belong to.

One's group of relatives, i.e. genetically related individuals, is typically seen as deserving special moral consideration: it is, in many cases, not considered objectionable if we favour relatives to strangers. One could, and some do, make a similar argument pertaining to marginal cases and animals: marginal humans are genetically close to us, at least, they are genetically closer to us than all animals, and this justifies favouring marginal humans over animals. Several Philosophers state that 'kinship' or 'relatedness' is what justifies favouring marginal humans over animals. Among others,¹²⁸ Holland argues that (apart from an argument from 'bad luck'), the fact that marginal humans can be "sister, landlord or

¹²⁸ Other defenders of 'kinship' as morally relevant: Fox (1986) *The Case for Animal Experimentation*, pp. 60-61; Midgley (1983) *Animals and why they matter*, p. 88.

husband [...] daughter or cousin, mother or child" is a reason for extending moral consideration to marginal humans, but not to animals, which we can not be related to in these ways.¹²⁹

It is important to note at this point that this argument is not meant to be an *indirect* one, somehow depending on the feelings or special interests of the human beings marginal humans are related to. Hoerster, e.g., deduces the necessity of special protection of marginal humans (and children) from the fact that people related to them would object to exploiting them.¹³⁰ This kind of view is not Holland's, since he explicitly states that the status of marginal humans is not 'borrowed', and that they "[...] have a status in their own right, not by virtue of the fact that others of the species convey it to them."¹³¹ This means that, in Holland's case, the mere property of 'being a child/mother/...' is supposed to convey high moral status directly to marginal humans. Holland plays this down by stating that his account is not trying to "weigh the value of 'being a child' as such", but that he is only trying to extend a "consideration already assumed to be appropriate for normal human beings."¹³² But can we really assume that favouring relatives over strangers is, overall, unproblematic?

Generally speaking, one can say that the appeal to 'kinship' has a very limited area of application – it applies to cases of conflict (where, e.g., I can save my child's life or that of a stranger's child) but does not justify sacrificing strangers in order to promote my relatives' interest (e.g. it would be considered condemnable if I kill a stranger's child in order to save mine). Pluhar notes that this commonly accepted restriction to the justificatory scope of 'family ties' would make it difficult for speciesists who use a 'kinship' argument to defend the common practice of sacrificing animals in order to save (marginal) humans from exploitation – "The standard ways in which nonhumans are exploited, and marginal humans are not, do not fit the model of appropriate treatment for family as opposed to strangers."¹³³ Apart from this general restriction, there are many cases where we expect 'normal human beings' to *disregard* their genetic ties: nepotism is usually regarded as despicable, parents who adopt children are expected to treat them just as they treat their biological children. Also, our genetic relation to people of our own race, and to fellow countrymen, is probably 'closer' than to people of other races (and populations of

¹²⁹ Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 289.

¹³⁰ Hoerster (2004) *Haben Tiere eine Würde?*, pp. 57-58.

¹³¹ Holland (1984) *On Behalf Of Moderate Speciesism*, Journal of Applied Philosophy, p. 289.

¹³² *Ibid.*

¹³³ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 165.

other countries) – does this imply racism and nationalism should be cultivated?¹³⁴ In the light of these remarks, I think Holland's claim that favouring one's kin against others is 'appropriate for normal human beings' is not entirely convincing, and therefore an 'extension' of it in order to convey moral status to marginal humans is somewhat questionable.

Of course it is true that most human beings assign outstanding importance to their relatives in many situations. Nonetheless, I believe that 'kinship' views put the cart before the horse: they imply that we love, care for and protect our relatives *because* they are our relatives, and that we assign them a high status of consideration *because* they are our mothers, children or cousins. It is inferred from this that 'relatedness', in an isolated way, somehow conveys special value to the beings affected by it. However, love for children and parents is not *derived* from 'relatedness'. Rather, because, in most cases, it is relatives who mean most to us – because we grow up with them, know them well, and find them to be similar to us in many ways – we *infer* that 'relatedness' is a relevant property – because it is often found in beings who are important to us, and whom, of course, we deem morally considerable. In an analogy to 'bad luck' arguments, the problem here is that 'kinship' can be used to convey a high moral status only to beings whom we already *recognise* as morally considerable.

As I noted above, confronted with the Argument from Marginal Cases, it is the speciesist's task to justify (not *assume*) moral considerability of marginal human beings; kinship arguments essentially fail to meet this challenge.

d. Last resort strategies

There are, finally, arguments which state that, though there are significant cases of human beings without any potential for personhood or being 'typically human', and though it is admitted that species membership is *not* a morally relevant characteristic, marginal cases still deserve special protection compared to animals; and that, even if we rationally have to admit speciesism constitutes an inconsistency, anti-speciesism is emotionally repulsive or simply not feasible in practice.

i. Appeals to emotion

General appeals to emotion are seldom used as genuine arguments, but often as 'supporting evidence' for the speciesist cause. Steinbock is a good example for this modus operandi:

¹³⁴ One might add here that, apart from being genetically related to human beings of other nationalities and races, we are also (remotely) 'related' to animals, albeit very remotely.

having discussed the problem of marginal cases, she reaches the conclusion that it is doubtful whether

*" [...] anyone will be able to come up with a concrete and morally relevant difference that would justify, say, using a chimpanzee in an experiment rather than a human being with less capacity for reasoning, moral responsibility, etc."*¹³⁵

She admits that she is now (somewhat reluctantly) leaving the solid ground of reasoning, but still she adheres to the thought that 'feelings and sentiment' must not be ignored by moral thinking, and that "we would be horrified by the use of the retarded in medical research."¹³⁶ One reason for this horror (and for the fact that we experience considerably less horror when thinking about monkeys in medical research), Steinbock thinks, is that "when we consider the severely retarded, we think, 'That could be me.' It makes sense to think that one might have been born retarded, but not to think that one might have been born a monkey."¹³⁷ I believe that *both* thoughts are essentially devoid of sense. 'I' – relating to the person I am now – could neither have been born another human being, nor an animal. The way we can interpret this proposition charitably is that Steinbock says she can imagine, now, being a retarded human being, but not imagine being a monkey. Apart from the question whether it is morally relevant with whom I can 'identify' better, my personal intuition is to the contrary: I for my part can imagine living a life similar to that of a monkey better than I can imagine living the life of a human being born e.g. without a brain, or with severe brain damage. Leaving aside Steinbock's claim of 'closer identification', a more crucial point is to be found in her statement that

*"[...]it is certainly not wrong of us to extend special care to members of our own species, motivated by feelings of sympathy, protectiveness, etc. If this is speciesism, it is stripped of its tone of moral condemnation."*¹³⁸

As noted in section 6.c.i above, 'special care' for marginal humans who are helpless and dependent on their fellow humans is desirable behaviour (which is not necessarily prohibited by anti-speciesism). But it does not *prove* that marginal humans have a high moral status, it *presupposes* they do, and that we are therefore obligated to help them, and to help them more than we would help typical human beings who are able to live their lives independently. Neither does the point that we are, after all, motivated by 'positive' feelings

¹³⁵ Steinbock (1978) *Speciesism and the Idea of Equality*, Philosophy, p. 255.

¹³⁶ Ibid., p. 255.

¹³⁷ Ibid., p. 256.

¹³⁸ Ibid., p. 256.

when we support marginal humans provide a basis for proving that it is right *not* to extend the same moral importance to some animals. So this clearly *is* speciesism, and the 'moral tone of condemnation' that stems from the inconsistencies it yields still clings to it.

Midgley, in a similar vein, employs the concept of 'emotion' (which in her work is highly valued rather than being pitted against reason) in order to give speciesism a positive touch: the "preference of one's own species over others," she notes, is "natural" and "emotional" and should be treated with "considerable respect."¹³⁹ A similar point is made by Fox.¹⁴⁰

Taking a step back here: how relevant are 'arguments from emotion', in general, and what ways of including emotions in the debate are there, at all? Can they be successful in any way in defending speciesism?

Constructing genuine ethical arguments purely from statements about what we feel (or ought to feel) is fruitless – it leads to speciesists pitting their allegedly natural feelings against those of anti-speciesists, who defend theirs with equal fervour. Emotional ways of defending one's point take a lot of room in the often heated debates of practical ethics. The speciesism debate is no exception here. On both sides, appeals to emotion take the form of drastic examples (Singer is notorious for giving pages and pages of drastic examples and pictures of cruelty to animals in order to add momentum to his arguments),¹⁴¹ others stir up emotions by simple name-calling and innuendo (Ryder, e.g., notes acrimoniously, that "[...] in some instances, trading in chimpanzees for laboratory use has been an activity selected by people with an alleged Nazi background,"¹⁴² while Machan is convinced of the fact that virtually everybody who questions the moral status animals are assigned by traditional views is a rabid, misanthropic zealot).¹⁴³

More promising 'appeals to emotion' try to seriously evaluate the role emotion has in our morality. Undoubtedly, feelings play a big (or even decisive) role in the emergence of morality and must not be overlooked or played down – thus, *genetic* arguments pertaining to emotion place emphasis on the formation phase and roots of morality. For one thing, emotions are important (some say, *the* most important) factors that contribute to moral

¹³⁹ Midgley (1983) *Animals and why they matter*, p. 124.

¹⁴⁰ See Fox (1986) *The Case for Animal Experimentation*, p. 60 – "Natural emotional responses", Fox states, should count as determining factors *both* when thinking about the status of animals *and* when considering that of marginal humans.

¹⁴¹ Coope criticizes Singers' technique of "the upfront presentation of the horrible description," noting that Singer's ideal world of 'equal consideration' would not be without cruelty, either, and that this fact is played down by massive use of repellent examples of consequences of speciesism. Cf. Coope (2003) *Peter Singer in Retrospect*, *The Philosophical Quarterly*, p. 597.

¹⁴² Cavalieri and Singer (Eds.) (1993) *The Great Ape Project*, p. 221.

¹⁴³ Machan (2004) *Putting Humans First - Why We Are Nature's Favorite*, p. xiv.

motivation of individuals, pertaining to particular decisions. On a higher level, the moral development (or education) of individuals often depends on whether existent or growing moral feelings (like compassion, or a preference for equality) are encouraged or held back. Keeping in mind this important motivational task of emotions, it is still true that even 'appropriate' or seemingly 'natural' emotions can be in conflict with ethical norms – xenophobia, or stranger anxiety, for example, naturally develops in children of a certain age, but is still not acceptable as basis for a moral standpoint. Additionally, emotions are often much too unspecific, inconsistent or conflicting to direct our moral decisions.

Levy, nonetheless, tries to incorporate our moral emotions into a genetic argument for speciesism that seems more promising than mere appeals to emotion. In what he calls "not a call for recognition of an irrational element in morality," but "a call [...] to recognize the best rational systematization of morality," he points out that "[...] it might be that our moral emotions, the building blocks of all moral response, are inevitably triggered by conspecifics."¹⁴⁴ Since morality has its roots in evolutionary history, Levy argues, and the latter took place inside our species, we might be genetically determined or at least influenced in such a way that species membership must be thought morally relevant, via our natural emotional responses. I understand this as an argument from genetic determinism that could be construed to rule out speciesism – if (out of genetic reasons) human beings could only be motivated by compassion to members of their own species, and moral motivation through non-emotional sources could be ruled out, it would indeed be futile to argue against speciesism, as one cannot demand the impossible. However, it is apparently not true that our moral feelings are exclusively triggered by conspecifics. Additionally, Levy's explanation of the emergence of morality 'inside' our species is somewhat mistaken – species, as I pointed out above (see section 5.a above) are not the unit of evolutionary development, rather, individuals or reproductive communities are. Moreover, human morality probably has its roots in early hominids that would not qualify as *homo sapiens*, and thus cannot be said to have developed 'inside' our species (even if 'species' were the appropriate unit to describe evolutionary processes).

Even if we concede all this, Levy's argument borders on, and is easy to be misunderstood as, identifying the origin of morality with its *content*. As Rowlands points out, confronted with a different case of 'genetic fallacy', even if having to live together as *conspicifics* is the source of morality, "it does not follow that this sort of origin exhausts the present content of morality [Levy would follow so far, I think, CH] nor that it delimits its current

¹⁴⁴ Levy (2004) *Cohen and Kinds: A Response to Nathan Nobis*, Journal of Applied Philosophy, p. 216.

scope."¹⁴⁵ Morality, after all, can (and sometimes, should) develop in ways that are not necessarily in tune with the origins it arose from.

Nonetheless, it is interesting to see an (attempted) defence of speciesism that would not be based on a belief in human supremacy, or a natural hierarchy, but rather in a view that sees human beings as inevitably subject to genetic determination.

ii. Appeals to pragmatism – denying feasibility

Philosophers who want to support speciesist arguments without entering the debate too deeply, or after realising that they have not succeeded in defending speciesism in a satisfactory manner, often make an appeal to pragmatism, stating that, even if we *had* good reasons to rethink the moral status of animals, assigning animals a high moral status or rights, and acting accordingly, is just not feasible in practice.

Frequently, the inclusion of animals into moral consideration is seen as 'luxury'; implying that (while it may be well-meant), it goes too far, i.e. exceeds what societies 'can afford'. Goldman, whose attempt to justify speciesism with a 'transcendental' argument I discussed in section 5.d above, notes that the possibility of including marginal cases (or animals) in our moral consideration depends on the amount of 'social surplus', i.e. "the available goods and services, produced or producible by a productive community, that exceed the minimum needed to keep the community productive."¹⁴⁶ One interesting question here is, of course, how (and whether) Goldman avoids "the slippery slope of animal liberation," and how he handles marginal cases. Goldman's motto is that "the slipperiness of the slope is a function of available social surplus" and that "under certain conditions it would not be morally objectionable to exclude even certain human beings from membership in the moral community, while under other conditions even animals might be included."¹⁴⁷ This basically means that, if we cannot 'afford' including every (sentient) being into our realm of morally relevant beings, we should first include the beings that contribute most to 'social reproductive efforts' (defined as "the combined activities of members of a group that, taken together, assure [...] that the group will continue to have the material and intellectual wherewithal to go on living as a group.")¹⁴⁸ In my opinion, the criterion of 'contribution to social reproduction' is especially unfit to give (marginal) humans moral priority over animals (i.e. ensure that they are the first group to be included once the necessary 'social

¹⁴⁵ Rowlands (1997) *Contractarianism and Animal Rights*, Journal of Applied Philosophy, p. 245.

¹⁴⁶ Goldman (2001) *A Transcendental Defense of Speciesism*, The Journal of Value Inquiry, p. 67.

¹⁴⁷ *Ibid.*, p. 67.

¹⁴⁸ *Ibid.*, p. 61.

surplus' is achieved) – it seems that e.g. mine detection dogs, pack horses, and the like contribute a lot to social reproduction, while permanently comatose patients cannot contribute to it, at all (neither materially nor intellectually). This would force us to give those animals moral priority compared to marginal human beings under Goldman's account (a result he most likely does not intend, for he is convinced of speciesism).

But apart from the inept criterion Goldman chooses for moral considerability, is his argument from 'social surplus' convincing? Arguing against Singer, he wants to make clear that the "biological imperatives of life" (which, e.g., forced human beings to eat and exploit animals earlier in our evolutionary history) have been "transformed into the imperatives of material life."¹⁴⁹ This argument boils down to the statement that a "wealthy culture productive of considerable social surplus, can afford to support non-productive human beings and extend moral consideration to non-human animals."¹⁵⁰ Goldman does not address the question what 'considerable social surplus' is, whether our society has it, and at what precise point society could 'afford' including non-productive beings in moral consideration; and therefore, we are basically thrown back to the point of pondering what kinds of exploitation of animals are 'necessary' and where 'unnecessary' misuse begins.

It is undoubtedly true that there are many human beings whose basic interests are not satisfied. Arguments like Goldman's which state that deviation from speciesism is 'luxury' will point out this indisputable fact and then (explicitly or implicitly) claim that humans' interests should have *priority*. Secondly, it is inferred that animals should not be granted moral consideration under these circumstances. Thirdly, it is admitted that animals *should* be granted moral consideration (if our resources were not as scarce as they in fact are). While the first claim is simply a reiteration of speciesism, the second and third step raise questions: does the moral *considerability* of beings really depend on external, contingent circumstances (i.e. on how much money a society can muster to take care of marginal humans, or to avoid animal suffering)? It seems more likely that external circumstances affect the moral *significance* of beings (whom we, whatever our reasons may be, deem morally *considerable*). I cannot give change to a starving beggar if I've lost my purse, but this does not mean that the beggar's needs or claims are *inconsiderable* to me (it only means I cannot meet them, and they are therefore insignificant pertaining to me).

Other arguments try to defend speciesism by stating that deviation from it necessarily leads to absurd results. One kind of *reductio ad absurdum* states that refuters of speciesism, as

¹⁴⁹ Ibid, p. 62.

¹⁵⁰ Ibid., p. 68.

soon as they have succeeded in erasing the hard-edge moral distinction between human beings and animals, will have problems with 'drawing a line': they would either have to include even plants and protozoae in their moral considerations, which would make sustaining their own life (or, for that case, obeying their own absurd moral imperatives) impossible; or they would have to go on discriminating against certain species.¹⁵¹ While it is not true that anti-speciesists (of the variety that does not embrace ethical holism) 'cannot draw a line', or are forced to include plants into their moral consideration, it is true that they have to draw a line *somewhere*: usually, it is between non-sentient and sentient or between non-conscious and conscious beings. Of course, gradual approaches (e.g. Pluhar's), who make the moral status of beings dependent on their position on a scale between non-personhood and full personhood, are also imaginable. This can, in a wide sense, still be regarded as 'discrimination', but, – and that is all anti-speciesism is about – it is based on criteria that are more relevant than species membership, anti-speciesists say. Speciesism, in this sense, is avoidable, but discriminating against individual beings/things that (depending on what positive theories one endorses apart from denying the moral relevance of species membership) are not 'subjects-of-a-life', have no interests, are not sentient or self-aware etc. is not. As Midgley puts it, discrimination – "meaning the power of distinguishing intelligently between different kinds of cases" is "absolutely essential to the whole issue."¹⁵² Singer suggests that "somewhere between a shrimp and an oyster seems as good a place to draw the line as any, and better than most."¹⁵³ Others, of course, draw the line elsewhere; often, the decision is not extensively argued for, but rather suggested as a more or less educated guess, and may appear somewhat arbitrary. This uncertainty is partly based on the problems of determining consciousness discussed above, but also on lack of empirical knowledge. However, these problems of justifying where to draw the line do neither give good reason for dismissing anti-speciesist approaches, nor do they make the case for speciesism any stronger.

Another *reductio ad absurdum* which undermines the feasibility of non-speciesist approaches states that, if we would allow (some) animals into the realm of moral consideration (or even of rights-bearers), we would have to become moral judges and keepers of the animal kingdom: we would have to keep wild animals from killing and

¹⁵¹ E.g., one could not avoid discrimination against plants, Cohen argues in Cohen and Regan (2001) *The Animal Rights Debate*, pp. 250-251.

¹⁵² Midgley (1983) *Animals and why they matter*, p. 26.

¹⁵³ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 188.

hurting each other.¹⁵⁴ Assuming, for the sake of the argument, that this obligation does follow from anti-speciesism (which is not beyond dispute, see my discussion of this question in section 7 below), would it be absurd if we had to obey it? As Sapontzis notes, there is "no conceptual problem" with this idea – we routinely apply it in other areas, e.g. we assume that it is right to keep children or demented people from hurting each other, since they "do not know any better."¹⁵⁵ Many even apply this idea to their pets, keeping them from 'playing' with mice and birds, and trying to protect their domestic predators' prey by letting their cats and dogs wear little bells. This behaviour certainly is not what the argument wants to debunk as absurd. Rather, it is

*"pictures of militant animal rightists fanning out across land and sea to protect mice from snakes and owls, rabbits from hawks and foxes, fish from bears and sharks, and otherwise making the world safe for the small and the herbivorous"*¹⁵⁶

that make this obligation seem absurd. That is because it is obvious that such attempts to 'save the rabbit from the fox', aiming to alleviate suffering, would lead to an even greater amount of suffering (namely, animals would be disturbed, predatory animals would go hungry and become extinct, their former animal prey would soon suffer from the effects overpopulation, and human beings would be so busy with chasing away foxes that their quality of life would diminish).¹⁵⁷ Clearly, this absurd result could easily be prevented by introducing the condition that keeping animals from hurting each other should only be attempted if and in as far as it would not cause "as much or more suffering than it would prevent."¹⁵⁸ Since the obligation to keep animals from hurting and/or killing each other does not necessarily lead to absurd results, a *reductio ad absurdum* does apparently not work here.

A third version of *reductio ad absurdum* directed against non-speciesists (especially defenders of Animal Rights views) claims that those views lead to intolerable, outrageous results in situations of human-animal conflict. Machan, for example, begins his first chapter with the words "Are sharks as important as little boys?", and goes on to describe the dramatic case of a boy whose arm was bitten off by a shark, and reattached after the

¹⁵⁴ McCloskey (1979) *Moral Rights and Animals*, Inquiry, pp. 152-153.

¹⁵⁵ Sapontzis (1987) *Moral, Reason, and Animals*, p. 230.

¹⁵⁶ *Ibid.*, p. 233.

¹⁵⁷ *Ibid.*, p. 234.

¹⁵⁸ *Ibid.*, p. 234.

shark had been killed and the limb retrieved.¹⁵⁹ In the following, he claims that 'rabid environmentalists', especially anti-speciesists and Animal Rights activists like Singer and Regan, would object to killing the shark, because they claim that sharks *are* as important as little boys. The claim of absurdity, however, does not apply to Machan's adversaries' opinions, but to his own allegations. Non-speciesist approaches *do* allow for attaching more importance to human beings than sharks (though not in a fundamental way), and even rights-view non-speciesists like Regan would have no problem with someone killing a shark to "let the boy live."¹⁶⁰ This is because, in the shark's case, it is doubtful whether it is sentient or conscious at all, while we know that the little boy is a sentient, self-aware being; additionally, this is clearly a case of self-defence. Non-speciesist approaches *do* in fact entail normative consequences that differ from speciesist views' results (see section 7 and especially section 7.c), but the difference is not as big as Machan would like to make us believe.

7. Normative consequences of a decision for or against speciesism

It is important to note at this point that the failure of speciesists to defend their position in a satisfying way does neither entail that speciesism has been proven wrong nor the decision for a specific non-speciesist position.

Furthermore, if we leave holistic approaches aside as suggested in the introduction, the discussion about the change of moral status will only affect a very limited area of the earth's fauna: most animals, such as protozoae, molluscs, insects, shellfishes and other invertebrates will neither be considered by speciesists *nor* by non-speciesists, because, and in as far as they lack a central nervous system and thereby the capacity to feel pain and more complex cognitive capacities (consciousness and self-awareness). Some would probably even exclude Machan's notorious shark from the realm of considerable beings. Consideration of simple beings is often argued for with *an in dubio pro reo* argument; as I noted above this type of argument does not withstand in cases of conflict with apparently sentient animals and human beings (like little boys), but may give reason to choose not to use fish or molluscs in cases where it is easily avoidable and causes no conflict.

¹⁵⁹ Machan (2004) *Putting Humans First - Why We Are Nature's Favorite*, pp. 1-2.

¹⁶⁰ *Ibid.*, p. 26. On the permissiveness of killing animals to save human beings, see Regan (1983) *The Case for Animal Rights*, p. 351.

I will now give a short overview of practical views that are held concerning normative questions about certain areas of human-animal conflict. At first, I will look at the question whether we have a *prima facie* obligation not to (painlessly) kill animals (this often boils down to the question whether one should become a vegetarian). I will then shortly touch on the subject of how we should, or should not, deal with wild animals. Thirdly, I will have a look at views held regarding the use of animals in science, under the assumption that animal experimentation can and does yield valid results.

a. Domesticated animals – painless killing

Is there a *prima facie* obligation to refrain from painlessly killing animals such as cows, sheep, and pigs especially for food? I will, for the sake of the argument, assume that farm animals live an agreeable life, and that all their basic needs are satisfied. Since these animals (other than, maybe, apes which I will exclude from this discussion since they are usually not killed for food production) do apparently not have a concept of themselves as a continuing entity, it is argued by some that they "lack the desire to go on living," and that therefore killing them painlessly is not objectionable, as such.¹⁶¹ Others argue that (simple) consciousness *itself* has a value, and that, therefore, we should not eliminate subjects who exhibit it.¹⁶² Apparently, the answer to our question depends largely on how we address another issue: what *is* it that is wrong with killing someone, and, going on from there, is there anything wrong with killing beings that are merely sentient (as opposed to self-aware)? The answer to this question does not depend on whether one supports or opposes speciesism. Subsequently, there are non-speciesists and (fewer) speciesists who are convinced that there *is* a *prima facie* obligation not to kill sentient animals.

Anti-speciesist Regan, for example, thinks that killing animals for food is especially objectionable, since it constitutes an "intentional, deliberate and systematic" exploitation of animals, and a breach of their rights.¹⁶³ Pluhar, similarly, supports the view that there is a *prima facie* obligation not to kill 'consciously conative' beings, and subsumes under this term mammals, while she is unsure about reptiles and birds.¹⁶⁴ For speciesist Korsgaard, who argues for the defensibility of obligations towards animals in a Kantian outline of ethics, the conclusion that "a twenty-first century citizen of a developed nation certainly doesn't need to eat animals" is an easy one, which implies that she believes in a *prima facie*

¹⁶¹ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 153.

¹⁶² Jamieson (1983) *Killing Persons and Other Beings* in: Miller and Williams (Eds.) (1983) *Ethics and Animals*, p. 144.

¹⁶³ Regan (2003) *Animal Rights, Human Wrongs. An Introduction to Moral Philosophy*, p. 119.

¹⁶⁴ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 295.

obligation to refrain from killing farm animals.¹⁶⁵ Most defenders of the view that there *is* a prima-facie obligation not to kill sentient animals would probably agree that, should we have no choice (e.g. if eating meat were necessary because there were no other means of nutrition, or if vegetarian nutrition were proven to be unhealthy), we should rather eat clams and fish than beings who have a greater capacity to care about what happens to them.¹⁶⁶ In any case, eating animals that have died a natural death would pose no problem for someone opposed to killing animals,¹⁶⁷ but this solution lacks both culinary and economical attractiveness – farm animals, adequately supplied with food and protection from predators and diseases, would grow to be one to two decades old.

On the other hand, there are speciesists and non-speciesists alike who do *not* acknowledge such a no-killing rule. Midgley states that "both for people and animals a steady movement towards eating less meat is needed," and that "what the animals need most urgently is probably a campaign for treating them better before they are eaten," which points towards a very contained approach regarding the claim to refrain from killing sentient animals.¹⁶⁸ Singer's remarks on the question of an obligation to refrain from painless killing, which he tries to keep somewhat "in the background,"¹⁶⁹ can be split into a quite clear theoretical 'no' which is, however, overruled by a practical standing up for vegetarianism out of other reasons: because it is, in the face of global protein shortage, more efficient not to eat meat; because meat production is hardly feasible without causing pain, and, most importantly, the meat currently offered is not produced without cruelty and a boycott is needed to change this situation.¹⁷⁰ However, Singer's hesitantly voiced theoretical 'no' regarding an obligation not to kill is backed by his ethical theory: he states that, since typical farm animals do not possess self-awareness, it is not prima facie wrong to kill one of them,

*"provided that it lives a pleasant life and, after being killed, will be replaced by another animal which will lead a similarly pleasant life and would not have existed if the first animal had not been killed."*¹⁷¹

¹⁶⁵ Korsgaard (2004) *Fellow Creatures: Kantian Ethics and Our Duties to Animals*, p. 35.

¹⁶⁶ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 295.

¹⁶⁷ *Ibid.*, p. 272.

¹⁶⁸ Midgley (1983) *Animals and why they matter*, p. 27.

¹⁶⁹ Singer notes that the question of killing is only of secondary importance, and we should, out of political reasons, rather concentrate on the "equal consideration of pain or pleasure," cf. Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 19.

¹⁷⁰ *Ibid.*, pp. 72-73.

¹⁷¹ Singer (1979) *Killing Humans and Killing Animals*, Inquiry, p. 153.

This typically utilitarian train of thought is known as the *Replacement Argument*. Hoerster, less reluctant than Singer, uses this argument to claim that painlessly killing animals for food, under the condition of replacement, is not even a case of conflicting interests:

*"Durch die menschliche Gewohnheit des Fleischverzehrs von Tieren wird die Quantität und damit der Gesamtwert tierischen Lebens in Wahrheit nicht etwa gemindert, sondern im Gegenteil vergrößert."*¹⁷²

The Replacement Argument presupposes the assumption that merely sentient beings (like farm animals), as opposed to self-conscious beings, are 'mere receptacles' for pain and pleasure and therefore replaceable by another 'receptacle' (a new animal) who can then be filled with the same or bigger 'amount of pleasure'. This replacement would counter-balance the disappearance of the first animal. However, we could very well imagine a view that assumes that killing a merely sentient being is not only the 'disappearance of a receptacle', but produces negative utility (i.e. is bad as such, just as killing more complex beings is bad as such).¹⁷³ A discussion of which view is more appropriate would lead too far here; however, the outcome indicates that utilitarian approaches – independently of whether they are speciesist or non-speciesist – allow for different results.

There is yet another type of argument against an obligation not to kill domestic animals, which I will call *dependent existence argument*: it relies on the fact that the coming into existence of domesticated animals depends wholly on human intervention: they are bred with the intention of killing and eating them later on. One version of this argument is a simple extension of the Replacement Argument's idea: our habit of breeding animals for food ensures that there are a lot of 'receptacles' around that would not be there otherwise (see Hoerster's remark cited above). A positive assessment of this fact, again, relies on certain assumptions one need not share, namely that the aim of utilitarian maximisation of pleasure can be reached by maximising the number of 'receptacles' (rather than assuming that the amount of pleasure in *existing* receptacles should be maximised).

Another (non-utilitarian) version of the dependent existence argument states that, since domesticated animals owe us their life, we are justified in killing them. However, this argument has a severe logical flaw, since it is unclear who or what 'owes us life', since at the time of 'being bred', the subject that is said to have the benefit of coming into existence

¹⁷² Hoerster (2004) *Haben Tiere eine Würde?*, pp. 75-76.

¹⁷³ Jamieson (1983) *Killing Persons and Other Beings* in: Miller and Williams (Eds.) (1983) *Ethics and Animals*, p. 142.

does not yet exist.¹⁷⁴ This flaw aside, the non-utilitarian dependent existence argument relies on speciesist assumptions, since its defenders would not want it to apply to human beings. Assuming someone would 'breed' marginal humans (who are, e.g. by genetic defect, devoid of self-awareness), the notion that he would then have a moral license to kill them whenever he needs, e.g., organs for transplantation (or human flesh, for that matter), seems untenable.¹⁷⁵

Generally speaking, speciesist philosophers – among others, Hoerster, Carruthers¹⁷⁶ and Leahy¹⁷⁷ – are more likely to defend the practices of meat eating and killing farm animals than non-speciesist philosophers, but the reason for this distribution is rather a psychological than a theoretical one: someone who takes the trouble to philosophically defend a fundamental moral primacy of human beings is just not as likely to, simultaneously, vehemently advocate opinions that improve the standing of animals. Theoretically speaking, one could well imagine a speciesist view that objects to painless killing for consumption; e.g. a view that advocates the 'trumping' of human over animal interests, in principle, but states that, in the exceptional case of painless killing for meat-eating, the human interest is quite irrelevant (being merely a matter of taste), while the animal interest is overwhelming (being a matter of life and death). Similarly, one could object to painless killing in an indirect duty framework, stating e.g. that killing animals is extremely brutalising and corrupts the human character, leading to an increased proneness of animal killers to kill human beings.

b. Wild animals: painless killing, and the problem of predation

The situation of *wild animals* in regard to painless killing is different from that of domestic animals in as far as both replacement arguments and dependent existence arguments do not, or only to a limited degree, work for them. Subsequently, Hoerster believes that in their case, there *is* a prima facie obligation to refrain from killing.¹⁷⁸ In densely populated areas of the world (e.g. Western and Middle Europe), 'wild' animals like deer live so dependently of their human hunters and keepers – they are fed, medicated and sometimes even kept from crossing the boundaries of hunting districts – that distinguishing them from their domestic counterparts seems unnecessary in this respect.

¹⁷⁴ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 254.

¹⁷⁵ Vandevener (1983) *Interspecific Justice and Animal Slaughter* in: Miller and Williams (Eds.) (1983) *Ethics and Animals*, pp. 157-158.

¹⁷⁶ Carruthers (1992) *The Animals Issue: Moral Theory In Practice*, p. 196.

¹⁷⁷ Leahy (1991) *Against Liberation: Putting Animals in Perspective*, p. 220.

¹⁷⁸ Hoerster (2004) *Haben Tiere eine Würde?*, p. 78.

Coming back to the *reductio ad absurdum* which concludes that non-speciesists would be obligated to 'save the rabbit from the fox' (see section 6.d.ii above), how do non-speciesists decide this issue? Sapontzis states that, yes, there *is* a theoretical obligation to keep sentient wild animals from hurting and killing each other (as long as this does not lead to the same or larger amount of unjustified suffering as naturally occurring predation does), but that, practically speaking

*"[...] other than by preventing predation by animals under our control (e.g., pets), it seems likely that for the foreseeable future, animal rights activists will do better by directing their [...] efforts [...] toward alleviating the unjustified suffering humans cause animals."*¹⁷⁹

Pluhar, similarly, advocates prevention of predation in pets, while, just as and Regan,¹⁸⁰ stating that it would be a violation of "the basic moral rights of those predators"¹⁸¹ if we would keep wild predators from hunting prey (or even try and eliminate predators from nature). Singer notes that "keeping out altogether" would be a too easy answer to this question, but realises that "judging by our past record, any attempt to change ecological systems on a large scale is going to do far more harm than good."¹⁸² McCloskey objects that extensive presumption of rights and/or moral considerability in animals would lead to "logically incompatibility in the claims made by the [animals', CH] rights", e.g. because at the same time ascribing predators a right to kill and prey a right not to be hurt would lead to an unsolvable clash.¹⁸³ I think that the eventual occurrence of *ethical dilemmata* – which McCloskey misleadingly refers to as 'logical incompatibilities' – is not necessarily an argument against the ascription of rights, or against the consideration of beings' interests. However, since neither utilitarian nor rights-view anti-speciesists do, at the moment, advocate the actual implementation of anti-predatory measures in the wild, I think we need not even be concerned with these conflicts here.

I think it has become clear so far that, concerning the problems of painless killing of domestic and wild animals, and concerning the problem of animal predation, the decision for or against speciesism does *not necessarily entail any particular view*. What normative conclusions one arrives at largely depends on other issues – namely, on what one thinks is wrong with killing, and what one thinks about the practicability and prospects of success of

¹⁷⁹ Sapontzis (1987) *Moral, Reason, and Animals*, p. 247.

¹⁸⁰ Regan (1983) *The Case for Animal Rights*, pp. 356-357.

¹⁸¹ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 276.

¹⁸² Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, pp. 251-252.

¹⁸³ McCloskey (1979) *Moral Rights and Animals*, Inquiry, p. 53.

measures to contain predation. Compared to non-speciesist theories, speciesist approaches – such as the view that lets human interests 'trump', but makes exceptions when these interests are petty (as in the case of meat-eating) or speciesist indirect-duty views (which could, e.g., assume that killing animals is extremely detrimental to human character and should therefore be avoided in all possible cases) – could come to practically identical results, or even results that, in consequence, result in a *better* standing of animals.

c. Animals' use in science

However, there are cases of human-animal conflict where the decision between speciesist and non-speciesist views *does* make a difference. As a practical example, take the issue of scientific animal experimentation, considered under certain assumptions. We need to take into consideration that not only merely sentient animals (like mice, rats, and rabbits), but also apparently self-aware mammals (like chimpanzees, gorillas, and orang-utans) are frequently used for scientific testing.

Let us assume first that experimentation is done for serious purposes, e.g. for finding a treatment for cancer or AIDS, excluding animal testing for cosmetics and detergent (which I consider to be gratuitous infliction of pain). Let us secondly assume that the experiment will certainly lead to valid, useful results, which one could not arrive at employing substitutive methods (e.g. cell cultures or computer simulations). Let us thirdly assume that the experiment cannot be done without causing pain and, subsequently, death in the experimental subject (e.g. because the results of testing a substance can only be obtained by vivisection). Would it be right to use an animal for such experiments, supposing we were sure that this would result in our ability to spare human beings from severe pain and/or death? More specifically, could a non-speciesist answer this question with 'yes'?

Considering the hopeless situation patients of cancer and AIDS are in, one might at first think that this is a typical case of a 'lifeboat situation'. Pluhar¹⁸⁴ explains that lifeboat situations are those conflict situations where we simply *must* decide in order to save at least one of the subjects involved. In this kind of situation, we may be justified to decide in favour of "those to whom they feel a stronger emotional tie."¹⁸⁵ Since the decision-maker here is in a 'moral fix', he is allowed to decide on subjective reasons (assuming that, otherwise, no decision would be reached at all). Pluhar notes: "Whatever is decided, however, no disrespect is shown to the individual who is killed [...]; no lesser moral status

¹⁸⁴ Pluhar (1995) *Beyond Prejudice. The Moral Significance of Human and Nonhuman Animals*, p. 295.

¹⁸⁵ *Ibid.*, p. 286.

is attributed to that individual."¹⁸⁶ Could this be used to justify the decision for using animals in painful experiments in order to prevent human beings from suffering and/or dying? Indeed, if the situation of experimentation would comply with the criteria for a lifeboat situation, even rights-view anti-speciesists like Regan would not object to sacrificing the animal in order to save human beings.¹⁸⁷ But, obviously, it does not: in the case of animal experimentation (or in Pluhar's case, xenotransplantation), we are not confronted with a lifeboat situation. It is not true that 'both would die if nothing is done'. Rather, it is at issue here whether a formerly uninvolved being should be intentionally, and unwillingly, involved by the experimenter. Sacrificing a human being for such testing could (in a rights-view) not be justified by an argument based on the exceptionality of the situation; neither can sacrificing a non-human be justified this way. Consequently, rights-view supporters like Pluhar and Regan¹⁸⁸ come to the conclusion that animal testing (even under the promising circumstances assumed here), is wrong. Sapontzis would probably arrive at the same conclusion: in his analysis, the issue of 'consent' (i.e. not necessarily verbal, but also behaviourally conclusive consent) to experiments is crucial, and we can assume that neither the animals themselves nor possible 'guardians' would consent to vivisection experiments that lead to pain and death.¹⁸⁹ Overall, non-speciesist rights-views lead to an abolitionist view concerning the use of sentient animals in science.

Utilitarian non-speciesist views, on the other hand, will not necessarily support this abolitionist stance: animal experiments, after all could, in theory, be justified if they lead to a maximisation of happiness. The same – and this is crucial here – can be said for experiments in human beings. Taking marginal cases into consideration, Singer asks: "If experimenting on retarded, orphaned humans would be wrong, why isn't experimenting on nonhuman animals wrong?"¹⁹⁰ Since, after all, Singer is (under normal circumstances) against performing experiments on human beings, be it marginal or typical, and assumes that others are, too,¹⁹¹ he basically uses a strong version of the Argument from Marginal Cases to argue for an abolition of animal testing. However – and this is what characterises utilitarian standpoints – there is a point where almost any experiment becomes justifiable.

¹⁸⁶ Ibid., p. 287.

¹⁸⁷ Regan (1983) *The Case for Animal Rights*, p. 351.

¹⁸⁸ Ibid., p. 385. Regan construes a similar 'quasi-lifeboat' example (which would, intuitively, put us under pressure to allow using the animal for experimentation), and declines permissiveness of the animal experiment, because "Animals are not to be treated as if their value were reducible merely to their possible utility relative to human interests [...]."

¹⁸⁹ Sapontzis (1987) *Moral, Reason, and Animals*, p. 228.

¹⁹⁰ Singer (1976) *Animal Liberation - A New Ethics for Our Treatment of Animals*, p. 81.

¹⁹¹ Ibid., p. 80. Singer notes that "of course, no one would seriously propose carrying out the experiments described in this chapter on retarded humans."

Singer, e.g., notes that "if a single experiment could cure a major disease, that experiment would be justifiable."¹⁹² This is exactly the situation we assumed. We can therefore conclude that the answer of whether animal experimentation in extremely clear-cut cases like ours is justifiable does not in principle depend on whether one is a speciesist or a non-speciesist, but rather on the decision between utilitarian and rights-view approaches to ethics. To sum up the discussion of non-speciesists' views concerning animal testing, rights-views like Regan's lead to a fundamental abolitionist view concerning animal testing, while utilitarian views like Singer's do, at least in principle, allow for testing under the assumptions made here. However, utilitarian non-speciesist views would have a hard time allowing for animal testing while fundamentally banning testing in marginal humans. This inability to allow for animal testing while forbidding testing in marginal humans constitutes a clear divergence from what speciesist views can result in.

8. Conclusion

I have argued that speciesism, a point of view that remained largely unquestioned until some decades ago, has not been defended in a satisfactory manner so far. In section 4, I argued that a justification for speciesism is necessary if one wants to endorse this view, and that such a justification needs to be spelled out in terms of what capacities or properties of human beings and animals make a difference pertaining to individuals' moral relevance. In section 5, I have made clear that the concept of 'species' is a questionable one, which weakens the case for simple speciesism. Furthermore, I have argued that diverse capacities commonly offered as morally distinguishing human from non-human being are neither suitable to draw a 'hard-edge' line between human beings and animals, nor do they qualify as morally relevant. In the course of this section, I have dismissed neo-Cartesianism, non-definitional personhood views, 'transcendental' arguments and reciprocity views as unapt to address the issue of animals' moral status. In section 6, I pointed out that the Argument from Marginal Cases is a genuine problem for speciesists, and that attempts to block, weaken or circumvent it are not successful. Additionally, I have indicated that neither appeals to emotion nor objections concerning the practicability of non-speciesist ethics make a strong case for maintaining speciesism. Finally, in section 7, I have explained that the normative impact of a decision against speciesism is relatively small, since normative consequences largely depend on what ethical framework non-speciesism is embedded in.

¹⁹² Ibid., p. 82.

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Versicherung der selbständigen Abfassung der Arbeit

Ich erkläre hiermit, dass ich diese Arbeit selbständig verfasst und keine anderen als die angegebenen Hilfsmittel und Quellen benutzt habe.

.....
Constanze Huther

München, den 1. März 2005

Erklärung zur Wertung der Magisterarbeit

Ich bitte darum, die Arbeit im Rahmen der Prüfung zum Magister Philosophiae zu
50%
zu werten.

.....
Constanze Huther

München, den 1. März 2005