

Marginal Cases Versus Species Normality

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Abstract

There is no morally relevant property uniquely possessed by all humans that means all and only humans deserve direct moral consideration. This is known as Singer's Argument from Marginal Cases. It poses the challenge of coming up with this morally relevant property. It cannot be the ability to talk because some humans, so-called 'marginal cases,' are born without this ability, yet most believe marginal cases still deserve direct moral consideration. In this essay I consider the Argument from Species Normality as a counterargument to the Argument from Marginal Cases. This is the argument that marginal cases deserve direct moral consideration, while animals do not, because marginal cases belong to a species that usually does possess the morally relevant property. I argue that the Argument from Species Normality is a weak counterargument as it rests on a morally arbitrary distinction between species.

Introduction

In this essay, I defend Singer's Argument from Marginal Cases from a problematic objection: The Argument from Species Normality. I argue this objection is unsound due to the arbitrary distinction between species. Being successful in my defence would imply that if our practices towards marginal cases are

justified, then our practices towards animals are not justified¹.

A ‘marginal case’ is a human who lacks some property that one might argue is necessary for deserving direct moral consideration. Usually, they are disabled in some way, from birth or after suffering an accident. Most would argue they are no less human because of their disability, so no less deserving of direct moral consideration. It would not be morally permissible to perform invasive medical experiments on a coma patient for example. But some would argue it is permissible to perform such experiments on a dog. As Singer would argue, the coma patient does not possess any morally relevant property that the dog lacks. Singer’s argument can be summarised as follows:

P1: If all and only humans deserve direct moral consideration, then there must be some morally relevant property P that all and only human beings possess.

P2: Any P that all humans possess is a property that some animals possess.

P3: Any P that only humans possess is a property that some humans lack.

C1: Therefore there is no morally relevant property P that all and only humans possess.

C2: Therefore not all or not only humans deserve direct moral consideration².

From C2 Singer concludes that if marginal cases deserve direct moral consideration, so do animals.

I will begin by briefly explaining each premise. I will then introduce the Argument from Species Normality, which states that whether an individual deserves direct moral consideration depends on the general properties of their species, not that particular individual. I will show how the Argument from Species Normality attempts to falsify premises 2 and 3.

Accepting the strength of the Argument from Species Normality over the Argument from Marginal Cases forces us to accept several absurd claims. I will consider each claim in turn and argue that the first two fail to weaken the counterargument, while the final two highlight a key weakness of the Argu-

¹ I will assume our practices towards animals are unjustified if animals deserve direct moral consideration.

² Singer, Peter. *Animal liberation*. Random House, 1995. This form comes from Wilson, Scott D. *Animals and ethics*. The Internet encyclopedia of philosophy, <http://www.iep.utm.edu/anim-eth/#H4>, 2015.

ment from Species Normality. I conclude by arguing that the Argument from Species Normality rests on a morally arbitrary distinction between species. I use a thought experiment to demonstrate that this distinction is not morally relevant, weakening the counterargument.

Singer's Argument from Marginal Cases

I will briefly explain each of Singer's premises and comment on the convincingness of his argument as a whole.

P1: Individuals cannot arbitrarily deserve direct moral consideration. There must be a reason they deserve it while others do not. This means they must possess some property undeserving individuals lack. Perhaps humans deserve direct moral consideration because humans can speak, unlike dogs. Most proponents of 'consideration for all and only humans' also rely on P1; therefore, Singer feels it does not need to be defended³.

P2 and P3: These premises are relatively similar. They challenge us to find a property that is morally relevant and common to all humans. 'Having human genes' isn't morally relevant; it has nothing to do with morality. It forces us to deny direct moral consideration to intelligent aliens, like us in every way but their genetic makeup. Morally relevant properties, such as rationality or moral agency, are lacked by some humans. An unconscious coma patient may exhibit neither of these properties.

Meanwhile, the morally relevant properties that marginal cases do possess are not exclusive to humans. The coma patient still has interests - they can suffer, but so can most animals. Consequently, it is difficult to come up with a P that fits the criteria. Since it is difficult to find a satisfactory P, the argument is highly persuasive.

³ Ibid., 265-266

The Argument from Species Normality

However, the Argument from Species Normality suggests a candidate P that makes P2 and P3 false. It states that “The moral status of an individual depends on what is normal for their species”⁴. Unlike a dog, a coma patient deserves moral consideration, because humans generally possess the property required for moral consideration. The dog’s lack of rationality or moral agency is not abnormal or deficient, unlike marginal cases. Benn argues further that it would be wrong to deny consideration to a marginal case just because they are unfortunate in having their condition⁵. It is intuitive that performing invasive medical experiments on coma patients, just because they are unfortunate, is wrong.

This counterargument proposes the following property P* as being morally relevant and exclusively possessed by all humans, refuting Premises 2 and 3:

P*: Belonging to a species that generally possesses the morally relevant property Q for deserving direct moral consideration⁶.

Let Q be something morally relevant that humans generally possess, say, rationality. Being human is sufficient for deserving direct moral consideration. Individuals do not need to possess Q to deserve direct moral consideration. Just like dogs, some humans will not possess Q. However, in general, humans possess Q, whereas dogs generally do not. Therefore, all and only humans possess P*.

Intuitively, this counterexample P* is morally relevant - unlike ‘having human genes’ (despite being similar). Marginal cases do not deserve arbitrary moral consideration just because they are humans. It is because, had they been ‘luckier’ or things gone slightly differently for them (not hit by a car and comatosed), they would have possessed Q. It would be unfair to penalise them for their mis-

⁴ Graham, D. *A Libertarian Replies to Tibor Machan’s “Why Animal Rights Don’t Exist”*, last modified on March 28, 2004, <http://www.strike-the-root.com/4/graham/graham1.html>.

⁵ Benn, Stanley I. *Egalitarianism and the equal consideration of interests*. (1997), 62.

⁶ This property is implicitly used in Machan, Tibor R. *Putting humans first: why we are nature’s favorite*. Rowman & Littlefield, 2004. I have adapted it to work as a counterexample to Singer’s argument.

fortune, giving us reason to accept the moral relevance of P*.

The argument provides us with a reason to accept that premises 2 and 3 are false, and so Singer's Argument from Marginal Cases is unsound.

Counter-intuitive Claims

However, this counterargument leads us to several absurd conclusions. If these claims decisively reduce the Argument from Species Normality to absurdity then it cannot be used as a sound counterargument to Argument from Marginal Cases⁷. I will discuss each claim in turn and argue that only the first two fail to weaken the counterargument.

Claim 1: If a particular chimp happened to possess Q (e.g. able to think rationally) we can justify using it for invasive medical procedures simply because, in general, chimps do not possess Q⁸.

Altick (2007) points out that the claim does not weaken the Argument from Species Normality as a counterargument⁹. If we bite the bullet, both premise 2 and 3 remain false. But suppose we want to give the chimp equal consideration. The argument must change so that an individual deserves direct moral consideration if they possess property P* or property Q. This implies P1 must be false as there is no single property necessary and sufficient for an individual to deserve direct moral consideration. Therefore, Singer's argument remains unsound¹⁰.

Claim 2: Assume marginal cases deserve to be treated the same as non-marginal cases, but animals do not: If an infant accidentally kills a fellow infant, they

⁷ I draw distinction between The Argument from Species Normality as a counterargument to show The Argument from Marginal Cases unsound and The Argument from Species Normality as an argument for the conclusion 'all and only humans deserve direct moral consideration'.

⁸ Attributed to James Rachels, from Regan, Tom, and Peter Singer. *Animal rights and human obligations*. (1989).

⁹ Though arguably it invalidates the Argument from Species Normality as an argument in itself.

¹⁰ Arguably P1 could be simply changed to reflect this, however, such consideration is beyond the scope of this essay.

should be charged with manslaughter. However, infants lack moral agency, like animals. It makes more sense to treat marginal cases as animals; animals aren't punished for killing each other¹¹.

The Argument from Species Normality requires that marginal cases deserve direct moral consideration, whereas this claim asserts that this would have absurd consequences. However, Singer points out that giving an individual direct moral consideration doesn't imply giving them equal rights and responsibilities¹². Just because infants deserve direct moral responsibility does not mean they should have the right to vote that general humans possess, much as an equal consideration for men and women doesn't require that men have the right to abortion. Just as men lack wombs and infants lack political understanding, infants also lack a certain amount of moral responsibility, so don't deserve to be treated the same as an adult. Therefore, the claim holds little weight.

Singer further has us suppose the morally relevant Q is rationality above a certain threshold¹³. Belonging to a species that is generally more rational than the threshold is sufficient for deserving direct moral consideration.

Claim 3: It is justified to deny direct moral consideration to a dog because dogs do not generally exceed the threshold for rationality, but not justified to deny direct moral consideration to a mentally disabled human because humans generally exceed this threshold.

Now suppose scientists discover that white people on average exceed this threshold, whereas black people do not. This allows us to present a further claim:

Claim 4: It is justified to deny direct moral consideration to a black person because black people do not generally exceed the threshold for rationality but not justified to deny direct moral consideration to a mentally disabled white person because white people generally exceed this threshold.

¹¹ This example comes from Graham, *A Libertarian Replies* (2004). Graham and Nobis, Nathan. *Review of putting humans first: Why we are nature's favorite by Tibor Machan* uses the similar claim "if it's okay for a lion to kill another lion without facing punishment, it should be okay for a human to kill another human". I only include one because they are similar claims.

¹² Singer, Peter. *All animals are equal*. (1989), 2

¹³ *Ibid.*, 9-10

Singer highlights how close the examples are: The only difference is that one is about species, and the other about races. He argues that the difference between species and race is arbitrary, yet we only put moral weight on the differences between species. Arguably there is not necessarily a fundamental difference between species, only a difference between species that are generally rational and species that are not. It would not be justified to deny direct moral consideration to a dog but not a cat, as the difference between these two species is morally arbitrary; neither generally possesses Q. The difference between humans and dogs is not arbitrary. Humans generally possess Q while dogs do not.

The Distinction Between Species

This is not a sound argument. One can argue that this ‘dividing line’ of generally possessing Q and not generally possessing Q is also morally arbitrary. Consider the following thought experiment that attempts to demonstrate there is not a morally relevant distinction between species that generally possess property Q and those that do not, given that species are fluid and can evolve into new species. The Argument from Species Normality clearly rests on this being a morally relevant distinction. Otherwise, we could claim that a dog is just as unlucky as a marginal case with not being born as a non-marginal case, meaning it too deserves direct moral consideration.

Suppose a large number of humans are born without the morally relevant property Q necessary for deserving direct moral consideration. This makes them ‘marginal cases’, even though they are like non-marginal cases in every other way. They deserve direct moral consideration only because, as humans, they possess property P*. They were simply unlucky in being born without property Q. Suppose also that this particular lack of property Q is caused by being born with a pair of defective, recessive, genes. These individuals were just unlucky to get one defective gene from each parent, meaning that we should not deny them direct moral consideration just for being unlucky.

Suppose that this group of individuals, feeling themselves be different from the rest of society, come together forming a sub-society. This sub-society, made up entirely of people without property Q, go on to have children amongst them-

selves, generation after generation. Since lacking property Q is caused by having two recessive genes, their children will also lack property Q. Do their children still possess property P*? One could argue they do not because they were not simply unlucky in being born with two recessive genes, like their ancestors. Instead, being born with two recessive genes (so without property Q) was guaranteed. However, this is not what we mean when we say a marginal case has been 'unlucky'. Therefore, there is a strong case that these children still possess property P*, as I believe the proponent of the Argument from Species Normality would agree.

Many generations later, the descendants of the original group of people will still lack property Q. We could argue that the descendants nonetheless still possess P* because they could still have been born to a family in the rest of society and so possess property Q. This means they are still just unlucky to have been born without property Q, and so they still deserve direct moral consideration. As generations pass, the way this sub-society diverge from the rest of society begins to look a lot like the way species diverge through the process of natural selection.

The proponent of the Argument from Species Normality must argue that at some point the descendants of this sub-society no longer possess property P*. Otherwise, after several million years, the difference between this new 'species' and, say, dogs will be as morally arbitrary as the difference between dogs and cats. This would make it difficult to assert that these descendants, and not dogs or cats, deserve direct moral consideration¹⁴. I would argue that there is no morally relevant point at which these descendants stop possessing P*. Every child could have been born to a different family and possess property Q. Therefore, every generation is just as unlucky as the previous one to have been born without property Q. One could not claim that after 100 generations they stop possessing P* because this is a morally arbitrary point. There is no moral reason the 100th generation would be the cutoff point.

The proponent of the Argument from Species Normality could argue that these

¹⁴ One could argue they are different because one species evolved from humans (who generally possess Q). However, I don't see how this is a morally relevant distinction from other species who generally lack property Q.

individuals stop possessing P^* when they can no longer have children with people from the rest of society. This is often considered to be what marks the distinction between one species and another. In other words, this group of people no longer possess P^* because, after many generations, they are now a separate species.

However, this distinction still seems morally arbitrary. It is the same distinction that makes dogs distinct from cats, and yet we have already argued that that distinction does not make dogs morally distinct from cats. Consequently, it seems evident that the distinction between species that generally possess P^* and those that do not is also morally arbitrary. This weakens the case for the Argument from Species Normality because the argument fundamentally rests on this distinction.

Conclusion

I have discussed the Argument from Species Normality as a counterargument to Singer's Argument from Marginal Cases, considering the effectiveness of the counterexample it provides. The counterexample attempts to demonstrate a property that is possessed exclusively by all humans, which would falsify premises 2 and 3. However, the Argument from Species Normality rests on there being a morally relevant distinction between species that generally possess the morally relevant property required for direct moral consideration and those that do not. I argue that this distinction is morally arbitrary, weakening the case for the Argument from Species Normality.

References

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