THE QUESTION IS NOT, "CAN THEY TALK?"*

ABSTRACT. An argument for denying moral rights to nonhuman species is that beliefs, desires, and interests are inherent in the normal human capacity for speech and, since only humans are linguistically capable, only humans can have rights. We argue that linguistics and many conceptual abilities are ontogenetically independent in humans and that various morally relevant mental capacities can exist independently. We also then argue that phylogenetic independence is also possible and hence, that the concept of an inherent dependence of moral standing on having linguistic capabilities is insufficient for denying rights to nonhumans.

Key Words: ontogeny, phylogeny, linguistics, moral rights.

Ever since Descartes made it morally easier for humans to experiment on nonhuman animals because they cannot talk, the moral relevance of linguistic ability has been a topic of philosophical interest (Veitch, 1901). Most philosophers have sided with Bentham on this matter. "The question", he writes, "is not, 'Can they reason?' nor 'Can they talk?' but 'Can they suffer?'" (Bentham, 1789). Since few people today would choose to be caught in public denying that animals can suffer, those who exclude animals from the most serious kind of moral consideration find a non-Cartesian basis for doing so.

R. G. Frey is representative of these thinkers. Frey readily concedes that nonhuman animals can, and frequently do, have "painful sensations" (Frey, 1980). But that does not qualify them for having rights. To have rights (by which Frey always means...
moral rights) an individual must have interests, and to have interests, in his view, one must have beliefs and desires. The latter, however, presuppose the ability to use language, since in order to believe something one must believe that a given sentence is true, a cognitive act that obviously cannot be performed by anyone who is unable to frame or understand sentences. And that, Frey argues, is the situation of all nonhuman animals, however interesting and otherwise fetching they might be. Because they cannot talk, they cannot believe or desire anything, they have no interests, and so they cannot possibly have any rights. In Frey’s view, then, contrary to Bentham’s, the question is “Can they talk?,” not “Can they suffer?,” when the issue is whether nonhuman animals can have rights.

One way to dispute a view like Frey’s is to consider the situation of linguistically deficient human beings (Regan, 1983). Imagine such an individual (“Defective”, let us call him). Suppose the following is true: Defective behaves like normal humans, given a variety of different conditions. For example, Defective screams, contorts his face in terror, and runs away when he encounters snakes, but smiles, reaches out enthusiastically, and verily devours chocolate sundaes on hot days in August. In view of such impressive behavioral evidence, only those dogmatically committed to some favored theory about the nature of belief are likely to say that Defective has no beliefs, that he desires nothing, that the concept of ‘interests’ can have no intelligible application to his life. Someone who would deny that Defective’s behavior counts as evidence against his favored theory would show, not that his theory is true but only how much he wished it were.

Still, it is possible to concede that Defective has beliefs, desires, interests and (possibly) rights, on the one hand, and, on the other, deny that this shows anything whatsoever about the beliefs, desires and the like of nonhuman animals, even such animals as chimpanzees, gorillas and other primates (Cohen, 1986). Consider that in general it seems illogical to infer that something is true of the normal members of one species because of what is true of an abnormal member of another species. For example, it would be illogical to infer that eagles cannot fly because a particular robin, whose wings are broken, cannot fly. How, then, can it be logical to infer that normal chimpanzees and gorillas, for example, have beliefs, desires, interests and (possibly) rights, despite the fact that they are unable to talk, because an abnormal human like Defective can have these capacities in the absence of linguistic competence?
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The following observations seem to strengthen the case against the rationality of this kind of inference (Cohen, 1986). The lack of linguistic ability is a defect among members of the species Homo sapiens. Not so in the case of other species of primates. These animals are not defective in the way and for the reason Defective is, because they are unable to talk. (One does not say that a tree "lacks the ability to drive a car"; one says, rather, that the question of driving or not driving cars simply does not arise in the case of trees). The same is true, it might be claimed, in the case of nonhuman primates. Being unable to talk is normal for animals of their kind, which makes it misleading to say that they lack the ability to talk. The question of their talking or not talking simply does not arise — or at least it ought not to arise. How illogical it must be, therefore, to reason in a way that permits us to use what is a defect in one case (the human case, where Defective lacks linguistic ability) to what is standard in another case (the nonhuman case, where the absence of this ability in nonhuman primates is not a defect but is normal). How morally obtuse it is, then, to use this line of reasoning as a basis for criticizing the use of nonhuman animals (nonhuman primates in particular) in scientific research.

I. THE ONTOGENY OF LINGUISTICS

A number of possible replies suggest themselves. First, one could maintain that some nonhuman primates have demonstrated the ability to understand and use language (Jenkins, 1973). Second, one could maintain that the ability to use a language is logically irrelevant to the question of which individuals can or do possess moral rights (Regan, 1983). These are familiar means of escape from the challenge posed by the criticism in the preceding paragraph. We do not wish to deny their validity. Instead, we intend to explore an alternative basis for disputing those who, like Frey, argue that nonhuman animals cannot have beliefs, desires, interests, and (possibly) rights because these animals are unable to use a language — are unable "to talk". The alternative we shall propose, moreover, will not contest the analysis of 'defect' sometimes used by critics (Cohen, for example) of animal rights (which does not mean that we think this analysis is entirely satisfactory, judged on its merits).

This alternative basis requires that we examine a basic assumption accepted to this point — namely, that the ability to use
language is normal for members of the species Homo sapiens. Biologically considered, this may not always have been so. Nor need it be so in the future. Here, in a rough and ready way, are the sorts of things that could bring about the kind of change to be imagined.

Concerning the past first: Our understanding of the ontogeny of linguistic and spatial-manipulation abilities gives us reason to believe that language and tool-making skills, for example, do not involve the same cognitive capacities (Wynn, 1985). Assuming this is so, then (a) the capacity to use a language and (b) the capacity to engage in goal-oriented behavior (for example, such behavior involving manipulative skills) are reasonably viewed as independent traits. Thus, although the capacities presupposed by such goal-oriented behavior may be a prerequisite for the development of linguistic capacities, we have no reason to suppose that the former cannot exist without the latter.

This hypothesis gains further support when we note that the structure of the brain is not homogeneous (Sperry, 1982; von Schilcher and Tennant, 1984; Damasio et al., 1986). The part of the brain associated with speech production is distinct from the part associated with the kinds of ability presupposed (for example, spatial perception) by such goal-directed behavior as tool-making. Thus, both our knowledge of the ontogeny of linguistic and goal-directed abilities as well as our understanding of the normal function of parts of the brain point to the same conclusion: The acquisition of and ability to exercise non-linguistic, goal-directed capacities is independent of, even if it is presupposed by, the acquisition of and ability to exercise linguistic capacities.

This much granted, it is entirely reasonable to view prehistoric Homo sapiens as having a rudimentary cognitive and affective life, one that enabled them to hunt and gather food cooperatively, for example, at a time when they lacked true linguistic abilities. This would be the normal condition of Homo sapiens at this stage of our species’ evolution. Because of the normalcy of this lack, moreover, its absence would not (or should not) be viewed as a 'defect', given the analysis of this latter concept offered in the above. These ancestors of ours are no more ‘defective’ when it comes to linguistic competence, given this analysis, than are trees that cannot talk.

Now, what was normal in the case of our ancestors, is normal for contemporary nonhuman primates. They “cannot talk”, given
their normal way of life (whatever may be true of them when they are exposed to human languages). Moreover, because the absence of linguistic competence is normal in their case, its absence is not a defect for them, given the analysis of ‘defect’ being used here. But even while they lack linguistic abilities as a part of their normal condition, they are reasonably viewed as having a mental life at least as sophisticated as that of our ancestors. And since these latter individuals (prehistoric members of our species) are reasonably viewed as having beliefs and desires, it cannot be any less reasonable to make the same claims about contemporary nonhuman primates. Though they speak not, they believe and desire much.

This hypothesis does not conflict with the perfectly reasonable view that the ability to understand and use a language requires higher level intellectual capacities than those required for possessing the range of beliefs and desires presupposed by goal-directed behavior. This hypothesis, however, does conflict with the view that individuals cannot have beliefs and desires in the absence of linguistic competence. From an evolutionary point of view, there is no good reason to accept this as an accurate assessment of our own ancestors. Mutatis mutandis, there can be no more reason to believe this in the case of contemporary nonhuman primates. The social display of linguistic abilities among comprehending individuals may make it easier for them to understand the content of another’s beliefs and desires (that is, what is believed and what is desired), but the possession of beliefs and desires is not tied either logically or biologically to the possession of linguistic capacities.

II. PHYLOGENETIC RELATIONSHIPS

Someone might concede that goal-directed capacities are ontogenetically independent of linguistic capacities but insist that the two are phylogenetically inseparable, at least in the case of humans. On this view, we could not have the species Homo sapiens if we failed to have a species whose members normally possess both linguistic and goal-directed capacities, as a result of evolutionary development. Phylogenetically considered, in other words, it is not possible to have our species without linguistic competence as a normal species’ capacity. To challenge this ob-
jection, let us conduct a thought experiment concerning a possible future evolutionary change in our species.

By using the current technology of gene manipulation, we can imagine that those genes that prevent a vital part of speech development could first be added to a segregated population of humans. The genes might be of a type that inhibit certain brain area from developing; or perhaps they would effectively sever the corpus collosus and so prevent full communication between the left and right hemispheres. Whatever the precise details, we can hypothesize that the affected population would retain most of those capacities that are normal for contemporary Homo sapiens. However, because the means of comprehending and expressing visual and auditory linguistic signs would be impaired, if not totally eliminated, the verbalization of spatial relationships and other highly intellectual conceptualizations would be beyond the subpopulation’s capacity. In the case of these humans, therefore, what for us are normal linguistic capacities would become irrelevant to their ability to function. If we assume that this loss of linguistic ability would not doom these humans to extinction, we could imagine their evolving over several generations and, in time, occupying a stable niche in the biological community. That much granted, it is conceivable that this subpopulation could in time become the dominant (perhaps even the only) population of Homo sapiens here on earth.

Now, if that became true, it would also be true that a lack of linguistic competence would be the normal condition of our species. Of course, the absence of linguistic ability would not be a defect among Homo sapiens, using the analysis of ‘defect’ deployed above. Should we conclude, on this basis alone, that our imaginary descendants must be totally bereft of beliefs and desires? The suggestion is wildly implausible. Once again, therefore, only this time by entertaining hypotheses about our species’ future rather than speculating about its past, we are led to see that the normal condition of Homo sapiens may be one in which, though linguistic ability is absent, members of our species have a mental life that includes beliefs and desires.

A critic might respond by saying that the normal condition of members of the species Homo sapiens must include linguistic ability. Thus, both in the case of our (real) ancestors and in that of our (imaginary) descendants, this critic will claim that the individuals in question, though primates certainly, are not human.
primates — are not human beings. Since both the previous arguments assume that these individuals are human beings, this critic will dismiss their validity.

This criticism simply begs the question. The question at issue is, “Is it possible for Homo sapiens to have beliefs and desires even when the normal condition of the species involves a lack of linguistic competence?” One is not given an informed answer to that question by being told it must be true that possession of this ability is normal for our species. Why “must” this be so? Since the alleged necessity is not self-evident, some reason must be given, and no reason is given merely by claiming that “it must be so.” Besides, reasons have been given in the above that, if sound, show that this need not be so. Unless or until our thesis is challenged by more informed criticism, therefore, we are right to maintain both that (1) the normal condition of Homo sapiens need not include linguistic competence and that (2) even while lacking this competence as a normal feature of the species, humans may nonetheless have a mental life that includes beliefs and desires.

III. INDEPENDENCE OF LINGUISTICS AND RIGHTS

The preceding offers a new, rationally compelling answer to those who accept a certain line of argument for denying the most serious moral consideration to nonhuman animals (for example, those who allow harmful research on nonhuman primates but who disallow this in the case of human beings, because the latter have while the former lack basic moral rights). This argument assumes that (a) possible possession of rights depends on actual possession of the capacities to believe and desire, that (b) those latter capacities presuppose linguistic competence, and that (c) it is illogical to reason from what is true of defective humans (in this case, those who lack linguistic competence) to what is alleged to be true of normal nonhumans (in this case, nonhuman primates whose normal condition is characterized by the absence of linguistic competence). For reasons offered in the above, there is no good reason to suppose that (b) must be true either of our (real) ancestors or of our (imaginary) descendants; nor, therefore, is there any reason to believe that this must be true of our contemporary fellow primates. As for (c), we have accepted it as true, for purposes of argument, and have been able to show, nonetheless, how
and why it is possible to reason from what was or may be true in
the case of human primates to what is true in the case of non-
human primates. For the normal condition of members of our
species once was and may someday become again one in which
Homo sapiens did, or will, lack linguistic competence. Even when
this is the normal condition of our species, however, we have
shown that there is no good reason to deny that its (normal)
members have a mental life replete with beliefs and desires.
Assuming, then, that (a) is true, there is no good reason to deny
that nonhuman animals, our primate "cousins" in particular, are
entitled to the most serious moral consideration, including respect
for their moral rights, both in scientific research and beyond. And
since this is a conclusion we are able to reach independently of
establishing the presence of linguistic competence, we have addi-
tional reason to believe that Bentham is right when he states that
the question is not, "Can they talk?".

NOTE

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