

The Wrongs of Animal Rights

Renée Mirkes, O.S.F.

A signature theme of the new vision of ethics proposed by Peter Singer, DeCamp Professor of Bioethics at Princeton University, is the principle of equal consideration. In brief, the principle states that based on their shared capacity to feel pain and/or pleasure and their associated interest in avoiding suffering, both human and nonhuman animals have “the right to equal consideration”¹ or protection. Singer contends that, were governments to award rights to animals, in particular, to the

¹*Animal Liberation*, 2d ed. (New York: The New York Review of Books/Random House, 1990), 1, 7. In *Practical Ethics* (Cambridge: Cambridge University Press, 1979), Singer defines the principle succinctly: “If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being,” 50. In a rather inconsistent fashion, Singer sometimes expands the grounds for applying the principle of equal consideration by arguing that, besides the sentient capacity to feel pain, animals and humans, especially TGAs, also share the intellectual/volitional abilities to act intentionally, to solve problems, to communicate with and relate to other beings, self-awareness, a sense of one’s own existence over time, concern for other beings, and curiosity. See Helga Kuhse, ed., *Unsanctifying Human Life* (Oxford: Blackwell Publisher, 2002), 220.

great apes (hereafter TGAs), humans as well as apes would benefit.² For the first time, human society would understand accurately the rights and therefore the natures of both apes and humans.³ TGAs (chimpanzees, gorillas, orangutans), or as Singer prefers to call them, nonhuman persons, would finally enjoy their due as beings who share the same “substance and structure” as humans.⁴

Human persons, on the other hand, by eschewing discriminatory behavior against intelligent beings⁵ who are members of species other than *Homo sapiens*,⁶ would demonstrate a realigned understanding that humans are, by nature, “one with the

²As of June 2002, Germany’s Upper House of Parliament, the Bundesrat, became the first country of the EU to enshrine animal rights in a national constitution. The change “and animals” to the constitutional clause that requires the state to protect human life now reads: “The state takes responsibility for protecting the natural foundations of life and animals in the interest of future generations.” Just how this constitutional change will affect the legal status of animals is uncertain, but both scientists and farmers have opined that the ruling bodes ominously for them. See “Animal Rights and Wrongs,” *Zenit*, June 29, 2002. [<http://www.zenit.org/english/visualizza.phtml?sid=22813>] (February 14, 2003)

Singer argues that, when humans use the word “animal” to mean “animals other than themselves,” they reinforce prejudice against nonhuman animals by setting them apart from humans, and they contradict the elementary biological truth that humans are animals. *Animal Liberation*, 6.

According to Singer, the verdict is still out on whether the interests of “whales, dolphins, elephants, monkeys, dogs, pigs and other animals” deserve the same kind of equal consideration as TGAs (P. Singer, *Rethinking Life and Death* [Melbourne, Australia: The Text Publishing Co., 1994], 182). However, he makes no bones about his conviction that humans ought to consider the interest of *all* animals based on every animal’s ability to feel pain and/or pleasure. “[W]hen the United States Defense Department finds that its use of beagles to test lethal gases has evoked a howl of protest and offers to use rats instead, I am not appeased.” Singer, *Animal Liberation*, preface, iii.

³Singer, *Rethinking*, 182.

⁴An idea set down in an 1860 speech by Thomas Huxley, Darwin’s contemporary defender, quoted by Singer in *Rethinking*, 172.

⁵In *Animal Liberation*, Singer confines his examination to what he considers the most egregious forms of discrimination against intelligent animals: raising them for food and their experimental use in research. However, only lack of space kept him from examining the unethical nature of eating, hunting, and trapping animals; killing them for their fur, or confining/enslaving them in rodeos, zoos, and circuses (preface, x).

⁶Only if we grasp the import of the error of Singer’s theory that animals and humans are essentially or naturally the same and that only functional (as opposed to natural or radical) capacities determine human personhood are we also able to properly critique his negative evaluation of any or all experimental use of animals: “Would the experimenters be prepared to carry out their experiment on a human orphan under six months old if that were the only way to save thousands of lives? If the experimenters would not be prepared to use a human infant then their readiness to use nonhuman animals reveals an unjustifiable form of discrimination on the basis of species, since adult apes, monkeys, dogs, cats, rats, and other animals are more aware of what is happening to them, more self-directing, and, so far as we can tell, at least as sensitive to pain as a human infant.” Singer, *Animal Liberation*, 81–82.

brutes.”⁷ In sum, the liberation accompanying implementation of animal rights would accrue to more than just nonhuman animals.⁸ All who reject speciesism, the belief that humans are “superior to any other being,”⁹ would, *ipso facto*, be free of their self-imposed isolation from the rest of nature.¹⁰

In the minds of some, Singer’s professional credentials have lent intellectual ballast and hence credibility to the animal liberation movement.¹¹ Singer himself maintains that, thanks to the rigorous argumentation of its academic supporters (no doubt including himself), only the animal liberation movement, of all the contemporary political causes, enjoys a solid philosophical base.¹²

While I agree that a definite philosophy grounds the animal rights movement, I take exception to the description of it as solid and to Singer’s defense of it as rigorous. An adjudication of Singer’s worldview and how it shapes his standard of equal protection leads me to conclude that both his philosophy and his case for animal rights are *confuséd*. And as I will show, what emerges from the confused “parts”—Singer’s self-contradictions and mischaracterizations—is, not surprisingly, an *inco-*

⁷Huxley’s 1860 speech, quoted by Singer in *Rethinking*, 172.

⁸As Singer puts it: “Animal Liberation is Human Liberation too.” *Animal Liberation*, preface, vii.

⁹Peter Singer, phone interview with Joyce Howard Price following the June 2002 Animal Rights Convention in Bethesda, MD, “Princeton Bioethicist Argues Christianity Hurts Animals.” *Washington Times*, July 4, 2002. I think Anne Marie Collopy’s definition of speciesism more accurately reflects its meaning: “the belief that animals are in any respect unequal to or even very different from human beings” (A.M. Collopy, “Animal Rights: A Catholic Response to a Growing Movement,” *Fidelity* [January 1989]: 24). The latter homogenization of all animal and human life is the commonality linking the strange bedfellows of animal activists and ametaphysical mainstream biologists.

¹⁰Put another way, Singer argues that human liberation is freedom from the notion that, just by virtue of our greater intelligence, we humans can “exploit nonhuman animals.” *Animal Liberation*, 6.

¹¹Although the animal rights cause might have been considered fringe and even “kooky” as recently as the 1980s, it is curiously paradoxical how many anthropologists and biologists are singing some themes—the unity of life, the nonuniqueness of humans—in the same key as the antivivisectionists whose claims of no essential differences between primates are central to winning their case against using animals for research. See Thomas R. Cech, foreword to the booklet *The Genes We Share with Yeast, Flies, and Mice* (Chevy Chase, MD: Howard Hughes Medical Institute, 2001), 1. In 1990, Frederick Goodwin, then director of the Alcohol, Drug Abuse, and Mental Health Administration regretted to report that the general public, rather than rejecting the “extreme views of the animal activists,” has become much more accepting of the idea of animal rights (Jeffrey Mervis, “U.S. Officials Defend Animal Research,” *Scientist* 4.1 [January 8, 1990]: 4). That trend toward acceptance, although probably not reflective of the majoritarian opinion in the U.S., and certainly at odds with that of the research community, has continued unabated right up to the twenty-first century with its most conspicuous manifestation in the June 2002 vote of the German Bundesrat to amend their constitution to include rights for animals. (See note 2 above.)

¹²Singer, *Rethinking*, 174.

herent “whole.” With its rank sophistry, Singer’s campaign for animal rights subverts and trivializes the very notion that he attempts to champion.

I. SINGER’S CASE: THE CONFUSED PARTS

Self-Contradictions

Evolutionary Continuity

As a proponent of the Darwinian theory of evolution, Singer would necessarily accept its seminal teaching that living things evolved continuously, progressing incrementally by means of very small genetic mutations.¹³ However, while Singer draws a line between plants and animals (conceding that plant life lacks the natural prerequisite for rights that animals possess),¹⁴ he rejects any essential distinctions at the high end of the developmental spectrum, between TGAs and humans for example. So, on the one hand, Singer recognizes that specific differences between plants and animals are natural or essential, that is, absolute, while on the other, he denies that there are any such essential heterogeneity between animal and human species.

The core of this inconsistency is Singer’s failure to see that evolutionary continuity of *bios* does not result in homogeneity of organismic life. The truth demonstrated by evolutionary theory—that the highest of a lower species is similar to the lowest of a higher species—is not precluded by the evidence of absolute specific differences, those critical junctures¹⁵ on the bioevolutionary continuum which signal

¹³The ongoing debate among paleontologists about whether the gradual evolutionary process is of the microevolutionary type (“natural selection among individuals of the same species”) or macroevolutionary type (“the entire species compete for advantage”) does not change, it seems to me, the Darwinian principle of the continuity of evolution by means of very small genetic changes. See Jerry Adler, “Evolution’s Revolutionary: Stephen Jay Gould, Paleontologist: 1941–2002,” *Newsweek* 139.22 (June 3, 2002): 59.

¹⁴Singer, *Animal Liberation*, 235.

¹⁵Theodosius Dobzhansky, in *The Biology of Ultimate Concern* (New York: World Publishing, 1971), explains that we ought to guard against two oversimplifications: “One assumes complete breaks in the evolutionary continuity between life and nonlife, and between humanity and animality. The other overlooks the differences between the cosmic, biological, and human evolutions, and thus loses sight of the origin of novelty. The best hope of making the problem manageable lies ... in using the concept of levels, or dimensions of existence, developed by dialectical Marxists on the one side and by the great theologian Paul Tillich on the other” (43). These different dimensions are “connected by feedback relationship”; arriving at a new level constitutes transcendence: “biological evolution transcended itself when it gave rise to man. There obviously exist phenomena and processes, ranging from self-awareness to the human forms of society and of history, which occur exclusively, or almost exclusively, on the human level. It seems unnecessary to labor the point that the great range of potentialities are open to man only” (45). With the human revolution, a new level or dimension has been reached. “The *humanum* is born.” But this transcendence does “not mean that a new force or energy has arrived from nowhere; it does mean that a new form of unity has come into existence. At all events, no component of the *humanum* can any longer be denied to animals, *although the human constellation of these components certainly can*” (58, emphasis added). Therefore, birds and mammals can master

essential distinctions between closely related species. Just as water continues to be water even though it can be in distinct states (frozen or boiling), so the continuity of biological evolution is not at all negated by the recognition of absolute specific differences. Singer's difference-of-degree argument is begging the question since "differences in degree grow large enough to become differences in kind."¹⁶

To avoid contradicting himself, then, either Singer ought to apply his principle of equal protection to organic life across the board, including plants, or to abandon the cause of animal rights altogether, having logically recognized that the same kind of absolute differences that exist between plants and animals exist, in equal degree, between animals and humans.

Singer might, in response to this critique, argue that his admittance of a specific line of demarcation between plants and animals and his rejection of the same between animals and humans is not contradictory since the dividing line is predicated on sentience. Singer could suggest that he is arguing consistently in reasoning that plants do not possess the relevant characteristic for inclusion in the moral community of organic life—the capacity for suffering, to feel pain and/or pleasure that presupposes consciousness; while animals, human and nonhuman, do. Hence, plants are of a different kind (or type or class) of animate life than animals, and lack moral standing and its associated rights, particularly the right to life.

But even when Singer's argument for the classification of animals and humans is presented in terms of sentience, it is still insupportable. First, he makes a nonrational capacity, a sentient power (the ability to feel pain and pleasure), the requirement for the right to life and protection from pain and suffering for both human and nonhuman animals. But the very concept of rights and its corresponding requirement of moral responsibility presuppose what animals lack: the presence of rationality or the powers of intelligent freedom.

The subjects of rights must be beings who have the capacity (radical or functional) to be free agents, to morally determine or define themselves and the larger society of which they are a part. Since rights point to the autonomous, self-determining personhood of those who possess them, there immediately arises the correlative duty for every possessor of rights to recognize the self-determination and corresponding rights of every other person.

In other words, although rights are rooted in the nature of human beings—intelligent, free persons—and thus exist independent of another's duty, it is also true that, practically speaking, the "significance of a right is its prescription of how others should behave."¹⁷ Thus, for example, my right to life is grounded in the duty of others not to deliberately destroy my life. Both the possession of rights and the

nonverbal concepts such as number; symbolic "dance language" is seen in bees; true play occurs in animals; but what is not found in any one infra-human species such as TGAs is "the novelty of the pattern of human characteristics, not of its components" (58).

¹⁶Ibid., 48.

¹⁷Lloyd L. Weinreb, "Natural Law and Rights," in *Natural Law Theory: Contemporary Essays*, ed. Robert P. George (Oxford: Clarendon Press, 1992), 281.

fulfillment of the duty to respect the rights of others reveal the self-determinative nature of the proper subject of rights, the acting person.

The practical futility of exacting moral responsibility from TGAs or higher mammals points up the logical impossibility of doing so. Is a lion morally responsible for murder when he kills his favorite prey and fellow animal, the gnu? Should a male chimpanzee be prosecuted (and incarcerated) for rape, even serial rape, for the custom of engaging in forced copulation with those of its kind? The obvious answer proves that awarding rights and exacting concomitant moral responsibility can only be done in embodied, intelligent, free persons who have at least the natural, if not the functional, capacity to know the truth of the good and to choose accordingly.¹⁸

Singer also defines sentience univocally. For him, sensitive powers and sentient behavior represent the same thing in both animals and humans. While they are commonly shared, sentient appetites in animals and humans are not qualitatively equivalent. Human sentient appetites, subsumed within a rational soul are in a certain sense rationalized, taken to a level completely beyond that of animal sentience. So, for example, while animals and humans both feel pain and pleasure, only humans, as rational beings, experience psychic pain or sorrow (over a good that may, in the future, be lost or not attained) and spiritual pleasure or joy (over a good that is attained in the here and now); only human beings understand how and why pain and pleasure threaten or enhance their psychic and somatic well-being. Furthermore, human beings have the capability of keeping these emotions under the guidance of reason so that sorrow and joy are a balanced response to the situational realities of life. The difference, then, between animal and human sentience stems, in the former, from being qualified by an animal nature and its lack of rationality and, in the latter, by being totally integrated within the self-consciousness and intelligent freedom of a rational nature.

Eastern Cultures

Singer acclaims eastern cultures for holding all life sacred, "including the lives of nonhuman animals," and reprimands the West for its "unusual" emphasis on the dignity of "every human life, but only of human life."¹⁹ But it is blatantly inconsistent for a materialist like Singer to assert, in one breath, that any reference to a soul or nonmaterial principle in the human being is superfluous, and, in the next, to uncritically eulogize eastern traditions for their love of animals. It is true that the Hindu culture of India, for example, honors animals. But it does so principally because animals are believed to be reincarnations of disembodied *human souls* who have been incarnated in animals (or even in plants) as punishment for their sin.

¹⁸The question of animal culpability came to the fore some years ago when whales were trapped in the ice off of Point Barrow, Alaska. Those who rescued the whales were concerned over the presence of polar bears in the vicinity of the trapped whales. Dealing with cannibalism on a cross-species basis is more than tricky. "How is the conscientious animal rights activist going to adjudicate between the claims of whales and polar bears?" Collopy, "A Catholic Response," 23.

¹⁹Singer, *Rethinking*, 174.

For similar reasons, Singer's admiration for Buddhist traditions, with their emphasis on humans as "part of nature rather than masters over it,"²⁰ is platitudinous at best and grossly inconsistent at worst. Buddhism, after all, teaches that everything we experience as real, including animals, is an illusion which, in the void of Nirvana, simply disappears.

In an attempt to marginalize the Aristotelian view that animals are meant to serve humans, Singer trots out the more egalitarian view of Pythagoras as a counterexample.²¹ To be sure, this Greek philosopher/mathematician honored animals, but, again, not at all for the reasons Singer implies. Pythagoras was also a reincarnationist. He believed animals were to be respected because they were or could be incarnated humans. As Xenophanes bears witness in an elegy, Pythagoras even went to the length of preventing someone on the street from beating his dog because the philosopher believed the animal was the reincarnation of a dear friend.²²

Quantitative Differences

Singer avers that the only differences between animals and humans are those of degree, not kind; quantitative, not qualitative, accidental, not substantial differences.²³ In other words, specific differences between TGAs and human beings are a matter of more or less. TGAs are less complex organisms (or less rational) than their more intelligent human relatives. Or "all human and nonhuman animals can think; the human animal is just better at it."²⁴

But it is inconsistent to make such a claim and at the same time insist that all primates, human and nonhuman, deserve equal protection of their interests. Would it not be more logical for Singer to argue that the assignment of rights ought to be made on a basis proportionate to specific differences, i.e., based on quantity? Under this scheme, chimps would hold less rights than retarded humans; retarded humans less rights than the nonretarded; persons of normal intelligence less than those of a superior IQ, etc. (Of course, it is easy to see why Singer avoids this more logical line of reasoning since chimps would still come out on the bottom of the pile.)

Animals as a Means

It is also inconsistent for Singer to endorse the Darwinian theory of evolution with its "survival of the fittest" and then to forbid the very thing that would insure human survival, viz., using animals as a means, that is, for food, clothing, and transportation. If evolutionary theory makes as much sense as Singer indicates, then he should also respect the Darwinian insight that, in order to survive, humans have to

²⁰Ibid., 173.

²¹Ibid., 167.

²²Reginald E. Allen, ed., *Greek Philosophy: Thales to Aristotle*, 2d ed. (New York: The Free Press, 1985), 35.

²³Singer, *Rethinking*, chapter 8: "Beyond the Discontinuous Mind," 159–186, passim.

²⁴See Singer, *Rethinking*, 176.

treat animals as a means, much in the same way that animals, to assure *their* survival, treat each other.²⁵

Given the last, it is incoherent for Singer to accept evolution and at the same time lament animal pain when the latter is a necessary part of evolution. In saying this, I do not quarrel with the condemnation of gratuitous pain inflicted on animals in experimental situations, for example. Animals should only be used in biomedical research with approval from an institutional review board or the appropriate federal regulatory agency. With proper oversight, lower species animal models would be chosen over more sophisticated animals whenever possible and, if pain, mutilation, or death were anticipated, anesthetization of the animal would be required.²⁶

Intelligent Freedom

It is incomprehensible for people like Singer who espouse a reductionistic view of the human being to talk about freedom.²⁷ By trying to have it both ways—humans are determined like the animals; animals are free like humans—Singer's demonstration is inevitably self-contradictory. In the first place, he argues as if humans are genuinely free, that is, not determined. And then, giving in to one of his rhetorical

²⁵Cats present an interesting case in point. Because they lack an essential amino acid found only in meat, cats need to eat the meat of other animals in order to survive. But with the assumed prohibition involved in equal rights for animals, viz., that animals should not be killed, the question becomes, "Does a cat have the right to live?" If left to live off of animals that died naturally, cats "would become extinct!" Another example: "The population of the Canadian lynx ... is directly dependent on the population of the snowshoe rabbit, its favorite prey." Collopy, "A Catholic Response," 24.

²⁶In 1988, James A. Thomas et al. and the Stanford University Medical Center Committee on Ethics, articulated their "common-sense view" of the relationship between humans and animals. Their position, "based on the principle of humane treatment ... places an indirect obligation on humans to prevent the suffering of animals without imposing a direct duty to respect an animal's rights, all things being equal." Applied to the laboratory setting, the principle demands, "at a minimum, the prohibition of unnecessary pain and suffering." Despite claims that the principle is practically worthless, this committee sees it as a "powerful force governing our treatment of animals in research.... That some persons view the principle of humane treatment as outdated is the fault of individuals and organizations that use the term too glibly, not of the principle itself or of those who strive to abide by it" ("Special Report: Animal Research at Stanford University," *New England Journal of Medicine* 318:24 [June 16, 1988]: 1631). Frederick K. Goodwin makes a similar appeal to the principle of humane treatment when he makes a distinction between the emphasis of the "traditional animal welfare community" and the "contemporary animal rights movement." The former espouses responsibility in treating animals humanely. The latter argues that "all beings that feel sensations have equal 'interests' or 'rights' and therefore any use of animals, even the humane use, is immoral." F. K. Goodwin, interview by the Federation of American Societies of Experimental Biology, "Animal Research Versus Humane Use: The Struggle to Sustain our Research Advances," reprinted in *Parameters* 1 (1990): 13.

²⁷Singer's reductionistic anthropology is the great equalizer: "our nearest relatives (TGAs) are more like us than we supposed" and human beings are "more biologically constrained and less distinct from that of other social mammals than we had thought." Singer, *Rethinking*, 176 ff.

tics, concludes that animals deserve moral status because they behave just like humans. But to insist that animals act with the intelligent freedom of humans, that is, “to do freely what one sees to be right,”²⁸ is to contradict what Darwinian evolutionary theory tries to demonstrate: animals behave according to instincts that have been genetically determined by natural selection.

On the other hand, after suggesting that humans are much more constrained or genetically determined by instinctual drives than all the realist talk about human freedom admits, Singer implies that an animal’s “freedom,” although constrained to a greater degree than that of humans, is roughly equivalent.

Mischaracterizations

Shared DNA

Singer agrees with Richard Dawkins, zoologist from the University of Oxford, that we need to “change the way we classify ourselves and the other African apes.”²⁹ To bolster the move to categorize the two species of chimps as *Homo troglodytes* and *Homo paniscus*, respectively, Singer cites the fact that chimps and humans share 98.4 percent of the same DNA.³⁰

But to argue that percentages of shared DNA are an appropriate criterion for taxonomy is a misconception. Sophisticated genetic data about the percentage of DNA between humans and chimps—absent the proper context of the humanities and anthropology—lure scientists and nonscientists alike to the unsophisticated conclusion that humans are ninety-eight percent chimpanzee or that “[w]e are chimpanzees, and they are us.”³¹ Even if the human species were different from some

²⁸Benedict Ashley, O.P., “An Integrated Christian View of the Human Person,” in *Technological Powers and the Person*, ed. Albert S. Moraczewski, O.P., et al. (St. Louis: The Pope John Center, 1983), 328.

²⁹Singer, *Rethinking*, 177.

³⁰*Ibid.* More current research has led Roy J. Britten to conclude that “the old saw that we share 98.5% of our DNA sequence with chimpanzee is probably in error. For this sample, a better estimate would be that 95% of the base pairs are exactly shared between chimpanzee and human DNA.” See Britten, “Divergence between Samples of Chimpanzee and Human DNA Sequences Is 5% Counting Indels,” *Proceedings of the National Academy of Sciences* 99.21 (October 15, 2002): 13633–13635, esp. 13633. Also see J. Marks’ important thesis about chimp-human genetic similarity in the next footnote.

³¹Jonathan Marks, *What It Means to Be 98% Chimpanzee: Apes, People, and Their Genes* (Berkeley: University of California Press, 2002), 7. Marks argues convincingly that genetics demands a philosophical context or an interdisciplinary field like molecular anthropology. To begin to answer the question of what the 98.4% chimp-human genetic similarity means, Marks insists that certain admissions are in order. “Our place in nature is thus underdetermined by genetic data. To make sense of the data requires a biological eye and an anthropological mind, for its meaning—like the meaning of evolution a hundred years ago—is technologically constructed and ideologically situated” (261). Uncovering the ideological context of molecular science requires honesty not only about “the ‘real world’ of science—the conflicts of interest, the power struggles, the politics, the stupidity, the arrogance, the lapses of integrity” (271), but also about science’s sometimes reductionistic and scientific

hominoid species by a single mutation of a single gene, it is also necessary to acknowledge the momentous effect of this "slight genetic difference," that is, the emergence of a human brain that is very different structurally from that of a nonhuman primate. And the import of brain structural differences for primate behavior is empirically verifiable in our observation that only human primates think abstractly (have ideas) and, hence, have free choice. While humans "have created vast and varied civilizations, poetry, music, philosophies, religions, boats, trains, autos, TV, space ships, bridges, computers, etc., ... [TGAs] have remained much the same for millions of years unless removed to a controlled environment and trained by humans."³² Since the capacities for abstract thought and free will are the ultimate criteria for placing humans and chimpanzees into different species (*Homo sapiens* and *Pans troglodytes*, respectively), Singer's argument from percentages of shared DNA is irrelevant.

view of nature and the universe where, to paraphrase Ashley Montagu, increase of knowledge is not always accompanied by increase of understanding (287).

³²Albert A. Moraczewski, O.P., "Animals, Intelligence, and Morals," *Ethics & Medics* 18.10 (October 1993): 2. To the claim of Andrew Whiten and Christopher Boesch that chimps have cultures ("The Cultures of Chimpanzees," *Scientific American* [January 2001]: 61-67), one ought to respond, "that depends on how you define culture." Whiten and Boesch champion Jane Goodall's interpretation of the definition of culture from the *Oxford Encyclopedic English Dictionary*, 4th ed. (Oxford: Oxford University Press, 1996)—"the customs ... and achievements of a particular time or people"—by admitting that, although animals do not have the myths and legends that typify all human cultures, animals have cultures nonetheless by virtue of their "capacity to pass on behavioral traits from generation to generation, not through their genes but by learning." Based on the field research of seven other chimpanzee experts besides themselves, Whiten and Boesch conclude that not only do chimps exhibit an order of behavioral complexity greater than any other animal, but different geographic communities of chimps also demonstrate "an entire set of behaviors that differentiates it from other groups:" the Bossou, Tai Forest, Gombe, Mahale M-Group, Mahale K-Group, Kibale, and Budongo chimp cultures, respectively. But a sampling of the kinds of behavior by which the "chimp-watchers" identified distinct chimp cultures—hammering nuts, pounding with pestle, fishing for termites, wiping ants off a stick manually, eating ants directly off a stick, removing bone marrow (from monkeys previously killed and eaten), sitting on leaves, fanning flies, tickling self, knocking knuckles (mating rite), and the rain dance—reveals "customs and achievements" that arise from sense images, not ideas, that involve communication, not language, that rely on physical signs, not abstract concepts. So for Whiten and Boesch to attach the word "culture" or "cultures" to behavior that lacks the metaphysical power or capacity of abstraction, ideas, and language—the hallmarks of human cultures—is for them to use the term "culture" equivocally. This would be an admission that human beings are social animals in a manner that is essentially different from other animals which live in packs. Humans construct social institutions—the family, the state, schools, research institutes—all those organizations by which humans enter into personal and professional relationships with one another, while chimpanzees or any of TGAs do not. Geneticist Jerome Lejeune once quipped that, in his travels round the world, while he frequently witnessed his fellow academicians complain and lament that their children's behavior sometimes collapsed to that of monkeys, he had never witnessed chimpanzee parents bemoaning the fact that their offspring had failed to be accepted into Harvard, Yale, Tübingen, or the Sorbonne.

Human Dominion

To reinforce his opinion that Christianity, especially the scriptural notion that God created man as sovereign over the earth, is “harmful to animals,”³³ Singer marshals the opinion of (Christian) ecologist, Lynn White, Jr. The latter calls for a new kind of Christianity that would “depose man from his monarchy over creation and set up a democracy of all God’s creatures.”³⁴

But to interpret the creation accounts of Genesis³⁵ as a mandate for ideological anthropocentrism flies in the face of scholarly biblical exegesis.³⁶ The formal content of Genesis is analogous in character. God is the template; man is the icon. God exercises a wise and intelligent providence over all that exists precisely because everything he has created is innately good. So, too, each human being, as an *imago Dei* (image of God), is called to participate creatively in history, to be a wise steward who possesses the earth by cultivating it, by exercising providential care over his or her corner of the world. What the book of Genesis means by “having dominion,” then, is that, although subhuman beings have inherent value—“God saw that it was very good,” it is a value that is *for* man.

The human ritual of naming the animals, highlighted in the second creation account of Genesis, symbolizes man’s capacity and responsibility to reverence the diversity of living and nonliving things. Significantly, the undeniable implication is that the ability of the first human to give names to all the animals follows from man’s commonsense, self-reflective appreciation of the natural differences between humans and infra-human species.³⁷ Therefore, any kind of tyrannical rule of humans

³³Price, “Princeton Bioethicist,” 1.

³⁴Singer, *Rethinking*, 173.

³⁵The passage from Genesis giving humankind dominion over the rest of creation, Gn 1:28–30, is confirmed in Ps 8:7–9 and corroborated in Mt 6:26 and 10:31.

³⁶This is no more forcefully illustrated than in the writings of Pope John Paul II that probe the meaning of the command in Genesis for man to have dominion over the rest of creation. In a reflection on Psalm 8 in a Wednesday general audience, for example the Pope taught, “Man is seen as the royal lieutenant of the Creator himself. God, indeed, has ‘crowned’ [man] as a viceroy, giving him a universal lordship: ‘You have ... put all things at his feet.’” The Pope notes that, tragically, this dominion can be abused by the human being, who “often [has] revealed [himself] to be a mad tyrant and not a wise and intelligent ruler,” June 26, 2002, n. 3 (http://www.vatican.va/holy_father/john_paul_ii/audiences/2002/documents/hf_jp-ii_aud_20020626_en.html [February 12, 2003]). These papal themes sound again and again in John Paul’s encyclicals. See *Sollicitudo rei socialis* (Boston: Pauline Books & Media, 1987), n. 34; *Evangelium vitae* (Boston: Pauline Books & Media, 1995), n. 22, 42; and *Redemptor Hominis* (Boston: Pauline Books & Media, 1979), n. 8, 15.

³⁷Collopy notes that the mandate of man’s sovereignty over creation is not a power issue as the animal activists prefer to bill it, but the question (which is what we ought to be debating) is “why one animal [human] is able to exert power over all others.... We have become the dominant creature on this planet. Why? Many animals are swifter, stronger; many animals can do things (e.g., spin a web, construct a hive) which we would have great difficulty doing. So why have we become dominant?” Collopy, “A Catholic Response,” 24.

over animals and plants is thoroughly antithetical to Genesis' account of man's co-creative stewardship over the subhuman world.

The Judeo-Christian creation accounts, far from promoting abuse of animals or the ecology, presuppose respect for all living things based on recognition of the carefully orchestrated interactive ballet of living creatures that continues and even completes the divine creative act. If anything, the truth of Genesis, particularly its description of the human being as a stand-in for God vis-à-vis earthly realities, would classify animal abuse as a betrayal of the divine trust and of the human vocation to be Godlike, that is, intelligently free.

Personhood

Bereft of subtlety, Singer's personhood-as-function theory³⁸ distorts the meaning of personhood and the just assignment of human rights that depends on it. He reasons that, if one tries to make certain behavior like consciousness and self-awareness the criteria for awarding rights, some animals will qualify; some humans will not. For example, a "healthy, sentient, intelligent, responsive"³⁹ baboon has a right to life, a right not to have his heart harvested for human transplantation. An anencephalic baby, on the other hand, "who is not, and never, can be, even minimally conscious"⁴⁰ does not enjoy the right to life, especially "when the parents of the infant favor the donation of the organs."⁴¹ I understand this latter to mean that the infant does not have a right to life in face of parents who consent to the removal of the baby's organs *before* the infant dies, i.e., before brain stem functions cease.

Bracketing for a moment the contention that the baboon is intelligent, I want to concentrate on Singer's misrepresentation of who qualifies as a recipient of rights. By insisting that mere potential would not be grounds for a right to life, Singer is arguing that only if anencephalic infants were functionally capable of brain-dependent, person-defining activities such as consciousness, reasoning, self-awareness, and interpersonal communication would they enjoy the rights protected under the Fourteenth Amendment of the U.S. Constitution. Since these infants are not self-conscious, do not communicate, and so on, their membership in the species *Homo sapiens* is not enough to also earn them a place in the moral community of persons. Furthermore, only person-defining powers that are functioning in the here and now are real, and only here and now functional human beings are persons.⁴²

But such a functional theory of personhood is distorted precisely because it fails to recognize that the capacities or powers that define personhood, both natural

³⁸Parts of this section have been excerpted from Renée Mirkes, "NBAC and Embryo Ethics," *National Catholic Bioethics Quarterly* 1.2 (Summer 2001): 169–175.

³⁹Singer, *Rethinking*, 165.

⁴⁰*Ibid.*

⁴¹*Ibid.*

⁴²See Singer's discussion of the potential or potency of "embryonic or fetal members of our species who have the potential, given normal development, to satisfy the criteria for membership but do not satisfy them at present" in his essay, "Unsanctifying Human Life," in *Unsanctifying Human Life* (215–232, esp. 223).

and functional, are present in the organic structure of *every* human being and are essential to one's nature.⁴³ Person-defining powers are present in their developed or functional state in adult human beings. But they are also present as capacities to develop mature and effective human behavior in embryonic, fetal, and neonatal human beings, including anencephalic infants and in human beings who are severely retarded, senile, comatose, or in a persistent vegetative state. The critical distinction that Singer fails to make is that both dimensions of human powers, the natural and the functional, are real, and both define the anencephalic infant in which they reside as a human person. Therefore, although anencephalic infants lack the capacity of normally functioning neonates, they do have the natural, real capacity to be free, self-aware moral agents, and are, therefore, naturally and really, human persons.⁴⁴ And to the point of our discussion, anencephalic infants and other mentally compromised human beings are naturally and really the subjects of human rights.

Although its capacity for sentient animal cognition is functional, the baboon, unlike the anencephalic infant, lacks the radical/inherent (genetic) capacity for developing a human brain and for manifesting brain-dependent human activity. Hence, a baboon does not exhibit typical human behavior—self-reflective intelligence—nor

⁴³By rejecting the notion that every human being possesses personhood by virtue of naturally inherent human powers, Singer is ultimately repudiating—in the spirit of a true Humean skepticist/nominalist—the universal category of nature or essence altogether or at least as it applies to the human family, *hominidae*. If this analysis is valid, Singer recognizes that only individual humans exist and, guided by observation, that personhood is aptly awarded to a spatio-temporally localized individual based on observation of the empirical phenomenon of functional behavior in that particular human being. I believe that Arthur Caplan's argument—evolutionary biology's use of a categorical sense of species (species as a class concept, a relatively stable abstraction or universal) is not incompatible with its postulate of "continuous evolutionary change in species membership" or "the contingencies of the past and present biotic world" (159)—points up the incoherency of Singer's position. The latter's nominalism (with its refusal to acknowledge the general or universal) gainsays his unabashed belief in evolutionary biology. Singer rejects a universal human nature all the while embracing conclusions at the heart of evolutionary generalizations such as "two species can rarely occupy the same niche" (163) that presuppose a categorical (universalist) sense of species classification of animate life. In the latter, Caplan explains, "the species category—commonality of descent and the ability to exchange genetic information—can and have been described without reference to the particularities of individuals. And it is the latter which dominate biological usage in evolutionary generalizations" (163). Arthur L. Caplan, "Have Species Become Déclassé?" in *Philosophy of Biology*, ed. Michael Ruse (Amherst, NY: Prometheus Books, 1998), 156–166.

⁴⁴Benedict Ashley, O.P., places this important philosophical point within a Christian perspective: "although we are mortal bodies that need the Resurrection, yet we are ... made in God's image as spiritual beings capable of knowledge and love. Through this spiritual transcendence we can transcend the past, the present, and the future and enter the infinite realm of the spirit. This capacity is actually and virtually, not merely potentially, ours even before we can exercise it, before birth and in childhood, because the unborn child from the moment of conception *develops itself* to adulthood by its own intrinsic powers, provided it has the sufficient physical and social environment to nurture it." Ashley, "An Integrated Christian View," 332.

should it be expected to do so any time in its developmental future. It is not enough, therefore, to argue that baboons or TGAs ought to be assigned rights because they have, under controlled conditions, been taught to perform activities observationally equivalent to that of a human three-year-old. Having mastered some simple sentences, TGAs have “peaked”;⁴⁵ normal two-to-three-year-olds doing the practical equivalent⁴⁶ have only begun manifesting the panoply of complex rational activity with its accompanying self-transcendence for which they are uniquely and naturally fit. For this reason, Singer cannot claim the right to life on behalf of baboons or of any other hominoids.

Animals and Their Prerequisite for Rights

Intelligence

Singer does acknowledge, although somewhat reluctantly, that capacity for pain, *in se*, will not be taken seriously in any public discussion of legal rights in the U.S.⁴⁷ Perhaps this is why Singer’s more recently argued case for animal rights hones in on what he claims is “incontrovertible” proof for the intelligence and intelligent behavior of TGAs: the capacities, for example, to learn, use, and pass on symbolic sign language; to use and make tools; to organize in political ways; to be self-conscious;⁴⁸ to abide by “a simple ethical code;” to nourish strong mother-

⁴⁵Winthrop N. Kellogg has noted that a “home-raised” chimp was shown to react “in many ways as a young child does,” adapting quickly to the “physical features of the environment,” exhibiting a “strong attachment for its caretaker or experimental mother,” passing “a good number of developmental tests designed for children,” and imitating “acts performed by adults without special training.” The results of the field tests (five in the U.S., one in Russia) demonstrated that a trained chimp “maxed out” at a “mental age” of a three-year-old human child. Kellogg, “Communication and Language in the Home-Raised Chimpanzee,” *Science* 162.5 (October 1968): 423.

⁴⁶By practical equivalence, I mean that words uttered by humans are radically different from “words” of TGAs, even though they appear to be the same. Stimulus-response behavior is not the essence of human oral language; interpersonal communication is.

⁴⁷Singer, *Rethinking*, 182.

⁴⁸Arguing that TGAs have the capacity for self-awareness, Singer cites the fact that Washoe stood before a mirror and, among other things, made faces at herself and picked her teeth. Singer seems to be restating the conclusion drawn by Dale Peterson and Jane Goodall (*Visions of Caliban: On Chimpanzees and People* [Boston: Houghton Mifflin Company, 1993]) in their review of the “ingenious mirror experiments” that psychologist Gordon Gallup, Jr., conducted with chimps in the 1960s. They noted that, initially, the chimps which were previously raised in laboratory cages and completely unfamiliar with mirrors acted as if “the creature in the mirror was a member of their species, but not themselves.” Gradually, this response was replaced by “unequivocally self-directed behavior.... The chimpanzees began grooming parts of their bodies that could not be seen without a mirror; they began exploring their genital-anal areas with the help of the mirror, picking food from their lips—all actions directed to the self, yet done with the assistance of an image separate from the self” (22). My response to the conclusions of Singer, Peterson, and Goodall regarding these experiments would be that the principle issue is not whether the chimp demonstrated self-directed activity by investigating parts of his/her body as reflected in a mirror, but whether the chimp knew what a human being would know when looking at himself in the mirror, viz., that the reflected

child relationships, and to execute intelligent planning and problem-solving. Singer concedes that, although the level of personal behavior of specially trained primates such as Koko and Washoe does not exceed that of a very young child or a mildly retarded adult, it qualifies them for the same legal protection awarded very young children and mentally disabled humans (e.g., the right to life and basic health care).

An adequate riposte to Singerian claims of equivalency between animal and human intelligence (especially as manifest in toolmaking and language) highlights a fundamental mischaracterization: animal cognition is not a more simplified version of human intelligence; it is not intelligent human behavior at all.⁴⁹

Tool Making

To describe a chimp's use of a twig to "fish" for termite-food as "tool use" and its habit of stripping the twig of leaves so it can penetrate the termite nests more efficiently as "tool making" is to define tool use and tool making equivocally.⁵⁰ First, toolmaking is the production of an artifact rather than a natural object and, second, the production of a tool is designed not just for an immediate and necessary end but also for future, arbitrary projects. "To make a tool for a future employment one needs more than manual dexterity; what is necessary is formation of a mental picture of a situation which is expected to arise in the future but which is not yet given to the senses."⁵¹

self was just that, different from the self in the sense of being only a reflection of the self, and that the being, unlike the image reflected in the mirror, knows self *as self* and other *as other* and is called to make a gift of self *as self* and receive others *as gift*, etc.

⁴⁹Or, as N. Kohts remarked after raising the male chimp Joni for three and a half years and in response to the thesis of Robert M. Yerkes's book, *Almost Human* (New York: The Century Company, 1925): "Not only is it impossible to say the he (Joni) is 'almost human'; we must go even further and state quite definitely that he is 'by no means human'" (quoted by Roger S. Fouts and Randall L. Rigby in "Man-Chimpanzee Communication," chapter 37 in *How Animals Communicate*, ed. Thomas A. Sebeok [Bloomington, IN: Indiana University Press, 1977], 1037). However, to Kohts's "conclusion that a qualitative difference in intelligence exists between human and chimpanzees because of differing communication modes," Fouts and Rigby replied that this is "a common, prejudicial misjudgment."

⁵⁰Daniel Povinelli and Steve Giambrone point up the problem of assigning person-defining significance to tool use and construction in animals. The argument from analogy ("analogous behaviors imply analogous minds") "assumes that the similarity in the natural behavior of humans and chimpanzees implies a comparable degree of similarity in the mental states which attend and generate that behavior." In respect to tool use the flaw of such an assumption is its conflation of the substantial distinction between the folk physics of animals—understand *that* tools work—and the folk (commonsense) physics of humans—understand *why* tools work. "Escaping the Argument by Analogy" in *Folk Physics For Apes: The Chimpanzee's Theory of How the World Works* (Oxford: Oxford University Press, 2000), 2, 9–72.

⁵¹Dobzhansky, *The Biology of Ultimate Concern*, 56.

To fashion an artifact involves the capacity for abstract thought.⁵² It necessitates that the one making the tool, say, a hammer, understands the purpose of a hammer. Thus, the tool maker fashions the hammer out of sturdy material such as iron rather than flimsy styrofoam so the hammer will do what hammers are made to do: pound objects.

Hammer making, therefore, requires, first, the power of abstraction—knowing the purpose of a hammer that comes from having an abstract idea of a hammer—and, second, the capacity for means-end reasoning—the toolmaker understands why he is fashioning the hammer in the manner that he is. In other words, the human toolmaker knows the end he wants to realize—to secure a wooden frame—and he understands that the hammer is an adequate means to attain that end. He understands the end, construction of a frame, *as an end* and the means, the use of the hammer, *as a means*. Another dimension of artificial tool making that highlights the abstract intelligence of the toolmaker is that of using tools as both means and ends: to use “one tool to make a second,” to make “a machine to manufacture parts of another machine.”⁵³ Only the human being, using a myriad of tools, constructs complex machines.

⁵²Recently, discovery of sites where “[c]himpanzees from the Tai forest of Côte d’Ivoire [which] produce[d] unintentional flaked stone assemblages at nut-cracking sites, leaving behind a record of tool use and plant consumption that is recoverable with archeological methods” drew mixed reviews from anthropologists. Gretchen Vogel points out that the anthropologists conducting the field research (Julio Mercader, Melissa Panger, and Christophe Boesch) “emphasize that the chimpanzee site does not resemble classic early human toolmaking sites, where there is clear evidence that the inhabitants used sophisticated flaking techniques to detach stone slivers, used as cutting tools, from larger ‘cores’” (Vogel, “Can Chimps Ape Ancient Hominid Toolmakers?” *Science* 296.5572 [May 24, 2002] referencing Mercader, Panger, and Boesch, “Excavation of a Chimpanzee Stone Tool Site in the African Rainforest” in the same issue). I disagree with Stanley Ambrose of the University of Illinois, Urbana-Champaign, who states in the latter *Science* article that “[i]t is a short step from accidentally producing sharp-edged flakes and cores to discovering their utility for cutting and chopping.” The “short step” from accidental production of slate flakes, say, and their deliberate production—because the toolmaker understands their nature and therefore their usefulness as sharp tools to produce other tools or to use in food-gathering—involves the significant evolutionary step from nonabstractive to abstractive thinking, from the chimp brain to the human brain. A short step inasmuch as it might result from a small genetic mutation, but a huge step as far as behavioral changes between human and nonhuman primates. I agree with the insights of anthropologist Tim White of the University of California, Berkeley, who, after evaluating the research findings of Mercader et al., concluded that “‘what they have excavated is utterly unsurprising.... Even the ‘simplest’ Oldowan sites are fundamentally different’ from those of the chimpanzees.” See Vogel, “Can Chimps Ape.” The chimps, for example showed no evidence of the human toolmaking characteristic of selecting stone for all sorts of material properties beyond that of weight.

⁵³Larry Azar, *Man: Computer, Ape, or Angel?* (Hanover, MA: The Christopher Publishing House, 1989), 211. Vernon Reynolds points out that to use one tool to make another is a manifestation of one of the most important factors in human intelligence: “To learn new skills and to respond to new situations.” It has to do with applying “an efficient way of dealing with a situation” to another situation which, although similar, is not identical “by a process of

In contrast, the chimp's use of the twig is instinctive and, as such, involves only animal cognition and appetite. It is an innate response to the need for food that depends on sense knowledge or perception which is very much matter-dependent. Although the chimp is aware of performing a step (digging with a twig) in order to accomplish a goal (gather food), he does not comprehend the twig *as a means* nor the acquisition of termite-food *as an end*. The way the chimp knows the twig, the hive, or the process of digging with a twig is from the outside, extrinsically. Precisely because the chimp lacks the capacity to "see into" the nature of the twig, the nature of the hive, the nature of digging into the hive, or the nature of food gathering, his use and manipulation of the twig is limited by here-and-now necessity.

Language

To equate human communication with the ability of a select number of trained chimps or gorillas to communicate through gesture or sign language,⁵⁴ as Singer does, is to completely mischaracterize the meaning of language. Language is a "product of the human mind,"⁵⁵ and as linguistic specialists note, "language only facilitate[s] and accelerate[s] for the children [who are learning to speak] the use of reason."⁵⁶ Language is a sign that represents thought. But it is a construed sign—not a natural one such as smoke or fire. Words are symbols arbitrarily assigned to that which is signified which lead the mind to the knowledge of something else, namely, the reality behind the symbol. As a concrete example of man's creative

generalization." Reynolds, *The Apes: The Gorilla, Chimpanzee, Orangutan, and Gibbon—Their History and Their World* (New York: E. P. Dutton & Co., Inc., 1967), 213.

⁵⁴Experiments designed to teach chimpanzees oral language have failed miserably. Although able to mimic all sorts of human actions, the chimp seemed to lack the ability for vocal imitation. Viki, a female chimp, represented the "acme of chimpanzee achievement in the production of human sounds": "mama," "papa," "cup," and possibly "up." These words were "only learned with the greatest difficulty" and "they never came naturally or easily" (Kellogg, "Communication and Language," 423–427). Vernon Reynolds points out that although Viki could understand phrases like "kiss me" and "Bring me the dog," she was completely confused with the direction to "Kiss the dog." He concludes that "the difference in mental organization is seen not only in the lack of speech but also in the low degree of *comprehension* of human words spoken to the ape." What was understood seemed to be tied up with cues of the situation rather than with the real meaning of the words that were spoken. If Viki's trainers asked "Would you like to go to a show?" in the midmorning, she responded with a blank look, but if asked the same question after dark, she showed "wild excitement" (Reynolds, *The Apes*, 213). The human trainers reasoned that, because the chimp lacked the laryngeal and neural speech centers of the human being, as well as a sufficiently complex system of articulatory organs, the great apes will never be able to communicate orally. But a semaphore system or sign language could facilitate animal-human intercommunication. Accordingly, Washoe, a young female chimp, was trained to understand and transmit American Sign Language.

⁵⁵Susan Langer, *Philosophy in a New Key* (New York: The New American Library of World Literature, 1951), 98–99, quoted in Azar, *Man: Computer, Ape, or Angel?* 216, note 46 (at 378).

⁵⁶Victoria Fromkin and Robert Rodman, *An Introduction to Language* (New York: Holt, Rinehart and Winston, 1974), 26.

capacity for spatio-temporal transcendence, language reaches its apex in intersubjective "I-you" relationships. Therefore, we can conclude that the intellect is able to transcend the physical limits of matter by arbitrarily bestowing upon a thing a conventional term which in no way is necessarily related to the thing signified. That is, there is no intrinsic necessity that such a natural thing as a flower be given the name "rose." Since the human intellect, in thus transcending the conditions of matter, communicates in a suprasentient way, it must itself be a suprasentient or spiritual power (for a thing acts according to its nature).⁵⁷

As the arbitrary manipulation of symbols, human language demonstrates that human beings who communicate through oral language are not only using symbols, but are comprehending the word-symbols *as symbols*.

Communication between animals, on the other hand, is very much confined to the concrete and the immediate, to space and time.⁵⁸ Therefore, although animals produce sounds and "use specific gestures and postures,"⁵⁹ they do not communicate in a meaningful way. TGAs produce sounds that reveal the state of their emotions such as fear or the desire for food or sex. But, in the production of those sounds, the chimpanzee's communication is nonsymbolic, since the animal does not understand the meaning of the sounds. The reason that the natural language of chimps is nonsymbolic is that chimps lack an intelligence capable of abstraction and cannot, as a result, recognize the reality behind the assigned verbal symbol. Natural sounds—the scream, the squeak, laughter, the bark, the pant, the grunt, the cough—are the chimp's way of communicating its current emotional states which, in turn, are reactions to what the chimp knows about its circumstances on a perceptual or sentient level.

Even when a very "smart" chimp like Washoe⁶⁰ signs a word, one should not presume that said chimp comprehends its meaning nor, when she uses a symbol,

⁵⁷Azar, *Man: Computer, Ape, or Angel?* 159–160. Azar's notion of man's transcendence of his animality is characterized clearly by biologist D. Bidney: "Man is a self-reflecting animal in that he alone has the ability to objectify himself, to stand apart from himself, as it were, and to consider the kind of being he is and what it is that he wants to do and become. Other animals may be conscious of their affects and the objects perceived; man alone is capable of reflection, of self-consciousness, of thinking of himself as an object," from *Theoretical Anthropology* (New York: Columbia University Press, 1953), quoted by Dobzhansky, in *The Biology of Ultimate Concern*, 52.

⁵⁸Thus, the *anima*, or life principle of animals, is a material principle, bound by matter and motion. In contrast, when we examine the nonmaterial acts of the human being (abstract thinking, symbolic language, consciousness of self as self), we reason to the existence of a corresponding life principle, a soul, which is also spiritual, that is, independent of matter for its existence although dependent on matter (the human body and particularly, the human brain) for its proper functioning.

⁵⁹Kellogg, "Communication and Language," 426.

⁶⁰As Fromkin and Rodman observed, although Washoe had mastered about thirty-four signs by the age of three, she would be outstripped by a normal human child of the same age who is "already putting words together according to the syntactic rules of the language to produce an unlimited set of sentences." Washoe, on the other hand, is limited to "the fixed

that she understands the symbol's function. In young human children, what "leads to the formation of symbolic concepts" is the underlying neural organization⁶¹ that motivates the child to communicate "specific information about the environment."⁶² Since TGAs lack the underlying neural organization of a human brain, they also lack ideas or "symbolic concepts."

Instead, in a chimp like Washoe, there is "an imprinting of the symbol on a one-to-one basis," so that one symbol stands for one object. This is in contrast to deaf children, for example, who, despite the fact they are unable to speak and are not exposed to the spoken language of their parents and siblings, "can spontaneously develop a structural sign system that has many of the properties of natural spoken language."⁶³ Again, unlike deaf children, what TGAs Washoe, Sarah, or Nim were able to do with the symbolic language of signing was to exhibit skills of "associative labeling and combining," neither of which require "semantic comprehension or representational ability."⁶⁴

What is of note here is that, although these apes signed both words and sentences, their use of sentences was arbitrary. For humans the opposite is true: the use of words is arbitrary. This is a distinction denoting a real difference. Only human beings can construct an infinite variety of sentences, because only humans have the requisite capacity for abstract thought necessary for mastering the grammar and "the conversation, semantic, or syntactic organization of language."⁶⁵

Similarly, idiomatic expressions of our human language such as "It's six of one and a half dozen of another" would stump any creature lacking a suprasentient intellect. For the same reason, animals would not understand nor create synonyms or homonyms, equivocations, riddles, or conundrums. If we took a chimpanzee for a Sunday drive, we could not depend on it to help us decipher the cleverly personalized license plates that are evidence of our ability as humans to "play" with the language. Animals have left no records of inventing symbols; humans demonstrate a

number of words in her vocabulary" and her sentences are not more complex than "gimme key" or "key gimme." Fromkin and Rodman, *An Introduction to Language*, 183.

⁶¹Citing the research conclusions of P. Lieberman ("Primate Vocalizations and Human Linguistic Ability," *Journal of the Acoustical Society of America* 44:1574-1584), Fromkin and Rodman conclude: "There are anatomical differences between the left and right hemisphere in the human brain which have not been found in other animals... What interests us here is the strong evidence that the changes that occurred in the speech-producing and speech-receiving mechanisms of the species were accompanied or preceded by changes in the brain. This leads us to suspect that evolutionary restructuring of the brain has played a significant role in the origin and development of language." Fromkin and Rodman, *An Introduction to Language*, 26.

⁶²Reynolds, *The Apes*, 223.

⁶³Azar, *Man: Computer, Ape, or Angel?* 153.

⁶⁴E.S. Savage-Rumbaugh et al., "Reference: The Linguistic Essential," *Science* 210.4472 (November 21, 1980): 924, quoted in *Man: Computer, Ape, or Angel?* 216, note 42 (at 378).

⁶⁵H.S. Terrace et al., "Can an Ape Create a Sentence?" *Science* 206.4421 (November 23, 1979): 901, quoted in *Man: Computer, Ape, or Angel?* 216, note 44 (at 378).

proliferation of symbols, as disciplines such as chemistry and mathematics demonstrate.

Perhaps the most definitive indicator of differences between animals and human communication is this: only human beings *develop* languages.⁶⁶ Of the over eight thousand extant languages, each requires intellectual skills on the part of the speaker to master its grammar. But there is no such intellectual creativity in the realm of animal talk. A bark of a dog—or a chimp—is the same today as it was eons ago; a Persian cat in France will have the same basic meow as its American counterpart; chimps which have been trained to say a few words cannot come up with the corresponding grammar and syntax required by every human language.

II. SINGER'S CASE: INTRINSICALLY INCOHERENT

Singer's *Weltanschauung*, with its celebration of materialism and its dedication to an anthropology from below, might strike the postmodern reader, on first hearing, as plausible. But it takes only a short time to scratch away the thin veneer of credibility and to encounter practical objections such as "Is the idea of animal rights even usable?"⁶⁷ and "What exactly are the rights (privileges) of TGAs and how exactly would we enforce such rights and exact from the animal recipients of rights the moral responsibility (duties) of mutual respect?"

Another unavoidable (logical) application of animal rights will, I believe, also be an ultimate litmus test for its utility. If humans and animals are equal, then animals should be elected to public office; consulted in the direction of world affairs and international crisis; given tenure as mathematicians, chemists, nuclear physicists; awarded research grants as embryologists, toxicologists, and geneticists; and generally be exercising dominion in the sense of providential care and direction over humans, plants, and the ecosystem of the kind now required of humans.

Practical objections such as these point to the gross incoherency of Singer's theory of equal protection. To elevate animal rights by jettisoning the dignity and sanctity of human life, as Singer does, leads not only to a diminishment of human rights but also to the implosion of the entire idea of rights. Defining rights to death, so to speak, one of the boomerang effects of Singer's case for animal rights, has its parallel in the contemporary trend to "define deviancy down" until the very notion of deviancy has disappeared altogether.⁶⁸ In addition, decimating the idea of rights and their necessary human connections renders the quest for even the traditional cause of responsible animal welfare (to say nothing of animal rights) equally meaningless.

⁶⁶A basic property of human language is its creative aspect—a speaker's ability to string together discrete units to form an infinite set of "well-formed" sentences. Furthermore, children need not be taught language in any controlled way; they require only linguistic input to enable them to form their own grammar.

⁶⁷Mary Midgley, "What Rights Does a Seagull Have?" *Commonweal* (June 16, 1989): 376.

⁶⁸See Anne Hendershott, *The Politics of Deviance* (San Francisco: Encounter Books, 2002).

Seen in the context of other contemporary cultural developments, the animal rights movement is predictably anti-intellectual and antiscientific. The technological and moral revolutions of the twentieth century have led inexorably to an intellectual malaise about what, if any, are the differences between humans and animals. In this atmosphere, it is all too easy for animal activists to slide into a neopanthemism—"let's not destroy any living being"—which is sentimentally simplistic and out of touch with the real state of affairs in and among the created world. What we all—layperson, scientist, and animal activist—need in order to get a handle on the physical world in general (and the natural differences between animals and humans in particular) is an adequate training in *metaphysics*.

Finally, the animal rights movement is an overreaction or a super-correction. An intelligent response to the call for equal rights for animals is to insist on humane treatment for animals. It is to recognize that humans must respect animals for their created goodness and use them responsibly as beings that are inherently good. Hence, as has been argued, what is needed is not a dethroning of the human species but a "re-enthroning" of the human being as God's vice-regent who is called to "represent and actualize the loving, divine will for all creatures." For humans to conduct themselves wisely toward animals and the rest of the created world is precisely the vocation of the only species God called to "look after the cosmic garden."⁶⁹

⁶⁹Andrew Linz, "The Theological Basis of Animal Rights," *The Christian Century* (October 9, 1991): 908.