

## THREE STANDARD ARGUMENTS AGAINST THE INDIVIDUAL VALUE OF NON-HUMAN ANIMALS<sup>1</sup>

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### RESUMEN

La ética animal ha presentado una serie de cuestiones desafiantes en lo que respecta a la relación entre humanos y animales. Para algunos filósofos, los animales no humanos tienen valor en sí mismos. Esta afirmación se basa en la mayor parte de los casos en una apelación a la sintiencia o a la conciencia en el sentido fenomenológico: puesto que hay algo lo cual es ser un animal, los animales no pueden ser tratados como mera materia biológica. Sin embargo, esta afirmación ha sido objeto de crítica. Este artículo analiza tres de los argumentos más comunes contra lo que aquí se llama el “valor individual” de los animales no-humanos. Tales argumentos son el argumento de la capacidad, el argumento humanista y el argumento de las relaciones especiales. Se ha mantenido que todos ellos se enfrentan a problemas, que dejan la puerta abierta a la posibilidad de que los animales no-humanos puedan tener, y de hecho posean, valor individual.

**Palabras clave:** Antropocentrismo, argumento de los casos marginales, derechos animales, ética animal, agencia moral.

### ABSTRACT

Animal ethics has presented challenging questions regarding the human-animal relationship. According to some philosophers, non-human animals have value in themselves. This claim is most commonly based on sentience or consciousness in the phenomenal sense: since it is like something to be an animal, animals cannot be treated as mere biological matter. However, the claim has been met with criticism. This paper analyses three of the most common arguments against what is here called the “individual value” of non-human animals. These arguments are the capacity argument, the humanistic argument, and the special relations argument. It is maintained that they all face severe problems, which leave the door open for the possibility that non-human animals may, indeed, have individual value.

**Keywords:** Anthropocentrism, argument from marginal cases, animal rights, animal ethics, moral agency.

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## 1. INTRODUCTION

There are (at least) five different types of value relevant in animal ethics. *Indirect value* refers to the Kantian notion, according to which the motive for the respectful treatment of animals is educational benefit: it enhances ability for moral consideration, and therefore paves the way for the respectful treatment of other human beings. *Instrumental value*, also found in Kantian ethics, means valuing animals as a means to an end; for instance pigs can be valued instrumentally as a source of meat. *Partial value* refers to valuing animals as a part of something significant or useful, for instance as a part of a species or an ecosystem. *Limited value* understands the value of and related duties toward animals to be limited to a certain characteristic of the animal, usually the capacity to feel pain. In contrast, to claim that animals have *individual value* means that they are, in the Kantian sense, “ends in themselves”. This means that 1) the value is based on intrinsic characteristics of the animal, 2) the value infers direct obligations toward the animal as a whole, and 3) the consequences of the obligations are experienced by the animal herself. In the event that we accept the notion of “rights”, individual value opens the door for animal rights.

Whether animals have individual value has raised much debate in animal ethics.<sup>2</sup> Critics often claim that the value of animals differs from that of human beings. Individual value is something categorical and hence, if human beings are to have special moral value, only they can possess value in the individualistic sense. This paper analyses three standard arguments against the individual value of animals. They are *the capacity argument*, *the humanistic argument* and *the special relations argument*.

## 2. THE CAPACITY ARGUMENT

The most basic way to refute the individual value of non-human animals is the capacity argument, according to which there is a complex cognitive capacity that categorically differentiates human beings from other animals and forms the necessary criterion for individual value. In short: 1) capacity *x* exists only in humans, 2) *x* is the necessary criterion for individual value, 3) animals do not have individual value. Various capacities have been put forward, ranging from autonomy to the possession of propositional language, rationality, self-awareness, and moral agency. A typical example of the capacity argument comes from Carl Cohen, who claims that

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2 It has to be noted that often terms such as “intrinsic value” or “inherent value”, or just plain “value”, have been used, but how these terms have been applied in animal ethics is, perhaps, best summarised as “individual value”.

animals cannot have individual value or moral rights since they are not “self-legislative, morally *autonomous*” beings.<sup>3</sup>

However, there are problems with the argument. The main difficulty has been to prove the existence of a capacity that is exclusive to human beings. Much impressive literature has been dedicated to the subject, and a number of philosophers and ethologists have argued that, contrary to traditional claims, such a capacity may be incredibly difficult to find. The philosophical side has offered arguments, according to which various complex cognitive capacities can exist also in the absence of propositional language.<sup>4</sup> In ethology, various studies have suggested that the cognitive capacities of animals are significantly more advanced than is traditionally assumed.<sup>5</sup> The claims that animals are phenomenally conscious beings with various complex cognitive capacities are becoming more frequent by the day.

More importantly, the relation between the given capacity and individual value is also to be established. The capacity argument tends to rest on “*perfectionist ethics*”,<sup>6</sup> which links the moral value of an individual to a perfectible capacity held valuable in its own right. This link between the capacity argument and perfectionism has been criticised. For instance,

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- 3 Cohen, Carl, *The Animal Rights Debate*, New York: Rowman and Littlefield Publishers, 2001, 3–127, p. 35; see also his “Do Animals Have Rights?”, *Ethics & Behavior*, 7, 1997, 91–102; McCloskey, Henry J., “Moral Rights and Animals”, *Inquiry*, 22, 1979, 23–54; Montague, Phillip, “Two Concept of Rights”, *Philosophy and Public Affairs*, 9, 1980, 372–84; White, Alan, “Why Animals Cannot Have Rights”, in Regan, Tom and Singer, Peter (eds.), *Animal Rights and Human Obligations*, New York: Prentice Hall, 1989, 119–21; Narveson, Jan, “On a Case for Animal Rights”, *Monist*, 70, 1987, 31–49; Fox, Michael, *The Case for Animal Experimentation*, Berkeley: University of California Press, 1986; Carruthers, Peter, *The Animals Issue*, Cambridge: Cambridge University Press, 1992; Scruton, Roger, *Animal Rights and Wrongs*, London: Demos 1996; Frey, Raymond G., *Interests and Rights: The Case Against Animals*, Oxford: Clarendon Press, 1980; “Autonomy and the Value of Animal Life”, *The Monist*, 70, 1987, 50–63; and Rawls, John, *A Theory of Justice*, Cambridge: Harvard University Press, 1971.
- 4 The role of language has been emphasised for instance in Davidson, Donald, “Rational Animals” in Le Pore, Ernest and McLaughlin, Brian (eds.), *Actions and Events. Perspectives on the Philosophy of Donald Davidson*, Oxford: Basil Blackwell, 1985, 95–106; and Stich, Stephen, “Do Animals Have Beliefs?”, *Australasian Journal of Philosophy*, 57, 1979, 15–28. A good summary of the criticism can be found in DeGrazia, David, *Taking Animals Seriously: Mental Life and Moral Status*, Cambridge: Cambridge University Press, 1996.
- 5 See for instance Allen, Colin and Bekoff, Marc, *Species of Mind: The Philosophy and Biology of Cognitive Ethology*, London: MIT Press, 1997; Bekoff, Marc, *Minding Animals: Awareness, Emotions, and Heart*, Oxford: OUP, 2002; Dawkins, Marian Stamp, *Through Our Eyes Only? The Search for Animal Consciousness*, Oxford: OUP, 1998; Rogers, Lesley J., *Minds of Their Own. Thinking and Awareness in Animals*, Boulder: Westview Press, 1997; Rodd, Rosemary, *Biology, Ethics, and Animals*, Oxford: Clarendon Press, 1990.
- 6 Bernstein, Mark, *On Moral Considerability: An Essay on Who Morally Matters*, Oxford: Oxford University Press, 1998.

Paola Cavalieri argues that within perfectionism, value is attributable to the cognitive capacities *themselves* rather than the individuals who possess them:<sup>7</sup> rationality has value, but it does not necessarily render a being, who possesses it, valuable. Otherwise, individual value is made indirect: John is valuable because rationality is valuable. The problem becomes clearer when considering intra-human ethics: intelligence, artistic ability, and beauty are viewed as valuable characteristics, but they do not affect the individual value of human beings. Why, then, ought complex cognitive capacities be relevant when it comes to the individual value of non-human animals? According to Cavalieri, emphasis on perfectionist capacities rests on vague metaphysical statements, wherein the given capacity is placed as the ultimate basis for both morality and humanity, without clear justification.<sup>8</sup> Following this, the capacity argument is based on metaphysical presumptions concerning the nature of moral value, and the nature of humanity: it is presumed that the essence of moral value and humanity is linked to perfection. What is missing is adequate reflection on and critical analyses of these presumptions, which renders the argument poorly justified.

It is already difficult to assert that complex cognitive capacities have relevance in situations of interest conflict: as James Anderson (following Robin Attfield) has claimed, it is questionable whether someone's intelligence would grant her the right to override the interests of other beings.<sup>9</sup> The difficulty is even more pressing, when we talk not of prioritisation, but of value. As has been pointed out, the morality of our treatment of others rests on many other things besides cognitive complexity: torture, imprisonment, etc. are not moral evils because of the subject's rationality or use of propositional language, but something more profound and foundational.<sup>10</sup> This becomes especially evident, when considering the so-called "argument from marginal cases" (or—due to the unwelcome connotations of the term—"argument from species overlap"),<sup>11</sup> which reminds us that not every human being masters perfectionist capacities and that if these

7 Cavalieri, Paola, 2001, *The Animal Question: Why Nonhuman Animals Deserve Human Rights*, Oxford: OUP, pp. 24–25.

8 Ibid.

9 Anderson, James C., "Species Equality and the Foundations of Moral Theory", *Environmental Values*, 2, 1993, 347–65. See also Bernstein, *On Moral Considerability*. Claims that mental capacities do matter in interest conflicts, have been made for instance by VanDeVeer, Donald, "Interspecific Justice", *Inquiry*, 22, 1979, 55–79; and Frey, Raymond G., "Medicine, Animal Experimentation, and the Moral Problem of Unfortunate Humans", *Social Philosophy and Policy*, 13, 1996, 181–211.

10 Clark, Stephen R. L., *Animals and Their Moral Standing*, London: Routledge, 1997, pp.76–77.

11 This term was kindly introduced to me by Oscar Horta.

capacities are the necessary criterion for individual value, incapable human beings will be excluded.<sup>12</sup> It also has to be remembered that the capacities are often quantitative rather than categorical, and hence come in degrees—therefore, we would have to have an elitist scale for individual value that depends upon the level of rationality, autonomy, etc. (if, as an answer, a “threshold” for the capacities was suggested, it would have to be rather arbitrary—what degree of rationality, for instance, would be adequate?).<sup>13</sup>

But what about moral agency? Granted that rationality or self-reflection are valuable characteristics in themselves, but superfluous to the value of individuals, surely moral agency is rather obviously linked to individual value? This claim gains its basis in the idea that in order to have moral relevance, one must be a moral creature—that is, one must belong to the sphere of moral intention.

The issue of moral agency has been discussed extensively. For instance, the debates between Tom Regan and Carl Cohen revolve around it. While Regan believes that inherent value (something akin to individual value) and rights are linked to being “a subject of a life”, Cohen claims that they are essentially connected to moral agency.<sup>14</sup> The main difference is that Regan makes a distinction into *moral agents* and *moral patients*, claiming that even though the latter lack the capacity for moral agency, they still are morally valuable, whilst Cohen concentrates on agency. There are reasons to side with Regan. As Cavalieri shows, it is important to remember the distinction between “how” and “what”<sup>15</sup>—knowing how to engage in moral thinking is not equivalent with having moral value (in the context of rights, Regan talks of the difference between *making* and *having* a claim).<sup>16</sup> Epistemologically, moral capacity is necessary for value (the existence of values depends upon valuers), but axiologically this capacity is not a necessity (it is not only the valuers that have value). Moral *content* has to be differentiated from its *origin*, if no justification for their connection is offered—to give somewhat blunt examples, the contents of sympho-

12 For an analysis of the argument, see for instance Pluhar, Evelyn, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, London: Duke University Press, 1995; and Dombrowski, Daniel A., *Babies and Beasts: The Argument from Marginal Cases*, Chicago: University of Illinois Press, 1997.

13 A threshold has been suggested for instance by VanDeVeer, Donald, “Interspecies Justice and Intrinsic Value”, *Indiana University: The Electronic Journal of Analytic Philosophy*, 3, 1995, 1–15; for criticism, see Rowlands, Mark, *Animal Rights: A Philosophical Defence*, London: MacMillan Press Ltd, 1998, p. 26.

14 Regan and Cohen, *The Animals Rights Debate*.

15 Cavalieri, *The Animal Question*, p. 28.

16 Regan, Tom, *The Case For Animal Rights*, Berkeley: University of California Press, 1983, p. 283.

nies are not to be equated with composers, nor the contents of legal norms with legislators. An unjustified equation between origin and content of a value is a logical fallacy, and can even be claimed to belong to the group of “genetic fallacies”.<sup>17</sup> The problem is underlined by the argument from species overlap. If read consistently, emphasis on moral agency would leave, not only animals, but also many human beings outside individual value. As the critic of animal rights, Roger Scruton, writes: “There are great benefits attached to the status of a moral being, and also great burdens. Unless we are in a position to impose the burdens, the benefits make no sense”.<sup>18</sup> Since incapable humans cannot carry the burdens, it is highly unclear how the capacity argument can maintain both that 1) moral agency is the necessary criterion for individual value, and 2) “marginal cases” have individual value.<sup>19</sup>

Now, the critics have sought to construct ways, in which the incapable human beings do get secured. Peter Carruthers, for one, refers to the slippery slope effect: if the incapable cases were not given individual value, the threshold of individual value would risk becoming vague, and moral agents would therefore be in trouble. We also gain peace of mind in knowing that we and our loved ones will never be treated as non-valuable entities, should we become incapable ourselves, and this again enables societal harmony.<sup>20</sup> However, these assertions remain questionable. First of all, the slippery slope argument is notoriously problematic, mostly because it is unclear for non-utilitarians why the mere possibility of certain unwanted effects would wholly determine moral principles. Moreover, as Kant suggested, the ill-treatment of other animals can lead to the ill-treatment of

17 Although the genetic fallacy refers to equating the truth-value of a proposition with the presenter of the proposition, and hence claims the truth-value to be dependent on origin rather than content, it is here claimed that another variant is equating the content of x with the history of establishing x. Hence, since only human beings have “invented” moral value, they are the only morally valuable beings.

18 Scruton, *Animal Rights and Wrongs*, p. 32.

19 This is a general problem within contractual ethics. Rawls, for instance, left incapable human beings and animals without due mention, and instead suggested that they should be treated—not following the terms of justice—but following the terms of compassion. As has been argued by Donald VanDeVeer and Mark Rowlands, this is not enough. Instead of morality and rationality, the criterion for inclusion in the sphere of justice should be the capacity to experience (i.e. phenomenal consciousness), for the only neutral criterion for having one’s viewpoint taken into account is simply to have a viewpoint. Van DeVeer, Donald, “Of Beasts, Persons and the Original Position”, *The Monist*, 62, 1979, 368–77; Rowlands, *Animal Rights*; see also Dombrowski, *Babies and Beasts*, pp. 56–72. Of course Rawls does not talk of moral value as such, but more specifically of “justice”; however, the line is very thin indeed. See for example Pritchard, Michael S. and Robison, Wade L., “Justice and the Treatment of Animals: A Critique of Rawls”, *Environmental Ethics*, 3, 1981, 55–61.

20 On these common claims, see for instance Carruthers, *The Animals Issue*.

humans, and therefore, if we are to follow the slippery slope argument, we should also be concerned over denying the individual value of non-human animals. Thirdly, it is not explained why concern for animals would not enable peace of mind and societal harmony: especially in the age of companion animals, and the animal welfare and animal rights movements, surely giving individual value also to animals would ease personal worry and societal tension. The bigger issue, however, is that Carruthers' proposal does not give incapable people individual value; on the contrary, it shows the extent to which they *lack* value. Their value is made indirect, and thus something that has very little to do with the type of beings they are, and very much to do with the egoistic motives of moral agents. Here, incapable people are not valuable *in themselves*, but only as instruments, which ensure the satisfactory life for moral agents.<sup>21</sup> Therefore, we ultimately cannot talk of individual value in any other than superficial manner, and should rather talk of indirect or instrumental value.

There is one option left. Incapable human beings may one day master the capacity required for individual value, or may have mastered it in the past, and it is this potentiality or history that renders them beings of individual value also today. This is something that Cohen rests on, as he claims that: "Humans live lives that will be, or have been, or remain essentially moral (...) what humans retain when disabled, rats never had".<sup>22</sup> Potentiality and history are common ways to argue that all and only human beings have individual value. The claim is that we should value small children for the sake of what they will be, and the senile elderly for the sake of what they once were. Still, there is room for criticism. First of all, this approach faces the problem of drawing the line at the point where potentiality or history begins to matter (should we take into account foetuses, fertilised eggs, or perhaps future generations? The permanently comatose, or even the dead?). Secondly, the argument fails to see the crucial difference between the relevance of actuality on the one hand, and the relevance of potentiality and history on the other. The famous example is that even though we are all potentially dead, this does not mean that we ought to be treated as such—similarly, the fact that we once were children, does not mean that we ought to be treated as children.<sup>23</sup> Why, then, ought

21 See also Dombrowski, *Babies and Beasts*, p. 105.

22 Cohen, *The Animal Rights Debate*, p. 37, see also Frey, *Interests and Rights*, p. 157; Holland, Alan, "On Behalf of a Moderate Speciesism", 281–91; Rolston, Holmes, *Environmental Ethics*, Philadelphia: Temple University Press, 1998; Fox, *The Case for Animal Experimentation*.

23 On the latter, see Pluhar, *Beyond Prejudice*, pp. 147, 156; Johnson, Lawrence, *A Morally Deep World: An Essay on Moral Significance and Environmental Ethics*, Cambridge: Cambridge University Press, 1991, pp. 92–93.

we be treated as if we were moral agents, even though we no longer or not yet are? Potentiality and history lack moral relevance, or at least the relevance needs to be identified and explicated, if what we are discussing is individual value in the present moment. It is difficult to assert that our value is actual, if the criterion for our value is only fulfilled in the past or in the future. A further, more basic problem is that once more incapable people are given indirect value. Small children are not valued for what they are at the present, only for what they can become; similarly senile elderly are not valued for what they are now, but for what they once were. Moreover, it should be noted that even if the claim for potentiality and history would stand, the argument from species overlap would not have been made redundant. There are still some human beings left outside individual value, for there are human beings that never will be, and never have been moral agents.

Finally, the capacity argument risks being circular and *ad hoc*. This is because the belief that animals do not have individual value is the basic impetus for choosing the differentiating capacity *x*, which again is then used to prove that animals do not have individual value. The argument starts with the presumption that the capacity *x* must be something that *animals lack*. In the past, the capacity argument has taken many different forms, depending on which capacity has been thought to differentiate human beings from animals. When one capacity has proven to be something that also animals master, it has been changed to another. As Keith Thomas<sup>24</sup> has suggested, this search for a differentiating capacity has been an obsession in Western philosophy: we have been haunted by the need to find a reason why all and only human beings would be bearers of individual value.<sup>25</sup>

### 3. THE HUMANISTIC ARGUMENT

The humanistic argument emphasises humanity, or human species, as a morally relevant factor. It falls into two different versions. The first version places humanity itself as the necessary criterion for individual value,

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24 Thomas, Keith, *Man and the Natural World. Changing Attitudes in England 1500-1800*, London: Penguin Books, 1983, pp. 30–31.

25 Conceptual exclusions form a problem related to circularity. Here, presumptions are a key element. For instance, Scruton argues that the term “animal” refers to creatures who lack moral agency—animals are excluded from the moral sphere by definition. Scruton, *Animal Rights and Wrongs*, p. 59. A similar problem is evident in many definitions of “personhood”. “Persons” are defined as human beings, “human beings” as persons, and personhood is then made the criterion for individual value. For an example, see Goodman, *What is a person?*, pp. 6, 8.



and the second version links humanity to the capacity argument by maintaining that, although given cognitive abilities (such as moral agency) are the necessary criterion for individual value, they should be approached as abilities inherent to the human species as a whole. The humanistic argument includes the incapable human beings, for they do not need to master rationality or moral agency to have individual value—all that suffices is that they are members of human species. Thus, referring to the second version of the argument, Carl Cohen claims that: “All humans are in a deep sense equal because of what they are: moral agents having inherent value”, and refutes the argument from species overlap by adding that: “Morality is an essential feature of human life; all humans are moral creatures, infants and the senile included (...) Rights are universally human, arise in the human realm, apply to humans generally”.<sup>26</sup>

This argument, too, faces difficulties. The problem with the first version is that it offers only few reasons as to why humanity would matter. It simply *assumes* that human beings are to be morally separated from the rest of animal species. A very frank form of this version comes from Tony Lynch and David Wells, who, after presenting the famous “baby or puppy” example, claim that: “It is plain *humanity* which counts (or should count) in such equations, not any quality or ability usually associated with humanity”.<sup>27</sup> Lynch and Wells recognise that it is indeed difficult to explain why humanity matters, but claim that no such explanation is needed: “Morally speaking, it *is* humanity that counts (...). Any effort at reduction on this point means abandoning morality itself”.<sup>28</sup> The claim is that human beings come first, and that we do not need to explain why this should be so—on the contrary, to offer an explanation would be amoral. Lynch and Wells argue that we should forget about theory (which they admit those arguing for the individual value of animals can be good at), and rather concentrate on practice. In practice most people feel that human beings have special value, and on the basis of this the question is solved: it really is humanity that matters.

Lynch and Wells present a casuistic stance. Moral issues ought to be decided upon by investigating what has been the best decision in the past, and by drawing from “moral paradigms” that reflect a consensus on decision-making. However, how they apply casuistry to animals is problematic. The most obvious difficulty is the naturalistic fallacy. Lynch and Wells assume that what we value is what we *should* value and thereby make the

26 Cohen, *The Animals Rights Debate*, pp. 37, 53.

27 Lynch, Tony and Wells, David, “Non-Anthropocentrism? A Killing Objection”, *Environmental Values*, 7, 1998, 151–63, p. 156.

28 Lynch and Wells, “Non-Anthropocentrism?”, p. 162.

dreaded jump between facts and values. Sidelining any effort at normative justification and simply following the route of majority opinion can be dangerous indeed, as history has shown in regard to many “isms” that have to do with intra-human affairs (racism, sexism, etc.). Justification holds an important role within ethics, because it assures that we do not follow mistaken “facts” (for instance, those that claim that animals are mentally incapable, or women are less intelligent than men), and inconsistent claims. One would assume that Lynch and Wells would not, precisely because of these reasons, wish for us to abandon justification in intra-human affairs, and therefore, the question becomes what other reason than prejudice against animals should dictate that justification be abandoned when it comes to non-human animals? Moreover, it has to be noted that reliance on paradigms quickly transgresses into conservatism and dogmatism, as we are simply asked to accept a certain “truth” as given, and to refrain from further analyses or criticism.<sup>29</sup> As such, it offers a poor basis for reflective ethics that is open for new viewpoints and ideas. Whereas Lynch and Wells maintain that questioning the special value of human beings is amoral, one could argue that it is precisely the abandonment of moral justification, reflection and criticism that amounts to the abandonment of morality in its true sense.

In an effort to justify the otherwise blatant speciesism of the first version of the humanistic argument, Roger Fjellström has placed emphasis on the role of “reason”: ethics has to be reasonable from the viewpoint of moral agents, and hence human beings are to be given special value.<sup>30</sup> However, also this claim lacks justification, for it is somewhat unclear what is meant by “reasonable”. If a type of rational egoism is being put forward, then we could easily state that in order to bring maximum benefits for ourselves, we ought to not only favour other human beings, but more specifically also our own sex, social class, race, or nationality. If, on the other hand, the term points toward something that simply is “in accordance with reason” (Oxford definition), it remains unclear why viewing non-human animals as beings of individual value would be outside the reach of the term. Thirdly, if the term refers to practicality or prudence, it ought to be explained why giving individual value to animals is overtly impractical or imprudent, and what the moral relevance of practicality and prudence is to begin with (freeing slaves or recognising the rights of aboriginal peoples may have been impractical).

29 Cavalieri, *The Animal Question*, pp. 24–25

30 Fjellström, Roger, “Specifying Speciesism”, *Environmental Values*, 11, 2002, 63–74. Fjellström also underlines the meaning of biological community, of which later in the context of the special relations argument.

A more sophisticated proposal comes from Raymond Gaita and Cora Diamond, who argue that ethics is imbedded in the meanings of our language games, and that one central meaning is the special value of human beings. Ethics springs from shared meanings, and the special value of human beings is, in fact, a foundational meaning on which our understanding of value is rested on. We understand what values are, because valuing humanity is so integral and fundamental to us. Moreover, the meaning of “human being” itself implies special value: this is what humanity is to us. Because of the elemental connections between humanity and special value, it literally makes no sense to argue for animal equality. If, in a Wittgensteinian vein, language forms the limits of our world, it also forms the grounds for and limits of moral thinking, and this means that if we go against basic meanings, such as the special value of human beings, we are making no sense. Hence, Diamond argues that the argument from species overlap is absurd, for it goes against meaning.<sup>31</sup> The implication is that talk of the individual value of non-human animals is based on misapprehension of language, meaning and ethics. Both Diamond and Gaita argue that the moral status of animals is much more significant than is currently recognised—however, they are not willing to support animal equality (something that individual value, as a categorical and hence equal matter, implies).

Now, Gaita and Diamond bring forward an important reminder of the relevance of language. However, they are presenting us with an overly unified and static understanding of meaning. We have a variety of conflicting meanings,<sup>32</sup> the tension between which is one of the impetuses behind moral thought: it is in the constant battle ground of conflicting meanings related to value and norms that ethics gains its momentum. One of these conflicts concerns the value of human beings on the one hand, and the value of non-human animals on the other. Were we to only have the meaning that places special value on humanity, there would be no animal ethics, and no need for debate, as we would all nod in agreement: however, there are strong voices in the society that argue for and support wholly non-anthropocentric meanings. This heterogeneity of meaning implies that, rather than following the only option we have, we are making is a

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31 Diamond, Cora, “Eating Meat and Eating People”, in Sustain, Cass and Nussbaum, Martha C. (eds.), *Animal Rights: Current Debates and New Directions*, Oxford: Oxford University Press, 2004, 93–107; Gaita, Raimond, *The Philosopher’s Dog*, London: Routledge, 2002.

32 On tension within even small, traditional cultures, see Gaard, Greta, “Tools for a Cross-Cultural Feminist Ethics: Exploring Ethical Contexts and Contents in the Makah Whale Hunt”, *Hyypatia*, 16, 2001, 1–26.

choice between anthropocentric and non-anthropocentric meanings, and here ethics and moral thought emerge as central. The core question becomes: why would we choose anthropocentrism? Therefore, more reflection is needed on the heterogeneity of and choice between meanings. Moreover, the view presented by Gaita and Diamond overlooks change. Meanings are not fixed and static, but rather exist in a constant state of change. One of the sources of this change is the afore-mentioned moral thought, for by having to ponder upon our choices between meanings, we also alter those meanings. That is, by reflecting on meanings, we often gradually change the content of those meanings toward something more cogent and fruitful: meanings are not static objects of thought, but something constantly affected and shaped by thought. This opens the door for the possibility that also anthropocentric meanings may change toward a wholly new direction, and “humanity” will no longer be equated with “special value”.

Therefore, the first version of the humanistic argument suffers from lack of justification. Also the second version, at times referred to as “moderate speciesism”,<sup>33</sup> faces problems. The main difficulty is to explain what is meant by the claim that also those human beings, who do not master a given capacity—lets’ say moral agency—on an individual level, can be argued to master the capacity on the generic level of species. One option is to suggest that each individual is defined by the stereotypical qualities of her species. Since moral agency is a capacity that stereotypically belongs to human species, each individual can be argued to possess it. This is something that Cohen supports. He asserts that the argument from species overlap is mistaken, because it does not comprehend that agency is “not a test to be administered to human beings one by one”, but that the “critical distinction is one of kind”.<sup>34</sup> What is being put forward, then, is the idea of *generic species-specific capacities*. Being human makes us bearers of stereotypical human capacities and qualities, even if we do not possess them on the individual level.<sup>35</sup> However, this answer leaves a lot to be desired

33 See for instance Holland, “On Behalf of a Moderate Speciesism”; Anderson, James C., “Species Equality and the Foundations of Moral Theory”.

34 Cohen, *The Animals Rights Debate*, p. 37. This is a turn often taken by the contractualists, see for instance Scanlon, Thomas, *What We Owe To Each Other*, Harvard: Belknap Press, 1999. Also Robert Nozick emphasises membership of human species as a morally relevant factor, see his “About Mammals and People”, *New York Times Book Review*, November 27, 1983, p. 11.

35 Jon Wetlesen combines the capacity and humanistic arguments in his view, according to which all human beings include the potentiality for moral agency. Although not every human being possess this potentiality on an individual level, the fact that human species on a generic level does include it, means that all human beings can be termed potential agents. See his “The Moral Status of Beings who are not Persons”, *Environmental Values*, 8, 1999, 287–323.

for. Further elaboration is needed on why individuals could claim to possess capacities on the basis of group membership. There is a bridge to be gapped between generic capacities and individual capacities, and the humanistic argument struggles to present us with such a bridge. The account sounds acceptable on the surface, but if we look in detail at the enormity of the jump between individual level and generic level, it becomes evident that much more justification needs to be offered in order for us to accept that what groups possess, also individual members of groups possess. The necessity for further elaboration becomes evident when we look at other qualities than moral agency. Matilda cannot claim to be moderately musical simply, because most members of her species are, and Raymond cannot maintain that his IQ is 100 on the basis that this is the average for his species. The blind cannot argue to see, those who lie cannot argue to be honest, and the sociopaths cannot argue to be able to empathise. What renders moral agency different?

Moreover, it is important to note that, if we are judged or evaluated as individuals, it is our qualities on the individual level that should matter. Paola Cavalieri talks of “the blatant irrationality of the view that individuals should be treated not on the basis of their qualities but on the basis of other beings’ qualities”,<sup>36</sup> and the charge is well-founded. If the human species has generic capacities that are valuable, then we are entitled to value the *species* in general; to be valued as an *individual*, however, we need to possess the required capacities on the individual level. In fact, reference to generic qualities and stereotypes is, when making evaluations concerning individual beings, very dangerous. This becomes clear when we consider the implications of emphasising generic qualities. Few people would claim that a severely mentally handicapped person is to have the rights that go with being a rational adult (such as having a driver’s licence or adopting children) on the grounds that she belongs to a species that generically is rational. And again, few people would claim that it is justified to discriminate against people on the basis of their presumed generic qualities, such as those that have to do with cultural background, or even race and sex. We are to be evaluated as individuals, not on the grounds of supposed group characteristics. If reference to generic qualities is rejected in the human context, it seems unclear why generic qualities ought to bear relevance in the context of non-human animals. In fact, this difference seems unjust, as animals have to prove more in order to have individual value. As Evelyn Pluhar asserts: “Requiring individuals to be treated in

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36 Cavalieri, *The Animal Question*, p. 74; see also Rachels, *Created From Animals*, pp. 186–87.

accordance with the norm for their species rather than their own individual characteristics is outrageously unfair”.<sup>37</sup>

A further difficulty of the humanistic argument is that it consists of a confusion between perfectionist capacities (such as moral agency) and species as possible criteria for individual value. On the one hand, it sets moral agency as the criterion, and on the other, it wants to prioritise species. Therefore, Cohen speaks of agency as the reason why human beings are of special value, and then again talks of agency as a secondary quality to species. Thus, a circular relation is placed between the capacity and the humanistic arguments, which perhaps stems from the effort to come up with a response for the argument from species overlap. The capacity argument is seen to be lacking, for it cannot answer the problem posed by incapable human beings. The humanistic argument is used in order to tackle the problem, but it struggles to explain why species holds relevance. In an effort to provide justification, the humanistic argument turns back towards the capacity argument: species matters because moral agency is tied to human species. Therefore, the humanistic argument supports the capacity argument, which again supports the humanistic argument. This circularity suggests that both the capacity argument and the humanistic argument fail to achieve validity.

#### 4. THE SPECIAL RELATIONS ARGUMENT

One of the most persistent problems faced by the two previous arguments is that posed by the case of incapable people. There is still one more response to this problem. It posits that the reason why incapable human beings are valuable is the fact that we as human beings tend to form stronger attachments toward other human beings than toward members of other species. This gives grounds for special moral value. Therefore, all and only human beings have individual value because human beings have a natural tendency to form special attachment to all and only human beings. This type of thinking, used partly for instance by Lawrence Becker and Peter Carruthers,<sup>38</sup> can be called the special relations argument.<sup>39</sup>

37 Pluhar, *Beyond Prejudice*, p. 137. See also Hoffman, Tom, “Animals, Mental Defectives, and the Social Contract”, *Between the Species*, 9, 1993.

38 Becker, Lawrence C., “The Priority of Human Interests” in Miller, Harlan B. and Williams, William H. (eds.), *Ethics and Animals*, New Jersey: Humana Press, 1983, 225–42; Carruthers, *The Animal Issue*, pp. 54–56. See also Benson, John, “Duty and the Beast”, *Philosophy*, 53, 1978, 529–49.

39 The argument is not always presented as a response to the argument from marginal cases, and for instance Mary Midgley supports it entirely because of its own merits.

Again, however, problems emerge. First of all, it remains unclear what the nature of “attachment” here is: does it refer to a biological tendency, to something culturally learned, or to something purely emotive? Often, the first of these alternatives is implied. For instance Mary Midgley, who otherwise has offered support for the individual value of animals, claims that: “The natural preference for one’s own species does exist. It is not, like race-prejudice, a product of culture. It is found in all human cultures, and in cases of real competition it tends to operate very strongly”.<sup>40</sup> A more pronounced example is found from Baird Callicott’s theory, according to which species is a biological “community” with certain rights for intra-species value favouritism.<sup>41</sup> However, if this biological version is adopted, many difficulties emerge. The main one is, again, the danger of the naturalistic fallacy (in the form presented by Hume). The fact that we in actuality do often favour other human beings by no means justifies the claim that we should favour other human beings.<sup>42</sup> We need further premises to show why our tendency for favouritism would lay the grounds for special value—the mere idea of “natural” is not enough. This becomes especially evident when we look at intra-human tendencies for favouritism.<sup>43</sup> If species is accepted as a basis for natural favouritism and special moral value, it remains unclear why race, sex etc. should not also be granted such a status.

Now, Midgley maintains that there is a difference between these cases, for species favouritism is biological, whereas intra-human favouritism is cultural. However, this response does not take us far, for it simply is untrue to assert that: 1) all inter-species favouritism is biological, and 2) all intra-human favouritism is cultural. The widespread capacity to form special relations with other animals suggests that to do so does not go against our biology but rather can be a part of it (perhaps the ability to empathise and also form bonds with other animals has been a factor in evolutionary survival). Therefore, why would the line be drawn exactly on

40 Midgley, *Why Animals Matter*, p. 104. It has to be noted that she is here referring to questions of prioritisation, rather than general value.

41 See also Callicott, John Baird, *In Defence of Land Ethics*, New York: SUNY Press, 1989.

42 Cavalieri, *The Animal Question*, p. 81. It is important to differentiate this Humean form of naturalistic fallacy from the Moorean form. Whereas Hume emphasised that *norms* cannot be equated with facts, Moore argued that *values* cannot be equated with facts. Whilst the paper doubts the validity of the latter, it supports the former. It also should be added that Midgley’s argument rightly underlines the need to recognise factual differences (different beings have different types of interests), however, this should not be confused with moral differences.

43 See also Rachels, *Created From Animals*, pp. 183–84; Cavalieri, *The Animal Question*, p. 80; Pluhar, *Beyond Prejudice*, p. 164; LaFollette and Shanks, “The Origin of Speciesism”; Frey, Raymond G., “Moral Community and Animal Research in Medicine”, *Ethics & Behavior*, 7, 1997, 123–36.

species and not on primates, mammals, and so forth? It is also crucial to note that much of inter-species favouritism is cultural and political. How we choose to draw lines depends on learned notions concerning value hierarchies, and often these learned notions are based on vested interests. Thus, generation after generation we learn that animals have less value, because to believe this enables the wide-spread utilisation of animals—the tendency to place less value on animals is motivated by personal, cultural, political and financial agendas, not “nature”. Moreover, not all intra-human favouritism is cultural. As studies have famously shown, many have the unfortunate tendency to empathise most with those, who are most like them, and here species is just one factor amongst many. If we are willing to embrace species as a point of similarity, on what grounds could other, more dubious factors (such as ethnographic background, intelligence, sex or class) be refuted? All these issues point toward the importance of moral reflection: special relations, whether cultural,<sup>44</sup> political, or biological, need to be accompanied by solid moral analyses and justification. A tendency for special relations *per se* is not a reason for value difference, for we also need moral justification that shows why it should bear relevance.<sup>45</sup>

What is left, then, is the emotive side of the argument: special relations are based upon emotion, and this again gives grounds for the individual value of all and only human beings. For instance, Mary Ann Warren argues “empathy” to be one reason why incapable human beings are included in the sphere of individual value.<sup>46</sup> The emotive version of the argument is also supported by Lynch and Wells, who claim that no reason has to be offered for accepting emotions that give preference toward human beings. Like parents feel more toward their children, humans feel more toward other humans, and this feeling justifies moral differentiation.<sup>47</sup> The role of emotions in general has been underlined recently by many. For instance, Martha Nussbaum and Val Plumwood<sup>48</sup> have claimed that

44 Mary Ann Warren claims that it is culture, jointly with instinct and reason, that ensures that incapable human beings are given the same special value as moral agents. (Warren, Mary Ann, *Moral Status: Obligations to Persons and Other Living Things*, Oxford: Clarendon Press, 1997, pp. 165–66.) However, this view is highly problematic. First, as seen, cultures are diverse and heterogenic, and therefore give grounds for different types of conflicting values. Secondly, frightening intra-human implications, such as racism, raise their ugly head again.

45 Moreover, Callicott’s argument underlines the need to ensure flourishing of one’s species, but in actuality favouring all humans at the expense of other animals could lead to ill-health of the species due to over-population and environmental problems.

46 Warren, *Moral Status*.

47 Lynch and Wells, “Non-anthropocentrism?”

48 Nussbaum, Martha C., *Love’s Knowledge*, New York: Oxford University Press, 1990; Plumwood, Val, “Nature, Self, and Gender: Feminism, Environmental Philosophy, and the Critique of Rationalism”, *Hypatia*, 6, 1991, 3–27.



we ought to abandon the efforts of neutrality and distance, and accept that moral agents are bound by their own personal contexts, including emotions. Emphasis on pure “reason” has been under attack: we, and our morality, are not determined solely by reason, but also by emotion.<sup>49</sup>

However, again problems emerge. If we are to believe that emotions play an important role in morality, this still does not mean that they dictate the content of that morality. Other factors, including reasoned reflection and analyses, still have a part to play. This becomes evident, when we think of possible situations, where the no-questions-asked emphasis on emotion leads to intolerable consequences (for instance, parents ruthlessly placing the interests of their children above all else). Emotions can be very biased and one-sided, and they can also be mercilessly egoistical, which all means that following pure emotion, we may end up glorifying things and beings passionately important to us, and ignoring things and beings that have no relevance to our self-interest. This lays a very poor basis for deciding upon moral value. Emotions are relevant, but only in given circumstances, and within given scope. This point is emphasised by the case of interest conflicts. As Tom Regan notes,<sup>50</sup> the fact that a father favours his own child at the cost of other children in a particular situation, does not mean that he could do so in all situations. Emotions are a relevant factor only in certain circumstances—as Midgley claims: “There are plenty of other claims which can, on occasion, outweigh nearness”.<sup>51</sup> Neither can the father argue that all his child’s interests count for more than those of others’. He cannot, for instance, take time to buy an ice-cream for his own daughter instead of saving other children from a burning house—as Regan points out, the interests involved have to be equal before one can let closeness affect judgment. Therefore, next to emotion, other elements have to be taken into account. Emotions do not automatically give us moral justification to prioritise all the interests of human beings in all situations, and similarly they do not, by themselves, offer the justification for positing individual value in all and only human beings.

It is also to be noted that emotions are personal rather than universal. As such, the argument fails to reach the type of universality that is required from an argument that claims that all and only human beings

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49 See also Midgley, Mary, *Heart and Mind*, Sussex: Harvest Press, 1981; Slicer, Deborah, “Your Daughter or Your Dog? A Feminist Assessment of the Animal Research Issue”, *Hypatia*, 6, 1991, 108–24.

50 Regan, *The Animal Rights Debate*, p. 294; see also Cargile, James, “Comments on the “Priority of Human Interests” in Miller and Williams (eds.), *Ethics and Animals*, 243–50.

51 Midgley, *Animals and Why They Matter*, p. 23.

have individual value. We do not have personal emotions and attachments toward beings outside our personal experience, such as all the members of our species, and this is one of the significant weaknesses of the argument. In general, emotions are a poor basis for claims of objective and universal value: the father cannot claim that his child is objectively more valuable than other children, as he can only claim that the child has special value *to him*. That is, emotions lack objective validity, as they only concern that which is immediately important to us, on a personal level. What is particularly intriguing is that something as personal as emotions are argued to follow the biological species boarder. How could personal emotions be based on biological data concerning species differentiation? The stance simply is not plausible.

We also have to recognise that personal emotions and attachments are not restricted to human beings. Surely we can also have emotions toward other animals, and in cases where we do, they carry special value to us. As, for instance, Midgley has pointed out, emotions such as sympathy do not exclude animals from the sphere of individual value—quite on the contrary. Emotions do not spring from abstract notions such as species, and are not tied to groups or kinds. Their origins lie in our personal experience, and lead us to favour, not all other humans, but our mothers and friends, and dogs and parrots. The implications of this remain an open question: Would a person, who feels more for her cats be also justified in giving them, rather than human beings, individual value?

In order to have a closer look, it is important to note that even personal emotions do not have to remain thoroughly whimsical or arbitrary. One alternative is to approach emotions, such as sympathy, with the guidance of reason, and have a look at whom it is reasonable to feel sympathy for: humans, pigs, trees, or perhaps cars? A reasonable criterion is the capacity to experience: it forms the most basic necessary grounds for sympathy, for in order for us to feel for the feelings of other beings, they need (quite simply) to be able to feel. Therefore, reasoned sympathy is based on the capacity to experience rather than arbitrary similarities,<sup>52</sup> such as class, gender or species. This means that we are to cultivate sympathy toward all experiencing beings, both human and non-human. We still will not be able to feel personally for all those that deserve our feeling, but with the added help of reason, we can use sympathy as a moral compass in trying to treat other beings with respect, whilst yet remembering that individual value is not restricted to those, who we can personally feel for.

Finally, it should be added that this argument, too, faces the danger of circularity. It is not clear why we would determine the border of natural,

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52 Midgley, *Animals and Why They Matter*.

cultural, or emotive “kinship” just on the basis of species.<sup>53</sup> The reason for drawing the border exactly here rests on the assumption that species really does matter and is the criterion of individual value. It is assumed that species is relevant; because of this species is made the criterion of kinship; and then, on the basis of this, the moral relevance of species is proven.

## 5. CONCLUSION

There are at least three arguments, which state that all and only human beings have individual value: the capacity, the humanistic, and the special relations argument. They all face severe problems, the most basic ones of which are the lack of justification for placing a certain factor as the basis of individual value, the inability to explain consistently why members of the so-called marginal groups also have individual value, and circularity.

Criticism of these three arguments does not, by itself, prove that animals have individual value, for we also have to show what such value is based on. Various theories in animal ethics have tried to fulfil this task. The difference between these theories and the arguments mentioned in this paper is the fact that the former do not concentrate on species, but rather look for a species-neutral characteristic: animal ethics has emphasised “moral individualism”, which claims that beings are to be evaluated on individual instead of group merits.<sup>54</sup> Although the theories vary greatly in content (including, for example, utilitarian, deontological, contractual, and virtue ethics backgrounds), they usually advocate an “experiential”<sup>55</sup> rather than a “perfectionist” approach to value, and claim that the criterion for individual value is the capacity to experience (consciousness in the Nagelian, phenomenal sense). It gives us a viewpoint to the world, and makes our own existence matter to us. In a very elemental sense, it is the basis of individuality, and forms the very thing that morality ultimately anchors on: the capacity to feel what it is like. Since many animals evidently fulfil this criterion,<sup>56</sup> they too have individual value. This conclusion has drastic consequences. Although there may be differences in how humans and other animals are treated (rabbits do not get the right to vote), the interests of animals have to be taken seriously, and in the very least, the pig can no longer be reduced to bacon.

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53 Fox, Michael W., “Philosophy, Ecology, Animal Welfare, and the ‘Rights’ Question” in Miller and Williams (eds.) *Ethics and Animals*; Hugh LaFollette and Niall Shanks, “The Origin of Speciesism”, 307–16.

54 A term most emphasised by James Rachels.

55 See again Bernstein, *On Moral Considerability*.

56 See endnote 4.