

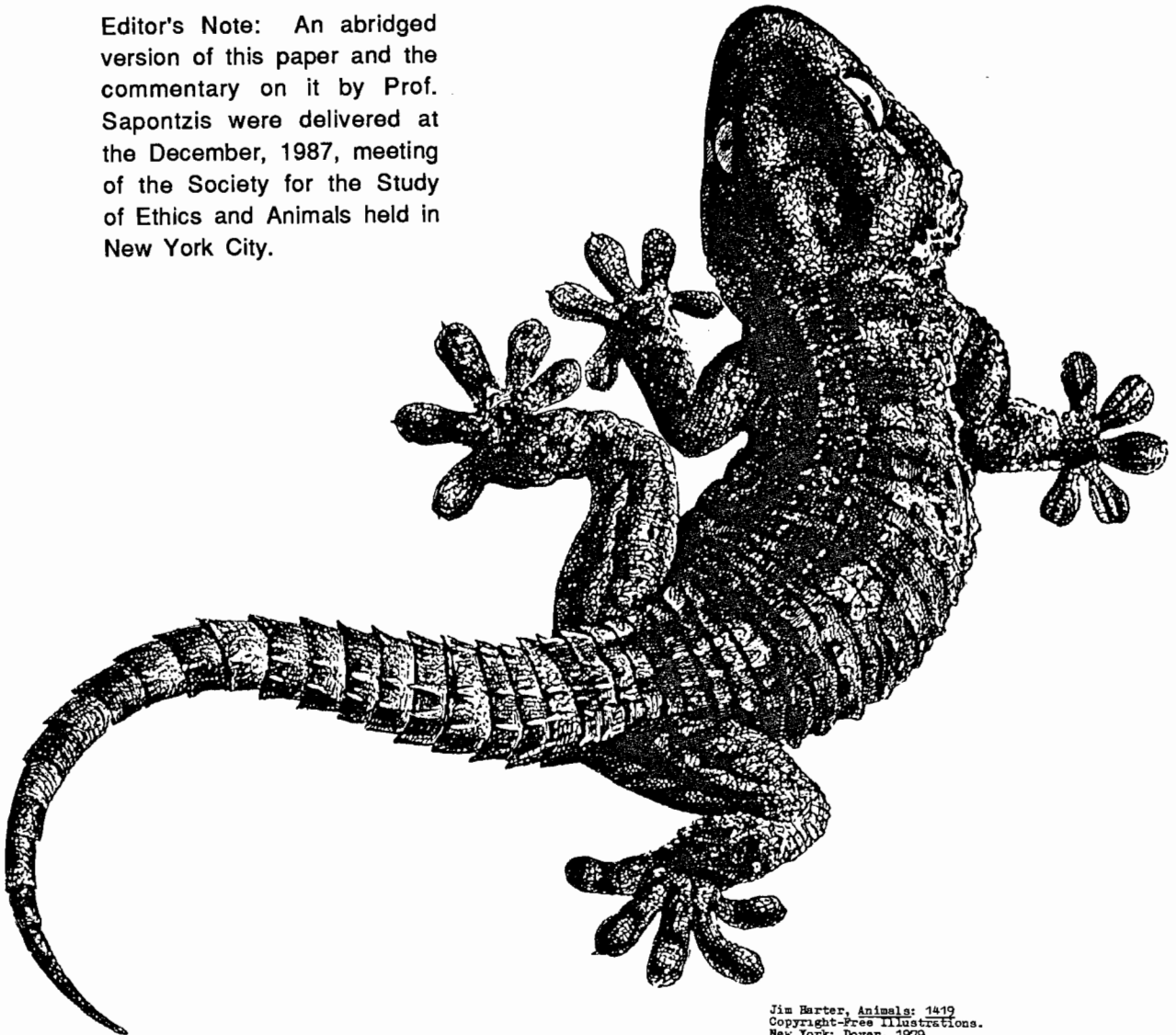
SPECIESISM: A FORM OF BIGOTRY OR A JUSTIFIED VIEW?

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Editor's Note: An abridged version of this paper and the commentary on it by Prof. Sapontzis were delivered at the December, 1987, meeting of the Society for the Study of Ethics and Animals held in New York City.



Jim Harter, *Animals*: 1419
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New York: Dover, 1979

We humans tend to view ourselves as the paradigms of morally considerable beings. Humans, it is often claimed, are the most morally valuable (perhaps the only morally valuable) beings on this planet. It is commonly assumed that "lesser" beings



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should be sacrificed for our benefit. When pressed to provide a rational defense for the belief in human pre-eminence, philosophers have argued that our autonomous, richly complex lives warrant our special status. Few, however, have argued that humans who are incapable of autonomy may properly be sacrificed to further the interests of normal humans.

It was inevitable that this prima facie inconsistency would be challenged. Writers like Peter Singer and Tom Regan advanced the argument from marginal cases to show that our differential treatment of impaired humans and many other animals is morally suspect.¹ If it is wrong to use a severely retarded human to test the effects of toxic gas, let alone as a main course, isn't it also wrong to use a nonhuman with equivalent or higher mental capacities? On the other hand, if autonomy or personhood is necessary for a right to life (perhaps even for moral considerability), then it would be permissible to kill humans who lack those

attributes. If such humans do after all have a right to life, then, it has been urged, we must look beyond personhood for the source of that right.² In any case, according to the challenge, our attitudes toward very mentally impaired humans and many nonhumans require readjustment.

Many have responded to this challenge by retorting that severely retarded humans are due full moral respect because they are humans, members of our own species. When asked why this fact should count morally, they often found their inability to answer no cause for concern. E. g., the Chairman of Harvard University's Department of Philosophy has acknowledged that "it is not easy to explain why membership in the human species does and should have moral weight with us," adding that "nothing much. . . should be inferred from our not presently having a theory of the moral importance of species membership that no one has spent much time trying to formulate because the issue hasn't seemed pressing."³

For those who continue to think that it is not wrong to eat and vivisection nonhumans, but indefensible to do so to even less well mentally endowed humans, the issue should be very pressing indeed. They stand accused of moral inconsistency by two very different groups. Those who have become convinced that moral considerability is not restricted to humanity are urging that we cease even the painless exploitation of nonhumans. According to quite another, very disturbing view, we should consider exploiting mentally defective humans in addition to nonhumans. E. g., R. G. Frey has recently argued that consistency requires us to choose between antivivisection and vivisection of some humans. He reluctantly chooses the latter alternative:

I am where I am, not because I begin a monster and end up choosing the monstrous, but because I cannot think of anything at all compelling that cedes human life of any quality greater value than animal life of any quality.⁴

Peter Singer has also argued that, given the appropriate circumstances, it may well be moral to use and kill nonhumans and humans who lack self-consciousness.⁵

Those who reject both the exploitation of humans and the cessation of nonhuman exploitation must explain why mere "membership in the human species does and should have moral weight with us." In short, they must defend speciesism. The need for such a defense has become increasingly evident, as several recent attempts in this direction attest. I will argue that each of them fails.

Speciesism Defined

We must begin by distinguishing two versions of Speciesism:

(1) Weak Speciesism: The according of preferential treatment to a being, A, because A is a member of species X.

(2) Strong Speciesism: The ascription of

basic moral rights, including the right to life, to a being, A, because A is member of species X.

Clearly, (2) implies (1), but not conversely. A being may be due preferential treatment on account of species membership without necessarily having a right to life. For example, it might be argued that a human nonperson should not be killed to "harvest" its tissue if a nonhuman could be used instead, but that no right to life would be violated if we do kill the human when no nonhuman would serve our purposes. Those who instead believe that vivisection or eating humans is a violation of those humans' rights, but who see nothing wrong with continuing to thus use nonhumans, need to defend what I call strong speciesism.

The most straightforward way to justify either version of speciesism would be to show that species membership can be a morally relevant characteristic, perhaps sufficiently weighty to warrant the ascription of a right to life. On the other hand, it might be possible to show that preferential treatment or the ascription of a right to life on the basis of species membership is justifiable even if species membership is not a morally relevant characteristic.

speciesism and Bigotry

However, it might be thought that the attempt to justify either version of speciesism is doomed from the start. It has been charged that preferential treatment on grounds of species is just as wrong as letting moral considerations hinge on race or sex. It would be very difficult indeed to justify bigotry!

Speciesists find the analogy to racism and sexism poorly based and offensive. E. g., Michael A. Fox argues that racial minorities and women, as autonomous beings, have their rights violated by racists and sexists. By contrast, Fox believes that nonhuman animals lack the autonomy required for basic rights. Thus, he finds the analogy between

human and animal exploitation ridiculous.⁶ "For reasons of this sort," Fox claims, "some critics of animal liberation have denied that speciesism constitutes a form of immorality comparable to racism and sexism---indeed, that is immoral at all."⁷

I agree with the critics that it would be a mistake automatically to dismiss speciesism as yet another form of bigotry. But their reasons for rejecting the analogy with racism and sexism quite miss the point. With the possible exception of whales and dolphins, there certainly is a large gap between the mental capacities of normal adult humans and other animals. But this same gap is present between the abilities of normal adult humans and very mentally impaired humans. Those who attack speciesism focus on our differential treatment of impaired humans and nonhumans with comparable or superior capacities. According to racism, sexism, and speciesism, two individuals who do not otherwise differ in morally relevant respects may be treated differentially because of their race, sex, or species. In this respect, the views are exactly analogous.⁸

Now, it is undeniably true that racism and sexism have not been shown to be justified. No one has succeeded in showing race or sex to be a morally relevant characteristic, or in showing how preference on these grounds could be justified even if race and sex are not morally relevant characteristics. It does not follow, however, that speciesism cannot be justified. Speciesists who want to escape the charge of bigotry must show that their view is different.

Attempts to Show that Speciesism Can Be a Morally Relevant Characteristic

It is generally agreed that personhood is sufficient for moral consideration and basic moral rights, including a right to life (utilitarians who are uncomfortable with rights talk prefer to speak in terms of "presumptions against killing"). Philosophers differ on the criteria for personhood: some require full autonomy and

moral agency (e. g., Michael A. Fox),⁹ some stipulate little more than self-consciousness and rudimentary agency (e. g., Joel Feinberg¹⁰ and Peter Singer¹¹). Regardless of how liberally the criteria are specified, there are conscious humans (and some nonhumans) who fail to satisfy them. For the purposes of this paper, the strict interpretation of personhood, which requires moral agency, will be adopted. On this interpretation, most (perhaps all) nonhuman animals and a good number of humans do not qualify as persons.

Recent defenders of speciesism have agreed that it is persons, primarily, who are rights-bearers. They have argued that nonpersons who are members of species that are characterized by personhood have basic moral rights as well. Belonging to a species of this kind, they believe, is a morally relevant characteristic. Let us now look at the arguments they have advanced to show this.

a. The Appeal to Fairness

Michael Wreen has written extensively on this subject of late. In his initial article, he set himself the task of establishing the following "strong speciesist" view:

A live creature's belonging to a species, not necessarily our own, which is generally characterized by personhood, is of some moral weight, and enough, in fact, to ascribe a right to life to that creature.¹²

Briefly, Wreen argues that (1) there is a "quasi-metaphysical link" between personhood and humanity; (2) the laws of nature and chance have a bearing on whether a human will become or remain a person; (3) for the most part, human nonpersons are nonpersons through no fault of their own; and (4):

Human nonpersons, 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 nonpersons as well.¹³

Wreen goes on to argue that the same would hold for a nonhuman belonging to a species characterized by personhood.

I have recently criticized this defense of speciesism.¹⁴ Wreen has replied;¹⁵ I have replied in turn;¹⁶ and he has just fired the last salvo.¹⁷ My purpose here is not to rehash our lengthy debate. I simply want to spotlight the key claim in Wreen's argument for strong speciesism: the appeal to fairness. It is instructive to see why this seemingly plausible appeal must fail.

Wreen believes that we owe human nonpersons whose condition is no fault of their own basic moral rights because it would be unfair to do otherwise. Those less fortunate than ourselves deserve compensation in the form of basic rights for their loss. I have pointed out that the fairness premise simply begs the question because it implies that human nonpersons already have a basic moral right: the right to be treated fairly.¹⁸

Wreen has responded that he did not invoke fairness as a right in his argument for the basic rights of human nonpersons, but as a principle. That principle (unstated in his original article) is:

[The Fairness Principle] All creatures in the relevant (person-related) class are to be treated fairly and equally in respect of personhood-generated-rights.

Thus, he claims that his argument is not circular.¹⁹

I replied that his fairness principle would have no bearing on his argument unless "the relevant (person-related) class" included human nonpersons (those whose conditions are no fault of their own). Since the only relation between human persons and nonpersons is their common humanity, and since the human species is characterized by

personhood, the assumption that this warrants their inclusion in the class of beings due rights is question-begging. Wreen must establish that membership in a species characterized by personhood is morally relevant and sufficient for the ascription of basic moral rights: he cannot simply assume this as a premise in his argument.²⁰

Wreen has now responded that he does not assume that human nonpersons should be included in the class to whom fairness principle applies: he believes he has established this by argument.²¹ The appeal to fairness, then, is not an assumed premise: we are to construe it as an intermediate conclusion. The argument now looks like this:

1. All creatures in the relevant (person-related) class are to be treated fairly and equally in respect of personhood-generated rights.
2. Personhood "is metaphysically caught up with humanity."
3. Whether we become or remain persons depends on empirical considerations.
4. For the most part, human nonpersons are that way through no fault of their own.

Therefore: Human nonpersons whose condition is no fault of their own should be included in the relevant (person-related) class, all members of which are to be treated fairly and equally in respect of personhood generated rights.

Therefore: (It now follows trivially that) human nonpersons whose condition is no fault of their own have basic moral rights.

This move on Wreen's part fails to salvage the argument. The premises as stated do not yield the intermediate conclusion at all. The "Fairness Principle" (premise 1) implies nothing about the sorts of beings to be included in the 'relevant (person-related) class.' The highly dubious "metaphysical" claim (premise 2) also doesn't show that all humans are---like persons---the sorts of

beings who are due basic moral rights, as Wreen admits.²² The empirical claim (premises 3 and 4) can have no normative implications. The conjunction of (1)-(4) is simply insufficient to establish the intermediate conclusion. In order to be valid, the argument must be an enthymeme. Another normative premise must be added, saying something like this: "It would be unfair to deny personhood-generated rights to those humans who would have been persons had conditions not obtained which were beyond their control." But this would be to assume that these human nonpersons are already included in the class to which the fairness principle applies: the very (intermediate) conclusion of the argument. If we leave any such premises out, the conclusion will not follow; if we leave it in, and do not support it by further argument, it simply begs the question. We must go beyond an appeal to fairness if speciesism is to be justified.

b. The Argument from Thwarted Potential

I want to suggest an argument here which does try to go beyond an appeal to fairness. It is in the spirit, if not the letter, of Wreen's defense of strong speciesism.

Suppose one holds the view that personhood, while sufficient, is not necessary for moral considerability. One might hold that potential personhood is a morally relevant characteristic which makes a being morally considerable. Very small children, for example, are not yet persons but may be held to be morally considerable because they are potential persons. Now, it can be argued, very mentally deficient humans (assuming that their condition is no fault of their own) are innocent beings who have been deprived not merely of actual personhood (which holds in some cases only), but of any potential personhood. Their potential in this regard has been thwarted. If potential personhood has moral weight, it can be argued, why shouldn't the loss of potential personhood count as well? The child will be a person; the severely retarded human would have been a person if

misfortune had not struck. This, one might hold, is the morally relevant difference between a mentally handicapped human and, e.g., a dog. If so, differential treatment of the two would be justified.

Many would reject this argument because it assigns moral weight to potentiality. Suppose the objections to this could be overcome, however (as I am inclined to believe they could be). Would we now have a good argument for speciesism?

It is certainly reasonable to say that potential personhood depends upon the characteristics of one's species. But how much moral weight should be assigned to potential personhood? We must answer this question before we can try to determine how much the loss of that potential should count. We can hold one of two views: the strict potentiality view or the gradualist potentiality view.²³ The first view assigns full moral status to potential persons. Since it implies that a fertilized ovum has all the basic moral rights possessed by a person, the strict view is often rejected as extremely implausible. However, those who retreat to the gradualist view will find that it cannot be used to support strong speciesism.

According to gradualism, potential persons are all morally considerable, but their moral significance increases as that potential is actualized. The nearer one is to being a person, the greater is one's moral significance. One does not achieve maximum significance---i. e., one does not gain basic moral rights---until actual personhood is achieved. Until then, one has at most a strong claim to life, a claim whose strength increases as one comes closer to being a person. What moral weight could thwarted potential have on such a view? Does one's degree of moral significance increase depending on how close to personhood one was when misfortune struck? Does a human damaged as a three-month-old fetus count for less than a child who became brain-damaged after birth? At what point, if any, does a victim of thwarted potential gain a right to life? Perhaps only if he or she had

achieved personhood, then tragically lost it? We could not very well hold that those who had not yet achieved personhood when their potential was thwarted have a right to life when near persons with the same characteristics who soon will be persons lack that right.

Gradualism simply does not provide the theoretical underpinning needed for the view that unfortunate human nonpersons all have a right to life. Thus, it does not support strong speciesism. It could be used to support weak speciesism because it would warrant differential treatment of human nonpersons deprived of their personhood and nonhumans who never could have been persons. But all this would mean is that we should sacrifice the nonhuman to benefit a person before sacrificing the human. It would also imply that the human nonperson who was afflicted as a three-month-old fetus should be used before one afflicted at sixteen weeks of gestation.

Considerations of this sort drive us back to the strict potentiality view. At least it accords a full right to life to any potential person. By extension, one could accord this right to any victim of thwarted potential, regardless of the point at which the deprivation occurred. Wouldn't such a view give good support to strong speciesism?

It would not. Even supposing the implausibility of the strict view could be overcome, it can at most allow the ascription of a right to life to a nonperson who once was a potential person. Those who were conceived without that potential have no such potential to thwart. One cannot be robbed of what one has never possessed. (The same implication holds for the gradualist position: those who never had potential for personhood would not even have a weak claim to life.)

Imagine three individuals. All have comparable mental abilities and all are nonpersons. One is a nonperson because his mother was injured when he was a six-month-old fetus. Another was conceived

with a genetic makeup which makes it impossible for her to become a person. The third is a nonhuman animal who is a typical member of her species. Of course, none of them has chosen to be a nonperson. Now suppose that we could save the life of a person by killing any one of these three. The strict interpretation of the thwarted potential view would require us to spare the accident victim and to sacrifice either the remaining human or the animal. Neither of the latter two has a right to life on this view, because, unlike the first human, they never were potential persons.

Why do we find this consequence so morally unacceptable? I think that reflection on this matter will lead us even further from speciesism. It seems wrong to spare the human who was victimized when a six-month-old fetus while we condemn the human who was conceived without the potential for personhood, because both are essentially innocent. Neither had any control over the circumstances resulting in their conditions. Whether the die was cast at conception or after hardly seems morally relevant. But this also holds for the animal. Her permanent nonpersonhood is just as genetically determined as the second human's. If the two humans seem to be on a moral par, shouldn't the animal share their status?

It is tempting to reply as follows: "We have been interpreting 'potential' too narrowly. The human who was conceived without the potential for personhood suffers from a genetic abnormality. There is a "species potential" in which she cannot share, through no fault of her own. By contrast, although the animal also did not choose nonpersonhood, she was dealt a full hand at conception. This is the morally relevant difference between the two. Thus, speciesism is justified. The animal should die; not the human."

Tempting though this line of argument may be, we cannot use it to support speciesism, for it assumes the very point at issue. According to speciesism, membership in a species where personhood is the norm is

morally relevant. We cannot establish this conclusion by asserting that nonpersons belonging to species where personhood is the norm are thereby more morally significant than nonpersons who are in the normal range for their species. This argument is plainly circular.

Thus, however it is interpreted, the thwarted potential argument fails to support any speciesist conclusions.

c. The Appeal to Benevolence

It will now be fairly easy to show why appeals such as M. A. Fox makes to "charity, benevolence, [and] humaneness"²⁴ also do not support speciesism. Suppose one holds that (1) prima facie, only persons are morally considerable, but that (2) nonpersons who belong to species characterized by persons also can be shown to be morally considerable. One could not argue that benevolence, etc., requires one to include these nonpersons in the class of morally considerable beings. Such an argument would be circular in the same way the appeal to fairness is: we can only be benevolent or charitable to those who already are morally considerable (as opposed to things like video cassette recorders). They must be suitable objects of moral concern in order for us to kind to them.

On the other hand, if one holds the view that (1) prima facie, only persons have a right to life, (2) sentient nonpersons are morally considerable, and (3) those sentient nonpersons who belong to species characterized by personhood should also have a right to life, one will still run into difficulties. For why should benevolence favor one group of morally considerable nonpersons (e. g., impaired humans) over another? This must be shown, not merely asserted. It cannot be shown by pointing out that human nonpersons are "less fortunate than ourselves":²⁵ this either collapses into an illicit appeal to fairness ("they don't deserve such treatment") or thwarted potential ("unlike us, they were robbed of

their potential personhood"). We must move beyond benevolence if we are to show that species membership can make a moral difference.

d. Appeals to Kinship and Closeness

Fox puts the next move this way:

Just as our untutored moral sense tells us that we have very strong obligations to members of our immediate families, so it seems that preferential treatment should, under certain circumstances, accordingly be granted to members of the human family.²⁶

Mary Midgely makes the same suggestion, claiming that no case has been made for the moral irrelevance of kinship, "nor denying that closeness imposes special duties."²⁷ If our kinship to one of two otherwise relevantly similar beings does indeed

constitute a morally relevant difference between the two, the argument goes, we are justified rather than bigoted when we prefer one over the other.

A kernel of truth is buried in this argument, but careful examination will show that this attempt to justify speciesism collapses. At the core of the argument is an analogy between our obligations to our "kin" and our obligations to mentally impaired humans. But how are we to interpret kinship here?

The kind of kinship most relevant to speciesism is genetic relatedness. But is it true to say that we have obligations to certain beings because they are genetically related to us? That such beings should be preferred to others? If we believed this, we would think it right to prefer the "natural" parent or child to the adoptive parent or child, or to prefer the sibling to the spouse. Surely this is nonsense. (Of course, there are people who believe this, just as there are people who think that members of their own race should come first, but it is difficult in the extreme to imagine how such beliefs could be morally justified.) There is no room in this model for the strong obligations we believe we have to our closest friends

and, especially, to our mates. We may feel "akin" to them, but they are usually not particularly close to us in genetic terms.

Thus, kinship must be interpreted less narrowly if there is any plausibility to the claim that it imposes special obligations. Abandoning the genetic interpretation already weakens the analogy to speciesism. The analogy is even more seriously undermined by a closer look at the special obligations we believe we have to those close to us.

Although it has been charged that preferential treatment of spouses, children ("natural" or adopted), and friends is pure prejudice, a good case can be made for special obligations in these matters. Rawls' distinction between acquired and unacquired or "natural" duties will serve us here.²⁸ Our duties to respect the basic rights of others are unacquired, but other duties are acquired as a result of our voluntary actions or the voluntary actions of others. Tom Regan has plausibly argued that our close relationships impose acquired obligations.²⁹ This does not imply, however, that we should prefer our loved ones in all circumstances to others or that we are entitled to violate the basic rights of others for our loved ones' sakes. E. g., you would not be obligated to use your limited funds to shelter and educate your child rather than the neighbor's, but you would be entitled to steal from your neighbor to give your child a better education. Now suppose that the neighbor's child and your own are both drowning, that you are the only one in a position to help, and that you know you will only be able to save one of them. Since you owe your child special protection, you should save her rather than the unfortunate other child. You would not be entitled to kill the other child (e. g., by dumping him out of lifeboat) to save yours, however. Now let us see what these considerations do to the kinship argument.

First of all, those who believe that prima facie only persons are morally considerable, but that nonpersons belonging to personhood-

characterized species can be shown to be morally considerable as well, cannot use the kinship analogy to make their case. Closeness warrants preferential treatment of one being with respect to another because we have acquired duties to one and not the other. This implies that the being to whom we are close is already morally considerable; otherwise, we could have no duties to that being. Closeness can be used to justify the favoring of one morally considerable being over another, without violating the other's basic rights, but it cannot be used to accord moral considerability to any being.

Speciesists who believe that moral considerability is not restricted to persons would seem to be in a better position to make use of the kinship analogy, but this is not the case. Typically, these speciesists hold that prima facie only persons have a right to life, but that sentient nonpersons are morally considerable, and can be shown to have a right to life if they belong to species in which personhood is the norm. But unless we have entered into close relationships with humans who are or have become nonpersons, our duties to them are unacquired. Any such duties (e. g., the duty not to torture them) would have to be commensurate with their degree of moral significance and could not already include a right to life (by hypothesis). By the same token, we would have these unacquired duties to morally considerable nonhuman nonpersons. On the other hand, if one did have acquired duties to human nonpersons, it is extremely doubtful that these could include a right to life. We construe our obligation to respect others' rights to life as a "natural" or unacquired duty. Thus, the acquired obligations stemming from close relationships cannot be used to show why nonpersons who belong to personhood-characterized species such as humanity must have a right to life.

Speciesists who remain intrigued by the kinship analogy cannot now fall back on our greater biological kinship to human nonpersons to try to justify preferential treatment of them. That move has already

been discredited. On the other hand, the following reply is open to them: "We may have no close relationship to any human nonpersons, but we are still emotionally bound to them. While we do not object to using certain animals for food and research purposes, we cannot stomach the notion of doing the same to defective humans. Even if they have no right to life---even if, technically, they are not even morally

considerable---our feelings will not permit us to treat them in these ways. This is what makes, and should make, the difference." Fox suggests this reply himself when he claims that "natural emotional responses" should have weight in our moral judgments about humans who are nonpersons.³⁰

Those who would argue this way are no longer arguing that species membership can warrant moral considerability or a right to life. That is just as well: all such attempts have so far failed. The emphasis is now placed on the emotional attachment one feels to certain beings rather than on the morally relevant characteristics these beings might have. Instead of arguing "we prefer individual x to individual y because it is right to do so," one is claiming "our preferring x to y makes it right to do so." Let us now consider this very different kind of attempt to justify speciesism.

Attempts to Show speciesism is Justified
Even if Species is not a Morally Relevant
Characteristic

a. The Appeal to Emotions

This is the argument just stated above. As it stands, it will not do at all. The lives and well-being of nonpersons, human and nonhuman, are said to be contingent on the emotional ties one may not have to these beings. The most obvious kinds of prejudice are sanctioned by such a view. E. g., many people who happily consume pork chops would rather starve than eat a beagle; some who are horrified by the agony of rabbits used for cosmetics testing would be unconcerned if the rodents involved were rats; and many who would never wear a coat

fashioned from skinned Persian cats wear snakeskin shoes or belts (the snakes are skinned alive and generally take several days to die). Far more disturbing to the speciesist is the fact that many people have much stronger emotional ties to their pets than to mentally impaired humans. Fox indignantly reports the true story of a man in a small lifeboat who refused to throw his dog overboard to make room for two drowning men.³¹ If those two men had been nonpersons (and thus lacking in basic rights according to Fox's "autonomy" view), the argument from emotional attachment would tell us that the man in the lifeboat acted correctly.

Similar problems arise when the appeal to emotion is generalized. Most persons, it is often argued, would be so upset by the practice of treating human nonpersons as harvestable "natural resources" that the resultant "side-effects" of the practice would constitute a net loss in utility. This appeal to aggregate emotions also fails, as I have argued elsewhere.³² Emotions, including those based on prudence, simply cannot be relied upon to provide the results speciesists desire.

b. Appeals to Rational Preferences

One way for a speciesist to try to avoid such problems is to appeal to rational preferences. One could argue that well-informed, clearly thinking persons would not sanction the "harvesting" of nonpersons belonging to their own species, but would have no aversion to the "humane" use of others allegedly lacking in basic moral rights. This is exactly what Thomas Young has recently argued.³³ He thinks that we have a tendency (probably innate) to prefer members of our species, even if they lack moral considerability.³⁴ He argues that such preference is rational, according to a very plausible theory of rational preference advanced by Richard B. Brandt.³⁵

According to Brandt, irrational preferences are preferences, had by an individual, which

would be extinguished by that individual's repeated, vivid reflection on relevant information, including logic. Any preference which would not be extinguished by such a procedure is rational, according to Brandt.³⁶ Young believes that no amount of logic and informed, vivid reflection will alter one's preference for members of one's own species. Thus, on the Young-Brandt view, "rational" persons are speciesists.

Young uses this line of argument to support an "ideal" version of the side-effects argument for speciesism: if only rational preferences are counted, the side-effects of harvesting human nonpersons would create massive disutility compared to the humane disposal of animal nonpersons.³⁷ However, others who prefer not to argue along utilitarian lines can also appeal to rational preferences. Even Mary Midgely, who claims that rationality has been emphasized at the expense of emotions in moral theorizing, could adopt the Brandt view. She claims that preferences for one's own species is due "considerable respect" because it is a "natural, emotional preference."³⁸ Although she characterizes this preference as emotional "rather than" rational,³⁹ it would be rational in Brandt's sense if reflection would not extinguish it. What better justification could speciesism have than a demonstration of its rationality?

Despite its potentially broad appeal, however, this attempt to justify speciesism fails. That is because, on Brandt's view, it is impossible to distinguish rationality from extreme bigotry. Brandt himself points out that his view has a "surprising" implication: preference and aversions which are so firmly engrained that they would be extinguished by no amount of vivid, informed, logical reflection on the part of the individual who has them are classified as "rational."⁴⁰ Unfortunately, as we know, die-hard bigots are notoriously undisturbed by facts and logic. They are unmoved by considerations that change other minds. We

have always considered views which are immune to rational persuasion irrational, but

on Brandt's view the opposite is the case.

Thus, the "rational preference" line of argument would "justify" deep-seated racial, sexual, or cultural prejudice. The human tendency to prefer those most similar to oneself often takes such forms. Midgely notes that this is the case, but dismisses it as mere "pseudo-speciation;" i. e., as the confusion of race, culture, etc., with species.⁴¹ This reply could not be used to distinguish speciesism from the above forms of bigotry, however, since it would clearly beg the question. The very term 'pseudo-speciation' in this context implies that preferences along species lines are legitimate while the others are not.

Yet another sort of deep-seated prejudice would be sanctioned by the "rational preference" defense. It may be true that humans, like other animals, tend to favor members of their own species. Unfortunately, there is evidence that normal members of species are often favored while the abnormal are shunned, despised, and attacked. The very fact of species resemblance seems to fuel the aversion some who are normal feel for the abnormal. Unfortunately, many humans have such attitudes. Recently, a newspaper advice columnist printed several letters from readers who protested that handicapped people should not be seen in public. One found the sight so offensive that she claimed it violated her rights: "I believe my rights should be respected as much as the rights of the person in the wheelchair. . . maybe even more so, because I am normal and she is not."⁴² Die-hard "normalists" want no part of those who live "worthless lives," even when their own family members are involved. E. g., some abandon their handicapped children or refuse them life-saving surgery even when the children could have contented lives. When asked if this is

how they would wish to be treated if they became mentally impaired, "normalists" say they hope someone will have the sense to lock them away or shoot them. Vivid reflection about the abnormal seems to increase, rather than extinguish, their

horror and disgust. As the advice columnist wrote, "please forgive me if I do not answer these folks. They are too far gone for me to reach." It is ironic indeed that their very unreachability should be interpreted as rationality on the Brandt view.

To say the least, the existence of such attitudes casts grave doubt on Young's assertion that rational persons (in Brandt's sense) would always be horrified by the exploitation of human nonpersons for the benefit of others. Not only have experiments on the retarded and senile taken place in the past;⁴³ they are occurring now in eminently "civilized" nations. A 1986 study conducted by the University of Maryland School of Medicine revealed that one-third of the family members who believed that their hospitalized mentally incompetent elderly relatives would not have wanted to participate in an experiment on the adverse effects of urinary catheters nevertheless gave their permission. They reasoned that others would "possibly benefit" from the experiment.

In short, it appears that the "rational preference" defense of speciesism has backfired in an exceptionally horrible way.

I can conceive of only one response to my charge that this last defense "justifies" deep-seated bigotry. Some people (quite a few, one hopes) are able to overcome racist, sexist, ethnocentric and "normalist" attitudes. Perhaps preferences and aversions that some, if not all, persons can overcome by vivid, informed, logical reflection should be deemed "irrational." The speciesist could claim that this modification of Brandt's "individualistic" theory of rational preference defeats the bigotry charge.

Indeed it would---but at the cost of defeating speciesism itself. Some of us, if not all of us, have altered our belief that any member of our species should be favored over any sentient member of another species. Thunderstruck by the argument from marginal cases, we have racked our brains to find a morally relevant difference

between nonpersons of our own and of other species. Finding none---as the earlier part of this paper indicates---we have rejected speciesism. The burden is on speciesists to show this rejection to be confused, illogical, or misinformed. So far they have failed. It is speciesism---not its denial---which appears to be irrational.

Those who believe that human nonpersons are morally considerable and have a right to life should look for support to other positive arguments about the sorts of beings who can have moral status.⁴⁵ I predict that they will find these far more promising than the attempt to defend speciesism.

FOOTNOTES

¹ See Peter Singer's classic, "All Animals are Equal," reprinted in Animal Rights and Human Obligations, T. Regan and P. Singer, eds. (Englewood Cliffs: Prentice Hall, 1976), pp. 148-162. Cf. Tom Regan's "An Examination and Defense of One Argument Concerning Animal Rights," Inquiry 22 (1-2), Summer, 1979, pp. 189-219.

² For an extensive look at the challenge the argument from marginal cases poses to the personhood view, see my "The Personhood View and the Argument from Marginal Cases," forthcoming in Philosophica.

³ Robert Nozick, "About Mammals and People," [a review of Tom Regan's The Case for Animal Rights (Berkeley: U. of California Press, 1983)], The New York Times Book Review, November 27, 1983, pp. 11, 29-30.

⁴ R. G. Frey, Rights, Killing, and Suffering (Oxford: Basil Blackwell, 1983), p. 116

⁵ Peter Singer, "Killing Humans and Killing Animals," Inquiry 22 (1-2), Summer, 1979, p. 153. Also see his "Animals and the Value of Life," pp. 366-371, in Tom Regan, ed., Matters of Life and Death, Second Edition (New York: Random House, 1986).

⁶ Michael A. Fox, The Case for Animal Experimentation (Berkeley: U. of California Press, 1986), pp. 58-59

⁷ ibid., p. 219, note 13.

⁸ Two individuals could be quite different without differing in morally relevant respects, of course. Mary Midgely, in Animals and Why They Matter (Athens: U. of Georgia Press, 1983), pp.98-9, has attacked the analogy between speciesism and racism because species, but not race, results in important differences among individuals. This is true, but not to the point. The fact that some individuals like to have their ears scratched, or prefer to spend time in trees, or react to smiles with aggression, while others do not, indicates that their needs must be satisfied in different ways. It is difficult to see how such differences could be morally relevant. Midgely gives a second criticism of the analogy between racism and speciesism in her very interesting book. She suggests that racism is an inherently confused concept; therefore, to the extent to which speciesism is related to racism, it is said to be confused as well. Midgely's main reason for asserting this is her belief that justified reverse discrimination often comes out as racist, although we assume that racism must be unjustified (p. 100). This doesn't seem quite correct. Such reverse discrimination, when justified, is not an instance of racism at all. Individuals, who may belong to a racial minority, are given preferential treatment because they are victims of past and present injustices, whereas their competitors are the (perhaps innocent) beneficiaries of those same injustices. This is the morally relevant difference between the individuals involved, not their race. E. g., it would be absurd for a U. S. firm to give Idi Amin job preference over a poor white from a New York slum on grounds of reverse discrimination. Reverse discrimination properly applies to any victim of oppression, and is not restricted to racial groups at all. Midgely argues that racists too claim they are motivated by historical considerations (p. 100). Regardless of what racists may

say, however, it is quite plain that in fact they regard race as the determining characteristic. (For more reflections on reverse discrimination, see my "Preferential Hiring and Unjust Sacrifice," The Philosophical Forum, XII, 3 (1981), p. 279-89.)

⁹ Fox, op. cit., pp. 45-46, 51-56.

¹⁰ Joel Feinberg, "Abortion," in Matters of Life and Death, op. cit., p. 262.

¹¹ Peter Singer, "Killing Humans and Killing Animals," op. cit., p. 151.

¹² Michael Wreen, "In Defense of Speciesism," Ethics and Animals V(3), 1984, pp. 47-60.

¹³ Ibid. p. 52

¹⁴ "Speciesism Not Justified," Ethics and Animals V (4), 1984, pp. 122-29.

¹⁵ M. Wreen, "My Kind of Person," Between the Species 2 (1), 1986, pp. 23-28.

¹⁶ "Speciesism Revisited," Between the Species 2 (4), 1986, pp. 184-9.

¹⁷ M. Wreen, "If At All Humanly Possible," ibid., pp. 189-94.

¹⁸ "Speciesism Not Justified," p. 126.

¹⁹ "My Kind of Person," p. 27.

²⁰ "Speciesism Revisited," p. 187.

²¹ "If At All Humanly Possible," p. 193.

²² "In Defense," p. 50. Even if this were not so, premise (2) is unwarranted. Wreen supports premise (2) by arguing that it is related to the following allegedly plausible criteriological claim: "It is necessarily true that the statement 'X is a live human being' is good evidence for the statement 'X is a

human person.' " ("In Defense," p. 50.) However, as I have pointed out (and Wreen has agreed), all that is needed to defeat such a criteriological claim is to conceive of circumstances in which it would be false to say that 'X is a live human being' is good evidence for 'X is a human person.' It is exceedingly easy to conceive of such circumstances: e. g., a new brain disease could render all or most humans nonpersons. Oddly, Wreen claims that the fact that we can conceive of worlds in which all or most humans are nonpersons "doesn't show that being a live human being is not good evidence for being a human person in these worlds" ("If At All Humanly Possible," p. 191). He claims that there would still be good evidence, although the evidence would be insufficient or inconclusive (p. 191). On the contrary, the brain-disease example shows that 'X is a live human being' would not be good evidence (no one said anything about sufficient evidence) for 'X is a human person' in such a world. Thus, premise (2) is unsupported.

²³ See Feinberg's characterizations of these views in "Abortion," op. cit., pp. 266-7. He believes that both views are infected by "a fatal logical error." I disagree. See my "Moral Agents and Moral Patients," read at the Pacific Division Meeting of the American Philosophical Association in San Francisco in March, 1987, and forthcoming in Between the Species, note 13.

²⁴ M. A. Fox, op. cit., p. 63. Ironically, Fox is in no position to argue in this way. First, it contradicts his repeated claim that only persons (moral agents) can have basic moral rights (e. g., p. 51, 52, and 54). According to strong speciesism, nonpersons can be said to have such rights if they belong to the appropriate species. Second, one must be morally-considerable---"an end in oneself"--to have basic rights, but Fox believes that those who cannot qualitatively assess their lives can be instrumentally valuable only (p. 48, p. 88). He makes these claims about animals, but they apply to human nonpersons as well. Thus, his theoretical views are

incompatible with the strong speciesist view he tries to support.

25 ibid., p. 60.

26 ibid., p. 60-1.

27 Midgley, op. cit., p. 22. Unlike Fox, however, she denies that this would require us to adopt a "human first" position.

28 John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1971), pp. 114-15.

29 Tom Regan, The Case for Animal Rights, op. cit., p. 316.

30 Fox, op. cit., p. 60. He certainly does not rest his case for speciesism on this one argument, but it is now the only argument he offers which has not yet been refuted.

31 ibid., p. 15

32 See my "Must An Opponent of Animal Rights Also be An Opponent of Human Rights?," Inquiry XXIV (2), 1981, pp. 229-41, especially, pp. 233-36; and my "The Personhood View and the Argument from Marginal Cases," forthcoming in Philosophica.

33 Thomas Young, "The Morality of Killing Animals: Four Arguments," Ethics and Animals V (4), 1984, pp. 88-101. Young denies that he is supporting speciesism. This is because he thinks 'speciesism' is unjustified by definition (he defines it as 'ignoring the interests of members of other species for no reason other than that they are members of other species' [p. 89]). In fact, his position (if correct) would support both strong and weak speciesism as I have earlier defined them.

34 ibid., p. 98. Although Young writes that human nonpersons have "moral standing," he does not mean by this that they possess qualities which impose direct duties on the

rest of us. He believes that anyone or any thing that persons care about sufficiently has "moral standing" and an "other-based" right to life (ibid., p. 95). On this view, as Young would agree, a video cassette recorder would have "moral standing" and an "other-based" right to continued smooth functioning. Clearly, this is not 'moral standing' as we normally interpret it.

35 R. B. Brandt, A Theory of the Good and the Right (Oxford: Clarendon Press, 1979).

36 ibid., p. 113.

37 Young, op. cit., p. 98.

38 Midgley, op. cit., p. 124.

39 ibid., p. 104.

40 Brandt, op. cit., p. 41.

41 Midgley, op. cit., p. 109.

42 Column by Ann Landers, September 22, 1986, The Uniontown (Pa.) Herald-Standard, p. 8.

43 See Bradford Gray, Human Subjects in Medical Experimentation (Robert E. Krieger Publishing, 1981).

44 "Consent to Research on the Aged Questioned," The New York Times, October 30, 1986, p. A-20.

45 See, e. g., Tom Regan, The Case for Animal Rights, op. cit. Cf. Bernard Rollin, Animal Rights and Human Morality (Buffalo: Prometheus Press, 1981). I have suggested another positive argument in my "Moral Agents and Moral Patients," op. cit.



Jim Harter, Animals: 1419
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