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# INDIRECT DEFENSES OF SPECIESISM MAKE NO SENSE

BY

FRANÇOIS JAQUET

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**Abstract:** Animal ethicists often distinguish between direct and indirect defenses of speciesism, where the former appeal to species membership and the latter invoke other features that are simply associated with it. The main extant charge against indirect defenses rests on the empirical claim that any feature other than membership in our species is either absent in some humans or present in some nonhumans. This paper challenges indirect defenses with a new argument, which presupposes no such empirical claim. Instead, the argument from discordance resorts to the following principle: a certain feature can only justify discriminating on the basis of that feature.

## 1. Introduction

The notion of speciesism has been at the heart of animal ethics since the emergence of this research field in the 1970s, starting with the publication of Peter Singer's (2009[1975], p. 6) *Animal Liberation*. In this groundbreaking work, Singer defines speciesism as 'a prejudice or attitude of bias in favor of the interests of members of one's own species and against those of members of other species', and he cites a pair of practices that embody this attitude: meat consumption and animal experimentation. Every year, we breed and slaughter cows, pigs, and chickens by the billions to feed on their flesh, and we perform painful experiments on millions of rabbits, rats, and dogs against their will. It goes without saying that we would never inflict such treatments on even a handful of human beings.

Animal ethicists often distinguish two forms that speciesism can take, depending on whether it is based on species membership or on other features

that are associated with it. One instance is James Rachels, who has the label ‘unqualified speciesism’ pick out ‘the view that mere species alone is morally important [such that] the bare fact that an individual is a member of a certain species, unsupplemented by any other consideration, is enough to make a difference in how that individual should be treated’ (Rachels, 1990, p. 183; see also Rachels, 1987, p. 103). In contrast, ‘qualified speciesism’ is the claim that ‘species alone is not ... morally significant [but] species-membership is correlated with other differences that are significant.’ On this alternative view, ‘the interests of humans are ... more important, not simply because they are human, but because humans have morally relevant characteristics that other animals lack’ (Rachels, 1990, p. 184; see also Rachels, 1987, p. 105).

In the same vein, Hugh LaFollette and Niall Shanks distinguish between ‘bare speciesism’ and ‘indirect speciesism’:

The *bare* speciesist claims that the *bare* difference in species is morally relevant. The *indirect* speciesist claims that although bare species differences are not morally relevant, there are morally relevant differences typically associated with differences in species. We can illuminate that distinction by analogy: a *bare* sexist might claim that we should give men ... certain jobs *because they are men*, while *indirect* sexists might contend men should be given certain jobs *because they have certain traits* [which] distinguish them from women. (LaFollette & Shanks, 1996, pp. 42–43)

Richard Ryder, who coined the word ‘speciesism,’ draws the same distinction in his own terminology:

Two slightly different, but not often clearly distinguished usages of ‘speciesism’ should be noted. A human may seek to justify discrimination against, say, an armadillo on the grounds that the armadillo cannot talk, is not a moral agent ..., has no religion, or is not very intelligent ...; such an attitude is often described as speciesist. But, more strictly, it is when the discrimination or exploitation against the armadillo is justified solely on the grounds that the armadillo is of another species that it is speciesist. This latter usage should perhaps be called *strict speciesism*. (Ryder, 1998, p. 320)

Other authors making the contrast include Donald Graft, who talks about ‘strong’ and ‘weak’ speciesism (Graft, 1997, p. 108), Simon Cushing, who labels these views ‘primary’ and ‘secondary’ speciesism (Cushing, 2003, pp. 558–559), and Travis Timmerman (2018), who opposes ‘genuine’ and ‘coextensive’ speciesism. While the terminology varies, the idea remains the same: speciesism can be based either on species membership or on some other feature. For the sake of presentation, I will name instances of the former type ‘direct speciesism’ and instances of the latter ‘indirect speciesism’ (except for one minor terminological point, which I will attend to in a moment).

The present contribution is about indirect speciesism. While this brand of speciesism has more supporters than its direct counterpart, I will contend that it makes no sense. Here is the program. In Section 2, I discuss a charge that has been raised against the very distinction between direct and indirect

versions of speciesism. As we shall then see some philosophers contest the distinction because they reduce speciesism to its direct form. Others respond that their definition of speciesism is too narrow and propose a wider account, one that makes sense of indirect forms of speciesism. I maintain, for my part, that this wider definition is too wide. In Section 3, I introduce a middle-ground account which I think is neither too narrow nor too wide. As it happens, this definition does allow for the existence of indirect speciesism – or, in the phraseology that has my preference, indirect *defenses* of speciesism (this is the terminological point I just alluded to). In Section 4, I spell out the appeal of indirect defenses. Spoiler alert: it resides mostly in the relative implausibility of direct defenses. In Section 5, I put forward a new argument against indirect defenses. It has been argued that these defenses cannot accommodate the existence of humans who do not have the features that they deem relevant. By contrast, I seek to show that indirect defenses are inconsistent with a plausible principle about the justification of discrimination. In the final two sections, I anticipate and rebut a pair of objections that could be raised against my argument. If all this is on the right track, then we will be in a position to conclude that even the most promising defenses of speciesism fail and, thus, that speciesism is unlikely to be justified.

## 2. *Too narrow and too wide definitions*

Not all philosophers endorse the distinction between direct and indirect speciesism. Some deny that the label ‘indirect speciesism’ (as well as any of its synonyms listed above) refers to speciesism at all because they accept a narrow definition of speciesism. On one of the accounts offered by Singer (1990, p. 10), for example, the term ‘refers to the view that species membership is, *in itself*, a reason for giving more weight to the interests of one being than to those of another’. Speciesism is by definition based on species, so indirect speciesism is not speciesism properly speaking.

Many philosophers follow Singer in adopting such a narrow definition. This is the case of Paola Cavalieri (2004, p. 70), who understands speciesism to be ‘the idea that humans qua humans have a privileged moral status compared to any other conscious beings’. In contrast, Cavalieri (2004, p. 73) dubs indirect speciesism ‘the correspondence approach,’ which confirms that it does not constitute speciesism *stricto sensu*. The same observation applies to Tom Regan (2003, p. 47), for whom speciesism consists in ‘assigning greater weight to the interests of human beings, just because they are human interests’, to Mark Bernstein (2004, p. 380), who writes that ‘speciesists believe that membership in a particular species is morally relevant’, and to Raymond Frey (1988, p. 196), who views speciesism as ‘the attempt to justify either different treatment or the attribution of a different value of life by appeal to species membership’. Lastly, Lisa Kemmerer (2014, p. 248)

defines speciesism as ‘the human tendency to make a distinction with regard to how individuals ought to be treated based solely on species’.

Understood literally, all these accounts entail that so-called indirect speciesism does actually not qualify as speciesism. Since the claim that humans matter more than other animals because they are rational and self-aware or because they have a moral sense does not invoke their species, it is a mistake to regard it as speciesist. By definition, speciesism involves an appeal to species membership, so it has to be direct.

Although this conception is not short of proponents, it has been subject to a thorny challenge. Its detractors insist that speciesism can in principle be justified by appeal to species or to other characteristics. Joan Dunayer is one of them. Drawing on the analogous cases of racism and sexism, she argues as follows:

It’s racist to give greater weight to the interests of whites than nonwhites, sexist to give greater weight to the interests of males than females, and speciesist to give greater weight to the interests of humans than nonhumans *for any reason* (Dunayer, 2004, p. 3, my emphasis).

Oscar Horta concurs:

The word ‘racism’ is normally used to mean all kinds of unjustified disadvantageous consideration or treatment of those who do not have certain physical traits (such as some skin color, facial features, and so on). Likewise, ‘sexism’ is used to mean all kinds of unjustified disadvantageous consideration or treatment against women. There is no reason to conceptualize speciesism in a different way. (Horta, 2010, p. 246)

Together with Frauke Albersmeier, he makes the same point in a more recent paper:

The way speciesism is understood should match the way discriminations against humans are, and ... the latter are usually understood in a wide way (Horta, 2010). Most people today accept it is sexist to favor men over women based on the claim that the former have higher cognitive capacities than the latter. This is so even if no other brute preference for men is appealed to. ... Accordingly, lest we disregard speciesism as a less relevant form of discrimination than those affecting humans, we should hold the same view in the case of speciesism. (Horta & Albersmeier, 2020, pp. 5–6)

I find the two components of this objection compelling. First, it seems obvious that someone who values the interests of White people over those of Black people is a racist, no matter what reason she supplies in support of this attitude. We do not care whether she justifies it by stating the truism that White people are white or the falsehood that they are smarter or more polite – or whether she justifies it at all, for that matter. A definition of racism that covers only those who appeal to race to justify their behavior would be too narrow. Second, it seems no less obvious that our account of speciesism

should fit a suitable account of racism. Definitions of speciesism must make it possible for the concept of speciesism to fulfill its function, which is to pick out a phenomenon that resembles racism in some respects and, thereby, allow us to draw a possibly instructive parallel between racism and this phenomenon. An account of speciesism that fits a bad definition of racism would not meet this desideratum. The accounts of speciesism put forward by Singer, Cavalieri, Regan, Bernstein, Frey, and Kemmerer all match accounts of racism that are too narrow and therefore unsatisfactory. Hence, they are flawed.

Proponents of this challenge to narrow accounts sometimes define speciesism in such a way that it need not be based on species.<sup>1</sup> Examples include Horta (2010, p. 244), who views speciesism as ‘the unjustified disadvantageous consideration or treatment of those who are not classified as belonging to one or more particular species’ (see also Horta & Albersmeier, 2020, p. 4). But Horta is not alone in this regard; many authors adopt such wide accounts. Ryder (1975, p. 16), for instance, characterizes speciesism as ‘the widespread discrimination that is practiced by man against the other species’; Rachels (1990, p. 181), as ‘the idea that the interests of the members of a particular species count for more than the interests of the members of other species’; DeGrazia (1996, p. 28), as ‘unjustified discrimination against animals’; and Alan Holland (1984, p. 284), as the view that ‘humans are morally entitled to prefer the interests of fellow humans over the equivalent interests of other animals’. Even Singer (1993, p. 50) appears to accept a wide account when he writes that speciesists ‘give greater weight to the interests of members of their own species when there is a clash between their interests and the interests of those of other species’. Notice, by the way, how much wider this definition is than the one quoted earlier!

These accounts escape the above challenge. The analogous conceptions of racism are wide enough to cover instances of racism that are not justified by appeal to race. Imagine someone who accepts the idea that the interests of White people count for more than the like interests of Black people and consequently discriminates against the latter. When you ask that person for a justification, she tells you that White people are smarter. Even though she does not justify her opinion and conduct by appealing to race membership, she is a racist on accounts analogous to those of both Rachels and DeGrazia. These accounts are wide enough.

My concern, however, is that they are *too* wide. A thought experiment will help us see that. Imagine a planet populated by two races of aliens – the hairy and the bald. Race membership happens to be coextensive with a certain feature: All hairy aliens are happy, whereas bald aliens are wretched. One bald alien, by the name of Rick, believes that the interests of the sad count for

<sup>1</sup>Albersmeier (2021, p. 514) provides a useful list of proponents of wide and narrow accounts of speciesism.

more than the interests of the happy. Because he knows that membership in the bald race is coextensive with sadness, he naturally comes to the conclusion that, as a matter of contingent fact, the interests of bald aliens count for more than those of hairy aliens. And he proceeds to grant bald aliens preferential treatment. Intuitively, Rick is not a racist; he's just a consistent prioritarian. Yet Rick *is* a racist on accounts parallel to Rachels' and Singer's since he gives other members of his race special treatment and consideration.<sup>2</sup> So these accounts are too wide; they cover cases that are not genuine instances of racism.<sup>3</sup>

Considering that a satisfactory account of speciesism must match a good account of racism, this suggests that Rachels' and Singer's definitions are flawed. Suppose, for the sake of argument, that membership in the human species is coextensive with the modal property of being a person in a nearby possible world. And consider the case of Shelly. Shelly believes that the interests of those who bear that modal property count for more than the interests of those who don't. She then comes to the conclusion that, as a matter of contingent fact, the interests of human beings count for more than the interests of other animals and proceeds to give humans preferential treatment. Shelly is a speciesist according to Rachels and Singer. However, this is only because their respective accounts of speciesism are too wide. In fact, Shelly would be much more aptly described as a 'modal personist' (Kagan, 2016).

Here we are, then. On the one side, we have a set of narrow accounts that construe speciesism as by definition based on species. Alas, these accounts are *too* narrow insofar as the corresponding accounts of racism do not cover some clear cases thereof. On the other side is a set of wide accounts according to which speciesism need not be in any way based on species. Unfortunately, those accounts are *too* wide insofar as the corresponding accounts of racism cover cases that are not genuine cases thereof. It very much looks like we're stuck in a dilemma.<sup>4</sup>

<sup>2</sup>One might respond that prioritarians do give equal interests equal weight, that Rick grants unequal consideration only to *unequal* interests when he favors bald aliens. I think this response is misguided. To put it very briefly, prioritarians weigh people's interests in inverse proportion to their welfare levels: the better-off you are, the less a certain amount of your well-being will weigh in the balance. And Rick gives more weight to the interests of sad aliens than he does to the prudentially equal interests of happy aliens. This is not to say that prioritarianism is false or that Rick does anything wrong; only that they give some equal interests unequal consideration.

<sup>3</sup>The same criticism applies to accounts parallel to DeGrazia's and Horta's, which define racism as unjustified. Assuming the falsity of prioritarianism, Rick's conduct is unjustified and therefore qualifies as racist on these accounts. Intuitively, however, Rick's conduct isn't racist even on the assumption that prioritarianism is false. For a criticism of moralized accounts of speciesism such as DeGrazia's and Horta's, see Jaquet (2019).

<sup>4</sup>Some of the accounts listed in this section are too narrow due to another feature: their being centered on the human species. A satisfactory account of racism will cover instances of racism that are not centered on the Caucasian race – e.g., treating Asian people better than Black people. In order to match a satisfactory account of racism, an account of speciesism should therefore allow for the existence of non-anthropocentric forms of speciesism – e.g., treating dogs better than pigs (Horta, 2010, p. 258; Horta & Albersmeier, 2020, p. 3; Jaquet, 2024, ch. 1).

### 3. *A middle ground*

Is or is not speciesism by definition based on species? It all depends. Everything hinges on what is meant by ‘based on.’ In my mind, this phrase can have either of two meanings. In a first, normative sense, an instance of discriminatory treatment or consideration is based on a feature  $F$  just in case its author takes  $F$  to be a reason for it. In a second, causal sense, an instance of discriminatory treatment or consideration is based on a feature  $F$  if and only if it is causally explained by  $F$ .<sup>5</sup>

One might suspect that these are but two ways of saying the same thing; the truth is they’re not. The distinction is capital for, often enough, we are not disposed to invoke things that cause our behavior to justify it. Here is a notorious example. In 2011, a study of decisions rendered by Israeli judges revealed that parole applications were more likely to be accepted the closer the decision time was to the previous food break. The eight judges whose judgments were investigated used to take three breaks a day. Right after each interruption, about 65% of the requests were approved, but then the approval rate dropped constantly until the next break (Danziger et al., 2011). In all likelihood, something like hunger or fatigue contributed to shaping the verdicts. Yet, for obvious reasons, the judges would never point to these factors to justify their judgments. If they were ever asked, I bet they answered that their decisions were all grounded in solid evidence.

This distinction between a normative basis and a causal basis will help us out of our dilemma. The suggestion is to define speciesism as based on species in the causal sense but not in the normative sense. Thus understood, speciesism is by definition *caused* by species, but it need not be *justified* by species. This middle-ground account has a major advantage over the previous conceptions. If we define speciesism in this way, then the analogous definition of racism is neither too wide nor too narrow. To see why it is not too wide, consider again Rick, who treats bald aliens better than hairy aliens because he knows that they are sadder and believes that sad people deserve preferential treatment. Race does not cause his behavior; sadness does all the causal work. (Membership in the bald race is coextensive with sadness, but this does not mean it inherits its explanatory power.) So the present account does not entail that Rick is a racist; it is not too wide. Neither is it too narrow. The person who justifies treating White people better than Black people by claiming that they are smarter does not justify her conduct by appeal to race. Race nonetheless explains the way she treats White and Black people. Her conduct is not caused by intelligence; the appeal she makes to this feature amounts to no more than rationalization, just like

<sup>5</sup>I leave it open what the appropriate account of causality is. I am working with the ordinary notion and assume that whichever analysis best captures it can be substituted to talk of causality from here onwards.



the parole judges' mention of solid evidence. So that person is a racist on the present account, which is therefore not too narrow.<sup>6</sup>

Since this conception of speciesism is at the same time wider than narrow accounts and narrower than wide accounts, one might wonder: does it allow for the existence of indirect speciesism (like wide accounts) or does it make it a confused notion (like narrow accounts)? And the answer is it is compatible with the existence of indirect speciesism. Speciesist treatment and consideration must be causally shaped by species; that's what it takes to be speciesist treatment or consideration. But this leaves it open for speciesists to justify their conduct and attitudes in a variety of ways. Direct speciesists appeal to species membership, whereas indirect speciesists invoke features that are merely associated with it. In the end, both direct and indirect speciesists fully qualify as speciesists strictly speaking.

Now to the point of terminology. Some authors believe that it makes more sense to distinguish direct and indirect *defenses* of speciesism than direct and indirect *forms* of speciesism. The main advocate of this view is Horta (2010, p. 252). If, like him, we construe speciesism as a type of act, whether physical (a treatment) or mental (a consideration), there is no point in opposing direct and indirect forms of speciesism. The distinction concerns the justification we give for our behavior, and the nature of our behavior is not impacted by the justification we give for it. Here's an analogy. Suppose I want to order E. L. James's *Fifty Shades of Grey* online but accidentally click on a 'donate to charity' button. As I am distracted, my mistake goes unnoticed. Later, my mother, who always keeps a close eye on my finances, demands an explanation. Realizing my blunder, but too ashamed to admit it, I tell her that I made a donation because I care deeply about the fate of children in deprived countries. This justification is perfectly altruistic. Still, it does not affect in any way the nature of my act – the latter is not even made a tad bit altruistic by the altruistic nature of the reason I now adduce to rationalize it. By analogy, whether someone justifies the preferential treatment she gives to humans by citing species or another property does not say anything about the nature of her conduct. What can be direct or indirect is not the preferential treatment; it is the justification issued in its support.

That we should not distinguish direct and indirect forms of speciesism is especially clear if we define speciesism as a type of behavior. But I think it is just as true if, following Bernstein, Rachels, and Holland, we construe speciesism as a view instead. Philosophers mobilize a bunch of different reasons in favor of the view that humans matter more than other animals – from 'humans are human' to 'humans have such and such capacities.' The

<sup>6</sup>This person should not be confused with the one whose conduct is caused by a genuine belief that White people are smarter than Black people rather than by race. While this other person is certainly a racist *in a sense* – her belief is likely to be an instance of racist prejudice – she is not a racist in the core sense of the term that is at stake here. For further discussion of the different senses of 'racism,' see Jaquet (2024, ch. 1).

difference is between the reasons they supply in favor of their speciesist view, and it says nothing about the view itself. Most philosophical theses – from modal realism in metaphysics to utilitarianism in normative ethics to atheism in the philosophy of religion – enjoy the support of different *arguments*. This is not to say that they come in that many *forms*. Preference utilitarianism remains one and the same view whether one grounds it in a prescriptivist take on moral judgments or in a form of contractarianism. Even if speciesism is construed as a view, it will remain one and the same thing no matter the arguments put forward in its defense.

From now on, I will therefore follow Horta and distinguish direct and indirect *defenses* of speciesism rather than direct and indirect *forms* of speciesism.

#### 4. *The appeal of indirect defenses of speciesism*

Now that we have addressed the conceptual issue of whether there can be indirect defenses of speciesism, we can ask a more substantive question: Are these defenses plausible? On the face of it, they are much more so than the alternative, and I take this to be their best selling point. Direct defenses are, to say the least, unpopular – Singer (1990, p. 10) once even wrote that they had virtually no advocates. Direct defenses are unappealing because, in and of itself, species membership is unlikely to be morally significant.

This claim enjoys the support of two main arguments. First, species membership is unlikely to be morally relevant because it is not an objective feature of reality. This is due to the gradual nature of the evolution of biological species (Rachels, 1990; Ebert, 2020). Imagine, as Richard Dawkins (1993) invites us to, a chain of individuals. At the one end, a man holds the hand of his father, who holds the hand of his own father, and so on; at the other end, a chimpanzee holds the hand of his father, who holds the hand of his own father, and so on; somewhere in between, the last common ancestor shared by humans and chimpanzees. Someone could ask: where in this series does the human species begin? But this question would be silly. Of course, we could cut the chain between two links and say, ‘This is where. That son is a human; his father not.’ But someone else might just as well draw the line between the father and his father, or between the son and his son. Either choice – as well as every other possible option – would make equal (non)sense. There is simply no reason to cut the genealogical chain at one junction rather than another. All this is evidence that membership in the human species is morally insignificant. How much a subject counts, the importance we ought to grant her interests, cannot be a matter for arbitrary choice. The boundary between those who count and those who don’t has to be an objective feature of reality. It can therefore not coincide with that of a certain species.

The second argument to that effect rests on the observation that membership in a certain species is a biological feature (Jaquet, 2022b; McMahan, 2005; Rachels, 1990). Some properties, such as being rational or self-aware and having a moral sense, are *psychological* properties, attributes of the mind. Other properties, such as having light or dark skin, being male or female, and standing on two or four legs, are *biological* properties, attributes of the body. Members of the two sets certainly happen to be related. Sentience, for instance, supervenes on the possession of a complex and centralized nervous system. These properties are nonetheless distinct: the former is psychological, whereas the latter is biological. Now, there is no denying that species membership is associated with certain psychological properties – most humans are rational and self-aware moral agents. But this is beside the point. Whether or not it is correlated with such psychological properties, being a human is a biological property, just like being a cat, a pig, or a cow.<sup>7</sup>

The concern is that biological properties appear to be devoid of moral significance. In and of itself, whether someone is male or female, what color is her skin, and how many legs she has is unrelated to the moral duties we owe her. Certainly, we owe things to women that we do not to men (such as access to ovarian cancer screening), and we owe things to people with physical disabilities that we do not to the able-bodied (such as access to public facilities). But these special duties are not grounded in the bare observation that women are women and disabled people disabled. They are grounded in their interests, which, importantly, are not biological in nature; something's being good for someone is a fact above and beyond that person's bodily attributes. That species membership is a biological feature is one more reason to deny that it could be morally relevant.

Direct defenses of speciesism rest on the idea that species membership is a morally relevant property, that one subject can matter more than another in mere virtue of the species to which she belongs. For the reasons I have just mentioned, however, species membership is morally irrelevant. This is probably why virtually all speciesists discard direct defenses. Indirect defenses are more promising in comparison, for the features they deem morally significant are not (merely) biological, and therefore seem, *prima facie*, much more likely to matter from the ethical standpoint. Can these defenses deliver on their promises?

<sup>7</sup>Some philosophers will reject the opposition between psychological and biological properties on the grounds that psychological states are identical to biological states. Even assuming such an identity theory, it remains the case that some biological properties – such as skin color, sex, and number of legs – aren't psychological. These are *merely* biological. Species membership is yet another such property.

### 5. *The argument from discordance*

All indirect defenses of speciesism must identify a feature that meets two conditions: (i) moral significance and (ii) coextension with species. Sentience, for instance, is morally relevant and therefore satisfies condition (i), but it is not coextensive with membership in any species and thus infringes condition (ii). By contrast, being born of human parents is perfectly coextensive with *Homo sapiens*, and therefore satisfies condition (ii), but it is morally irrelevant and therefore violates condition (i). Neither property satisfies both conditions, so neither could justify speciesism.

While indirect defenses are arguably the speciesist's best bet, they have been the target of a powerful charge (Dombrowski, 1997; Horta, 2014). The argument from species overlap is based on the assertion that any feature that is at first sight likely to be morally significant, and thereby to satisfy condition (i), violates condition (ii).<sup>8</sup> Whether that feature is rationality, self-awareness, possession of a moral sense, mastery of a language, or the ability to use tools, we can easily find animals who instantiate it or humans who don't – most often both. But then, no feature will do the trick and, as a consequence, all indirect defenses will fail. For what it's worth, I find this argument compelling. All I aim to do in the following is to strengthen the case against indirect defenses with another one.

The *argument from discordance* rests on the principle of concordance:

(PC) A certain feature can only justify discriminating on the basis of that feature.

Assuming that some property provides adequate ground for preferential treatment, this makes it morally acceptable to discriminate on the basis of this property and this property alone. Whenever the property that is invoked to justify the treatment is distinct from that which causes the treatment, the justification collapses. Suppose that well-being level were morally relevant, such that the welfare of sad people would matter more than that of happy people. This fact would justify giving sad people preferential treatment. On the further assumption that sadness is coextensive with membership in the bald race, it would also justify treating bald aliens better than hairy aliens. For all that, giving bald aliens preferential treatment *because they belong to the bald race* would still be wrong. The moral relevance of sadness would only justify favoring bald aliens *because they are sad*. Racism would remain unjustified even though it would be morally okay to favor members of the bald race. The principle of concordance is not only plausible on its face; it accounts for our intuitive judgments on such cases.

<sup>8</sup>The argument from species overlap was initially known as the 'argument from marginal cases.' Harlan Miller (2002) suggested renaming it because this label was problematic on several counts.

Applied to speciesism, it entails that no one feature other than species could possibly justify discriminating on the basis of species. The worry is that indirect defenses of speciesism are committed to there existing a feature, other than species, whose moral relevance makes it ethically okay to discriminate on the basis of species. For one thing, they cannot invoke species; qua *indirect* defenses, they must deem some other property morally relevant. But, at the same time, it is not enough if all they justify is discriminating on the basis of that other property; qua defenses of *speciesism*, they must justify discriminating on the basis of species. Since, by the principle of concordance, no property other than species can possibly justify discriminating on the basis of species, indirect defenses of speciesism cannot consistently do the two things they need to do qua indirect defenses of speciesism, and so they are doomed.

I believe the argument from discordance provides a nice addition to the argument from species overlap, for it is strong where the latter is weak. The argument from species overlap works well on a case-by-case basis *and* with properties that are empirically accessible. Throw me such a property, and I should be able to find a human who does not instantiate it or an animal who does: babies are not rational; pigs are self-aware; psychopaths lack a moral sense; elephants excel in long-term memory; some autistic people have low social abilities; beavers and crows use tools. The argument, however, has two limits. First, there is no guarantee that it will be effective against all indirect defenses of speciesism. Only once such a defense is on the table can the argument from species overlap be deployed and do its work, in case after case after case. Second, the argument is powerless against indirect defenses that invoke features beyond the reach of empirical inquiry. When Carl Cohen (1986) maintains that giving preferential treatment to humans is justified because they and only they possess a rational essence, for instance, it is unclear even how to start assessing this coextension claim. Finding counterexamples seems like mission impossible.

The argument from discordance faces neither limit. First, assuming the principle of concordance, we get that no feature other than species could possibly justify discriminating on the basis of species. We need not enquire which specific property an indirect defense relies on to know that it relies on a property other than species. This, after all, is what it takes to be an indirect defense of speciesism. So we know in advance that all such defenses must invoke properties that cannot justify speciesism and thus that they cannot succeed. Second, whether or not a property is empirically accessible, the same principle entails that it cannot justify speciesism unless it consists of species membership. This applies, *inter alia*, to the property of possessing a rational essence. Because this feature is distinct from species, it cannot justify discriminating on the basis of species. In a nutshell, then, the argument from discordance complements the argument from

species overlap on these two counts: It can refute all indirect defenses of speciesism at once, and it is no less powerful against indirect defenses that appeal to unobservable properties.

## 6. *Species as a proxy*

The principle of concordance states that a certain feature can only justify discriminating on the basis of that feature. The following looks like a counterexample.

Sentience is likely to be morally relevant, but it is difficult to detect. We have no straightforward access to the felt experiences of other entities. Fortunately, another feature is both correlated with sentience and easier to detect: possession of a centralized nervous system. Knowing all this, Pete uses that property as a proxy for sentience and proceeds to give its bearers preferential treatment. Since fishes possess a centralized nervous system, he refuses to eat them. Eggplants possess no such thing, so he eats them. And there seems to be nothing wrong about that. This suggests that unequal treatment based on possession of a centralized nervous system can be justified by appeal to sentience. Worse, Pete's case appears to be just one instance of a more general pattern. For any pair of features  $F$  and  $G$ , where  $F$  is morally relevant, highly correlated with  $G$ , and less easily detectable than  $G$ , it is morally okay to use  $G$  as a proxy for  $F$ . In any such case, unequal treatment on the basis of  $G$  can be justified by appeal to  $F$ .

One particular instance of this pattern seems to undermine the use I have made of the principle of concordance directly. Suppose modal personhood is morally relevant. Like sentience, though, it is hard to detect. There is no straightforward way to know whether someone would have been rational and self-aware had events taken a different turn. Luckily, another feature is both correlated with modal personhood and easier to detect: membership in *H. sapiens*. Knowing all this, Shelly uses that property as a proxy for modal personhood and proceeds to give its bearers preferential treatment. Since humans belong to *H. sapiens*, she refuses to eat them. But pigs and cows do not, so she eats them. And there seems to be nothing wrong about that. Maybe unequal treatment based on species membership can then be justified by appeal to modal personhood, such that indirect defenses of speciesism are just fine.

I remain unpersuaded by such apparent counterexamples. Up to a certain point, I agree. It is sometimes morally justified to use a certain feature as a proxy for another feature that is morally relevant in case both are correlated and the former is more easily detectable than the latter. So far, so good. What I want to contest, however, is the above description of such cases. Specifically, I am inclined to deny that we discriminate on the basis of a certain feature when we use it merely as a proxy for another. In such instances,

it rather seems to me that we discriminate on the basis of the feature for which the proxy is a proxy – or, more precisely, on the basis of our ascription of that feature. It is our ascriptions of this other property that explain our conduct in the sense that's relevant in the present context. So, despite appearances, these are not cases in which unequal treatment based on a property can be justified by appeal to another property. And neither are they, as a consequence, genuine counterexamples to the principle of concordance.

To be clear, here is my claim: whenever we are interested in a feature *F* but use another feature *G* as a proxy for it, we do not discriminate on the basis of *G* in the sense that would make us *G*-ists. Rather, we discriminate on the basis of *F* in a sense that makes us *F*-ists. A variation on the case of Rick supports this diagnostic. As earlier, Rick's planet is populated by two races – the hairy and the bald. However, race membership isn't coextensive with well-being anymore; it is only correlated with it. Almost all hairy aliens are happy, whereas almost all bald aliens are sad. Because he is aware of this correlation, Rick believes that, as a matter of contingent fact, the interests of bald aliens generally count for more than those of hairy aliens. Since hairs are more easily detectable than happiness, he uses the former as a proxy for the latter, and thus treats bald aliens better than hairy aliens. One day, however, a parasite emerges that lodges itself on hairs and causes various diseases. After a period of time, most of the hairy host it and get sick. Their well-being has diminished drastically and is now roughly equivalent to that of the bald. Race is no longer correlated with well-being. Rick learns about all this and abandons his previous belief in a correlation. He immediately stops treating bald aliens better than hairy aliens and starts looking for a better proxy for well-being.

Intuitively, Rick was a racist at no point in this scenario. All along, he was just a consistent prioritarian. Race admittedly figured somewhere along the causal chain that led to his treating bald aliens better than hairy aliens in the pre-parasite era. At this stage, his well-being ascriptions were caused by race. But the mere fact that he immediately stopped relying on race upon finding out that the correlation had vanished shows that the causal influence of race on his conduct was only superficial or indirect. From start to finish, his behavior was directly caused by his well-being ascriptions. Rick was not a racist because, in the sense that is relevant to the definition of racism, the unequal treatment he gave to the bald and the hairy was never based on race; he always discriminated on the basis of well-being (or, more precisely, of the well-being he ascribed respectively to bald and hairy aliens).

By the same token, Pete is best described as a sentientist; in the sense that's relevant here, his conduct is based on sentience (or, more precisely, on his ascriptions of sentience), not on possession of a centralized nervous system. And Shelly is best described as a modal personist; her conduct is based on modal personhood (or, more precisely, on her ascriptions of modal

personhood), not on membership in the human species. Hers is therefore not a case of speciesism that could be justified indirectly.

The principle of concordance is not out of the woods yet, though. Indeed, one might wonder whether it is consistent with what I just said. Consider again the example of Pete, who uses possession of a centralized nervous system as a proxy for sentience, eats eggplants, and refuses to eat fish. Pete's conduct is explained by his beliefs about who is sentient and who isn't. He refuses to eat fish because fishes have the property of being ascribed sentience by him, and he eats eggplants because eggplants lack this property. Thus described, Pete's conduct appears to be based on a certain property and justified by another. On the face of it, it is based on the property of being ascribed sentience by Pete but justified by the property of being sentient. And, importantly, these are distinct properties – unless Pete's proxy is perfectly reliable, every now and then a non-sentient entity will be ascribed sentience by him.

This objection lends itself to two rejoinders. One option is to relax the principle of concordance, so that it now states that a certain feature can only justify discrimination on the basis of that feature or ascriptions of it. This amended principle would accommodate our intuition about Pete – sentience can justify discrimination on the basis of sentience ascriptions. It would also accommodate the intuition that motivated the adoption of the original principle – welfare levels could not justify discrimination on the basis of race, even if both properties were coextensive. So this solution has some merits. The other option is to hold onto the original principle and insist that the feature justifying Pete's conduct is that which explains it. Pete's conduct, the suggestion goes, is both explained and justified by the property of being ascribed sentience by Pete. This second line of response will find favor with proponents of perspectivism about moral justification, who argue that our acts are ultimately justified by facts about our beliefs rather than facts about the external world (Fantl & McGrath, 2009). For lack of space, I will not adjudicate between these two solutions. Neither strikes me as clearly more plausible than the other, and either would suffice to deal with the present challenge.

## 7. *Substantive implications*

Though the argument from discordance survives the above challenge, and maybe because of the way it does, one might think it has a major weakness. Indirect defenders of speciesism could accept it and yet respond along the following lines: 'So what? The argument has nothing to object to the use of species as a proxy for modal personhood or to discrimination on the basis of possession of a rational essence. As far as we are concerned, it remains true that we should treat all humans better than all nonhumans; the only



thing is we should not do it on the basis of their species.’ The concern amounts to this. The fundamental issue is not whether it is speciesism that indirect defenses can justify if they work; it is whether they work and can justify preferential treatment for humans. Unfortunately, the argument from discordance does not help us address this issue. Because it is rooted in a conceptual claim about the notion of speciesism, it cannot have substantive moral implications.

Two rejoinders can be leveled at this objection. The first is modest in its ambition. Concessive proponents of the argument from discordance might admit that it lacks moral implications but insist nonetheless that it has the merit of bringing clarity to the speciesism debate. If anything, it shows that the so-far dominant description of the conceptual space must be amended: *construed as it should be*, speciesism cannot be justified by appeal to features other than species membership; it cannot be defended indirectly. That, I trust, is a notable outcome already.

More ambitious, the second rejoinder combines the argument from discordance with empirical data on prevalent attitudes towards humans and other animals to condemn widespread treatments of nonhumans. Empirical evidence abounds indicating that most people are speciesists in the sense I have identified. Social psychologists have started to investigate the causal underpinnings of our attitudes to animals and have come to the provisional conclusion that these attitudes are driven by membership in the human species rather than other factors (Caviola et al., 2022).<sup>9</sup> Needless to say, extant studies did not explore all possible causal influences beyond species membership, and they would need to be replicated multiple times to constitute knock-down proof that people are genuinely speciesists. But the evidence they provide has to count for something. As far as we know, it very much seems like the way people treat animals is speciesist. Since the argument from discordance shows speciesism to be immoral (assuming that species membership is ethically irrelevant), then, it implies that most people’s attitudes and conduct towards animals are immoral (on the same assumption). This is as substantive as an implication can get.

One remaining avenue for the objector is to acknowledge that the conduct of most people is immoral, that we should stop discriminating on the basis of species membership, and yet to maintain that we should do something in the vicinity. Perhaps, for instance, everything would be fine if we started to discriminate on the basis of, say, possession of a rational essence or modal personhood. The concrete outcome for nonhumans would remain unchanged since, in practice, we would continue to give preferential treatment to humans.

<sup>9</sup>For an argument to the effect that people do not use species membership as a proxy for mental abilities, see Jaquet (2024, ch. 3).

In and of itself, the argument from discordance is toothless against this move – that much must be granted. But we should resist the move on other grounds. Providing such grounds is beyond the scope of this paper. Here's a vague attempt nonetheless. Species is causally involved not only in our overt conduct but also in our moral intuitions. In particular, the strong feeling we have that such and such human beings count more than this cat or that pig does not result from our conviction that only the former possess a rational essence or are modal persons; it stems from our belief that only they are human. Assuming, with the objector, that species membership is morally insignificant, this means that our moral intuition is epistemically defective – it is defective because it tracks an irrelevant attribute.

This generates a serious issue for the objector. For this intuition is the main piece of evidence for the hypothesis that subjects endowed with a rational nature or modal persons deserve preferential treatment. The hypothesis is plausible chiefly to the extent that it can accommodate our sense that humans matter more than other animals. But, the worry is, there is no virtue at all in being able to accommodate a defective intuition. A moral principle can pull no support from its ability to make sense of an intuition that tracks a morally irrelevant property. At the end of the day, it is unclear why we should want to defend a form of discrimination that's in the vicinity of our current indefensible conduct.<sup>10</sup>

## 8. Conclusion

The time has come to take stock. Against those philosophers who deny that indirect defenses of speciesism are even conceptually possible, I have argued that they *are* insofar as we work with a satisfactory account of speciesism – one that is neither too wide nor too narrow. I have then maintained that, assuming such an account, these defenses are committed to breaching a very plausible principle: whether or not it is morally relevant, a certain feature can never justify discriminating on the basis of another feature. Indeed, this principle entails straightforwardly enough that species membership is the only property that could justify discriminating on the basis of species membership.

On the surface, this position sounds not unlike one that was put forward by Singer 30 years ago. Right after defining speciesism as 'the view that species membership is, *in itself*, a reason for giving more weight to the interests of one being than to those of another,' the author of *Animal Liberation* writes this:

<sup>10</sup>For a more sophisticated defense of the claim that speciesist intuitions are unreliable see Jaquet (2021, 2022a, 2023).

Some who have claimed to be defending speciesism have in fact been defending a very different position: that there are morally relevant differences between species – such as differences in mental capacities – and that they entitle us to give more weight to the interests of members of the species with superior mental capacities (Cohen, 1986). If this argument were successful, it would not justify speciesism, because the claim would not be that species membership *in itself* is a reason for giving more weight to the interests of one being than to those of another. The justification would be the difference in mental capacities, which happens to coincide with the difference in species. (Singer, 1990, p. 10)

By way of conclusion, let me stress two crucial differences between this stance and the one I have defended throughout this paper.

The first difference concerns the respective *grounds* of Singer's point and my own. Singer's point is grounded in his narrow definition of speciesism. As we have seen, it is only because he sees speciesism as incorporating the claim that species membership per se is morally significant that he is in a position to conclude that the notion of an indirect form of speciesism is inherently confused. Since speciesism is by definition justified by appeal to species, it just cannot be justified by appeal to another feature only. But we have also seen that this characterization of speciesism is too narrow. This should be clear from Singer's own admission that virtually nobody is a speciesist in that sense. In a way, it is quite remarkable that an author would introduce a concept supposed to pick out some tremendously wrong-making feature of the way we by and large all treat animals, and then straightaway assert that the concept's extension is empty.

The second difference lies in the respective *significance* of Singer's and my stance. The concrete import of Singer's claim is extremely modest, because this claim is analytic. It is even a trivial truth, if you think about it: unequal consideration justified by species is by definition justified by species. Since this proposition is vacuously true, it cannot have interesting implications. By contrast, the principle on which I have built my challenge is far from trivial. This concordance principle does not imply that unequal consideration *justified* by species must be justified by species; rather, it implies that discrimination *caused* by species must be justified by species. This proposition is not analytic. It is a substantive ethical truth. As I hope to have shown, this allows my argument to deliver interesting outcomes – notably, the conclusion that the way most people treat animals is immoral.<sup>11</sup>

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