

The Social Construction of Species and  
The Moral Indefensibility of Speciesism

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*Washoe was cross-fostered by humans. She was raised as if she were a deaf human child and so acquired the signs of American Sign Language... When Washoe was five she left most of her human companions behind and moved to a primate institute in Oklahoma. The facility housed about twenty-five chimpanzees, and this was where Washoe was to meet her first chimpanzee: imagine never meeting a member of your own species until you were five. After a plane flight Washoe arrived in a sedated state at her new home... When Washoe awoke she was in a cage... When she began to move, the chimpanzees in the adjoining cages began to bang and scream at her. After she regained her senses her human friend asked in sign language what the chimpanzees were. She called them 'BLACK CATS' and 'BLACK BUGS'. They were not like her and if she felt about them the way she felt about cats and bugs they were not well liked. Washoe had learned our arrogance too well. (Fouts and Fouts in The Great Ape Project, 28-29)*

The quotation above is very revealing about the social construction of the species concept. Washoe was brought up in an environment in which there was a strong distinction made between humans and “animals”- and Washoe did not think of herself as an animal. She identified herself as a human because of the social conditions in which she was raised. Certainly, her belief that she was fundamentally different from the other chimpanzees and other animals was not *natural*. Had Washoe been raised by other chimpanzees, perhaps it is the humans whom she would see as “black bugs”. One of the many lessons of this passage is that the social influences in human societies are so powerful that they can influence even a biological chimpanzee to believe that there is a fundamental gulf between herself and members of “other” species- even when the “other” species is, by our lights, really her own. Is it surprising that so many humans feel the same way? Biologists Keil and Richardson write:

We have a strong bias toward essences in living kinds... We all accept that the notion of essence is not unique to thought about living kinds, but its strength and power seem strongest for living kinds even when it may be least correct as a kind of fixed entity in such cases (Keil and Richardson, 273).

Our essentialist attitudes towards the natural world are very strong, and it will be shown that this bias tempers many discussions about animal rights.

Some might object to the idea that the concept of species is a "social construction" by suggesting that there is a single, strict definition of "species," or by asserting that species categories are a natural fact of the biological world. Both of these claims will be disputed in this paper. But the case of Washoe shows that disputing these claims is not in fact even necessary for arguing that the species concept is socially constructed. This is because the notion that most of us (including Washoe) have of species difference is simply not reducible to any set of real qualities. Washoe could have looked at her own arm and seen that it resembled the arms of the other chimpanzees more than the arms of the other humans. But at that moment, it is likely that no empirical fact could have convinced Washoe that she was *not* essentially different from these so-called "black bugs."

I will therefore argue that the concept of species is socially constructed in significant ways. Once I have laid out the arguments that species is socially constructed, I will then show that the status of the species concept as a social construction implies that speciesism, or the doctrine that species *in itself* is a morally relevant characteristic, cannot be valid. Before I explain the senses in which species is a social construction, I intend to first explain my project- since, as I see it, the application of the term "social construction" makes the most sense and is most clear in relation to a specific philosophical project. I intend to show only that species is a social construction insofar as this sets the conditions for my particular project, which is to argue for the moral indefensibility of what Peter Singer calls "speciesism". It is therefore no objection to my thesis if someone were to

show that species is clearly *not* socially constructed in some sense that is irrelevant to the project.

What I mean by speciesism, and what I take Peter Singer to mean by speciesism, is the doctrine that species membership *in itself*, independent of any other qualities correlated with it, is a quality of an individual that plays a role in determining the extent to which an individual deserves moral consideration. The way that I plan to dispute all claims that speciesism is logically tenable is to argue that once the origins and meanings of the concept "species" are revealed, it becomes clear that there is no such thing as species that transcends its aggregate parts. If the aggregate parts are not relevant, neither is species; and species can only be morally relevant in the ways that its component parts are. Species has no essential nature; therefore, to make moral distinctions based on species *in itself*, without reference to what species consists of, is to make moral distinctions based on nothing. This appears to be a sufficient reason for both moral realists and all but the most extreme moral relativists to give up any claim that species may be morally relevant.

Therefore, my argument will run as follows:

**Premise 1)** Species categories, as they are typically discussed in the context of philosophical animal rights debates, are social constructions without inherent reality.

**Premise 2)**

a) From a moral realist perspective, *real* moral distinctions cannot result from distinctions that are merely *illusory*.

b) From a moral relativist perspective, the recognition that a property is illusory is at least a reason to seriously consider changing attitudes that were based upon the false assumption that the property was inherently real.

**Conclusion)**

a) Species categories as such cannot be relevant to moral principles on a moral realist perspective.

b) The claim that species may be morally relevant is highly suspect on a moral relativist perspective.

**I. Why the Social Constructionist Argument Utilized Here is**

**Unnecessary but Useful.**

One philosopher who believes that species membership in itself is a morally relevant characteristic is Carl Cohen. Evelyn Pluhar writes,

Anyone who believes that species membership can itself, independently of the capacities of the individual, be a morally relevant characteristic, is a speciesist. There can be no doubt that Cohen accepts this view: he entitles a later section of his paper 'In Defense of 'Speciesism.'"... Cohen owes us an argument in support of the view that species membership can be a morally relevant characteristic. (Pluhar, 1995, p. 80)

Perhaps this is correct, but we can also imagine Cohen reversing the accusation and saying "Pluhar owes us an argument *against* the view that species membership can be a morally relevant characteristic." In fact, Cohen does argue along these terms in a reply he makes to Peter Singer. He writes that Singer's comparison of speciesism to racism:

Is worse than bad. It *assumes* the equality of species, which is the very point at issue, and therefore can prove nothing, of course... Racism is pernicious precisely because there is no morally relevant distinction among human ethnic groups; there is even serious doubt whether racial categories as

applied to human beings have any worth or validity whatever. Claims of differences among human races bearing in any way on moral status are *lies*, and liars about race have perpetuated almost unimaginable horrors. (Cohen, 2001, pp. 61-62)

Cohen attacks Singer's argument, and indirectly attacks Pluhar's argument, by correctly claiming that Singer gives us no reason to think that species is not a morally relevant characteristic. Have Singer and Pluhar missed something?

The issue is clarified when we examine Cohen's view of racism. Cohen argues that "claims of differences among human races bearing in any way on moral status are *lies*" (Cohen, 2001, p. 61). But like Singer, Cohen simply *assumes* that this is the case; he assumes that *race itself* is not a morally relevant characteristic. In the same way that Cohen responds to Singer, a racist could respond to Cohen. The racist might claim that Cohen has no argument against racism because he simply assumes that race is not itself morally relevant. Cohen's double-standard is that he asserts, without argument, that race is not morally relevant, but he criticizes Singer for doing the same with species. Cohen cannot have it both ways. Either both positions require the support of an argument, or neither does.

Fortunately, we need not concede this argument to the racist; and as a result, Cohen's analogous argument in favor of speciesism fails. Cohen implies in his response to Singer that the burden of evidence lies on the side of the philosopher arguing that a characteristic is *not* morally relevant. But it is more reasonable to assume that the burden of evidence lies on the side of the philosopher who argues that a characteristic *is* morally relevant. For instance, when philosophers claim that linguistic ability is important to the moral status of an individual, they are expected to present an argument in support of this position (or at least to be able to present such an argument). I am not saying that they

must be able to prove their case or even to be able to make a *strong* argument, but they will generally have *something* to say in defense of their position. A philosopher who simply took it for granted that linguistic ability is important to the moral status of an individual, and, when asked to back up the claim, stated that the burden of evidence was automatically on the side which claimed otherwise, would not be taken very seriously. So, Cohen is correct to assert that Singer does not show why species is not morally relevant, but his assumption that Singer bears this burden is extremely counterintuitive.

Furthermore, with the exception of Cohen, it seems to be a widely accepted fact on both sides of the animal rights debate that the default position is to assume that a characteristic is not morally relevant, until we have been given some compelling philosophical reason to believe that it is. Otherwise, we could convincingly argue that virtually any quality at all, no matter how ridiculous, is morally significant simply by challenging our opponent to prove us wrong. For instance, using Cohen's argument, I could easily "demonstrate" that my interests should be considered more important than your interests on the basis of the length of my fingernails. (Prove that the length of my fingernails *doesn't* make a difference, the argument goes) Cohen's argument, therefore, relies upon a very weak foundation.

However, the fact that Cohen does not present an argument for the view that species in itself is morally relevant does not mean he never will. The social constructionist argument that I will present has not yet become necessary, since no one has yet successfully argued their way out of the default position that species is not morally relevant. Nevertheless, the social constructionist argument is intended to show that no argument to this effect can ever succeed.

## II. How Species Distinctions are Socially Constructed

I look at the term species, as one arbitrarily given for the sake of convenience to a set of individuals closely **resembling** each other, and... it does not essentially differ from the term variety (Darwin, 1859, p. 52, emphasis added).

Ian Hacking shows in The Social Construction of What? that there are many different senses in which the term "social construction" is used, and also many different *kinds* of things that are said to be socially constructed. Concepts, categories, objects and people are all sometimes said to be socially constructed, such that the term "social construction" seems to have more than one meaning. But they all seem to have at least one thing in common, according to Hacking. If *X* is socially constructed, then "*X* need not have existed, or need not be at all as it is. *X*, or *X* as it is at present [the thing which is socially constructed] is not determined by the nature of things; it is not inevitable". (Hacking, 1999, p. 6) Hacking maintains that this is the minimum criterion for something being socially constructed.

The argument that the species concept is socially constructed is therefore an argument that it is not "determined by the nature of things". When I say that species is a "social construction," I mean the *concept* of species is constructed as well as our species categories. I do not, however, mean that the "objects" or individuals within a species are constructed. In contrast, when people say that race is socially constructed, they often mean not only that the concept of race and racial categories are socially constructed, but also that the individuals of races are socially constructed. Racial identity is constructed in the sense that the way a group of people is perceived affects how they perceive themselves, creating a sense of group identity and corresponding behavioral changes.



This means that the actual characteristics of individuals are affected by racial perceptions. Thus, the personalities of individuals are socially constructed. Secondly, the concept of race is constructed in the sense that it is not “determined by the nature of things”. The ways in which we think about the concept, and the fact that we have such a concept at all, are unnecessary. Finally, the racial categories that many people believe in are socially constructed, evidenced, for instance, by the fact that different cultures categorize races in different ways. Although a case could perhaps be made that the individuals of species are socially constructed, I restrict my social constructionist argument to apply only to species as a concept and species categories.

Saying that species is socially constructed does not imply that differences between humans and non-humans do not exist, nor does it necessarily imply that the species concept is useless in science, everyday language, or even in philosophy. Indeed, the concept has been constructed largely because it is often found to be useful within certain contexts. And further, it is very likely useful because there are patterns in the world that loosely map onto many of our common conceptions of species. In part, evolution can explain the patterns that we see. Geographical and genetic isolation *tend* to lead to greater differences between than within groups of organisms, but not always. There is no "objective" way to decide what is a significant enough "gap," and this is further complicated by the fact that we are dealing with an almost unlimited number of characteristics.

To a large extent, the patterns that we see depend upon what we find useful for our purposes. But what is useful in one context may be detrimental or even nonsensical in another. Historically contingent forces have played a significant role in shaping the

species concepts that we have in the West, and therefore the concept is meaningful only within certain contexts. Species concepts are interest-relative. This is true within the field of biology and beyond. Robert A. Wilson writes in *Realism, Essence, and Kind: Resuscitating Species Essentialism*:

It is widely accepted that there are strong objections to the claim that any of [the] proposals-pheneticism, reproductive views, or genealogical views- are adequate... The different species concepts reflect the diverse biological interests of (for example) paleontologists, botanists, ornithologists, bacteriologists, and ecologists, so these concepts depend as much on our epistemic interests and proclivities as on how the biological world is structured. (Wilson, 1999, 192)

Thus, we not only have a theoretical reason for supposing that different species concepts would be most helpful and relevant in different contexts. There is also the empirical fact that different types of biologists really do tend to adopt species concepts that are most relevant to their own fields of study. Biologists whose main interest is in evolution tend to use species concepts that focus on evolution; ecologists tend to use species concepts that emphasize ecological niches; biologists interested in morphology focus on morphological characteristics in their species concepts, etc. Thus, there is currently no single species concept amongst biologists.

Biologists have their own uses for their own species concepts, and in everyday language, species distinctions serve as convenient ways of describing collections of large numbers of variables, most of which we are unconscious. That is, we can almost always tell the difference between a dog and a cat, but if we are asked how we do it, we will be hard-pressed to give an answer. The layperson's distinctions between species are purely functional. We just "know" the difference; we can distinguish species in practice but not in theory. (As I will discuss later, we make our distinctions based upon appearance, but we are rarely aware of exactly which details we are noticing). The question is whether

“the” species concept is ever useful in moral philosophy, and if so, when? In asking this, *which* species concept we mean is automatically in question. Is it the layperson’s species concept, and if so, whose? Or is it one of the more than a dozen species concepts currently held by biologists? Anyone who argues that "the" species concept is useful in moral philosophy must first specify which species concept they have in mind. One cannot simply say "species" is morally relevant as if the term has some precise and obvious meaning- as if species were some sort of essential thing that needs no explanation, because it is God-given and beyond question.

There may indeed be a species concept that is useful in moral philosophy, a "Moral Species Concept", which I will sketch at the end of this paper. It will turn out, however, that the Moral Species Concept is very different from the empirically-centered species concepts of biology and everyday language. Nevertheless, as it stands, philosophers tend to utilize an “everyday use” understanding of species when discussing the moral status of species, in spite of the fact that this understanding is inadequate for theoretical purposes. The layperson’s species concept exists to serve a function in our daily lives; it was never intended to be a philosopher’s tool.

Cohen writes:

We incorporate the different moral standing of different species into our overall moral views; we think it reasonable to put earthworms on fishhooks but not cats; we think it reasonable to eat the flesh of cows but not the flesh of humans. The realization of the sharply different moral standing of different species we internalize... In the conduct of our day to day lives, we are constantly making decisions and acting on these moral differences among species. When we think clearly and judge fairly, we are all speciesists, of course. (Cohen, 2001, p. 62)

I do not need to point out that Cohen is probably using the term "speciesists" incorrectly, since he seems to be talking not about the importance of "species" but about the importance of qualities that are correlated with our perceptions of species. What I

want to draw attention to is the question, what does he *mean* by "species"? One might think that it would be giving Cohen the benefit of the doubt to just name one species concept, preferably one that is accepted by many experts. Suppose, for instance, he is talking about Mayr's biological species concept, which defines a species as a reproductively isolated group of individuals capable of interbreeding. But surely Cohen does not believe that when we "are constantly making decisions and acting on these moral differences among species," we are basing our decisions upon matters of who is capable of breeding with whom. Certainly, Cohen does not think it is okay to put worms on fishhooks but not cats because of the *mating* capacities of the two animals. Even before Darwin discovered evolution, people could make these so-called "speciesist" distinctions. And today, many fisherman who would be opposed to putting cats on hooks are entirely unaware of Mayr's biological species concept, or any other scientific species concept for that matter. If Cohen really does mean Mayr's biological species concept, we have to wonder how fishermen are able to make such fine distinctions on the basis of a theory they have never heard of.

So perhaps Cohen means a "commonsense" concept of species. That is, what is morally relevant are the distinctions that we are all capable of making simply *by looking*, with no scientific or philosophical training. What is morally relevant, in other words, is appearance. However, I doubt that when Cohen wrote this passage he had *appearance* in mind as a morally relevant characteristic. More likely, he would probably claim that we make distinctions between species based upon appearance, but it is not the appearance that is morally relevant but *something else* that is inevitably correlated with appearance, and it is this something else that we call species. For instance, we distinguish between

worms and cats based upon how they look, but the morally important distinction is something else that is indicated by appearance. But unless someone can tell us what this "something else" *is*, it is only prudent to assume that it is a "vivid illusion," as biologists Frank Keil and Daniel Richardson argue in "Species, Stuff, and Patterns of Causation" (Keil and Richardson in Species, 273). And remember, this "something else" cannot be intelligence, self-awareness, language, or capacity for suffering, because then *those* properties would be the morally relevant characteristics- but no one argues that they are equivalent to species<sup>1</sup>.

In other words, a major sense in which species is socially constructed is that we often unconsciously argue as if species has an essence, as if there is something about species in the background that cannot be described. Considering the basis of any given species concept, few would argue that that basis is morally relevant in any significant way. For example, considering the basis of Mayr's biological species concept, few would argue that whom we have the ability to mate with is a relevant characteristic for determining how much moral consideration we should be granted (Lewis Petrinovich, whose work will be discussed later on, may be an exception, though his work is not altogether clear on the matter). Given the major basis of commonsense notions of species, few would argue that how we look should determine how much moral consideration we should be granted either.

Why, then, do some philosophers hold that our *species* can determine how much moral consideration we should be granted? I believe it is because they do not equate

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<sup>1</sup> Cohen's argument that species is morally relevant puts an unreasonable burden upon biologists trying to define "species". Biologists have run into enough trouble already trying to find a useful *biological* definition of species without having to be burdened by Cohen's additional requirement that the definition be *morally* relevant.

species with any biological or common sense way of determining species. Rather, they probably are thinking of species as some essential characteristic of an individual. But as John Dupré states, “It is widely recognized that Darwin’s theory of evolution rendered untenable the classical essentialist conception of species.” (Dupré, 3) Thus, philosophers who claim that species is morally relevant are likely conceiving of species from an outdated worldview.

Biologists and philosophers of science have had a tremendous amount to say about species, and much debate has ensued on this topic. But in nearly every philosophical discussion of animal rights (with some notable exceptions), the concept has been unanalyzed and taken for granted, as if the “problem” has been solved. The use of the term "species" within the philosophical context of *animal rights* has hardly been addressed at all. Why is this? That is, why do philosophers feel comfortable discussing questions of the moral relevance of species without first asking what species *is*, or what *we should mean* when we talk about species in the context of animal rights?

In the 19th Century, Charles Darwin refuted the prevailing Western view that the world was naturally divided into essential categories of plants and animals. Formally, his discovery radically altered our understanding of the workings of nature. But, often unconsciously, the pre-Darwinian worldview of essentially existing species continues to drive many of our philosophical and moral attitudes. The concept of species holds argumentative "force" in these debates largely because it is viewed as an essential category, whether consciously or unconsciously. Most of us now "know", or claim to know, that different species do not have distinct essences, but we still think and argue as if they do. And if in the back of our mind we still hold the conviction that species have

essences, it would never occur to us to ask the question "what is species?" It just is what it is, we imagine. Of course, Darwin too found the question "what is species?" meaningless, calling species "indefinable" (Darwin, 1887, vol. 2, p. 88 quoted in Ereshefsky, 1999, p. 295). But it was indefinable for Darwin not because species have essences, but because for Darwin species-talk is nothing more than a convenient tool.

David L. Hull puts the species problem well in *On the Plurality of Species: Questioning the Party Line*. He writes:

Since at least Goodman (1972), philosophers have realized that the notion of similarity so pervasive in our conceptions of the world is currently unanalyzed, if not unanalyzable. A question that must be asked of species definitions in terms of similarity is, How similar is "similar enough" and in what sense of "similar"? Can one level of similarity be specified--one level that can be applied equally across all organisms to produce even a minimally acceptable classification? The answer to this question is, thus far, no (Hull, p. 35 in Species).

It is precisely because the species concept is "currently unanalyzed" that philosophers like Cohen are able to rely upon it in their philosophical arguments against animal rights. At one time, this was also the case with race. Racists may claim that race is a morally relevant category with no explanation. But we can then ask them *what they mean* by race, rather than allowing them to hide behind vague, undefined, and equivocal terms. If they answer "skin color", or "geographical origin", we can then ask them why *skin color* or *geographical origin* should have anything at all to do with an individual's moral worth. Although today, skin color perhaps seems no more arbitrary a factor than "race" (since today most people consider race arbitrary as well), at one time this was probably not the case. We can similarly deconstruct the term "species" in animal rights debates. When philosophers argue that species is a morally relevant characteristic, we can ask what they mean by species. If they reply that a species is determined by how an individual looks (the most honest answer, in my opinion), or the capacity to mate and have fertile

offspring with certain other individuals, we can then ask them why appearance or an ability to mate with certain individuals might have anything to do with morality. Here, they are on much weaker ground than when they are allowed to simply call this "species". It is much more apparent to most people that appearance is irrelevant to morality than it is that "species", whatever that may be, is irrelevant to morality. Revealingly, the claim that species is morally significant *seems* to hold more water when we have not said what species is.

Regardless of any definitions that may be placed upon the term "species" by biologists, it is clear that for *most people*, distinctions of species are based solely upon difference of appearance. For example, I distinguish a chimpanzee from a gorilla by the fact that they look different to me. This conforms to Darwin's statement beginning this section that species determinations are based upon "resemblance". Furthermore, this resemblance is clearly not *mental* resemblance, but *physical* resemblance (just like race). In Franz Kafka's Metamorphosis, we say that the main character has *turned into an insect*, not that he has merely acquired the body of an insect while remaining a human because of his mind. This validates the intuitive notion that the primary criteria we typically use for determining the species of an individual are the physical traits of the individual, not the mental traits. Just because someone has the mind of a human does not make him human. What matters to determinations of species, at least in most people's intuitive conceptions, are our perceptions of physical qualities?

So species is socially constructed in the sphere of commonsense in part because it is based upon our perceptions and interpretations of physical traits, just as race often is said to be socially constructed because it is based upon our perceptions and



interpretations of physical traits. And it is the nature of interpretations that they can differ from one individual to another or from one culture to another. Not surprisingly, interpretations of species membership *do in fact* often differ both between cultures and between individuals within any given culture. Within a Western cultural understanding, is it *obvious* that all dogs belong to the same species, but that baboons and macaques do not? And examining other cultures, Scott Atran writes in *Itzaj Maya Folkbiological Taxonomy*:

Generic species **often** correspond to scientific genera or species, at least for those organisms that humans most readily perceive, such as large vertebrates and flowering plants... A principled distinction between biological genus and species is not pertinent to local folk around the world. (Atran, 1999, p.125 in Folkbiology, my emphasis)

Species categories often, but not always, correspond across cultures. And even amongst "Western" biologists, there is still no consensus on whether, for instance, chimpanzees and bonobos belong to the same species. The matter is not only unclear to people untrained in biology. Thus, one biologist writes:

At this stage in biology, it is not clear what divides species taxa from other taxa. As a result, it is not clear whether a distinctive species category exists. Problems for the species category come from another angle [as well]. The entities of an existing category should have a theoretically important commonality. The species category seems to fail that requirement. (Ereshefsky, 294-295)

Biologists do not agree on any definition of species, nor is there always consensus about which individuals belong to the same species. In fact, there is tremendous confusion about what species really is, to such an extent that many biologists now question the validity of the use of the concept "species" at all, even for practical biological purposes. (I do not necessarily agree that the concept of species is useless in biology; as I have stated, simply because something is socially constructed does not mean it cannot be useful). Furthermore, the commonsense notions of species based upon appearance affect how

biologists perceive species. Biologists do not live in a vacuum. Suppose, for instance, that biologists came to a consensus on a definition for species. Suppose they found some gene present in every individual, and certain differences in this gene appeared to perfectly correspond with preconceived notions of species distinctions. Now suppose that all of a sudden, biologists found that there was in fact one problem with this gene: It is exactly the same in humans and in mice. It is clear that biologists would reject what they had previously agreed to be the defining factor in species distinctions, sooner than they would accept that humans and mice are in fact the same species. Thus, any possible definition that may arise for species distinctions will be partially based upon preconceived, probably unarticulated notions of what a species is. No matter what biological evidence is uncovered, biologists would never accept that humans and mice belong to the same species, nor will they ever accept a likely Hindu claim that humans and cows should be considered members of the same species.

Yet another sense in which species is socially constructed is that our perceptions of members of a given species are often misinformed because of our beliefs about the "nature" of that species. People often wrongly attribute characteristics to members of specific species based upon prejudice. Many people assume, for instance, the pigs are "stupid" animals compared to dogs and cats, in contrast to recent research that indicates they may be significantly smarter than both. The qualities we attribute to the members of a perceived species depend in large part on the nature of our interactions with them. This is why most Americans assume that pigs are "stupid" and "dirty"- we do not usually interact with them on a personal level as we so often do with dogs and cats. For most of us, our perception of "pigs" is inextricably linked with the function that they serve for us.

We see them as "farm animals" or "food", as if this were part of their essential nature. But of course this view of pigs is entirely contingent upon social forces<sup>2</sup>.

Now, one of the most convincing arguments that race is socially constructed is that there is no inherent biological "importance" in the features by which we often distinguish races. For instance, one race may have darker skin than another, but there is no inherent reason why this should be any more "important" than the color of a person's eyes or the length of his hair. K. Anthony Appiah makes this argument in "Why There Are No Races". He writes:

I have no problem with people who want to use the word "race" in population genetics. Many plants and animals do in fact have local populations that are isolated from each other, different in clustered and biologically interesting ways, and still capable of interbreeding if brought artificially together; and biologists both before and after Darwin have called these 'races.' It's just that this doesn't happen in human beings. In this sense, there are biological races in some creatures, but not in us. (Appiah, 1999 in Racism, p. 276)

So, for Appiah, there are some species that are broken up into races, and presumably it is not a social construction to recognize these categories. He argues that this is because these local populations of certain species are different in *biologically interesting ways*, but the differences between human geographically isolated populations are not biologically interesting.

Of course, what is biologically interesting depends upon what biologists find interesting. Appiah's example of geographical isolation is a good one, since many biologists find this significant because two groups that are geographically isolated from each other are unable to interbreed and therefore cannot make up a single "unit" of evolution. Perhaps there are no geographically isolated human populations today because

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<sup>2</sup> When Cohen writes, "we think it reasonable to eat the flesh of cows but not the flesh of humans", I have to wonder whether he also thinks it reasonable to eat the flesh of dogs and cats. It is important to recognize the moral dichotomy in our views about dogs and cats on the one hand, and cows and pigs, on the other, as a form of *speciesism* and not just as another type of prejudice. Speciesism in favor of one *non-human* species is rarely acknowledged as such. One advantage of recognizing this is that it clarifies the anti-speciesist

of technology and new modes of transportation. But one thousand years ago, there were geographically isolated human populations. For instance, Native American and Chinese people did not and could not interact with one another. We might say then that 1,000 years ago, Native Americans were one race and Chinese people were another, but today they are the same race, simply because airplanes provide the possibility that they may some day interact. Of course, with modern human intervention, there is always the possibility that any two organisms could interact "artificially". When put this way, I think it is clearer that race is *always* a social construction. Are ecological niches "important"? There is simply no way of answering this question without asking "to whom?" and "in what context?" And "objective" biological facts should not depend upon the existence of airplanes.

So Appiah is wrong to imply that there are *as a matter of fact* races of some other species while maintaining that there are not races of human beings. This distinction is only of opinion- it depends upon what we consider important. If biologists determine that there are races or "sub-species" of gorillas, but not of human beings, this cannot be understood without reference to the biologist's specific interests and goals. Biologists have their own classificatory purposes, and the reality and unreality of racial distinctions of all animals is relative to their particular purposes in making those distinctions. What is important cannot be determined without reference to what it is important to, and who finds it important.

This notion of "importance", however, also underlies distinctions of species. We distinguish between species because we think there is something important in the

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critique against Bernard Williams, who mistakenly equates speciesism with "humanism". (Waldau, 40) It is unlikely that Williams would consider giving moral preference to a dog over a pig "humanism".

differences we see between perceived groups of individuals. This is true both of the biologist's understanding of species categorization and of the layperson's understanding of species categorization, although the two views tend to see different things as being important. Therefore, we can continue this line of argument to show why species is socially constructed. Depending upon who is using the species concept, they will define it based upon *what is important* to them. If they are an evolutionary biologist, they are likely to try to provide an answer in terms of evolution. If they are a fundamentalist Christian, they will try to provide an essentialist answer in terms of Creation. If they are a philosopher or a psychologist interested in rationality, they may define a human as a "rational animal". But again, what is considered important is not an objective characteristic of a set of individuals, but a subjective characteristic relative to the intentions and goals of the people making the distinctions. Biologists tend to talk about species in terms of genes, lineage, and sexual reproduction; but philosophers such as Cohen talk about species in terms of "rationality". And non-professionals consider what is most important to be appearance- "it's a tiger because it is orange, striped and walks on four legs", or "humans are featherless bipeds with opposable thumbs".

In summary, species categories are socially constructed in that:

- (1) They are most commonly associated with subjective, culturally influenced interpretations of appearance;
- (2) When not based on appearance, they are usually based upon subjective, culturally influenced beliefs about what is important;
- (3) There are no clear boundaries between species, either for laymen or biologists;
- (4) There is no clear biological understanding of species;

(5) To the extent that there is a biological understanding of species, it does not correspond to commonsense notions of species;

(6) Commonsense notions of species hold more weight, even amongst biologists, than biological definitions. Thus, biological definitions will always be adjustable to commonsense beliefs about species, and no biological definition will be accepted that strongly conflicts with these beliefs; and finally,

(7) When people speak about species distinctions, while they admittedly *make* these distinctions through interpretations of appearances, they will very often have an unarticulated, inchoate *belief* that there is something more to species differences behind these appearances. Again, if we ask laypeople how they can tell the difference between a tiger and a bear, they will give us an answer in terms of appearances and behavior. Underlying this, however, is very often an unarticulated belief in some kind of essential difference; and often this belief is strengthened by another, mistaken belief that there are biologists who have conceptually sealed this essential difference. Now, it is this unarticulated belief that I take to be at the core of many social constructions and prejudices. I take it that Darwin has shown this unarticulated belief to be an unarticulated illusion, empty of content.

### **III. Why the Things that Socially Constructed Concepts are About are Not Morally Relevant**

It is a well-known argument against racism that the concept of race is socially constructed, and that therefore negative discrimination against an individual based upon

his or her race is unfair. To make a real moral distinction based upon a difference that is merely *perceived* is therefore commonly seen as a mistake. If we base a decision on an illusion, we are unlikely to make the right decision; and if we do, it can only be a matter of luck. This logic applies to the species concept as well. If our species concept is illusory, we should not base moral decisions upon it. This does not, however, mean that *the fact that we have a belief in the reality of a social construction* is morally irrelevant, nor does it mean that we cannot make practical use of concepts that are socially constructed. What it does mean, however, is that we should never make moral decisions based upon what a socially constructed concept is *about*, such as “*species*” itself. In the first case, we are basing a decision upon something real, i.e. a *belief* that we have. In the second case, we are basing a decision upon an illusion, i.e. that which our belief is a belief about. There are practical reasons for taking our perceptions into consideration in our moral reasoning. But we would be committing the Intentional Fallacy if we believed that this implied that the things our social constructions are *about* may be taken into consideration in our moral reasoning.

The distinction is perhaps best shown through an analogy with an argument between racists and anti-racists. Many anti-racists argue that race is a social construction, and use this point to anchor their case against racism. Now, many anti-racists support affirmative action, or differential treatment of individuals based upon the racial social construction in order to bring about equal opportunity for all. Many anti-racists who base their case against racism in the fact that race is a social construction also base their case for affirmative action on what they recognize as socially constructed racial differences. This does not indicate that these anti-racists believe that race *per se* can be relevant to

morality; if that were the case, their argument that race is a social construction would not have the desired effect of implying the absurdity of racism. If anti-racists who support affirmative action were thereby declaring that race can be relevant to morality, they would be on extremely weak ground in arguing that racism is wrong *because* the imagined moral principles of the racist are based upon social constructions. Yet this argument against racism is often heard, and it is not so easily dismissed as that.

This apparent paradox can be solved as follows: The things that social constructions are about cannot be morally relevant, but sometimes the social constructions themselves have practical uses. People who support affirmative action for African Americans do not think they should be more heavily recruited for jobs, etc., *because* they are of a certain race. Rather, they support affirmative action because there are certain social constructions in our society that have led to some unfairness. It is not a person's race that may entitle him to be more heavily recruited. Rather, it is the fact that because he is *perceived* as being of a certain race, he has likely been discriminated against.

Furthermore, affirmative action is a practical decision, not a strictly moral one. Not every single African American has been discriminated against. But since a very large number have, the social construction of racial difference may be useful in the case of affirmative action. Practically speaking, it may help to bring about a world that is fairer. Affirmative action towards minority groups is not itself a rule of morality- if it were, it would still be required even after minority groups achieve full equality in society<sup>3</sup>. The categories that divide "race" within our socially constructed worldview are strongly

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<sup>3</sup> One does not need to support affirmative action to agree with this logic. For instance, someone may believe that affirmative action is not the most practical way of bringing about the desired results.



correlated with certain facts about how specific individuals have been treated and what opportunities they have been given. What is important here is what our socially constructed concepts *correlate with*, not what our socially constructed concepts are *about*.

Therefore, the existence of the social construction of race (by which I mean here, the fact that people have a certain idea of racial categories) may be a factor in practical applications of morality, but this does not imply that race *per se* is morally relevant. This is why anti-racists can argue that racists are using a criterion that is socially constructed in their moral reasoning, while still maintaining that there are cases when “race” should be a factor in our moral deliberations. The racist really believes that race is morally relevant, whereas the supporter of affirmative action is simply using the term “race” as a shorthand for “the social construction of race”. A person who opposes affirmative action cannot simply say that race does not exist, and that therefore it makes no sense to give members of one perceived race preferential treatment. Race may not exist, but the social construction of race surely does. And social constructions sometimes correspond to real properties that *are* morally relevant. The social construction of race does in fact correspond to some degree to one real, morally relevant property: this is the fact that people of certain perceived races have for the most part not been given the same opportunities as people of other perceived races.

The same is true about the case against speciesism. No animal rights philosopher claims that our *perceptions* about species differentiations should not bear on our practical moral decisions. Peter Singer, for instance, states explicitly in [Animal Liberation](#) that pigs are not to be given the right to vote, because it makes no sense to speak of giving

pigs this right. Much confusion, I believe, has resulted from this point. Singer does not state explicitly, though it is implied, that it is not *because* an individual is a pig that he is denied the right to vote. Rather, certain properties about that individual are made clear by our perception of the individual as a pig. Just as it may be practical to generalize that people of a given socially constructed race have been discriminated against, it is practical to generalize that pigs do not have the capacity to vote. Our perception of the individual as a pig is useful because it tells us a lot about him. It is not because he is a pig that he does not have a right to vote, but rather because he is assumed to be incapable of making the decisions necessary to voting (and perhaps there are a host of other reasons as well). The fact that he is perceived as a pig is *only* relevant insofar as it helps us to evaluate *other* qualities about him; e.g., that he is incapable of voting. Singer argues that this is parallel to saying that men do not have the right to an abortion, although women may—because it makes no sense to speak of men having an abortion in the first place. But, again, it is not *because* they are men that they have no right to an abortion, but rather *because* it makes no sense to speak of them, as individuals, as having an abortion. If men *could* have an abortion, then the fact that they are men would be irrelevant. The fact that they are men is relevant only indirectly; it serves merely as a practical indication that they are probably the type of being for whom an abortion is not a possibility.

So it is important to limit the scope of the charge of "speciesism" to apply only to morality independent of the practical advantages of using species categories as we know them. The anti-speciesist critique does not warn against utilizing our socially constructed concepts of species in practical judgments; it only warns against the view that "species" *per se* really is morally relevant. This allows us to avoid the parallel problems of being

called sexist for denying men the right to an abortion or being called racist for supporting affirmative action. One philosopher who willingly considers himself a "speciesist", and attempts to justify this position, is Cohen. Cohen, I believe, does not understand fully what this concept entails. Returning to a previously quoted passage, Cohen writes that speciesism:

may be taken as one way of expressing the recognition of these differences-and in this sense speciesism... is a correct moral perspective... We incorporate the different moral standing of different species into our overall moral views; we think it reasonable to put earthworms on fishhooks but not cats; we think it reasonable to eat the flesh of cows but not the flesh of humans. The realization of the sharply different moral standing of different species we internalize.... In the conduct of our day-to-day lives, we are constantly making decisions and acting on these moral differences among species. (Cohen, 2001, 62)

Yet Singer and all other animal rights philosophers clearly call for *differential* treatment of species, just as many anti-racists call for affirmative action, and many feminists call for legalized abortions for women but not for men, and doctors who are not sexist call for mammograms for women but not for men. Cohen is wrong to assert that speciesism is a way of recognizing important differences. Where differences exist between individuals who happen to be of different species, it is in no way speciesist to take those differences into consideration in our actions; for social constructions can have practical benefits. Indeed, such differences could still exist even if the individuals belonged to the *same* species. On Cohen's incorrect understanding of "speciesism", Peter Singer would be a speciesist for declaring that pigs should not be given a legal right to vote. Cohen's argument for the moral validity of speciesism is akin to an argument for the moral validity of sexism as a "correct moral perspective" because it is a way of expressing real differences between men and women- for instance, the fact that women may be entitled to abortions but men are not. Cohen has misunderstood Singer's argument. It is not

*because* they are women that feminists argue women should be allowed to have abortions; it is not *because* they are African American that affirmative action supporters argue African Americans should be given preferential treatment in certain areas, and it is not *because* they are human that animal rights philosophers argue humans should be given the right to vote but nonhuman animals should not. These facts are merely indications of empirical facts which guide us in properly applying moral rules to real-life situations. Species may be socially constructed, but the social construction of species, insofar as it allows us to readily distinguish between the individuals we call humans and the individuals we call pigs, is useful. We can waste time investigating every single pig to see whether each individual has the capacity to vote, or we can simply extrapolate that pigs, in general, do not seem to ever have the capacity to vote. We can also investigate each man to see whether he is capable of having an abortion, and each African American to see whether he has been discriminated against, but this would be a waste of time. Social constructions are useful on a practical level, but not on a theoretical level. Social constructions help us save time in making practical decisions. But the true speciesist (and Cohen is indeed one of them, though not for the reason he gives), believes not only that the social construction of species may be a useful tool for distinguishing between individuals who really are different, but that *species itself* is what is morally relevant. And the speciesist position therefore cannot rest on some property that, practically speaking, the social construction of species is correlated with. Speciesism is the doctrine that species *itself* is morally relevant, not the doctrine that species is correlated with something else that is. As simple as this last point may seem, it has not been appreciated

by several important philosophers from both “sides” of the debate and a tremendous amount of confusion has resulted.

Not only has Cohen been confused by this distinction, but it seems that Paul Waldau on the “pro” side of the animal rights debate has too. Actually, Waldau does make this distinction, but then appears to forget it just two paragraphs later. In The Specter of Speciesism, he writes:

Common practices and approaches, then, make questionable the assertion that *species membership is always morally relevant*. Such an assertion is an enthymeme, that is, an instance of syllogistic reasoning in which an important premise is suppressed (usually because it is not noticed). The missing premise in this case is something like ‘The different taxonomic groups (whether species, genus, family, order, class, phylum, or kingdom) to which the competing biological entities belong are not obviously greatly different in terms of biological features. (Waldau, 2002, p. 108)

But two paragraphs earlier he ‘recognizes’ an argument to the effect that when we make moral distinctions between species, “such expressions are really just shorthand for a different judgment” (Waldau, 2002, p. 108). At no time does he attempt to present a case why this argument might not be valid. Therefore, Waldau’s assertion that speciesism is only invalid when species do not greatly differ biologically is curious. He has himself shown why that assertion is false. If I believe it is wrong to kill a human but not a worm, this is not necessarily speciesist. My belief may be based on a host of factors other than the fact that one is a worm and the other a human, even if I determine what those factors are on the basis of my social construction of species distinctions. For instance, worms may have no right to life because they may not feel pain, have a sense of the future, have moral autonomy, or care whether they live or die. Waldau’s view that speciesism is only invalid when species do not greatly differ is akin to the imaginary, absurd view that it is sexist to deny abortions to men but grant them to women, with the caveat that sexism is not always wrong (that is, in this case sexism would be okay since it is based upon a real

biological difference). But it is not sexist to deny abortions to men, and it is certainly not *necessarily* speciesist to kill worms and not humans. Waldau, like Cohen, has misunderstood the notion of speciesism, although throughout his book he presents several insightful points about speciesism, some of which he unfortunately subsequently ignores.

One clear way of expressing the charge of speciesism is through "the argument from marginal cases". This argument is explained by Evelyn Pluhar as follows:

1. Beings who are similar in all important morally relevant respects are equally morally significant.
2. Nonhumans exist who are similar in all important morally relevant respects to marginal humans.
3. *Therefore*, those nonhumans who are similar in the important morally relevant respects to marginal humans are maximally morally significant if and only if marginal humans are maximally morally significant," (Pluhar, 1995, p. 86).

By a morally relevant respect, Pluhar means a quality that may, in itself, be taken into consideration when making moral decisions. Some commonly cited examples include sophisticated linguistic abilities, self-awareness, or an ability to plan for the future. By "marginal humans", Pluhar means humans who do not have these or other similar qualities to a greater extent than many nonhuman animals whose rights are in dispute. So the argument goes like this: If we grant full moral consideration to humans who do not have any of the qualities commonly cited as separating humans from nonhuman animals, we have no basis for denying full moral consideration to nonhuman animals. Of course, we may have *practical reasons* for making this distinction. For instance, Peter Carruthers argues that all humans, including "marginal humans", should be granted equal consideration because otherwise we are embarking on a slippery slope that may lead us to disregard the inherent rights of other humans. This argument is not that species *per se* is

morally relevant, but that our perception of species is morally relevant. It is my *perception* of marginal humans as being of the same essential kind as other humans that raises the danger of a slippery slope in the first place. And it is only because we perceive nonhuman animals as essentially “different” that the slippery slope argument does not apply equally well to them. But to make a brief tangent, I disagree with Carruthers’ assumption that the slippery slope argument adequately explains our moral obligations to marginal humans. For, if in fact “marginal humans” are not inherent bearers of moral value, tremendous benefits could be gained from using these humans in medical testing. These benefits would very likely outweigh the dangers such testing would pose to other humans, and I believe that Carruthers underestimates these possible benefits in his practical arguments. Needless to say, however, I do not think we should be performing medical tests on “marginal humans”, because it seems to me that the slippery slope is not the major reason we grant equal moral consideration to marginal humans.

Some thinkers, such as Carl Cohen, Lewis Petrinovich, and Mary Midgley, reject the second premise of Pluhar’s syllogism; that is, they all take species to be morally relevant *in itself*. Cohen’s view, I believe, is refuted by the social constructionist theory elaborated earlier as well as the argument about default positions explained in section I. of this paper. Cohen rejects premise 2 simply because he believes the status of one individual as human and another as nonhuman is in itself morally relevant. But it has already been shown that the concept of species upon which Cohen bases this moral distinction is an illusion. Thus, Cohen’s moral distinction between species is unjustifiable, since it has no real basis.

The views of Petrinovich and Midgely are not refuted by either the social constructionist argument or the argument about default positions, because their arguments are based upon our *perceptions*. Therefore, the reasons why their views fail to justify speciesism will need to be addressed with separate arguments.

Both Petrinovich and Midgely argue that we have a natural bond with members of our own species that we do not have with members of other species, just as we have a natural bond with our own children that we do not have with the children of others. And just as we have a moral obligation to treat our own children with greater moral consideration because of our biological relationship and natural bond, they reason, we have a moral obligation to treat members of our own species with greater moral consideration than members of other species. A position that Midgely claims has “a great deal of truth” is that “An emotional, rather than a rational, preference for our own species is... a necessary part of our social nature, in the same way that a preference for our own children is, and needs no more justification”. (Midgely, 1984, p. 104) This argument is perhaps the strongest one that has been used to justify speciesism, partly because it has intuitive appeal. We feel confident that we are morally obliged to our own children more than to the children of others, and this is not because of any of their particular qualities (aside from the fact that they are our own children). And, if we can give preference to our own children without referring to their qualities, we should also be entitled or required to give preference to members of our own species without referring to their qualities, so the reasoning goes. There are, however, several reasons to deny the actual strength of this analogy.



First, the analogy assumes that we are morally obligated to treat our own biological children with greater moral consideration *because* of our biological bonds. From both a western perspective and a global perspective, this view seems wrong. First of all, it implies that we do not have the same moral obligations to children that we adopt as we do to our biological children, which is repugnant to many in our own culture. Secondly, it ignores the fact that in many nonwestern countries, children are raised by the entire community and not only by their biological parents. Even in ancient western culture, Plato considered the ideal Republic to be one in which children were communally raised. Contrary to the claims of Midgely and Petrinovich, it is not at all obvious that we have a special natural bond to our own biological children, since many parents seem to love their adopted children as much as their biological children. Furthermore, most parents would probably not even be able to tell if their newborn were accidentally switched with another newborn at the hospital.

Third, even if we really do have a natural bond to our biological children, it does not justify us treating our biological children with greater respect than our adopted children or the children of others whom we have agreed to raise communally. If we are morally required to treat our own children with greater respect than the children of others, I would argue, it is because of social conventions and our own personal commitments rather than biology. Indeed, with the case of an adopted child, it may be *natural* for us to give greater moral weight to our biological children, but most people would still consider this preferred treatment unfair if we have entered into an agreement with the state to care for the adopted child. Finally, just because we sometimes *do* treat our biological children preferentially does not mean we *should*.

Lewis Petrinovich argues:

A meaningful biological basis for speciesism can be posited and it does not extend across species boundaries. It is the special relationships among members of a given species, such as within kinship lines and community circles, that form and regulate what I refer to as the biologically supported social contract that grounds morality. (Petrinovich, 1999, p. 220)

What Petrinovich appears to be implying here is that our sense of ethics comes from our evolutionary history. He implies this more forcefully earlier in the book, though he never states it explicitly. He writes further,

There is an ordering of objects and moral patients in terms of the respect they are due, and moral agents are obliged to behave in ways that honor it... Leahy (1991) suggested a diminishing order of obligation that makes sense evolutionarily: Immediate family, relations, friends and colleagues, fellow countrymen, one's racial group, people at large, animals, and natural inanimate objects. Incidentally, this ordering not only makes sense evolutionarily, but it is found in studies of human moral intuitions" (Petrinovich, 1999, p. 27).

Is Petrinovich saying here that we are obliged to give moral preference not only to members of our own species, but to members of our own race over members of other races as well? In any case, what is made most apparent by this passage is the danger of using evolutionary theory and statistics about human "moral intuitions" in determining ethical theories. Whether Petrinovich recognizes it or not, he has admitted that his "justification" of speciesism also "justifies" racism. Of course, such a justification is no justification at all.

But even if Petrinovich is willing to say that we have greater moral obligations to humans of our own race than to humans of other races, while his speciesist position may not be inconsistent in this sense, it will still be incorrect. This is because an evolutionary theory may give an explanation about how we came to think in ethical terms and why we will continue to do so, but it cannot show us why we *ought to* continue to do so. In the same way, evolution can explain why humans are born with an appendix, but it explains nothing at all about it being right or wrong for us to have an appendectomy. If anything,

such an evolutionary theory would do no more than undermine ethics by explaining it away. When bodily organs are no longer useful to us and cause us minor troubles, we often get rid of them- should we do the same with ethics? If I believe that the only reason I think in ethical terms is that it was evolutionarily adaptive for my ancestors, presumably as soon as it stops being evolutionarily adaptive I should get rid of my ethics. On this view, why should we find a murderer morally dispicable, so long as the murderer takes great care to never get caught? Committing murder may at times be evolutionarily adaptive if the murderer is particularly good at avoiding punishment, since a rich bandit can afford to raise many children and pass along his genetic code to future generations. All Petrinovich has argued for is an epistemological theory *about* ethics- he has explained how we come to believe in ethics, but he has not given us an *ethical theory* any more than David Hume gave us a theory about how cause and effect really operate in the world. Nor has he provided a justification of speciesism, though he insists that it is evolutionarily adaptive.

I have chosen to discuss Midgely's and Petrinovich's arguments independently of social constructionism because I believe that both of their accounts manage to escape the scope of my social constructionist argument. They could do this in the following way. Suppose that what is right and what is evolutionarily adaptive are identical (which, in fact, they are not- unless we are willing to concede that it is ethical to be a successful bandit). It may be the case that speciesism is evolutionarily adaptive because of *our perceptions* of species differences, insofar as those perceptions tend to correspond to real differences that are evolutionarily significant. That is, if morality is relative to our specific evolutionary traits, and evolution can proceed with reference to appearances and

our beliefs, then certainly there is no reason why appearances and our beliefs should ever be irrelevant to morality. *Species*, which is socially constructed, can never make a difference to evolution, but our perception of species can and probably does. And if acting on our perception of species is evolutionarily adaptive, and *if* what is evolutionarily adaptive is identical to what is morally right, then we ought to act on our perceptions of species regardless of how they correspond, or fail to correspond, to reality. It therefore wouldn't matter if species is socially constructed- if it is helpful for us in passing on our genes, they might say, then it is ethical. But, again, the evolutionary argument fails because it commits the naturalistic fallacy; it does not distinguish between "is" and "ought".

#### **IV. Species in the Context of the Animal Rights Debate**

As already stated, the fact that species is a social construction does not mean there are no differences between, say, humans and chimpanzees. Chimpanzees have a strong tendency to be more hairy, walk differently, look different, sound different, have different mental capacities, and live in different environments; plus they are unable to mate with humans, have different genotypic characteristics, and have a different set of recent ancestors. It is possible that any of these factors could be morally relevant. Which of them determines an individual's "species", as construed by biologists, everyday language, and moral philosophers? Biologists cannot agree. In everyday language, we generally determine an individual's species by his or her appearance and behavior, along some bits that we inherit from biologists, especially in making distinctions that are hard to call

(And biologists in turn are heavily influenced in their species concepts by everyday language species concepts, since "common sense" is a factor wherever categories are determined). As for moral philosophers, in their discussions of the role of species in moral considerations, they have for the most part not broached the question of which characteristic distinctions count in defining species.

Which characteristics *should* moral philosophers concentrate on in their understanding of species? If biologists use the characteristics that are relevant to their purposes, and laypeople use the characteristics that are relevant to *their* purposes, then moral philosophers should use the characteristics that are relevant to moral philosophy in deciding what species concept they ought to consider. Just as evolutionary biologists are interested in evolution, moral philosophers are interested in morality. So, in forming a species concept relevant to moral philosophy, the characteristics that we examine should be whatever characteristics are morally relevant. The result of this I will call the "Moral Species Concept", under which individuals are categorized according to their morally relevant properties. The Moral Species Concept, like any species concept, is a construction; I have just constructed it. But unlike Mayr's biological species concept or the common species concepts of laypeople, the moral species concept is *defined* to be morally significant. The species concepts of lay people *seem* to be morally significant because of the illusion that the categories they refer to are essentially real. In contrast, the Moral Species Concept really *is* morally significant because it is defined as including all qualities that are morally significant and only those qualities.

When we talk about a morally relevant property, there are two things we may mean. First, we may mean a property that has a role in determining an individual's moral

status, or the extent to which they should be granted moral consideration. One example of this is the view the species of an individual can decide how morally significant we should consider her suffering. Another example is the view that criminals have fewer moral rights than the rest of us. That is, some people believe that criminals do not *deserve* to have their desires satisfied or their rights respected. Because they are criminals, some people argue, their interests are not worthy of equal consideration with those of law-abiding citizens. These are both cases in which it is argued that a property of an individual affects their moral status *overall*.

Alternatively, we may mean a property that determines what a specific individual's rights or interests *are*. An example of this is the property of liking tomatoes. We can imagine a situation in which it would be (slightly) immoral to give a person tomatoes because she does not like them, whereas it would not be immoral to do so if she liked tomatoes.

Because the second type of morally relevant property is so ubiquitous, it is expedient to include only the first type in the Moral Species Concept. Otherwise, no categories could ever be made along the lines set by the Moral Species Concept, since probably no two sentient individuals would be the same. In any case, certainly no two humans would be the same (simply because no two human beings have all of the same desires, beliefs, interests, etc.) and it would be nice to be able to categorize at least *some* human beings together. The question of which properties determine an individual's moral status is not within the scope of this paper. Peter Singer and most Utilitarians would say that the only characteristic that is morally relevant, in terms of who should be granted moral consideration, is that of sentience. Thus there would be exactly two species into

which the world is divided: the species of sentient beings and the species of insentient objects. The philosopher Tom Regan, who argues for the *rights* of animals, would also include sentience and possibly, for moral agents (which Regan appears to hold non-human animals are not), some notion of culpability. Perhaps Hitler should not be granted moral consideration, for instance. Nevertheless, I would like to leave this question open.

In conclusion, my final argument, modifying Pluhar's, is as follows:

1. Beings who are similar in all important morally relevant respects are equally morally significant.

2. Nonhumans exist who are similar in all important morally relevant respects to marginal humans, **because:**

**a) nonhumans exist who exhibit all of the same relevant mental capacities as marginal humans, and the only other possible morally relevant difference is species membership itself, but species is not relevant because:**

**i) Species concepts are socially constructed.**

**ii) The things that socially constructed concepts are about cannot be relevant to morality.**

**Therefore,**

**iii) Species categories can not be relevant to morality, and**

3. *Therefore*, those nonhumans who are similar in the important morally relevant respects to marginal humans are maximally morally significant if and only if marginal humans are maximally morally significant (Pluhar, 1995, p. 86, boldface indicates my additions).

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