

A CALL FOR HUMILITY:
HUMAN SUPREMACY THROUGH A BIOLOGICAL LENS

by

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For my parents,
Thank you for *everything*.

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Abstract

This thesis draws on contemporary biology, in particular evolutionary theorizing, to challenge a particular camp of human supremacist arguments dubbed anthropocentric speciesism by Andrew Fenton (2018). Anthropocentric speciesism contends that membership in the human species is, for one reason or another, the definitive characteristic of moral preeminence. In particular, I challenge anthropocentric speciesist arguments that claim all and only humans have dignity and rights. I argue that the various claims made by anthropocentric speciesist philosophers who embrace the idea of intrinsic human dignity fail to survive scientifically informed philosophical analysis.

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Chapter One: Introduction

The term “supremacy” conjures up feelings of antipathy. Upon hearing the term, we are prompted to think about *white supremacy* or *male supremacy*, belief systems that are widely denounced as reprehensible. Because of its attachment to these racist and sexist ideologies, the term “supremacy” seems unavoidably to carry with it a negative connotation. But unlike ideologies that presume the moral preeminence of certain sexes or races, it is not yet widely accepted within many societies that there is something morally wrong with asserting the moral preeminence of the human species. This, I believe, is why the concept of *human supremacy* will surely sound strange to some. That is, it will sound strange because the idea that there is something morally wrong with asserting that humans are morally superior to other species sounds strange.

Put simply, human supremacy is the idea that human *beings* (humans who have interests, are sentient, and, therefore, not zygotes, early fetuses or embryos), or, alternatively, all humans, are morally preeminent.¹ The human supremacist philosophers whom I argue against in this thesis embrace the latter approach of human supremacy. That is, they argue for the inclusion of *all* members of the species *Homo sapiens* within the sphere of moral preeminence. Simply using the term “humans” or “members of the species *Homo sapiens*” will capture the entirety of our species that is meant to be included within their arguments. Either approach, however, simultaneously implies that members of other species are not

¹ Conceptions of “personhood” are also used to argue for human supremacy (Fenton 2018, 478). “Personhood” will be briefly discussed in Chapter Two in section 2.2, but this thesis is not concerned with discussing particular conceptions of persons or personhood.

due the same level of moral consideration, and that the lives of nonhuman animals can be expended or exploited for human purposes if those purposes are deemed sufficiently beneficial.

Depending on which approach is embraced, arguments for human supremacy may take one of two forms. Some arguments will maintain that (i) particular capacities determine moral preeminence, and since these capacities are only possessed by some humans, only they can enjoy this high moral status. Others will maintain that (ii) all humans enjoy a high moral status because membership in the species *Homo sapiens* is, for one reason or another, the definitive criterion for moral preeminence.

Philosophers have used various terms for these two argumentative forms. For instance, James Rachels demarcates these arguments with the terms (i) “qualified speciesism” and (ii) “unqualified speciesism” (Rachels 1990, 182-184), while Hugh LaFollette and Niall Shanks use the terms (i) “indirect speciesism” and (ii) “bare speciesism” (LaFollette and Shanks 1996, 43-45). This thesis, however, draws on Andrew Fenton’s terms (i) “human exceptionalism” and (ii) “anthropocentric speciesism” as a means of delineating these two camps of human supremacy (Fenton 2018, 477). In essence, the various terms provided by these philosophers all perform the same function. Yet I believe that Fenton’s analysis helps to make clear why philosophers are sometimes keen to avoid human supremacist arguments that stem from the ability to exercise capacities. This is because such approaches must “concede that not all humans (or their interests) will enjoy moral preeminence over all other animals (or their interests)”

(Fenton 2018, 477). By excluding some humans from the sphere of preeminent moral consideration, human exceptionalist approaches receive a fair amount of criticism.

Criticisms of this exclusion are often understood as raising problems with respect to “marginal cases.” *The argument from marginal cases* is a maneuver made by some animal rights advocates in their attempts to raise “the [moral] status of animals” (Kazez 2010, 95). They may use *the argument from marginal cases* to show that “animals are not actually unequal to us [humans] because of their limited capacities” and so there is “no justification for giving either their lives or their pains lower priority” (Kazez 2010, 95). Maneuvers like *the argument from marginal cases* depend on the view that most, if not all, humans are moral equals. The problem I am describing, however, is slightly different. It arises when a capacity, or group of capacities, that is thought to be unique and widespread across a particular biological group (whether it be groups of humans, an entire species, a genus, etc.) is used to define or justify the moral status of all members of the group. Because it is profoundly unlikely that any given morally relevant capacity will be possessed by all members of a biological group, such arguments will consistently fail to capture all members and will thereby produce so-called “marginal cases.” This is why some human supremacists will eschew arguing for human supremacy by way of human exceptionalism. By embracing anthropocentric speciesism, human supremacists purport to solve the problem of “marginal cases” by arguing that all members of the species *Homo sapiens* are entitled to preeminent moral consideration.

The idea that *Homo sapiens* is the morally preeminent species is often simply assumed and as such reflects an attitude that is common in ‘Western’ philosophy. This idea can be traced back to Aristotle, who argued that the entirety of our biological world forms a *Scala Naturae*, or a Great Chain of Being (Godfrey-Smith 1998, 5). In versions of this view developed in medieval Europe, above all terrestrial species, just under God and other celestial beings, reside humans. Despite having morphed since the time of Aristotle, this Great Chain of Being mentality with respect to humans’ preeminent status has proven itself resilient. It is evident in our era where the interests of nonhuman animals carry little weight when compared to the interests of humans. For instance, the interests that nonhuman animals have in not living distressing lives is judged insufficiently significant in comparison to humans’ desires to satisfy their momentary sensory pleasures such as eating Big Macs and watching animals perform bizarre behaviours. Because the legitimacy of human supremacy is so deeply entrenched in ‘Western’ culture, many humans do not reflect upon the moral significance of eating hamburgers or going to SeaWorld.

Yet, it is impossible to ignore the fact that, historically, the exploitation and oppression of many humans has been thoughtlessly accepted as well. That is, Eurocentrism and patriarchy were deeply entrenched ideologies that were held unreflectively and often went unchallenged in any significant way. The idea that certain “races” and women are due the same level of moral consideration as white men as well as the opportunity to choose the trajectory of their own lives was (and

sometimes still is) thought to be implausible.² No doubt that great strides have been made in overcoming these ideologies. Today, white and male supremacy are challenged as illegitimate ideologies, and it is now widely accepted that there are no morally relevant differences between races and sexes, let alone ones that justify subjugation and oppression.

How did these ideologies that justified the oppression of so many humans for so long begin to unravel? Paul C. Taylor explains that “classical racialism” (Taylor 2013, 51) — the idea that certain physiological characteristics of humans are inherently associated with certain levels of cognitive and moral characteristics that justify the oppression of certain groups of humans — was challenged by scientific progress. While no doubt classical racist views “strove to be in harmony” (Taylor 2013, 51) with scientific approaches to race, new scientific investigations emerged that helped to debunk those scientific studies that purported to prove or support classical racialism. And while the “biological determinist” view of sexes — the idea that certain behaviours and cognitive characteristics are inherently associated with males and females — used scientific claims to support the “natural” state of women in the domestic sphere, developments in the physical and social sciences helped to rebut the problematic

² For instance: Aristotle claimed that “rational m[e]n should rule less rational wom[e]n... [and] rational masters should rule irrational slaves” (Kazez citing Aristotle 2010, 20); Thomas Jefferson contended that the fact that “blacks... are inferior to the whites in the endowments of both body and mind” is a “powerful obstacle to the emancipation of these people” (Taylor citing Jefferson 2013, 41); in the 19th century scientist Samuel George Morton maintained the subjugation of people of colour through anthropometry (the idea that human body measurements are correlated with various levels of moral worth) (Taylor citing Morton 2013, 42); and in the same century social scientist Edward C. Clarke of Harvard University claimed that women should not be allowed to attend “higher education because of the tremendous demands made upon their bodies by reproduction” (Kimmel and Holler citing Clarke 2011, 23).

conclusions that were drawn from some of these studies (Kimmel and Holler 2011).³ Science has a history of being used to justify unethical ends. At the same time, science has played an irreplaceable role in challenging morally faulty ideologies.⁴

I believe this to be the case with human supremacy as well. That is, I believe that science has an irreplaceable role to play in undermining certain arguments that attempt to justify human supremacy. Species are sometimes thought to be wholly different kinds of entities, defined by unique phenotypic traits. With humans sitting above all other terrestrial species on the Great Chain of Being, cognitive traits believed to be possessed only by humans, such as consciousness and rationality, have been dubbed “higher” in the scientific community (Andrews and Huss 2014, 715). It is only fitting, after all, that the superior species should have superior traits. But just as science challenged those assertions that sought to essentially demarcate one race, and one sex, from another, evolutionary biology reveals us that the boundaries demarcating one species from another are not fixed either. Evolutionary theorizing has a view of us as animals that remains jarring to many.

How is it possible, then, that scientists (who are of course informed of evolutionary processes) continue to embrace some form of human supremacy that

³ Arguably, biological determinism remains in, and continues to inform, much sex-difference research (see Meynell 2012).

⁴ Ableism, understood as the discrimination against humans with physical disabilities or neuroatypical humans, parallels racism and sexism in certain ways. Like racism and sexism, ableism arises when “values [are] attached to body parts and their functions” (Munyi 2012) and are then correlated to the overall value of the individual. However, Munyi argues that changing cultural and societal attitudes due to legal requirements for the inclusivity and integration of people with disabilities has helped to disrupt ableist ideologies more so than scientific progress (Munyi 2012).

informs their work and practice? As mentioned, the Great Chain of Being mentality is widespread and resilient, and it is argued that this mentality is responsible for human supremacist attitudes found within the scientific community (Keely 2004). The resilience of this particular mentality, I contend, is due to the fact that the lack of essential differences between groups of humans is simply far more obvious than the lack of essential differences between species. Adding further complexity to the discussion, it was not only “the recognition of humanity but membership in some form of universally construed national or human family” (Fielder 2013, 492) that helped to expose the illegitimacy behind discrimination based on sex or race. The inclusion of women and people of colour within the sphere of equal moral consideration was built on the unquestionable fact that we are all members of the *human* species, and attached to this fact was the claim that this meant we are all the same in the ways that matter morally. Indeed, this view is reflected within human rights discourse (United Nations 2010, 256). Such ideas about humans’ equal and preeminent moral status should be celebrated insofar as they have helped to facilitate the unraveling of racism and sexism.

At the same time, the idea of *human* rights seems to imply that not just all, but *only* humans deserve moral and legal protection for their own sake. For as much good as “*human* rights” have done, it is a concept that has also served to justify human supremacy and is therefore an impediment to raising the moral status of nonhuman animals. Discourse surrounding human rights sheds some light on why many proponents of human rights have a strong reluctance to

recognize any nonhuman animal as worthy of the same kind of moral consideration.

I believe this reluctance to be unjustified. Just as with the refutation of racism and sexism, I believe that arguments for anthropocentric speciesism are best challenged through a biological lens, in particular, an evolutionary lens. Moral arguments are needed to explain why we ought to take into greater consideration the interests of nonhuman animals, no doubt. Scientific arguments, however, can help by knocking down the pillars that are used to support human supremacy. This thesis, therefore, argues that basic facts about contemporary biology undermine arguments for human supremacy. In particular, this thesis uses biology to rebut human supremacist arguments that embrace the idea of intrinsic human dignity. Philosophers who argue for the existence of intrinsic human dignity tend to embrace human supremacy and its concomitant implications about the treatment and consideration of nonhuman animals. So located, intrinsic *human* dignity is used to assert the idea about the inherently preeminent moral status of all humans in comparison to all other animals.

To be clear: *my intention is not* to attenuate the moral significance of any human's interests. On the contrary, I am deeply concerned with the arguments given for anthropocentric speciesism in this thesis, not only because they are incompatible with contemporary biology and permit the maltreatment of many nonhuman animals, but also because they fail to coherently protect the interests of many humans. Maintaining the low moral status of all nonhumans and the preeminent status of all humans requires focussing on demanding and stringent

capacities only exercised by neurotypical humans. As we will see, this leads to incoherent and morally troubling arguments for why neuroatypical humans deserve equal and preeminent moral consideration. Thus, their justification for human supremacy should raise concern for disability and animal activists alike. Indeed, such arguments are responsible for maintaining the relevance of the category of so-called “marginal cases.” I, however, believe that the term “marginal cases” should be abandoned and as such will place the term in scare quotes throughout this thesis when I am required to use it. Yet I also believe that this abandonment cannot happen without widening the sphere of equal moral consideration so as to include many other species.

My intention, rather, is to demonstrate that, through a biological lens, arguments that desperately seek to exclude nonhuman animals from, and include all humans in, the sphere of moral preeminence depend on: questionable claims about the capacities of nonhuman animals; empirically problematic conceptions of certain human capacities; arbitrary claims about who can be recognized as having intrinsic moral worth; and metaphysical claims that are incompatible with evolutionary theory. By doing this, I will have shown that contemporary biology not only provides us with good reasons to reject human supremacy, but also gives us good reasons to consider widening our scope of moral consideration so as to include members of other species. While we cannot derive moral principles from science alone, we must recognize that arguments that wholly ignore scientific facts, and therefore fail to hold up under scientific scrutiny, are poor ones. Such are the arguments given by the human supremacists in this thesis.

James Rachels has also embarked on a similar project in his work “Created from Animals” (1990). He also argues that Darwinian evolution undermines the idea that humans are the morally preeminent species. In many ways, this thesis is indebted to his insight on the subject. At the same time, my approach differs from Rachels in a crucial way. Rachels is primarily concerned with how Darwinism “undermines both the idea that man is made in the image of God and the idea that man is a uniquely rational being” as well as using Darwinism as inspiration for developing his moral theory, “moral individualism” (Rachels 1990, 5). I, on the other hand, am particularly concerned with exploring how contemporary biology and certain features about evolution undermine arguments for human supremacy that take the form of anthropocentric speciesism. As such, this thesis provides scientific arguments that are not found within Rachels work — arguments that are crucial to undermining human supremacy. An overview of the argument:

Chapter Two explores the arguments for anthropocentric speciesism that embrace intrinsic human dignity. I begin by discussing perhaps the most influential philosopher to propagate the idea of human dignity — Immanuel Kant (2010; 1993; 1963). As an apparent human exceptionalist, Kant’s justification for dignity failed to include a large number of humans within the sphere of preeminent moral consideration (Beyleveld and Brownsword 1998, 673). However, I also discuss the perspective of Christine Korsgaard (2018.a; 2018.b), a contemporary Kantian, who both argues against this interpretation of Kant and embraces the same metaphysical view as two of the anthropocentric speciesists

discussed. However, she believes that this view does not justify human supremacy. The other contemporary philosophers, while maintaining a “Kantian core” within their conceptions of intrinsic human dignity, attempt to address this exclusion by embracing anthropocentric speciesism. As anthropocentric speciesists, these philosophers are committed to granting this moral status to all humans, including fetuses and embryos,⁵ while denying its extension to nonhumans by drawing on: (i) metaphysical claims about what defines the human species; (ii) empirical claims about the capacities of humans in comparison to other species, as well as empirical claims about species membership demarcation; and (iii) political claims about the need to morally safeguard all humans.

Chapter Three takes issue with the metaphysical view embraced by philosophers in the previous chapter — essentialism — in order to argue for the preeminent moral status of humans unable to exercise the capacities that purport to support dignity. I discuss how key features about evolution undermine essentialist views about species. These features are: the necessity of variability in the phenotypic traits of a given species, and the similarities in phenotypic traits

⁵ Oderberg is the most explicit about extending this moral status to such humans in his arguments against abortion (Oderberg 2000.a). Cohen and Liang are less clear about their position on these humans. However, Cohen’s metaphysical view functions to cover everyone associated with the “kind” human, suggesting the preeminent moral status of these humans is implied in his argument. Liang’s article directly challenges the moral legitimacy of infanticide, and she does seem to suggest that abortion is also immoral for the same reasons (Liang 2013, 338). Still, it is not entirely clear where she stands on this issue. However, avoidance of drawing on capacities whatsoever suggests that she intends to take into consideration *all* humans (i.e., embryos and fetuses as well as humans between birth and death). Interestingly, Korsgaard (2018.a) does not judge abortion as immoral. I believe this creates complications for her metaphysical view of humans, but because she is a fellow anti-human supremacist discussing her view on abortion is not necessary and is therefore outside the scope of this thesis.

across species. Rebutting their essentialism entails that these philosophers are unable to maintain anthropocentric speciesism.

Chapter Four challenges the empirical claims made by Carl Cohen (2014) and David Oderberg (2000.a; 2000.b; 2011; 2007) in order to exclude all nonhuman animals from the sphere of preeminent moral consideration. Cohen has a demanding view of what constitutes morality, which informs his view that because nonhumans are fundamentally incapable of moral practice, they do not deserve preeminent moral consideration. However, his conception of morality faces a number of problems when applied to humans. This enables me to explore how some descriptive elements of human morality echo in two nonhuman taxa. Oderberg's claim that all nonhuman animals lack what he believes to be the relevant capacities that support claims of dignity is challenged by various empirical studies on nonhuman animal capacities. Having undermined their justification for excluding all nonhuman animals, I conclude that Cohen and Oderberg are unable to maintain human supremacy even in the form of human exceptionalism.

Chapter Five challenges the empirical claim that mere membership in the species *Homo sapiens* — capacities and metaphysical conceptions of the species aside — should be the definitive criterion for identifying who has dignity. This is the claim made by anthropocentric speciesist Jacqueline A. Liang (2013). I challenge her moral demarcation method by showing that since species membership is not a transitive property, it cannot avoid arbitrarily delineating moral status. This chapter ends by addressing the political claim that motivates

Liang to embrace this method of moral demarcation: that grounding dignity in capacities, and so extending dignity and rights to nonhumans because they have certain capacities, undermines the moral status of many humans. I maintain that extending this status to other animals does not undermine the status of certain humans. I argue, rather, that human supremacist arguments that draw on stringent and demanding capacities in order to exclude all nonhumans are responsible for undermining the moral status of many humans.

I conclude this thesis in Chapter Six with a summary of the various science-informed arguments given within, but also with the hope that these arguments can assist in future philosophical endeavours that seek to include nonhuman animals within the sphere of equal moral consideration. Overall, I hope to pique interest in future philosophical projects to employ biology to rebut arguments and ideologies that claim nonhuman animals are not due equal moral consideration.

Chapter Two: Intrinsic Human Dignity

2.1 Introduction

In order to address how contemporary biology challenges the idea of intrinsic human dignity, we must first understand the arguments given in its defence. In this chapter I describe the various metaphysical, empirical, and political claims made by three anthropocentric speciesist philosophers who maintain that all and only humans have intrinsic dignity. I also discuss the view of another philosopher, Christine Korsgaard (2018.a; 2018.b), who is not a human supremacist yet makes the same kind of metaphysical claim about the human species as two out of the three anthropocentric speciesists who I will discuss.

Recall that Kant is widely credited with propagating the idea of intrinsic human dignity. The idea of human dignity advocated by Kant not only has tremendous influence on contemporary philosophers but resonates in human rights discourse (Mattson and Clark 2011, 306). Unlike many contemporary dignitarians however, Kant's argument for intrinsic human dignity appears to take the form of human exceptionalism. I will explore how the contemporary dignitarians in this thesis manage to retain a "Kantian core" within their argument for human dignity while instead embracing anthropocentric speciesism. At the same time, each philosopher holds a unique conception of the ideology, and each has a slightly different view about why human supremacy is justified.

The first anthropocentric speciesist philosopher I discuss is Carl Cohen, who is a widely known self-proclaimed "speciesist" (Cohen 2014, 201). In his article "The Case for the Use of Animals in Biomedical Research" (2014), Cohen

adopts a markedly Kantian stance and argues that moral autonomy is an essential human capacity that justifies the inclusion of all humans within, and the exclusion of nonhumans from, the sphere of moral preeminence (Cohen 2014, 198). Like Cohen, David Oderberg believes that certain capacities found within Kant's philosophy ground dignity and rights. Yet he differs from Cohen and Kant in at least three ways. First, he argues that two particular manifestations of our rational capacity support human moral preeminence (Oderberg 2000.a, 121). Second, he is an exemplar for anthropocentric speciesists who use potentiality arguments to defend human supremacy. Finally, the capacities that foreground moral preeminence for Oderberg, unlike Cohen and Kant, are less demanding and so provide a way of exploring these capacities in nonhuman animals. However, Cohen and Oderberg both believe that cognitive capacities define and support the moral preeminence of the human species, and both make empirical claims about nonhuman animals' apparent lack of these capacities in order to justify their exclusion. This idea, that humans are essentially and uniquely cognitively superior, is a popular ground for human supremacist views.

The last argument for intrinsic human dignity is given by Jacqueline A. Liang. I have chosen to discuss Liang in particular because her position on human supremacy encompasses a pertinent political argument. Liang argues that grounding dignity and rights in capacities undermines the moral status of many humans (Liang 2013, 340). Accordingly, she believes that recognizing the dignity and rights of nonhuman animals because they are capable of exercising certain capacities risks undermining the moral status of humans unable to exercise such

capacities (Liang 2013, 337). In order to address this political concern, she uses an empirical demarcation to determine the scope of dignity and rights, and that demarcation is membership in the species *Homo sapiens* (Liang 2013, 337). The idea that it is a matter of brute fact that humans deserve preeminent moral consideration *simply* because they are human is indeed another popular claim made by proponents of human supremacy.

Prior to exploring these various claims, however, there are certain concepts and ideas that require clarification. Thus, in the following section, section 2.2, I clarify what it means to have dignity and what it means to lack dignity, drawing from Kant's conception of intrinsic human dignity. Here, I also discuss Korsgaard's objection to my interpretation of Kant, and her argument for including all humans in Kant's theory. In section 2.3 I explore why in Kant's theory having dignity entails having natural rights, and how the *Universal Declaration of Human Rights* embraces this concomitant implication of Kant's philosophy, yet shifts from human exceptionalism towards anthropocentric speciesism. At this point, we will be ready to explore the various claims made by the anthropocentric speciesist philosophers. It is in section 2.4 that I discuss the various claims made by these philosophers for including all humans within their conception of intrinsic human dignity. In section 2.5 I explore the anthropocentric speciesist philosophers' justification for excluding all nonhuman animals.

It is in these last two sections that we will explore the metaphysical, empirical, and political claims made by the anthropocentric speciesist philosophers. Getting clear on the metaphysical claims made by Cohen and

Oderberg will enable us to understand why some basic features of evolution undermine their arguments for including all humans. Getting clear on the various empirical claims that purport to exclude all nonhuman animals will enable us to see: why Cohen’s conception of morality fails to be observed in most humans and how this enables us to explore how elements of human moral practice echo in other species; why Oderberg’s arguments for human exceptionalism are dubious; and why Liang’s method of moral demarcation would, through an evolutionary lens, result in arbitrary claims with respect to who has dignity. Finally, getting clear on the political claim Liang raises will help us to see why she is mistaken to believe that raising the moral status of nonhuman animals undermines the interests of many humans.

2.2 Kant and the Idea of Intrinsic Human Dignity

As some philosophers have noted, it is often unclear what, exactly, it means to have “dignity” (Beyleveld and Brownsword 1998; Mattson and Clark 2011). In ‘Western’ philosophy, however, having dignity often refers to having intrinsic and inalienable value (Mattson and Clark 2011, 306). To be intrinsically valuable entails retaining value independent of external factors; it entails not needing to perform any tasks or provide any services in order to justify one’s worth.⁶ Those embracing the idea of intrinsic *human* dignity typically maintain that humans are the only entities with intrinsic value.

⁶ At the same time, possessing intrinsic (or extrinsic) value requires a valuer so as to designate that someone as having intrinsic value — at least for Kant and those informed by Kant’s view of value (Korsgaard 2018.a, 12). As I will discuss below, Kant believed that our capacity for rationality leads us to the moral truth that we, as well as other rational beings, are intrinsically valuable. However, Korsgaard explains that without rational beings able to derive this moral claim, the idea

This idea of dignity, common in dignitarian defenses of human supremacy, is articulated in the work of Immanuel Kant who believed that dignity stems from rational capacities. Korsgaard explains the Kantian conception of practical rationality as “the awareness that the consideration on which you act *is a reason* for acting that way... [and] that there is a way you should act or ought to act or that is good or correct to act, and being motivated in part by that awareness” (Korsgaard 2018.b, 296). For Kant, moral principles *just are* rational principles (Korsgaard 2018.b, 298): when we rationally evaluate the maxims behind our actions in order to determine the most rational course of action, we simultaneously derive the morally correct way to act. While Kant believed that rationality enables us to act in accordance with morality, he also recognized that we have free will and, therefore, the tendency to transgress the moral law. It is when we align our will to be in accordance with rationality and therefore moral principles that our will can be said to be good without qualification (Kant 2010, 27). Our intrinsic moral worth lies in this capacity for self-legislation — that is, the capacity to rationally derive moral principles and align our will to be in accordance with said principles: “the dignity of humanity consists just in the capacity of being universally legislative” (Kant 2010, 37). This understanding of “self-legislation” is how Kant conceived of “autonomy.” We are morally self-legislative — or, *autonomous* — beings because we are rational beings with a will.

of intrinsic (or extrinsic) value would not make sense (it could not exist outside our capacity for rationality): “belief in the untethered importance” of humans outside of their own perspectives does “not in fact make any sense outside of an antiquated teleological conception of the world” (Korsgaard 2018.a, 12).

Because rationality enables us to be morally autonomous, Kant asserted that “any rational being exists as an end in himself, not merely as a means to be arbitrarily used by this or that will” (Kant 2010, 34). This is the concomitant implication of having dignity: those with dignity ought not be treated as a mere means to achieving some sort of end. Using another as a mere means entails using that entity as “a thing or a prop to be manipulated” (O’Neill 2014, 112) in order to achieve some desired goal. Kant argued that rationality enables us to derive this self-evident moral principle, and that this principle is the foundation of the moral law from which all other moral maxims flow. Kant called this foundational moral principle “the Categorical Imperative.”

Nonrational animals, on the other hand, “are there merely as a means to an end” (Kant 1963, 239). Lacking dignity, Kant asserted that “[b]eings whose existence depends not on our will but on nature’s, have nevertheless, if they are irrational beings, only a relative value as a means, and are therefore called things” (Kant 2010, 34). Despite this dismissive view of the moral relevance of other animals, Kant criticized those who are cruel to nonhuman animals and endorsed exercising kindness towards them. He argued that “[a] master who turns out his ass or his dog because the animal can no longer earn its keep manifests a small mind” (Kant 1963, 241), and he believed that “[w]e can judge the heart of a man by his treatment of animals” (Kant 1963, 240). However, Kant did not believe that we owe moral consideration directly to such beings. His reason for endorsing kindness towards them is because one “who is cruel to animals becomes hard also in his dealings with men” (Kant 1963, 240). As such, he claimed that any “duties

towards animals are merely indirect duties towards humanity” (Kant 1963, 239). In this way, those who embrace Kant’s idea of intrinsic human dignity can recognize that we have moral duties regarding those who lack intrinsic value. According to the Categorical Imperative, however, only rational beings, or persons — those with rational capacities — are entitled to direct moral consideration.

Arguably, Kant’s use of the term “person” provides evidence for his human exceptionalist position. As Fenton explains, “[a]n example of [human exceptionalism] is privileging the interests of persons over the interests of nonpersons” (Fenton 2018, 477).⁷ In philosophy, it is often argued that what constitutes a “person” is not the same as what constitutes a “human.” Personhood, unlike human species membership, is often equated with a state of being that involves exercising certain capacities (Andrews, et al. 2019, 14). Kant’s conception of what constitutes personhood is the capacity to exercise rationality and therefore moral autonomy. What follows, then, is that those humans who are incapable of rationality will not be considered persons. But because dignity’s source is one’s capacity for rationality, it also follows that those humans (i.e., those who are not persons) will lack dignity. What this means is that not only nonhuman animals, but seemingly many humans as well will be outside Kant’s scope of moral preeminence.

⁷ Because conceptions of personhood can function to exclude many humans and are often used to determine moral and legal status (see *Chimpanzee Rights* 2019), the anthropocentric speciesist philosophers in this thesis criticize conceptions of personhood (Oderberg April 2000, 40; Liang 2013, 337) or equate persons with humans (Cohen 2014, 198). In her book, *Fellow Creatures: Our Obligations to the Other Animals* (2018.a), Korsgaard also seems to use ‘person’ as interchangeable with ‘human.’

Although this appears to suggest that Kant would lean toward human exceptionalism (and some philosophers (Beyleveld and Brownsworth 1998; Mattson and Clark 2011) say as much), Korsgaard views Kant as an anthropocentric speciesist. She maintains that Kant viewed the entirety of our species as intrinsically valuable. Insofar as he would have judged some humans unable to exercise rationality they would, by virtue of their humanity, be regarded as “already rational beings” (Korsgaard 2018.a, 83). She also embraces this metaphysical conception of our species, arguing that all humans have been “designed” by natural selection to “function... in the particular way that is characteristic of [their] kind” (Korsgaard 2018.a, 83).⁸ All humans, apparently, are designed or constructed by natural selection to engage in rational reflection despite that “some may have defects that make that difficult or impossible for them” (Korsgaard 2018.a, 97).⁹ She thinks that “rationality is not just a property... that you might have or lack without any other difference” (Korsgaard 2018.a, 97), but rather a particular capacity that “emerge[d] from unique combinations of evolved powers” (Korsgaard 2018.b, 300) thus coming together to form a “functional unity” (Korsgaard 2018.a, 84). In other words, the problem with arguments that bring up “marginal cases” is that they “treat... a living thing as a heap of properties rather than a functional unity” (Korsgaard 2018.a, 84). In sum, Korsgaard believes that all humans are a kind constructed by natural

⁸ Her use of the word “function” suggests that she is referring to the evolutionary process of natural selection. She seems, at times, to believe that natural selection is synonymous with evolution (“*the* evolutionary process” (Korsgaard 2018.a, 96). Of course, natural selection is not the only way species evolve.

⁹ Korsgaard embraces Kant’s conception of rationality as intertwined with autonomy as the (only) correct one (Korsgaard 2018.b, 300).

selection to think rationally, and any humans unable to engage in rational reflection are still rational beings but with defects. She believes this metaphysical view of our species is consistent with Kant's view as well.

Fascinatingly, however, Korsgaard does not believe that our rational nature justifies supremacy over other animals. On the contrary: she argues that our unique rational capacity enables us to recognize that humans alone "have moral obligations to the other animals with whom [we] share this world" (Korsgaard 2018.b, 306). Despite her rejection of human supremacy, Korsgaard does embrace a metaphysical view of our species similar to that of Cohen and Oderberg: that our species is a kind defined by an essential capacity (or set of capacities). Because of this her interpretation of Kant and as such her own view of our species is vulnerable to many of the same criticisms as these anthropocentric speciesists. At the same time, it is interesting to note that even if one agrees with the metaphysical view of our species given by these anthropocentric speciesists, it does not necessarily follow that such views justify human supremacy. For now, however, we must turn to how Kant's conception of dignity is reflected in human rights discourse.

2.3 Intrinsic Dignity and Human Rights

The influence of Kant's perspective on intrinsic human dignity is pervasive, to say the least, but perhaps most striking is its influence on the idea of human rights. As mentioned, Kant asserted that all ends-in-themselves possess intrinsic dignity and should be treated accordingly. It follows, then, that having dignity entails having natural rights. We can understand natural rights as "rights

to not be treated in a certain way... [and] [t]hey are natural [insofar as] one would possess them even if they had not been socially conferred” (Lee 2014, 474). We have a natural right to never be treated as a mere means. But, of course, this entails that we have a duty to avoid treating other rational beings in such a way. We do not need any sort of legal system or institution, according to this theory, for our natural rights and duties to exist. In this way, intrinsic human dignity has become “a metaphysical justification for human rights and duties” (Mattson and Clark 2011, 306).

The *Universal Declaration of Human Rights* developed by the United Nations builds off something like Kant’s conception of intrinsic dignity. In order to ensure humans are treated with the respect they naturally deserve, the *Declaration* is a call for the international recognition of human dignity and the implementation of institutions necessary to help protect our natural rights. The preamble of the *Declaration* asserts that “recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (United Nations 2010, 256). Thus, “the peoples in the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women” (United Nations 2010, 256). It follows, then, that humans are “entitled to all the rights and freedoms set forth in [the] Declaration, without any distinction of kind: such as race, colour, sex, language, religion... property, birth or other status” (United Nations 2010, 257).¹⁰

¹⁰ It is not clear whether the *Declaration* intends to include fetuses, zygotes, or embryos in their conception of “human” and “kind.”

Evidently, humans unable to exercise rationality are also entitled to all the rights and freedoms set forth in the Declaration. The *Declaration's* intent to not exclude such humans arises from the recognition that making moral distinctions between groups of humans has “resulted in barbarous acts which have outraged the conscience of mankind [sic]” (United Nations 2010, 256). This suggests that the *Declaration's* conception of what constitutes dignity is different from Kant's insofar as it does not distinguish humans based on cognitive ability. As Deryck Beyleveld and Roger Brownsword explain, in Kant's theory “those who lack the relevant capacity are not agents and cannot be rights-holders” (Beyleveld and Brownsword 1998, 673). So, despite Kant's influence on human rights discourse, the United Nations holds that treating humans who are unable to exercise certain capacities as though they deserve less respect than others fails to recognize the purported dignity of all members of our species. Such a failure has resulted in the abhorrent treatment of many people — a treatment which the *Declaration* means to eradicate. The *Declaration's* expressed aspiration to include all humans within the sphere of moral preeminence resonates in the arguments of the anthropocentric speciesist philosophers, to which we now turn.

2.4 Including All Humans in Conceptions of Intrinsic Dignity

This section is concerned with exploring the particular claims made by some anthropocentric speciesist philosophers in their attempts to both retain a “Kantian core” to their conception of intrinsic dignity and justify their shift from human exceptionalism to anthropocentric speciesism. I begin with Cohen, who retains a Kantian position most markedly insofar as he believes our capacity for

moral autonomy supports our preeminent moral status. In order to justify the preeminent moral status of humans who cannot exercise moral autonomy, Cohen makes a metaphysical claim that such humans retain their status insofar as they are members of a kind defined by this essential capacity (Cohen 2014, 199). I then turn to Oderberg, who believes that two manifestations of what he believes to be rationality are necessary for someone to be recognized as having dignity and rights — knowledge of finality and free will. While Oderberg also endorses the metaphysical view that humans are a kind defined by these capacities, he believes that all humans’ have the “intrinsic potential” (Oderberg 2000.a, 21) to possess these capacities and it is this potential that determines our preeminent moral status. Liang diverges even further from the “Kantian core” than Oderberg, as her argument does not draw on purportedly unique capacities possessed only by members of our species. Instead, it stems from a political claim about the dangers of requiring capacities to ground dignity and rights. Thus, for Liang, the problem of “marginal cases” does not arise because capacities do not determine dignity and rights; rather, mere membership in the species *Homo sapiens* is what justifies moral preeminence (Liang 2013, 337).

As mentioned, Cohen most markedly retains a Kantian justification for human dignity and its concomitant rights. For Cohen, as for Kant, humans’ unique capacity for moral autonomy justifies our preeminence. He argues that “[r]ights arise and can be intelligibly defended only among beings who actually do, or can, make moral claims against one another” (Cohen 2014, 198). He writes that only humans have “the capacity to comprehend rules of duty, governing all

including themselves” and maintains our preeminent moral status stems from humans’ “uniquely moral will and the autonomy its use entails” (Cohen 2014, 198). It is because “[h]umans engage in moral reflection... [are] morally autonomous... [and can recognize] just claims against their own interest” (Cohen 2014, 200) that they are imbued with dignity and rights.

When it comes to those humans unable to exercise moral autonomy, Cohen argues that precluding them from the scope of preeminent moral consideration “mistakenly treats an *essential* feature of humanity as though it were a screen for sorting humans” (Cohen 2014, 199, emphasis added). Cohen believes that those incapable of guiding their own conduct by exercising moral reflection and judgment are still members of a species defined by such capacities and so “are certainly not for that reason ejected from the moral community” (Cohen 2014, 199). So while humans are recognized as intrinsically valuable because they have this capacity, “[t]he capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings [humans] one by one”; rather, “[t]he issue is one of *kind*” (Cohen 2014, 199, emphasis added). Humans are a unique kind of species — a species that is defined by its capacity for moral autonomy. Herein lies Cohen’s metaphysical claim about humans: humans are a kind with an essence, and this essence includes the capacity for moral autonomy.

Rachels explains that Cohen “endorses” the traditional moralist view (Rachels 1990, 186). According to this view, “moral status is determined by what is normal for the species” (Rachels 1990, 186). Because some capacity, in this

case moral autonomy, is purported to be “the norm, even... humans [unable to exercise moral autonomy] are to be treated with the respect due to members of a rational species” (Rachels 1990, 186).

Like Cohen, Oderberg also believes that humans are a kind defined by essential capacities. Like Kant, he believes humans are defined by their capacity for rationality (Oderberg 2007; 2011). However, his conception of rationality is markedly different from Kant’s. First, Oderberg believes that “certain properties flow from rationality” (Oderberg 2011, 97) and that there are multiple ways humans exercise rationality. Rationality, for Oderberg, is not simply defined as the capacity to derive, evaluate, and abide by abstract moral principles (although no doubt he would agree that this is one manifestation of rationality). Second, Oderberg believes that rationality can be understood in contrast with instinct. In other words, he believes that all capacities that are not instinctual can be understood as rational. This is made clear when Oderberg explains that the essence of humans is rationality, and that nonhuman animals are distinct from humans insofar as they “are governed purely by *instinct*” (Oderberg 2000.b, 42).¹¹ Humans, on the other hand, can control their instinctual drives because they are rational (Oderberg 2000.b, 43).

However, Oderberg maintains that it is two particular manifestations of rationality that justify our preeminent moral status. The first manifestation is “knowledge of finality... that is, the *end* or *goal* for which an agent acts”

¹¹ Understanding rationality in opposition to instinct is a popular conception of rationality (Kazez 2010, 54). For instance, Charles Darwin believed that while “[a]ctions from instinct are... automatic behavioral responses” rationality entails “acting intentionally and intelligently” (Korsgaard discussing Darwin 2018, 295).

(Oderberg 2000.a, 122). Knowledge of finality is the capacity to understand that our actions are directed at particular goals or ends; it involves an awareness of knowing *why* we are acting in a particular way. The second manifestation is “freedom” (Oderberg 2000.b, 42), “a rights-holder must have *free will*” (Oderberg 2000.a, 121). To have free will entails that our behaviour “can always come within the sphere of choice” (Oderberg 2000.b, 43). Free will is the capacity to not be at the whim of our inclinations and desires; it is to be in control of our behaviour and actions. Recall, moreover, that the idea of free will is encompassed within Kant’s conception of humanity (it is because we are endowed with free will that we can follow the moral law).¹² For Oderberg, our rationality justifies the claim that humans “are rightly considered to be of the highest moral importance” (Oderberg 2000.a, 40).

With regards to humans unable to exercise knowledge of finality or free will, Oderberg, like Cohen, argues that it is not the *exercising* of these capacities that justify human supremacy. Distinct from Cohen, he argues that it is the “intrinsic potential” (Oderberg 2000.a, 21) to exercise these capacities that delineates our preeminent moral status. What he means by ‘intrinsic potential’ is that there is something inherent in the human “form” that gives rise to the capacities for knowledge of finality and free will (Oderberg 2011, 96). He believes that all humans upon conception have the intrinsic potential to develop

¹² Effectively, the capacity to be “free to choose” or to have “free will” is also another way of talking about autonomy. Autonomous action is not always defined as self-governance in accordance with moral principles. It can simply be understood as self-governance without any reference to moral motivations — that is, the capacity to be in executive control of our actions and take intentional steps towards achieving the goals of our actions (Beauchamp and Wobber 2014).

these capacities, and for “every case in which a human cannot exercise [the relevant capacities] ... there is an independently specifiable process... that explains why the capacity is prevented” (Oderberg 2011, 107). As such, “an organism can have the intrinsic potential to develop into a mature member of its species even if intrinsic genetic defect means it will not be a *healthy* or *normal* member” (Oderberg 2000.a, 21). Thus, Oderberg contends that would-be “marginal cases” retain moral preeminence because they can never lose the intrinsic potential to exercise these capacities even when they are prevented in some way from exercising them. Herein lies Oderberg’s metaphysical claim about humans: humans are a kind whose essence includes the potential to exercise rationality, and the two manifestations of our essence that ground our dignity and rights are free will and knowledge of finality.

How do we know that all humans have the intrinsic potential to exercise rationality? Oderberg believes that we know this because we have seen “paradigmatic” (Oderberg 2000.a, 123) or “normal[ly] functioning” (Oderberg 2000.a, 37) humans exercise such capacities. He argues that an individual’s potential is determined by “considering the *kind* of thing an entity belongs to, in this case the species *human being* [*Homo sapiens*]” (Oderberg 2000.a, 37), and contends that “mentally incapacitated human beings also have rights because of their very nature as members of a species whose paradigmatic members *are* capable of conscious reflection on why they do what they do” (Oderberg 2000.a, 123). Like Cohen, Oderberg explains the moral status of humans with certain disabilities — so-called “marginal cases” — by claiming that they share an

essence with “normal” or “paradigmatic” members of our species, that is defined in terms of the very capacities that they are unable to exercise.

As we have seen, Cohen, Oderberg, and Korsgaard claim that humans are a unique “kind” defined by “essential” capacities. In other words, they endorse an essentialist view about our species. Essentialism is a metaphysical view which asserts that there are certain kinds of entities, and each kind has a particular defining trait, or group of traits (Wilson 1999, 188). This particular trait, or group of traits, provides the necessary and sufficient conditions that must be met in order to identify an entity as being a member of a particular kind (Wilson 1999, 188). These necessary and sufficient conditions are the “essence” of the kind, and, therefore, the essence of the particular entity that is a member of that kind (Wilson 1999, 188).

The view that species are kinds defined by essential characteristics has been popular since the time of Aristotle, and “runs through the literature of the nineteenth century” (Ritvo 2018, 383). Essentialist views about species assert that species are essentially different kinds of entities, and all and only individuals of a particular species will possess a defining trait or set of traits. In other words, a species’ essence both defines the kind in perpetuity and demarcates it from all other species. Historically, many scientists embraced the idea that species are kinds with essences in order to “define species in the abstract” as it enabled scientists to “recognize and delimit them in the flesh” (Ritvo 2018, 384). While Cohen, Oderberg, and Korsgaard have slightly different conceptions of what

capacities demarcate our species, they all embrace this metaphysical view about our species.

Unlike Cohen and Oderberg, Liang challenges the idea that moral status rests in capacities by instead arguing in favour of the *equal dignity principle* (Liang 2013, 337). The equal dignity principle asserts that all humans are equal and enjoy preeminent moral status over all other animals regardless of any ability (or inability) to exercise certain mental faculties (Liang 2013, 337). It “locates value in our common humanity”, and maintains that humans have moral obligations to one another “in a way that other kinds... do not” (Liang 2013, 337). Like Cohen and Oderberg, then, Liang also recognizes that humans are of a particular kind, but not necessarily one defined by essential psychological capacities. Rather, she appeals to a certain “moral distinctiveness” that “humans do not lose... however mentally disabled” (Liang 2013, 337). Dignity, she argues, cannot be grounded in capacities because capacities fluctuate, and the equal dignity principle assumes that “we have value *in spite* of our fluctuating capacities, in spite of our dependence, age and weakness” (Liang 2013, 337). Because this moral nature is not grounded in any cognitive or behavioural capacity, it is hard to interpret her argument as asserting anything other than it is simply our membership in the species *Homo sapiens* that determines our preeminent moral value. In other words, it is simply because we are human that we have dignity.¹³

¹³ Nicholas H. Lee (2014) puts forth a similar argument to Liang. While at times he discusses the idea that human supremacy is justified because certain morally relevant capacities flow from our inherent moral nature, his argument consistently returns to the idea that it is mere membership in the species *Homo sapiens* determines dignity and rights: “every human life [has] equal moral

A particular political concern motivates Liang to eschew the idea that capacities ground dignity. She argues that when dignity is recognized as deriving from capacities, the rights that flow from said capacities are in constant jeopardy. Because we fluctuate in our capacities throughout our life, grounding dignity and rights in capacities would fail to protect all humans in various stages of their lives. Thus, lacking capacities “should not deprive such creatures [humans] of their moral status or encourage us to believe that they lack intrinsic dignity” (Liang 2014, 337). To avoid this “[u]njust discrimination on the basis of age, disability or incapacity” we must avoid drawing on capacities and abilities and “assert the inherent dignity of all human[s]” (Liang 2013, 337).

Liang’s rationale for human supremacy is not far-removed from Oderberg’s and Cohen’s. In the end, all three philosophers embrace anthropocentric speciesism insofar as they argue that all humans are due preeminent moral consideration. The only relevant difference between the positions is that Liang believes we should avoid justifying the moral status of humans based on any capacities and as such she makes no claims about paradigmatic or normal humans. This avoidance emerges out of a political concern that grounding dignity and rights in capacities puts at risk not only those who may never be able to exercise the relevant capacities but all humans, since we vary in our capacities throughout our lives.

value simply and merely because it is human” (Lee quoting Wesley Smith, 2014, 475-476, brackets in original); “all rights flow from ‘the status of being a human being [human], a member of the species *Homo sapiens*’ and the worth [i.e., dignity] that is attached to that status” (Lee 2014, 474).

2.5 Excluding All Nonhumans from Conceptions of Intrinsic Dignity

Having explained in the previous section why these philosophers think that all humans have a high moral status, this section is dedicated to looking at why these anthropocentric speciesists believe that members of other species are not due the same kind of moral consideration. As anthropocentric speciesists, Cohen, Oderberg, and Liang believe their arguments exclude nonhuman animals from the sphere of dignity and rights. They justify this exclusion on empirical grounds. Liang argues that one must be a member of the species *Homo sapiens* to be worthy of dignity and rights, and the political concern about capacities grounding dignity also motivates her desire to avoid extending this high moral status to other animals. Cohen and Oderberg argue that nonhuman animals are unable to exercise the capacities that would justify moral equality with humans.

Liang claims that other animals are not due the same kind of moral consideration as humans are because humans have “moral obligations” to one another “in a way that other kinds (e.g., animals and vegetables) do not” (Liang 2013, 337). Because membership in the species *Homo sapiens* is the source of these moral obligations and higher moral worth, she argues that “[a] human being [human], notwithstanding illness or inability to exercise higher mental functions, is human and does not thereby degenerate to the level of vegetable or an animal” (Liang 2013, 337). She also finds “the moral conflation of ‘*non-human animals*’ and ‘*mentally retarded individuals*’ ... troublesome... [because] [i]t is at odds with the principle that humans have an intrinsic dignity in virtue of their common humanity so that however disabled, young, old, conscious, awake, ill, diseased,

unproductive and irrational we may be, we retain our dignity just by virtue of being human” (Liang 2013, 337).

The political concern about the need to safeguard all humans also motivates her reluctance to recognize the dignity of other species. Liang thinks that recognizing the dignity of nonhuman animals because they have certain capacities undermines the moral status of humans who are unable to exercise these capacities. Such a view of the status of nonhuman animals would, to be consistent, require that capacities matter when assigning humans moral status. If humans’ moral status is grounded in capacities, then “certain members of humanity” will be seen “as somehow subhuman or morally equivalent to animals” which suggests that their dignity and rights are subject to “elimination” (Liang 2013, 337). Not only is asserting the equal moral status of humans and other species morally unpalatable for Liang, but she believes that the exclusion of nonhuman animals is necessary to protect the dignity of all humans.¹⁴

In order to exclude nonhuman animals from the sphere of moral preeminence, Cohen and Oderberg deny their intrinsic moral worth by claiming that no species other than humans demonstrates the necessary capacities that justify human supremacy. Oderberg writes:

No animal *knows* why it lives the way it does; no animal is *free* to live in one way or another. Animals, from the smallest single-celled organism to the most human-like ape, are governed purely by instinct... No experiment that has ever been conducted into animal behaviour has demonstrated that animals know *why* they do what they do, or are *free* to choose one course of action over another. From insects to apes – all kinds of complex behaviour has been demonstrated... But nothing has been found which sets the ape apart

¹⁴ Lee makes a similar claim: “[a]ssignment of rights based on comparisons of mental capacities endangers the weakest members of human society and directly challenges human dignity... if some animals are awarded rights because ‘they are sufficiently intelligent,’ this necessarily implies ‘that perhaps some humans should lose their dignity if they are sufficiently unintelligent’” (Lee 2014, 469).

from the insect in any qualitative sense bearing on freedom and knowledge of purpose (Oderberg 2000.b, 42).

In other words, Oderberg believes that the exclusion of nonhumans from moral preeminence is justified because of their inability to acquire knowledge of finality and exercise free will. While humans are a kind of species defined by the intrinsic potential to exercise these capacities, members of other species are never able to engage such faculties because they “are governed purely by instinct.”

For Cohen, nonhuman animals’ inability to exercise moral autonomy justifies their exclusion. Because humans are essentially morally autonomous, we alone are able to reflect on and abide by moral principles that can conflict with our self-interest. Nonhuman animals, on the other hand, “do not have such moral capacities. They are not morally self-legislative, cannot possibly be members of a truly moral community, and therefore cannot possess rights” (Cohen 2014, 199). Cohen does recognize that “[c]ommunal behavior among animals... [can be] most intelligent and most endearing... [but] [a]ctors subject to moral judgment must be capable of grasping the generality of an ethical premise in a practical syllogism” (Cohen 2014, 200). In sum, because he believes that “[g]enuine... moral acts [necessarily] have [this] internal... dimension... membership in a community of moral agents... remains impossible for [nonhuman animals]” (Cohen 2014, 199).

Cohen’s justification for excluding nonhuman animals here encompasses more empirical claims. Nonhuman animals lack the capacities for morality because they lack the capacity for moral autonomy. In other words, they are fundamentally incapable of moral action because they lack normative self-governance. It follows, according to Cohen, that they cannot be members of a

moral community. A moral community is not merely a community governed by moral rules. Membership in the moral community is what determines the scope of moral preeminence (Cohen 2014, 199). One must be capable of moral action to be considered a member, and moral action for Cohen requires the capacity for moral autonomy.

Note that Cohen's and Oderberg's arguments depend on employing a double standard for the inclusion of all humans and the exclusion of all nonhuman animals. That is, humans may not be able to exercise the relevant capacities that support our species' moral status but are still considered morally preeminent. Yet nonhuman animals are excluded from the sphere of moral preeminence on the grounds that they (purportedly) are unable to exercise the relevant capacities.

Cohen and Oderberg also agree with Kant about how we ought to treat animals. They both believe that we should not be unnecessarily cruel to animals, yet they contend that we are entitled to use them for various purposes if those purposes are deemed sufficiently beneficial to humans. For instance, while Cohen concedes that "[t]he humane treatment of animals requires that we desist from experimenting on them if we can accomplish the same result using alternative methods" (Cohen 2014, 202), he also believes that "[k]illing animals to meet human needs [is acceptable]" (Cohen 2014, 2013). It is acceptable because nonhumans lack dignity and rights, and so we are permitted to use them to serve our ends when necessary: "[i]n conducting research on animal subjects... we do not violate their rights, because they have none to violate... We must not infer...

that a live being has, simply in being alive, a ‘right’ to its life” (Cohen 2014, 198-199).

Oderberg also concedes that we should not “be cruel to animals or cause them unnecessary suffering” (Oderberg 2000.b, 43), but this is only because unnecessary cruelty towards animals is not conducive to “our flourishing as a species” (Oderberg 2000.b, 43). In this way, Oderberg, just like Kant, believes that we do not have moral duties directly to nonhumans, but may have duties regarding them (Oderberg 2000.a, 129). As such, Oderberg believes that “we are free to use animals for our benefit... such as food, modest clothing [sic]... scientific research... [and] [w]e are also free to hunt animals for the protection of our property, of the countryside, and even for leisure” (Oderberg 2000.b, 43-44).

2.6 Conclusion

Despite developing the foundational position upon which contemporary arguments for intrinsic human dignity build, Kant’s conception of intrinsic human dignity differs in a significant way from the contemporary dignitarians discussed in this chapter. Kant’s argument for human supremacy — as I and others (Mattson and Clark 2011; Beyleveld and Brownsword 1998) have interpreted it — takes the form of human exceptionalism, by excluding humans who cannot exercise rationality from the sphere of moral preeminence. In order to remedy this exclusion, the other philosophers within this chapter (with the exception of Korsgaard) embrace the alternative form of human supremacy, anthropocentric speciesism. For Kant, *only, but not all*, humans have intrinsic dignity and natural

rights. Cohen, Oderberg, and Liang argue that *all and only* humans have intrinsic dignity and natural rights.

Cohen and Oderberg embrace a metaphysical view about the human species, essentialism, in order to argue for the dignity of all humans. Cohen grounds human preeminence in the capacity for moral autonomy. Humans unable to exercise this capacity, he argues, retain this status because they are members of a kind defined by this essential feature of humanity that is exemplified by “normal” humans (Cohen 2014, 199). Oderberg argues that rationality is our essence, and the particular manifestations of rationality that support our dignity and rights are knowledge of finality — an awareness that our actions are directed at achieving particular ends — and free will — the capacity to choose one course of action over another (Oderberg 2000.a, 121). Yet, he contends that it is simply all humans’ intrinsic potential to exercise these capacities, and that we know would-be “marginal cases” also have this potential because “paradigmatic” humans exercise these capacities (Oderberg 2000.a, 122).

Cohen and Oderberg also make empirical claims that purport to exclude nonhuman animals. Cohen argues that nonhuman animals are incapable of moral autonomy, and that this means they cannot act morally whatsoever and are therefore unable to be in a moral community (Cohen 2014, 199). Oderberg believes nonhuman animals can act only in accordance with instinct and as such they lack the two necessary manifestations of rationality (knowledge of finality and free will) that are themselves necessary for rights and dignity (Oderberg 2000.b, 42-43).

Liang, on the other hand, believes grounding dignity in capacities undermines the dignity of humans unable to exercise said capacities (Liang 2013, 338). Likewise, she believes that extending dignity to other animals because they possess certain capacities would also undermine many humans. By using human species membership to determine the scope of moral preeminence, Liang believes that her argument protects the moral status of all humans. Of course, this implies that no nonhuman can be included.

The following three chapters will be devoted to assessing the various claims made by these anthropocentric speciesist philosophers, as well as Korsgaard. In Chapter Three, I show how Cohen's, Oderberg's, and Korsgaard's metaphysical view is inconsistent with key features of evolution. These features — variability within species and similarity across species — entail that species cannot be thought of as kinds with essential traits. Chapter Four will be concerned with rebutting the empirical claims made by Cohen and Oderberg that purport to justify the exclusion of nonhuman animals. In Chapter Five, I will show that Liang's use of species membership to demarcate moral status is an arbitrary means of determining which individuals possess absolute moral worth. I will also address her political concern about vulnerable humans by showing that it is human supremacist arguments, such as the ones given by Cohen and Oderberg, that are actually responsible for undermining the status of certain humans, not arguments for animal rights.

Chapter Three: Refuting Cohen’s and Oderberg’s Anthropocentric Speciesism: Essentialism Through a Biological Lens

3.1 Introduction

My aim in this chapter is to reveal how evolutionary theory challenges Cohen’s and Oderberg’s arguments that all humans possess dignity and rights. Recall that in order to include all humans within the sphere of moral preeminence, Cohen and Oderberg embrace a metaphysical view about our species, essentialism. Recall as well that Korsgaard also embraces essentialism but denies that this view justifies human supremacy. In spite of arriving at a conclusion with which I agree, Korsgaard’s view is susceptible to the same criticisms as Cohen’s and Oderberg’s. Cohen, Oderberg, and Korsgaard believe that humans are a biological kind defined by essential capacities, thus drawing on concepts — “kinds,”¹⁵ “essences,” “paradigmatic members,” “normal functioning,” — that are incompatible with evolutionary theorizing. This criticism is not new. The fact that essentialism is incompatible with evolutionary theory has been addressed by various philosophers and biologists, and this chapter is indebted to their insight on the subject. In particular, this chapter heavily draws on the work of David Hull (1986). It has been over thirty years since Hull’s article, “On Human Nature,” effectively put essentialist views about species (*Homo sapiens* in particular) to rest. Yet many contemporary philosophers continue to disregard these

¹⁵ The “kinds” discussed, at least for these philosophers, are *natural* kinds. Natural kinds “feature in laws of nature and so scientific explanation; they are individuated by essences... and they are conceiver-independent classifications of what there is in the world” (Wilson 1999, 187). Non-essential, non-biological kinds are not the target of my concern.

fundamental facts about contemporary biology and evolutionary theory in particular.

Two key features of evolution undermine essentialist views about species. The first is that variability of characteristics within a species is necessary for said species to evolve. This means that it is profoundly unlikely for any single trait, or group of traits, to be possessed by all members of a species. Accordingly, variability undermines essentialism in the following ways: (i) it makes choosing a capacity as the exemplar of the human species arbitrary (Sober 1980, 379); (ii) the variety of capacities possessed by humans is a result of external and contingent factors rather than something intrinsic (Hull 1986, 4); (iii) variation entails that there is no stable trait possessed by humans that is not subject to evolution (Andrews, et al. 2019, 31). Variation also undermines the claim that there is a normal and paradigmatic human, or that humans have the intrinsic potential to develop particular cognitive capacities. This is illustrated by taking into consideration the reaction norms of particular genotypes — that is, the multitude of traits our genes can give rise to depending on the external environment (Hull 1986, 8).

The second key feature that undermines essentialist views about species is that similarity in characteristics across species is a consequence of evolution. Knowledge of our evolutionary history supports a skepticism that humans are unique in every way, or perhaps even in many ways, that should matter to ethicists. I will discuss how similarity across species undermines the idea that species differ in “kind” and why it is now widely accepted within the biological

community that, for most traits, species differ in “degree” (Rachels 1990, 132). Because variation within species and similarity across species undermines essentialist views about species, Cohen and Oderberg are unable to maintain anthropocentric speciesism, and Korsgaard is unable to maintain her conception of humans as essentially rational beings. The following section is dedicated to exploring how variability within species undermines essentialism.

3.2 Variability Within Species

This section explores the first key feature of evolution discussed: individuals within a species inevitably vary in their cognitive and morphological traits. As mentioned, variation undermines the claim that species, and their members, have defining essences insofar as: (i) it renders using any one characteristic or group of characteristics to define a species arbitrary (Sober 1980, 379); (ii) whatever characteristics members of a species typically possess is largely a result of environmental happenstance (Hull 1986, 4); (iii) a species’ characteristics are subject to change and evolution over time (Andrews, et al. 2019, 31). First, I will briefly discuss why variation is necessary for evolution, in particular natural selection.

There are many evolutionary factors that can influence the form or distribution of a trait, and thus many ways a species can evolve. However, it is widely recognized that natural selection is a significant driver of evolution. Through the process of natural selection, particular heritable variants of characteristics possessed by individual members of a species will be selected for in particular environments because they provide a fitness advantage (Dawkins

2009, 256). Because certain heritable characteristics may better enable the survival or reproductive success of the individuals who possess them, such individuals will be able to produce more offspring than others and thus pass this characteristic down to the next generation. Fitness conferring heritable variants will increasingly occur, eventually changing genetic and/or morphological characteristics to the point where a population becomes so different from their ancestors, and other populations descended from their ancestors, that they have become a different species. This gradual process is how an ancestor species can give rise to multiple different species as populations move to different environments with different selection pressures (Dawkins 2009, 256). Natural selection cannot act on populations without there being variation of traits in their members; without variation, Hull explains, “evolution would soon grind to a halt” (Hull 1986, 3). In sum, that individual members of a species vary in their phenotypic traits is a logical consequence of that species being shaped by natural selection.

The first problem variability raises with choosing any characteristic, such as moral autonomy or rationality, to be the defining and paradigm characteristic of our species is that the choice is more or less arbitrary. As Elliot Sober has made clear, because variation is necessary for species to evolve, it follows that “[n]o phenotypic characteristic can be postulated as a species essence... [because] it is arbitrary to single out as privileged one phenotype as opposed to any other” (Sober 1980, 379). In other words, using moral capacities or rationality to define the human species is as arbitrary as saying our species is defined by the ability to

cook or to read. Choosing particular phenotypes to postulate as an essence involves attributing values to particular traits or characteristics (Sober 1980, 373), which is why Cohen, Oderberg, and Korsgaard choose the capacities that they do. But through a biological lens “there is no... plausible way to single out some... characteristic as natural [or better] while viewing others as [less important or as] the upshot of interfering forces” (Sober 1980, 380). In sum, since evolution tells us that members of a species vary in their phenotypic characteristics, picking any one capacity to define the human species is arbitrary and as such will fail to capture what is ‘essential’ about all humans.

One might object that without identifying particular traits that at least *seem* to be uniquely and widely possessed by a particular species, we are left with no way of demarcating one species from another. Without essentialism, it could be argued, our whole taxonomic system would fall apart.¹⁶ No doubt evolutionary processes make species demarcation a nebulous pursuit. As the authors of *Chimpanzee Rights* explain, “[t]he facts about the process of evolution and the character of living organisms create a fundamental problem for [taxonomists]” (Andrews, et al. 2019, 26). Indeed, the “Species Problem” — the lack of a definitive account of “species” — is demonstrated by the contentious nature of

¹⁶ Pheneticism, identifying species on the basis of shared traits, was still embraced as a proper method of classifying species after essentialism was discredited. While similar to essentialism, pheneticism rejects the idea of species as natural kinds with defining intrinsic essences and instead uses “*overall phenetic similarity*, where this similarity is a weighted average of the individual phenotypes and genetic fragments individual organisms instantiate” (Wilson 1999, 190), as a means of species demarcation. Like essentialism, knowledge of the evolutionary processes that bring species into existence also motivated taxonomists to reject this generic criterion for demarcating species.

how best to define the concept within the biological community (Andrews, et al. 2019, 30).

Despite the fact that evolutionary processes make species demarcation a challenging endeavour, Hull explains that scientists *do* agree that species “can and must be characterized in terms of ancestor-descendent relations” (Hull 1986, 3). In other words, scientists typically agree that species are best characterized by lineage.¹⁷ Mark Ereshefsky explains that most biologists will embrace one of three approaches to species demarcation based on lineage (Ereshefsky 1992, 672). Some biologists hold reproductive views of the species category. They assert that if two individuals share the same lineage and can mate and create fertile offspring then they can be recognized as being members of the same species. In contrast, “[n]on interbreeding is the recognised criterion for whether two populations deserve distinct species names” (Dawkins 2004, 309). However, some biologists believe that “the stability of a species is primarily due to environmental forces rather than interbreeding” (Ereshfsky 1992, 673). Such biologists embrace an “ecological approach” and instead argue that a species is best thought of as a population that “occupies its own distinctive adaptive zone, or niche, and the distinct set of selection forces in each zone is responsible for the maintenance of species as separate taxonomic units” (Ereshefsky 1992, 673). Of course, a species is not simply a population that resides in the same zone or niche; the ecological approach maintains that a species must also share a lineage (Ereshefsky 1992,

¹⁷ Ereshefsky defines lineage as “a single descendent-ancestor sequence of organisms or a group of such sequences that share a common origin. In philosophical jargon, these approaches assume that species are spatiotemporally continuous or historical entities” (Ereshefsky 1992, 674).

673). However, some biologists eschew both the interbreeding and ecological approach and argue, rather, that species as a taxonomic group “should contain all and only the descendants of a common ancestor” (Ereshefsky 1992, 673). In other words, not only is a “species” a shared lineage but constitutes “the smallest diagnosable cluster [on the tree of life] of individual organisms within which there is a parental pattern of ancestry and descent” (Ereshefsky quoting Cracraft 1999, 674). On the other hand, if two individuals have even slightly different evolutionary trajectories, then they are considered separate species. Ereshefsky defines this view as “the phylogenetic approach” (Ereshefsky 1992, 673).

There is an unavoidable reason for why there are multiple approaches to species demarcation: there is simply no one taxonomic approach able to classify every species we find in our biological world. Our biological world is complex, and because many factors influence the evolutionary trajectory of a species which relational approach is best for classifying one species may be inadequate for classifying the next. For example, using the interbreeding criterion to define the human species works quite well. However, despite occupying two very different ecological niches and being morphologically distinct, under the interbreeding criterion polar bears and grizzly bears would be considered the same species.¹⁸ This inability to define “species” neatly and discretely “is a real feature of the world and not merely a feature of our lack of information” (Ereshefsky 1992, 676). This is why Ereshefsky embraces pluralism with respect to the species category. He explains that “[a] taxonomy containing only interbreeding units [or

¹⁸ See Pongracz, et al. (2016) for a study on hybrids between grizzlies and polar bears.

only ecological or genealogical units] provides an inadequate framework for studying life's diversity" (Ereshefsky 1992, 677). Even though contemporary biologists may disagree about what relation is best to demarcate one species from another, there is one thing that they do agree on: they agree that it is arbitrary to choose particular phenotypes or characteristics to postulate as the essence of a species.¹⁹

Variation also undermines essentialism insofar as the properties that a given species possesses are significantly influenced by the changeable and contingent external environment of its ancestors. Essentialism asserts that the properties postulated as the essence of a species and its members are intrinsic (Wilson 1999, 188). But natural selection is an external force. It acts on random mutations that provide some evolutionary advantage for individual members of a species. Selection of particular traits depends on which traits are advantageous to survival and reproduction in the external environment, and which traits are so advantageous is contingent. Whatever traits are possessed by a species, and whatever species we find in nature today, are largely a result of external factors rather than something intrinsic. So, as Sober explains, even if "a species were found in which some characteristic is shared by all and only the organisms that

¹⁹ While Wilson explains that the essentialist view endorsed by philosophers such as Oderberg and Cohen cannot be maintained, he provides what is probably the closest and most acceptable contemporary taxonomic approach to essentialism. Wilson argues that we can think about species as kinds with inherent properties, but that these inherent properties must be understood as homeostatic property clusters. That is, species are kinds insofar as they can be identified by certain properties that tend to cluster together and they are homeostatic because there are "mechanisms that cause their systematic coinstantiation of clustering" (Wilson 1999, 197). However, Wilson explains that "there will be cases of genuine indeterminacy with respect to... membership in particular species taxa... [and] this indeterminacy... reflect[s] the continuities one finds in the complex biological world" (Wilson 1999, 201). Oderberg explicitly rejects this taxonomic approach (Oderberg 2011, 90).

are in a species, this could [still] not be counted as a species essence... [because] the explanation of this phenomenon would be given in external outside pressures acting on the population” (Sober 1980, 379).

In other words, our past and future evolutionary trajectory, and thus what capacities we possess and will later possess, is largely a result of external, myriad, chance events. Because the particular heritable traits that provide an evolutionary advantage and are therefore passed down to the next generation are contingent on the external environment which is constantly subject to change, it follows that “[w]hich variations characterize a particular species is to a large extent accidental” (Hull 1986, 3). Thus, even if Korsgaard, for instance, is correct in saying that we have been designed by natural selection to function rationally, that we have evolved such capacities is a result of mere chance. Indeed, our own species’ existence is a result of environmental happenstance. As Stephen Jay Gould notes, “our own existence is probably contingent on... a replacement of dinosaurs by mammals” (Gould 656). Without the environmental catastrophe that resulted in the extinction of these giant reptiles, our species (let alone our rational capacities) would probably never have been able to evolve. In short, the forces at work producing the variety of characteristics we find in species, and the variety of species we find in the world today, are the result of external, myriad, chance events. As such, it does not make sense to talk of characteristics as being “intrinsic,” as essentialism does.

Finally, variability undermines essentialism insofar as a species’ traits are always subject to evolution and change. If, then, Cohen, Oderberg, and Korsgaard

want to define human nature as “a trait which happens to be prevalent and important *for the moment*, then surely human nature exists” (Hull, emphasis added, 1986, 9). However, these traits cannot be said to define our species in *perpetuity*, as essences do, insofar as species are “things that evolve” (Hull 1986, 3), and *Homo sapiens* is no exception. For instance, there is no reason to assume that in our species’ early evolutionary stages *Homines sapientes* were capable of exercising abstract moral reasoning. As Hull states, characteristics that some humans currently possess “may not have characterized us throughout our existence and may not continue to characterize us in the future” (Hull 1986, 9). The authors of *Chimpanzee Rights* agree, stating that “[c]haracteristics we currently associate with humans (as a species) are subject to change over evolutionary time” (Andrews, et al. 2019, 31). In short, because the various capacities typically possessed by members of a species are subject to evolution and change, they cannot define a species in perpetuity, as essences try to do.

However, because there have been advances in science and medicine, and because cultures produce different external environments where different traits are favoured, it can be said that humans as a species are now less subject to the whims of natural selection (understood as a biological process distinct from cultural processes, that is). However, this does not mean that changes in our environment could not render cognitive traits that are sometimes regarded as central to our species — such as moral autonomy — obsolete, or even maladaptive. If we somehow suddenly lost the ability to exercise abstract moral reasoning, would we still, according to Cohen and Korsgaard, be properly

understood as the species *Homo sapiens*? From a biological lens, as long as we retained the characteristics relevant to each of the various species concepts — such as, the capacity to interbreed with, or inhabiting the same niche as, individuals who share our evolutionary lineage — we still remain the same species. In sum, our external environment is constantly changing, and so what capacities provide a sufficiently historically stable fitness advantage to be typically possessed by members is also constantly subject to change. Variation entails that there is no stable trait that can be properly said to define the human species in perpetuity, or any species for that matter.

Now, as Sober puts it, in order to “penetrate the veil of variability found within species,” (Sober 1980, 380) Cohen and Oderberg purport that there is a particular pathway of development that can ascertain the “paradigmatic” or “normal-functioning” human which can then determine the “paradigmatic” and “normal” human capacities. Moreover, Oderberg claims that all humans have the intrinsic potential to develop the capacities that supposedly define our species insofar as there exists “a dispositional property which would be manifest were interfering forces not at work” (Sober 1980, 380). In other words, while they concede that there is variation with respect to the cognitive capacities of members of our species, and that some humans are not capable of exercising the capacities that determine their preeminent moral status, they argue that there is still a normal pathway of human development that, had these forces not been at work, these particular humans could follow and so develop the paradigmatic or normal capacities. Thus, they argue, “[h]eterogeneity is... a result of a departure from the

natural state” (Sober 1980, 380) and we should treat those would-be “marginal cases” the same way we treat “normal” humans.

The problem for Cohen and Oderberg is that contemporary biology raises various issues with respect to understanding what a “normal” species member is, which in turn problematizes Oderberg’s claim that we have the intrinsic potential to develop specific characteristics. In particular, the reaction norms of our genes that make trouble for Cohen and Oderberg. Hull explains that “[t]he reaction norm for a particular genotype is all possible phenotypes that would result given all possible sequences of environments in which an organism might survive” (Hull 1986, 8). Because our phenotypes are manifestations of our particular genotypes reacting with our external environment, “[t]he phenotype exhibited by an organism is the result of successive interactions between its genes, current phenotypic make-up and successive environments” (Hull 1986, 8). Genotypes, which are responsible for the manifestation of our phenotypes, can give rise to multiple different traits depending on our various external environments. As Hull notes, “[b]ecause environments are so variable in both the short and long term, developmental plasticity is absolutely necessary if organisms are going to survive to reproduce” (Hull 1986, 8).

The reaction norms of our genotypes are exactly why there cannot be a universal, predetermined conception of normal human development. Our developing certain traits, rationality and moral autonomy notwithstanding, is contingent on our external environment and other factors of our biological makeup. Certain traits, such as rationality or abstract moral thought, must first be

genetically possible (i.e., an individual must have the genetic disposition to develop such traits) but must also be cultivated and suitable for our environment in order for us to be capable of developing and exercising them. What developmental pathway we go down, or are able to go down, will always depend on such factors. Thus, if there is any legitimate sense of “normal human functioning” understood as Oderberg and Cohen do as the functioning of certain cognitive capacities, it could only be whatever cognitive capacities are suitable for the individual’s current environment and would result from the interactions of the individual’s genotype and current phenotypic disposition. In sum, because there is no predetermined normal pathway of human development, it does not make sense to talk of a “normal” or “paradigmatic” human. And because there is no normal, universal pathway for human development, it follows that it does not make sense to say we have the “intrinsic potential... to develop into a... *normal* member” (Oderberg 2000.a, 21) as Oderberg claims.

With respect to the idea of an intrinsic potential, the possession of some genotypes (or the lack thereof) means that it is simply impossible for the organism in question to develop certain traits. Within biology, the idea that one has the intrinsic potential to develop certain traits without the necessary genetic material or developmental resources required for them to come to fruition makes little sense. At the same time, although there is no “normal” member or universal pathway for development, because our genes are “primed” to respond in various ways dependent on our particular environment, it isn’t *entirely* wrong, in a sense, to say we can be *born* with the intrinsic potential to develop certain cognitive

capacities. For example, Hull explains that it does not seem wrong to say that those of us born with genes that enable the development of a cerebrum (the part of the brain responsible for language) have the intrinsic potential to develop language, as long as we don't forget that this is conditional based on our external environment (that is, based on us not being raised in isolation but being subject to enculturation) (Hull 1986, 7). But this is not upon *conception* as Oderberg claims: to say that “babies... born with little in the way of a cerebrum... retain the potentiality for language use” (Hull 1986, 7), or that adults no longer able to learn a language retain the potentiality for language acquisition they once had (Hull 1986, 7), makes no sense within biological theorizing.

Now, Oderberg would argue that these babies and adults retain the intrinsic potential to develop language insofar as “if they had a different genetic make-up [or] were exposed to the appropriate sequences of environments... [then] they would have been able to acquire language skills similar to those possessed by the rest of us” (Hull 1986, 5). Well, sure. But, as Hull succinctly put it, “this same contrary-to-fact conditional can be applied to other species as well” — that is, if cats had a different genetic make-up and were exposed to the appropriate sequences of environments then they also would “possess the capacity to acquire language” (Hull 1986, 5). Put simply, one doesn't have the intrinsic potential to develop a certain capacity unless the relevant genes, and then the relevant environment, that enable that capacity to come to fruition are present.

In conclusion, the first key feature of evolution, variation of traits within species, undermines essentialist views about species in the following ways: (i)

choosing a capacity, or small group of capacities, to define a species is more or less arbitrary; (ii) whatever characteristics a species does typically possess is a result of external and contingent factors; (iii) whatever capacities a species typically exercises is always subject to change. Variation also tells us that if we, in any sense, have the intrinsic potential to develop into a normal member of our species, this is simply the potential to develop a multitude of phenotypic traits dependent on our external environment and the other genotypes and phenotypes we may possess. Because our genes' reaction norms are capable of giving rise to multiple phenotypes, we quite literally have variation built into our genes. Thus, it does not make sense to say that heterogeneity is a divergence from the natural state. Heterogeneity *is* the natural state, and "attempts to argue away this state of affairs by reference to 'potentiality' and 'normality' have little if any foundation in biology" (Hull 1986, 4).

3.3 Similarity Across Species

This section is concerned with discussing the second key feature of evolution that undermines essentialist views about species: similarity in traits across species. Not only is variation in traits necessary for that major evolutionary process, natural selection, to occur, but cross-species similarity in traits is a consequence of evolution from a common ancestor. Cross-species similarity undermines the idea that species differ from one another in "kind," and is the reason why it is now accepted that closely related species are thought to differ, rather, in "degree." First, I will briefly discuss why similarity in traits across species is a consequence of evolution from a common ancestor.

As discussed above, species come into existence by way of gradual changes with respect to the frequency of traits possessed by different, successive generations. Usually over significant stretches of time, descendants diverge into various populations so as to become a different species. But an abundance of traits that were possessed by the ancestor species will be preserved in the descendant species, and two related descendant species will share some traits with each other as well as their common ancestor. Certain characteristics will remain within various species because they continue to be advantageous in the external environment, or simply because they are developmental constraints (traits that tend to be entrenched early in the developmental process).²⁰ Thus, not only will individual members of a species vary from one another, but various species will share an abundance of similar traits.

Humans are not exempt from this inevitable feature of evolution. The fact that humans are related to all other species entails that we share an abundance of traits with an abundance of other species. Of course, we are more closely related to other primates than we are to insects. This explains why we see far more similarities between humans and other primates than we do between humans and insects. Yet we share genes and morphological traits with insects too, and thus have similarities with even these far distant relatives. As Brian Keely puts it, “[a] central tenet of modern evolutionary theory is that, in a sense, all life on earth

²⁰ For example, “the basic body plans of organisms [such as bodily symmetry or having five fingers and toes] are so integrated and so replete with constraints upon adaptation... that conventional styles of selective arguments can explain little of interest about them” (Gould and Lewontin 1979, 594).

shares a literal ‘family resemblance’ because we are all situated on the same, huge family tree” (Keely 2004, 533).

In other words, species are not thought to wholly differ in the kind of capacities they possess from their close relatives; instead, they are thought to differ in the degree to which said capacities can be exercised. Our complex cognitive capacities have evolutionary origins, and this strongly suggests that we are likely to find other species capable of exercising relevantly similar capacities as well. Of course, some animals may be able to exercise capacities in a more complex or particular way than other species who possess the same capacities. For instance, reasoning about abstract moral principles may be a capacity uniquely exercised by some humans. But taking evolutionary processes into consideration, it follows that we are unlikely to be *the only* species capable of reasoning. This is because “denying that other animals are [can reason] involves positing a sharp break between humans and the members of other species... [yet] [e]volutionary theory leads us to expect continuities, not sharp breaks” (Rachels 1990, 165). Put differently, other species may not be able to *morally* assess their reasons for acting, yet similarity across species suggests that other extant species may be capable of assessing their reasons for acting, though perhaps not in light of normative standards. Moreover, Michael Bradie explains that this evolutionary fact of cross-species similarity in cognitive and psychological traits, rationality notwithstanding, is further supported by neurological evidence, “insofar as homologous brain structures and systems implicated in the cognitive and affective capacities of human beings [humans] are widespread in the animal kingdom”

(Bradie 2011, 567). In sum, cross-species similarity, a common feature of evolution, entails that many of our capacities are bound to be identified in a number of other species, even if they are being exercised in different, attenuated ways.

It is interesting that some scientists, who are of course aware of the evolutionary processes that bring species into existence, believe that we have more reason to deny than admit cross-species similarities in psychological traits. Indeed, claiming that other species have psychological states that are similar to ours has been dubbed the fallacy of “anthropomorphism” (Keely 2004). Beginning investigations into the cognitive and psychological capacities of nonhuman animals with unassailable skepticism is thought to be a hallmark of respectable science (Keely 2004, 526). Yet, we all accept without protest that there are cross-species similarities in morphological traits; nobody denies that we share many morphological characteristics with chimpanzees, but many deny that we share psychological and cognitive traits with our closest relatives (let alone countless other species). What is it about the psychological and cognitive capacities of all other species that motivates scientists to treat their non-existence as the rational default assumption?

Some have argued that it is a symptom of that deeply entrenched Great Chain of Being mentality — that is, a result of “seeing humanity as not only separate from, but also superior to, other species” (Keely 2004, 534). Certain cognitive and psychological capacities, often assumed to be possessed only by humans, are dubbed “higher” within the biological community (Andrews and

Huss 2014, 715), which in turn seems to justify our place at the top of the biological ladder. Recognizing that other species exercise the same cognitive capacities as us would, then, upset this justification for our preeminent status. Unfortunately for many human supremacists, this status is already disrupted by this key feature of evolution. That is, because similarity in traits across species is an unsurprising result of evolution, we have more reason to begin by assuming that certain species will be exercising similar psychological traits to us rather than begin by denying it. Moreover, as Kristen Andrews and Brian Huss (2014) argue, there is more at risk with falsely denying the cognitive and psychological capacities of nonhuman animals than falsely accepting them. Claiming that an animal has a certain capacity when it does not is a false attribution to be sure. But falsely denying that an animal has a capacity when it does could function to justify, or at least enable, the unethical treatment of a species, a treatment that we would have avoided had we been more careful.

Yet, it is, in many ways, easier to get away with denying our shared cognitive traits with other species than it is our shared morphological traits. We can't observe the mental states of other species as easily as we can observe that other species also have ten digits or two eyes. But another problem for those who deny the psychological capacities of all nonhuman animals because they are not observable in this way is that we can't so easily observe the mental states of other humans either. As Bradie explains, "[w]e have no direct access to the feelings and emotions of other human beings [either]" (Bradie 2011, 555). It is only because humans can "recognize or identify other humans as members of the same

species... [that we] assume, infer, presuppose, or just take for granted that others in similar circumstances have the same or similar experiences of feelings” (Bradie 2011, 555). Of course, humans can “ask [other humans] whether they are in pain or feeling sad and take their positive verbal responses as affirmation of or judgment” (Bradie 2011, 555). But verbal interaction is also an indirect line of evidence (Bradie 2011, 555). We cannot conclude with absolute certainty that another human is experiencing feelings of sadness or anger because they tell us that they are (after all, humans sometimes lie). So although cross-species similarity provides indirect evidence that other animals have mental states, we should not eschew it as evidence for this reason. Knowledge of our shared evolutionary history with all other species and of the evolutionary origins of our psychological capacities reminds us that it is very unlikely that our various psychological capacities are totally and uniquely human.

Taking this knowledge of cross-species similarities into consideration, we can recognize how ironic it is that Cohen and Oderberg are so eager to defend essential differences between humans and all other animals in order to justify continuing to perform medical experiments on nonhuman animals. Understanding the relationship between human and nonhuman animals with regard to cognitive and affective traits helps to explain the ubiquitous use of nonhuman animal models in cognitive science and neuroscience (Keely 2004, 523). But this is exactly what Cohen’s and Oderberg’s argument for the moral legitimacy of experimenting on nonhuman animals cannot handle. That is, “if the moral properties of humans and non-human animals were sufficiently different to

morally justify animal experimentation, then the scientific worth of these experiments would be called into doubt... [Yet] if their [moral] properties were sufficiently similar to scientifically justify experimentation, then the moral appropriateness of these experiments would be called into doubt” (Lafollette and Shanks 1996, 60). In sum, if you think that it makes sense to use nonhuman animals in behavioural and psychological research, this is only because you accept that there may well be morally relevant cognitive and affective commonalities between human and nonhuman animals, and if there are morally relevant cognitive and affective similarities between humans and nonhumans then this raises concerns about the moral legitimacy of experimenting on such animals.

In conclusion, similarity across species undermines essentialism insofar as it is unlikely for there to be a *wholly* unique trait possessed by members of only one species.²¹ Because all species are related to one another, and because our various capacities have evolutionary origins, we will inevitably share capacities with other species, in particular with our closest relatives. And because close relatives often differ in the extent that a particular capacity can be exercised, rather than differ in its overall possession, species are now said to differ in “degree” from one another instead of in “kind.” However, we also saw that attributing cognitive and psychological capacities, typically attributed to humans, to other animals can be considered a fallacy within biology. But the key feature of evolution I have been foregrounding actually gives us good reason to expect

²¹ It is possible that, given a long enough time and the extinction of all the incipient stages between the last ancestor shared with the closest extant relative, for a species to have a wholly unique trait (this seems to be what has happened for species such as the duck-billed platypus).

similarity in these characteristics, just as we do with morphological characteristics. In short, it seems unlikely that the various capacities Cohen, Oderberg and Korsgaard claim are completely unique to our species are not being exercised by members of other species, even if it is in a different, attenuated way.

3.4 Conclusion

In this chapter, I argued that Cohen's and Oderberg's arguments for the inclusion of all humans in the sphere of moral preeminence fail to withstand scrutiny in light of evolution and other biological facts. I also showed that, despite agreeing with her refutation of human superiority, Korsgaard's own view of our species is susceptible to the same criticisms as Cohen's and Oderberg's. The metaphysical view all three philosophers embrace in order to define and, for Cohen and Oderberg, thereby justify the preeminence of all humans is incompatible with key features of evolution. These features are variability in traits within a species and similarity in traits across species. In order for speciation to occur, individual members of an ancestor species must vary in their cognitive or morphological traits. And because species evolve from, and give rise to, one another, a common feature of evolution is similarity in traits across all species, especially between those who are closely related.

We saw first how variability renders attempts to define a human essence arbitrary. Through a biological lens, it is arbitrary to place value on certain phenotypes rather than others. And because all humans inevitably vary in their phenotypic traits, using any single trait, or group of traits, to define our species will fail to capture anything universal in our species — rationality and moral

autonomy notwithstanding. Furthermore, we saw how humans' capacity for rationality (however it is defined), and, indeed, the very existence of our species, is a result of various external and contingent factors. As such, it does not make sense to think of capacities as being "intrinsic." Moreover, the characteristics that humans historically possessed, currently possess, and will end up possessing were and are subject to evolution; thus, there is no stable characteristic that can define our species in perpetuity. Finally, we saw how our genes' reaction norms problematized Cohen's and Oderberg's attempts to defend a conception of human normalcy, as well as Oderberg's claim that all humans have the intrinsic potential to develop certain cognitive capacities.

We next saw how similarity in traits across species is a common feature of evolution, and thus why it is unlikely for there to be any *wholly* unique characteristic that only members of our species possess. Because of this, it is now widely accepted that humans do not differ in "kind" to all other species but, rather, differ in "degree." This undermines Cohen's, Oderberg's and Korsgaard's claims that certain capacities, such as rationality, are only able to be exercised by humans. Taking variation and similarity into consideration means that we can no longer maintain these three philosophers' metaphysical view that humans are a kind defined by essential capacities. Cohen and Oderberg, then, are unable to include what would be "marginal cases" in their argument for human supremacy. As such, they will have to adopt human exceptionalism if they want to remain human supremacists. The following chapter will be concerned with rebutting Cohen's and Oderberg's arguments for human exceptionalism — that is, their

empirical claims as to why all nonhuman animals are incapable of possessing dignity and rights.

Chapter Four: Refuting Cohen's and Oderberg's Human Exceptionalism: Exploring Nonhuman Animal Capacities

4.1 Introduction

In the previous chapter, we saw how Cohen's and Oderberg's justification for anthropocentric speciesism failed to stand up to scientifically-informed philosophical scrutiny. What is now left of their arguments is the human exceptionalist component — that is, their empirical claims for why no nonhuman can be recognized as an individual with dignity.

Recall that Cohen adopts a markedly Kantian and thus demanding stance on morality. He believes that only neurotypical mature humans are capable of moral autonomy, and that this capacity is necessary for preeminent moral status. He maintains that because moral acts must be manifestations of moral autonomy, nonhuman animals are fundamentally incapable of moral action (Cohen 2014, 199). Taking a descriptive approach to human morality, I will argue that various problems arise when we apply this conception of morality to humans. First, it cannot make sense of how moral norms vary across cultures. Second, it disregards what many believe to be a central component of morality, emotional motivations. Third, it fails to identify the moral relevance behind a substantial number of what we would normally consider to be moral actions. Having good reasons to put this demanding conception of morality aside, I consider patterns of normative and emotional practice in chimpanzees and canids that reflect descriptive elements of human moral practice. I suggest that these similarities give us reason to be wary of Cohen's claim that all nonhumans are fundamentally incapable of acting

morally. Finally, I will propose an alternative conception of a moral community, and thus argue that Cohen is mistaken to believe that membership in a moral community, and as such the protection that it provides, requires moral capacities (at least as he understands them).

With respect to Oderberg, recall that he argues that all nonhuman animals are excluded from the sphere of moral preeminence for two reasons: (i) they are not capable of knowledge of finality — i.e., they lack an awareness that their actions are goal-directed and (ii) they are not capable of free will — i.e., they are incapable of choosing one course of action over another (Oderberg 2000.b, 42). Oderberg also maintains that nonhuman animals act only according to instinct, by which he appears to mean that all of their behavioural responses are simply automatic (Oderberg 2000.b, 43). Because the capacities described by Oderberg are less demanding than Cohen's conception of morality, they are more easily applied to other animals. This enables me to provide some suggestive evidence that some nonhuman animals may in fact be capable of knowledge of finality and free will. As I also will explain, defending the view that some nonhuman animals may be capable of free will simultaneously undermines Oderberg's claim that all nonhumans can act only according to instinct.

4.2 Issues with Morality as Requiring Moral Autonomy

This section raises concerns with what happens when Cohen's conception of morality is applied to humans. Recall that Cohen believes moral actions can only be manifestations of moral autonomy (Cohen 2014, 199). While I am reluctant to argue that nonhuman species are capable of moral autonomy, I will

argue that using Kantian deontology to assess what constitutes moral action is problematic when we investigate human moral practice.

The first problem with using Kantian deontology to understand human moral practice is that it is seemingly unable to make sense of how cultures differ in their conceptions of morality. For example, because of its method for deriving moral laws and its view of human dignity, Kantian deontology argues that harming humans is always immoral. When applying the categorical imperative to assess the moral stance on suicide, Kant concluded that it is always wrong for someone to “dispose of [their] own person by mutilating, damaging, or killing him” (Kant 1993, 36). But cultures widely differ in their conceptions of what is morally acceptable, even with such self-destructive behaviour. For example, Indigenous tribes living on the Diomed Islands see “suicide a[s] [a] privileged [moral] act” (Groarke 2013, 12). While Kantians judge this act as immoral, suicide is recognized by all members of the community to be in accordance with the supreme moral law (Groarke 2013, 12). Indeed, when a member assists another in carrying out suicide, this is seen as a sign of friendship and virtue (Groarke 2013, 13).

The point I am making is that even if we want to dispute the moral legitimacy of this “privileged act,” it does not follow that these tribes are not acting according to a particular morality, even if we believe it is a flawed morality. This conflation arises, as it does with Cohen’s conception of morality, when one moral theory is used to identify what it is to have a moral system at all. In “The Definition of Morality,” Bernard Gert and Joshua Gert (2016) warn

against this conflation by distinguishing between *normative* and *descriptive* uses of “morality.” Gert and Gert explain that the descriptive sense of morality, one that has played an important role in anthropology and moral philosophy, can be understood as “the most important code of conduct put forward and accepted by any group” (Gert and Gert 2016).²² Such a definition, then, explains how “moralities can differ from each other quite extensively in their content” (Gert and Gert 2016). We can, and do, of course, disagree about the *normative* legitimacy of certain moral systems — that is, whether or not “all rational persons, under certain specified conditions, would endorse [the system]” (Gert and Gert 2016). But the normative judgment of a particular moral system governing a community is a different judgment from whether or not a moral system is, in fact, present.

Another problem with Cohen’s demanding conception of morality is that the emotional motivations behind our actions that many believe to be central to human morality seem to count for little to nothing. Jean Kazez, for example, believes that recognizing this important component of morality requires moving away from equating human morality with morality theory: “[t]he better we understand human morality, as opposed to moral philosophy, the more we understand moralizing as rooted in our... attitudes and emotions” (Kazez 2010, 70). Moral psychologists Graham, et al. agree, stating that an individual’s emotions play a predominant role “in shaping [their] moral judgments and ideological attitudes” (Graham, et al. 2012, 23). For example, they explain that

²² Still, “[a]ny definition of ‘morality’ in the descriptive sense will need to specify *which* of the codes put forward... count as moral... [and which are codes are of] etiquette [or] law” (Gert and Gert 2016).

“anger” tends to influence moral perceptions concerning “direct harm to the self” (Graham, et al. 2012, 24), while “an individual’s trait propensity towards feeling disgust... intensified the moral importance of maintaining physical and spiritual purity” (Graham, et al. 2012, 23).

Graham, et al. refer to these emotions as “moral” emotions — that is, emotions our ancestors evolved in order to adapt to various challenges yet continue to play a predominant role in shaping our moral judgments (Graham, et al. 2012, 13). Despite many cross-cultural differences, Graham, et al. explain that there are cross-cultural consistencies with respect to how emotional responses inform moral judgments, and that moral discourse in all societies involves discourse surrounding some combination of the “moral” emotions. For example, they explain that it is common across cultures for bystanders of suffering and distress to develop “feelings of compassion for victims”, and that in all societies humans “develop virtue terms... such as ‘kind’ and ‘cruel’ to describe people who care for or harm vulnerable others” (Graham, et al. 2012, 12).²³ They believe that humans’ extension of compassion to unrelated conspecifics as well as heterospecifics began with an evolved adaptation to respond to “visual and auditory signs of suffering, distress, or neediness expressed by one’s own child” (Graham, et al. 2012, 12). They call the “functional systems [that] made it easy and automatic to connect perceptions of suffering to motivations of care, nurture, and protect... *The Care/Harm foundation*” (Graham, et al. 2012, 12). It seems,

²³ This is not to say that all human moral systems will emphasize or value one particular “moral” emotion, “compassion” notwithstanding (Graham, et al. 2012, 12).

then, that ignoring this emotional component of human morality ignores a crucial aspect of human moral judgment and practice.

A final problem with claiming that moral acts are only those actions that arise from reflection and implementation of rationally derived principles is that it renders actions many would normally consider to be moral amoral. Likewise, it also denies that many humans we normally consider to be acting morally are engaging in moral agency. This is because, as the authors of *Chimpanzee Rights* explain, many humans do not assess their reasons for action prior to making a moral decision: “[r]esearch on adult moral reasoning suggests that adults do not generally consider their reasons when making moral judgments... adults will confabulate their reasons for action, and do not have direct access to some of their action-guiding processes” (Andrews, et al. 2019, 81-82). Likewise, Graham, et al. explain that our “moral evaluations generally occur rapidly and automatically [and] are products of relatively effortless, associative, heuristic processing” (Graham, et al. 2012, 11), and that humans tend to reason through their moral judgments only when they feel external pressure to defend them (Graham, et al. 2012, 11). S.F. Sapontzis (1980) is also skeptical about moral practice requiring moral autonomy. He states that “[i]f being able to answer the questions of moral theory was a criterion for acting morally, then there would be few moral actions... [a] conclusion [that] is not confirmed by everyday experience” (Sapontzis 1980, 48). If this was the case, then we would all have to “be moral theorists in order to act morally” (Sapontzis 1980, 48). Cohen’s demanding conception of moral

practice, it seems, places many actions and individuals that we would typically consider moral outside the sphere of morality.

I have just given reasons as to why we ought to be wary of using a normative conception of morality (in particular Kantian deontology) to understand descriptive elements of human moral practice. In the next section of this chapter, I will explore how some of the descriptive elements of human morality I have just discussed echo in phylogenetically similar taxa: chimpanzees (*Pan troglodytes*) and canids (*Canidae*). I argue that there are norms within some chimpanzee and canid communities that govern interactions between members, and that members of these taxa appear to express at least one of the “moral” emotions that Graham, et al. believe stem from the moral foundation of care/harm. I maintain that these similarities between humans and other taxa with respect to human moral practice should leave us skeptical of Cohen’s claim that nonhuman animals are fundamentally incapable of acting morally.

4.3 Nonhuman Animal Normativity and “Moral” Emotions

Having argued above that Cohen is mistaken in claiming that moral autonomy is essential for understanding moral actions, I want to shed some doubt on Cohen’s claim that nonhuman animals are unable to engage in moral practice. I would like to emphasize at the outset, however, that I am not arguing that these nonhuman taxa are in fact acting morally.²⁴ I am only arguing that two nonhuman taxa demonstrate various elements of what some have considered to be

²⁴ I will note that the idea that some nonhuman animal species practice morality (or proto-morality), or that nonhuman animals are moral agents or moral subjects is not uncommon (Bekoff and Pierce 2009; 2010; de Waal 2012; Sapontzis 1980; Andrews 2013).

descriptive elements of moral practice in humans with the hope of instilling a healthy skepticism in my reader with respect to Cohen's claim that nonhuman animals are *fundamentally* incapable of acting morally. In this preliminary part of the section, I will establish my conceptual terminology for those key terms that follow from the descriptive definition of morality provided by Gert and Gert, and the "moral" emotion that Graham, et al. believe stem from the innate moral foundation of care/harm: "norms" and "compassion." Then, I will defend my operationalization of these terms, which will enable me to empirically identify these similar elements of descriptive human morality in other taxa.

Norms can be understood, as the descriptive definition of morality asserts, as "important code[s] of conduct put forward and accepted by [the] group" (Gert and Gert 2016). I will focus on norms that appear to govern interactions between members.²⁵ With respect to "moral" emotions, I will only focus on one emotion that Graham, et al. argue arises from the moral foundation of care/harm: compassion. Compassion (or sympathetic expression) can be understood as the ability to recognize feelings of distress in others coupled with the desire to provide consolidation or assistance to those who express distress (de Waal 2012, 100).²⁶

²⁵ I will not differentiate between norms of morality, etiquette or law and so am not concluding that these are *moral* rules or norms. However, it is not obvious that norms of etiquette or law are clearly different when considered from a descriptive perspective, even if these are considered importantly different concepts in the moral systems of the contemporary 'West.'

²⁶ Sympathy and compassion, at least as I am using them here, differ from empathy insofar as they not involve the capacity to understand the emotions of another (empathy) but the desire to provide consolidation or assistance to those who express pain or suffering. The claim that empathy and sympathy are not simply synonymous terms is controversial. Fran de Waal uses empathy as an "umbrella term" that covers both sympathetic and compassionate acts (de Waal 2012, 100). This may just be the same as understanding there to be different manifestations of rational action: sympathy may simply a different degree of empathetic action.

In their article exploring the normative practices of chimpanzees and cetaceans, Vincent, et al. explain that if nonhuman taxa live in communities with norms, then members will consistently exercise “displays of authority... policing... [and the] meting out of punishments” (Vincent, et al. 2018, 61) towards individuals engaging in a particular acts. Likewise, Rudolf von Rohr, et al. explain that negative reactions to certain acts are necessary to identify social norms. This is because when social norms are adhered to, “we expect to observe no, neutral or perhaps even positive reactions... However, when a certain behaviour violates these expectations, then negative reactions almost always ensue” (Rudolf von Rohr et al. 2010, 4).

Thus, identifying recurring methods of enforcement towards individuals engaging in particular acts demonstrates that avoidance of this act is, in fact, a norm put forth and accepted by the community members. Going to the extent of physically enforcing the behaviour also suggests that avoiding this act is a particularly important norm to the members. In other words, persistent methods of enforcement towards individuals engaging in certain acts gives evidence for the existence of norms, and thus a community with norms. Specific behaviours that suggest methods of enforcement are being taken are aggression towards or avoidance of the transgressor (such as when a dominant male chimpanzee interrupts a sex act between a lower-ranking male chimpanzee and a female who is only supposed to mate with the dominant chimpanzee, or when a canid is exiled from the pack or ignored by fellow pack members).

The purported “moral” emotion of compassion or sympathetic expression can be identified when an unsolicited bystander responds to a conspecific who has been injured, harmed, or perceived to be distressed in a consoling manner (Pérez-Manrique and Gomila 2018, 250). That the response is from a third-party bystander helps to ensure that the response is not due to “reconciliation, appeasement and solicited affiliation” (Pérez-Manrique and Gomila 2018, 251). That it is unsolicited in particular will help ensure that it is “driven by the perception of the other’s distress and not by an explicit request from the distressed party for attention” (Pérez-Manrique and Gomila 2018, 251). While a bystander should not be kin (Rudolf von Rohr, et al. 2010, 4), we should not preclude responses from “individuals who share a close [non-familial] relationship with the distressed party, as they are more likely to be responsive to the other’s distress” (Pérez-Manrique and Gomila 2018, 251). Specific behaviours that give evidence for consoling behaviours may be when a unsolicited bystander dog nuzzles another who is perceived to be distressed (Pérez-Manrique and Gomila 2018, 253), or when a unsolicited bystander chimpanzee engages in “non-violent body contacts... towards the aggressed party” (Pérez-Manrique and Gomila 2018, 252).

In this preliminary part of the section, I began by identifying the key terms inspired by the provided descriptive definition of morality, as well as the purported human moral foundation of care/harm: “norms” and “compassion.” I then defended my operationalization of these terms in order to explore in the following section how these descriptive elements of human moral practice echo in two nonhuman taxa. Methods of recurring enforcement such as displays of

authority, exclusion, or physical punishment (see above for specific examples) are evidence of important norms. The purported “moral” emotion of compassion or sympathetic expression will be evident in consoling behaviours to third-party conspecifics (see above for specific examples). The following section will briefly explore particular norms within some chimpanzee and canid communities and their capacities for compassion or sympathetic expression.

4.3.1 Chimpanzee Normativity and “Moral” Emotions

Free-living chimpanzees (*Pan troglodytes*) live in communities, where the complexity of their social lives requires individuals to abide by certain norms (Andrews, et al. 2019, 88). While the norms that govern one chimpanzee troop can differ from the next, Rudolf von. Rohr, et al. (2010) and Kristen Andrews (2013) argue that the special and endearing treatment of intragroup infants is common in various communities. Rudolf von Rohr, et al. explain that “[i]nfants are allowed to climb over adults, to jump on their shoulders, to steal their food or tools and even to interfere during mating” (Rudolf von Rohr, et al. 2010, 11). Andrews notes that “[n]ewborn chimpanzees are extremely interesting to other community members, and adults will watch intently but not try to approach the new member of the group” (Andrews 2013, 11). Vincent, et al. also write that “[a]dults tolerate youngsters closely watching them perform tasks and permit touching or taking tools” (Vincent, et al. 2018, 85).²⁷ In this way, adults tend to

²⁷ Vincent, et al. interpret this as behaviour as evidence for “[t]eaching and obedience [norms]” (Vincent, et al. 2018, 84) rather than evidence for the norm of endearing treatment of infants.

“exhibit towards infants in their midst a... tolerance afforded to no other age-sex class” (Rudolf von Rohr, et al. 2010, 11).

That the special treatment of infants is a norm within particular chimpanzee communities is supported by the fact that there are methods of enforcement for those who transgress. Rudolf von Rohr, et al. explain that “high-ranking males often show policing behaviour (i.e. third-party interventions) that function to break up aggressive encounters between group members” (Rudolf von Rohr, et al. 2010, 10), such as violence towards infants. They explain that the witnessing of infants being harmed results in “vocal protests such as “waa” barking, persistent screaming, highly aroused individuals and even risky behaviour such as interventions and/or coalitionary defence of the mother-infant pair” (Rudolf von. Rohr, et al. 2010, 14). Impartial bystanders have also been observed physically “attack[ing]... [or] harassing... the perpetrator during such incidents” (Rudolf von. Rohr, et al. 2010, 16). The authors interpret these behaviours as expressing “emotions comparable to indignation on the part of the bystander towards the perpetrator” (Rudolf von. Rohr, et al. 2010, 17). The punitive actions taken towards those who harm infants suggests that the endearing treatment of infants is a norm accepted by chimpanzees in certain conspecific communities.

Chimpanzees also demonstrate compassionate and sympathetic behaviours in response to seeing others in distress. For example, in hearing a female chimp cry out for help, Washoe, “the first language-trained chimp... raced across two electric wires... to reach the victim [one she had only met very recently] and

waded into the slippery mud to reach the wildly trashing female and grab one of her flailing arms to pull her to safety” (de Waal 2012, 98). Moreover, adult chimpanzees with no immediate relationship to an infant that has been injured have been observed rushing over and “pick[ing] him up and [taking] care of it [sic] until his mother could finally join her infant” (Rudolf von Rohr, et al. 2010, 13). Drawing from various studies (de Waal and Aurelia 1996; de Waal and van Roosmalen 1979), Ana Pérez-Manrique and Antoni Gomila maintain that chimpanzees seem to be the only nonhuman primate that displays compassionate behaviours, insofar as their behaviours also “lead to stress alleviation towards in the distressed party” (Pérez-Manrique and Gomila 2018, 253). They explain that “bystanders often did not show overt signs of distress before approaching the victim, suggesting that the main role of this behaviour is not the bystander’s comfort but alleviation of the distressed party” (Pérez-Manrique and Gomila 2018, 252). In short, these behaviours provide some suggestive evidence that chimpanzees have the capacity for compassion.

In sum, that methods of enforcement are exercised towards chimpanzees who harm intragroup infants suggests that some chimpanzee communities accept and enforce the endearing treatment of infants. As such, we may consider it to be a norm within these chimpanzee communities. That chimpanzees appear to demonstrate compassion or sympathetic expression towards third-party conspecifics perceived to be in distress provides suggestive evidence that some chimpanzees exercise what Graham, et al. claim to be a “moral” emotion. Overall,

(free-living) chimpanzees live in communities with norms and appear to demonstrate the “moral” emotion of compassion and sympathetic expression.

4.3.2 Canid Normativity and “Moral” Emotions

Chimpanzees are not the only species that demonstrate “moral” emotions and live in communities with norms. Some canids (members of the biological family *Canidae*) — specifically domestic dogs (*Canis lupus familiaris*), coyotes (*Canis latrans*), and wolves (*Canis lupus*) — also seem to demonstrate sympathetic concern for conspecifics as well as abide by certain norms. In particular, it has been argued that canids learn how to navigate normatively laden social spaces during play (Bekoff and Pierce 2009; 2010). Bekoff and Peirce argue that “[c]anids... follow a strict code of conduct when they play, which teaches pups the rules of social engagement that allow their societies to succeed” (Bekoff and Pierce 2010, 16). They identify four particular norms governing canid interactions during play: “Communicate clearly... Mind your manners... Admit when you are wrong... [and] Be honest” (Bekoff and Pierce 2010, 16-17).

Interestingly, there are punishments for transgressing the rules of play. This suggests that the rules of play reflect rather important norms governing canid interactions. For example, “young coyotes and wolves react against unfair play by ending the encounter or by avoiding those who entice them into play but then do not follow the rules” (Bekoff and Pierce 2009, 460). Domestic dogs will also “avoid the dogs who play unfairly or chase them from play groups” (Bekoff and Pierce 2009, 460). Accordingly, members of these canid species “have difficulty finding playmates after they have been recognized as cheaters” (Bekoff and

Pierce 2009, 460). While individuals who continuously violate the rules of play may end up being shunned by other members, the punishments for transgression can be much more serious. Bekoff and Pierce write that “juvenile coyotes who do not play fair often end up leaving their pack and are up to four times more likely to die than those individuals who remain” (Bekoff and Pierce 2010, 17). Clearly, abiding by the rules of play and avoiding such punishments can be vital for canid survival.

With respect to “moral” emotions, there is suggestive evidence that canids display compassion towards conspecifics perceived to be in distress. Pérez-Manrique and Gomila explain that “wolves engage in post-conflict third-party affiliation and the dynamics of this behaviour show a strong similarity with that observed in great apes” (Pérez-Manrique and Gomila 2018, 253). They write that “canids seem to be affected by and respond to other’s distressing situations, providing unsolicited third-party contacts to conspecifics... instead of trying to alleviate their own stress” (Pérez-Manrique and Gomila 2018, 254). For example, one study

[a]ssessed whether dogs displayed comfort behaviours towards familiar conspecifics (dogs that lived together) after being exposed to conspecifics’ distress vocalizations or control sounds. The distress vocalizations consisted of whines produced by their familiar partners or by stranger dogs. Dogs presented higher behavioural alertness, more stress-related behaviours, and an increase in comfort behaviours towards the familiar dog (longer time spent in proximity and expressing affiliative behaviour) after being exposed to conspecifics’ whines than when exposed to control sounds.

While these authors recognize these as consoling behaviours, they are reluctant to conclude that this evidence of canid sympathetic expression insofar as “none of the... studies [they discuss] provide... clear positive evidence of a [pro-social outcome, such as] distress-alleviation for the third-party” (Pérez-Manrique

and Gomila 2018, 254). At the same time, Pérez-Manrique and Gomila believe that because unsolicited canids' respond to third-party conspecifics in distressing situations, this “suggest[s] that [canids'] comfort behaviours [are] not just an automatic response driven by emotion contagion” (Pérez-Manrique and Gomila 2018, 254).

In sum, the important norms governing canid play suggest that dogs navigate normatively laden social spaces. That punitive measures are consistently displayed towards those that fail to “Communicate clearly... Mind [their] manners... Admit when [they] are wrong... [and] Be honest” (Bekoff and Pierce 2010, 16-17) during play suggests that these are norms governing canid play. These measures are avoiding, shunning or the exile of the transgressor. Finally, that canids respond to third-party conspecifics perceived to be distressed provides some suggestive (yet inconclusive) evidence that canids' might also have the capacity for compassion or sympathetic expression.

Despite the brevity of this exploration of normativity and “moral” emotions in canids and chimpanzees, I hope to have instilled some skepticism in my reader with respect to Cohen's claim that nonhuman animals are *fundamentally* incapable of moral action. That moral autonomy, moreover, is not essential for *human* moral practice should also open our eyes to the possibility that nonhuman animals might also engage in some form of moral practice. Nonetheless, I recognize that some may be skeptical of the conclusions that *I* have drawn from these studies, in particular the conclusions concerning chimpanzee and canid capacities for “compassion.” Recall that attributing so-called “human”

capacities to nonhuman animals is often considered to be a biological fallacy. Discussing the mental states of nonhuman animals, Conway Lloyd Morgan (in)famously asserted in his canon that “[i]n no case may we interpret an action as the outcome of an exercise of a higher mental faculty, if it can be interpreted as the exercise of one which stands lower in the psychological scale” (Bradie quoting Morgan 2011, 552-553). If we take Morgan’s Canon seriously, then we are required to explain these nonhuman animal acts of “compassion” in a simpler way, such as a non-emotional automatic response. In short, one who endorses Morgan’s Canon and is therefore concerned about anthropomorphism will likely object to my interpretation of these behaviours in chimpanzees and canids as potential displays of “compassion.”

I also believe that we should be concerned with falsely attributing mental states to members of other species and therefore acknowledge that my brief exploration of this capacity in these two nonhuman taxa is far from conclusive. I will first note, however, that we should be at least equally concerned with falsely denying that nonhuman animals have such mental states. Recall that discussion in Chapter Three: concerns of anthropomorphism are often motivated by anthropocentrism — that is, the idea of “seeing humanity as not only separate from, but also superior to, other species” (Keely 2004, 534). So while we should of course be wary about false attributions, we should also be wary that our skepticism is not merely a function of that Great Chain of Being mentality. Recall as well that falsely denying that an animal has a capacity when it does not could function to justify, or at least enable, the unethical treatment of a species

(Andrews and Huss 2014). Beginning studies on nonhuman animal capacities with the dogmatic belief that all nonhuman animal behaviours are products of something “lower in the psychological scale” serves to maintain anthropocentrism and the subjugation of other species.

This is why Vincent, et al. believe that “the pursuit of knowledge should not be impaired for the sake of this convention” (Vincent, et al. 2018, 71). They argue that both anthropomorphism and anthropocentrism “can be avoided by being careful about operational definitions” (Vincent, et al. 2018, 70). That is, “[w]hen searching for evidence of a trait or capacity [in nonhuman animals] that we know is present in humans, the operational definition should not demand more [or accept less] than what is typically regarded as sufficient in the human case” (Vincent, et al. 2018, 70). Likewise, Sapontzis believes that when exploring nonhuman capacities (in particular their capacities for moral action), “it would be unfair to require animals to meet stiffer criteria... than are required by humans” (Sapontzis 1980, 48). Thus, if we believe humans display compassion when they console third-party others perceived to be in distress, and we observe nonhuman animals consoling third-party others who are distressed, then we should be “warranted in classifying [these behaviours] as instances of these same phenomena” (Vincent, et al. 2018, 70). Refusing to attribute emotional capacities to nonhumans when they meet the criteria that we set out for humans not only suggests anthropocentrism but “impair[s] our knowledge of other species” (Vincent, et al. 71).

Michael Bradie (2011) provides another argument against the refusal to attribute emotional states to nonhuman animals. He argues that some objections of anthropomorphism “cannot stand in the light of... scientific evidence” (Bradie 2011, 568). While he does acknowledge that the evidence is “indirect,” he believes that “our understanding of shared evolutionary history and homologous brain structures” (Bradie 2011, 568) with closely related species can help defend the claim that nonhuman behaviours are expressions of the same capacities found in humans. In other words, the fact that chimpanzees and canids have similar brain structures as humans and are relatively close cousins with humans provides (indirect) evidence that these acts of chimpanzee and canid consolation may stem from similar capacities found in humans. In sum, because “animals with brain structures similar to humans... react in ways that make them appear to have qualitative experiences similar to those humans... [this] also [suggests] that they do in fact have those experiences” (Bradie 2011, 554).

4.3.3 Issues with Moral Community Membership as Requiring Moral Capacities

I have just provided some suggestive evidence that some nonhuman animals live in communities with norms and express what some moral psychologists believe to be a human “moral” emotion in order to shed doubt on Cohen’s claim that nonhumans are fundamentally incapable of acting morally. I would like to conclude this section by addressing Cohen’s claim that nonhuman animals cannot be members of *our* moral community. Not only is a moral community a community governed by moral rules, but membership in our moral

community is also coupled with entitlement to preeminent moral consideration. Yet Cohen believes that moral capacities (as he understands them) are necessary to be a member of our moral community and thus to be taken into greater moral consideration. However, I will explain that moral capacities are not, on all conceptions of a moral community, necessary to be taken into equal and preeminent moral consideration.

Recall that Cohen's justification for including all humans in our moral community is incompatible with key features of evolution. Species are not kinds defined by essential capacities. Recall, moreover, that by drawing on a metaphysical claim for including what would-be "marginal cases" within our moral community but excluding nonhuman animals on empirical grounds, Cohen's argument depends on employing a double standard: would-be "marginal cases" do not have to exercise the relevant capacities to be included, but all other animals are excluded because they cannot exercise the relevant capacities. Cohen's stringent requirements for membership in our moral community is not only discriminatory against animals, but also fails to coherently argue for the inclusion of humans unable to exercise moral autonomy.

Luckily, there is another nonarbitrary, non-discriminatory conception of a moral community that functions to include both would-be "marginal cases" on Cohen's account as well as many nonhuman animals. This conception is discussed by the authors of *Chimpanzee Rights*. These philosophers argue that on at least one conception of a moral community, individuals can differ in their moral capacities and still be considered moral equals. In other words, an

individual may struggle to comprehend or abide by the particular moral rules governing the community, but such abilities need not be the criterion for membership. We are members, rather, because “[w]e are [all] cooperative, interconnected beings who depend on the love, support, mutual recognition, purpose, and instruction we receive from each other”; we are all members of the moral community “by virtue of being embedded in webs of intersubjective and responsive relationships” (Andrews, et al. 2019, 64).

Many embrace this idea of a moral community not only with respect to humans unable to comprehend or reliably abide by our community’s rules, but with typical companion animals as well. That is, many people do not believe that cats and dogs are capable of exercising moral capacities but still see them as deserving of moral consideration for their own sake. However, many of these people are inconsistent with this sentiment when it comes to other animals. That is, they have no qualms about excluding many other animals, animals who also depend on love and support and are embedded in dependent relationships with us, from the moral community. Humans have brought countless animals, such as the ones we raise for food and use for invasive research, into our communities. In doing so, we have deprived these animals of the chance to live in their own, conspecific communities (Andrews, et al. 2019, 68). As such, they “are [also] embedded in interpersonal webs of dependency, meaning, and care with humans” (Andrews, et al. 2019, 68). If we embrace the alternative requirements for membership in the moral community discussed by Andrews, et al., there is no consistent, nonarbitrary reason as to why these animals should be excluded from

our moral community and why only companion animals should be included. In sum, even if we deny the moral capacities of nonhuman animals, it does not follow that they cannot be members of our moral community and given moral consideration equal with humans.

To sum up section 4.3, I began by explaining key terms that followed from the descriptive sense of morality discussed by Gert and Gert as well as Graham, et al.'s moral foundation of care/harm. I then operationalized those terms so that I was better able to empirically identify social norms within chimpanzee (*Pan troglodytes*) and canid (*Canidae*) communities as well as their potential capacity for the “moral” emotion of compassion or sympathetic expression. I argued that recurring enforcing behaviours provided evidence of norms, and that bystander consoling behaviours towards conspecifics who appear to be in distress provides suggestive evidence for compassion. Using these operationalized definitions, I explored various empirical studies and argued that chimpanzees and canids navigate normatively laden spaces and appear to display the “moral” emotion of compassion. I also responded to the objection that I am anthropomorphizing. Finally, I argued that animals, humans included, do not have to possess moral capacities in order to be a member in our moral community. This undermines Cohen's justification for the exclusion of nonhuman animals from the sphere of moral preeminence.

4.4 Nonhuman Animal Capacities for Knowledge of Finality

This section and the next will be dedicated to rebutting Oderberg's justification for excluding nonhumans on the basis that they cannot exercise

knowledge of finality and free will. I will explain why demonstrating that some nonhumans are able to exercise control over their behaviour and actions —free will — simultaneously rebuts Oderberg’s claim that all nonhuman animals act only according to instinct.

We will begin, however, with Oderberg’s claim that no nonhuman animal has knowledge of finality, “knowledge of *why an individual does what it does*” (Oderberg 2000.a, 122). As we saw in Chapter Two, Oderberg believes that knowledge of finality is a particular manifestation of rationality that justifies the dignity and rights of humans. We also saw that knowledge of finality entails having a conscious awareness that one is acting to achieve certain goals or ends. With respect to what behaviours give evidence for knowledge of finality, I will argue that planning in the form of novel problem-solving gives evidence for this capacity. I will provide some suggestive evidence for the novel problem-solving skills of chimpanzees, crows, and octopuses, and suggest that members of these species may possess an awareness that their actions are directed at achieving certain goals. I will end this section by suggesting that the evidence undermining Oderberg’s claim about nonhumans’ lack of knowledge of finality has implications for the study of animal intelligence more generally, as well as briefly responding to the objection that language is necessary to possess complex cognitive capacities.

If knowledge of finality is an awareness that one’s actions are directed at achieving certain ends, then an animal’s ability to form and execute a plan seems to provide evidence of knowledge of finality. Because planning requires

deliberation on how to achieve a goal *prior* to execution, it is reasonable to suppose that if an animal is capable of forming a plan in order to achieve a goal, then the animal is aware that she is acting to achieve that goal. Novel problem-solving in nonhuman (and human) animals is a behaviour that gives evidence for planning and therefore knowledge of finality. Godfrey-Smith writes that novel problem-solving involves “a particular *style* of processing” that requires “conscious awareness” insofar as “[w]e can’t unconsciously perform a task that is novel, rather than routine, and requires a series of acts, step-by-step” (Godfrey-Smith 2016, 91). In this way, novel problem-solving suggests the presence of a conscious awareness that is necessitated by knowledge of finality. It also seems reasonable to say that when an animal engages in novel problem-solving, she must be able to deliberate about what steps she should take in order to fulfill the goal prior to fulfilling it. That an animal is engaging in novel problem-solving will be evident when an animal is able to solve a new, unfamiliar problem (such as escape from an unfamiliar place) or when an animal solves a recurring problem in a new, more efficient way (such as using an unfamiliar object to solve a familiar problem in a different way). The following discussion will be devoted to exploring novel problem-solving in chimpanzees, crows, and octopuses.

That chimpanzees (*Pan troglodytes*) are capable of using tools²⁸ to solve various problems in their environment is well-known (Fenton 2012; Gould and Gould 1998). However, over a century ago, Wolfgang Kohler conducted a well-

²⁸ Tool-use can be understood as “an inanimate object that one uses or modifies in some way to cause a change in the environment, thereby facilitating one’s achievement of the target goal” (Nussbaum 2011, 232).

known experiment that tested chimpanzees' ability to use tools to solve *novel* problems (Korsgaard 2018.b, 294; Kazez 2010, 60; Gould and Gould 1998, 55). Kohler hung bananas from the ceiling of a room and also placed several crates and sticks in the same room. While Kohler's chimpanzees had prior experience playing with boxes and sticks (Gould and Gould 1994), they did not have direct experience on how to accomplish the task of getting the bananas. Kohler observed the chimpanzees stack the crates up and "put together two sticks to form an implement long enough to reach [the] bananas" (Korsgaard 2018.b, 294) once they placed themselves on top of the crates. It is possible that these chimpanzees were simply engaging in chaining associations. It is also reasonable to think, however, that these chimpanzees would not have been able to stack these crates and use the sticks to knock down the bananas unless they were capable of forming and executing a plan (Gould and Gould 1998, 55; Kazez 2010, 60; Korsgaard 2018.b, 294). In other words, it is reasonable to think that these chimpanzees "ran through the steps of this process before climbing the crates" — that is, "[t]hey figured out what to do before doing it" (Kazez 2010, 60).

Demonstrating that our closest living relatives may be capable of knowledge of finality is enough to undermine Oderberg. But even members of more distantly related taxa seem to demonstrate the capacity to solve novel problems. Crows (members of the genus *Corvus*) are a particularly well-known example (Kazez 2010, 60). Crows can quickly learn how to manipulate sticks and other objects in order to fish out certain prey that would be unavailable without the use of such tools (Ades 1992, 125). For example, in one particular experiment

crows without prior learning were able to pull a “fishing line out of the water to eat the bait... [and] devised a method to do it efficiently” (Kazez 2010, 60).

Although some researchers have argued that crows’ ability to solve novel problems is often a result of “perceptual-motor feedback loop[s]” rather than “insight” (Taylor, et al. 2012, 4977), others believe that this ability “provide[s] strong evidence that [crows possess] an awareness of the causal relations in the problem” (Taylor, et al. 2008, 248). In one study, Taylor, et al. claimed to have eliminated “the possibility of associative learning [or] associative rules” by “present[ing] [crows] with a visually distinct but causally equivalent task” (Taylor, et al. 2008, 248). That is, these crows were required to “first learn an initial discrimination task” of fishing out prey from a trap-tube, and were “then presented with transfer tasks [where] arbitrary stimuli... shape, colour, and material... [were] changed [into a trap-table]” (Taylor, et al. 2008, 248). These researchers believed that “it [is] unlikely that any associative rules, even those based on the hole or the trap base, could be generalized from the trap-tube to trap-table... [considering] this trap-table differed in colour, shape and material” (Taylor, et al. 2008, 249). Despite these changes, three out of the six crows tested continued to successfully “extract food” (Taylor, et al. 2008, 248). They argued that this suggests crows “can use causal reasoning to solve complex physical problems” (Taylor, et al. 252).

Finally, there is some suggestive evidence that some octopuses’ (members of the biological family *Octopodidae*) may also be able to solve novel problems. Godfrey-Smith, for instance, argues that octopus’ tool-use exhibits substantial

mental complexity. He believes that “puzzle solving, the use of tools, and the exploration [and manipulation] of objects” are “the most striking marks of [octopus] intelligence” (Godfrey-Smith 2016, 109). The most fascinating of these examples was observed in Indonesia by a group of researchers. These researchers

were surprised to see octopuses in the wild carrying around pairs of half coconut shells to use as portable shelters. The shells, neatly halved, must have been cut by humans and discarded. The octopuses put them to good use. One half-shell would be nested inside another, and the octopus would carry the pair beneath its body as it ‘stilt-walked’ across the sea bottom. The octopus would then assemble the halves into a sphere with itself inside (Godfrey-Smith 2016, 64).

Godfrey-Smith believes that while many animals demonstrate tool-use, this ability “to assemble and disassemble a ‘compound’ object like this, and put it to use, is very rare” (Godfrey-Smith 2016, 64). He thinks that this “coconut-house behavior illustrates... the distinctive feature of octopus intelligence” — that is, “[t]hey are smart in the sense of being curious and flexible; they are adventurous, opportunistic” (Godfrey-Smith 2016, 64). That this octopus is demonstrating knowledge of finality, however, cannot be concluded without knowing their learning history. This is because we do not know if this is their first encounter with coconut shells or if this is their first time making a coconut house. Yet, if this coconut shell is a novel object to the octopuses, or if this is the octopus’s first time making a coconut house, this could suggest that their use of the shell is deliberative and conscious. Indeed, some researchers argue that considering octopuses “carry shell(s) around in a non-functional form” (Mann and Patterson 2013, 2) — that is, “[w]hilst being carried, the shells offer no protection and place a requirement on the carrier to use a... cumbersome form of locomotion” (Finn, et al. 2009, 1069) — “and then use their tools [only] when threatened... suggests

both goal-directed behaviour and implementing the tool only as required” (Mann and Patterson 2013, 2). Lauren Davis has even gone as far as to speculate that octopuses “deliberately cart... the shells around for this purpose [for protection]”, and as such are capable of anticipating future predatory attacks, and, therefore, making “future plans” (Davis 2009).

There are three particularly fascinating facts about octopus intelligence worth mentioning. The first is that while cephalopods have large nervous systems like humans and other mammals, their brain structure is vastly different. When vertebrates demonstrate complex behaviours, it is often credited to their particular brain structure. Yet “[w]hen vertebrate brains are compared to octopus brains... all mappings... are off... most of [octopuses’] neurons are found within their arms” (Godfrey-Smith 2016, 51). Moreover, because our evolutionary divergence with octopuses was over six-hundred million years ago, and because our common ancestor with octopuses was “a flattened worm-like creature with a simple nervous system” (Godfrey-Smith 2016, 65) and so did not likely exhibit the same complex behaviours that give evidence for conscious and deliberative goal-oriented behaviour, this suggests that evolution has produced such behaviour (at least) twice over.²⁹ It is not only true that rationality did not begin with humans; it is also the case — if we believe, as Oderberg does, that knowledge of finality is a particular manifestation of rationality, and that the previously mentioned example of octopus tool-use provides some suggestive evidence for knowledge of finality — that rationality as Oderberg has described it here has more than one

²⁹ My source for these claims is Godfrey-Smith, but he frames the claim in terms of “minds” rather than “deliberative goal-oriented behaviour” (Godfrey-Smith 2016, 8-9).

evolutionary origin. Finally, octopus' tool-use is particularly interesting insofar as intelligent behaviour is often solely credited to more social animals — that is, animals who spend a significant amount of time with conspecifics (Godfrey-Smith 2016, 71). Yet octopuses are rather solitary animals. Their social interactions with other octopuses are primarily limited to defending their dens and, with other animals, predatory and prey relationships (Godfrey-Smith 2016, 71). This digression with respect to octopus intelligence suggests that we should not only be open to exploring intelligence in animals who do not physically and neurologically resemble ourselves. It also suggests that the closer an animal is to us phylogenetically is not, necessarily, an appropriate measure of how intelligent the animal will be. Octopuses in particular, but species of birds as well, challenge the idea that humans should be used as the frame of reference for measuring animal intelligence.

I have just provided some suggestive evidence that chimpanzees, crows, and octopuses may have knowledge of finality. However, some may be skeptical of the conclusions that I have drawn from these empirical studies and observations. Many maintain that this capacity, or any complex cognitive capacity for that matter, is unable to be possessed by non-linguistic animals. René Descartes famously argued that language is necessary for anything resembling intelligence (1998). He stated that while nonhuman animals are capable of some forms of communication the fact that “they cannot speak as we do... proves that they have no intelligence at all, and that it is nature that acts in them, according to the disposition of their organs” (Descartes 1998, 32-33). Psychologist Lev

Vygotsky also argued that language is necessary “to put ideas together, draw attention to things, get actions in the right order” and, therefore, for “organized thought” (Godfrey-Smith discussing Vygotsky 2016, 139). If Descartes is correct, then surely Oderberg is correct too — nonhuman animals are not capable of knowledge of finality. If Vygotsky is correct, then novel problem-solving in nonhuman animals does not demonstrate an awareness of goal-oriented behaviour.

To what extent language gives rise to particular cognitive capacities is a difficult issue that I am unable to adequately explore in this thesis. Yet there is no doubt that language has propelled human cognition. Godfrey-Smith writes that language is surely “an important tool for thought” (Godfrey-Smith 2016, 143), and James L. Gould and Carol Grant Gould argue that “language doubtless permits our species to contrive far more elaborate plans” (Gould and Gould 1998, 59) than other species. At the same time, the considerations I have given suggest that language “is not essential to the organization of ideas, and language is not *the* medium of complex thought” (Godfrey-Smith 2016, 143). As Godfrey-Smith explains, our knowledge of nonhuman animal intelligence gives us good reason to deny this supposed “necessary link between language and complex thought” (Godfrey-Smith 2016, 142). Rather than language enabling us to engage in complex thought and intelligent behaviour, Gould and Gould argue that language simply empowers what is already there — that is, it “empowers what already appears to be a phylogenetically widespread ability to reason and plan” (Gould and Gould 1998, 59). They explain that while humans may internalize thoughts

with “words,” internal organization of ideas in nonhuman animals “may be of necessity pictorial” (Gould and Gould 1998, 59). So while I recognize that these various considerations do not disprove the necessary link, I believe that the empirical studies and observations I have provided give us good reason to be skeptical of the idea that language is necessary to possess complex cognitive capacities, such as knowledge of finality.

4.5 Nonhuman Animal Capacities for Free Will

This section will be concerned with rebutting Oderberg’s claim that no nonhuman species is capable of free will — the capacity “to choose one course of action over another” (Oderberg 2000.b, 43). I will also respond to another objection raised by Oderberg with respect to why he believes nonhuman animals, in particular chimpanzees, do not have free will. Recall, moreover, that Oderberg believes all nonhuman animals act only according to instinct. As I will explain, showing that an animal has free will also demonstrates that they are not simply acting according to instinct.

Despite providing clear definitions of “knowledge of finality” and “free will” (albeit a rather ‘thin’ analysis of what constitutes free will), Oderberg does not provide a clear conceptual definition of “instinct.”³⁰ While he draws the conclusion that nonhuman animals act only according to instinct immediately after denying that they have knowledge of finality and free will, he also seems to

³⁰ “Instinct” is a widely contested and unclear concept. Mark S. Blumberg explains that “this conceptual confusion about *instinct* is reflected in the many meanings that are routinely ascribed to it” (Blumberg 2016, 1), providing a non-exhaustive list consisting of eight different ways the concept is used. As I explain, I believe the definition provided by Korsgaard makes sense of Oderberg’s particular conception of the concept.

equate instincts with simply any behaviour displayed by nonhuman animals when he writes that “the more animalistic our behaviour, the more instinctive it is” (Oderberg 2000.b, 43). At other times, however, he seems to understand instincts, or instinctual acts as “automatic behavioural responses” (Korsgaard 2018.b, 495) to our biological drives. He believes that things like “[f]ood, drink, reproduction... are the sorts of activities that are largely if not wholly instinctive” (Oderberg 2000.b, 43) and maintains that humans demonstrate free will when they exercise control over these “activities” (if humans did not have free will, then “there would be no hunger strikers and no celibates!”) (Oderberg 2000.b, 43).

In this way, Oderberg does provide us with an empirically tractable conception of “instinct.” According to Oderberg, instinctual behaviours seem to be automatic behavioural responses to fulfill certain biological drives, and free will is evident when animals exercise control over their biological drives. Thus, animals who can only act according to instinct do not have free will and will not be able to control their automatic behavioural responses. This is why providing evidence that nonhuman animals are capable of controlling their biological drives simultaneously rebuts the claim that all nonhuman animals do not have free will.

From the outset, we should recognize that Oderberg flirts with a false dichotomy. That is, Oderberg is incorrect to assume that if an animal is not capable of free will then they always act according to instinct. Capacities, free will notwithstanding, are exercised in gradations. Thus, it is not as simple as saying animals either only exercise basic automatic behavioural responses or have complete control over their biological drives. As Sapontzis puts it, “[f]reedom vs.

mechanical instincts and conditioning is not a dichotomy but a continuum” (Sapontzis 1980, 49). For instance, if certain animals can assess what course of action to take, then this suggests that they are not simply engaging in an automatic behavioural response (they have the capacity to assess before they act, after all). At the same time, there is no reason to assert that an animal who can assess what course of action to take is exercising control over which course of action to take. It is possible that the animal reaches their resolution by mere chaining associations, or by simply searching their memory for previous experiences that would help them to solve the task at hand. Neither chaining associations nor episodic memory necessitate the capacity for free will. At the same time, the ability to assess which course of action is best in an unfamiliar circumstance suggests that the animal is not biologically predetermined to act in one particular way. In sum, it is not necessary for an animal to have free will in order to not act only according to instinct.

To repeat, since Oderberg understands “free will” as the capacity “to choose one course of action over another” (Oderberg 2000.b, 43), an animal’s ability to exercise self-control or self-restraint, in particular over their biological drives, provides evidence for free will. I will now demonstrate that chimpanzees as well as dogs are capable of exercising free will, as defined by Oderberg.

Studies have shown that chimpanzees (*Pan troglodytes*) are more than capable of regulating their automatic behavioural drives and exercising self-control over their impulses (Rudolf von Rohr, et al. 2010, 8; Andrews, et al. 2019, 85). In a study titled “Chimpanzees (*Pan troglodytes*) can wait, when they choose

to”, researchers Beran, et al. showed that chimpanzees can successfully perform the marshmallow task — that is, they are capable of passing on an immediate treat in exchange for a larger one later on (Beran, et al. 2014). Rudolf von Rohr, et al. argue that this ability to delay gratification for even short periods of time not only demonstrates self-restraint but also patience (Rudolf von Rohr, et al. 2010, 8). Furthermore, chimpanzees demonstrate a considerable amount of self-restraint in their social lives. For instance, lower-ranking chimpanzees exercise self-restraint when they avoid responding aggressively to higher ranked chimpanzees and when they control their natural impulses to seek sexual encounters (Andrews, et al. 2019, 91). Drawing from various studies (such as Osvath (2010) and Bloomsmith and Else (2005)), Fenton writes that it is not necessary for chimpanzees (or animals in general) to have the same “level of comprehension” that adult humans typically do in order to execute control over their actions: “[a]dult chimpanzees, and many adolescent chimpanzees, are capable of deciding, and do decide, on matters affecting their fundamental interests” (Fenton 2014, 133). Not only are chimpanzees capable of choosing one course of action over another, but the ability to exercise free will, as Oderberg understands it, is vital to chimpanzee wellbeing: “Chimpanzees deprived of opportunities for choice typically show... [high] levels of physiological stress” (Beauchamp and Wobber 2014, 123). In sum, chimpanzees are capable of exercising control over their behaviour and are not subservient to their biological drives. They have free will, at least as Oderberg understands it.

Domestic dogs (*Canis lupus familiaris*) also exercise self-restraint. This is evident by the fact that we employ dogs to perform tasks for human ends (Sapontzis 1980, 45): there are police dogs, seeing-eye dogs, and guard dogs in a number of communities. If they were not capable of regulating and controlling their biological drives, then we would not be able to employ dogs in such ways to the extent that we do. Indeed, we often reprimand dogs for not controlling their biological drives, and it is not arbitrary that we do so. The fact that we “housebreak” dogs, “for example, presupposes that certain of a dog’s activities are not entirely determined by instinct or canine nature [sic] and that praise and punishment can be non-arbitrarily meted out to dogs” (Sapontzis 1980, 49). Sapontzis argues that this is because they are “free beings” and “only free beings can be held responsible for their actions” (Sapontzis 1980, 49).

Moreover, Miller, et al. demonstrated that dogs are capable of controlling their behaviour in an experiment that tested how glucose levels influence “the ability of dogs to exert self-control” (Miller, et al. 2010, 534). One of the tested groups was referred to as “subjects in the self-control condition” insofar as the dogs were required “to sit and stay and... maintain that position in solitude for 10 min” (Miller, et al. 2010, 534). In other words, those in the “self-control condition were required to exert self-control over their physical movements” (Miller, et al. 2010, 535). That dogs are capable of exercising self-restraint shows that they are capable of choosing to perform one action rather than another. Thus, we can say that dogs have free will, as Oderberg understands it.

I have just explored how two nonhuman species, chimpanzees and dogs, may in fact be able to exercise free will, the remaining capacity that Oderberg believes is necessary to be imbued with dignity. If these studies do demonstrate self-restraint, then this simultaneously demonstrates that members of these species are not simply acting according to instinct. However, I anticipate an objection from Oderberg. After denying that other animals are capable of free will, he writes that “[t]his is why... even the most hard-line animal rightist does not advocate prison (or worse) for chimpanzees that go on random killing sprees,³¹ as they are known to do... ‘They can’t help it,’ it is said. And that is precisely the point: they *can’t*. Such is the paradox at the heart of animal rightism” (Oderberg 2000.b, 42-43).

A first problem with Oderberg’s argument here is that it presupposes that chimpanzees will not simply follow moral rules if they are capable of free will, but that they will follow *our* moral rules. Oderberg, like Cohen, seems to conflate being able to abide by moral rules (descriptive morality) with the ability to abide by, what he believes to be, the correct, rationally derived human-established moral rules (normative morality). Humans have rules and norms that govern their own particular community, and we are socialized into accepting that we must abide by *these* rules. The same goes for these nonhuman animal communities. We should not expect that behaviours which give evidence for chimpanzee free will

³¹ It is difficult to glean what, exactly, Oderberg has in mind with respect to chimpanzees’ “random killing sprees.” However, because he compares this behaviour to nonhuman predator and prey relationships immediately after (“[n]or do they [animal rightists] advocate forcible prevention of lions from eating gazelles” (Oderberg 2000.b, 43)), I assume that he is referring to interactions between nonhuman animals and interpret “random killing sprees” to be referring to chimpanzee interactions with conspecifics. This will be discussed in the second response to this objection.

will be manifest in their ability to abide by *our* norms, even “do not kill.”

However, if they were socialized into our community, I have no doubt they would (like dogs) be capable of abiding by some of our rules and norms. But that their communities have different moral rules than ours provides no evidence against the claim that chimpanzees have free will.

Second, the “random killing sprees” I believe Oderberg is referring to are, stated more appropriately, “lethal coalitionary attacks on members of other groups” (Mitani, et al. 2010, 507). These attacks are not “random” but rather planned and executed with the purpose of expanding territory in order to acquire either mates or natural resources (Mitani, et al. 2010, 508). It is fascinating how many philosophers, such as Oderberg, put on rose-coloured glasses when comparing the behaviour of humans and nonhumans. “How brutish and savage these chimpanzees are for killing other members of their species! We superior humans would *never* engage in such behaviours!” Oderberg seems to forget that there has probably never been a period of human history where wars were not being waged over territories or some other resource. Millions of humans have been killed by other humans for the same reasons these chimpanzees kill one another. Indeed, Mitani, et al. explain that these chimpanzee attacks on neighbouring troops have generated “considerable attention because [they] resemble... lethal intergroup raiding in humans” (Mitani, et al. 2010, 507). And while it is often said that humans are the only species that kills one another, de Waal writes that the discovery of these attacks undermined this “claim of human uniqueness... [and] profoundly affected the post-war debate about the origins of

human aggression” (de Waal 2005, 57). In sum, these so-called “random attacks” actually reveal another similarity between human and chimpanzee behaviour, rather than a difference.

In this section I have responded to Oderberg’s claims that no nonhuman animal is capable of free will, and that all nonhuman animals act only according to instinct. Demonstrating that some chimpanzees and domestic dogs are capable of exercising self-control simultaneously shows that such animals are capable of controlling their instincts. I can now conclude that Cohen’s and Oderberg’s arguments for human supremacy — whether it be their desired approach, anthropocentric speciesism, or even human exceptionalism — cannot be maintained.

4.6 Conclusion

In this chapter I argued that the various empirical claims made by Cohen and Oderberg are undermined by empirical studies on nonhuman animal capacities. With respect to Cohen’s justification for excluding nonhumans from the sphere of moral preeminence, I conceded that it is likely that nonhuman animals are incapable of moral autonomy. Yet I demonstrated various issues with applying this stringent conception of morality to humans. First, it is seemingly unable to account for how cultures differ in their conceptions of morality. Second, it largely ignores the emotional motivation behind acts and agents that many moral psychologists believe play a predominant role in human moral practice. Finally, it renders many actions and individuals that we would typically deem morally praiseworthy (or morally reprehensible) as amoral. In order to shed doubt

on Cohen's claim that nonhuman animals are fundamentally incapable of moral practice, I explored some descriptive elements of human moral practice that echo in phylogenetically similar taxa: the existence of norms and the capacities for "moral" emotions. I suggested that some chimpanzees and canids navigate normatively laden social spaces and appear to exercise compassion or sympathetic expression.

While Cohen's conception of morality was highly demanding, the capacities described by Oderberg were far more empirically applicable. Novel-problem solving provided a way of identifying what could be interpreted as knowledge of finality — an awareness that our actions are directed at achieving particular goals — in chimpanzees, birds, and octopuses. By looking at behaviours that give evidence for self-control in chimpanzees and domestic dogs, I was able to demonstrate that members of these species have free will — the capacity to choose one course of action over another — as well as demonstrate that not all nonhuman animals act only according to instinct — that is, only engage in automatic behavioural responses.

Now that we have seen how Cohen's and Oderberg's arguments for human supremacy fail to withstand scrutiny through a biological lens, the following chapter will challenge the arguments put forth by Liang. The empirical claim made by Liang that purports to delineate humans from nonhumans is, through an evolutionary lens, unstable. We will see that using species membership to delineate moral status is arbitrary in light of our evolutionary history.

Chapter Five: Refuting Liang’s Anthropocentric Speciesism: The Problematic Relationship Between Species Membership and Moral Status, and Responses to Liang’s Political Claim

5.1 Introduction

Now that Cohen’s and Oderberg’s arguments for human supremacy can be put to rest, this chapter will be concerned with rebutting Liang’s anthropocentric speciesism, including the political concern that motivated her to adopt this position. As discussed in Chapter Two, Liang’s position is not far removed from Cohen’s and Oderberg’s. However, Cohen and Oderberg maintain human preeminence by referring to “essential” human cognitive capacities, while Liang believes that humans are morally preeminent irrespective of their capacities. She believes that every human is endowed with dignity *simply* because of their species membership, and that this method of moral demarcation is necessary in order to avoid giving rise to and then having to resolve questions concerning “marginal cases” (Liang 2013, 337).

Human supremacist arguments that claim mere membership in the species *Homo sapiens* as the determining factor for moral preeminence have consistently failed to withstand philosophical scrutiny (Fenton 2014, 131). Yet contemporary evolutionary theory can be used to undermine these arguments in a particularly interesting way. We saw in Chapter Three that evolutionary processes make species demarcation ambiguous, and it is this ambiguity that undermines Liang’s method of moral demarcation. In adopting such an approach, many of the tools needed to respond to Liang have already been discussed in Chapter Three. There is yet another possible approach to rebut Liang, one that relies on an argument put

forth by Rob Lawlor (2012) which elucidates why moral status cannot reasonably be attached to species membership. By drawing on Lawlor's discussion on moral status, species membership and transitivity, I will show that Liang's method of moral demarcation, using human species membership, fails to be transitive and is thus unable to non-arbitrarily delineate moral status. Moreover, I also explain why this method depends on a precarious fact: that the ancestors on the human-chimpanzee-bonobo clade — that is, all the descendants that constitute a node on tree of life that begins with the shared common ancestor of bonobos, chimpanzees, and humans — are now extinct. Finally, I discuss why using biological categories to determine moral status is deeply fraught and morally problematic. In the end, and despite her concern about securing the moral status of neuroatypical humans, Liang's attempt at securing the preeminent moral status of humans is unstable.

To conclude this chapter, I will address Liang's political concern. I argue that Liang is mistaken to believe that granting animals a higher moral status is responsible for undermining the dignity of neuroatypical humans. Rather, arguments for *human supremacy*, such as the ones given by Cohen and Oderberg, undermine the moral status of these humans. To maintain human supremacy and as such the exclusion of all nonhuman animals, these philosophers must draw on demanding and stringent capacities exercised by, as *they* say, "paradigmatic" or "normal" humans. Thus, these philosophers undermine the moral status of neuroatypical humans by not only constructing a moral framework that positions them as so-called "marginal cases," but by claiming that their high moral status

depends on capacities that *other* humans exercise. This latter claim is, clearly, a nonsensical and morally unpalatable ground for according these humans equal moral consideration.

5.2 Moral Status, Species Membership, and Transitivity

This section explores why Liang's moral status demarcation, species membership, is, through an evolutionary lens, an arbitrary means of determining who deserves preeminent moral consideration. Drawing from Richard Dawkins (2004), Lawlor (2012) provides a particularly illustrative argument in "The Ethical Treatment of Animals: The Moral Significance of Darwin's Theory." Fundamentally, it is Lawlor's contention that species membership is not a transitive property. As such, when moral status is assigned according to species membership, moral status also fails to be transitive. In this way, I argue that using Liang's method of demarcating moral status would result in arbitrary judgments with respect to what individuals have, and do not have, dignity. However, I also argue that grounding moral status in human species membership is only possible because of a mere accident: the extinction of the other members of the clade of which humans, bonobos, and chimpanzees are a part. This further demonstrates why Liang's ethical perspective is largely dependent on morally precarious contingent claims.

First, we must begin by getting clear on what exactly a transitive relation is, for our purposes here. Transitive relations are defined as follows: "whenever there is a certain relation, R, between x and y, and there is also the same relation, R between y and z, then it *must* be the case that there will be the same relation, R,

between x and z” (Lawlor quoting Blackburn 2012, 150). Lawlor gives the simple example of being “taller than” as a transitive relation (Lawlor 2012, 150). If Sally is taller than Oliver, and Oliver is taller than Michael, then it *must* be the case that Sally is taller than Michael. Of course, not all relations are transitive. Friendship, for instance, is not transitive. If Sally is friends with Oliver, and Oliver is friends with Michael, it does not follow that Sally is friends with Michael.

Now, Liang and all others who believe that dignity is determined by human species membership would argue that moral status should also be transitive (Lawlor 2012, 151). This is because, according to the *equal dignity principle* endorsed by Liang, all humans are endowed equally with dignity; all humans are endowed with the same moral status as one another yet enjoy a preeminent moral status to all other species (Liang 2013, 337). Therefore, it does not matter what capacities or traits Sally, Oliver, and Michael have; as long as these three are members of the species *Homo sapiens* they will all have dignity, understood as worth or high value, equally. So, if Sally has the same moral status as Oliver, and Oliver has the same moral status as Michael, then Sally *must* have the same moral status as Michael. This is not to say that Sally’s moral status *depends* on other members of their species extant with her; Sally would enjoy a preeminent moral status even if she was the sole member of the species *Homo sapiens*. But if Oliver and Michael are also *Homo sapiens*, then they will have an equal and thus transitive moral status to Sally. Presuming that there are at least three *Homo sapiens* extant, human species membership and intrinsic dignity (moral status), then, ought to both be transitive relations.

As we saw in Chapter Three, the “Species Problem” (the lack of a definitive account of the “species” concept) is a source of contention amongst taxonomists. However, we also saw that taxonomists do agree that lineage is a crucial element for determining whether individuals belong to the same species. While we explored various means of species demarcation in Chapter Three, the most popular way to define species membership for organisms that do not produce asexually is by the interbreeding criterion (Dawkins 2004, 309).³² As Lawlor states, “if we... take non-interbreeding to be the *criterion* for deciding whether two populations deserve distinct species names, this needn’t be because interbreeding is – in itself – important... [i]nterbreeding is just a way of *identifying* that [two individuals] are closely related” (Lawlor 2012, 155). Nonetheless, because humans are a sexually reproducing species, and because the interbreeding criterion can successfully distinguish humans from their nearest living ancestor (see below), Lawlor reasonably uses it in his exploration of moral status, human species membership, and transitivity.³³

Recall that the interbreeding criterion asserts that if an individual can breed and create fertile offspring with another individual then they can

³² This is not to say that interbreeding is a necessary condition for species membership for sexually reproducing species. No matter what method of species demarcation is chosen, exceptions to the rule are inevitable (lots of humans cannot interbreed, for instance).

³³ Lawlor does explain that the problem of non-transitivity will also arise with other popular methods of species demarcation, such as close relation or close resemblance (Lawlor 2012, 155). He writes: “A can resemble B and B can resemble C, but A needn’t (sufficiently) resemble C. Likewise... A can be closely related to B and B closely related to C, but A needn’t be (sufficiently) closely related to C” (Lawlor 2012, 155). However, if there is a method of species demarcation that can successfully avoid the problem of non-transitivity (there are over twenty known methods of species demarcation (Andrews, et al. 2019, 26)), Liang’s method of moral demarcation will still be susceptible to another issue that I discuss in this chapter (that biological categories are a morally arbitrary and historically problematic means of demarcating moral status).

appropriately be considered the same species. Thus, if species membership is transitive, then that means if individual A can interbreed with individual B, and individual B can interbreed with individual C, then individual A *must* be able to breed with individual C. When looking at living species, the interbreeding criterion as a means of demarcating humans from other species works well. It is easy to differentiate humans from our nearest living relative, chimpanzees, according to this criterion: chimpanzees and humans cannot interbreed, so chimpanzees are a separate species from humans. Accordingly, the interbreeding criterion will often render moral status transitive when this status is attached to human species membership.

However, Dawkins explains that this fails to be the case when we take into consideration all species that have ever lived. That is, while chimpanzees and humans, for example, cannot interbreed, we are linked by an “unbroken chain of ancestral generations” (Dawkins 2004, 318). What this means is that “if you follow human ancestry backward to the shared ancestor and then forward to chimpanzees, the intermediates all along the way will form a gradual continuum in which every generation would have been capable of mating with its parent or child of the opposite sex” (Dawkins 2004, 318). While we would not, presumably, be able to interbreed with our ancestor *Homo ergaster*, determining where exactly *Homo sapiens* ends and *Homo ergaster* begins in the human-chimpanzee-bonobo clade is impossible. As Dawkins says, “[t]he barrier would not come suddenly. There would never be a generation in which it made sense to say of an individual that he is *Homo sapiens* but his parents are *Homo ergaster*” (Dawkins 2004, 319).

In order to illustrate why this feature of our shared evolutionary history renders species membership unable to reasonably serve as a method of moral demarcation, Lawlor, drawing on Dawkins (2004), asks us to imagine that we are taking a trip back in time (Lawlor 2012, 152). Lawlor writes:

Imagine... having a time machine, going back in time 1,000 years at a time, picking up a young and fertile passenger at each stop... Now consider one of our time travelling passengers — one that we picked up before we got back to a different species (at our 500th stop, for example). I will call him “Grunt”. At the point at which we could say that I had travelled back to a different species, Grunt wouldn’t have. Grunt would still be able to interbreed with the predecessors while I couldn’t. Call the passenger that we pick up at this stop “Ugh” ... Thus, it seems that Grunt and I are the same species, yet Grunt is also the same species as Ugh, even though Ugh is a different species from me (Lawlor 2012, 152).³⁴ What this travel back in time illustrates is the problem of species

membership and transitivity. It shows that “it is perfectly possible for A to be the same species as B, and for B to be the same species as C, but for A to be a different species from C” (Lawlor 2012, 152). This smooth continuum of ancestors makes it impossible to determine where one species ends and the next begins, thus causing species membership to be a nontransitive property. This simultaneously problematizes attempts at deciding who does and does not have dignity. Would we grant such an honorary status to Ugh? If this ancestor can interbreed with certain members of a species that has intrinsic dignity, then it seems we would have to. But what about the moral status of another ancestor that could breed with Ugh but not Grunt? Because species membership fails to be transitive in this way, it shows that deciding which individuals have this preeminent moral status is a more or less arbitrary judgment. This is why Lawlor

³⁴ Lawlor is drawing on Dawkins’s book *The Ancestor’s Tale* (2004). Dawkins has put forth similar arguments previously (1987).

argues that “moral status cannot be determined by species membership” (Lawlor 2012, 152).

Lawlor’s argument undermines Liang’s conception of intrinsic human dignity from a historical standpoint. However, it may seem easy to disregard the implications of this argument when we look at tangible facts. As mentioned, when we only look at living species there are often sharp discontinuities; it is easy to demarcate relatively close cousins such as *Canis lupus* and *Ursus arctos* because all the intermediates between dogs and bears are now extinct. Yet this nebulous boundary of species membership is not just a problem temporally; these sorts of intermediate cases do exist today. This phenomenon of different species being linked by an interbreeding chain are referred to as “ring species.” An example of this phenomenon is explained by Dawkins. He tells us that

In Britain the herring gull and the lesser black-backed gull are clearly distinct species. Anybody can tell the difference, most easily by the colour of the wing backs... More to the point, the birds themselves can tell the difference too, for they don’t hybridise although they often meet and sometimes even breed alongside one another in mixed colonies... [However,] if you follow the population of herring gulls westward to North America, then around the world across Siberia and back to Europe again, you will notice a curious fact. The ‘herring gulls’ as you move around the pole, gradually become less and less like herring gulls and more and more like lesser black-backed gulls... [This is because] at every stage around the [pole] the birds are sufficiently similar to their immediate neighbours... to interbreed with them... The herring gull and the lesser-black backed gull in Europe never interbreed, although they are linked by a continuous series of interbreeding colleagues all the way round the other side of the world (Dawkins 2004, 311).

Ring species such as these show how Liang’s method of demarcating moral status is not only a problem historically. In other words, ring species seem to provide a tangible way of undermining the idea that species membership can non-arbitrarily serve as a criterion of moral demarcation. At the same time, the phenomena of ring species may seem appealing to Liang. That is, in order to

escape the problem of non-transitivity, Liang may want to claim, as zoologists do, that ring species constitute a single species (Lawlor 2012, 153). Because zoologists are concerned with being able to neatly and discretely sort animals into groups, they too want “an account of species membership that is transitive” (Lawlor 2012, 153). If Liang were to adopt this view in order to avoid the problem of non-transitivity, she would simply concede to recognizing species that form an interbreeding chain with *Homo sapiens* as individuals that have intrinsic dignity.

But conceding to the zoologist’s approach and granting moral status to other species that form an interbreeding chain with humans only solidifies the precariousness of Liang’s position. Drawing on Dawkins (2004), Lawlor asks us to

Imagine that there is a living continuum between chimpanzees and humans, such that the speciesist who embraces the concept of ring species is required to say that they both have the same moral status. Now imagine that every single one of the intermediate animals is killed in a massacre, such that there is no longer a continuum between humans and chimpanzees. Now, it seems that, as a result of this massacre, humans and chimpanzees could now be recognized as separate species and, as a result, the chimpanzees would lose the special moral status they once had in virtue of being placed in the same species as the humans. The thought that the moral status of chimpanzees could change [in] this way is clearly absurd (Lawlor 2012, 154).

Yes, all other intermediate species on the chimpanzee-human-bonobo clade are dead. This fact makes it is easy to embrace the view that dignity can be grounded in human species membership. But grounding the moral status of certain species in the extinction or existence of other species is surely an arbitrary means of moral demarcation. As I mentioned in Chapter Three, what species are alive today is a result of myriad chance events. We know, then, that “it is the merest accident that the intermediates [between chimpanzees and humans, for

example] all happen to be dead, [and it] is only because of this accident that we can comfortably imagine a huge gulf between [chimpanzees and humans] — or any two species, for that matter” (Dawkins 2004, 312). So even if we choose to ignore our evolutionary history, determining moral status according species membership is only possible because of such precarious accidents. Therefore, adopting the zoologists’ taxonomic approach does not allow Liang to avoid the arbitrary and precarious rationale on which her argument depends. Arguments — especially ones that argue for supremacy and exploitation — should never rest on arbitrary or precarious facts.

Still, I anticipate two objections to my argument. First, I recognize that we could take the notion of transitivity through interbreeding back to our very earliest ancestors. As Dawkins says, “[t]he daisy chain [of interbreeding ancestors] would continue on back to when our ancestors were swimming in the sea” (Dawkins 2004, 318). Thus, if moral status is not attached to species membership, then it seems that this would require us to consider our earliest ancestors as equal to us in moral status. Claiming that insects, or even potentially single-celled organisms, ought to be considered equal in moral status to say, chimpanzees and humans, because an unbroken chain of interbreeding intermediates may have existed may seem absurd. Second, despite the fact that evolutionary processes inform us that species demarcation is a nebulous pursuit, there are obvious differences between chimpanzees and humans. Describing our evolutionary history does not rebut the claim that we are, evidently, a different species from our nearest living relative.

In regard to the first objection, I agree that claiming all species should possess the same moral status is absurd and should be avoided. But let us get clear about *why* it is absurd to say that tardigrades (members of the phylum *Tardigrada*), for example, should have the same moral status as humans. We don't justify the lesser status of tardigrades because they are smaller than humans. We are not morally preeminent because we have ten digits and they do not. Nor would we claim that tardigrades do not have the same status as humans because they cannot interbreed with us or because they have a different genealogical history. What our bodies look like, whom breed with, and what our evolutionary history is are not morally relevant characteristics. Of course, we already recognize that physical differences or biological groupings are not relevant when it comes to determining moral status. Clearly, we defend the lesser moral status of tardigrades on the basis that humans possess certain *capacities* — capacities that we believe to be morally relevant — that tardigrades do not have. It is not speciesist to claim that things like sentience, having interests, or being able to form meaningful relationships with others helps to explain why a tardigrade's life is not as morally significant as a human being's life. It is not speciesist because it is capacities doing the moral work, not species membership.

It must be mentioned as well that ideas about such things being morally relevant is why speciesism is often equated with racism and sexism. That is, the claim that biological categories or physical differences can determine moral preeminence often reflects the same logic behind some racist, sexist and ableist arguments. Despite the fact that Liang's argument rests on a laudable concern of

not wanting to undermine the moral status of certain humans, the idea that moral preeminence can be justified by membership in a particular biological category is not free from gnarly moral problems either. Attempts to base dignity and its concomitant rights in a biological category must not only come to terms with the fact that this is a completely morally arbitrary means of moral demarcation, but that this very means of justifying moral supremacy was, and surely continues to be, used to exclude various races and sexes (Andrews, et al. 2019, 24).

The second objection can be dealt with in a similar vein. There are, of course, differences between chimpanzees and humans, dogs and cats, and kangaroos and bears. But in order to justify the preeminent moral status of some species over others, we must identify *morally* relevant differences in species members. Surely, in some cases there may be morally relevant differences. But it is not morally relevant that chimpanzees have different bodies than humans, and the moral status of cats should have nothing to do with the fact they have a slightly different evolutionary history than us. In order to justify human supremacy, we must point to morally relevant differences between humans and other species. In other words, we must point to capacities. But the problem for human supremacists, as we have seen, is that there is no one morally relevant capacity possessed by all humans, and we share many capacities with other species. A human supremacist may draw on the capacity for abstract moral reasoning, perhaps, but they will have to concede, as human exceptionalists do, that many members of our species are outside the sphere of moral preeminence.

Of course, this is the exact conclusion that Liang is desperate to avoid. Her use of species membership to demarcate moral status is motivated by the political claim that drawing on capacities undermines the moral status of many humans. For all her faults, Liang is right to be concerned about arguments that undermine properly considering the interests of many humans. However, another problem with her argument is that it does just this. That is, not only should we eschew arguments that use arbitrary claims to justify the oppression of other species. We should eschew arguments that use arbitrary and morally irrelevant categories, such as mere species membership, to justify the moral status of all humans. Resting the moral status of humans on arbitrary categories risks making the moral status of humans arbitrary. Obviously, this is what Liang wants to avoid, but she is mistaken in believing that species membership as a means of moral demarcation can solve this problem.

In this section, I argued that, in light of our evolutionary history, species membership is an arbitrary means of demarcating moral status. While the *equal dignity principle* put forth by Liang would maintain that all humans, by virtue of their humanity, have an equal and thus transitive moral status, species membership fails to be transitive through an evolutionary lens and so cannot reasonably determine who has a preeminent moral status. Even if Liang appeals to the concept of “ring species” in order to avoid the problem of non-transitivity, species membership would still be an arbitrary method of delineating moral status. This is because the moral status of species who form an interbreeding chain with humans would depend on a precarious accident — that is, what *other*

species are extinct or extant. Surely, this is a precarious and absurd means of determining the moral status of other species. Moreover, we should want to avoid grounding moral status in mere biological categories, species membership notwithstanding. There is nothing morally relevant about our physical characteristics, who we breed with, or our evolutionary history.

5.3 Liang's Political Claim

The metaphysical and empirical claims made by Cohen, Oderberg, and Liang have now all been considered through a biologically-informed philosophical lens. There is still one final claim made by Liang that is yet to be addressed — the political concern that motivated her to adopt mere species membership means of demarcating dignity. Recall that Liang is concerned about grounding moral status in certain capacities since this can undermine the status of humans unable to exercise those capacities. Accordingly, she argues that recognizing that nonhuman animals have dignity because they have certain capacities also puts at risk the moral status of humans unable to exercise said capacities.

Though I believe that Liang is right to be concerned for these humans, I think that she is mistaken to claim that raising the moral status of other animals who exercise morally relevant capacities undermines the status of humans unable to exercise those particular capacities. On the contrary, the moral status of neuroatypical humans is undermined by arguments that hold fast to human supremacy, such as Cohen's and Oderberg's. Arguing for the moral preeminence of humans and the low moral status of all nonhumans requires drawing on

stringent and demanding capacities, which results in ridiculous claims with respect to why humans unable to exercise those capacities deserve equal and preeminent moral.

These ridiculous claims made by Cohen and Oderberg include that humans unable to exercise moral autonomy, free will, or knowledge of finality make the moral cut because *other* humans can exercise these morally relevant capacities. This is a morally objectionable view of why these humans deserve equal moral consideration.³⁵ In their attempts to justify human supremacy and the subjugation of nonhuman animals, Cohen and Oderberg cannot claim that things like having interests, experiences, or social relationships are relevant when it comes to determining who has dignity. Doing so would require them to take into greater moral consideration a plethora of nonhuman animals, a conclusion they are eager to avoid. Because they must draw on stringent and demanding capacities to retain a humans-only space, the rationale behind their argument sees the experiences, interests, feelings, emotions, and desires of neuroatypical humans as irrelevant when it comes to arguing for their dignity. For Cohen and Oderberg, these individuals are not capable of exercising any capacities that justify their moral status. The moral status that they deserve, according to these philosophers, is dependent on what capacities *others* exercise. Surely this makes the moral status of these humans precarious; such a view could function to attenuate the experiences of abuse and maltreatment to which these individuals are vulnerable. In this way, the logic behind Cohen's and Oderberg's argument for why would-be

³⁵ Indeed, disability advocates have rejected such justifications for the moral inclusion of neuroatypical humans (Andrews, et al. 2019, 62-63).

“marginal cases” matter morally may serve to undermine the protection and well-being of such humans rather than secure it.

As I mentioned in Chapter One, I deeply regret having to refer to those humans who lack what Cohen and Oderberg purport to be the morally relevant capacities as “marginal cases.” However, just as I have argued that there is no “normal” or “paradigmatic” human, it follows that there is no “abnormal” or “marginal” human either. I hope to have shown that all humans, through a biological lens, are *equally* and *fully* human. However, as I have also argued, it is this need to perform intellectual gymnastics in order to ensure that all nonhumans are excluded from the sphere of preeminent moral consideration that is responsible for maintaining the relevance of the category of so-called “marginal cases.” Indeed, as Liang recognizes (2013, 338) this problem with respect to so-called “marginal cases” arises when philosophers cite stringent and demanding capacities as the source of all humans’ moral preeminence.³⁶

This is why Liang is wrong to oppose those who fight for the equal moral recognition and rights of nonhuman animals. For many animal rights advocates (such as Andrews, et al. 2019), the fight for animal rights is a fight against those demanding standards that also end up excluding certain humans; it is not a fight in favor of taking some animals into consideration over some humans. Rather, their arguments stem from the recognition that grounding moral status in an inflexible way that uses neurotypical humans to determine the kind of moral consideration others deserve will always leave many humans behind, just as it leaves nonhuman

³⁶ Sue Donaldson and Will Kymlicka put forth a similar argument (2016).

animals behind. Liang *and* these animal rights advocates are in agreement that a moral theory that fails to take into equal consideration the interests of all humans who have them is a defective one. This is why human supremacist arguments ought to be Liang's target, not arguments for the moral and legal recognition of nonhuman animals. As Andrew Fenton explains, "if some humans were not placed at the 'center' of the moral universe (where their interests enjoy preeminence over the interests of all others), there would be no margins to concern us. Those politically opposed to the use of arguments concerning so-called marginal others would do well to oppose human exceptionalism" (Fenton 2018, 478), or indeed any form of human supremacy.

In order to logically and ethically argue for the moral status of humans, I propose embracing a wide range of morally relevant capacities that function to ensure the interests of all humans who have them, from birth to death, are taken into equal moral consideration (such as the authors of *Chimpanzee Rights* have suggested).³⁷ Of course, not only do such approaches ensure that no humans are left behind who shouldn't be left behind. They also function to include a wide range of nonhuman animals. No single capacity, nor single species, should be used as the frame of reference for measuring the intrinsic worth of any other animal or sentient being.

³⁷ The various morally relevant capacities cited by these authors include: "Sentience... Emotions... Autonomy... Self-awareness... Sociality... Language... Rationality... Narrative self-constitution... Morality... Meaning-making" (Andrews, et al. 2019, 86-87).

5.4 Conclusion

In this chapter, I argued that species membership is an arbitrary means of delineating moral status through an evolutionary lens. Considering Liang embraces the *equal dignity principle* in order to make sense of the equal and preeminent moral status of humans, it follows that both species membership and moral status should be transitive properties. In light of our evolutionary history, however, species membership is not a transitive property and so would render moral status non-transitive. Because we would not be able to determine where our species ends and the next begins, moral status cannot avoid being arbitrarily assigned when it is attached to species membership. However, I also argued that species membership remains a precarious means of moral demarcation, irrespective of this historical fact. This is because it determines the moral status of species that form an interbreeding chain with humans on whether or not other species on the human-chimpanzee-bonobo clade are extinct or extant. Finally, I also explained why using biological categories to determine the scope of preeminent moral consideration is — biology aside — a morally arbitrary and historically problematic means of determining who has dignity.

In the penultimate section of this chapter, I discussed how it is actually Cohen and Oderberg that undermine the moral status of humans who lack the capacities they claim are necessary to be imbued with dignity. It is not only that their arguments depend on claims that are incompatible with contemporary biology. Resting the moral status of humans unable to exercise the purportedly relevant cognitive capacities in the capacities of other, as *they* say, “paradigmatic”

or “normal” humans is an absurd view of why neuroatypical humans deserve equal moral consideration. However, it is a predictable result of these philosophers using stringent and demanding capacities to justify the high moral status of humans and the low moral status of all other animals. Indeed, the category of so-called “marginal cases” is also a result of arguments that draw on stringent and demanding capacities in order to argue for human supremacy. As such, I argued that Liang is wrong to believe that granting animals rights is responsible for undermining the moral status of certain humans. If we recognize a wide range of morally relevant capacities, then this will ensure that the interests of all humans who have them, as well as many animals, are taken into equal and preeminent moral consideration.

Chapter Six: Conclusion

In Chapter One, I discussed how science, while once used to justify the subjugation of certain groups of humans, can play a vital role in overcoming certain supremacist ideologies (Taylor 2013; Kimmel and Holler 2011). I have contended that science, in particular contemporary biology but especially evolutionary biology, can also help rebut some key arguments for human supremacy. During the course of the thesis, I have also argued against anthropocentric speciesist approaches to human supremacy that embrace the idea of intrinsic human dignity.

In Chapter Two, I explored the idea of intrinsic human dignity articulated by Immanuel Kant, and how locating dignity in rational capacities problematically resulted in the exclusion of many humans from the sphere of moral preeminence. We also saw that Christine Korsgaard (2018.a; 2018.b) offers another interpretation of Kant that allows Kant to include all humans as “rational beings.” I showed how that the *Declaration of Universal Human Rights* (United Nations 2010) builds off something like Kant’s idea of dignity, yet does not locate human dignity in any traits or capacities. I was then ready to discuss the arguments for human supremacy given by contemporary dignitarian philosophers Carl Cohen (2014), David Oderberg (2000.a; 2000.b; 2007; 2011), and Jacqueline A. Liang (2013). Each embraces various elements of Kant’s idea of dignity but also argues for human supremacy in the form of anthropocentric speciesism rather than human exceptionalism.

We saw how Cohen's and Oderberg's arguments purport to maintain the intrinsic dignity of all humans by embracing a metaphysical view about our species, essentialism (Cohen 2014, 199; Oderberg 2011; 2007). We also saw that Korsgaard, despite disagreeing with human supremacy, also embraces this view of our species (Korsgaard 2018.a, 97). Cohen believes that moral autonomy, the capacity to derive and act in accordance with rational moral principles, is an essential human capacity and justifies our higher moral status (Cohen 2014, 199). Oderberg maintains that two manifestations of what he believes to be rationality justify all humans' moral status — knowledge of finality, an awareness that our actions are goal-directed, and free will, the capacity to choose one course of action over another (Oderberg 2000.b, 42). We also saw that Cohen and Oderberg believe the moral status of humans unable to exercise these capacities is justified by so-called “normal” or “paradigmatic” humans (Cohen 2014, 199; Oderberg 2000.a, 123). Unlike Cohen, however, Oderberg embraces the idea of “intrinsic potential” and believes that all humans have the potential to develop certain capacities upon conception (Oderberg 2000.a, 21).

We also saw that Cohen and Oderberg make empirical claims in order to justify the exclusion of all nonhumans. Believing that moral actions must be manifestations of moral autonomy, Cohen argues that other animals are incapable of acting morally, cannot be members of moral communities, and so are not entitled to equal moral consideration (Cohen 2014, 199). Oderberg not only argues that members of other animal species are incapable of acquiring

knowledge of finality or exercising free will, but that all nonhuman animals can act only according to instinct (Oderberg 2000.b, 42-43).

Liang, on the other hand, avoids drawing on certain capacities purported to be unique to humans. This avoidance is motivated by the political concern that grounding dignity in capacities undermines the moral status of humans unable to exercise said capacities (Liang 2013, 337). She also believes that arguing for the dignity and rights of nonhuman animals because they possess certain capacities can attenuate the moral status of many humans (Liang 2013, 337). Therefore, Liang argues that mere membership in the species *Homo sapiens* should be the determinate of who has dignity and inalienable rights.

In Chapter Three, I argued against Cohen's, Oderberg's and Korsgaard's metaphysical view of our species. I explained that two key features about evolution undermine essentialist views with respect to the species category: variability of traits within species and similarity of traits across species. We saw that variability within species undermines essentialist views about species insofar as: it renders picking any particular trait to be the defining trait of a species arbitrary (Sober 1980, 379); whatever traits are typically possessed by members of a certain species are a result of external factors (Hull 1986, 4); and the traits typically possessed by members of a certain species are always subject to change (Andrews, et al. 2019, 31). We also saw that the reaction norms of our genes, the multiple phenotypes that we can develop depending on our external environment, undermine the idea that there is a "normal" or "paradigmatic" human (Hull 1986, 8). Because we cannot develop certain capacities without the relevant genes and

appropriate environment for said capacities, it also does not make sense to say, as Oderberg does, that we have the “intrinsic potential” to develop in one particular way upon conception. Moreover, because similarity in traits across species is a common feature of evolution, it is unlikely that we will be able to identify a trait that is *wholly* unique to humans. A consequence of shared ancestry is that many traits possessed by a common ancestor species will be preserved in descendant species, and two related descendant species will inevitably share some traits with each other as well as their ancestor. This is why two species (especially two species that are closely related) are thought not to wholly differ in the *kinds* of capacities they can exercise even if they differ by *degree* (Rachels 1990, 132). It was these two key features of evolution that undermined Cohen’s and Oderberg’s arguments for anthropocentric speciesism, as well as Korsgaard’s view of our species.

In Chapter Four, I addressed the empirical claims made by Cohen and Oderberg that purport to justify human exceptionalism. When we look at morality through a descriptive lens, at least three problems arise when Cohen’s conception of morality is applied to humans: it is unable to account for how cultures differ in their conceptions of morality; it largely ignores the emotional motivation behind many moral acts; and it places acts and individuals that we would normally consider worthy of moral praise or blame outside the sphere of morality. In order to shed doubt on Cohen’s claim that nonhumans are fundamentally incapable of moral action, I explored how certain descriptive elements of human morality echo in two nonhuman taxa: chimpanzees and canids. I argued that consistent punitive methods taken towards chimpanzees and canids engaging in certain acts suggests

that members of these taxa live in communities with norms, and that certain studies on these taxa (such as de Waal 2012; Pérez-Manrique and Gomila 2018) suggest that they are capable of sympathetic expression. Finally, I argued that Cohen is mistaken to believe that membership in a moral community requires moral capacities, as he understands them.

I then provided suggestive evidence that the two capacities Oderberg believes are necessary for dignity, knowledge of finality and free will, may in fact be possessed by members of nonhuman taxa. I argued that novel problem-solving may give evidence for knowledge of finality, and explored some studies (such as Taylor, et al. 2008; Gould and Gould 1998; Finn, et al. 2009) that suggest some chimpanzees, crows, and octopuses may be able to solve novel problems. With respect to free will, I explained why demonstrating that some nonhumans exercise this capacity rebuts Oderberg's claim that all nonhumans can act only according to instinct. Free will was operationalized as self-control or self-restraint, consistent with how Oderberg understands it, and I demonstrated through various studies (such as Beran, et al. 2014; Mitanti, et al. 2010) that chimpanzees and domestic dogs are capable of exercising free will and are not subservient to their biological drives.

In Chapter Five, I addressed Liang's argument for human supremacy. I explained that because species membership, according to the interbreeding criterion, fails to be transitive through an evolutionary lens, moral status when attached to species membership also fails to be transitive. As such, species membership is an arbitrary method of determining which individuals have dignity

and which do not. Moreover, I also explained that granting a preeminent moral status to species that form an interbreeding chain with humans is also an arbitrary and precarious way of allocating moral status. Finally, I discussed why membership in a biological category, species membership notwithstanding, is not a morally relevant property.

I ended this chapter by addressing the political concern that compelled Liang to embrace species membership as a means of demarcating dignity. I argued that granting animals a higher moral status is not responsible for undermining the moral status of vulnerable humans. Instead, I argued that Cohen's and Oderberg's arguments for human supremacy, which use stringent and demanding capacities possessed by, as they say, "paradigmatic" and "normal" humans to determine the kind of moral consideration all others deserve are instead responsible. I concluded this chapter by suggesting that recognizing a wide range of morally relevant capacities would solve Liang's political concern. However, it would also require us to take into greater moral consideration a number of nonhuman animals. No single capacity, nor single species, should be used as the frame of reference for determining the value of all animals and sentient beings.

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