

## The Two Sources of Moral Standing

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There are two primary traditions in philosophical theorizing about moral standing—one emphasizing Experience (the capacity to feel pain and pleasure) and one emphasizing Agency (complexity of cognition and lifestyle). In this article we offer an explanation for this divide: Lay judgments about moral standing depend importantly on two independent cues (Experience and Agency), and the two philosophical traditions reflect this aspect of folk moral cognition. In support of this *two-source hypothesis*, we present the results of a series of new experiments providing evidence for our account of lay judgments about moral standing, and argue that these results lend plausibility to the proposed causal link between folk moral cognition and the philosophical traditions.

Is it morally wrong to cause pain to or, more generally, to harm orangutans, rats, cardinals, halibuts, shrimp, or ants? Where should we draw the line and why? Is it morally wrong to keep chimpanzees in captivity, to sequester killer whales in marine theme parks, or to put guppies in aquariums? Where should we draw the line and why? Is it morally wrong to use cows' milk? And why isn't it wrong to cut down trees and collect fruit (supposing it isn't)? More generally, how do we decide which beings should be taken into account when we assess the moral significance of actions? That is, how do we decide which beings have moral standing?

By and large, philosophers are of two minds about moral standing: Some emphasize the capacity to feel pain and pleasure, and are willing to grant moral standing to all sentient creatures; others emphasize sophisticated forms of cognition such as rationality and complex lifestyles, restricting moral standing to a few species—sometimes to humans only. This division in philosophical theorizing about moral standing is deeply entrenched, and it has a long history. Our goal in this article is to explain why there are these two traditions of thought about moral standing: Why is it that some philosophers have emphasized the capacity to feel pain and pleasure, and others the complexity of cognition and lifestyle?

Here is how we will proceed. In Section 1, we will describe the two philosophical traditions about moral standing noted above in more detail. In Section 2, we put forward a potential explanation of this divide in philosophical thinking: The *two-source hypothesis* suggests that there are two independent cues that are especially important for lay judgments about moral standing, and that the philosophical traditions have been influenced by these judgments. Section 3, then, offers some non-experimental evidence in support of this account of lay judgments, while Section 4 gives experimental evidence. Finally, in Section 5, we provide some tentative evidence that which of these two sources influences lay judgments about moral standing depends on whether the context primes empathy toward individual entities.

## **1. Two Traditions**

In this section we will describe two philosophical traditions with regard to moral standing. To do so, it will be helpful to first articulate how we understand "moral standing."

### *1.1 Moral Standing*

An entity has moral standing if and only if it can be morally wronged. Thus, it is when, and only when, an entity has moral standing that the effects of a moral agent's actions on the entity directly—that is, independently of the effects these actions have on other entities—matter for the moral assessment of the actions. Entities that have moral standing deserve moral consideration, or concern, from moral agents.

So understood, human beings clearly have moral standing, while a typical chair does not. Human beings can be morally wronged: Their possessions can be stolen, they can be harmed unjustifiably, their freedom can be unfairly restricted. A typical chair cannot: The owner of the

chair can use it in any way she wants, and can destroy it if she so desires. How an action affects a human being directly matters for the moral assessment of the agent's action; not so for the chair.

Moral agents have duties or obligations toward entities that have moral standing. Among the actions that affect them, some are such that moral agents ought to carry them out and some are such that they ought not. But, as Kant insisted (2001; see also Carruthers, 1992), moral agents also have duties toward entities that have no moral standing when the effect of their actions on these entities would have an effect on entities that have moral standing (e.g., people). So, for example, we ought to refrain from destroying others' property, not because the things they possess have moral standing, but because they are owned by people. The former duties are direct, the latter indirect.

Moral standing may or may not entail rights—viz., roughly, entitlements that cannot justifiably be violated on the grounds that doing so would allow the fulfillment of someone's interests.<sup>1</sup> While moral standing is necessary for the possession of rights, it may not be sufficient. So, non-human animals may have moral standing without having any rights.

Moral standing could be a gradable or a non-gradable property. In the former case, all entities that have moral standing would have moral standing to the same extent; in the latter case, among the entities that have some moral standing, some could have more standing than others.

### *1.2 Two Traditions about the Source of Moral Standing<sup>2</sup>*

The source of moral standing is that in virtue of which some entities have moral standing (and, conversely, that other entities lack in lacking moral standing). To draw properly the line between

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<sup>1</sup> Non-absolute rights can be violated when doing so is necessary to respect other rights; absolute rights can never be violated.

<sup>2</sup> We are grateful to Eric Brown, Julia Driver, Tim Schroeder, Walter Sinnott-Armstrong, and Valerie Tiberius for their suggestions about this part of the article.

those entities that have moral standing and those that do not, we need to identify the source of moral standing.

While philosophers have developed numerous sophisticated theories about the source of moral standing, these theories can typically be classified into two traditions—those that emphasize the capacity of an entity to have negative or positive affective states, such as pain or pleasure, and those that emphasize the complexity of an entity’s cognition and lifestyle. The former is often called “sentience,” but we will refer to it as “Experience” for reasons that will be clear in Section 2 (and we will refer to the latter as “Agency” for the same reasons). Naturally, the theories about the source of moral standing that belong to either tradition characterize Experience and Agency in subtly different ways. This is particularly the case for those theories that emphasize Agency, which includes an array of capacities such as the ability to consider reasons when one judges and decides to act, the nebulous cluster of capacities philosophers refer to by “rationality,” and the complexity of a lifestyle (viz. a lifestyle not dominated by rigid instincts).

Kant’s moral philosophy is perhaps the best example of the characterization of the source of moral standing in terms of Agency. For Kant, only rational beings have moral standing because only they are autonomous. Rational beings can reflect on their desires and decide whether or not to act on them—they can give themselves rules of action. Thus, while the behaviors of non-rational beings merely result from their desires, the behaviors of rational beings result from their will. Furthermore, only human beings are rational, and so only human beings have moral standing (or, in Kant’s terminology, are “persons”); all other entities are mere things, which persons can use in any way they wish to reach their goals (provided that this use does not contravene what they owe to persons).<sup>3</sup> As Kant puts it in the *Foundations of the Metaphysics of*

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<sup>3</sup> While Kant also holds that we have a duty to treat non-human animals humanly, this is not because they are proper objects of moral concern. For Kant, people do not owe non-human animals anything, rather they owe it to

*Morals* (1785/1998, 40): "Beings whose existence rest not indeed on our will but on nature, if they are non-rational beings, still have only a relative worth, and are therefore called *things*, whereas rational beings are called *persons* because their nature already marks them out as ends in themselves."

Kant was not the first philosopher in the history of philosophy to have emphasized Agency as the source of moral standing. Thomas Aquinas also held that we should only have concern for those beings that can rationally determine their actions—including human beings, and excluding non-human animals (Regan and Singer, 1989; Sorabji, 1993). Further, this tradition has its roots in ancient philosophy. As Sorabji writes in his systematic discussion of moral standing in ancient philosophy (1993, 116):

One might have thought that justice was owed to all conscious beings, with rationality being relevant only at the margins. (...) But in antiquity the requirement of justice to animals came to turn on whether animals are rational.

Sorabji emphasizes particularly the role of Aristotle, the Stoics, and the Epicureans in turning rationality into a necessary and sufficient condition for moral standing (on the Epicureans' views about justice, see Brown, 2009). For the Stoics in particular, justice was only owed to rational beings, who belong to a union (*Oikeiôsis*) excluding all non-human animals (Brown, forthcoming, chap. 4). Furthermore, in the Stoic corpus, there is no trace of the idea that benevolence, if not justice, is due to non-human animals (Sorabji, 1993, 124-125). The Stoics' emphasis on rationality influenced Augustine and, through him, latter Christian philosophers and theologians (Sorabji, 1993, 196-198).

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themselves to treat non-human animals well. As he puts it in *The Lectures on Ethics* (2001, 212): "If a man had his dog shot because it can no longer earn a living for him, he is by no means in breach of duty to the dog, since the latter is incapable of judgment, but he thereby damages the kindly and humane qualities in himself, which he ought to exercise in virtue of his duties to mankind. Lest he extinguish such qualities, he must already practice a similar kindness towards animals; for a person who already displays such cruelty to animals is also no less hardened towards men."

The tradition of thought illustrated by Kant, Thomas Aquinas, Aristotle, and the Stoics is alive and well in contemporary philosophy.<sup>4</sup> Peter Carruthers is one of its foremost representatives (e.g., 1992). His argument has two steps. First, he endorses a contractualist conception of morality (and not only of justice as Rawls did). For him, what is morally permissible depends on what self-interested rational agents would agree to permit under the veil of ignorance.<sup>5</sup> Second, he defends the claim that these agents would only take the interests of other contractors, viz. of rational beings, when deciding what is permissible (98-99):

[M]orality is here [in contractualism] pictured as a system of rules to govern the interaction of rational agents within society. It therefore seems inevitable, on the face of it, that only rational agents will be assigned direct rights on this approach. Since it is rational agents who are to choose the system of rules, and choose self-interestedly, it is only rational agents who will have their position protected under the rules.<sup>6</sup>

Thus, Carruthers expands on the Epicureans' and Hobbes' claims about justice: According to them, "justice extends only to those who are capable of making contracts, and hence (...) only to rational animals" (Sorabji, 1993, 8).

In contrast to this first tradition of thought, the second tradition emphasizes Experience. This tradition is well represented by Bentham, and is nicely illustrated by his discussion of what people owe to non-human animals in *An Introduction to the Principles of Morals and Legislation* (1781/2011, 235-236):

The day may come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps, the faculty for discourse?...the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?

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<sup>4</sup> See. e.g., Steinbock, 1979; Cohen, 1987; Warren, 1987; Gert 2005.

<sup>5</sup> Carruthers also considers Scanlon's contractualism.

<sup>6</sup> According to Carruthers, taking the interest of the contractants into account results in the assignment of rights to non-rational human beings (babies, senile individuals, etc.).

Although few ancient philosophers emphasized the capacity for pain and pleasure in their discussions of moral standing, there are precursors for this tradition in ancient philosophy as well. Thus, according to Sorabji (1993, 184), Porphyry “may have been the first, if he was not following Plutarch, to appeal to pain and terror as a reason for treating them differently from plants.”

In contrast to its status among ancient philosophers, this second tradition of thought is very influential in contemporary philosophy. For example, Singer (1976) holds that when a moral agent decides about a course of action, all the interests that may be affected by this decision have to be taken into account, whether or not they are the interests of human beings or of non-human animals. Because the interest in living a life without pain is primordial among these interests, Experience plays a crucial role in Singer’s theory of moral standing. And many other contemporary philosophers share Singer’s views about the centrality of Experience in determining moral standing.<sup>7</sup>

While there is much more to be said concerning how philosophers have thought about the source of moral standing, we will take this to be sufficient to illustrate the prominence of the two traditions discussed above. In fact, we find it remarkable that in the history of philosophy few philosophers do not belong to one of these two traditions.<sup>8</sup> And, as such, we feel that this divide calls out for an explanation: Why have philosophers gravitated toward either Experience or Agency when they are theorizing about moral standing?

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<sup>7</sup> See also Norcross, 2007. It is particularly noteworthy that a Kantian moral philosopher as prominent as Christine Korsgaard follows suit (1996, 153): “When you pity a suffering animal, it is because you are perceiving a reason. An animal’s cries express pain, and they mean that there is a reason, a reason to change its conditions. And you can no more hear the cries of an animal as mere noise than you can the words of a person. Another animal can obligate you in exactly the same way another person can. ...So of course we have obligations to animals.”

<sup>8</sup> Some philosophers have emphasized Agency *and* Experience. For instance, for Gewirth (1980), who does not seem to distinguish rights from moral standing, while rational agency is the ultimate source of rights, the capacity to feel pain and pleasure grants some rights too because rational agents are also sentient beings (Gewirth, 1980, 144; Korsgaard, 1996).

## 2. The Two-Source Hypothesis

It is plausible that several causal factors contribute to the prominence of the two philosophical traditions concerning moral standing discussed in the previous section. A first possible explanation is sociological and historical: Because philosophers often belong to philosophical lineages and are influenced by their intellectual forebears, one would expect philosophical theorizing about the source of moral standing to form a few traditions. While there is surely something to this explanation, it fails to explain why theorizing about moral standing has clustered into these two distinct traditions.

We would like to propose a different explanation—the two-source hypothesis. This explanation has two parts. The first part is that lay judgments about whether an entity has moral standing depend on two independent cues: Experience (whether the entity feels pain and pleasure) and Agency (whether an entity's cognition and lifestyle are complex).<sup>9</sup> The second part is that philosophers have been influenced by how lay people conceive of moral standing. We now spell out each part of the two-source hypothesis in greater detail.

### 2.1 Lay Judgments

The first part of the two-source hypothesis is that the judgments of lay people (viz. people without extensive training in philosophy, psychology, cognitive neuroscience, and related disciplines) about whether an entity has moral standing are influenced by both Agency and Experience. Assuming that moral standing is treated as a gradable property, we expect that the more an entity can feel pleasure and pain and the more complex its cognition and lifestyle, the more moral standing lay people will ascribe to it.

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<sup>9</sup> By saying that these two cues are independent, we mean that the influence of Experience does not depend on whether an entity is conceived as having complex cognition and lifestyle, and the influence of Agency does not depend on whether an entity is conceived as feeling pain and pleasure.



Two clarifications are in order. First, our hypothesis need not assume that lay people make explicit judgments about moral standing, or even that they have the concept of moral standing; the only thing we need to assume is that the disposition to ascribe moral standing to an entity will manifest itself in people's moral judgments concerning that entity. Second, we do not hypothesize that Experience and Agency are the *only* cues guiding lay ascriptions of moral standing. In fact, it is very plausible that other cues influence such ascriptions.<sup>10</sup> Nonetheless, while other cues may influence lay ascription of moral standing, we hypothesize that Experience and Agency are particularly important. That is, we expect that they play a larger role in deciding whether an entity has moral standing than other cues.

With regard to the relative importance of Experience and Agency, we hypothesize that which one matters most for lay ascriptions of moral standing depends on situational factors: In some contexts, Agency drives this ascription; in others, Experience. If this is correct, then we would naturally like to know which contexts matters for which cues. We are not very confident about this empirical issue, but we speculate that empathy is likely to increase the relative contribution of Experience to lay ascription of moral standing.

Before proceeding, we note that the first part of the two-source hypothesis stands in contrast with recently developed views that emphasize the role of Experience in lay ascriptions of moral standing. For instance, after laying out the terminology that we are using in this paper—"Experience" and "Agency"—Gray et al. (2007, 619) write that "Agency is linked to moral agency and hence to responsibility, whereas Experience is linked to moral patiency and hence to

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<sup>10</sup> These might include being alive, having a humanoid appearance, behaving in an anthropomorphic manner, and being cute. Beauty may be another cue for the ascription of moral standing: For example, if an explorer found a cave full of amazingly beautiful crystal formations, people may well think that it would be morally wrong for the explorer to needlessly destroy the crystals even if nobody else would ever be able to see them. Conversely, ugly and repugnant creatures are probably less likely to be granted moral standing by lay people (see the "Animals of Low Moral Standing" poster by R. S. Posnak).

rights and privileges." While Gray and colleagues do not assert that Experience is the only cue that influences people's ascriptions of moral standing (or "moral patiency" in their terminology), they do repeatedly contrast the link between Agency and moral responsibility on the one hand, and the link between Experience and moral standing on the other (e.g., Waytz et al., 2010, 386). A similar emphasis on the link between Experience and moral standing is found in Robbins and Jack (2006) and Knobe and Prinz (2008).<sup>11</sup> Appearances notwithstanding, however, it may well be that these authors hold that Agency is also a source of lay ascriptions of moral standing. If this is the case, then the first part of the two-source hypothesis should be seen as an extension of, rather than an alternative to, their views.

## *2.2 The Philosophical Traditions*

We now turn to the second part of our hypothesis, which links folk moral cognition to the history of philosophical theorizing about moral standing. Our suggestion is that, when philosophers theorize about moral standing, they are influenced by the same two cues that prime lay ascriptions. Depending on a range of factors, including the kind of concrete examples they consider when theorizing about moral standing and, perhaps, the strength of their tendency to empathize, their spontaneous ascriptions of moral standing will be more influenced by either Experience or Agency, priming them to build their theory of moral standing around that cue. Thus, on our view, philosophers find it plausible that either Experience or Agency is the source of moral standing because one of these two cues influences their own ascriptions. They then develop in-depth accounts of what Agency or Experience is, as well as sophisticated

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<sup>11</sup> Advocates of the views being discussed here often identify phenomenal consciousness (the capacity to have mental states such that it feels like something to have them) and Experience (understood as the capacity to feel pain and pleasure). We have argued at length elsewhere (Sytsma and Machery, 2010) that this is a mistake: While lay people do have a concept of Experience, evidence suggests that they do not have a concept of phenomenal consciousness.

justifications of why moral standing depends on it.<sup>12</sup> Naturally, we are not hypothesizing that philosophers are consciously trying to justify pre-theoretical intuitions (although some may well do precisely this); rather, most philosophers are probably unaware of this influence.

Providing direct support for the claim that philosophical theorizing about moral standing has been influenced by the same cues that prime lay ascriptions is obviously a tall order. And one that we will not be able to tackle in this paper. Nonetheless, we hold that the claim is plausible. Thus, insofar as the first part of the two-source hypothesis is correct—insofar as Experience and Agency are important, independent cues for lay ascriptions of moral standing—it is striking that philosophical theorizing about moral standing falls into two distinct traditions that correspond with one or the other of these two cues. And while correlation does not imply causation, given that philosophers were lay people before they became philosophers, we think that it is reasonable to draw the causal link suggested. As such, we turn now to the task of providing support for the first part of the two-source hypothesis.

### **3. Non-Experimental Evidence For the Two-Source Hypothesis**

In this section we discuss some non-experimental evidence supporting the claim that Experience and Agency are two sources of moral standing in folk moral cognition. Specifically, we review a few of the many debates concerning the moral standing of various human groups and non-human species. What one finds is that the reasons given in these debates tend to emphasize one or the other of these two sources.

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<sup>12</sup> One may wonder why philosophers have paid less attention to the other cues that influence folk ascription of moral standing. On our view, this is because Experience and Agency are more important than the other cues, and we speculate that this might be particularly the case for reflective judgments.

### *3.1 The Moral Standing of Oppressed Human Groups*

We begin with debates concerning the moral standing of oppressed human groups. We note, first, that in many cases the moral standing of such groups has been asserted (or denied) by appeal to their rationality (or supposed lack thereof). We then illustrate that claims about the supposed relative incapacity of members of oppressed groups to feel pain have also been called on in denying them moral standing.

In 1550 and 1551, following the establishment of a jury of theologians by King Charles V, Dominican friar Bartolomé de Las Casas and Juan Ginés de Sepúlveda held a remarkable debate in Valladolid, Spain. The issue at hand was how indigenous Indians should be treated in Spanish America. Sepúlveda held the view that it was morally and theologically permissible to enslave them and to use force to convert them, while Las Casas defended the view that neither was morally or theologically permissible.

What matters for our purposes is the kind of argument that Las Casas and Sepúlveda relied on to make their case. Las Casas's defense of indigenous Indians prior to the Valladolid debate had already led to Pope Paul III's papal bull *Sublimus Dei* (1537), which forbid the enslavement of indigenous Indians on the grounds that they were rational beings.<sup>13</sup> Similarly, whether indigenous Indians were rational or barbarian turned out to be an important point in the debate between Las Casas and Sepúlveda. In particular, Sepúlveda appealed to Aristotle's depiction of barbarians—people whose life is dominated not by their reason but by their passions—and to his claim that they were by nature slaves. Sepúlveda asserted (1941, 53) that “being slaves by nature, [the Indians], uncivilized, barbarian and inhuman, refuse to accept the rule of those civilized [the Spaniards] and with much more power than them.” Las Casas did not challenge Aristotle's views about natural slavery, but argued that the concept of barbarians did

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<sup>13</sup> <http://www.papalencyclicals.net/Paul03/p3subli.htm>.

not apply to Indians. He emphasized the rule of law among indigenous Indians, the advancement of their civilizations, the peaceful order prevailing among them, and the complexity and beauty of their languages.

So, Agency was central to the controversy about whether it was permissible to enslave and convert by force indigenous Indians in Spanish America. And it has also been important for granting or refusing to grant moral standing to other oppressed groups. To give but a single example, during the 19<sup>th</sup> century, African-Americans were often stereotyped as lacking rationality, and this racist stereotype played a role in denying them full moral standing (e.g., Ramose, 2003).

Strikingly, Experience has also played a prominent role in some discussions of the moral standing of oppressed groups. In fact, while a supposed lack of rationality was often given as a reason for denying African-Americans full moral standing in the 19<sup>th</sup> century, this conclusion was sometimes supported by claiming that they were deficient with regard to the capacity for feeling pain. This is well illustrated by the views of Christoph Meiners, as described by Jahoda (1999, 67):

[Negroes] are seldom ill, even in the West Indies where they are maltreated, and can endure any amount of pain "as if they had no human, barely animal, feeling." Meiners tells the story of a Negro, condemned to death by slow-burning fire; when his back was already half cooked, he asked for a pipe and smoked it placidly.

Similar sentiments were often expressed by medical practitioners in the Antebellum South. One notable example comes from the South Carolina physician Philip Tidyman (1826), who argued "against the humanity of the Negro by citing evidence that the Negro's nervous system exhibited 'less sensibility and irritability than is generally witnessed among whites'" (Riss, 2006, 95). And such claims played a role in debates concerning the moral standing of African-Americans. As Savitt (2002, 7) expresses the point, "the issue was of both practical and political importance: it involved not only the health care of an entire racial group in the South, but also the partial justification for enslaving them."

### *3.2 The Moral Standing of Animals*

We turn now to debates concerning non-human species. Experience plays an obviously important role in some of the most influential arguments for granting non-human animals moral standing (Singer, 1976), and many lay people have been convinced by these arguments. But Agency seems to matter too: People seem more willing to grant moral standing to animals whose cognition and lifestyle are complex. In fact, the more complex these are, the more people seem to be willing to grant moral standing.

For example, in a discussion of the Institute of Medicine report about experimentation on chimpanzees, Frans de Waal (2012) emphasizes their psychological similarities to humans instead of their capacity to feel pain and pleasure:

The more an animal is like us, the easier it is to extend our moral outlook to it. Recent studies have amply documented cognitive, social, and emotional similarities between chimpanzees and humans, including empathy and the rudiments of morality, power politics, and the ability to pick up habits from each other as reflected in multiple cultural traditions across the African continent.

Similarly, in a companion interview to this article, de Waal asserts that “the whole reason we are discussing chimpanzees and not rats or mice is the ethical issue of why would we use the chimpanzee, which is a close [human] relative and shows so many emotions and cognitions that humans have as well.”<sup>14</sup> To give but one more example concerning primates, in an article on research with great apes, Gagneux, Moore, and Varki (2005, 28) write that they “agree with those who say the biomedical-research community has special ethical responsibilities towards captive great apes. In our view, the great apes share traits—including, but not limited to, their genetic similarity to humans, the ability to use and modify tools and a sense of ‘self’—that collectively justify this special status.”

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<sup>14</sup> <http://blogs.plos.org/blog/2012/03/27/should-chimpanzees-have-moral-standing-an-interview-with-frans-de-waal/>.

And similar arguments have been made to grant moral standing to other species such as cetaceans (the order of mammals including dolphins and whales). For example, in the recent Declaration of Rights for Cetaceans, the recognition of rights is based on the fact that “scientific research gives us deeper insights into the complexities of cetacean minds, societies and cultures.”<sup>15</sup> In line with this emphasis on Agency, a recent article in *The Guardian* describes the declaration as arguing that “there is sufficient evidence of the marine mammals’ intelligence, self-awareness and complex behaviour to enshrine their rights in legislation.”<sup>16</sup>

In the examples discussed in this section, we've seen that both Experience and Agency have been called on in offering reasons to either ascribe or deny moral standing to various groups. This lends some initial plausibility to the claim that lay judgments about whether an entity has moral standing depend on both Experience and Agency.<sup>17</sup> With the table thus set, we turn now to the experimental evidence.

#### **4. Experimental Evidence for the Two-Source Hypothesis**

In this section, we present some experimental support for the first part of the two-source hypothesis. We begin by providing evidence that Experience often has a significant impact on people's moral judgments. Preliminary evidence comes from the work of a number of experimental philosophers and psychologists. The claim is further supported by the results of the first of two

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<sup>15</sup> [http://www.cetaceanrights.org/pdf\\_bin/helsinki-group.pdf](http://www.cetaceanrights.org/pdf_bin/helsinki-group.pdf).

<sup>16</sup> <http://www.guardian.co.uk/world/2012/feb/21/whales-dolphins-legal-rights>.

<sup>17</sup> It might be objected that the quotations above may not reflect lay views about moral standing. After all, they express the opinions of Las Casas, Sepúlveda, de Waal, etc. We are however convinced that these opinions reflect lay views as well. For instance, *The Guardian* article quoted above suggests that lay people do not find anything outrageous in the opinion expressed by the proponents of the Declaration of Rights for Cetaceans. Alternatively, it might be argued that in folk moral cognition Agency matters for rights, but not for moral standing, which is only determined by Experience. We are however skeptical that the philosophical distinction between rights and moral standing is part of folk moral cognition. In addition, what is clearly at stake in at least some of the cases presented above is whether people owe anything to animals: For example, de Waal draws a distinction between mice, to which according to him we apparently don't owe anything, and chimpanzees, whose interests matter morally.

new studies we will discuss in this section. In this study participants were given a vignette about scientific experimentation on different types of monkeys and asked to make a moral judgment. We find that Experience (but not Agency) has a significant effect on participants' responses. We then turn to Agency, arguing that in some situations this cue also has a significant impact on people's moral judgments. Thus, in our second study, participants were given a vignette about human explorers discovering different types of aliens on a distant world. In this case, we find that Agency (but not Experience) has a significant effect on participants' responses.

#### *4.1 Previous Research*

As we saw in Section 2, Gray et al. (2007) have argued that two distinct dimensions are involved in mind perception—Experience (including the capacities for feeling pain and pleasure, as well as fear, rage, desire, etc.) and Agency (including the capacities for self-control, planning, communication, thought, etc.). Support for this hypothesis comes from a large study in which participants were given a series of pairwise comparisons of thirteen characters with regard to one of 18 mental capacities.<sup>18</sup> The capacities associated with each of the two proposed dimensions were determined through a factor analysis of participants' ratings, and together these two dimensions explained 97% of rating variance. Gray and colleagues also asked participants to make personal judgments about the characters. They found that the judgment that an entity would be deserving of punishment for a wrongdoing<sup>19</sup> correlated more strongly with Agency

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<sup>18</sup> Characters were a 7-week-old fetus, a 5-month-old infant, a 5-year-old girl, an adult woman, an adult man, a man in a persistent vegetative state, the participant, a frog, a family dog, a wild chimpanzee, a dead woman, God, and the robot Kismet. The mental capacities tested were hunger, fear, pain, pleasure, rage, desire, personality, consciousness, pride, embarrassment, joy, self-control, morality, memory, emotion recognition, planning, communication, and thought.

<sup>19</sup> Specifically, they asked: "If both characters had caused a person's death, which one do you think would be more deserving of punishment?" (619).



than Experience ( $r=0.82$  versus  $r=0.22$ ); in contrast, the desire to avoid harming an entity<sup>20</sup> correlated more strongly with Experience ( $r=0.85$  versus  $r=0.26$ ). They conclude that folk ascription of moral standing is determined by the perception that a being can feel pain and pleasure. At the same time it should also be noted that Agency showed a significant correlation with ratings for the moral standing question ( $p<0.05$ ), and did so despite the fact that the latter was somewhat loaded in favor of Experience (asking about a painful empathetic response to harming an entity).

Building off of the work of Gray and colleagues, Knobe and Prinz (2008) also associate Experience with moral standing.<sup>21</sup> They provide evidence that people's interest in whether an entity can feel pain and pleasure is tied to the question of whether it is deserving of moral concern. In their study, each participant was given one of two short vignettes about a person thinking about the mental capabilities of fish. The first vignette focused on memory:

Imagine a person who has a job working with fish. He finds himself wanting to know the answer to a particular question about them. Specifically, he wants to know whether fish are capable of *remembering* which part of a lake has the most food.

The second focused on feeling:

Imagine a person who has a job working with fish. He finds himself wanting to know the answer to a particular question about them. Specifically, he wants to know whether fish are genuinely capable of *feeling* anything.

After reading one of the two vignettes, participants were asked to give a free-response answer with regard to why the person might want to know about the capacity of fish to either remember or feel. The answers were then coded as either involving "prediction, explanation or control" or "moral judgments" (81).

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<sup>20</sup> Specifically, they asked: "If you were forced to harm one of these characters, which one would it be more painful for you to harm." (619).

<sup>21</sup> For critical discussion of Knobe and Prinz's work, see Sytsma and Machery, 2009.

Knobe and Prinz found that while 100% of the answers for the memory probe involved prediction, explanation, or control, 0% of the answers for the feeling probe did so. In contrast, while only 9% of the answers for the memory probe involved moral judgment, 100% of the answers for the feeling probe did so. In these cases at least, people tie moral concern to whether an entity feels, providing additional evidence for the claim that Experience is an important cue for lay judgments about moral standing.

Further support comes from Gray and colleagues' review article (forthcoming). They argue that if perception of Agency influences whether an entity is viewed as a moral agent, and perception of Experience influences whether an entity is viewed as having moral standing, then we should see a correlation between certain types of deficits in mind perception and moral judgments.<sup>22</sup> Gray and colleagues suggest two test cases—autism and psychopathy. The first test case concerns the link between Agency and judgments of moral responsibility and will not be discussed further here. The second concerns the link between Experience and moral standing.

Psychopaths tend to be indifferent to the suffering of others, suggesting a deficit in ascription of moral standing. Gray and colleagues argue that this can be explained in terms of a corresponding deficit in perception of Experience. Thus, they note that psychopaths show deficits with regard to emotional recognition and empathy. Further, in a replication of Gray et al.'s (2007) study conducted by Gray, Jenkins, Heberlein, and Wegner (2011), scores on the Self-Report Psychopath Scale were found to be associated with lower ratings for Experience for both humans and animals.

The work surveyed above indicates that Experience is an important cue for judgments of moral standing. While this research has focused on Experience, the study reported by Gray et al. (2007) also suggests that Agency plays a role in judgments of moral standing. This provides

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<sup>22</sup> See Robbins and Jack (2006) for a similar argument.

initial support for the first part of the two-source hypothesis. The case is further bolstered by the results of two new studies reported below.

#### 4.2 Study 1

Our first study involves a scenario in which scientists are preparing to perform a painful experiment on monkeys. Given that people are likely to empathize with monkeys being used in this way, we expected that Experience would have a significant impact on moral judgments. Based on the correlation found by Gray et al. (2007), as well as the kind of reaction to animal experimentation illustrated by de Waal's article discussed in Section 3, we also expected Agency to have an impact, albeit a smaller one.

Participants in the study were given one of four vignettes involving researchers trying to determine which of five species of monkeys to use in an experiment. Each begins as follows:

Scientists working in a lab at a large research university need to select a species of monkey to use in an experiment. The experiment will involve cutting the monkeys without anesthesia, infecting the resulting wound with a bacterial agent, and then observing the effect of different healing agents applied to the infected area. Any surviving monkey will then be euthanized, and a complete autopsy will be conducted on each animal.

To decide which species of monkey to use, the scientists have run a series of tests on the five species available to them. They found that all five species are susceptible to infection by the bacteria being studied. The scientists decide that each of these species will serve equally well as experimental subjects.

The vignettes then describe one of the five species of monkey, noting that this species differs from the others in two ways: First, these monkeys either feel pain and pleasure *more* or *less* strongly than the others; second, they are either *more* or *less* intelligent and inquisitive than the others. The first difference is intended to indicate the relative level of Experience of this species, the second the relative level of Agency. The four resulting descriptions read as follows:

**High Experience and High Agency:** Further tests reveal that one species of monkey—*wooly monkeys*—differ from the rest in two ways. First, wooly monkeys feel pleasure and pain far more strongly than any of the other species of monkey. Second, they are far more intelligent and inquisitive than any of the other species of monkey.

**High Experience and Low Agency:** Further tests reveal that one species of monkey—*wooly monkeys*—differ from the rest in two ways. First, wooly monkeys feel pleasure and pain far more strongly than any of the other species of monkey. Second, they are far less intelligent and inquisitive than any of the other species of monkey.

**Low Experience and High Agency:** Further tests reveal that one species of monkey—*wooly monkeys*—differ from the rest in two ways. First, wooly monkeys feel pleasure and pain far less strongly than any of the other species of monkey. Second, they are far more intelligent and inquisitive than any of the other species of monkey.

**Low Experience and Low Agency:** Further tests reveal that one species of monkey—*wooly monkeys*—differ from the rest in two ways. First, wooly monkeys feel pleasure and pain far less strongly than any of the other species of monkey. Second, they are far less intelligent and inquisitive than any of the other species of monkey.

Participants were then asked the following question, answering on a 7-point scale anchored at 1 with "not at all wrong," at 4 with "not sure," and at 7 with "very wrong":

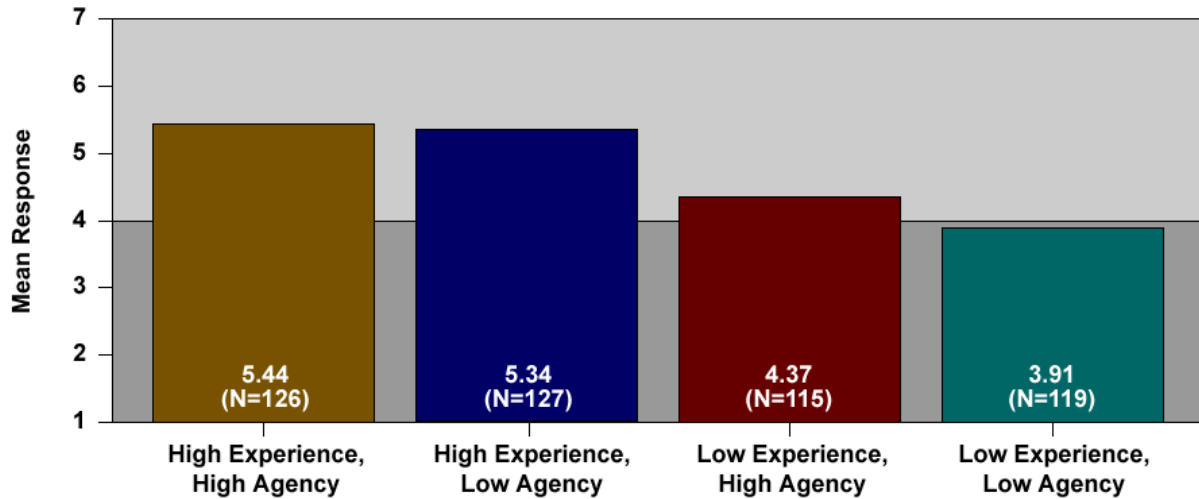
Given that the scientists are going to experiment on animals from one of the five species of monkey, do you think it is *morally wrong* for them to use wooly monkeys for their experiment instead of monkeys from one of the other species?

The ordering of the descriptions of the two factors—Experience and Agency—was randomly varied in both the concluding paragraph of the vignettes and the probe questions.

Responses were collected online from 487 participants 18 years of age or older, who completed the survey, had not previously participated, and were native speakers of English with no more than minimal training in philosophy.<sup>23</sup> The results are shown in Figure 1. We find that Experience has a significant impact on moral ratings ( $p < 0.001$ ), while Agency does not ( $p = 0.13$ ). There was no significant interaction between Experience and Agency ( $p = 0.32$ ).

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<sup>23</sup> Responses were collected through the Philosophical Personality website (<http://philosophicalpersonality.com>). Participants were counted as having more than minimal training in philosophy if they were philosophy majors, had completed a degree with a major in philosophy, or had taken graduate-level courses in philosophy. Participants were 75.6% female, ranged in age from 18 to 79, and had an average age of 38.5 years.



**Figure 1:** Results of Study 1.

In line with the previous findings discussed above, the results of our first study indicate that Experience is an important factor in judgments about moral standing. To our surprise, however, despite the large sample size Agency failed to significantly influence participants' judgments. We speculate that this reflects the strength of the empathetic response generated by the description of the painful experiment that would be conducted on the monkeys. If empathy primes people to focus on Experience, this might serve to mask the effect of Agency in our first study. We revisit this issue in Section 5.

#### 4.3 Study 2

Despite the results of Study 1, we have seen reason to believe that Agency plays a role in lay ascriptions of moral standing. Further, we suspect that Agency will play a greater role in contexts in which participants are less likely to empathize with the entities at issue, such as when they are quite alien to the participants.

As such, in our second study, we gave participants one of four vignettes describing an alien species discovered by human explorers on a distant world.<sup>24</sup> The vignettes differed with regard to the portrayal of the aliens along two dimensions—Experience and Agency. The four resulting vignettes read as follows:

**High Experience and High Agency:** Imagine that life has developed on a planet in a nearby solar system. Further, imagine that one species—call them the *atlans*—has developed an advanced civilization. Not only do atlans look somewhat similar to humans, they are quite similar to us in other respects as well: For example, they are soft and fleshy, and they feel both pleasure and pain. For instance, an atlan would feel horrible pain if you were to strike her hand with a hammer. Further, atlans are like us in having thoughts, opinions, beliefs, and desires. They are very intelligent, and engage in highly complex social and political interactions. They have highly developed literary, musical, and artistic traditions, in addition to having made great advances in the sciences. Overall, the atlan way of life is very peaceful.

Now imagine that in the future explorers from Earth discover the atlans. The atlans welcome the explorers and are very friendly toward them. Having learned that the atlans are peaceful, the explorers realize that with their military strength they could easily take over the planet. Not only could they capture atlans for purposes of scientific experimentation, but they could use them to prepare the way for human colonization. In doing so, however, a large number of atlans would be killed and the atlan way of life would be destroyed.

**High Experience and Low Agency:** Imagine that life has developed on a planet in a nearby solar system. Further, imagine that one species—call them the *atlans*—are the most prevalent lifeform on the planet. While atlans look somewhat similar to slugs, they are quite different from them in other respects: Most notably, they feel pleasure and pain very acutely. For instance, an atlan would feel horrible pain if you were to step on it. Nonetheless, atlans do not have thoughts, opinions, beliefs, or desires. They are not very intelligent and seldom interact with other atlans. Atlans spend most of their time sitting on rocks. Overall, the atlan way of life is very peaceful.

Now imagine that in the future explorers from Earth discover the atlans. The atlans do not seem to notice the explorers and continue to sit on their rocks. The explorers realize that they could easily take over the planet. Not only could they capture atlans for purposes of scientific experimentation, but they could use them in preparing the way for human colonization. In doing so, however, a large numbers of atlans would be killed and the atlan way of life would be destroyed.

**Low Experience and High Agency:** Imagine that life has developed on a planet in a nearby solar system. Further, imagine that one species—call them the *atlans*—has developed an advanced civilization. While atlans look somewhat similar to humans, they are quite different from us in other respects: For example, instead of being soft and fleshy, they are hard and metallic. In fact, they resemble incredibly sophisticated robots. As such, they neither feel pain nor pleasure. For instance, an atlan would feel no pain at all if you were to strike her hand with a hammer. Nonetheless, atlans are like us in having thoughts, opinions, beliefs, and desires. They are very

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<sup>24</sup> An alternative strategy would be to attempt to decrease the amount of empathy felt by the participants. For example, the vignettes used in our first study could be rewritten to describe the experiment as being pain-free for the monkeys. We revisit this strategy in the following section.

intelligent, and engage in highly complex social and political interactions. They have highly developed literary, musical, and artistic traditions, in addition to having made great advances in the sciences. Overall, the atlan way of life is very peaceful.

Now imagine that in the future explorers from Earth discover the atlans. The atlans welcome the explorers and are very friendly toward them. Having learned that the atlans are peaceful, the explorers realize that with their military strength they could easily take over the planet. Not only could they capture atlans for purposes of scientific experimentation, but they could use them to prepare the way for human colonization. In doing so, however, a large number of atlans would be killed and the atlan way of life would be destroyed.

**Low Experience and Low Agency:** Imagine that life has developed on a planet in a nearby solar system. Further, imagine that one species—call them the *atlans*—are the most prevalent lifeform on the planet. While atlans look somewhat similar to slugs, they are quite different from them in other respects: For example, instead of being soft and fleshy, they are hard and metallic. In fact, they resemble simple machines. As such, they neither feel pain nor pleasure. For instance, an atlan would feel no pain at all if you were to step on it. Further, atlans do not have thoughts, opinions, beliefs, or desires. They are not very intelligent and seldom interact with other atlans. Atlans spend most of their time sitting on rocks. Overall, the atlan way of life is very peaceful.

Now imagine that in the future explorers from Earth discover the atlans. The atlans do not seem to notice the explorers and continue to sit on their rocks. The explorers realize that they could easily take over the planet. Not only could they capture atlans for purposes of scientific experimentation, but they could use them in preparing the way for human colonization. In doing so, however, a large numbers of atlans would be killed and the atlan way of life would be destroyed.

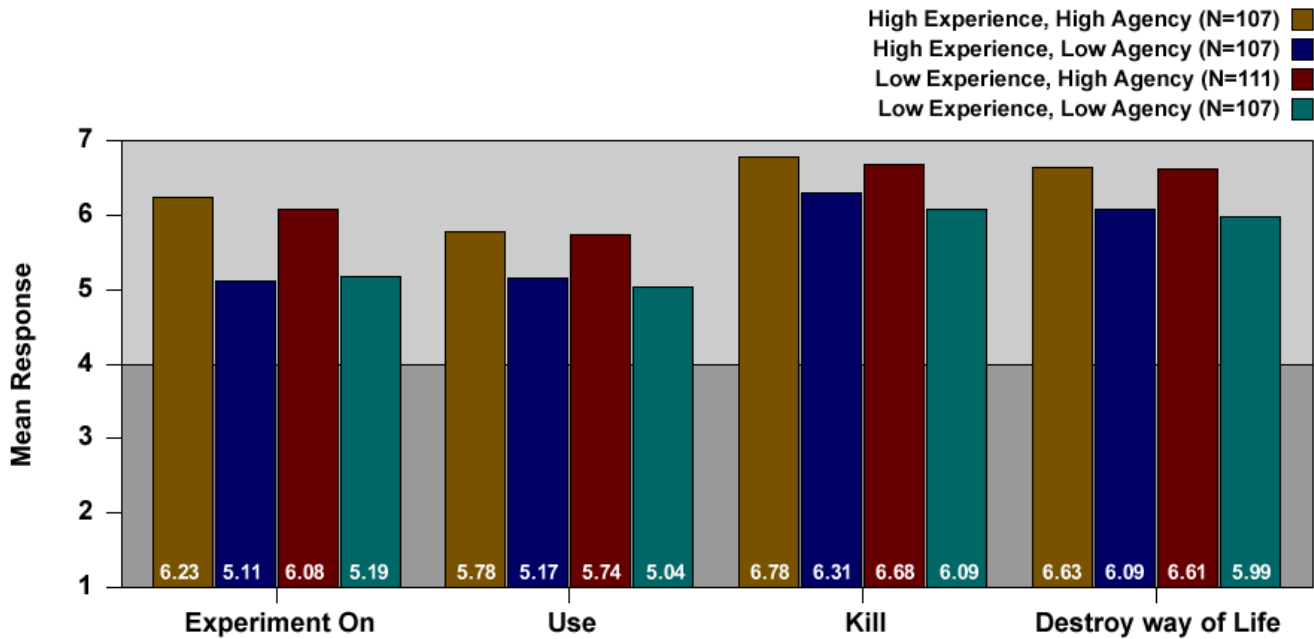
After each vignette, participants were asked a set of four questions, answering each on the 7-point scale used in our previous study:

1. Would it be morally wrong for the explorers to experiment on the atlans?
2. Would it be morally wrong for the explorers to use the atlans to prepare the way for human colonization?
3. Would it be morally wrong for the explorers to kill the atlans?
4. Would it be morally wrong for the explorers to destroy the atlan way of life?

Responses were collected online from 435 participants using the same website and restrictions as in our first study.<sup>25</sup> The results are shown in Figure 2. In contrast to our first study, we found that Agency had a significant effect for all four questions ( $p < 0.001$  for each). Surprisingly, there was no significant effect for Experience on any of the four questions ( $p > 0.25$  for each). Once again, there was no significant interaction between Agency and Experience ( $p > 0.47$  for each question).

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<sup>25</sup> Participants were 69.7% female, ranged in age from 18 to 86, and had an average age of 39.0 years.



**Figure 2:** Results of Study 2.

While the results of our first study indicate that in some situations Experience is an important cue for lay judgments concerning moral standing, the results of our second study indicate that Agency is an important cue in other situations. Further, the effects of these cues appear to be independent. Taken together, then, the results support the first part of the two-source hypothesis.

## 5. Context and Moral Patency

In the previous section, we saw evidence that both Experience and Agency play important roles in lay judgments concerning moral standing in certain situations. This raises the question of which situational factors correspond with a focus on Experience, and which correspond with a focus on Agency. Unfortunately, we are not in a position to give a full answer to this question here, and much more work remains to be done. Nonetheless, it is worth exploring two factors that might explain why we found an effect for Experience in our first study (but not Agency),



and an effect for Agency in our second study (but not Experience)—degree of empathy and whether the actions at issue are described as being directed toward individuals or a group.

### *5.1 Study Three*

The first factor we will consider is degree of empathy: As noted previously, people might be more likely to focus on Experience in situations where they empathize with the entities at issue, and more likely to focus on Agency in situations where they do not. Thus, we expected that Experience would play a larger role in moral judgments about harms committed against familiar animals (such as monkeys) than unfamiliar ones (such as aliens)—and this was born out by the results of our first two studies.

Taking degree of empathy to correlate with the amount of suffering experienced by familiar animals, another way to explore the role of empathy is to vary the amount of pain inflicted. Thus, in our third study we adapted the scenario used in our first study to specify that the experiment would either be conducted with or without anesthesia. The first paragraphs of the two resulting vignettes read as follows:

**With Anesthesia:** Scientists working in a lab at a large research university need to select a species of monkey to use in an experiment. The monkeys used in the experiment will be kept under general anesthesia during the duration of the experiment and will not feel any pain. At the end of the experiment, the monkeys will be painlessly killed, and a complete autopsy will be conducted on each animal.

**Without Anesthesia:** Scientists working in a lab at a large research university need to select a species of monkey to use in an experiment. The experiment will involve cutting the monkeys without anesthesia, infecting the resulting wound with a bacterial agent, and then observing the effect of different healing agents applied to the infected area. Any surviving monkey will then be killed, and a complete autopsy will be conducted on each animal.

In each condition we then noted that two species of monkeys could be used in the experiment, describing one as being relatively high in Experience, the other relatively high in Agency:

To decide which species of monkey to use, the scientists have run a series of tests on the species available to them. Two species, *wooly monkeys* and *howler monkeys*, are found to be susceptible

to infection by the bacteria being studied. The scientists decide that both species will serve equally well as experimental subjects.

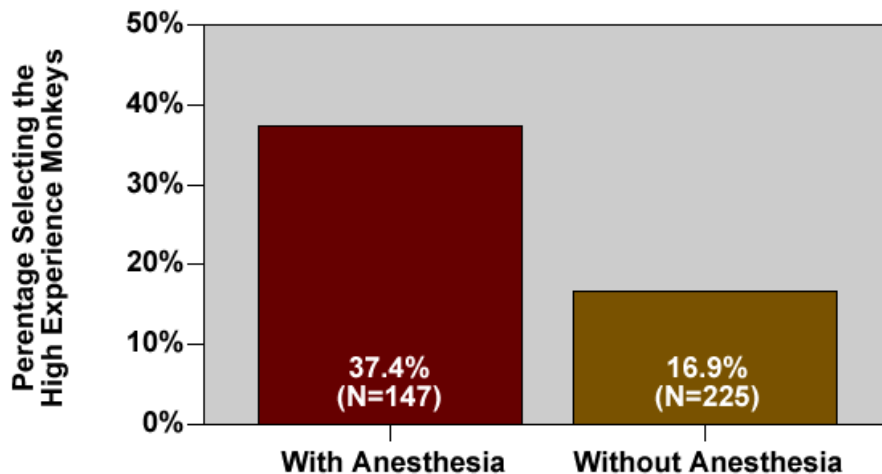
Further tests reveal that wooly monkeys and howler monkeys differ notably in two ways, however. Wooly monkeys feel pleasure and pain far more strongly than do howler monkeys. In contrast, howler monkeys are far more intelligent and inquisitive than are wooly monkeys.

Participants were then given a forced-choice question, asking them which species of monkeys it would be more moral for the scientists to use in the experiment:

Given that the two species of monkeys will serve equally well as experimental subjects and that the scientists are going to experiment on animals from one of the two species, do you think that it would be more *moral* for them to use wooly monkeys or howler monkeys?

The ordering of the descriptions of the two factors (Experience and Agency) were randomly varied in the vignettes and the probe question, as were the names of the two types of monkeys.

Responses were collected online from 351 participants using the same website and restrictions as in our previous two studies.<sup>26</sup> The results are shown in Figure 3. As predicted, participants were significantly more likely to select the high Experience monkeys when anesthesia would be used than when no anesthesia would be used ( $p < 0.001$ ).



**Figure 3:** Results of Study 3.

<sup>26</sup> Participants were 74.6% female, ranged in age from 18 to 90, and had an average age of 38.2 years.

## 5.2 Study Four

While our third study lends support to the hypothesis that degree of empathy corresponds with a focus on Experience in lay judgments concerning moral standing, it does not rule out that there are other factors involved as well. And the contrast between our first two studies suggests a second potential factor: While the question in the first study asked about the morality of an action taken against individual animals, the questions in the second asked about the morality of actions taken against an alien species. Thus, it might be that Experience plays a larger role in moral judgments concerning actions described as being directed toward individuals, while Agency plays a larger role when the actions are described as being directed toward the group. At the same time, it should be noted that this factor may not be independent of the first: It could be that people are more likely to empathize with entities when they focus on them as individuals, which is more likely when actions are described as being directed against them as individuals rather than a group to which they belong.

To test the second factor, we rewrote the second paragraph in the vignettes used in our second study so as to emphasize a specific member of the atlan species:

**High Experience, High Agency:** Now imagine that in the future explorers from Earth discover one of the atlans. The atlan welcomes the explorers and is very friendly toward them. The explorers realize that they could easily capture this atlan for purposes of scientific experimentation. After the experiments, they would then kill the atlan and dissect the body.

**High Experience, Low Agency:** Now imagine that in the future explorers from Earth discover one of the atlans. The atlan does not seem to notice the explorers and continues to sit on its rock. The explorers realize that they could easily capture this atlan for purposes of scientific experimentation. After the experiments, they would then kill the atlan and dissect the body.

**Low Experience, High Agency:** Now imagine that in the future explorers from Earth discover one of the atlans. The atlan welcomes the explorers and is very friendly toward them. The explorers realize that they could easily capture this atlan for purposes of scientific experimentation. After the experiments, they would then kill the atlan and dissect the body.

**Low Experience, Low Agency:** Now imagine that in the future explorers from Earth discover one of the atlans. The atlan does not seem to notice the explorers and continues to sit on its rock. The explorers realize that they could easily capture this atlan for purposes of scientific experimentation. After the experiments, they would then kill the atlan and dissect the body.

The questions were then changed to ask whether it would be morally wrong for the explorers to perform actions directed against the individual atlan identified:

1. Would it be morally wrong for the explorers to capture the atlan?
2. Would it be morally wrong for the explorers to experiment on the atlan?
3. Would it be morally wrong for the explorers to kill the atlan?
4. Would it be morally wrong for the explorers to dissect the atlan?

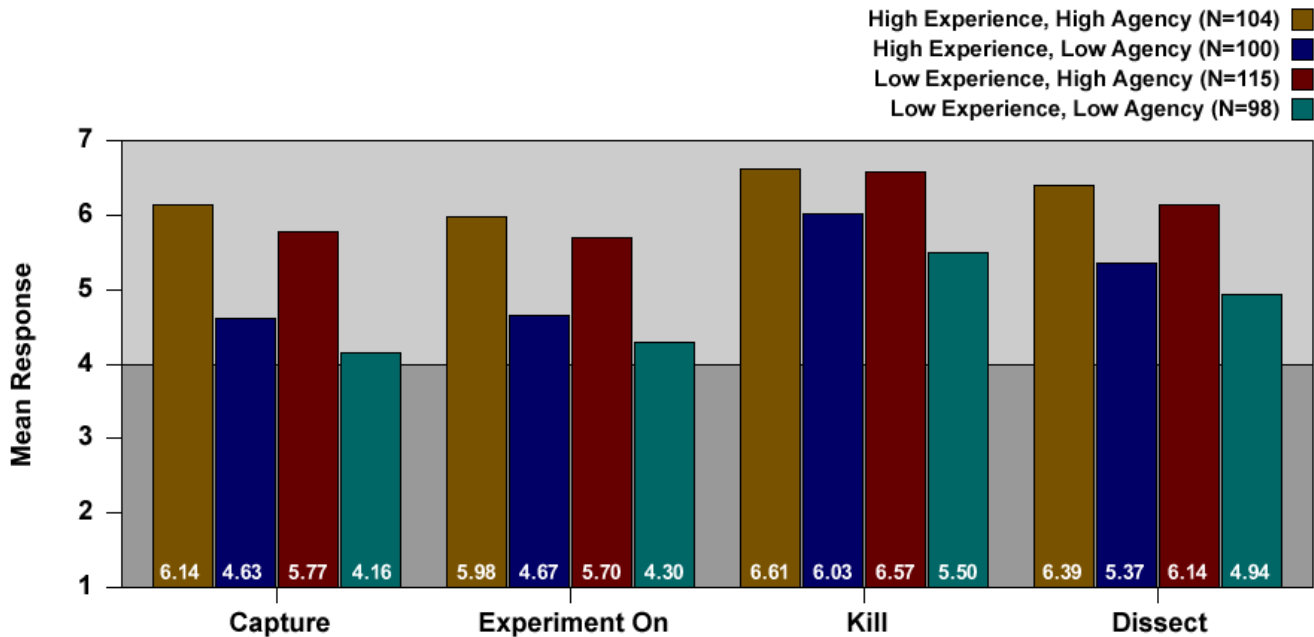
Participants answered using the same 7-point scale given in our first and second studies.

Responses were collected online from 417 participants using the same website and restrictions as in our previous studies.<sup>27</sup> The results are shown in Figure 4. As in our second study, Agency had a significant effect for all four questions ( $p < 0.001$  for each). In contrast to our second study, however, there was also a significant effect for Experience on two of the four questions, and a borderline significant effect for the other two ( $p = 0.023$ ,  $p = 0.083$ ,  $p = 0.060$ , and  $p = 0.051$  for each of the four questions respectively). Despite seeing significant effects for both cues, there was no significant interaction, further supporting that claim that these are independent cues.

The results of our fourth study support the claim that Experience plays a larger role in moral judgments concerning actions described as being directed toward individuals than groups. Nonetheless, the effect size for Experience was much smaller than for Agency, suggesting that this is a minor factor. This might lend support to the speculation above that this factor affects perception of Experience indirectly by shifting the likelihood that people empathize with the entities at issue.

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<sup>27</sup> Participants were 67.9% female, ranged in age from 18 to 84, and had an average age of 38.7 years.



**Figure 4:** Results of Study 4.

To wrap up, as we hypothesized, both Experience and Agency influence the ascription of moral standing. But they do it in a contextual manner: Evidence tentatively suggests that Experience plays a more important role when people think about individuals and empathize with them.

## 6. Conclusion

In this article we have argued that there are two primary traditions in philosophical theorizing about moral standing—one emphasizing Experience (the capacity to feel pain and pleasure) and one emphasizing Agency (complexity of cognition and lifestyle). We then attempted to explain why philosophers divide into these two camps. The explanation we offered is that lay judgments about moral standing depend importantly on two independent cues (Experience and Agency), and that the two philosophical traditions reflect this aspect of folk moral cognition. In support of this two-source hypothesis, we presented the results of a series of new experiments providing

evidence for our account of lay judgments about moral standing, and argued that these results lend plausibility to the proposed causal link between folk moral cognition and the philosophical traditions. Finally, we looked at which situational factors correspond with a focus on either Experience or Agency in lay judgments, presenting evidence that empathy toward individual entities corresponds with a focus on Experience.

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