



The Struggle For Nonhuman Personhood

George Dvorsky

Institute for Ethics and Emerging Technologies

george@sentientdevelopments.com

Journal of Evolution and Technology - Vol. 24 Issue 3 – Sept 2014 – pgs 1-3

It's been nearly four decades since Peter Singer published *Animal Liberation*, the book that effectively kickstarted the modern animal rights movement. But as the public's awareness of the plight of animals has spread, and as advocacy groups have emerged in virtually all parts of the world, the reality is that very little has changed in terms of how we treat nonhuman animals and the status we afford to them. We continue to use them in our medical experiments and at increasing rates; new technologies threaten to make the situation worse, with some scientists openly advocating for the creation of genetically engineered monkeys with psychological disorders, such as schizophrenia. Animals continue to work for our pleasure, whether it be at circuses, zoos or marine parks. And the conditions under which they're forced to live in factory farms is beyond deplorable.

Despite this apparent stagnation (if not regression), there are many reasons for us to be optimistic. The NIH is currently phasing out the use of great apes in its experiments. Documentaries like *The Cove* and *Blackfish* have become indelible fixtures of popular culture. And thanks to the work of Steven Wise's Nonhuman Rights Project and the IEET's Rights of Nonhuman Persons program, the audacious suggestion that certain animals are deserving of human-equivalent legal rights and protections is slowly trickling into the zeitgeist.

Indeed, Wise's effort to secure protective rights for several chimpanzees — though unsuccessful in its preliminary attempt — was both a symbolic and practical victory. The attempt to move animals from 'thinghood' to personhood made international headlines; the cat is out of the bag, and soon, chimpanzees will be let out of their otherwise "everlasting jail." Moreover, as Wise's team refines their arguments and approach, judges will have an increasingly difficult time denying these highly sapient and emotional creatures their right to bodily liberty. From there, Wise's team — and perhaps others — will work to secure similar rights for other animals. As Wise himself noted at the 2013 Personhood Beyond the Human conference at Yale — and paraphrasing Winston Churchill — it's truly the end of the beginning. The real battles to secure victory for nonhuman persons are set to begin.

But even victory won't ensure an end to the struggle. Many industries are dependent on the unchecked

exploitation of animals, and they will fight to preserve their self-interest. In the coming years and decades, we can expect to see marine parks, circuses and zoos rail against the prospect, as will those who harvest animals for food, whether they be whalers or pig farmers.

Once established, however, these precedents will inform a seemingly unrelated endeavor — the effort to create intelligence and self-awareness in machines. The day is coming when an object of inquiry will transform into a subject worthy of moral consideration. But while we need to remain on the look-out for the emergence of subjectivity in software or a brain emulation, we also need to recognize when it's not there. Otherwise we run the risk of ascribing personhood to an inanimate object — and at the risk of demeaning or ignoring those entities truly deserving of such status.

Needless to say, there is still much work to be done. The path towards nonhuman personhood is long and complex, a journey that will require the contributions from experts from many fields. This reality was beautifully showcased at the 2013 Yale Conference, an event that brought together philosophers, ethicists, legal scholars, psychologists, political scientists, sociologists, activists, and biologists. Likewise, this special edition of the *Journal of Evolution and Technology* demonstrates the broad academic reach of the subject.

Take the first essay in our series. Psychologist Dorothy Riddle's "Evolving Notions of Nonhuman Personhood" examines how our perceptions of personhood are constantly changing and how our sense of moral accountability needs to evolve along with it. Given that humans get to decide which species are afforded moral consideration, we have to be aware of our own vested interests in the matter.

Like Riddle, Kevin LaGrandeur asks us to take a step back and assess the moral landscape. He makes the case that, if we're to establish new definitions of nonhuman personhood, it's critical that we evaluate similar efforts made by our philosophical forebearers — an examination that belies our tendency towards human exceptionalism.

In Wynn Schwartz's "What Is A Person And How Can We Be Sure?", he uses a paradigm case formulation to shear away misunderstandings and entrenched definitions of what it means to be a person. He reaches the challenging conclusion that language serves a barrier to both understanding the inner states of animals and the question of whether or not there's any "personhood" to be shared. "If they wanted to talk to us," he writes, "I am not sure we'd welcome what they have to say."

Animal rights advocate Karen Davis offers one of the more challenging essays in the collection, arguing that the moral status of animals should not be afforded at the expense of other animals. Every vertebrate, regardless of any apparent lack of cognitive sophistication, is a perfectly adapted creature imbued with its own rich and complex inner life. None of these animals, she contests, needs to "prove" anything. Elizabeth Oriel takes this line of thinking further by considering more traditional and inclusive definitions of personhood — one that takes the entire ecosystems and its vast web of interconnections into consideration. At the same time, Oriel says "Distinctions of 'most intelligent', 'most aware', fall away in the face of real encounters with animals in one's life." Likewise, Uta Maria Jürgens argues for the "personizing" of the land in order to extend the "I" of personhood to the environment around us, a means of establishing reasoned "compassionate co-existence."

In "Personhood and Subjectivation in Simondon and Heidegger," Kingston University's Melanie Swan looks to 20th century philosophical notions of individuation and how it informs our conceptions and definitions of personhood — approaches that, perhaps surprisingly, open up entirely new sets of possibilities.

Amy Michelle DeBaets considers the future of robotic persons, arguing that the requisite characteristics of moral agency must include adaptive learning, empathy, an inclination towards the good -- and physical embodiment. In this era of highly-problematic and simplistic Turing Tests, it's a welcomed perspective.

Lastly, in Chelsea Medlock's "Common Sacrifice, Common Suffering," she takes an historical perspective to analyze the British debate over nonhuman personhood in the aftermath of the First World War.

As these essays suggest, there's still plenty of wiggle-room in the personhood debate. But while consensus on the matter is unlikely, it's clear that the next stage towards animal liberation has been set.