

Animals and Humans: Grounds for Separation?

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Introduction

It is relatively uncontroversial that (at least some) non-human animals are morally considerable in their own right.¹ While recognizing moral obligations to animals, many also hold that humans, but not other animals, pass a distinct, higher, threshold for moral consideration, implying that when choices must be made, serious human concerns always trump those of non-human animals.² For example, Carl Cohen argues that “If biomedical investigators abandon the effective pursuit of their professional objectives because they are convinced that they may not do to animals what the service of humans requires, they will fail, objectively, to do their duty.”³ However, defenders of such views face what Jeff McMahan has called the “separation problem”—the challenge of explaining why members of the human species as such have special moral privilege.⁴

It is difficult to find a basis for separating the moral status of humans from that of non-human animals.⁵ Whatever criterion is used (language, sufferer, subject of a life, user of tools, cooperator, builder and so on), it seems that any attributes possessed by all humans are manifest also by some non-human animals, to an extent that matches or surpasses the accomplishment of some humans such as infants or those with extreme cognitive disability. Even ethical capacities are arguably possessed by some non-human animals.⁶

If being entitled to moral consideration or being owed moral obligation is based on possession of some inherent property, then any being or creature that manifests this property should qualify for that consideration, whichever biological category it belongs to. And unless there is a further argument for inclusion, then those beings or creatures that lack the morally salient property turn out not to be morally considerable in precisely this way, although they might be morally considerable for some other reason.⁷ Hence separationists, those who insist that certain special moral claims attach to all and only humans have been accused of “speciesism”—a moral privilege based on species membership parallel to the (rationally and morally) problematic phenomena of sexism, racism and the like.⁸ Those who oppose separationism argue that moral considerations, protections, rights, or benefits are independent of species membership.⁹ Belonging to a biological species or “looking like us” seem to be improper standards for moral salience.¹⁰

The separation argument needs a fact about the nature of all humans that does not include any other species. Inherent properties are not promising, but argu-

ments from relational ethics and the ethics of care have been applied to the question of separation. If these, too, prove unsuccessful, that is, if neither inherent property arguments nor relational arguments are convincing, the prospects for separationism look dim.¹¹

A persuasive relational argument for separation requires a very precise account of the relevant relation, and needs to establish that the scope of the connection, its degree, and/or its quality marks an actual distinction between humans and non-humans and that the relation is morally significant. To avoid circularity, this specification cannot appeal directly to “humanity”—for example, by claiming a biological connection. A biological appeal invites the question—why is that biological connection morally significant and others not? In this paper, I examine three relational arguments for separationism, and argue that none successfully justify a moral privilege that applies uniquely to humans. In each case, the proposed relation is either not restricted to humans, or is an inadequate basis for a difference in moral significance.

Leslie Pickering Francis and Richard Norman, Logi Gunnarsson and Daniel Engster all claim that human agents have special and stronger duties to human conspecifics than to members of other species on the basis of relations rather than inherent properties. None argue that privilege for humans would license any and all treatment of animals in order to promote or protect any and all human interests.¹² Engster, in particular, argues explicitly for extending care-based moral concern to animals. While all but strict separationists would allow some exceptions to the generally higher status of humans, I will argue that even the qualified separationist conclusions are not justified. Defending moral privilege for humans is actually very difficult.

Francis and Norman’s response to Peter Singer’s *Animal Liberation*¹³ is perhaps the first relational separation argument that appears in recent treatments of animal ethics. Francis and Norman argue that all human beings are bound into “a single overall community of a morally significant kind.”¹⁴ Theirs is a somewhat qualified separation argument: “The characteristic relations that obtain between human beings do occasionally and in limited forms, obtain between human beings and animals. They do not obtain among all human beings.”¹⁵ Nevertheless, characteristic aspects of human interaction such as communication, economic relations, political relations, and familial relations, taken together, support separation. The gist is “that beings may assign more weight to the interests of those with which they share relationships such as communication, than to the interests of those with which they do not.”¹⁶

The other two separation arguments here considered are from the twenty-first century. Daniel Engster presents a care-based separation argument, which treats separation as strict and based in necessary differences that divide humans from other species.¹⁷ Logi Gunnarsson’s endorsement of separation starts from a direct engagement with marginal case arguments. Gunnarsson seeks to accommodate two intuitions—“First, the great apes have a higher moral status than some human infants, e.g. anencephalic infants—infants lacking all parts of the brain except the

brain stem—who are constitutionally incapable of ever gaining consciousness. Second, most severely disabled infants have a higher moral status than the great apes.”¹⁸ He takes seriously the possibility that “great apes have a higher moral status than some human infants, e.g. anencephalic infants.”¹⁹ So like Francis and Norman, but unlike Engster, he does not take the entire human species to possess the relevant moral status. However, Gunnarsson and Engster differ only with respect to those rare cases of disability that constitute a permanent exclusion from consciousness, and would agree that almost all infants possess higher moral status than any non-human animals, including other great apes. Their arguments and conclusion are more similar to each other than to those of Francis and Norman as both appeal to a special dependence rather than to kinds of interactive relationships, and they allow fewer exceptions.

Intuitive Appeals

Appeals to intuitions are common in the neighborhood of separation arguments. Lifeboat cases are often presented, in which one is supposed to elect, under forced choice conditions, whether to sacrifice an ape, infant, dog, or whatever. An ascription of relative moral status is inferred from these intuitive judgments. Logi Gunnarsson presents broad appeals to our (purported) general attitudes that rank species or reveal the kinds of protections due to them. But such intuitions are problematic for at least three reasons. First, perhaps most importantly, it is not clear that lifeboat cases do anything to support arguments for differentiated moral status. Suppose that Mary would sacrifice another person’s daughter before her own, in an emergency forced choice.²⁰ This would not show that her daughter’s interests are more valuable than the other’s interests, nor that there is any important moral difference between her daughter and the other young woman.²¹ Second, such intuitions do not reflect many people’s practices of supporting animal welfare and in doing so foregoing opportunities to enhance human well-being through spending choices within households, charitable donations and the like. This suggests that intuitions that prioritize saving a human over a non-human are at best a partial, at worst a non-representative or misleading, guide to ethical views, values, and attitudes as they are differently expressed in practice. Third, even if intuitions were universally shared and acted upon consistently, they might yet lack moral justification. It is not obvious that the answers elicited by thought experiments designed to evoke just those intuitions are either justified, or justificatory. Intuitions need argumentative defense. I now turn to the arguments that may provide that defense, starting with Francis and Norman’s four bases for separation.

Communicative, Economic, Political, and Familial Bases for Separation

Francis and Norman argue first that communication, involving mutually understood initiations and responses, is morally significant, in that beings may

assign more weight to the interests of those with whom they share communicative relationships than others.²² They regard biology as presenting basic barriers to more than rudimentary communication with animals, and claim that “The rudimentary levels of communication between human beings and animals make possible no more than an equally rudimentary ‘sympathy’ for the plight of an animal.”²³ Thirty years on, this claim seems less than plausible, because observational data have increased expert understanding of the communicative and other behaviors of animals.²⁴ (Interestingly, Francis and Norman cite a shepherd and sheepdog working together as cooperating, but do not discuss their communication.) There are sophisticated communications that only humans undertake, but it is not the case that these extend to all humans. So communication does not justify species-based separation.

Economic relationships, in particular reciprocal exchanges and cooperative productions, are the second feature of human relationships discussed by Francis and Norman. This reciprocity does not apply to human–animal relationships; hence we cannot speak of “cheating” animals. This is an interesting claim. It seems initially plausible that humans do not typically cheat animals. However, experimental evidence about the clear aversion to inequity displayed by capuchin monkeys presented with inequitable transaction offers seems to show a recognition and dislike of something in the neighborhood of cheating.²⁵ Furthermore, cooperation and concern for reciprocity seem widespread. Bats, for example, are more likely to share food with those who have cooperated with them in the past than with non-cooperators. There are many anecdotal reports that animals exhibit empathy, and Bekoff and Pierce report an experiment where rats refuse to push the lever that releases food pellets when doing so sends an electric shock to a rat in an adjoining cage.²⁶ Similar reluctance is shown by rhesus monkeys: “. . . a hungry rhesus monkey would not take food if doing so subjected another monkey to an electric shock . . . One monkey refused to pull the food chain for a full twelve days.”²⁷ Animals can and do make important cooperative contributions to human cultures and societies, to our general and personal well-being. Consider therapeutic dogs, assistance animals, horses in military and police operations. Animals also contribute to individual lives, and among other things can comfort their human companions, and set examples of loyalty, joy, and ungrudging forgiveness.²⁸ While in many cases, “the animal is the product rather than the partner in production,”²⁹ in others mutuality and joint production in both economic and cultural domains seem evident. Here, too, a clear ground for moral separation is not obvious.

With respect to political relations, I will acknowledge Francis and Norman’s point that animals probably do not have certain political rights associated with governance. Is participation in a political community sufficient to ground giving greater weight to the interests of some individuals than others? I am not sure, but I think as a general claim it would be worrying, not least because there seems to be an implied capacity argument that would exclude many humans. While Francis and Norman deny the aptness of applying terms like “oppression” or “solidarity”

to animals, the language of justice, fairness, oppression, liberation, and solidarity continues to be used in debates about animal treatment.³⁰ So this is not a compelling case for separation.

The final claim of Francis and Norman is that familial, in particular biological parenting relations (I think they would include social parenting relations), are distinctive morally salient relations because the child is actually growing and developing to become increasingly capable of more reciprocal relations with adults. These are claimed to be different from human–animal relations because certain distinctive developmental trajectories are usually absent or minimal, although there are similarities. Here, I think the specification of relationships is too narrow. Animal companions are somewhat like children and somewhat like friends, and perhaps sometimes colleagues to their humans. Friendships often lack the developmental trajectories typical of child raising, but as adults, we develop in our friendships, as we do in many inter- and intra-species relationships. So this is not a compelling case for separation because the range of relationships is too restricted to mark a morally significant difference.

Francis and Norman set out to show that we are justified in attaching special moral status to the interests of those to whom we bear certain relations, and they may be right about this. But even taken together, the types of relationship they consider do not constitute strong support for a separationist conclusion. Communication and cooperation are pervasive in human–animal interactions; contrary to Francis and Norman, exploitation and oppression can be appropriate descriptions of conditions faced by animals; and the appeals to parenting and to political activity are too narrow to define general moral responsibilities. The shared special relationships that might ground increased moral concern can encompass relationships with non-humans as well as humans.³¹

I turn to the more recent attempts of Engster and Gunnarsson to develop a separation argument from considerations of care and dependence.

Gunnarsson's Distinctive Relationship View

Logi Gunnarsson, like Francis and Norman, avoids a strict separation along species lines (which he terms anthropocentrism) because he distinguishes the moral status of those humans with constitutional incapacity for consciousness, such as anencephalic infants, from the rest, including most severely disabled infants. However, as he develops his argument for assigning thick evaluative concepts a central role in bioethics, he argues for “an important difference between the great apes in nature and severely disabled infants, a difference that does not concern their intrinsic abilities but rather their relationship to humans: Only the latter are *dependent on humans for their well-being*.”³² (Not only infants are captured by this important difference—all humans capable of consciousness would be included. Gunnarsson's concern with infants emerges from his focus on arguments about marginal cases.)

Gunnarsson argues that our obligations to fellow humans arise because the possibility of a distinctive kind of relationship generates duties. He characterizes a “human relationship” as “a relationship to a human in which it is *intrinsic to the benefits* of such a relationship that *the relationship is to a human.*”³³ The idea is that we have special duties to those beings for whom this type of relationship can be salient, which does not mean they could articulate or appreciate it, but rather that it could make a difference to them. Just the possibility of such a relationship generates a source of claims, and where these claims apply, those who make them reveal their distinctive moral status, and hence, a duty falls on us as human moral subjects. Some creatures (typically human creatures) are dependent on such a relationship for some dimension of well-being, a kind of good that can only exist “as a result of a relationship that has the character of a relationship to a human.”³⁴

Gunnarsson is primarily concerned with infants with disabilities (other than anencephaly) and finding a way to acknowledge their full moral status, while simultaneously separating the status of non-human animals. While he is particularly concerned with human relationships, he also claims “I do not want to exclude that an infant could also enjoy the second sort of good in a relationship, not with a human but with e.g. an ape. The crucial point remains: the second kind of good can exist only as a result of a relationship that has the character of a relationship to a human.”³⁵ This characterization as “a relationship to a human” is somewhat perplexing, as it turns out to be a contingent matter whether the parties to that relationship are in fact human. Strict separation is very hard to sustain.

At the heart of Gunnarsson’s argument is that caring relationships and interactions, such as loving attention to an infant, are distinctively valuable, and the possibility to participate in them is a marker of moral status possessed by all humans capable of conscious experience. I am inclined to grant this, and to take seriously his extension to relationships between species. In fact, many humans have relationships with companion animals that are characterized by this kind of loving attention, and children often have particular bonds with animals. If non-humans can provide loving comfort, attention and the like, it is unclear that the relationship type is aptly described as “human.” If a person with dementia is afraid of humans who are always unfamiliar, often an animal companion can provide better company and comfort, and consider familiar reports that the cat or dog is someone’s best friend. If we include these kinds of cases as human lives that can be good, the animal–human relationship might be central to them being good, contributing times of peace, comfort, calm, tenderness, or allowing virtues such as patience to be enjoyed and cultivated. Relationships between living beings are special, and come in various flavors and embodiments—and perhaps most often these important relations arise between conspecifics, but this need not be so.

Care, Dependence, and Separation

Engster defends a strict separation, insisting that there are certain relationships of interdependence that involve all humans, and exclude all members of

other species.³⁶ In using a version of the ethics of care to extend moral concern to animals, he argues that “There is thus a morally relevant dividing line between human beings and animals quite different from the morally arbitrary distinctions of race or sex: we have special duties to care for human beings because we specially depend on human care to help us survive, develop and maintain basic well being.”³⁷

Engster draws on care and interdependence (in combination with an argument for dialectical necessity derived from Alan Gewirth) as bases for special moral consideration that apply to all and only humans.³⁸ The crucial connection between humans is that we all depend on (human) care. A distinct and special principle, “human beings should care for human beings in need,” can be defended. His separation argument is based on identifying reasons that support a narrow care principle but not a broader one—for example, that capable human beings should care for all or any creatures in need. I take his defense of the narrow principle to rest on three arguments: a direct connection between the narrow principle and the human desire for survival and development; there is no necessary dependence between species, so a natural obligation does not arise; and an indexical argument, designed to offset the charge of indefensible speciesism, that all species primarily depend on conspecifics.

Since humans are vulnerable and interdependent, to survive from infancy, and to sustain society, we need others’ caring. We need other humans to fulfill certain roles, including “feeding the hungry, providing medication to the sick, teaching a child to walk or talk, sheltering or clothing someone, and helping a person to regain basic functioning after an accident.”³⁹ Human cooperation is also needed to sustain social institutions.

Engster recognizes that “all human beings depend on others to help them meet their biological and developmental needs and maintain basic well-being” and observes that “we all necessarily make claims on others for care when we are in need.”⁴⁰ In our interdependence, we implicitly appeal to a principle that justifies our claims for caring: “capable human beings ought to help individuals in need when they are able to do so consistent with their other caring obligations.”⁴¹

Each particular claim is validated because of the “*principle of consistent dependence*.” Since we have made claims, we have implicitly appealed to the general moral principle that capable individuals should care for individuals in need, so we must, logically, recognize the moral validity of other appeals to precisely that principle. It would be inconsistent to do otherwise. To be valid, the claim must appeal to the same principle, and, furthermore, since we are in fact embedded in complex networks of care, and care givers also receive care, so “our claims on particular others for care necessarily involve others beside them.”⁴² Engster’s argument appeals to both rational consistency (echoing Kant, via Gewirth) and the ubiquity and inescapability of dependence (a more typical element of an ethics of care).

Engster goes on to argue that the obligation to care is qualified: “our desire for our survival and development commits us only to caring for creatures like us who

necessarily depend upon human care for survival and development.”⁴³ The human desire for survival and development drives a narrow species-specific principle of obligation. In general, there are internal relations of care and dependence within each species and there is no necessary dependence between humans and animals; so, a natural obligation does not arise to non-human animals. All species can rightly privilege their own members, so no special moral concern is generated by a human preference for conspecifics.

Not much rests, or should rest, on the narrow principle argument taken on its own. Engster explains the principle that capable human beings should care for human beings in need thus:

While all human beings can be assumed to endorse this principle, they cannot be assumed to endorse any broader moral principle, such as that capable human beings should care for all creatures in need. The narrower principle follows directly from the desire of all human beings for their own survival and development whereas the broader principle does not.⁴⁴

This begs the question: why not start with the desire of all living creatures for their own survival and development? Limiting the scope of the relevant desire to human beings might exclude the broader principle, but support is needed for that initial limitation. Perhaps Engster’s other arguments might provide that support.

The argument that all species can morally privilege their own members is unconvincing, and fails in its aim of deflecting a potential charge of pernicious speciesism. Engster proposes that: “Every species would seem to be justified in caring first and foremost for its own kind since we all depend primarily on our own species.”⁴⁵ The claim of primary dependence simply is not true for many species—parasites by definition depend on other species, cuckoos are raised by birds of other species, ecosystems are networks of interdependent species and so on. Individuals in many species live a mainly solitary, not social life (e.g., as polar bears do), and for them, the primary dependence looks to be on their prey species. Even in the case of humans, it is not obvious that my primary dependence is on other humans, rather than a range of other organisms such as those that ensure food and air are available to me.⁴⁶ Much here seems to hinge on what primary dependence means, and it had better not be a simple biological relation.⁴⁷

Environmental ethics literature contains various accounts of interdependences between humans and non-humans. Janna Thompson has argued that full human flourishing requires contact between humans and wild nature.⁴⁸ Warwick Fox has argued that we are metaphysically interdependent with other selves, including non-human selves, and systems.⁴⁹ Other ecologists such as Tim Flannery invoke the Gaia hypothesis. Such views are not uncontroversial, and contain, for example, contested views of wildness or wilderness, or of selves. It is unlikely all the details of these views can be defended or that they are all consistent. However, they indicate the range of views of interdependence between humans and the non-human world, including non-human animals. Engster extends the scope of duties of care to those indirectly connected to us by “a web of linked and

nested social relations”⁵⁰ but it is not clear why this extension should not go to, say, “a web of linked and nested interdependent relations” or an interspecies community, or a holistic system.

The general case that members of each species depend primarily on one another is not made. But a weaker case, for example, that most species depend primarily on their own conspecifics does less to support the restriction of the principle to its narrower version, and less to show that the speciesism involved in the narrow principle is morally defensible.⁵¹

The final strand of Engster’s argument appeals to necessary dependence: “In care ethics, what sets human beings apart from other species is not so much our reason or complex consciousness but our necessary dependence upon the care of other human beings in order to survive and develop.”⁵² This separates humans from other animals because “non human animals do not necessarily depend upon the care of human beings for their survival and development.”⁵³ So humans necessarily depend on the care of other human beings, animals do not necessarily depend on human care. This means, Engster argues, that animals “cannot validate any implied claims for care that they may make on human beings” not because they cannot make implied claims (that would exclude humans with similarly limited communication capacities) nor because animals cannot respond to such claims (for similar reasons), but because animals’ dependence on humans (if any) is such that “they do not necessarily depend on us for care.”⁵⁴ The notion of necessary dependence is unclear. It does not mean mere biological or material dependence.⁵⁵ Gunnarsson shares with Engster the view that “A human is dependent on humanity in a way that no members of other species are” and that this dependence generates special duties.⁵⁶ But neither has provided clear and convincing reasons to support this view.

A Problem for Dependence-Based Separation Arguments

Engster’s and Gunnarsson’s arguments share a problem about why some claims are morally compelling. It could be argued that not all claims for help (made by humans or other animals) generate duties on others.⁵⁷ Or perhaps I should, *qua* moral agent, respond to either a human or non-human in need, or to the suffering of any being. Steve Sapontzis, for example, considers any creaturely demand to merit at least *prima facie* moral consideration and quotes William James in support: “Take any demand, however slight, which any creature, however weak, may make. Ought it not, for its own sake, to be satisfied? If not, prove why not.”⁵⁸ There seems to be a looming circularity in these separation arguments because the reason for a special obligation to respond to some claims and not others involves species membership as such.

Gunnarsson seeks to avoid this problem: “Since the animals we keep are not by nature dependent on human relationships, this source of duty is missing in their case and our duties toward them are—other things being equal—weaker.”⁵⁹ Such animals can, in principle, have a perfectly good life without such a relationship,

but this is not the case for humans. It is unclear why we should take the possibility for the “in principle” good life available to members of other species as a significant marker of distinct duties. In principle, someone else could respond to any particular human as well, so it is unclear why I acquire any duty. Furthermore, Gunnarsson’s appeals to nature, like Engster’s arguments, merely assert rather than defend species-based separation. He claims, for example, that “a life without a human relationship is a perfectly good dog life.”⁶⁰ This is an implausible claim for many domesticated animals, especially those bred to live with humans, and those that lack resources for hunting.⁶¹ There seem to be many cases in which lacking a humane human relationship leads to maltreatment (many animals used in research projects) or premature death (“death row” dogs). So Gunnarsson must mean that in principle, for a good life, humans require engagement with other humans, animals require merely that we avoid harming them. This seems wrong from both sides. Many dimensions of human flourishing or thriving depend on human–animal interaction, and it is not clear that those dimensions of human flourishing, development, and survival that do not directly involve animals are more morally significant than those that do. Many forms that a good human life can take require engagement with animals. And for many animals, having a good life depends on human choices, actions, and relationships.

Non-Human Dependence and Moral Value

The relational accounts considered here appeal to various kinds of dependence, ranging from those involved in social relations such as communication and so on (Francis and Norman; Engster), simple comfort, such as hand holding (Gunnarsson), and survival (Engster). Perhaps the relationships most promising for separation arguments are constituted by, or permit, typically human interactions and responses. If a separation argument is to work, however, these cannot simply be second person attitudes—precisely because some of the human individuals included are not persons in a full-fledged sense. That these attitudes and practices are morally important is not contested, that they are restricted in scope to only humans (let alone all humans) is controversial, and implausible, or so I argue. Non-humans can be empathic, helpful and cooperative and sensitive to norms of fairness, as they interact within species and between species. Likewise, humans individually and institutionally acknowledge many constraints on proper treatment of animals, effectively granting them moral consideration.

There are at least three important forms of human–animal interdependence. First, certain human projects and enterprises inherently involve deep bonds between individuals and particular animals. Equestrian competition, and lives with assistance dogs or companion animals are some examples. Second, many human cultures and ways of life depend on interactions with animals. These include nomads who travel with horses or camels. Some animals cooperate with human hunters, such as fishing cormorants of Yunnan, China, and there are many examples of groups whose cultural identity is interconnected with certain prey

species (whales, for example). Finally, many indispensable social institutions, such as agriculture, are human-animal hybrids, including dependence on creatures for soil health and for crop pollination. It is not clear that human flourishing, understood as dependent on rich cultural and social backgrounds, can be understood as involving human interaction but excluding human and animal interdependence.

Conversely, given ecological vulnerabilities, many individual animals and species depend on humans. Perhaps this is not necessary dependence, or natural dependence, because one can imagine a world retaining many of its existing species, but without humans (say humans were wiped out by a disease). But such a world would be or become very different from the current world; many individuals and species would not survive; so the thought experiment does not support the notion that no animals necessarily depend on humans for care.

Jennifer Everett's argument against a duty to intervene on the grounds of animal welfare in cases of animal predation may appear to provide a response for defenders of separation.⁶² She appeals to respect for a wild animal as inherently valuable (valuable independent of its use to others and of "the felicity of its experiences," both of which would be captured by utility measures). Our duty to such an animal is to treat it in a way which is respectful of its nature. For non-human, non-domestic animals, unless we have set up a dependent relationship a separationist could argue that respect for animals means leaving them to cope without human intervention. But, at best, this could apply only to circumstances in which the conditions animals face are not the result of human actions. Habitat loss and degradation often result from human behavior and choices. Perhaps one could argue that in such cases we have (perhaps inadvertently) assumed obligations to non-human animals, in a way parallel to our assumed responsibilities when we actively make animals (like companion animals, or agricultural breeds of animals) dependent on us. However, such an argument assumes a high degree of interdependence. Circumstances of interdependence are precisely why our actions can make us inadvertently responsible for ecological vulnerabilities and this degree and kind of interdependence between humans and animals directly undermines the basis for dependence-based separation arguments, such as those of Engster and Gunnarsson. There are complex interdependences such that the "survival and development" of human and non-human animals are not practically separable. It is not clear that a set of "natural" or "necessary" dependences distinguishes the human species from all others.

Conclusion

The argument that humans are morally separate from other animals is resistant to conclusive confirmation, and definitive disconfirmation is always difficult. Many considerations suggest that we are always dependent on some humans and/or on some non-human animals. Animals play various roles that can be substituted between a variety of species, but this is not different from recognizing

that some aspects of the care received from a particular group of humans could be received from others (a person from one isolated group moved to another disconnected group would depend on the new group to survive). And animals are highly dependent on and vulnerable to humans. Species membership as such has not yet been shown to be a legitimate inclusion in our best thinking. The argument may be unresolvable, and its long history reflects the persistence of conflicting views. Even if these arguments fail to separate human from non-human moral considerability, other attempts will likely be made.

Jeff McMahan, however, argues that the separation problem cannot be solved.⁶³ Attempts to identify a morally relevant psychological capacity run aground because any such capacity inherent to individuals will either be not possessed by some humans or manifest by some nonhumans, or both. Arguments that appeal to membership of the human community are troubled by a threat of circularity. Without a clear non-biological account of what a human life consists in, these appeals to membership in human species will be unable to demonstrate the moral importance of being human, and importantly, the criterion will need to be neither morally dubious (in a way that makes speciesism like racism or sexism) nor question begging. The challenge for an interdependence or care-based argument will be to distinguish clearly some kind of interdependence that captures all humans from the multiple forms of interdependence that we share with non-human animals. This is extremely difficult given our ecological and cultural embeddedness with other species, and, as we learn more about animals, the closer our connections and similarities appear.

So what if there is no absolute superior moral value attaching to humans as such? For one thing, we would not be entitled to automatic privileging of con-specifics over non-human animals in situations where choices are inescapable. Inter-species conflicts would be like cases where a decision must be made between humans whose moral claims ought all, in principle, to be honored. In real-world cases, we need to deal with genuine conflicts between human and non-human needs and interests, just as we have to deal with conflicts between the differing needs of various humans within and between nation-states, on matters such as resources, services and so on. We might consider whether to save the most vulnerable, the most useful, the most innocent over the well-resourced, the already near death, the culpable. Such choices properly leave us regretful—they are tragic choices. Choices involving animals might be similar to those involving only humans—should I save the twenty-year-old human with her assistant dog or leave the dog in favor of an eighty-five-year-old human? Either choice would leave room for regret. Even if we do not have a conclusive once and for all ranking of moral priorities, we can address these case by case. Perhaps this is not only the best we can do, but the right thing to do when we need to consider animals of both human and non-human kinds.

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Notes

- ¹The question of whether animals and humans inhabit the same moral community or a separate moral space is an ancient philosophical debate. See Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (London: Duckworth, 1993). For an account of the contemporary development of concern for animal experimentation, see David Wilson, "Animal Psychology and Ethology in Britain and the Emergence of Professional Concern for the Concept of Ethical Cost," *Studies in History and Philosophy of Biological and Biomedical Sciences* 33 (2002): 235–61.
- ²I take it that humans are animals, so strictly, non-human animals should always be specified. However, if there is no likely misreading, I will use animals in the sense of other than human animals, just for simpler expression.
- ³Carl Cohen, "The Case for the Use of Animals in Biomedical Research," *New England Journal of Medicine* 315 (1978): 868.
- ⁴Jeff McMahan, "Challenges to Human Equality," *The Journal of Ethics* 12 (2008): 81–104.
- ⁵Tzachi Zamir argues that the notion of moral status is redundant, it simply tracks the measure of protection that is due to the entities in question. Tzachi Zamir, *Ethics and the Beast* (Princeton: Princeton University Press, 2007), chap. 2. This seems a plausible view, but I will retain the language of moral status in order to remain consistent with most discussions of speciesism and separatism.
- ⁶See, for example, Paul Shapiro, "Moral Agency in Other Animals," *Theoretical Medicine and Bioethics* 27 (2006): 357–73, and Mark Bekoff and Jessica Pierce, *Wild Justice* (Chicago and London: University of Chicago Press, 2009).
- ⁷For instance, via indirect arguments that harm to animals creates actual or potential harm to humans. For discussion, see Zamir, *Ethics and the Beast*, chap. 2.
- ⁸See, for example, Mark Bernstein, "Neo-speciesism," *Journal of Social Philosophy* 35, no. 3 (2004): 380–90.
- ⁹My use of "rights" language is not meant to restrict the scope of the argument to rights-based ethical theories. I think the line of argument can apply to whichever ground for moral consideration is in play. Rights talk has been widely used in contexts of arguing for extending moral concerns to non-human animals, though, as Deane Curtin has argued, "Toward an Ecological Ethic of Care," *Hypatia* 6, no. 1 (1991): 60–74, the language of rights might not always be the best way of expressing the relevant insights.
- ¹⁰In this paper, I do not explore whether the separation problem arises from a certain kind of approach to questions of moral considerability, and I do not offer nor consider alternatives to that approach. Richard Sorabji's *Animal Minds and Human Morals* argues that the approach is misguided, specifically targeting "one dimensional moral theories" (chap. 15), and Gary Steiner's *Anthropocentrism and Its Discontents* (Pittsburgh, PA: University of Pittsburgh Press, 2005), offers extensive discussion of alternative approaches. I also put aside Goldman's argument that defines moral value as depending on beings capable of deliberation and choice. Michael Goldman, "A Transcendental Defense of Speciesism," *The Journal of Value Inquiry* 35 (2001): 59–69.
- ¹¹Relational arguments do not always lead to the endorsement of separation. Jeff Jordan has argued that our treatment of animals should be constrained by the possibility of being friends with animals of that kind. Jeff Jordan, "Why friends shouldn't let friends be eaten," *Social Theory and Practice* 27, no. 2 (2001): 309–22.
- ¹²Tzachi Zamir argues that speciesism and liberationism are compatible: accepting an obligation to advance human interests before helping animals does not give license to "actively suppress an

animal's interest so as to advance a human one." *Ethics and the Beast*, 9. By "liberation" he means reforming our attitudes to non-human animals, by offering more stringent moral protections, ceasing exploitative practices and so on.

¹³Peter Singer, *Animal Liberation* (New York: Avon Books, 1977).

¹⁴Leslie Pickering Francis and Richard Norman, "Some Animals Are More Equal than Others," *Philosophy* 53 (1978): 518.

¹⁵Ibid.

¹⁶Francis and Norman, "Some Animals," 520.

¹⁷Daniel Engster, "Care Ethics and Animal Welfare," *Journal of Social Philosophy* 37, no. 4 (2006): 521–36.

¹⁸Logi Gunnarsson, "The Great Apes and the Severely Disabled: Moral Status and Thick Evaluative Concepts," *Ethical Theory and Moral Practice* 11 (2008): 306.

¹⁹Ibid.

²⁰I agree that many parents might excusably do so. See also Francis and Norman: "a parent who can save one child but not two might well not be morally censured for preferring his/her own." "Some Animals," 523.

²¹Zamir, *Ethics and the Beast*, 68.

²²Francis and Norman, "Some Animals," 520.

²³Ibid.

²⁴See, for example, Cary Wolfe, "Thinking Other-Wise, Cognitive Science, Deconstruction and the (Non)Speaking (Non)Human Subject," in *Animal Subjects*, ed. Jodey Casticano (Waterloo, Ontario, Canada: Wilfrid Laurier University Press, 2008) 125–44.

²⁵Bekoff and Pierce, *Wild Justice*, 6.

²⁶Ibid., 96.

²⁷Ibid., 98–99.

²⁸For discussions of animals in ancient philosophy and literature, see Catherine Osborne, *Dumb Beasts and Dead Philosophers* (Oxford: Oxford University Press, 2007). For the importance of animals in contemporary personal and family contexts, consider the estimate that sixty-three percent of Australian households had at least one pet in 2008: <http://www.petrescue.com.au/article/595> (accessed 17 May, 2009).

²⁹Francis and Norman, "Some Animals," 521.

³⁰For example: Jean Harvey, "Moral Solidarity and Empathetic Understanding: The Moral Value and Scope of the Relationship," in Special Issue: Solidarity, *Journal of Social Philosophy* 38 (2007): 31. "Animals are fellow sufferers in this world and insofar as their pain is systematic and attributable to misguided, callous, or outright cruel people, they constitute a greatly oppressed group consisting of some of the most vulnerable individuals in the world. It is speciesist simply to declare that we cannot be in a relationship of moral solidarity with them because they are not human." Zamir offers an extensive discussion contrasting the exploitation and use of animals.

³¹Silke Schicktanz proposes three models for human–animal relationships: patronage, friendship, and partnership. Silke Schicktanz, "Ethical Considerations of the Human-Animal-Relationship under Conditions of Asymmetry and Ambivalence," *Journal of Agricultural and Environmental Ethics* 19 (2006): 7–16.

³²Gunnarsson, "The Great Apes," 312, his emphasis.

³³Ibid.

³⁴Gunnarson, "The Great Apes," 324.

³⁵Gunnarson "The Great Apes," 342. For a fictional exploration of a child nurtured by a dog, see Eva Hornung, *Dog Boy* (Melbourne: The Text Publishing Company, 2009).

³⁶Engster, "Care Ethics and Animal Welfare," 529.

³⁷Ibid.

³⁸Daniel Engster, "Rethinking Care Theory: The Practice of Caring and the Obligation to Care," *Hypatia* 20 (2005): 50–74.

³⁹Engster, "Care Ethics and Animal Welfare," 522.

⁴⁰ *Ibid.*, 523.

⁴¹ *Ibid.*, 524.

⁴² *Ibid.*

⁴³ *Ibid.*, 526.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, 528.

⁴⁶ Given the rest of Engster's paper, it seems he is more concerned with medium-size animals of the companion animal and agricultural kinds than nematodes, bees, and other small critters, but this is not explained. Perhaps the reason is that there is little argument that non-vertebrates are morally considerable in any way similar to mammals. However, if interdependence is the ground for moral consideration, this separation ought not to be assumed. For an extended discussion of the relationships between human survival and cultural development and ecological contexts, referring to a vast range of species, see Tim Flannery, *The Future Eaters: An Ecological History of the Australasian Lands and People* (New York: Grove Press, 1994).

⁴⁷ Simple co-membership in a biological species does not look like a promising candidate for a morally significant characteristic, but rather more like co-membership in a racial group. Jeff McMahan, "Our Fellow Creatures," *The Journal of Ethics* 9 (2005): 361. In addition, if that were Engster's claim, the care and interdependence argument looks redundant.

⁴⁸ Janna Thompson, "Preservation of Wilderness and the Good Life" in *Environmental Philosophy: A Collection of Readings*, ed. Robert Elliot and Arran Gare (University Park, PA: Penn State University Press, 1983), 85–105.

⁴⁹ Warwick Fox, *Towards a Transpersonal Psychology* (Boston: Shambhala, 1990).

⁵⁰ Engster, "Care Ethics and Animal Welfare," 524.

⁵¹ I think Engster would accept this amendment (personal communication). However, most species are insects, and most of these not social, so I suspect that inter-species dependence is so common that even the amended version is inaccurate.

⁵² Engster, "Care Ethics and Animal Welfare," 528–29.

⁵³ *Ibid.*, 526.

⁵⁴ *Ibid.*

⁵⁵ This needs to be more than the simple biological claim that a human is necessarily born of at least one human parent. Otherwise, one might think that if human cloning became available, there might be a generation of women who only have special obligations to women, since reproduction only necessarily requires women—men drop out of reproductive biological necessity. Engster's point is not like this.

⁵⁶ Gunnarsson, "The Great Apes," 314.

⁵⁷ Thanks to a reviewer for this journal for raising this issue.

⁵⁸ Steve Sapontzis, "Moral Community and Animal Rights," *American Philosophical Quarterly* 22, no. 3 (1980): 251–57.

⁵⁹ Gunnarsson, "The Great Apes," 314.

⁶⁰ *Ibid.*

⁶¹ The case is somewhat different for cats, more of whom retain hunting capacities.

⁶² Jennifer Everett, "Environmental Ethics, Animal Welfarism, and the Problem of Predation: A Bambi Lover's Respect for Nature," *Ethics & the Environment* 6.1 (2001): 42–67.

⁶³ McMahan, "Our Fellow Creatures," 353–80 and "Challenges to Human Equality," 81–104.