

Michael Wreen, "In Defense of Speciesism,"
Ethics & Animals V/3, September, 1984, pp. 47-60

Speciesism Not Justified

Those of us who have become convinced that nonhuman animals are morally considerable rights-bearers have frequently relied on the rejection of speciesism in our arguments with our opponents. *If* certain humans with impaired mental capacities have rights, we have urged, nonhuman animals with comparable capacities must have rights too. To deny rights to the latter is to assume that species-membership is morally relevant ("speciesism")—an assumption just as indefensible as racism or sexism. According to Michael Wreen, however, we are mistaken: the rejection of speciesism is unwarranted.

Wreen's important challenge, in his "In Defense of Speciesism,"¹ is subtle, interesting, and laced with a powerful moral appeal to justice. Nevertheless, I will argue here that he fails to make his case. In particular, the appeal to justice at the heart of his argument is an appeal which is simply not available to him.

The issues here are complex enough to warrant some preliminary distinctions. Presumably everyone agrees that if anyone has basic rights, including a right to life, a *person* does. Although he does not explicate the concept of personhood, Wreen refers us to Joel Feinberg's analysis. A person in the purely descriptive sense is an individual who is self-aware, sentient, capable of emotions, able to learn, reason, and plan.² Personhood is defined in terms of mental capacities. For the sake of argument, let us now make two assumptions, the first relatively uncontroversial and the second (to my mind) dubious. Suppose (1) that all

individuals who are persons have basic rights, including the right to life. Suppose further (2) that any set of mental capacities possessed by an individual which falls short of those characterizing personhood is not *in itself* sufficient to warrant the ascription of basic rights to that individual (I will question this assumption later). Now, it is a matter of contingent fact that, while most humans are persons, some are not. What would the moral status (if any) of these human nonpersons be?

At this point, I suggest we distinguish humans who are potential persons from those who are not. Just how this is to be done, and just who is to count as a potential person, are notoriously difficult problems which I am not foolish enough to try to solve here. There does, however, seem to be an important moral difference between an individual who will soon be a person and one who can never be one. Perhaps individuals who are or will be persons qualify for basic rights. (Feinberg rejects this on the ground that potential possession of rights is not actual possession of rights,³ but, as Wreen rightly points out, the suggestion is that actual *or* potential personhood is sufficient for *actual* possession of rights.⁴) Let us set humans who are potential persons aside for the purpose of this discussion, then. I will argue that even if potential persons are excluded from the class of problem cases, speciesism fails to be justified.

There are humans who are not and never will be persons, such as the severely brain-damaged. If their mental capacities do not in themselves

warrant the ascription of basic rights to them, and if *no other* characteristic they have is sufficient to warrant basic rights for them, these human nonpersons are not (and never will be) rights-bearers. The implications of this view are shocking to many of us, but a growing number of philosophers appear to accept them. Consider a twist on the Baby Fae case. Assume that the baby has a right to life because she is a potential person. On the view being discussed, not only would there be nothing wrong in using a severely retarded human infant as a heart donor (resulting in its death) for the mentally normal baby: we might even be obligated to do it. (Let us suppose that we harm no normal human—e.g., the retarded baby's parents—by our actions.) If, however, we were to refuse to use the retarded baby's heart on the ground that the baby is human, and use the heart of a *nonhuman* nonperson instead (assuming that this will not significantly increase the risk for the normal baby), we would be guilty of indefensible speciesism.⁵ (People who really accept speciesism are of course unmoved by anti-speciesism arguments from supporters of animal rights.)

An alternative is to propose that human nonpersons do after all have a characteristic sufficient to warrant the ascription of basic rights to them: membership in a species in which personhood is the norm. Wreen defends this proposal in his paper by making two appeals: an appeal to metaphysics (or "quasi-metaphysics") and an appeal to fairness. I will consider each in turn.

Beginning, reasonably enough, from the human point of view, Wreen argues that "there is a quasi-metaphysical linkage between the concepts of a person and a human being."⁶ Wreen suggests that the two concepts are "criteriologically related." The relationship goes something like this:

(IP)[Identification Principle] It is a necessary truth that the statement 'X is a live human being' is good evidence for the statement 'X is a human person.'⁷

It seems to follow, he says, "though this must be taken with caution, that there is an intimate connection between basic rights, such as a right to life, and humanity, here taken biologically."⁸

There are several serious objections to this "quasi-metaphysical" appeal, some of which Wreen anticipates. First, (IP) is not really defended by Wreen. He says it is "a near relative" of a principle defended by other authors; viz., "it is a necessary truth that bodily identity is evidence for personal identity."⁹ How is (IP), according to which "it is a necessary truth that 'X is a live human being' is good evidence for 'X is a human person'," a "near relative" of this principle? Surely the 'identity' referred to by the bodily-personal identity principle is not the same as the 'identification' in (IP). In the former case, we are speaking of identity in the sense of 'sameness;' in the case of (IP), the recognition ("identification") of personhood is the issue. Wreen himself notes that the personal identity criterion concerns "re-identification" rather than "identification," but he fails to provide the very separate justification needed for (IP). Furthermore, (IP) is quite implausible on the face of it. It is easy enough to imagine a world in which 'X is a live human being' is *not* good evidence for 'X is a human person.' How, then, can the evidential claim be a necessary truth? Finally, suppose that we even accept (IP): what would it show? At best it would show that all live humans are *presumptive* persons. This presumption is obviously not sufficient for the ascription of basic rights to human nonpersons (assuming, as Wreen does

but I do not, that persons are the primary possessors of basic rights). These human nonpersons are readily identifiable. Wreen is well aware of this problem:

This, of course, is not to establish that there is a linkage [between the concepts of a person and of a human being] enough to support the flow, so to speak, of basic rights into human beings *per se*.¹⁰

Why, then, invoke this "quasi-metaphysical" linkage in the first place?

At this point, I will hazard a guess as to why Wreen invokes a principle which he knows very well to be too weak to support speciesism. Throughout his article, he stresses the importance of our ability to *identify with* human nonpersons. We are able to imagine ourselves in the other's place, to see ourselves, as it were, as being those humans. 'Identification' in this sense is really empathy (not to be confused with sympathy). (Since this sense of 'identification' is utterly different from that of 'identification' in (IP), I will call it 'psychological identification' in contexts where ambiguity might otherwise result.) Wreen holds that we have no comparable ability to identify with human nonpersons. Often, it quite true that we restrict our empathy to humans. E.g., if Baby Fae had had two equally suitable live heart donors, one a human nonperson and the other a nonhuman nonperson, most human persons would only identify with the former. Wreen hopes to use metaphysics to legitimize this one-sided psychological propensity. After introducing (IP), he has this to say:

For it would seem, first, that there is at least a quasi-metaphysical linkage between the concepts of a person and a human being, and second, that our ability to *identify with* human non-persons in a way

that we seem not to identify with sentient and intelligent non-human non-persons thus has a solid metaphysical basis.¹¹

This will not do, however. How can a "quasi-metaphysical linkage" provide "a solid metaphysical basis"? The "necessity" which allegedly relates the concepts of person and of human being does not begin to be necessary enough to do this job—even if it does obtain, which is doubtful—especially in view of the two very different senses of 'identification' in use here.

Wreen is correct, though, in stressing the moral importance of psychological identification. Without empathy, how could one take the moral point of view? On the other hand, one must be extremely wary about using this capacity selectively. It is, of course, *easier* to identify with those most similar to us and familiar to us. This tendency is both psychologically understandable and morally suspect. It is the root of bigotry. The problem is not that one *cannot* identify with those who are different and unfamiliar: one simply doesn't *bother*. One dismisses them beforehand as unworthy of our consideration. Joseph Mengele, for example, was reportedly fond of the "Aryan" children of a couple who shielded him in Brazil, but he had no compunctions about torturing and exterminating Jewish children. They were simply experimental subjects to him ("objects" would be a better term), expendable, "worthless" (apart from their research value, that is) lives. There is no reason to believe that he derived pleasure from their suffering: they simply did not *matter* to him as individuals.

A great many humans take the same attitude toward nonhuman animals as Mengele took toward Jews. While (one hopes) relatively few humans refuse to identify with unfortunate

human nonpersons, few also bother to identify with members of other species. Yet, with only a bit of thought, it is just as natural and automatic to identify with nonhuman animals (whether or not they are persons) as with humans. We read about baby seals stunned by steel-tipped clubs, skinned alive and tossed aside to die as their bellowing mothers helplessly watch. It would be very difficult *not* to identify with these animals. A similar fate could have been ours, had we been Afghani children bludgeoned to death or burned to death by Soviet soldiers, or the parents forced to watch. We read about nonhuman laboratory animals who have poisons smeared into their eyes, vaginas, or rectums. Is it really difficult to identify with these animals? Had we been inmates of Auschwitz whom Mengele had decided to "spare" for his experiments, the same fate could have been ours. I submit, contrary to Wreen, that we can identify with such nonhuman animals in the same way in which we do with human animals. The only effort needed is the effort required to become aware of the facts.

Thus, I don't object to Wreen's stress on psychological identification; I object to the limited scope he assigns it and to his (unsuccessful, I have argued) attempt to provide a metaphysical basis for that limited scope. However, Wreen uses psychological identification very effectively in the second part of his defense of speciesism: the appeal to fairness. Indeed, psychological identification is the link between the two parts of his argument. Let us now turn to the appeal to fairness.

Wreen sketches three powerful examples of humans who are or who have become nonpersons through no fault of their own: the friend who has had a terrible car accident (you almost rode with him), the fraternal twin who was born severely retarded

(you are normal), and the childhood acquaintance who is now institutionalized (you are one of his doctors). We certainly do identify closely with such individuals. We are, as he says, keenly aware of how unlucky they have been—and how lucky, by contrast, we are. *This* is the significance of psychological identification: it brings home to us the essential "unfairness" of such situations. Wreen concludes that:

Human non-persons, then, should be ascribed basic rights; for although in the primary case it is persons who are ascribed basic rights, equality of opportunity, or, better, fairness, requires us to ascribe basic rights to human nonpersons as well.¹²

Ascribing basic rights to human nonpersons is "due restitution for such a fundamental injustice;"¹³ it is "compensation for having been denied personhood,"¹⁴ according to Wreen. This cannot be said of nonhuman nonpersons who belong to a species in which personhood is not the norm. "Foul fortune" did not prevent the shark from becoming a person; the shark would not have *been* a shark if it had been a person. To return to my example, the living human nonperson whose heart could be transplanted into a human person has been dealt an injustice by the "Cosmos", Wreen would say; the nonperson who belongs to a species of nonpersons has not. Therefore the latter, not the former, should be used as the organ donor (assuming both organs would be equally suitable); speciesism in this sense, Wreen concludes, is justified.

Wreen's examples are compelling and his plea for justice moving, but there are serious difficulties in his argument—at least one of them fatal.

First, at most Wreen has made a case for the ascription of basic rights to those human nonpersons whose

condition is no fault of their own. Although Wreen states that there is little or nothing we can do to prevent the loss of our personhood,¹⁵ this is often not the case. Consider the victim of an unsuccessful suicide attempt who is now conscious but permanently, severely brain damaged. Or consider the Hollywood stunt performer who makes a career out of dangerous stunts and loses his or her personhood as a result. Less dramatic cases abound. What about the individual who is too fond of fatty foods and physical inactivity to ward off atherosclerosis, becoming senile as a result? Or the motorcyclist who refuses to wear a helmet? Or the driver or passenger who doesn't wear a seat belt? These human nonpersons don't have a right to life on Wreen's view. I for one find this thoroughly counter-intuitive (unless the individuals have become brain dead or irreversibly comatose¹⁶).

Second, Wreen himself raises the objection that his conceptual framework appears incoherent. What sense does it make to talk about the unfairness or injustice of nature or the universe, or about basic rights being accorded as restitution or compensation for such injustice? If there were "A Supreme Court of Justice of the Cosmos" this would be intelligible, but as far as we know there is none. I don't think Wreen takes this objection nearly seriously enough. He replies that the terms he uses are merely "convenient and vivid" metaphors which are used by "all" those who employ the concept of basic rights.¹⁷ I find this hard to believe: surely there are proponents of basic rights who do not personify nature, let alone at critical points in their arguments. It makes perfectly good sense to speak of *persons* respecting the rights of others and compensating them when their rights are violated; indeed, as Ernest Partridge puts it, "the very concept of 'morality' presupposes

personhood [i.e., moral agency]."¹⁸ If Wreen's metaphors really are mere conveniences and their implicit anthropomorphism "not inextirpable", he needs to show us how to cast his argument in a conceptually coherent way. Then he would be entitled to use these metaphors.

Suppose Wreen could handle this second objection, however. He would still face a third, and fatal, objection: circularity. He argues that human nonpersons should be ascribed basic rights as restitution for the injustice dealt to them by nature:

Basic morality, perhaps natural law, ensures at least the minimum of fairness here, and redresses the moral balance, makes up for nature's inhumanity to humanity, by according basic rights.¹⁹

This implies that human nonpersons have the right to fairness (equated with justice), to "equality of opportunity"²⁰ or "a fair chance"²¹ of becoming and remaining a person. When wrongfully deprived of this "birth-right"²² they are due basic rights as compensation. However, this argument plainly presupposes that they already *have* a basic right: the right to fairness or justice. Wreen's appeal to justice for, e.g., the Down's Syndrome twin brother, seems so moving because we assume such an individual has rights. This assumption may be true—I think that it is—but *Wreen* cannot use it as a premise in his argument. This is the very conclusion he must establish.

Could Wreen's argument be recast in a noncircular way? Suppose he were to grant at the outset that human nonpersons are morally considerable—not, of course, by virtue of their humanity, but by virtue of their sentience or potential sentience, or some other non-speciesist characteristic—and have some rights. The rights they have, he could say, are those

commensurate with their capacities (e.g., the right not to have unnecessary suffering inflicted on them). But, he could argue, these capacities *by themselves* are insufficient for a right to *life*.²³ Could Wreen argue that one of the rights they do possess is the right to an equal opportunity, or "a fair chance," to become and remain persons, and that we owe them the right to life as compensation for the denial of their "fair chance?" I think not. The right to an equal opportunity for becoming and remaining a person *presupposes* a right to life—for without the latter right, the former could never be exercised. Although the right not to be caused gratuitous suffering is not violated by painless, fearless death, the right to a fair chance at being and remaining a person certainly would be.

Therefore, speciesism has not been justified. Those who believe that the mental capacities of a human nonperson are not sufficient to warrant the ascription of basic rights, or a right to life, to that individual are morally inconsistent if they give preference to him or her over a nonhuman nonperson.

But should we accept the assumption that only persons (and maybe potential persons) have a right to life? If we do, ironically, it may well be the case that many nonhuman animals will qualify for this right while some sentient humans will not. Ethologists have recently provided evidence for the personhood, in Feinberg's descriptive sense, of many nonhuman animals—not just apes, dolphins, and whales.²⁴ If "those

beings who are conscious, have a concept and awareness of themselves, are capable of experiencing emotions, can reason and acquire understanding, can plan ahead, can act on their plans, and can feel pleasure or pain" are persons, the "moral club" very probably needs to be open to members of many other species. If these writers are correct, *many* nonhuman animals have capacities which far outstrip those of certain humans. Indeed, an animal whose capacities were equivalent to those of humans with advanced Alzheimer's Disease could not survive in nature.

However, I believe it would be a major mistake to deny that such human nonpersons have a right to life. These beings are conscious and self-aware *enough*—if only for brief periods—to have lives which matter to them (positively or negatively) in some sense. They need not think of themselves in sophisticated terms to be individuals with interests. To use Tom Regan's phrase, they are "subjects of lives," lives which have value to them, although again not necessarily in sophisticated terms—independently of anyone else's interests.²⁵ I will not repeat Regan's arguments here, but I do want to express my agreement: lives like these are not expendable.²⁶

Regardless of how one decides upon the proper criteria for having a right to life, however, one thing seems correct. Species membership has not yet been shown to be a morally relevant consideration in that decision.

Evelyn B. Pluhar
 Pennsylvania State University, Fayette

Notes

1. Michael Wreen, "In Defense of Speciesism," *Ethics & Animals* V(3), 1984, pp. 47-60.
2. Joel Feinberg, "Abortion," in Tom Regan, ed., *Matters of Life and Death* (New York: Random House, 1980), p. 189.
3. *Ibid.*, p. 194.
4. Wreen, p. 54.
5. I have argued elsewhere ("Must an Opponent of Animal Rights Also be an Opponent of Human Rights?", *Inquiry* XXIV(2), 1981, pp. 229-241) that attempts to justify such a preference on utilitarian or egoistic grounds fail.
6. Wreen, p. 50.
7. *Ibid.* Wreen is rather tentative in making this suggestion. In the following paragraph on the same page, he says "If, then (IP) or any of the above mentioned views concerning the relation of persons and human beings is correct, or if some (perhaps weaker) variant on one or more of them is correct, then something of moral importance has, I think, been established." "The above mentioned views" appear to be (1) the view that *human persons* are *human bodies*, (2) the view that *bodily identity* is a necessary condition for *personal identity*, and (3) the view that *bodily identity* is criteriologically related to *personal identity*. (It is also possible that Wreen includes his claim that "every person that you or I know is a human being" among these "above mentioned views." However, this claim is question-begging and dubious. He dismisses purported exceptions such as chimps, dolphins, ghosts, and deities as unsuitable topics for discussion in his paper.) Wreen endorses neither (1) nor (2), and in any case neither has anything to do with the claim that *humanity* is conceptually linked to *personhood*. Nor does (3) support that claim, although Wreen does appear to be favorably disposed toward (3). (He also takes it to be relevant to (IP). I will address this point in my next paragraph.) Since (1)-(3) do not imply a conceptual link between humanity and personhood, weakening them could hardly help. (IP) is the principle Wreen gives most prominence. (In fact, (IP) as stated also does not imply that personhood and humanity are conceptually linked: *human being* and *human person* are said to be linked. Is the second occurrence of 'human' really intended? It seems to trivialize the principle and to run counter to the author's purposes.) Since Wreen does not tell us what "weaker variant" of (IP) might be needed, I have no option but to consider (IP) his view.
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*, p. 52.
13. *Ibid.*, p. 55.
14. *Ibid.*, p. 56.
15. *Ibid.*, p. 52.
16. Wreen argues that the brain dead and irreversibly comatose do have

a right to life, although in fact it might be better for them to die (p. 55). I disagree; on my view, without the possibility of consciousness there is *no one* left who can have a right to life.

17. Ibid., p. 57.
18. Ernest Partridge, "Three Wrong Leads in a Search for an Environmental Ethic: Tom Regan on Animal Rights, Inherent Values, and 'Deep Ecology'," *Ethics & Animals* V(3), 1984, p. 74 (note 22).
19. Wreen, p. 53.
20. Ibid., p. 52.
21. Ibid., p. 53.
22. Ibid., p. 55.
23. This is the position Ernest Partridge takes in his excellent, provocative article, *op. cit.*, pp. 62, 65.
24. Cf. Donald Griffin, *The Question of Animal Awareness: Evolutionary Continuity of Mental Experience* (New York: Rockefeller University Press, 1981) and *Animal Thinking* (Cambridge, Mass.: Harvard University Press, 1984). See also Stephen Walker, *Animal Thought* (London: Routledge and Kegan Paul, 1983). Those who would like to add "moral capacity" to the list of personhood attributes, and who think that nonhuman animals lack this, should consult Stephen Clark, *The Nature of the Beast* (Oxford: Oxford University Press, 1982) and the articles of Steve Sapontzis (e.g., "Are Animals Moral Beings?," *American Philosophical Quarterly* 17(1), pp. 45-52 (January, 1980).)
25. Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983), especially Chapter 7.
26. Partridge, *op. cit.*, argues that Regan fails to show that nonhuman animals are subjects of lives (p. 64). (He also believes that many humans fail to be subjects of lives.) This is because he does not think that (most) nonhuman animals are conscious of themselves and the passage of time. If Griffin and Walker are right, Partridge is probably mistaken in this assumption.

[Editor's Note: It was not possible to give Prof. Wreen an adequate opportunity to reply to this review.]