

# MY KIND OF PERSON

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Philosophical pleasure comes in about as many shapes and sizes as personal computers do, but one of the keenest pleasures, at least to my way of thinking, is having an article or book actually convince an intelligent reader of an important truth (or at least supposed truth) not previously believed. That, however, is as rare as it is satisfying, and anyone who thinks it his/her due dreams, as Spinoza says, with his/her eyes open. Probably next best is to be taken seriously and read carefully by such an intelligent reader, but to be disagreed with nonetheless. And from Evelyn Pluhar, I am happy to say--or happy enough to say--I have been awarded not the brass ring but the tin facsimile of same.

## I

In "Speciesism Not Justified,"[1] Pluhar takes issue with two of my basic points in "In Defense of Speciesism"[2] and attacks both on any number of grounds. She also raises several objections to peripheral points in the paper, but I will pass over those here. What I would like to do is to orient the reader by sketching (by quoting) the skeletal outline of the main argument of "In Defense of Speciesism" and then to discuss Pluhar's charges. Here's the sketch:

[1] The concepts of a human being and a person are not related merely empirically, and human persons can and do identify with human non-persons. This identification--which is not sympathy or compassion but a recognition of oneself and what one was (a fetus, a child) or could be (brain-damaged, comatose, retarded, etc.)--has metaphysical or quasi-metaphysical underpinnings [which are described earlier in "In Defense of Speciesism" and will be discussed below].

[2] The existence of human persons

is constrained by laws of nature and by particular empirical facts of existence; e.g., there is not enough protein in a given child's diet for his/her brain to develop properly [that is, for him/her to develop into a human person]. There is little to nothing that individual human beneficiaries or victims can do about this, so far as their own case is concerned.

[3] Chance occurrences, many of them unforeseen, to which all Homo sapiens are subject, may well prevent a human from becoming a person (e.g., genetically linked retardation) or rob a person of his/her personhood (e.g., senility). Again, it is not within our power to make ourselves invulnerable to such contingencies, or, in most cases, to foresee them with any great accuracy, or to prevent them from occurring.

[4] Human non-persons, then, should be ascribed basic rights; for although in the primary case it is persons who are ascribed basic rights, equality of opportunity, or, better, fairness, requires us to ascribe basic rights to human non-persons as well (p. 52).

Such, in very brief form, is the main outline of the argument. My main thesis, to be absolutely clear about the matter, is that all members of a species generally character-



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ized by personhood have a right to life. For all intents and purposes, this amounts to "All human beings (taking the term in a purely biological sense) have a right to life." Hence, on it alone, unsupplemented with other principles, a human being who is not a person is ascribed a right to life, while a psychologically indistinguishable member of another species is not. Speciesism, as the term is usually used, is an appropriate label for this position, even if the term can, and often does, cover more ground than the single thesis in question.

## II

Pluhar writes that I "defend [my] proposal by making two appeals: [one] to metaphysics (or 'quasi-metaphysics'), [one] to fairness" (p. 123). But, as even the brief outline of the argument quoted above shows, there are at least four main stages (or "appeals") to it. Not that Pluhar's oversight lets me off the hook. Concentrating mainly on [1] and [4], she finds plenty to object to.

Concerning [1], I wrote that "personal identity seems to be closely tied to [human] bodily identity, with the latter seeming to be either a necessary condition for the former, or criteriologically related to [it]" (p. 49). Criterion, in this case, is (partly) explained, following Shoemaker, in terms of its being a necessary truth that human bodily identity is evidence for personal identity. I note, however, that the principle just announced really concerns re-identifying persons, not identifying them, and it is identifying persons which is of paramount importance as far as the ascription of basic rights is concerned. But a related principle,

(IP) It's a necessary truth that the statement "X is a live human being" is good evidence for the statement "X is a human person,"

is true, or at least plausible, I maintain, and it is directly relevant to the ascription of basic rights. Pluhar's first batch of charges--four, by my count--centers on what I say here.

The first is that I don't defend (IP) but simply say that it is "a near relative" of the re-identification principle, which I also don't defend but merely claim others do. I plead guilty to both charges--but will

spend no time behind bars. A paper on speciesism is no place to discuss the re-identification principle, especially as the literature on it is so vast. And, secondly, I thought the relation between it and (IP) obvious.

Pluhar doesn't. Her second objection is that she sees no relation between the two and that

surely the "identity" referred to by the [re-identification] principle is not the same as the "identification" referred to in (IP). In the former case, we are speaking of identity in the sense of "sameness;" in the case of (IP), the recognition ("identification") of personhood is the issue (p. 123).

"Recognition" is really out of place here--no such term occurs in (IP)--and "sameness" is a red herring of another sort. For the re-identification principle simply tells us that there is a criteriological relation between human bodies and human persons over time. If that is indeed so, if the track of a person over time is conceptually tied up with, criteriologically related to, the track of a human body (that is, a human being) over time, that must be because at any given time the very existence of a person is conceptually tied up with, criteriologically related to, the existence of a human body (that is, a human being). I don't see how anyone could hold to the re-identification principle without also holding to conceptually prior (IP). For, to deny (IP) while holding fast to the re-identification principle would be like accepting the principles of calculus while rejecting those of basic arithmetic. Identification, after all, is conceptually prior to re-identification.

Third, says Pluhar,

(IP) is quite implausible on the face of it. It is easy enough to imagine a world in which "X is a live human being" is not good evidence for "X is a human person" (p. 123).

I suppose that what she has in mind here are worlds in which all, or at least many, of the human beings born in it are brain damaged, or retarded, or suffer some mental failing that precludes personhood; or perhaps all or most

lose their personhood early in life. Arguing by inductive enumeration in such a world, Pluhar would say (I'm supposing), "X is a live human being" does not inductively warrant "X is a human person."

True enough, but not really to the point. For such considerations don't show (IP) false; what they show is that in such worlds countervailing empirical considerations obtain that prevent concluding "X is a human person" straightaway; that is, the evidential weight that (IP) speaks of is simply overridden in individual cases in such worlds, and the conclusion, "X is a human person," would be, overall, unwarranted. That's hardly surprising. (IP) doesn't say that it's a necessary truth that "X is a human being" is a logically sufficient condition for "X is a human person," only that it's a necessary truth that it's good evidence. All inductive principles, even the best of them, and even criteriological principles, may have to give way in particular circumstances in the face of evidence to the contrary. The chief difference between non-criteriological and criteriological arguments lies only in the claim to necessity. With criteria, in the sense in question, we

know that [something] is evidence, not by having observed correlations and discovered empirical generalizations, but by understanding the concept O [person, in this case] and the meaning of statements about the identity of O's.[3]

Fourth, Pluhar says,

Suppose we accept (IP); what would it show? At best, it would show that all live human beings are presumptive persons. This presumption is obviously not sufficient for the ascription of basic rights to human non-persons (assuming, as Wreen does) that persons are the primary possessors of basic rights (pp. 123-4).

Again, I agree. But my agreement shows only why the argument has four stages, not one.

### III

Far worse than any of this, though, is Pluhar's misunderstanding of what (IP) and my surrounding discussion of it are doing in "In

Defense of Speciesism." It is there, she thinks, not because I take it seriously in and of itself and wish to use it to argue for speciesism. No, it is there only to get the reader to empathize with human non-persons:

We are to imagine ourselves in the other's place. . . . "Identification" in this sense is really empathy. . . . "Identification" in this sense is utterly different from that of "identification" in (IP) (p. 124).

Thus, I am guilty, supposedly, not only of a gross equivocation on "identification" but also of holding "that we have no [very great] ability to identify with [that is, empathize with] non-human non-persons (p. 124)."

Adapting a remark of Kipling's here, I can only say, "Not so, but far otherwise." First, (IP) is there not to elicit some sort of empathic response from the reader but to show him/her, whatever his/her psychological constitution, that human non-persons are in the same metaphysical boat as human persons are as far as personhood, the primary ground for the ascription of basic rights, is concerned; and, by implication of silence, if it weren't explicitly noted in the paper (p. 53) and suggested by its title, that no non-human animals are our metaphysical fellow-travelers. The paper is a defense of speciesism, so principles that distinguish members of the human species from members of others in a way that has at least an indirect connection with a morally important concept, such as basic rights, would be what I was after.

Secondly, I certainly know that many people have no trouble empathizing with animals of all sorts of shapes, sizes, colors, and textures. Many, I have no doubt, find it far easier to empathize with dogs, cats, birds, cows, seals, or whatever than with humans. Great stuff, empathy, and best wishes to all who use it wisely and well. But empathy has nothing to do with my use of "identify with." When I write that we identify with human non-persons in a way that we don't with non-human non-persons and that (IP) provides the grounds for this, all I mean is that the common judgment "That could be me" holds for all human beings, whether persons or not, that it doesn't for non-human non-persons, and that the judgment has solid metaphysical or quasi-metaphysical backing, namely (IP). The person who makes such a

judgment could be innocent of all philosophy, not aware of (IP) at all, and devoid of empathy, for all that "identify with" requires. Walter Weber, for example, a friend of mine of a distinctly unemotional nature, identifies with many human beings that have no inner life or a radically diminished one--the brain damaged, congenitally retarded, or permanently insane, to cite three[4]--and some of these human beings, lacking an inner life as they do, can't be (rationally) empathized with. On the other hand, I myself empathize with all sorts of non-human non-persons--genets, sloths, and kudu, for example. My argument is Kantian, and even the most unsympathetic--and here I explicitly add "and most unempathic"--Puritan can and does identify with human non-persons. Pluhar's remarks about psychological identification and empathy are thus one and all beside the point. If I had been interested in empathy, the term would have occurred in the article. It doesn't, and its younger sibling, sympathy, is explicitly disowned. So much for older siblings, too.

#### IV

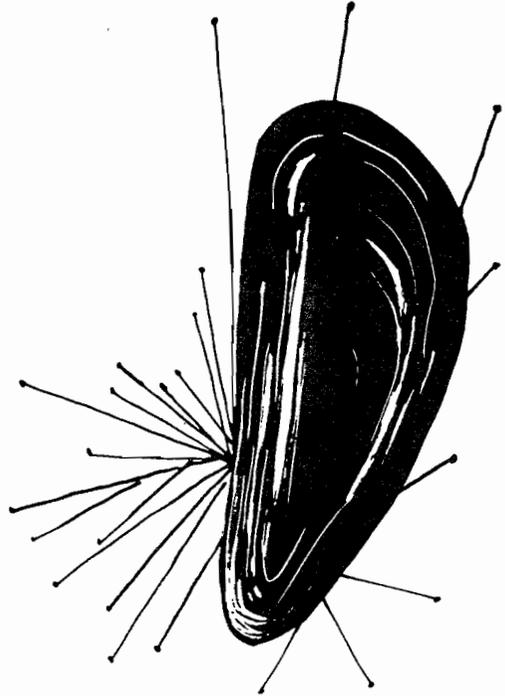
Pluhar's second major offensive concerns the fourth stage of the argument, the one concerning justice. She lodges three objections here.

First, she says,

Wreen has made a case for the ascription of basic rights to those human non-persons whose condition is no fault of their own. Although [he] states that there is little or nothing we can do to prevent the loss of our personhood, this is often not the case. Consider the victim of an unsuccessful suicide attempt who is now conscious but permanently, severely brain damaged. Or . . . the Hollywood stunt performer who makes a career out of dangerous stunts and loses his or her personhood as a result. . . . [And] what about the individual who is too fond of fatty foods and physical inactivity to ward against arteriosclerosis, becoming senile as a result? Or the motorcyclist who refuses to wear a helmet? Or the driver or passenger who doesn't wear a seat belt? These human non-persons don't have

a right to life on Wreen's view. [But] I, for one, find this thoroughly counter-intuitive (pp. 125-6).

Well, I needn't hold that such human non-persons--or animals of selected sorts--don't have a right to life, only that, if they do, that wouldn't be on the basis of the argument of my paper.



More importantly, though, Pluhar here challenges the claim that I have provided sufficient justification for the principal contention of the paper, i.e., that all human beings have a right to life: and, en route to this objection, she also challenges the claim that as far as personhood is concerned, there is little to nothing that individual human beings can do, in their own case, to prevent its loss or to aid its development.

Both of these objections can be handled together. Consider the principle that all persons have a right to life, a principle Pluhar herself holds to and which, as she notes, is "relatively uncontroversial" (p. 122). Does someone who holds this principle ipso facto hold that capital punishment is immoral, or at least the violation of a right to life, or that killing a life-threatening attacker is the same, or ditto for killing a combatant in a just war, and so forth? The answer is, "No." The principle in question is implicitly ceteris paribus, just as every

other such moral principle is, personhood principles (such as the one Pluhar holds) included, and is properly understood as defensible under certain conditions. Just as it's possible to hold that a murderer has forfeited his/her right to life, so it is possible to hold (consistent with the argument of "In Defense of Speciesism") that the long-term drug addict (who was destroying his/her cognitive faculties), the starvation victim (who, now no longer a person, refused food in protest of government activities), the Russian roulette player (who survives as a non-person), the "mangled" suicide victim, and all of Pluhar's crowd have relinquished, waived, or forfeited their right to life by recklessly or negligently risking or by intentionally or knowingly jeopardizing or attacking their personhood and/or their lives. Sure, human persons can do something about their personhood--most obviously, suicide itself is conceptually available to anyone who has a relatively full-blooded concept of the self--and even (what is more directly relevant to my argument) do something about their humanity. But I know as much,[5] and these possibilities don't impugn my speciesism principle any more than the existence of murderers impugns Pluhar's personhood principle.

Second, Pluhar asks,

what sense does it make to talk [as I do] about the unfairness or injustice of nature or the universe, or about basic rights being accorded as restitution or compensation for such injustice . . . or [about] "a Supreme Court of Justice of the Cosmos" (p. 126).

My response within the paper, that such talk (about the Cosmos) is merely metaphorical, and used for its imagistic vivacity and linguistic convenience, she rejects--though I see no reason why. But she then goes on to say that if such talk really is extirpable, as I say it is, then I "need to show us how to cast [the] argument in [just such a non-metaphorical] way" (p. 126).

The showing in question is easy enough, though: just read "In Defense of Speciesism" without the phrases in question--or read this paper as it stands. I deliberately baited the hook with talk about the Cosmos being unjust and the universe according compensation, hoping to elicit an obvious objection

(though the objection was also answered in "In Defense of Speciesism"), but also hoping, and hoping with greater avidity, to evoke the Big Picture and remind the reader of the place of persons in the universe--that is, of their inherently biological nature, vulnerability, limited power, empirical needs as persons, development over time, and lack of control over the contingent circumstances surrounding their personhood. Conceptually, however, the appeal at the fourth stage of the argument is simply to a principle of justice. There is, at base, no personifying of anyone or anything except persons--and, in a different sense, of human non-persons.[6]

Last, still another objection which Pluhar finds more powerful than I do: my argument is circular, she claims, for I invoke justice to ascribe human non-persons basic rights--basic rights being their due--but to invoke justice is itself to assume that human non-persons have a basic right, namely, the right to justice. The argument is thus circular or question-begging.[7]

Not so. The circle can be, and is, broken if we distinguish between justice (or fairness or equality) as a principle and justice (or fairness or equality) as a right. The latter is indeed a right, namely the right to be treated justly, but it is not invoked in my argument for speciesism. It is equality as a principle--"all creatures in the relevant (person-related) class are to be treated fairly and equally in respect to personhood generated rights--which is used in the argument. As principles frequently ground rights--e.g., age principles ground driving rights--or ground their denial--e.g., incarceration principles ground the denial of voting rights--the distinction between principles and rights is, without further argument to the contrary, available for use.

V

The attention to and concern with non-human animals found on a number of academic fronts these days is all to the good and, in the long run, will probably help effect needed changes concerning at least some of the ways we think about and behave toward members of other species. But worthy goals are one thing, extreme and unwarranted means to achieve them quite another. One of these means, and a decidedly popular one at the present time, is to deny the importance, and even the relevance, of species membership as

far as ethical matters are concerned. Racism, sexism, and speciesism, it's said that they're all one and the same thing: taking mere biology to have ethical import. It sounds right, that slogan does. But in actuality, it ignores far too many important and pervasive facts about ourselves and the world we live in, facts which sculpt the main contours of our lives and concepts, ethical concepts included, and provide the very possibilities for the realization of value and disvalue in the world. Whether a biological difference makes for a valuational difference and, if so, how it does depend on the nature of the biological difference, the nature of the world, and how and how intimately the biological difference figures into the scheme of values entire. Only disembodied spirits can ignore biology altogether.

#### Notes

1. Evelyn Pluhar, "Speciesism Not Justified," Ethics & Animals 5 (1984), pp. 122-9. Subsequent references are indicated in parentheses. Page numbers will readily distinguish such references from those pegged on note 2.

2. Michael Wreen, "In Defense of Speciesism," Ethics & Animals 5 (1984), pp. 47-60. Subsequent references are indicated in parentheses.

3. Sydney Shoemaker, Self-Knowledge and Self-Identity (Ithaca: Cornell University Press, 1962), p. 4.

4. This, in fact, is part of the point of the three cases I cite in "In Defense of Speciesism" (pp. 49, 51, 53). I am not sure that Pluhar quite understood this (p. 125).

5. An earlier version of "In Defense of Speciesism" included six objections to the main argument (and my answers to them), but these had to be eliminated due to space considerations. One was the objection just discussed.

6. Pluhar implies that I say that all proponents of basic rights speak of the Supreme Court of Justice of the Cosmos. This is inaccurate. What I say is that all anti-speciesists (or better, all anti-speciesists who accord non-human animals intrinsic moral standing) use a term like compensation, restitution, or some such metaphorically, that is, in a derivative sense. That still seems

to me correct. Pluhar herself speaks of empathizing with non-human animals who are in pain, and that requires anthropomorphizing such animals to at least some extent. As Wittgenstein taught us, the primary case for the ascription of pain is the adult human being, and the same point holds for all psychological or (intrinsic) moral ascriptions. Anyone who ascribes rights or intrinsic moral standing to animals, then, does so on the basis of the model of an adult human being.

7. This is another of the objections alluded to in note 5.

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