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Speciesism and Equality of Consideration

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Speciesism, like racism and sexism is an extreme view that turns individuals into an isolated group in order to attack it and this should be halted with immediate effect. Speciesism is a practice by which we judge non-human animals and treat them in certain ways for no other reason than that they are of a different species. To illustrate the importance of rejecting speciesism, I will consider what the best form of anti-speciesism to defend is, namely a principle of weak anti-speciesism that I believe arises from a general principle of equal consideration. I will argue that equal consideration of every individual leads to a society of fewer extremes.

1) WHAT IS ANTI-SPECIESISM?

To begin with, I will consider what speciesism consists in, especially in the view of Peter Singer. I will then explain what versions of anti-speciesism are available to defend; a strong version and a weak version.

Peter Singer advocates anti-speciesist behaviour in his book *Animal Liberation*. Speciesism on a basic level is the act of treating a non-human animal differently to a human animal just because of their species. Singer calls it 'a prejudice or attitude of bias in favour of the interests of members of one's own species and against those of members of other species.'[1] Singer likens this to sexism where the way a woman is treated has nothing to do with her background or intelligence, it merely relates to her sex. The idea that speciesism is akin to

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[1] Peter Singer, *Animal Liberation* (New York, 2002), 6

sexism, and wrong for the same reason, goes back to 1792: after Mary Wollstonecraft argued for rights for women, Thomas Taylor wrote a satirical response arguing that 'If the argument for equality was sound when applied to women, why should it not be applied to dogs, cats and horses?'[2] He thought this to be an absurd extreme much like women's rights, but, since we consider one to be a valid argument for rejecting sexism, we might also allow the same argument to be used to defend animals and reject speciesism.

There seem to be two clear versions of anti-speciesism, one strong and one weak. The stronger form is the principle that we must treat all animals, both human and non-human, exactly the same. The weaker form is the principle that treating animals and humans differently is unacceptable, if the only motivation for that treatment is the difference in species. On the weaker, but not the stronger version, it can be permissible to treat them differently, so long as the justification for doing so is on the basis of other features which coincide with species-difference. So, for example, it could be acceptable for us to only feed Koala bears eucalyptus leaves because there is a substantive justificatory property that koalas have, of being able to digest eucalyptus leaves, which maps onto the species difference. However, it would be unacceptable to keep a koala in a small cage as it has no special property that would cause it not to suffer in such a situation.

2) THE ARGUMENT FOR EQUAL CONSIDERATION

Arguing for equal consideration is what tells us we must not act in this extreme speciesist way. First, then, we must consider exactly why Singer believes that animals deserve equal consideration. I will also consider Bernard Williams for some positive reasons for equal consideration that Singer does not propound.

Singer's discussion of this in *Animal Liberation* is very persuasive, as he argues that the same line of reasoning can be used for animals as it is used to support a

[2] *Ibid.*, 1

woman's right to abortion. The argument comes about like this: men and women have undeniable differences, as do humans and non-human animals but, though there seem to be more similarities between men and women, the differences between animals and humans should still not be used as 'a barrier to the case for extending the basic principle of equality to nonhuman animals.'[3] Feminists campaigning for equality between the sexes do not commit themselves to saying that when a woman is granted the right to abortion that the same right must be granted to a man. That would be nonsensical, as they do not have the physiological makeup that would ever allow for an abortion. Equality does not prevent difference in treatment where actual differences exist. As Singer says, 'The basic principle of equality does not require equal or identical *treatment*; it requires equal consideration. Equal consideration for different beings may lead to different treatment and different rights.'[4]

The reason Singer insists upon equal consideration rather than straight equality is that he thinks, partly, that equality is an unfeasible goal. Due to the immense differences between individuals; their talents, capacities, preferences, intellect, physiology and suchlike, it is impossible to achieve equality and he says; 'if the demand for equality were based on the actual equality of all human beings, we would have to stop demanding equality.'[5] If we cannot demand a true equality in the discussion of human kind, we certainly cannot demand it or even desire it across species. And although there are many differences between humans and non-humans that we may consider important, like intelligence, consciousness, language and the like, recognising this 'is no barrier to extending the basic principle of equality to nonhuman animals.'[6] Whatever we were to discover about different capacities between races, sexes or species, what Singer wants us to understand is that none of them matter, that equality of consideration comes out-with the sphere of practical differences.

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[3] *Ibid.*, 2
[4] *Ibid.*
[5] *Ibid.*, 3
[6] *Ibid.*, 2

So far, Singer has told us why there is no good reason not to treat all beings with equal consideration, and implied that the burden of proof lies on anyone who wishes to treat beings differently. What we have not yet seen is any positive reason to forward equality of consideration. Here we can look at the argument Bernard Williams makes in his essay 'The Idea of Equality', which supports the notion that individuals deserve equal consideration, in order to support Singer in his extension of the principle to non-human animals.

His argument starts by addressing the very problem we have seen above that the many things we differ in may well be important to how we are treated: 'It is not, he may say, in their skill, intelligence, strength or virtue that men are equal, but merely in their being men: it is their common humanity that constitutes their equality.'[7] It is the fact that "men are men" which he thinks makes them worthy of some sort of equal treatment, despite it being impossible for them to be equal in all morally relevant characteristics. This, initially, seems to be a platitude, as denying that men are indeed men would be ridiculous, and, it seems that the arguments that Williams propounds are just for the equality of human beings (i.e. without any significant normative consequences – how can a tautology have any substantive consequences, after all?). Williams argues that, though at first it seems tautologous, reminding the reader that "men are men" serves a very great purpose. This purpose is that it serves as a useful reminder that we are all much alike in many ways, 'notably the capacity to feel pain'.[8] However, I believe that the argument works equally well for animals if the properties appealed to are ones which animals share as well. After all "men are men" can instead be viewed as "individuals are individuals".

Williams goes on to say that this assertion of being alike is far from trivial in the moral sphere and, indeed, in our consideration of equality. Knowing that

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[7] Bernard Williams, 'The Idea of Equality', in P. Laslett & G. Runciman (eds.) *Politics, Philosophy and Society*, 2nd series (Oxford, 1962), 110
[8] *Ibid.*, 112

individuals are alike in their possession of something, like pain, groups them together; let us call that group X (the group of things that suffer pain). When groups within X are ignored, i.e. black people by racists, what the racists do is link those characteristics we would normally use as a moral claim, like pain, to contingent factors, like being black, and say that those factors 'may be cited as the grounds of treating them differently,'[9] rather than the possession of pain. If we are to justify a policy by appealing to some property of a particular group, then that same principle should be extended to all those who possess that property. In this case it is pain and Williams argues that, if pain is the property, then all those who feel pain, including black people, deserve the same consideration as each other regardless of other differences. Williams says; 'The principle that men should be differentially treated in respect of welfare merely on grounds of their colour is not a special sort of moral principle, but (if anything) a purely arbitrary assertion of will,'[10]. He goes on to explain that racists themselves concede this point when they try to justify their racism, by trying to correlate blackness to some other consideration that might be relevant to how we treat people, like stupidity. This relevance is hugely important as;

> … it gives a force to saying that those who neglect the moral claims of certain men that arise from their human capacity to feel pain, etc., are overlooking or disregarding those capacities; and are not just operating with a special moral principle, conceding the capacities to these men, but denying the moral claim.[11]

So, what Williams argues is that our common humanity, the fact that men are men, imposes a burden of proof on anyone who wants to endorse discriminatory policies; they must show some relevant difference by which they can justify the discrimination.

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[9] *Ibid.*, 113
[10] *Ibid.*
[11] *Ibid.*, 115

I take this further than Williams intended and I believe the same can be applied to animals: if this shows that the burden of proof must be met to discriminate against people, then the same arguments prove as much for non-human animals as well because they are all simply individuals. In particular, when we consider pain important (as I will show in section 5 that we should), it would be inconsistent under Williams' model to exclude animals from equal consideration.

This awarding of equality of consideration across the species-divide forces us to reject the extremes of speciesism wholeheartedly. A treatment based on species' differences is an unacceptable pursuit. As Singer says, 'To avoid speciesism we must allow that beings who are similar in all relevant respects have a similar right to life – and mere membership in our own biological species cannot be a morally relevant criterion for this right.'[12]

3) AN ARGUMENT FOR WEAK ANTI-SPECIESISM

So, having discovered that speciesism is unacceptable on the sound basis of equality of consideration for individuals, we must now decide which version of anti-speciesism should be defended. I will give reasons to think that weak anti-speciesism is the version we should endorse and that we should go no further than that.

First, weak anti-speciesism allows us to have differential treatment if the reason for that difference is not species-based but merely maps onto the species difference. Treating non-human animals in the same way as humans in all respects is either impossible or pointless. So, why should we endorse weak anti-speciesism? It allows us to consider humans and non-human animals on their own scale of interests and thus means we focus on the individual rather than on a species or any one quality. This allows us to embrace the principles of equality

[12] Singer, *Animal Liberation*, 19

of consideration whilst still recognising relevant differences between individuals.

Further, I believe that the strong version of anti-speciesism, cannot truly and should not be defended. The only way that such a theory could be justified is if we acted on the basis of absolute equality. This version does not satisfy itself with equal consideration but insists upon absolute equality of outcome. A kangaroo must be treated as a human in all aspects; so whatever we think right for a human's treatment, the kangaroo must also be treated in the same way. Considering the implications of this and their enormity must inevitably lead us to understand that, due to the existence of differences between us and other animals as well as between humans, it is irrational to treat all equally. It is still right, however, to consider each being equally. "Treating equally" and "considering equally" may sound similar initially, but a large difference separates them; the latter allows for inequalities which exist naturally to become a part of the way we treat an individual. This seems logical, as trying to deny initial inequality as "treating equally" does, only leads to confusion. If inequalities or differences exist naturally between or within a species, the only thing to do is work around those differences (if not seen as significant for interests) to allow 'each to count for one and none for more than one.'[13]

Strong anti-speciesism gives us a blanket policy for treating all beings one way, and it fails to take into account individual needs, which is why we cannot condone it. Having said that, I see no better option than for us to promote weak anti-speciesism and take each individual, whether human, cat or chimpanzee, on their merit alone when we decide how to treat them.

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[13] Jeremy Bentham, *An Introduction to the principles of morals and legislation*, J. H. Burns and H. L. A. Hart (eds.) (Oxford, 1996)

4) AGAINST THREE ARGUMENTS FOR SYSTEMATICALLY DIFFERENTIAL TREATMENT

Granting weak anti-speciesism, there could still be some features which justify systematically treating humans and animals differently. I will consider three arguments that have been made in order to justify treating humans better but will argue that all fail. These are common arguments and even those who consider themselves animal lovers are often found to have speciesism inherent in their daily thought.

A common view is that intellect as mental capacity is the decider for rights. But why should intelligence determine whether one enjoys rights or deserves equality? 'Equality is a moral idea, not an assertion of fact,'[14] so even if it were true that any race, sex or species had fewer intellectual capacities than any other, that itself would not show anything about consideration of equality. Also, if intelligence was something we considered to be relevant here, it would be difficult to draw the line between levels of stupidity and intelligence.[15] Sojourner Truth, a feminist, puts it beautifully: 'If my cup won't hold but a pint and yours holds a quart, wouldn't you be mean not to let me have my little half-measure full?'[16] This illustrates that one's interests and entitlement to equal consideration have little to do with our intellectual prowess. If you are at the bottom of the class you have no less entitlement to as much learning as you can take in than your more intelligent peers. Similarly, we can say that those with conceivably no intellect at all still have interests that deserve consideration. Thus we believe that intellect or capacity should have no place in the discussion of rights. And, if it did then we would commit ourselves to saying that infants, young children, mentally retarded adults and most nonhuman animals are on

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[14] Singer, *Animal Liberation*, 4

[15] Cf. Ian Carter, 'Respect and the Basis of Equality', in *Ethics*, Vol. 121, No. 3, (April., 2011), 538-571; Carter's views on range property could be of interest here.

[16] Reminiscences by Frances D. Gage, from Susan B. Anthony, *The History of Woman Suffrage*, vol. 1; the passage is to be found in the extract in Leslie Tanner (ed.), *Voices From Women's Liberation* (New York, 1970)

the same level and thus similarly undeserving of equal consideration. Since most humans are appalled by such an extreme thought, we should believe that intellect or capacity has no place here. So we have ruled out intellect as a relevant consideration for equality.

Let us now consider another common misconception, rationality. I will define rationality as the ability to reason and process information to get an answer, regardless of basic IQ. Rationality has long been thought of as a uniquely human characteristic, all the way back to Aristotle:

> For being alive is obviously shared by plants too, and we are looking for what is particular to human beings... There remains a practical sort of life of what possesses reason; and of this, one element 'possesses reason' in so far as it is obedient to reason, while the other possesses it in so far as it actually has it, and itself thinks.[17]

However, this is not only something we should ignore in terms of awarding equal consideration, but is also categorically untrue. Many animals, particularly higher apes, dolphins, dogs, octopuses and the like have shown reasoning ability: they can work out puzzles, they can work as a team, they can rationally decide upon the best course of action. This shows that to think that rationality distinguishes humans and animals is unhelpful. Further, we have the same problem we had with intellect: why should rationality be a consideration within equality? There is no substantive reason why having the ability to reason is actually a moral difference that we should bow to when doling out treatments, and where there is no justification for picking this as a difference we must assume that those who do so are simply clutching at straws, in an extreme self-serving attempt to distinguish humans from animals cleanly, so they can continue to treat animals in whatever way they so choose. Given Williams' argument, the proponents of rationality as the decisive differential

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[17] Aristotle, *Nicomachean Ethics*, (eds.) Sarah Broadie and Christopher Rowe (Oxford, 2002) 1.VII 1097b34-1098a7; also see, Immanuel Kant, *Groundwork of the Metaphysics of Morals*, (ed.) Mary Gregor (Cambridge, 1998)

factor have the burden of proof heavily on their shoulders, to prove beyond reasonable doubt why differential treatment is acceptable. They have not yet achieved that.

Another line that people try to draw in order to systematically treat humans differently to non-human animals, is that of self-consciousness. The argument is that humans are self-conscious where animals are not: we possess knowledge of ourselves and our existence, whereas animals do not self-reflect, they just exist. But, Singer says 'if the existence of self-consciousness does not affect the nature of the interests under comparison, it is not clear why we should drag self-consciousness into the discussion at all, any more than we should drag species, race or sex into similar discussions. Interests are interests,'.[18] When I am considering whether certain beings should be kept in a dark box for any period of time, the interest I should be considering is if the individual will suffer in any way from that treatment. Whether or not the being has self-consciousness will not, or will rarely, affect how they suffer in that situation.

A related criterion is other-consciousness. Other-consciousness is what we can call the ability to translate other people's beliefs, intentions or emotions. It is consciousness not of ourselves but of others around us. This is sometimes seen to be a relevant consideration as 'a being that considers the beliefs, intentions and emotions of others may be said to deserve more consideration itself than a being that does not do so, other things being equal.'[19] Responsibility should be considered here, as it seems to imply the existence of other-consciousness. *Mens rea*, or intent, is what makes a person responsible for their actions. So, when I take responsibility for tripping up my competitor in a race, it implies, and must assume, that I possess other-consciousness and am thus aware of how my actions affect my competitor. These assumptions have infiltrated the law

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[18] Peter Singer, *Practical Ethics* (Cambridge, 1979), 65

[19] Abraham Rudnick, 'Other-Consciousness and the Use of Animals as Illustrated in Medical Experiments' in *Journal of Applied Philosophy*, Vol. 24, No. 2, (2007), 202-208, 207

too and Moore says, 'rights, like obligations, apply only to accountable agents. Agents who cannot choose to exercise a set of rights are not the holders of moral or legal rights.'[20] This suggests that to have rights or even something like them i.e. your interests recognised, you must have other-consciousness. Nevertheless, this does not give us a systematic reason to treat all humans differently than other species. We know there are plenty of human examples that do not fulfil these criteria and yet we think they ought still to have their interests promoted. 'Impaired other-consciousness is associated with serious mental disorders, such as autism and schizophrenia, resulting – among other things – in difficulty representing (accurately or at all) beliefs, emotions and intentions of others.'[21] It certainly seems like animals suffer from the same problem as babies and other marginal cases. We cannot then, if we want to respect our intuitions about these human cases, draw the line, based on consciousness, at the species-divide, when lines of consciousness are clearly blurred.

The argument in this section is inductive. I have looked at three features which are commonly thought to justify systematic differential treatment of humans, by dint of being possessed by all and only humans, and shown that no such argument actually works. None of the above features give us good reason to treat all humans differently from all animals in line with the extremes of speciesism. It is still possible that some feature may exist which allows us to always treat animals differently consistently with weak anti-speciesism, but we have yet to find such a feature. It is reasonable, therefore, to conclude that equal consideration and weak anti-speciesism actively rule out systematically treating human and non-human animals differently.

[20] M. S. Moore, *Law and Psychiatry* (Cambridge, 1984), 93
[21] Rudnick, 'Other-Consciousness', 204

5) AN ARGUMENT AGAINST SYSTEMATICALLY DIFFERENTIAL TREATMENT

The argument in the previous section is sufficient to reject the extreme views of speciesism but in this section I offer a further and stronger reason for believing that individuals ought to be considered on a property intrinsic to them. While the previous section showed us which features fail to justify systematic differential treatment, now I suggest that the real property or feature in question is one where we can see that humans and animals do not differ. That property I will argue, is suffering.

Let us consider then whether animals have any feelings, whether they can suffer, as that is what I believe grounds interests. The reason for this is that it seems to be the only property that all individuals have and, further, our interests are those things by which we are not caused to suffer. If I have an interest in being educated, then not gaining that education causes me to suffer; if my dog's interests lie in being fed and watered, not providing that causes suffering. I believe that suffering and interests are inextricably linked and interests cannot exist without the notion of suffering: as Singer says, 'The capacity for suffering and enjoyment is *a pre-requisite for having interests at all*'.[22] I aim to show that as long as we can establish that non-human animals suffer like humans animals do, then there is no reason to treat animals as-such, differently to humans.

The question then is, can we ever know that animals feel pain or pleasure? If we require certainty, the answer to that question is 'no': I may never even know for sure whether I myself am actually in pain. If I cannot know this completely then I can never be sure of another's pain. However, let us suppose that I know that I feel pain when I fall over, does this give me the knowledge that my friends also feel pain when they fall? Seemingly, it does not; if anything, pain is a mental process and is therefore, by definition, internal.

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[22] Singer, *Animal Liberation*, 7

However, I can infer from their behaviour (crying, pointing agitatedly at the area, telling me they feel pain) that they too have a similar experience of pain as I do. If I can legitimately infer that, which I think is possible if we want to live our lives fully on a level that does not question everything with scepticism, then, we also must be able to infer the same about nonhuman animals. The reason for this is that animals show many of the same pain behaviours as humans do (whimpering or howling and agitatedly licking or looking at the area). To believe in my friend's pain but not my dog's would be ridiculous when they act in much the same way to express it. As Singer says, 'This is an inference, but a pretty reasonable one'.[23] So, if we think other humans feel pain, we should think that animals can suffer too.

In this way, there is no arbitrary line drawn that allows for a being to deserve equal consideration or rights, no other way advocates interests but this does. As Jeremy Bentham says, 'The question is not, Can they *reason*? nor Can they *talk*? but, Can they *suffer*?'[24] Therefore, suffering has to be the only thing we consider when deciding how to treat an individual and whether to award them rights.

The fear about equal consideration, for Singer, is that it may commit him to placing equal importance on an animal life and a fully-functioning adult human. This fear is unfounded. What Singer is advocating is merely equal consideration, not straight equality. As a utilitarian, Singer believes that there are still instances where an animal life or the wellbeing of an animal is more expendable than that of a human. For example, if a normal adult is aware that the Government has been stealing people away during the night for random experimental tests then he or she will be very afraid. The quality of life they normally have will be threatened by the negative anticipation of being stolen away and subjected to hideous experiments. An animal that is being tested upon does not have the awareness to understand that their life and freedom are being

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[23] *Ibid.*, 10

[24] Bentham, *An Introduction to the principles of morals and legislation*, chapter 17

affected by the experimenters and, thus, they do not have the same complex levels of fear and suffering which an adult human would have. They both suffer and, ideally, neither should, but, in the case of making a choice over which is a more desirable situation, Singer would always choose to leave the nonhuman in the laboratory and rescue the human. This, despite appearances, is not a form of speciesism. The point is that even if human and non-human animals all suffer, the fact that different things (like anticipation) can make us suffer further, can justify differential treatment, consistent with weak anti-speciesism. The fact that the animal loses here is simply a case of other considerations mapping onto the species difference.

It seems that our discussion thus far has led to the conclusion that the weaker form of anti-speciesism, that we must not treat beings differently if the reason we do so is based solely on species, is the most defensible theory against the extremes of speciesism. Not only is there no good reason for treating non-human animals differently solely based on their species, there are also a multitude of reasons why doing that is completely unacceptable. We have seen arguments for a unique moral quality of human beings, from rationality to other-consciousness, fall down and fail to separate humans from animals (or at least all humans from all animals), which leaves the defenders of those ideas in a predicament. Either they must accept that their "difference" has no bearing on consideration of interests and, in fact, all individuals ought to be considered equally. Or, they must allow extreme marginal human cases to take the same moral low-ground as non-human animals in their view. They must do one of these things on pain of inconsistency. The only way to dispel the extreme views of racists, sexists and those advocating speciesism, is to employ equal consideration of individuals as, 'the boundary of our kind is not marked by species or moral agency. What kind are we? We are conscious, sentient beings, [capable of suffering], and many human and non-human animals are like us in that.'[25]

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[25] Nathan Nobis, 'Carl Cohen's 'Kind' Arguments For Animal Rights', *Journal of Applied Philosophy*, Vol. 21, No. 1, (2004), 43-59, 57

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