

ARTICLES

In Defense of Speciesism

I

The concept of a right to life has received a great deal of attention recently, chiefly because it figures so prominently in many arguments concerning a wide variety of moral issues. Arguments concerning the morality of abortion, capital punishment, infanticide, famine relief, and animal consumption and experimentation, for instance, frequently invoke this concept, so clarity about it is of fundamental philosophical and practical importance.

For philosophers, one of the primary tasks is to determine the legitimate grounds for its ascription. Moral persons¹, that is, beings who by definition have rights (and perhaps duties), definitely have this right, since it is a basic one. So if necessarily all and only commonsense persons²—that is, persons defined purely descriptively and, presumably, solely in terms of mental capacities—are moral persons³, and if (necessarily?) all and only moral persons have a right to life, then (necessarily?) all and only commonsense persons have a right to life. Since commonsense persons are defined non-morally and non-biologically, it follows that it is possible that some nonhumans have a right to life, and possible that some humans lack this right. But the latter, it would seem, is not just a possibility but an actuality: even if the requisite mental capacities are quite elementary, a human being who is a fetus or a young infant, or who is seriously retarded, extremely and permanently insane, very senile, permanently cognitively impaired⁴, in a deep and irreversible coma, or irreparably and acutely brain damaged is not a

commonsense person, and so would not have a right to life. Similarly, many if not all nonhuman animals are not commonsense persons, so they, too, do not possess a right to life. To be sure, this does not mean that taking the life of such a creature, whether human or nonhuman, is morally permissible, for there may well be other, and weighty, reasons why such killing should be prohibited. But it does mean that to kill such a creature is not to violate a right to life that that creature possesses. Grounds for ruling out such killing, if they exist at all, would have to be found elsewhere.

Exactly how many humans and how many animals, if any, have a right to life will depend, on this view, on how high the standards for commonsense personhood are set. Joel Feinberg's standards, which are moderate,⁵ exclude all fetuses and, apparently, all young infants;⁶ Peter Singer's standards, which, it would seem, are quite low, include a fair portion of the animal kingdom.⁷ Regardless of what the standards should be, however, merely being a live member of our own species, *Homo sapiens*, constitutes no valid ground for the ascription of a right to life. To think that it does would be to be guilty of speciesism.

Speciesism, according to Singer, is "prefer[ring] . . . members of our own species, simply because they are members of our species."⁸ Such preference is, I shall assume, moral preference, and includes the ascription of a right to life.⁹ I take the following, then, to be, on Singer's view, a sufficient condition for a person, A, to be a speciesist: A

ascribes a right to life to *X*, a live member of his/her own species who fails to qualify for commonsense personhood, but *A* refuses to ascribe a right to life to *Y*, a live member of another species who fails to qualify for commonsense personhood but is otherwise similar to *X*.

Although Joel Feinberg does not mention speciesism *per se*, he appears to think that some form of speciesism lurks behind what he calls the Modified Species Criterion. The Modified Species Criterion is the view that "All and only [live] members of species characterized by *C* [where *C* is the set of characteristics individually necessary and jointly sufficient for commonsense personhood], whether the species is *Homo sapiens* or another, and whether or not the individual in question happens to possess *C*, are moral persons entitled to full and equal protection by the moral rule against homicide,"¹⁰ i.e., have a right to life (as the context makes evident). Like Singer, Feinberg rejects speciesism, at least as far as the above principle is concerned:

Why is a permanently unconscious but living body of a human or an extragalactic person . . . a moral person when it lacks as an individual the characteristics that determine moral personhood?¹¹

Apparently the question here is rhetorical: Feinberg thinks there is no reason; or, in other words, that possession of the property of being a live member of a species generally characterized by moral personhood is not a sufficient condition for the ascription of a right to life. A view to the effect that possession of such a property is sufficient is slightly different from, but importantly similar to, the variety of speciesism identified above. For both make membership in a certain species of some moral

weight. In the case of the doctrine Singer is concerned with, what this amounts to is:

(SS) (Singer's version of Speciesism) A live creature's belonging to *our own* species (which, for readers of this paper, is *Homo sapiens*) is of some moral weight, and enough, in fact, for us to ascribe a right to life to that creature.

And the view Feinberg has focused on is:

(FS) (Feinberg's version of Speciesism) A live creature's belong 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.

Feinberg and Singer are not alone in thinking (SS) and (FS) false—many philosophers think the same.¹² However, in what follows I shall argue for (SS), argue for (FS), raise and reply to a number of objections, and then briefly note some important consequences of my view and some important caveats that should be issued with it.

II

Two things need to be said before I present my argument for (SS). First, my argument, like every other argument, relies on a number of assumptions. Some of these assumptions will be explicitly indicated below and as the argument proceeds. Second, in order to facilitate understanding, three crucial cases covered by (SS) will be briefly described. My hope is that the cases, besides being illustrative of the scope of (SS), will add some flesh to the bare bones of argument—and will inject a healthy

dose of reality into what might otherwise seem a rather high-level, abstract, and "distant" set of considerations.

Two assumptions, then: (1) the "our own" and "us" of (SS) will be temporarily assumed to refer to *Homo sapiens*. This assumption I will later discharge. (2) All persons will be assumed to be members of *some* biological species. This assumption I will not discharge, though I believe it could be.

With these assumptions in mind, let me present three cases.

Case One. Suppose a close friend offers you a ride home from work one day, but because you have a great deal of work to do, you decline his offer. On the way home his car has an unexpected mechanical failure resulting in a bad accident. Your friend is severely brain damaged, and is no longer a commonsense person on even the most liberal criteria of commonsense personhood. He is conscious, but you find it hard to meet his eyes during your hospital visits.

Case Two. Imagine that you are an eighteen-year-old woman who has always thought of herself as an only child. Today your mother thinks you are at last ready for the truth. She tells you that you have a twin brother who is still alive, a twin brother that is severely Mongoloid. During the next week you visit him at the institution where he is kept. You don't know exactly what your feelings and thoughts are—he seems so far from you yet so near, too.

Case Three. It has taken years, let us suppose, but you are now a licensed psychiatrist, with a first job at a state mental institution. The third day on the job you meet Walter Weber, a patient who, behaviorally and mentally, is indistinguishable from

a dog. But there is something vaguely familiar about him, though you can't quite place it at first. Then you remember. Twenty years ago, when you were a child, Walter Weber lived down the street from you. He was not a close friend of yours, and you didn't know him very well, but there was no indication that he would ever end up as a hopeless case in a state institution. On the way home from work that day you reflect on yourself and the many 'are's and 'could have been's that separate you from your patients.

My argument for (SS) is based partly on some metaphysical or quasi-metaphysical propositions, partly on some contingent but very pervasive, well established, and important facts about what I'll call the empirical preconditions of human personhood, and partly on what seem to me to be acceptable moral principles. First, metaphysics.

Every person you and I know is a human being. (Or at least every person who is indisputably such is a human being. Purported cases of acquaintance with nonhuman persons, such as animal persons [chimpanzees, porpoises, dolphins, and so on] and spiritual persons [deities, the Deity, dead relatives, or the like], are interesting and important, and deserving of detailed critical attention. However, the proper place for such attention is elsewhere; a critical investigation of such phenomena is not possible here.) And even if it is not a necessary truth that human persons are one and the same entities as human bodies—a position that has had a number of eminent defenders—personal identity seems to be closely tied to bodily identity, with the latter seeming to be either a necessary condition for the former¹³ or criteriologically related to the former. Bodily identity and person identity are "criteriologically related," to use the

expression in Shoemaker's sense,¹⁴ only if it is a necessary truth that bodily identity is evidence for personal identity. Such a criterion, however, really expresses a condition for re-identifying, rather than for identifying, persons, and it is the identification of persons which is of paramount importance in the moral context as far as the ascription of basic rights is concerned. Still, the principle is not without interest or importance, for one of its near relatives,

(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.'

does concern the identification of persons, and so is relevant in the present context. If, then, (IP) or any of the above mentioned views concerning the relation of persons and human beings is correct, or if some (perhaps weaker) variant on one or more of them is correct, then something of moral importance has, I think, been established. For it would seem, first, that there is at least a quasi-metaphysical linkage between the concepts of a person and a human being, and second, that our ability to *identify with* human non-persons in a way that we seem not able to identify with sentient and intelligent nonhuman non-persons thus has a solid metaphysical basis. And it would therefore also seem, though this must be taken with caution, that there is an intimate connection between basic rights, such as a right to life, and humanity, here taken biologically. This, of course, is not to establish that there is a linkage enough to support the flow, so to speak, of basic rights into human beings *per se*; but it is to say that the metaphysical gridwork which supports the flow to persons has a structure which, in some sense, includes human beings.

I can well imagine the following objection being raised at this point, however.

"Even conceding this highly metaphorical business about a metaphysical gridwork, why should basic rights be attributed to human non-persons? That's what (SS) requires, but it is the property of being a person, and that alone, which generates basic rights. So even if the concept of a person is 'caught up with' that of a human being, that is not to the point at all. Personhood, not humanhood, is the basis, and the sole basis, for the ascription of basic rights."

This objection seems strong, but I don't find it unsettling. In brief, I think that it would hold (1) only if our concept of personhood were much different than it is, only in a world very different from the one we have (for in our world our initial and perhaps only purchase on the concept of personhood is by way of the human form—a point which is a leitmotif in the philosophy of the later Wittgenstein, and is sketched, to some small extent, above), and (2) only in a world much *better* than the one we have, only in a world in which the contingent facts surrounding human personhood needn't be taken into account. Let me explain this second point, especially.

A human being can function as a person only if he has adequate food, water, shelter, air, an intact and properly functioning brain, and the time, ability, and opportunity to acquire knowledge and develop his intellectual capacities and moral sensibilities. These conditions, among others, are what I shall call the empirical preconditions for human personhood (EPHP). If they weren't satisfied, human persons, as we know

them, would not exist. In circumstances vastly different from those we encounter in this world, the limitations on human personal existence represented by (EHP) would not have to be taken into consideration by persons. But in our world, they are at least as obvious, pervasive, and important features of our existence as the sun, and, barring any radical changes in our ability to transform ourselves and our environment, they are here to stay. Because they are located at the center stage of our existence, they seem to me to be just the sort of thing which any adequate, realistic morality needs to take into account.

There is one other empirical fact which circumscribes the existence of human persons which should also be noted in this context. This fact is, unfortunately, hard to identify with anything like precision. An existentialist label for it might be Radical Contingency, but a somewhat less dramatic title is Natural Contingency. We are, everyone one of us reading this paper, Fortune's Favored, at least to a very great extent. We are all persons—that's assured—and we are all lucky enough to be living in relatively prosperous and safe times and to have the intelligence, knowledge, and leisure to read and understand articles in learned journals. But the first point is the important one as far as basic rights are concerned. We are all persons. Not so our brain-damaged friend, or our Mongoloid twin brother, or our former neighbor who is mentally though not physically a dog. What separates us from them is what I have called the empirical pre-conditions for human personhood—that and Natural Contingency, the fact that 'the breaks' don't favor every single human being, that to a large extent each of us simply finds himself in a particular position in the world, that chance, contingency, luck, the laws of nature concerning the

development of persons all play a large role in determining whether (EHP) are satisfied in any particular case. If they are satisfied, the beneficiaries can take no credit for having seen to it that they were; that wasn't their doing. And if they are not satisfied, the victims deserve no blame; that also was not their doing. The latter, the victims, are Fortune's Fools, or, in the case of the infant and the fetus, Fortune's Not Yet Favored (if they are lucky).

My answer to the objection, then, is that basic rights may well depend on personhood *simpliciter* in a world in which the notion of a person were easily separable from that of a human being, and in which personhood wasn't bound by biological, social, physical, and psychological factors, or by the vulnerabilities to which human flesh and mind are subject, or by the real threats to existence which we all face, threats posed by conditions over which we have little or no control—in short, by the laws of nature and the particular facts about particular human beings and their circumstances which, in a very real sense, we are simply saddled with. In a world of that sort, one in which such things didn't have to be taken into consideration, basic rights would be derivable from personhood and from nothing more. In our world, however, such basic (quasi-)metaphysical and ineliminable empirical factors are so familiar and so woven into the very texture of our lives that, perhaps paradoxically, we moral theorists may need to divert our attention from the abstractions which we have been so successful at teaching ourselves to notice—personhood, autonomy, interests, the value of life, etc.—and to make a special effort in order to see that they, the patent "boundary" factors, conceptual and empirical, are there at all. If the notion of basic rights is to be usefully employed in the world we have, it seems to me that just the sort of

factors noted above have to be taken into account.

But to say this is not enough. The skeptic may return at this point to object that the argument goes no distance toward showing *what sort of beings* should be ascribed basic rights, but only that *whatever beings are ascribed basic rights*, the facts mentioned above have to be taken into consideration. Basic rights, the argument would continue, are, whatever their content, special, non-world-bound possessions, possessions which if had by someone, are had by him in every possible world. But the content of such rights may well be world-dependent, as personal life, for instance, may take vastly different forms, i.e., have vastly different (quasi-)metaphysical criteria and be subject to vastly different empirical preconditions and natural contingencies, in different worlds. Moreover, to take quasi-metaphysical connections, (EHP), and Natural Contingency into account in ascribing basic rights is to open the door to the possibility of frogs, fish, and fleas as rights possessors—certainly an untoward consequence. From this it can be seen that existence precedes essence, as far as basic rights are concerned: determining *who* possesses basic rights is and must be logically prior to determining what the content of such rights are.

To respond to this charge, I would like to present the main outline of my entire argument in brief form. An explanation of its last major premise will, I hope, constitute an adequate reply.

(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 of the sort described above.

(2) The existence of human persons is constrained by laws of nature and by particular empirical facts of existence, e.g., that there is not enough protein in a given child's diet for his brain to develop properly. 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 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.

If this argument is successful—and its last premise (that concerning equality and fairness in (4)), has not yet been explained or defended—it shows that all human beings have a right to life, and it does so, in part, by applying a principle of equality to

human non-persons. How exactly is the principle applied, and why wouldn't the argument, if successful, also show that, say, dogs who have the mental capacity of infants also have a right to life?

Part of the answer here lies in the 'logic' of the principle of equality: it applies, in any given case, only to a restricted class of things. What the principle of equality is applied in respect to, e.g., the right to have a decent education, determines the relevant class covered by the principle; e.g., a snail has no right to a decent education and need not be accorded the same opportunity to have a decent education as normal human offspring. It is, it seems to me, the history and possibility of (natural) kind instances which determines the scope of the principle when basic rights are in question. And it also seems to me that, in regard to basic rights, human non-persons are in the same class as human persons. They and not dogs are in the same class that we are because they are in the same existential boat: besides the conceptual linkage repeatedly emphasized above, there are the important facts that we identify with them, realize that we could be (or once were) them, and they could be (and perhaps someday will be) us; that they are subject to the same unforeseeable (or at least unpreventable) unfortunate vicissitudes of fortune, in respect to personhood, that we are; that given the opportunity (a fair chance), they will (normally) develop into persons, just as we did, or they would remain persons, if foul fortune didn't intervene, just as we in fact do. Basically, these are the points noted in (1)-(3). All apply *only* to human beings, at least so far as we currently know.

If, then, all human beings are our fellow travellers (even if it is also true, as Cora Diamond says, that nonhuman animals are our fellow

creatures¹⁶), then all have a right to life. For those (live) human beings who are not persons are not persons just because—and it is this 'just because' among other things, that distinguishes *Homo sapiens* from other species—they were denied the opportunity to become or to remain persons. Their not being persons is no fault of their own but the result of having 47 chromosomes (the Mongoloid twin brother), or of being involved in a car accident (the brain-damaged friend), or of having organic or environmentally-induced schizophrenia (Walter Weber), or of any number of causes. To speak anthropomorphically for a moment, given this inequity, given that the laws of nature and Natural Contingency deprive some humans of personhood, basic morality, perhaps natural law, ensures at least the minimum of fairness here, and redresses the moral balance, makes up for nature's inhumanity to humanity, by according basic rights. (While nature may display inhumanity to caninity, even caninity as a whole, such inhumanity is not—in fact is never—vis-a-vis personhood [the central though, if I am correct, not the only ground for the ascription of basic rights]. Both our concepts and our empirical theories and laws attest to such a fact.) The reach of basic rights, then, exceeds the grasp of personhood, and that because we live in the world, and the decidedly imperfect world, that we do. I hope that is sufficient to show why Natural Contingency and (EHP) not only help determine the content of basic rights but also who should be accorded them.

I would now like to discharge my assumption that the "our own" and "us" of (SS) refer to human beings. If the above argument is acceptable, and if, as I have assumed, all persons belong to some biological species, then the same argument would seem to apply, *mutatis mutandis*, to whatever

species were picked out by "our own" and "us." H. G. Wells's Martians, for example, were persons who were not *Homo sapiens*, but, as the novel makes abundantly clear, they, too, were subject to a range of biological vulnerabilities and natural contingencies quite similar to the ones we are. And so it would be with every species, it seems to me.

But if (SS) is thus established, so is (FS). For if every human being has a right to life, and if every, say, Wellsian Martian has a right to life, and so on for every species characterized by personhood, then every member of every species generally characterized by personhood has a right to life—which is just (FS).

III

I would now like to raise and to discuss briefly seven objections to my argument.

Objection 1. You seem to reject sympathy as a ground for speciesism, but I don't see that your argument differs significantly from a sympathy-based argument. Aren't you really arguing that basic rights should be extended to human non-persons, based on sympathy? Actually, the argument is not based on sympathy but is primarily Kantian—Kantian in spirit if not letter. The same conclusion can be derived, I think, if the Categorical Imperative, in, say, its first formulation (which requires *us*, human persons, to universalize the maxims underlying our actions and policies), were applied to a maxim which precluded human non-persons from having a right to life (such as, 'Whenever members of the same species as myself, subject to the same laws of nature, biological limitations, natural history, and contingencies of fortune surrounding personhood, are not persons, they shall have no basic rights'), or if we took seriously the

Kantian dictum to transform moral laws into natural laws (that is, laws of nature). It is an unsympathetic Puritan (a Puritan who apparently did not oppose capital punishment) who is supposed to have said, "There but for the grace of God go I" when he saw a man being led to the gallows. The spirit of that remark is the spirit of my argument.

Objection 2. Still, your argument is a potentiality argument, isn't it? How else could the relevant class of creatures be picked out? And yet potentiality arguments are notoriously weak. No merely potential "A" student has a right to an "A"; no merely potential blind person has a right to an extra deduction on his income tax; no merely potential benefactor of Marquette University has a right to have his name included on Marquette's annual list of Friends of the University. Mere potential possession of the qualification for a right, then, is not sufficient for actual possession of that right¹⁷—which is not to deny, it should be noted, that in at least some cases of potential possession, preferred treatment and/or treatment as if a right were actually possessed might be warranted. Secondly, the concept of potentiality simply isn't strong enough to do the work you want it to. The brain damaged and senile, for example, may not be even potential persons. I agree with you that "mere potential possession of the qualifications for a right is not sufficient for actual possession of that right," but I have to add that the real question in this context is, What are the actual qualifications for a right to life? Proponents of potentiality arguments think that the potential possession of personhood is that actual qualification, and so could agree with your principle yet obviate your criticism.

In any case, though, not potentiality, but, in addition to the points noted under (1), two neighboring

concepts provide some of the needed backing for my argument. To use Thomas Nagel's terms, though perhaps with slightly different senses than he does, it is *history* and *possibility*,¹⁸ applied in respect to membership in the species *Homo sapiens*, which help to determine the relevant class. For it is *history* and *possibility*, among other things, which tell us that the fetus, the insane, and the senile aren't utterly different from us—aren't different in the way that, say, otters are—and that the fate of our brain damaged friend could be our fate, or vice versa.

Objection 3. *On your view, an irreversibly comatose human being has a right to life. That's not my intuition, not the intuition of many morally sensitive people, and not the intuition of a number of philosophers.*¹⁹ *Are you asking us to give up our intuition?* Probably not—but that may be because I don't really think that that's your intuition. If, however, after reading what I have to say you do have, or still have, that intuition, then I do ask you to change it.

My intuition, and what follows on my argument, is that the permanently comatose have a right to life. But that is not to say that it would be best, all things considered, or in the best interests of an irreversibly comatose human, for him/her to remain alive. It may well be best, perhaps for everyone, for that human being to die. Life under such circumstances may be reasonably viewed as undignified, of no value to the human leading it, and without point or purpose. Many end-stage terminal cancer patients are in very much the same position, except that they are probably in a great deal of pain, and some, deciding for themselves that it would be best if they were dead, commit suicide or request euthanasia. End-stage cancer patients, though, have a right to life. The life-situation of the

permanently comatose seems to me to be relevantly similar in most important respects, except, of course, that they are not conscious, and so a decision to end life would have to be made by others—which is not to say that such a decision (for non-voluntary euthanasia) couldn't be justifiably made. In short, if your intuition is like mine, it is that, given the permanent loss of dignity, value, and meaning in the lives of the irreversibly comatose, it *may* be better, or at least no worse, if they were dead.

Objection 4. *I don't have the hands or the musical ability of Arthur Rubenstein—and all because "cruel fate" didn't so grace me. On your argument doesn't it follow that I have all the pianist-rights of Rubenstein? And since this particular example is a random one, aren't you committed to the view that everyone has every right that anyone has? That's a reductio of your position.* It would be if I were committed to such a view, but I don't think I am. What I argue, in part, is that when nature—laws of nature and Natural Contingency—denies a human being the usual qualifications for possessing basic rights, namely personhood, basic morality, perhaps natural law, makes due restitution for such a fundamental injustice. But this is really restitution, it seems to me, really the restoring of what is rightly the possession of a human being, namely basic rights. In other words, basic rights, unlike all other rights (such as pianist-rights, whatever they may be), seem to be the natural birthright of humans, at least in the world we have. For personhood is species-specific (so far as we know), and within our species the norm: its absence, not its presence, calls for special explanation. Not so excellence as a pianist, pianistic ability, or an ability or acquire either trait. Hence talk of basic rights as the natural birthright of human beings, all of

them, is appropriate (while of frogs, none of them, is it so); and hence talk of pianist rights as the natural birthright of human beings out of place. Put somewhat differently—and certainly extravagantly—it would be appropriate to ask the Supreme Court of Justice of the Cosmos for adequate compensation for having been denied personhood—such a request would be reasonable, and the only adequate compensation would be the accordance of basic rights—but it would not be appropriate to ask for compensation for having been denied Rubenstein's hands and musical ability. Gifts of fortune, unlike personhood, are no one's birthright.

Objection 5. On your view, if one member of a species happens to attain personhood—whether a result of a freak accident of nature or human intervention is irrelevant—then all members of that species have a right to life. That's counterintuitive, and its counterintuitiveness drives me away from your species principle and back to a purely mentalistic one. Let me explain. Suppose that a serum were developed which, when injected into a healthy kitten, enabled that kitten to develop into a feline person.²⁰ If one such kitten did attain personhood, then all members of his species have a right to life—according to you. Now, I don't doubt that that particular cat, the one that's a person, has a right to life; but I doubt that his being a person has anything to do with whether Tabby, my cat, has a right to life. Tabby, after all, remains the same whether or not such a cat exists, has existed, or will exist. That, I take it, is a powerful argument both for rejecting your species principles and for embracing a purely mentalistic principle. Actually, I think that your objection can be handled in either of two ways. (1) a speciesist like myself could agree that the existence of a super-cat does endow every member of the species

Felis domestica with a right to life, though that is indeed counterintuitive. (2) Or, a speciesist could hold that your super-cat was really a member of another species, and so not be committed to the view that, should there be such a super-cat, all members of the species *Felis domestica* have a right to life. The second alternative is in fact more plausible for super-cats—given the physiological conditions necessary for a distinctly personal mental life, a super-cat would have to be significantly structurally dissimilar from normal cats (even if a super-cat could mate with a normal cat)—but the first alternative may not be implausible for a species close to personhood, such as chimpanzees, dolphins, and whales.²¹

*Objection 6. Your view entails that under certain conditions a member of one species has a right to life, while a member of another species who is otherwise relevantly similar to the member of the first species has—better, may have—no right to life. Singer's right: that's discrimination on the basis of species—speciesism, in the more obvious sense of the term—and every bit as ugly and deplorable as discrimination on the basis of sex—sexism—or discrimination on the basis of race—racism. As neither sexism nor racism is acceptable, neither is speciesism.²² Although I admit that the situation my objector describes could obtain, I don't find that "ugly and deplorable" or even discriminatory, given the argument of section II. And the analogies with sexism and racism I find weak, since my argument does not apply, *mutatis mutandis* to sex or race. The term "discrimination" shouldn't be used so freely or quickly, I think In fact, I think it shouldn't be used at all, in regard to differential treatment on the basis of species, sexual, or racial considerations, until the particular moral importance of each (if any) has been determined on the basis of*

careful *individual* assessments.²³

Objection 7. "Compensation," "restitution"—these terms don't mean the same thing, yet they seem to be used by you interchangeably. More important, though, is the fact that these terms make sense and may well be applicable in certain circumstances in which relations between moral agents are concerned. But, for the life of me, I can't see how they make sense, much less are applicable, when the relations involved are those between nature and individual creatures who aren't even moral agents. It seems to me that you simply personify nature (and certain selected non-persons) and then demand that justice be served. Your procedure, in short, lacks solid conceptual sense.

The particular meanings of "compensation" and "restitution" aren't sorted—quite true—but I don't think that doing so is important for my argument, and I don't think that this is the place to do so even if it were. The more important charge, as my critic rightly notes, is that the terms lack the conceptual backdrop necessary for their application. Here I appeal to the fact that they and other terms I use are used metaphorically by *all* those who reject (SS) and (FS) and, in fact, by everyone who employs the concept of a basic right at all. My aim is to supply an answer to Feinberg's question of section I; which means, in other words, that I try to show that the conditions under which a creature has a right to life are world-bound in a number of ways that Feinberg and others simply overlook. I argue that it is not personhood *simpliciter* which ensures the possession of basic rights, but personhood *cum* its linkage to humanity and its world-bound constraints and contingencies. "Justice," "restitution," and "compensation" are handy metaphors, just as "accord basic rights" is; their crucial role, how-

ever, is only to show why a concern with personhood alone is not enough, and to link the factors just noted with the concept of a right to life. So the anthropomorphism is not inextirpable, just convenient and vivid.

IV

If the line of argument advanced in this paper is basically sound, philosophical arguments which in some way depend upon a rejection of speciesism of the sort I have been concerned with are seriously flawed. It would seem, *prima facie*, that discussions of abortion would be most seriously affected, since a number of important and highly influential papers on abortion (which are, in the main, pro-abortion) are predicated on the falsity of (SS) and (FS). And the approach taken here would also, if sound, help to vindicate, and perhaps to reinstate, one of the neglected "human being" centered treatments of abortion.²⁴

But at least as important to note as some of the implications of a pro-speciesism position are the caveats which should be issued with it. What exactly the possession of basic rights, either by competent agents, or—and especially—by incompetent agents, or by incompetent non-agents, entails in terms of concrete requirements for us, finite and limited in time, ability, and resources as we are, has certainly not been discussed here.²⁵ Neither have the concepts of a person or a human being been analyzed or explored, and they, too, demand close scrutiny before the practical import of speciesism can be assessed. In brief, much more need be said before the true significance of the positive conclusions of this paper can be accurately gauged. But some terrain has been cleared, I hope, and some groundwork done, and that itself is not without worth or importance.²⁶

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Notes

¹ The term "moral person" is borrowed from Joel Feinberg's article "Abortion," in T. Regan, ed., *Matters of Life and Death*, Random House, 1980, p. 186.

² This term is also Feinberg's. *Ibid.*, pp. 187-189.

³ Feinberg, *ibid.*, mentions the possibility of a commonsense person who is not a moral person, but the example he uses, that of a moral monster, is debatable, and even if acceptable, not really important for the purposes of this paper. I shall proceed, then, as if the thesis propounded is that all and only commonsense persons are moral persons.

⁴ By the permanently cognitively impaired, I mean those human beings who are not persons, and who, because—and only because—they lacked the environmental stimulation and encouragement requisite for cognitive development during their childhood, never will be persons. Such individuals are not even potential persons, but only because, due to environmental factors, the growth of their cognitive faculties was arrested or severely and permanently impaired early in life. Feral children and children who suffered from a grossly inadequate diet when young might fit into this category, as might Genie, a girl who spent the first thirteen years of her life tied to a chair in a dark room. (See Susan Curtiss, *Genie: A Psycholinguistic Study of a Modern-Day "Wild Child,"* Academic Press, 1973,

for all the upsetting details.)

⁵ Feinberg, *op. cit.*, pp. 189-190.

⁶ *Ibid.*, pp. 197-198.

⁷ Peter Singer, "Animals and the Value of Life," in Regan, *op. cit.*, pp. 240-243. But to be altogether fair, generally speaking, Singer is reluctant to speak of personhood and to ascribe rights to animals, or at least so his book *Animal Liberation* (New York, 1975) and his many articles seem to indicate. He is a utilitarian, and prefers to feature the concept of an interest and to rely on principles having to do with equal consideration of equally strong interests. However, Singer does sometimes discuss personhood (see reference above) and does sometimes discuss personhood (see reference above) and does sometimes seem to invoke the concept of a right (see *Animal Liberation*, p. 21; "All Animals Are Equal," reprinted in T. Regan and P. Singer, eds., *Animal Rights and Human Obligations*, Prentice-Hall, 1976, p. 153). But regardless of what his true or, anyway, current position is, Singer thinks that there is something wrong with speciesism, and would reject (SS) and (FS) below.

⁸ Singer, in Regan, *op. cit.*, p. 233.

⁹ But see also the warning issued in fn. 8.

¹⁰ Feinberg, in Regan, op. cit., pp. 192-193.

¹¹ Ibid., p. 193.

¹² Other philosophers who reject, or who are committed to rejecting, (SS) or (FS) include H. H. McCloskey, in "Moral Rights and Animals," *Inquiry*, 1979; Evelyn Pluhar, in "Must An Opponent of Animal Rights Also Be An Opponent of Human Rights?" forthcoming in *Inquiry*; Michael Tooley, in "Abortion and Infanticide," reprinted in M. Cohen, T. Nagel, and T. Scanlon, eds., *The Rights and Wrongs of Abortion*, Princeton U. Press, 1974; Mary Ann Warren, in "On the Moral and Legal Status of Abortion," *The Monist*, 1973; H. Tristram Engelhardt, in "The Ontology of Abortion," *Ethics*, 1974; Colin McGinn, in "Evolution, Animals, and the Basis of Morality," *Inquiry*, 1979; L. W. Summer, *Abortion and Moral Theory*, Princeton University Press, 1981, esp. pp. 98-99; T. Regan, in "Animal Rights, Human Wrongs" and other essays in his *All That Dwell Therein*, U. of California Press, 1982; apparently Bernard Rollin, "The Legal and Moral Basis of Animal Rights," in Harlan Miller and William Williams, eds., *Ethics and Animals*, Clifton, NJ, 1983; apparently Edward Johnson in "Life, Death, and Animals," *ibid.*; apparently James Rachels, in "Do Animals Have a Right to Life?," in *ibid.*; apparently R. and V. Routley, in "Against the Inevitability of Human Chauvinism," in K. Goodpaster and K. M. Sayre, eds., *Ethics and Problems of the 21st Century*, U. of Notre Dame Press, 1979; and apparently Michael Fox in "Animal Suffering and Rights," *Ethics*, 1978.

¹³ Bernard Williams, "Personal Identity and Individuation," *Proceedings of the Aristotelian Society*, 1956-1957; Antony Flew, in numerous papers and books, including "Locke and the Problem of Personal Identity,"

Philosophy, 1951, and more recently, *The Presumption of Atheism*, Harper and Row, 1976.

¹⁴ Sydney Shoemaker, *Self-Knowledge and Self-Identity*, Cornell University Press, 1962, pp. 3-4; Anthony Kenny, "Criterion," in Paul Edwards, ed.-in-chief, *The Encyclopedia of Philosophy*, Vol. 2, Macmillan, 1967, p. 259.

¹⁵ Personal identity is, of course, a much disputed matter, and it would be impossible to discuss the complexities of the issue, or even the challenges to a bodily-identity criterion, in the present context. Derek Parfit's "Personal Identity," *Philosophical Review*, 1970, has been the seminal paper for recent discussions. For a sample of some of the best recent work on the topic, Amelie Rorty, ed., *The Identities of Persons*, U. of California Press, 1976, is highly recommended.

¹⁶ Cora Diamond, "Eating Meat and Eating People," *Philosophy*, 1978, pp. 474, 475.

¹⁷ See Feinberg, in Regan, op. cit., pp. 194, 196; Stanley Benn, "Abortion, Infanticide, and Respect for Persons," in J. Feinberg, ed., *The Problem of Abortion*, Wadsworth, 1973, p. 102.

¹⁸ Thomas Nagel, "Death," reprinted in James Rachels, ed., *Moral Problems*, 2nd edition, Harper and Row, 1975, p. 405.

¹⁹ McCloskey, op. cit., p. 42; Pluhar, op. cit., p. 7 of typescript; Tom Regan, "An Examination and Defense of One Argument Concerning Animal Rights," *Inquiry*, 1979, p. 202.

²⁰ The kitten here belongs to Tooley, op. cit., p. 75.

²¹ My handling of this objection is deeply indebted to Philip Devine, *The Ethics of Homicide*, Cornell University Press, 1978, p. 54.

²² See, e.g. Singer, in Regan, op. cit., p. 233, or Sumner, op. cit., p. 92, for the analogy between speciesism and sexism/racism and a quick dismissal of all three.

²³ The moral importance of species membership is partly explored in this paper, of course, but speciesism is further examined, and sexism and racism assayed, in my "Speciesism, Sexism, and Racism," in preparation.

²⁴ For instance, Baruch Brody's, in his *Abortion and the Sanctity of Human Life: A Philosophical View*, M.I.T. Press, 1975; or John T. Noonan's, in his "An Almost Absolute Value in History," in J. Feinberg, ed., op. cit.

²⁵ Useful discussions of the concept of a right to life include J. J. Thomson, "A Defense of Abortion," *Philosophy and Public Affairs*, 1979; Hugo Bedau's "The Right to Life," *The Monist*, 1968; H. J. McCloskey's "The Right to Life," *Mind*, 1975; and George Fletcher's "The Right to Life," *The Monist*, 1980. Also relevant to the point under consideration, though not narrowly focused on the right to life, are Alan Gewirth, "Are There Any Absolute Rights?" *The Philosophical Quarterly*, 1981; Joel Feinberg, "Voluntary Euthanasia and the Inalienable Right to Life," *Philosophy and Public Affairs*, 1978; and my "Breathing a Little Life into a Distinction," *Philosophical Studies*, 1984.

²⁶ I would like to thank Michael Allen Fox and Harlan Miller for a number of useful suggestions on an earlier draft of this paper.



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All material submitted for publication in *Ethics & Animals* should be addressed to the Editor. Reviews and articles should be typed, on one side of the paper only. One copy is sufficient for all submissions except articles, of which three copies are requested. Reviews, reports, directory entries, and other such matter are screened only by the E&A staff, but article manuscripts are evaluated by 'blind' referees. To facilitate such 'blind' reviewing of articles the author's name should not appear on the manuscript, but should be on a separate sheet of paper which also bears the title of article. If possible, authors should also remove internal references which would identify them (such as "as I argued in my article on animal liberation in *The Journal of Beasts*").