

# Darwinism and Human Dignity

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## ABSTRACT

James Rachels argued against the possibility of finding some moral capacity in humans that confers upon them a unique dignity. His argument contends that Darwinism challenges such attempts, because Darwinism predicts that any morally valuable capacity able to bestow a unique dignity is likely present to a degree within both humans and non-human animals alike. I make the case, however, that some of Darwin's own thoughts regarding the nature of conscience provide a springboard for criticising Rachels's claim here. Using Darwin's thoughts regarding conscience, I begin the project of grounding a revised account of human dignity in the human tendency to enshrine products of conscience within institutions. Specifically, I argue that this new account of human dignity is partly contingent upon humans creating institutions morally respectful of the values present within non-human nature.

## KEYWORDS

Darwin, morality, James Rachels, animals, moral status, human dignity, conscience, institutions

For one species to mourn the death of another is a new thing under the sun. The Cro-Magnon who slew the last mammoth thought only of steaks. The sportsman who shot the last [passenger] pigeon thought only of his prowess. The sailor who clubbed the last auk thought of nothing at all. But we, who have lost our pigeons, mourn the loss. Had the funeral been ours, the pigeons would hardly have mourned us. In this fact, rather than in Mr. Du Pont's nylons or Mr. Vannevar Bush's bombs, lies objective evidence of our superiority over the beasts.

Aldo Leopold, *A Sand County Almanac*<sup>1</sup>

## INTRODUCTION

In his work, *Created from Animals: The Moral Implications of Darwinism*, James Rachels attempts to undermine what he calls the ‘traditional doctrine of human dignity’. Rachels explains the doctrine as follows:

Traditional morality depends on the idea that human beings are in a special moral category: from a moral point of view, human life has a special, unique value, while non-human life has relatively little value. Thus the purpose of morality is conceived to be, primarily, the protection of human beings and their rights and interests. This is commonly referred to as the idea of human dignity (Rachels, 1990: 4).

Rachels goes on to write that the traditional doctrine of human dignity is supported by two key ideas: (1) the idea that ‘man is made in the image of God;’ and (2) the idea that humans alone are rational creatures (Rachels, 1990: 4). He argues that Darwinism<sup>2</sup> undermines both notions and – what is more – makes finding any other basis for human dignity extremely problematic; this, by virtue of the fact that Darwinism challenges the idea that humans are fundamentally different from other animals in any way that justifies labelling humans as morally special. Rachels explains that ‘[evolutionary theory] makes us suspicious of any doctrine that sees large gaps of any sort between humans and all other creatures’ (Rachels, 1990: 172).

This paper attempts to rest a doctrine of human dignity on a naturalistic foundation, one that Darwin himself provides. The version of human dignity argued for here, however, differs in an important respect from the traditional moral doctrine just stated above. Specifically, while this paper argues both that humans possess special moral abilities that differ from those of non-human animals and that the lives and interests of human beings are therefore of unique importance, the conclusions of this paper do not entail or even support the idea that the lives and interests of non-human animals are of relatively little value; on the contrary, the moral importance of the lives and interests of humans is justified in a way that makes human dignity partly contingent upon creating institutions respectful of the morally valuable interests of non-human animals.

This new, Darwin-approved argument for human dignity centres on the idea that humans are the only creatures capable of creating, maintaining, and expanding institutions for moral reasons. In making this argument, it is explained that there is a way of understanding such institutions that highlights the role of promoting conscience-approved behaviour. Moreover, when it is made clear what capacities are involved in the creation, maintenance, and expansion of institutions for moral reasons, it becomes evident that such institutional activities are something with which other animals do not involve themselves, but from which they absolutely can and ought to benefit.

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### THE VALUE OF THIS STUDY

Daniel Dennett likens the transformative power of Darwinism to a ‘universal acid’, a substance so corrosive that it consumes whatever lies in its path. Explaining further his analogy, Dennett writes: ‘Darwin’s idea [...] eats through just about every traditional concept, and leaves in its wake a revolutionised world-view, with most of the old landmarks still recognizable, but transformed in fundamental ways’ (Dennett, 1995: 63). Borrowing Dennett’s terminology, I am arguing that a unique human dignity just is one of these transformed landmarks, one which is still recognisable but dramatically altered by Darwinism. Specifically, while Darwinism dissolves most of those features traditionally invoked as separating humans from non-humans – especially those entailed by antiquated metaphysics – some semblance of human dignity remains apparent, even for Darwin. And this transformed notion of human dignity deserves acknowledgment, primarily because a unique human dignity still finds such wide acceptance amongst persons generally, and determining to what degree widely held beliefs are reasonable is, of course, one of the more important tasks for the philosopher.

The general philosophical value of this study, therefore, is my beginning the project of establishing a naturalistic footing for the moral uniqueness of humans (i.e. a distinct human dignity). This is done despite the protestations of as noteworthy a philosopher as James Rachels. The more specific philosophical value of this study, however, is demonstrating that Darwin’s own ideas give shape to the idea of human dignity, but in a way that makes recognising the moral significance of non-human creatures necessary.

This paper proceeds in the following manner. First, the traditional doctrine of human dignity is laid out. Second, both the ‘image of God thesis’ as grounds for the doctrine of human dignity and why Rachels thinks Darwinism undermines this thesis are explained. Third, the paper identifies why the ‘rationality thesis’ similarly fails in providing a unique moral status for humans. Fourth, much of Darwin’s own account of morality is explained, as is his belief that the moral capacities of humans and other animals differ in significant ways. The examination of Darwin’s own moral ideas provides a springboard for criticising Rachels’s claim that no Darwinian justification for human dignity can be given. Finally, the paper concludes with some strictly moral theoretic considerations regarding how a revised Darwinian account of human dignity can find support within normative theory.

### THE DOCTRINE OF HUMAN DIGNITY

According to Rachels, the world’s great religions, in particular the Western religious tradition (i.e., the Judeo-Christian tradition), have very much buttressed the traditional doctrine of human dignity. Humans are given the starring role in

the creation drama and its subsequent history. Rachels notes that with respect to the Judeo-Christian tradition, man is said to be created in the very image of God, with non-human creatures being there for man's support and comfort. Moreover, throughout history, humans have been the special focus of divine concern – God having given humans a set of rules to live by and even coming down in human form, or so says Christianity, to sacrifice himself so that humans might someday be reunited with God and live with him eternally. With respect to God's supposed edicts, Rachels observes that they have primarily focused on how humans ought to treat other humans, God saying in effect that the appropriate object of man's morality ought to be humans and the way they behave one towards another (Rachels, 1990: 86–7).

Rachels, of course, notes that Western intellectual traditions – either as a direct outgrowth of religious traditions or somewhat independently of them – have found alternative justifications for the idea of human dignity. But as for that which has grown out of religious concerns, Rachels cites the argument that if man is indeed created in the image of God, then man ought to be able to identify the divine component within persons. Those who have felt the force of this argument have responded by identifying rationality as the divine element within man; Western religious scholars have frequently appealed to Greek thought (e.g., to Aristotle's philosophy) to support this, as that tradition often identifies man as a uniquely rational animal.

Yet, as Western culture has been secularised, the idea of humans being morally special by virtue of their position as uniquely rational animals has gained independent status, with this rationality thesis finding a home in some of the major moral theories (Rachels, 1990: 87–8). A virtue theorist, for example, can strip away the divine clothing theologians drape over Aristotle's ideas and then attempt to defend his thesis that because the good of any entity emerges from its function, and because the unique function of humans is acting rationally, it follows that the good of humans emerges from their acting rationally (Aristotle, 1947: 318–19). Similarly, the faithful student of Immanuel Kant can set aside religious belief and mount a defence that the only creatures capable of willing the moral law are humans, where such willing just is a feature of rational activity. If such a person agrees further with Kant that morality *only* involves entities capable of such willing, then she will restrict the domain of morality to only humans.<sup>3</sup> The point here is that even when religion is jettisoned, the rationality thesis is still appealed to and its moral weight thrown around when deliberation occurs on ethical matters.

## UNDERMINING THE IMAGE OF GOD THESIS

In *Created from Animals*, Rachels is careful to acknowledge that religion and evolution are logically compatible. Yet he does think that evolution might pro-

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vide good reasons for doubting whether religion is true or not (Rachels, 1990: 126–7). The reasons he gives for this last idea are some of the same reasons that cause him to answer negatively the question that guides his discussion concerning religion in general, namely, ‘Is Darwinian evolution compatible with a version of theism rich enough to support the ‘image of God thesis’ – the idea that humans are made in God’s image and enjoy a special place in his creation?’ (Rachels, 1990: 100).

Rachels’s argument against there being a rich enough theism to support the image of God thesis can be summarised as follows:

- (P1) If there exists a theistic doctrine rich enough to support the image of God thesis, then a purposive or teleological explanation of natural phenomena is probable.
- (P2) Darwinism gives good reasons for thinking a purposive or teleological explanation to be quite improbable.
- (C1) Therefore, there does not exist a theistic doctrine rich enough to support the image of God thesis (Rachels, 1990: 127).

Rachels explains his reasons for asserting P1 by stating that ‘[t]he image of God thesis does not go along with just any theistic view. It requires a theism that sees God as actively designing man and the world as a home for man’ (Rachels, 1990: 127–8). Indeed, if man were created in the image of God himself, says Rachels, then God would have to be an active participant in both man’s design and the design of man’s environment to ensure that the desired result of his creation would obtain. Yet, P2 states that Darwinism gives good grounds for rejecting a divine teleology. Support for this premise is found in the very idea of Darwinian evolution. Charles Darwin’s principle of natural selection purports to leave no theoretical gaps that a deity might need to fill. Rachels defines natural selection as the idea that ‘[v]ariations occur [amongst organisms], and those that confer advantages in ‘the struggle for life’ are preserved to be transmitted to future generations’ (Rachels, 1990: 122). Organisms then evolve from one another (e.g., to become different species) via the process of natural selection. Rachels explains how these ideas of Darwin’s specifically undermine a divine teleology:

He [Darwin] demonstrated that even the most intricate adaptations could be accounted for without assuming any conscious design; all that was needed was random variation and natural selection. Biological structures are what they are not because parts have been designed to ‘fit’ with the whole, but because variations have conferred advantages in the struggle for life. The whole organism is just the evolutionary sum of these variations (Rachels, 1990: 112).

The idea of natural selection serves as the spine for the various Darwinian inspired criticisms which Rachels levies against the idea of a divine teleology.

The crux of his arguments is that when God's active participation is no longer necessary to explain the design of man and his environment, then a divine teleology is undermined. Thus, with respect to C1, Rachels is confident that calling into question the idea of a purposive creation is sufficient reason to conclude that Darwinism undermines the image of God thesis and the divine support it lends to the idea of human dignity.

### REJECTING THE RATIONALITY THESIS

According to Rachels, Darwin thought that not only could man and every other creature's physical evolution be explained via natural selection, but so too could the development of their psychological capacities, including human rationality (Rachels, 1990: 132). If, however, human rationality is an evolved capacity, then it follows that rationality would be expected to exist in some way amongst some of those organisms from which humans evolved. Darwin, argues Rachels, found this to be the case. Explaining part of Darwin's conclusion, Rachels writes: 'Darwin did not deny that human rational abilities far exceed those of other animals. But he insisted that the difference is only one of degree, not of kind' (Rachels, 1990: 133). If Darwin is correct, surmises Rachels, then this would undermine the idea that rationality could be used as a basis for human dignity. Indeed, we can state the consequence of Darwinism for the rationality thesis as follows:

- (P1) If the rationality thesis is plausible, then it must be the case that humans are the only organisms that possess the faculty of reason.
- (P2) Darwinism gives good reasons for thinking it not to be the case that humans are the only rational creatures.
- (C2) Therefore, the rationality thesis is not plausible.

Support for P1 is found in the very definition of the rationality thesis – that is, if humans possess a dignity that no other organisms have by virtue of the former's capacity for rational activity, then it follows that the dignity in question is contingent on humans being uniquely rational. Support for P2 is found, in part, in the theoretical undercurrent of Darwinism that was alluded to prior to the formal argument just stated. To reiterate, the idea is that if something is an evolved capacity, then such a capacity would be expected to exist amongst some of those species from which another particular species possessing that quality evolved. Because Darwin thought it plausible that psychological capacities were evolved mechanisms, it follows that the characteristic of rationality exhibited by humans should have evolved from, and hence be present within, those species from which humans evolved. Darwin, as would be expected, was attentive to whether there was evidence that non-humans exhibited any level

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of rationality. From earthworms to monkeys, Darwin saw that other organisms do in fact ‘adjust their behaviour to the demands of the environment in a complex, intelligent way’ (i.e., they demonstrate levels of intelligence, rationality) (Rachels, 1990: 140).<sup>4</sup> If correct, this empirical evidence bolsters Darwinism and further instils confidence in the veracity of P2.<sup>5</sup>

If one accepts Darwin’s understanding of rationality (i.e., an instrumental one) and further accepts examples of non-human instances of rational behaviour, then one is committed to saying that some non-humans are rational – that is, one is committed to accepting the second premise of the argument against the rationality thesis (i.e., the idea that Darwinism gives good reasons for thinking it not to be the case that humans are the only rational creatures). Acceptance, then, of P1 and P2 leads to the conclusion C2 – that rationality cannot be grounds for a unique human dignity.<sup>6</sup>

## DARWIN AND MORALITY

Writing in the *Descent of Man*, Darwin states: ‘I fully subscribe to the judgment of those writers who maintain that of all the differences between man and the lower animals, the moral sense or conscience is by far the most important’ (Darwin, 2006: 817). Rachels explains that morality, for Darwin, is ‘made possible ... by our “social instincts” – our natural disposition to act for the benefit of others’. Still, even though Darwin thought that the moral sense was something humans possessed in greater measure than non-humans, non-human organisms possess a moral sense at least to some degree. In fact, Darwin recognised that the social instincts are powerful enough in non-human animals that they, like humans, can and will act ‘self-sacrificially for the benefit of their fellow creatures’ (Rachels, 1990: 147). For example, Rachels points out how non-human animals will adopt orphaned members of their group; Darwin himself was impressed with examples of birds (pelicans and crows) feeding their blind companions (Rachels, 1990: 148); and a most remarkable account of non-human altruism comes via a summary Rachels gives of published findings from scientists at Northwestern University Medical School regarding altruism in rhesus monkeys. The experiments conducted there with these monkeys showed that the majority of them would go hungry when securing food meant that they would cause pain to another monkey. Also, the likelihood of going hungry increased, the findings reported, when the monkey that could cause the harm had once been placed in the position of receiving the harm (Rachels, 1990: 149–51).<sup>7</sup>

Even in light of these sorts of examples, Darwin thinks that there are important moral differences between humans and non-humans. Rachels explains that what distinguishes human morality from non-human morality, for Darwin, is that ‘[human morality] is the product not just of the social instincts, but of the social instincts plus intelligence’. Darwin thought that the more developed

an organism's intelligence is, the more knowledge about causes and effects an organism will have. But greater knowledge concerning causes and effects allows for choosing between actions to get what one wants – this includes realising which actions satisfy the social instincts (Rachels, 1990: 160).

It is also the ability to choose between actions (i.e., when one of those actions involves acting contrary to the social instincts) that, for Darwin, gives rise to the possession of conscience. Eighteenth-century British moral philosophers such as Lord Shaftesbury, Joseph Butler, and David Hume – explains Rachels – heavily influenced Darwin with their ideas regarding conscience. On their account, conscience was the desire to have certain attitudes and to regret having certain attitudes; Rachels explains that Darwin adopted a similar view (Rachels, 1990: 160–61).

These eighteenth-century British moral theorists so influential to Darwin additionally thought that humans are moral agents of a unique sort. It is the capacity for second-order valuing, they argued, that differentiates man from the other animals. Rachels explains their reasoning as follows:

A dog's attitudes (they said) are all directed at objects external to the dog himself: he desires food, he desires what will make him warm, he desires to avoid the sources of pain. Perhaps, [these theorists] might have said if they had known more about altruism among the animals, a dog might even desire that other dogs should not suffer. But the dog cannot desire to have a certain attitude, and he cannot regret that he has certain attitudes. A man, on the other hand, can want something (I want to hurt the person who hurt me) and at the same time can regret that he wants it (I disapprove of myself for wanting revenge, and wish that I had a more generous temperament). It is this capacity for approving or disapproving of one's own attitudes that constitutes one's conscience (Rachels, 1990: 160–61).

Notice that the above notion of conscience does not allow to a particular species of non-human mammal, no matter how otherwise sophisticated, the capacity for second-order valuing and thus the possession of conscience. Yet the claim that some fairly sophisticated non-human organisms do not possess consciences is in keeping with Darwin's own thoughts on the subject.

Darwin discusses the separation of human morality from non-human morality when he writes: 'Any animal whatever, endowed with well-marked social instincts, would inevitably acquire a moral sense or conscience, as soon as its intellectual powers had become as well developed, or nearly as well developed, as in man' (quoted in Rachels, 1990: 160). Moreover, in one place where Darwin himself extols the virtues of dogs (e.g., their love, their sympathy, and their capacity for 'some power of self command'), he considers attributing consciences to dogs, but stops short of this, instead writing, '...dogs possess something very like a conscience' (Darwin, 2006: 821–2).



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All of this is important because the upshot of Darwinism for Rachels's overall argument against the doctrine of human dignity is that Darwin's ideas seriously call into question the notion that humans are fundamentally different from other animals in any way that would justify humans being seen as morally special in contrast to other species. The reason for this is that all the differences between humans and non-human animals, in light of Darwinism, will be differences of degree and not differences in kind. But it would appear that this 'difference-in-degree principle' is possibly called into question by Darwin's own thoughts regarding conscience. Darwin's understanding of how conscience is produced (i.e., it is produced when a sufficient degree of rationality conjoins with the social instincts) actually provides a mechanism for attributing possession of something different in kind from what many other animals possess. Thus, we can generate a difference in kind principle using the thoughts of Darwin. We can express this idea in the following manner:

*Difference in Kind Principle*

- Suppose that  $\Psi$  is possible only if capacity C exists to degree D so as to conjoin with another capacity C'. The lack of  $\Psi$  or the presence of  $\Psi$  constitutes a difference in kind.<sup>8</sup>

The important thing about the difference in kind principle is that it avoids the charge of arbitrariness. Rachels's appeal to Darwinism to show that all differences between humans and non-human animals will be differences of degree and not differences in kind challenges a would-be opponent to show a difference in kind in a non-arbitrary way. That is, someone could speak of a spectrum of ability (e.g., spectra regarding the ability to reason, use language, be moral, etc.) and stop at a specific point, compare it with another, and say: 'Here is where humans are in comparison to many non-humans', and further assert that: '...this level of ability constitutes a difference in kind;' but to do so is arbitrary as long as that capacity – even if possessed by humans to a much greater degree – remains on that spectrum. But the difference in kind principle allows for the identification of a capacity that is removed from shared spectra. Of course, neither Darwin nor Rachels teases out such a principle. But the claim here is that this principle is latent within Darwin's own writings, and his thoughts regarding conscience evidence this.

Although the possession of conscience appears to be a worthy candidate for something of unique moral significance that differentiates humans from other animals, there is an even better candidate. Indeed, perhaps it is best to shy away from identifying conscience as a contender, given Darwin's speculations about how close a dog comes to possessing one; for if a dog almost possesses a conscience, then perhaps, for example, some species of primate will. And, of

course, the possibility being sought after here is identifying a Darwinian approved capacity exclusive to humans that commands a special kind of moral respect.

Notice, however, that the Darwinian-inspired difference in kind principle allows for the following: If we take the presence of conscience itself (i.e., something which Darwin concedes few animals have) and conjoin it with a high degree of rationality – that is, if we plug conscience and robust rationality into the difference in kind principle – one thing that this can yield, or so I shall argue, is the ability to form institutions protective of products of conscience. Additionally, it can be maintained that it is the human ability to form these institutions that justifies seeing humans as morally special in contrast to other species.<sup>9</sup> Before seeing how such an argument unfolds, it is helpful to note more of what Darwin says about the nature of conscience.

Rachels writes that, '[c]onscience, as Darwin conceives it, is a phenomenon closely associated with *conflict situations*' (Rachels, 1990: 161). To demonstrate what conscience is for Darwin, consider the following example of a conflict situation which gives rise to the production of conscience: Imagine that a human, Steve, is quite hungry and has no money with which to buy food. He finds himself in a position to satisfy his hunger by grabbing food that does not belong to him. Steve, however, knows that stealing is contrary to the interests of the community as a whole. The social instincts that Steve possesses make him reluctant to act against the interests of the community. So, Steve is torn between the strong natural impulse to satisfy his hunger and the natural impulse to avoid harming his community. If, however, Steve chooses to snatch the food and alleviate his hunger, yet later regrets having chosen this option, conscience is made manifest. To be precise, the manifestation of conscience for Steve, on Darwin's account, is Steve's regret that his desire not to harm the community rather than his desire to steal the food did not win out.

With respect to the deliberative process one undertakes when making a decision like Steve's, Darwin writes:

At the moment of action, man will no doubt be apt to follow the stronger impulse; and though this may occasionally prompt him to the noblest deeds, it will far more commonly lead him to gratify his own desires at the expense of other men. But after their gratification, when past and weaker impressions are contrasted with the ever-enduring social instincts, retribution will surely come. Man will then feel dissatisfaction with himself, and will resolve with more or less force to act differently in the future. This is conscience; for conscience looks backwards and judges past actions, inducing that kind of dissatisfaction, which if weak we call regret, and if severe remorse (Darwin, 2006: 829).

Darwin, explains Rachels, thought that conscience with respect to the social instincts is enduring in a way that 'other passions or instincts' are not. Indeed, if someone were to act in a way that harmed his community in order, say, to satiate his hunger as the hypothetical Steve did, later reflection would cause him

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to regret his past action. Why? It is because the social instincts endure in a way that particular desires do not. Although temporary instincts may win battles for the will in various instances because of their strength (e.g., Steve experiencing hunger to the degree that his desire to satisfy it trumps other considerations), the social instincts are in a good position to win the war, inasmuch as they stay with the person as the more temporary desires fade away (Rachels, 1990: 162).

Yet it is when a person acts in accordance with her social instincts in situations of conflict, where the alternative is satisfying her desires at the expense of other humans, that we have adequate grounds, according to Darwin, for labelling that person 'good'. There is another type of individual, of course, who is less than 'completely admirable' – a type of individual such as the aforementioned Steve – who, although acting against his social instincts, comes later to regret his actions. And there exists a third kind of individual, one who acts against the general welfare and upon later reflection does not have strong enough social instincts to cause regret regarding her past actions. Rachels explains that this sort of 'conscienceless' individual is one whom Darwin considers 'essentially bad'. Rachels remarks that individuals of this last type, seen from the perspective of Darwinian natural history, are variations (Rachels, 1990: 163).

Now, one way in which humans deal with various types of moral personalities – for example, those types explicitly identified by Darwin – is by forming institutions responsive to their behaviours. And the practices of these institutions (e.g., governments, religions, and schools) support and expand opportunities for conscience-approved behaviour while creating occasions for institutional disapprobation for non-conscience approved behaviour. Humans, that is, often arrange their societies to respond constructively to those possessing varying degrees of conscience and will. In short, we humans attempt, through institutional means, to increase the probability that persons will act in accordance with social conceptions of what is morally good and what is morally right.

To understand better how these institutional activities work, recall the three types of moral characters Darwin identified. First, there is the admirable individual whose actions are in harmony with her social instincts; the second type of individual is a person who, although acting against his social instincts, comes later to regret his actions; and finally, there is the third type of individual, who acts against the general welfare without later regret, due to a lack of conscience. What institutions can do is to promote conscience-approved behaviour that is grasped by the first two types of persons (aiding the weak-willed individual who may struggle to change his behaviour otherwise) while also ensuring that the conscienceless person will be coerced into behaving as if she in fact had well-developed social instincts. And it is forming, preserving, and expanding these institutions for moral reasons that, I now want to suggest, gives humans a dignity that confers a special moral status.

## A DARWIN-INSPIRED JUSTIFICATION OF HUMAN DIGNITY

The aforementioned difference in kind principle can aid our understanding of how institutions reinforcing social instincts are unique to humans. For example, one can argue that just as conjoining a high degree of rationality with the social instincts produces conscience, so too the interaction between robust rationality and conscience synergistically yields the human phenomena of forming, maintaining, and expanding institutions that support what conscience affirms.

How does this synergy happen? Conscience obviously does work leading to the formation, maintenance, and expansion of conscience-respecting institutions, because the reflective deliberation that conscience represents helps foster concern for possible or actual moral failures. And it is such failures – existent or anticipated – that dictate the need for structuring institutions that discourage, minimise, and discipline such failures, while encouraging, maximising, and rewarding individuals' social instincts. Additional complex reasoning (i.e., aside from what the operation of conscience requires) is needed to achieve institutional goals. The practical 'nuts and bolts' details of these activities require the use of complicated communication and behavioural patterns likely unattributable to any creature save humans; these include: forming and codifying laws, developing disinterested systems of reward and punishment, and communicating the details of both of these to those whom they govern.

Reason also has a role in expanding institutional benefits to heretofore discriminated-against or ignored entities. So, for example, when humans reason that there are a greater number of morally valuable things or persons in this world than was widely acknowledged, they can move to protect those things or persons by modifying their conscience respecting institutions. This has occurred, of course, rather imperfectly with members of minority races and sexual orientations, hitherto discriminated-against genders and classes, and – to a far lesser extent – the non-human constituents of nature, including non-human animals.

Yet, what these evolving institutions represent are the unique fruits of the value-seeking and value-preserving nature of humans. Although we are at times miserable failures with our institutions, we still have good grounds for thinking that our struggles to formulate, preserve, and improve upon conscience-respecting institutions likely make us worthy of respect for the ongoing penchant and effort to support conscience and the social instincts it serves.

Before demonstrating Darwin's own commitment to the moral value of certain institutional activities, it is important to respond to a rather strong objection to the idea that institutions are even capable of having a moral character, especially when those institutions endorse discipline. The French philosopher and historian Michel Foucault, for example, highlights what he considers to be specious normalising processes wrought by institutions such as prisons, mental hospitals, and schools (Foucault, 1995: 184). Foucault maintains that human freedom is ultimately violated by their disciplinary power, especially when the

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justification for disciplining is based upon supposedly objective moral norms or a 'universal ethic'. Explaining Foucault's objection to various attempts at realising a universal ethic at the cultural level (e.g., through institutions), Christopher Cordner writes:

The normalizing forces of disciplinary power shape the conviction that there is a shared human essence, and then operate to confine people in accordance with it. But there is no such essence. The search for a universal ethic is 'catastrophic' just because it seeks to impose an illusory sameness on the important reality of human difference (Cordner, 2004: 580–81).

Against Foucault, I maintain that forming an institution for moral reasons is not necessarily perverse. First, I take seriously Darwin's naturalistic idea that despite the many differences humans exhibit, there is some semblance of a shared human nature that *precedes* the disciplinary power of institutions, where such a nature emerges from the scientifically validated process of natural selection and where such commonalities inform why we construct, improve upon, and preserve institutions for moral reasons: namely, because they help us cash out our social instincts in a more efficacious manner, keeping in check those who are weak-willed or even conscienceless by sometimes threatening or actually delivering discipline.

Relatedly, I think it also important to question Foucault's idea that institutions that discipline are antithetical to human freedom. Exactly how free are persons to create themselves when they lack the basic protections and material benefits provided by institutions? I would argue that at least some of the fundamental practices of certain institutions, say, governments, schools, and hospitals, all of which discipline to some degree, can significantly free one from the predations of hostility, ignorance, and disease, allowing persons more freedom to shape their own lives. This is not to say that all of Foucault's criticisms of institutions should be ignored; on the contrary, it is likely that many of them should be taken seriously enough that they contribute to institutional improvements. It is to say, however, that a sweeping Foucaultian, anarchistic approach to human activity sacrifices the kind of freedom that otherwise arises when institutions make possible safer and materially richer environments in which persons can operate.

Returning to Darwin and his own commitment to the moral value of at least some exclusively human institutional activities, this can be demonstrated by first noting that Darwin emphasises the moral worth of the value-seeking and value-preserving nature of humans. He does this when he discusses the ability to take up an abstract and impersonal moral point of view, an activity which he thinks is well beyond the capacity of even the most sophisticated non-human animals. Writing in *The Descent of Man*, Darwin hypothesises what anthropomorphous apes would say to us humans if a mutual discussion of our respective capacities were possible. Darwin writes:

[Anthropomorphous apes] might insist that they were ready to aid their fellow-apes of the same troop in many ways, to risk their lives for them, and to take charge of their orphans; but they would be forced to acknowledge that disinterested love for all living creatures, the most noble attribute of man, was quite beyond their comprehension (Darwin, 2006: 837).

That Darwin ascribes a morally loaded ‘nobility’ to humans based on their ‘disinterested love for all living creatures’ evidences a willingness on his part to identify moral agency as a source of moral value. Yet it is precisely such morally valuable agency that is at work in many institutions. The value-seeking and value-preserving nature of humans causes them to form, maintain, and expand institutions that disinterestedly promote conscience-approved behaviour. Additionally, it would only be reasonable for Darwin to acknowledge the valuable role institutions themselves must play in giving genuine efficacy to those human struggles which a ‘disinterested love for all living things’ truly motivate, for without institutions helping to cash-out such a sentiment, humans could never affect positive change on anything close to a global scale, which one assumes would genuinely frustrate persons possessing a disinterested love for *all living things*.

#### MORAL THEORETIC CONSIDERATIONS

How might this new Darwinian-inspired account of human dignity start to find support within philosophical moral theory? For notice that what has been achieved thus far is my couching a notion of human dignity in Darwinian terms, and while this achievement is the primary goal of the paper, it is of further interest whether ideas drawn from existing moral paradigms can underwrite this new Darwinian account of human dignity. This broader normative project, which unfortunately can only be given the briefest of treatments here, might begin with an appeal to an intuitively attractive theme in Immanuel Kant’s ethics – namely, that it is reasonable that the qualities identifying one as a certain kind of moral agent ought to be taken into account when determining levels of moral considerability. Kant, of course, grounds the moral superiority of humans in their ability to will the universal moral law, and it is some semblance of such willing that appears operative in the human decision to form, maintain, and expand conscience-respecting institutions that govern numerous persons’ activities. Indeed, I think it reasonable to conceive of some of our institutional policies as representing an encapsulation of the best products of the human will, ensuring the efficaciousness of such willing in the face of an all too fallible human nature, which left to its own devices causes even the best of us to falter at times.

Regarding the compatibility between Kant and Darwin, it can be noted that despite the influence on Darwin by leading British moral sense theorists, thinkers such as the aforementioned Lord Shaftesbury, Joseph Butler and David Hume,

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Darwin's moral ideas are not strictly wedded to the anti-Kantian, utilitarian moral theory that developed from these theorists' ideas (e.g., through the work of Darwin's contemporaries, Jeremy Bentham and John Stuart Mill). James Rachels explains Darwin's compatibility with Kant when writing the following about Darwin's understanding of moral goodness and moral badness:

[...] it is more or less neutral between the main competing moral philosophies. It is broad enough to be compatible with the basic ideas of both utilitarian and Kantian conceptions. Darwin assumes that moral behaviour promotes the general welfare, but he also stresses that a moral agent is an individual with a conscience – a sense of duty – not unlike that envisioned by Kant. The two notions are wedded by Darwin's assumption that a person of conscience will standardly approve of behaviour that promotes the general welfare. The task he sets himself is to explain, compatibly with the principles of natural selection, how humans could have come to be moral agents of this sort (Rachels, 1990: 159).

There are, of course, some limitations on the compatibility of Darwin's ideas and those of Kant's. For example, Kant's moral philosophy at times seems almost exclusively concerned with the formal aspects of the chain of reasoning which a moral agent employs for determining what is right or wrong. As Rachels explains above, Darwin is not so preoccupied with the more formal features of a moral agent's reasoning that the great naturalist loses sight of the moral value also found in fostering the general welfare.

Additionally, no one sympathetic to the moral considerability of non-human animals can agree with Kant's anthropocentric claim that *only* humans are of direct moral concern, especially Darwinian-minded thinkers, who are likely to scrutinise our evolutionary kinship with other organisms and find shared capacities of some moral worth. But Darwinians can still avail themselves of the general idea that those capacities which allow recognition of, and actions in accordance with, a beneficence-endorsing moral law ought to figure into determinations of differing moral statuses, and this is certainly a theme in Kant. This theme, when invoked here, triggers the thought that our unique ability and effort to form, maintain, and expand institutions respectful of the products of conscience reflects well on us and should do some work when determining the value of the lives and interests of humans.<sup>10</sup>

Now, one interesting thing about articulating the possible dignity or higher moral status of humans this way is that this status is reasonably contingent on continued participation in institutions that are respectful of the *variety* of moral value found in the world (e.g., sentience, rationality, virtue, etc.). And this observation causes one to return to the idea of Darwin's that we began with – the one that James Rachels rightly found so profound. It is Darwin's evolutionary-inspired idea that most of the valuable moral capacities we find in humans will also be found in various non-human animals. Indeed, powerful arguments centring on such capacities are standard within animal ethics literature; the

animal liberation ideas of Peter Singer and the animal rights arguments of Tom Regan are examples.<sup>11</sup> The activities of human institutions, shaped as they are by those who wilfully participate in their functioning, should rightly be preoccupied by the moral status of all creatures if they are truly to enshrine the products of conscience.<sup>12</sup> Indeed, as biological findings continue to inform our knowledge of the morally significant capacities found within non-human nature, our moral practices must keep up with our moral knowledge. Putting this point differently, we can say that conscience-respecting institutions cannot be so labelled if the aforementioned moral upshots of Darwinism never shape them.<sup>13</sup>

## CONCLUSION

On the heels of claiming that the noblest attribute of man is his ability to disinterestedly love all living creatures, Darwin nonetheless maintains that ‘the difference in mind between man and the higher animals, great as it is, is certainly one of degree and not of kind’ (Darwin, 2006: 837). Despite this assertion’s seeming implication that one can never find a unique human capacity capable of underwriting a distinct dignity, it is possible to mine Darwin’s ideas for material supporting a unique human dignity; and this is, of course, contrary to James Rachel’s arguments in *Created from Animals*. Indeed, recall that the very means employed in this paper to conceptually separate humans from non-humans are derived from Darwin’s own idea of how conscience is generated (i.e., the derived difference-in-kind principle). A Darwinian-inspired explanation of how conscience figures into institution-formation was also used; this explanation focused on how humans seek to manage the various moral personalities Darwin identifies. Lastly, Darwin’s idea that humans possess distinct nobility by virtue of their disinterested love for all living things demonstrates Darwin’s own admiration for the kind of moral agency at work in the formation, maintenance, and expansion of moral institutions. Thus, in arguing for a unique human dignity, Darwin’s ideas can provide key premises. And, of course, the main goal of this paper was to provide an account of a unique human dignity consistent with Darwinism.

## NOTES

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<sup>1</sup> Leopold 1970: 117.

<sup>2</sup> My use of the term ‘Darwinism’, which follows Rachels in his use of the term, refers to Darwin’s own ideas.



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<sup>3</sup> Regarding Kant's determination of moral agency and what kinds of beings are of direct moral consideration, see Kant, *Grounding of the Metaphysics of Morals*, (Kant 1993). For a more direct discussion by Kant of duties towards animals, see his *Lectures on Ethics*, (Kant 1963).

<sup>4</sup> It is important to note that Darwin did not think all creatures to be intelligent. See, for example, Rachels, 1990: 135–6 or Charles Darwin's *The Formation of Vegetable Mould, through the Action of Worms* (1881), p. 94.

<sup>5</sup> As for some instances of non-human rationality that Darwin himself thought persuasive, Rachels gives a few examples. For instance, when Darwin was researching for his final book, *The Formation of Vegetable Mould, through the Action of Worms*, he kept worms in pots to see if these creatures accounted for 'the formation of the upper layer of the soil, known as the 'vegetable mould'. In observing the behaviour of his captive worms, though, Darwin noticed that they had a habit of grabbing leaves and dragging them to their burrows. They did this because the leaves would both serve as food and would plug up the opening to their holes. The worms did this, Darwin observed, in a rather efficient manner, by grabbing the leaves via their 'pointed tips'. Darwin was curious as to whether this efficient behaviour might be the product of intelligence rather than the result of pure instinct. He performed experiments, Rachels recounts, by placing both 'oddly-shaped leaves that were not native to their region' and 'bits of paper cut into different shapes' for the worms to cope with instead of their native leaves. Darwin surmised that '[i]f the worms were going on nothing but fixed instinct, they should not be able to cope with these new materials at all'. The worms, however, did manage to complete their tasks, and they did so in a way that was not the result of random trial and error. They seemed to react 'intelligently to their perceptions of the shapes of their new objects'. Darwin concluded from this that worms must possess some degree of intelligence (Rachels, 1990: 134–5). Rachels also cites a story Darwin recounted of how 'American Monkeys' when first given eggs, would smash them, spilling much of their insides. Subsequently – when given new eggs – the monkeys would hit one end of the egg against a hard surface and pick off bits of the shell to get at their contents. These same monkeys would also be given lumps of sugar that had been wrapped up in paper. On further occasions, instead of sugar, wasps would be placed in the paper and given to the monkeys. When the monkeys unwrapped them anticipating sweet sugar, they would instead encounter the wasp and be stung. After this had happened to the monkeys only once, they would then take any more bits of paper given to them and would hold them to their ears to 'detect any movement within'. After recounting these examples, Darwin states: 'Anyone who is not convinced by such facts as these, and by what he may observe with his own dogs, that animals can reason, would not be convinced by anything I could add' (Rachels, 1990: 133).

<sup>6</sup> One anticipated objection to the idea that some non-humans are rational rests on the notion that in order to be rational, an entity has to be capable of language. Notice, however, that the means/end account of rationality given by Darwin accommodates perfectly non-humans exhibiting behaviour that would indicate the presence of rationality, while – at the same time – not having language as a necessary condition for being able to reason. Darwin has this last idea in mind when he said: 'Forget the use of language and judge only by what you see' (quoted in Rachels, 1990: 141). Of course, an implication of Darwin's behaviouristic take on rationality is that if it is the possession of rationality that is necessary for moral consideration, many, if not most animals will be morally

considerable. An argument, however, that language and linguistic ability are ultimately necessary for animals to have interests and thus, perhaps, rights is found in Frey 1979.

<sup>7</sup> The original published studies Rachels cites here are Masserman, Wechkin and Terris, 1964 and Wechkin, Masserman and Terris, 1964.

<sup>8</sup> One can, of course, make an attempt to plug in other capacities into C and C' (i.e., capacities other than intelligence and social instincts respectively) to see if they add up to some further property or capacity  $\Psi$  (i.e., something other than conscience). Presumably one can also try and conjoin more than two capacities to synergistically yield a difference in kind. Notice too that iterated appeals to the teased-out difference in kind principle are possible; the product, then, of one application of the principle can be a capacity that someone can turn-around and plug into a subsequent use of the difference in kind principle. This latter move is made later on in the essay.

<sup>9</sup> Michael Bradie, in his book review of *Created from Animals* (Bradie 1997), warns would-be critics of the difficult tasks to be undertaken in arguing against Rachels's claim that a unique dignity cannot be found for humans. Bradie writes: 'Of course, someone determined to find a difference to mark off humans from non-humans can do so and then resist any attempt to construct a bridge between humans and non-humans. But without some underlying model such as the Image-of-God Thesis such attempts appear to be self-serving or circular. Darwinism, which puts human beings among the animals and reduces differences of kind between them to differences of degree, undermines the support for such attempts' (Bradie, 1997: 84). The Darwinian-derived difference in kind principle is used here in my paper as a conceptual tool, separating an ability of humans from non-humans that I will argue confers a unique dignity or higher moral status to humans. Its use represents my efforts at avoiding the mistake of not building a bridge (or not recognising the bridge that Darwin has 'built') between humans and non-humans.

<sup>10</sup> It is only reasonable to question sharply the appropriateness of attributing a 'dignified' or higher moral status to those conscienceless humans (i.e., Darwinian variations with respect to conscience) who may contribute seemingly nothing by virtue of their anti-social behaviour. One response, which is surely not in keeping with any semblance of Kantian morality, is to make the extreme consequentialist move of labelling the contributions of the conscienceless as 'moral' insofar as they can bring about good consequences for moral institutions. For example, conferring a 'dignified' or higher moral status to the conscienceless might appear appropriate because such persons at least *causally participate* in the activities of a moral institution; they either do the right thing because of extreme coercion or they contribute via any punishment they endure, their punishment serving as a valuable deterrent to others. But such moves are the stuff of which *reductio ad absurdum* arguments are made, and I certainly think that a reasonable theory of moral pluralism, upon which my ideas must ultimately rest, needs to exclude such extreme consequentialism. It is best to note, then, that a general attribution of a unique dignity to humans suffers from the same problem any attempt at ascribing something morally special to humans based on a capacity does: there will always be marginal cases due to some humans not possessing the morally valuable characteristic(s) in question. However, as a practical matter, our keeping in mind that most humans do possess a dignity-making characteristic, choosing as they do to participate in moral institutions, is useful for producing policies that we generally want governing behaviour toward any particular human. Additionally, even these marginal humans may have other morally significant capacities (e.g., sentience), which while granting some moral consideration, cannot, it

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should be noted, theoretically separate them from non-humans in terms of their possessing a morally significant difference in kind.

<sup>11</sup> Peter Singer, focusing on the moral value of sentience, argues for animal liberation (Singer, 1975). Tom Regan, focusing on the moral value of some creatures being 'experiencing subjects of a life', argues for the rights of some animals (Regan, 1983). It is of scholarly importance to note that there is a body of literature that is directly critical of the Singer and Regan-type argumentative strategy, where the strategy of these two philosophers argues that animals possessing similar, morally valuable characteristics to humans should count morally. Some of their critics instead argue that the differences between animals are actually deserving of moral respect. For a review of some of this literature, as well as a critique, see Aaltola, 2002. A similar line of argument extends moral consideration to all the constituents of non-human nature based on their respective differences or 'otherness'. For a review and critique of this literature, see Hailwood, 2000.

<sup>12</sup> It is precisely at this point of acknowledging a variety of moral value out in the world (e.g., sentience, rationality, and virtue) that the morally monistic, anthropocentric Kantian can attempt to part ways with my ideas. Indeed, a Kantian convinced that institutions do represent a valued enshrining of the will can take advantage of my naturalistic arguments that it is only humans that involve themselves in such willing (i.e., the formation, maintenance, and expansion of institutions for moral reasons) and resist the additional idea that there are other things aside from the value of a good will that need to be taken seriously by institutions. That is, the resolute Kantian can try to oppose my further idea that the continuing dignity of humans rests upon their institutions being respectful of a variety of moral value, including that which is instantiated by non-humans, because the Kantian may cling steadfastly to a moral monism that centres on robust willing and nothing more.

<sup>13</sup> Peter Singer (2000) has also argued that policy makers should take seriously many of the implications of Darwinism.

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