



PHILOSOPHY AND THEOLOGY

The debate over animal rights involves many different questions: Is eating meat morally permissible? Can hunting be justified? Do sentient animals deserve greater consideration than non-sentient human beings? (See Lawrence Cahoon, “Hunting As a Moral Good,” *Environmental Values*, February 2009; Donald W. Bruckner, “Considerations on the Morality of Meat Consumption: Hunted-Game versus Farm-Raised Animals,” *Journal of Social Philosophy*, Summer 2007; and Jeff McMahan, “Eating Animals the Nice Way,” *Daedalus*, Winter 2008). I would like to focus on a single aspect of the debate: Is species membership relevant to ethical judgment?

Advocates for animal rights reject what they call “speciesism.” In “The Rights of Animals and the Demands of Nature,” Dale Jamieson notes Peter Singer’s definition of speciesism: “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species” (*Environmental Values*, May 2008). Jamieson then states that “speciesism, like sexism and racism, is a prejudice involving a preference for one’s own kind, based on a shared characteristic that in itself has no moral relevance.”

Before considering the arguments for and against *speciesism*, it is important to point out that Singer’s definition of speciesism begs the question. The words “prejudice” and “bias,” like the words “cruelty” and “merciless,” are not merely descriptive but also negatively evaluative in a moral sense. Prejudice and bias are wrong, so speciesism is also wrong simply in virtue of Singer’s stipulated definition, regardless of any reasoned justification. Thus, Singer’s definition begs the question. Let’s say the argument was not about animal rights, but about the rights of the human fetus. I propose to be against “birthism,” which I define as a prejudice or bias in favor of the interest of those who are born against those who are not yet born. Birthism, like sexism and racism, is a prejudice involving a pref-

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erence for one's own kind—those already born—based on a shared characteristic that in itself has no moral relevance.¹ Surely, to be against “birthism” is merely another way of stating that I am in favor of fetal rights. Thus, invoking birthism or speciesism does not settle the issue, but rather implicitly endorses one side of a debated question. Precisely at issue is whether birthism or speciesism really is like racism or sexism, and rhyming neologisms do not settle the ethical question. Let me propose a definition of speciesism that does not beg the question: the belief that species membership is ethically relevant.

In Dale Jamieson's view, speciesism has two important features. “First, what is of primary moral relevance is individuals and the properties they instantiate, not the fact that they may be members of various collectives or kinds. Thus, for purposes of morality, properties such as being a member of the Lions Club or a citizen of the United States are not in themselves of central moral importance. Second, the individual characteristics that are morally relevant are not properties such as species, race and gender, but rather characteristics such as sentience, the capacity for desire and self-consciousness.” Both features merit comment.

First, if we take “morally relevant” to mean necessary for basic rights and dignity, then it would seem being members of *some* particular collectives or kinds is morally irrelevant. No one's basic moral rights should hinge on whether or not they are members of the Lions Club or are citizens of the United States. However, these examples do not show that membership in particular kinds is always irrelevant. Presumably only those in the class of living beings can have a right to life, only those in the class of sentient beings can have a right not to be tortured, and only those in the class of intelligent beings can have a right to education. Indeed, when formulating ethical norms or rules of public policy, it is necessary—if our formulations are to make use of collective nouns and reflect ethical universalizability—to appeal to groups membership of some kind.

Second, there is reason to believe that a characteristic such as sentience, the capacity for desire and self-consciousness, is not necessary for basic moral status.² A characteristic such as this comes in various degrees, so if ethical status is based on the degree of possession of such a characteristic, then we have to hold that even normal adult human persons do not have equal rights. Furthermore, a characteristic such as this excludes some beings (such as handicapped newborns) that virtually everyone accepts as persons with basic rights.

In his July 2009 article “Speciesism and Moral Status,” published in *Meta-philosophy*, Peter Singer, presents a graduated view of the moral status of humans and nonhuman animals. Singer also includes an opposing view, represented by Catholic tradition: “Pope John Paul II and those who accept his position on this

¹For arguments that birth is not a morally relevant characteristic, see chapter three in Christopher Kaczor, *The Ethics of Abortion: Women's Rights, Human Life, and the Question of Justice* (New York: Routledge, 2011).

²For some arguments that sentience is not necessary for basic moral status, see *Ibid.*, sections 4.1.4, 4.1.1, and 2.4 respectively.

issue think not only that all humans are equal to each other but also that they are far superior to nonhuman animals. The philosophical problem is whether we can justify that view.”

Singer presents different theological justifications for the Catholic view: “1. We are made in the image of God, and animals are not. 2. God gave us dominion over animals. 3. We have immortal souls, and animals do not.” Additional grounds could be added to Singer’s list, at least for Christians. Jesus commanded Peter to catch fish (Luke 5:4), and he himself ate lamb during the Passover meal and ate fish (Luke 4:43). According to the Christian view that Jesus is sinless, eating meat cannot be immoral since Jesus both commands and commits such an action. Further, if killing an animal for food is permissible, then Singer’s view on the necessary equal treatment of human beings and animals cannot be correct because outside of life and death scenarios no one believes we can kill human beings to eat them. By contrast, both the teachings and actions of Jesus point to the intrinsic dignity of all human beings regardless of health status (the leper), social status (the tax collector), or religion and sex (the Samaritan woman). So, the actions and teachings of Jesus indicate that there is a basic equality of human persons with each other and that human persons have greater status than animals—at least greater than that of lambs and fish. Singer rejects the theological justifications that he lists (though he gives no arguments to justify his rejection); then he also asserts that even if these views were true, they would provide no basis for law or public policy in a pluralistic society.

Here Singer confuses two distinct issues—ethics and public policy. It may be that some action is ethically impermissible but ought not to be a matter of law. Even if religious grounds are not a sound basis for public policy (here the arguments to the contrary of Richard John Neuhaus are important to keep in mind³), it might still be the case that these religious arguments provide sound basis for religious people to hold, as a matter of personal ethics, the view that all human beings are equal and that all human beings have greater moral worth than all nonhuman animals.

A second reason for preferring human beings over animals that Singer considers does not appeal to revelation. Singer summarizes his view of Kant’s defense of human dignity:

Kant’s argument for why human beings are ends-in-themselves is that they are autonomous beings, which, in terms of Kantian philosophy, means that they are capable of reasoning. Note that Kant goes from defending the value of autonomy or self-consciousness to maintaining that ‘man’ is the end. If we really take his argument seriously it means that human beings who are not self-conscious—because perhaps they are so profoundly mentally retarded that they lack self-consciousness or self awareness—are also merely means to an end, that end being autonomous or self-conscious beings.

So, according to Singer’s understanding of Kant, if a human being lacks self-consciousness, then that human being does not have to be respected as an end-in-itself and can be treated simply as a means.

³Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America*, 2nd ed. (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1986).

Singer misunderstands Kant's position. Obviously, neither Kant nor any other reasonable person thinks that *actual* self-consciousness is necessary for basic moral worth. If this were so, whenever people were in surgery or otherwise unconscious, they would lose their moral status only to gain it back after waking up. Singer is correct to say that autonomy is central to Kantian ethics, but not because it is the ground for human dignity. Rather, autonomy is important for Kant as a consequence of Kant's strict requirement that we do what is in accordance with duty, motivated by duty (*die pflichtmäßige Handlung aus Pflicht*).⁴ For Kant, if emotional inclinations, such as desire for rewards or fear of punishments, dictate which action an agent performs, then the agent's action has an improper motivation and the act has no moral worth. If we are to act rightly, our actions must be autonomous, motivated by the self-given law of reason.

For Kant, all human beings, due to their rational *nature* (but not necessarily their rational *functioning*), have inherent dignity. Kant would view the step toward evaluating human worth in terms of functionality instead of ontology as a confusion of persons and things. Things are evaluated according to how they function, and the price of a thing is determined by human desire for the well- or badly functioning thing. Beings of a rational nature have dignity but no price because they are the possible seat of the only thing good without qualification, the good will. The value of a rational being follows from its very nature, rather than from its function as a being that is healthy or ill, young or old, beautiful or ugly, or even valued by others or not valued by others.

The best historical treatment of Kant's views on these matters is probably Patrick Kain's "Kant's Defense of Human Moral Status," which points out, with respect to Immanuel Kant, that "personhood and responsibility does not entail that each person acts or has acted, or that each is always able to act; it only entails that *when or if* a person does act, she may be held responsible for her actions" (*Journal of the History of Philosophy*, January 2009). Kain continues,

Within Kant's theory, existence as a living member of the human species is taken as a sufficient indication of basic moral status because membership in that species indicates the presence, in a perceptible being, of the status-grounding predisposition to personality. Since, according to Kant's Formula of Humanity, it is impermissible to treat any being with dignity as a mere means, Kant's position entails that it is impermissible to fail to treat any human organism as an end-in-itself, which seems to entail a strong, though defeasible, presumption against, for example, the intentional killing of any human organism at any stage of its development.

Anyone interested in Kant's thoughts on these matters should carefully study Kain's magisterial article, which corrects widespread misinterpretations of Kant like those propounded by Singer.

Singer rounds out his reflections on the various grounds for believing in human superiority over animals by treating social contract views (See, for example, Andrew

⁴Immanuel Kant, *Grundlegung zur Metaphysik der Sitten*, ed. Karl Vorländer. (Hamburg: Felix Meiner Verlag), 15.

Cohen, “Contractarianism and Interspecies Welfare Conflicts,” *Social Philosophy and Policy*, Winter 2009). Singer rejects the social-contract justification also, since handicapped newborns cannot enter into contracts of any kind. Logi Gunnarsson tries to shore up this difficulty, “There is an important difference between the great apes in nature and severely disabled infants, a difference that does not concern their intrinsic abilities but rather their relationship to humans: Only the latter are dependent on humans for their well-being. The dependency of a being on a human being is a source of a duty for human beings different in kind from the intrinsic abilities of the great apes that give rise to duties toward them” (“The Great Apes and the Severely Disabled: Moral Status and Thick Evaluative Concepts,” *Ethical Theory and Moral Practice*, June 2008). The implicit premise seems to be that we have a moral duty to provide for other human beings.

Eva Feder Kittay presents an interesting argument for this premise:

If [Jeff] McMahan, [Peter Singer], and others acknowledge the special relationship that is constituted by parenthood, and if they can grant that the parent of a child with the severe cognitive impairments has a deeper and morally and objectively more significant relationship with that child than does a pet owner with his beloved pet, then I believe that a number of implications suggest that the recognition of the child as possessing moral personhood must follow. I as a parent have obligations to fulfill toward any child of mine. Following Sarah Ruddick, we can say that what a child “demands” of its parent is to assure that the child’s life is protected, that the child’s development and growth are fostered, and, as I have already pointed out, that the child can find social acceptance. Now, no parent with a child of typical capacities can do this in a vacuum. All parents need access to certain resources to fulfill their obligations to their child, ones that are at least partially supplied by the larger society. Every parent needs schools and other social institutions to ensure that her child can develop her capacities, whatever those capacities may be. Every parent needs to work with both the child and the social world that the child enters to ensure that the child will grow into a member who is granted respect and who can develop a sense of self-respect. No child is simply the parent’s own private matter. If McMahan and Singer claim to honor my relationship to my child and to grant its moral significance, then they cannot with any consistency grant the means to fulfill parental obligations to one parent and deny them to another parent based on some set of features of the child, for these are what all parents need to fulfill their ethical responsibilities to their children regardless of their capacities and needs (“The Personal Is Philosophical Is Political: A Philosopher and Mother of a Cognitively Disabled Person Sends Notes from the Battlefield,” *Metaphilosophy*, July 2009).

This argument secures the rights of handicapped newborns but does not justify giving similar rights to great apes.

“Hence we have to conclude,” writes Singer in his 2009 article, “that the standard ethical view that we find expressed in the statement by John Paul II—the view that all human beings, irrespective of their cognitive abilities, have equal moral status, and that this status is superior to the moral status of the most intelligent nonhuman animals—cannot be defended.” Even if Singer had refuted the religious,

Kantian, and contractarian arguments for basic human equality and superiority over animals, his conclusion is still a non-sequitur. Surely, we have no reason to think that there are only three ways to defend the idea that all human beings ought to be accorded equal rights above nonhuman animals. Conspicuous by absence are the Aristotelian–Thomistic philosophical arguments that all human beings have equal basic moral status superior to nonhuman animals.⁵

Singer makes the point—using extensive empirical evidence—that some animals (such as great apes, dogs, and grey parrots) have greater cognitive abilities than some human beings (for instance, the profoundly mentally handicapped and the newborn).⁶ Singer assumes, but never justifies through argumentation, that greater or lesser moral status is correlated to greater or lesser cognitive ability. If we accept this view, then we not only lose basic human equality, but we also lose the basic equality of human persons whose cognitive abilities vary widely. We lose or gain cognitive abilities based on which drugs in our system (Ritalin versus marijuana), but surely our moral status does not shift episodically. We have strong reason to reject the idea that greater or lesser moral status is correlated to greater or lesser cognitive ability.

We also have good reason to reject the view that speciesism is akin to racism or sexism. Accepting the wrongfulness of speciesism commits one to implications that are deeply counterintuitive. First, if speciesism is wrong, we should not grant special protections to animals that are members of endangered species, since being a member of a particular species is morally irrelevant. Second, if speciesism is wrong, we should also not do anything to help animals of a particular species that are suffering from overpopulation, since that too would involve treating some animals differently than others in an ethically significant way based on species membership.⁷ Finally, let's say I rush into a burning building and find both a one year old girl and her family dog passed out from smoke inhalation, and I only have time to save one of them. Jamieson notes Singer's statement that, "everything else being equal, someone who rejects speciesism should be morally indifferent between

⁵See, for example, James B. Reichmann, *Evolution, Animal Rights, and the Environment* (Washington, DC: Catholic University of America, 2000).

⁶University of California–Santa Barbara neuroscientist Michael S. Gazzaniga emphasizes the vast, quantitative differences between humans taken, collectively, and all other species, including apes and chimps, taken collectively ("Humans: The Party Animal," *Daedalus*, Summer 2009). The differences in behavior are vast. Birthday parties, wedding showers, and luncheon receptions are utterly common for us and utterly absent in every other species. Our physiology is also different. The human brain is not just proportionately bigger, but it is organized differently than these other species. It is not just a matter of brains but also other aspects of us that reflect a difference in rationality.

⁷For some reflections on this subject, see Donald W. Bruckner's remarks on animal overpopulation in his "Considerations on the Morality of Meat Consumption: Hunted-Game versus Farm-Raised Animals," *Journal of Social Philosophy* 38.2 (Summer 2007): 311–330.

a human and a dog who are at the same level of consciousness.” If speciesism is wrong, then I should just flip a coin to decide whether to save the girl or the dog. This is absurd. Much remains to be discussed in terms of the subject of animal rights, but the arguments advanced against speciesism by Singer and Jamieson fail to justify their conclusions.

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