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Human rights without human supremacism*

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ABSTRACT

Early defenders of the Universal Declaration of Human Rights invoked species hierarchy: human beings are owed rights because of our discontinuity with and superiority to animals. Subsequent defenders avoided species supremacism, appealing instead to conditions of embodied subjectivity and corporeal vulnerability we share with animals. In the past decade, however, supremacism has returned in work of the new 'dignitarians' who argue that human rights are grounded in dignity, and that human dignity requires according humans a higher status than animals. Against the dignitarians, I argue that defending human rights on the backs of animals is philosophically suspect and politically self-defeating.

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Introduction

In this paper, I want to explore two faces of the human rights (HR) project.[1] On the one hand, the HR project has been characterized by the struggle against the dehumanization of particular groups in society, whether defined by race, gender, ability, or religion. It has challenged ideologies and practices that treat such groups as less than fully human. This struggle against hierarchies of worth has been – and remains – a pressing issue of justice, and insofar as we have made progress against these ideologies and practices, the HR project has played a vital role.

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On the other hand, the HR project has also been characterized by ideologies and practices of species hierarchy, and in that respect is complicit in the ongoing moral catastrophe of our relations with non-human animals.[2] Upwards of 10 billion land animals are raised and killed for food each year in North America, almost all under conditions of intense confinement, and over 1 trillion wild fish are killed every year through commercial fishing. And the population of wild animals has dropped by 50% in the past 40 years, as human colonization and despoliation of wild animal habitat continues unabated. Moreover, the United Nations estimates that both of these trends will continue: forty years from now, we will be confining and killing even more animals for food and leaving even less space for wild animals. These facts reflect a remarkable sense of entitlement, what Ted Benton calls 'a quite fantastic species narcissism' (Benton 1988, 7). Many commentators have speculated that just as current generations are puzzled about our ancestors' endorsement of slavery, so too future generations will be puzzled at our moral blindness about harms to animals (e.g. Appiah 2010). And part of the answer to that puzzle, regrettably, is the HR project, and the way it has upheld ideologies of species hierarchy and legitimized (or ignored) the instrumentalization of animals.

This link between the defense of HR and the denigration of animals is visible at the very origins of the Universal Declaration on Human Rights. One of its theoreticians, Jacques Maritain, explained that the purpose of human rights was to insist on 'the radical distinction between persons and all other beings', to elevate humanity above 'animality', and to liberate humanity from the 'animality which enslaves him'. For Maritain, the duty to treat someone as an end in themselves not a means is grounded precisely in this distinction/distance between humanity and animality.[3] This basic idea is repeated by more recent HR theories. To take one example, George Kateb argues that 'The core idea of human dignity is that on earth, humanity is the greatest type of being – and that every member deserves to be treated in a manner consistent with the high worth of the species' (Kateb 2011, 3–4). For Maritain and Kateb – and others I discuss below – the defense of equality amongst humans is tied to the assertion of species hierarchy over animals.

In this way, the HR project is centrally implicated in some of the best and the worst of our current moral practices: it underpins the inspiring struggle against human oppression; and it condones the catastrophic indifference to animal oppression. The obvious question is whether these two are inherently connected: do we need to endorse species hierarchy in order to defend HR and the struggle against dehumanization?

If so, then we would seem to be faced with a tragic choice, either sacrificing animals to pursue human equality, or weakening the pursuit of human equality in order to protect animals. I will argue, however, that we can uphold human rights without human supremacism. Indeed, there is good reason to believe that the pursuit of human rights would actually be strengthened, both philosophically and politically, by disavowing species hierarchy. Or so I will argue.

Locating species hierarchy in the HR tradition

I should acknowledge, right from the start, that there is enormous variation amongst HR theorists and practitioners in how they think and talk about animals. For Maritain and Kateb, the decision to link human rights to human supremacism is very conscious and deliberate. But other HR writers have clearly made a conscious decision not to link the two.[4] And in yet other cases, references to human supremacism seem to be unreflective, and almost unintentional. For example, it is a common trope in the HR literature to say that subjecting someone to solitary confinement is wrong because it treats her like an animal. While this may sometimes reflect a conscious endorsement of the Maritain/Kateb position, in other cases it seems that people are merely using this as a ritualized expression, without actually reflecting on what it entails regarding the rights of animals. Indeed, I think it's fair to say that the vast majority of references to animals in contemporary moral and political philosophy are unreflective, literally thoughtless.

So there is enormous variation in how HR theorists discuss animals, if at all, and whether these discussions reflect conscious commitments or unconscious habits of expression. One modest goal of this paper is simply to encourage HR theorists to be more conscious of these decisions. The HR project should be morally accountable for what it says and does regarding the treatment of animals, just as the animal rights (hereafter AR) movement is rightly held accountable for what it says and does regarding human rights issues.[5] For example, in a world where hundreds of thousands of sentient, sociable animals are kept in solitary confinement in zoos and labs, suffering sensory deprivation and social death, do HR theorists really want to say that solitary confinement is appropriate for animals? (I will return to this example below).

So one goal of this paper is to encourage more attentiveness to the way the HR movement discusses animals, in the hope and expectation that this would lead people to be less inclined to denigrate and instrumentalize animals. And indeed, for a period of time in the 1980s to early 2000s, there was detectable movement in this direction. Unfortunately, quite recently, there has been a clear counter-reaction, with a number of influential authors in the past 10 years reasserting species hierarchy, and seeking to entrench species hierarchy deeper into the theory and practice of HR. In this sense, we are at a clear fork in the road: perhaps more so than at any time since Maritian, the HR movement is being called upon to decide whether or not the HR project will be tied to projects of human supremacism.

It is worth recalling that Maritain was writing in the 1940s, before the rise of the contemporary AR movement in the West.[6] So when he grounded human rights in species hierarchy, he was simply reproducing what was taken for granted by most participants drafting the UDHR. By the 1980s, however, theorists of human rights were aware that assumptions of species hierarchy could no longer be treated as the self-evident grounds for human rights. With the

rise of an AR movement challenging the assumption that animals are resources rather than ends in themselves, any appeal to species hierarchy would need to be explicitly defended. And a careful read of the HR literature from the 1980s to 2000s suggests that many theorists were reluctant to take on this task. There are a variety of arguments in the Western canon defending species hierarchy – appealing to divine providence, reason, language, moral autonomy, potentiality and so on – but by the 1980s, all of them had been systematically critiqued, in dozens of articles and books, and I suspect that many HR theorists were unsure how best to counter these critiques. I also suspect that many HR theorists were unsure whether they even *wanted* to defend human supremacism. Many philosophers – and indeed many citizens – are unsure what to think about animal rights, and have conflicting and evolving intuitions on the issue. Their motivation for writing on human rights was to promote greater equality amongst humans, not to defend inequality between humans and animals, and they didn't see any reason to embed the former in the latter.

As a result, many HR theorists in this period distanced themselves from Maritain's position, and looked for ways of defending HR that did not depend on controversial assumptions about species hierarchy. Indeed, I think we can see a marked ratcheting down of human supremacism in the HR literature. Consider two of the first and most influential book-length discussions of the theoretical foundations of human rights, by Henry Shue (1980) and James Nickel (1987). Drawing on Feinberg's conceptualization of rights, both developed theories of HR that were grounded in assumptions about (1) basic interests (e.g. in security, subsistence, liberty); (2) standard threats to those interests; (3) collective/institutional duties to refrain from or prevent those threats. Neither makes any appeal to the idea of species hierarchy: they make no reference to, or assumptions about, the relative moral status or significance of 'humanity' and 'animality'.

Of course, this way of grounding HR raises the question whether animals might not also be entitled to basic rights, since they too have basic interests that are subject to standard threats from public institutions. Several AR theorists have argued that the logic of the Feinberg theory of rights applies naturally to animals.[7] And indeed both Feinberg and Nickel acknowledge this possibility. Feinberg wrote an article defending the conceptual possibility of animal rights (1974), and Nickel has a brief footnote in which he too acknowledges that possibility (1987, 45).

To be clear, neither actually endorsed animal rights – they simply left it as an open question. But, and this is the key point, neither viewed it as an objection to their account of rights that it might support rights for animals. That is to say, *they did not view it as a criterion for the success of a theory of HR that it exclude animals*. And this is because, unlike Maritain, they did not see the purpose of HR as being to defend species hierarchy. Their aim was to identify compelling reasons why public institutions have a duty to protect individuals from standard

threats to their basic interests, and they left it as an open question whether, or under what conditions, those reasons might also apply to animals.

This gets to the heart of human supremacism. As Angus Taylor puts it, advocates of human supremacism, like Maritain, 'cannot countenance just any ethical view that protects humans, for it is not enough to include all humans within the moral community – one must simultaneously exclude all non-humans. And this is crucial: *human exceptionalism is at least as much about whom we are determined to exclude from the moral community as about whom we wish to include within it'* (Taylor 2010, 228, emphasis in original). Maritain's theory of HR is supremacist in this specific sense. For Maritain, it is a criterion of success of a theory of HR that it not only protect the rights of humans, but that it exalt humans over animals, and that it defend HR on grounds that cannot be invoked on behalf of animals.

By the 1980s, however, HR theory had started to shed this human supremacist framing. To repeat, for Shue and Nickel, it was not a test of success of a theory of HR that it exclude animals, or that it exalt humans over animals. And I would argue that this trend continued through the 1990s into the early 2000s. In this period, several exciting new approaches to theorizing HR emerged. For example, Bryan Turner argued that human rights should be grounded in respect for people as 'vulnerable subjects' (Turner 2006), an idea also defended by Martha Fineman (2008); see also Morawa (2003). Amartya Sen and Martha Nussbaum developed capability-based theories of human rights (Sen 2005; Nussbaum 2007); Fiona Robinson elaborated a care-ethics approach to human rights (Robinson 2003); and Judith Butler appealed to 'precarious life' as the basis for human rights (Butler 2006).[8]

These theories have significantly enriched our moral vocabulary for discussing HR, adding ideas of vulnerability, precarity, capability and care to the earlier, more Spartan, vocabulary of needs and interests. And all of these approaches, I would argue, share with Shue and Nickel a non-supremacist logic. When arguing that vulnerability or capabilities illuminate the basis and requirements of HR, these theorists did not take it as necessary that these ideas must also ground species hierarchy. Whether and how they might apply to animals was left as an open question.

Unsurprisingly, AR theorists quickly took up this open question, and argued that these new accounts of HR do indeed push us towards the recognition of animal rights. Ani Satz, for example, argued that Fineman's account of the ethical significance of vulnerable subjectivity extends naturally to animals (Satz 2009) – a possibility Fineman herself acknowledges.[9] Similarly, the ethical significance of capabilities or care seems to extend naturally to animals, and so recent AR theorists have applied capability-based (Nussbaum 2006; Schinkel 2008) and care-based (Donovan and Adams 2007) theories to animal rights. And everything in Butler's account about why we must nurture an ethic of respect for precarious life, and challenge the denigration of some lives as ungrievable, extends to animals, as AR theorists have shown (Taylor 2008; Stanescu 2012).

In short, from the 1980s to the mid-2000s, the trend was to defend HR in a way that does not rest on species hierarchy, and the defense of human rights was not seen as essentially tied to the assertion of superiority over animals. And this opened up space for a growing literature that attempted to integrate human rights and animal rights, to explore their interconnections, and to build a theory and practice in which the pursuit of human rights was sensitive to animal justice, and the pursuit of animal rights was sensitive to human justice.[10]

The counter-reaction: dignitarian human rights

I hope and expect that this trend will continue. However, in the past ten years, there has been a striking – and in my view disturbing – movement in the opposite direction, towards reasserting species hierarchy as the basis for human rights. There are different versions of this reaction, but I will focus on the new wave of 'dignitarian' writings within Anglo-American legal and political philosophy. These 'new dignitarians', as I will call them, make two core claims: (1) that protection of, or respect for, human dignity is the basis of human rights; and (2) that a core component of human dignity is our radical difference from, and superiority over, animals. In this way, the new dignitarians seek to re-inscribe species hierarchy at the heart of HR theory.

I will critique this position shortly, but I should emphasize that my focus is on a specific strand of the literature on human dignity. There are many different dignity traditions: the German constitutional jurisprudence around dignity in the Basic Law, for example, differs from the discourse of dignity in bioethics, which differs yet again from Catholic doctrines of human dignity, or from Kant's doctrine of human dignity, amongst many other such traditions.[11] So there is no single doctrine that underpins all the diverse references to human dignity, and no single story about how these references relate to ideas of species difference or species hierarchy.[12]

The strand I am focusing on, however, does explicitly tie human dignity to species hierarchy. I've already mentioned Kateb, who defines human dignity this way: 'All individuals are equal: no other species is equal to humanity. These are the two basic propositions that make up the concept of human dignity' (Kateb 2011, 6). Catherine Dupré offers a similar formulation in her recent review of the European jurisprudence on human dignity:

> The legal system of human rights protection in Europe (and more generally in the West) rests on the assumption that, as human beings, we are born with the unique quality of dignity that distinguishes us from other beings (primarily animals), justifying and explaining the special protection of our rights. (Dupré 2015, 28)

She notes that the core of dignity jurisprudence is a principle of non-instrumentalization, rooted in the idea that humans should be treated as end in themselves and not simply as resources or means, and she ties this explicitly to species hierarchy:

> We are here at the philosophical roots of the constitutional concept of human dignity as it is largely understood today, namely a concept that is exclusive to human beings, so that it can be used to distinguish them from other beings, which do not have dignity but a relative worth … dignity is used to define humanity not with reference to God, but by distinction from other beings which only have a `relative worth', namely animals or things. (Dupré 2015, 34–35)

She illustrates this when describing and defending the dignity of human labour, saying:

> in the context of work relationships, where employees tend to be considered by employers as disposable and interchangeable production units, increasingly exclusively identified as mere figures, such as their economic cost for the employer or the financial income they generate, the Kantian distinction between value or market price that can be attributed to things and animals, and dignity or intrinsic worth which is an exclusively human quality, has never been more relevant. (Dupré 2015, 124)

This is a perfect encapsulation of the new dignitarian politics. If some humans are instrumentalizing other humans, the response is to say 'You are making a category mistake: you should be instrumentalizing animals not humans!'. If some humans are oppressing and exploiting other humans, the remedy is to throw animals under the bus.

We can see the same idea, at least in incipient form, in Waldron's influential account of human dignity as a high rank (Waldron 2012). In some passages, he illustrates this idea by reference to the historic difference in rank between aristocrats and peasants, suggesting that human dignity involves attributing to all humans the high rank previously attributed only to aristocrats. But in other passages, he makes clear that this rank is also high in relation to animals. In a world which respects human dignity, he says, the law may force people to do things, 'but even when this happens, they are not herded like cattle, broken like horses, beaten like dumb animals, or reduced to a quivering mass of "bestial desperate terror"' (Waldron 2012, 64). This is because dignitarian politics requires attending to the point of view of humans, but not of animals. Dignitarian politics 'is a mode of governance that acknowledges that people likely have a view or perspective of their own to present on the application of a social norm to their conduct. Applying a norm to a human individual is not like deciding what to do about a rabid animal or a dilapidated house. It involves paying attention to a point of view' (Waldron 2012, 54). This means that governing humans with dignity 'is quite different from (say) herding cows with a cattle prod', since the latter is a system of rule that works 'by manipulating, terrorizing or galvanizing behaviour' (Waldron 2012, 52).[13] He sums up his theory this way: while some people say that 'if we abolish distinctions of rank, we will end up treating everyone like an animal … the ethos of human dignity reminds us that there is an alternative' (Waldron 2012, 69).[14] In short, for Waldron, as for Kateb and Dupré, the defense of human dignity is explicitly defined in relation to species hierarchy.

For this reason, Rossello aptly describes Waldron's view as 'species aristocracy' (Rossello 2016a).[15]

In all these cases, human dignity is defended on the backs of animals. I want to emphasize again that this is not inherent in the use of the term `dignity' or `human dignity'. As I noted earlier, there are many different intellectual sources of, and versions of, what we might call 'dignity talk', and not all of them intend to instrumentalize animals.[16] So am I only diagnosing one strand of the proliferating dignity literature.

However, it is an important strand, and while human supremacism is not inherent in the concept of human dignity, I would also suggest that it is no accident that the word dignity is the vehicle for supremacist theories. In the midst of this 'age of dignity' in which talk of dignity is 'ubiquitous' (Dupré 2015, 1) and 'omnipresent' (McCrudden 2013, 1), it is worth recalling that there are in fact many other moral concepts that are available to discuss ethical and legal obligations in general, and HR in particular. I noted earlier that HR theory from the 1980s to the 2000s generated a rich moral vocabulary, not only of interests and needs, but also respect for subjectivity, vulnerability, grievability, capabilities, and flourishing, all of which have been productively used to illuminate an ethics of human rights. So in the mid-2000s, dignity was just one of many concepts that were being proposed and tested as the ethical grounds for human rights, by no means the only or even most prominent option.[17] Why then, out of this varied moral toolbox, have so many theorists in the past ten years zeroed in on dignity as the core concept?

No doubt there are many factors at play, but I would suggest that one reason is that ideas of 'dignity' do not easily or naturally extend to animals. As we've seen, virtually all of the other concepts which we standardly use to discuss and defend human rights – interests, needs, well-being, capabilities, flourishing, vulnerability, subjectivity, care, justice – lead naturally to the recognition of animal rights, since animals are continuous with humans in all of these respects.[18] The one concept in the moral toolbox that many people find more awkward or unnatural to apply to animals is 'dignity'. If someone terrorizes a cow with a cattle prod, there is no question that this harms her basic interests and her well-being, assaults her subjectivity, exploits her vulnerability, renders her precarious, instrumentalizes her, and undermines her capabilities and flourishing. Insofar as any of these considerations ground the human right not to be terrorized, so too they would seem to ground a right of animals not to be terrorized. But does the routinized violence of factory farming violate cows''dignity'? This is less clear. While there are compelling accounts of how we routinely violate the dignity of animals (Cataldi 2002; Gruen 2014; Humphreys 2016; Loder 2016), they tend to focus on specific contexts of public/visible degradation (such as circuses and zoos),[19] rather than the often invisible structures of exploitation on farms or labs that are the heart of animal oppression in our society. While some defenders of animal rights argue that dignity can operate as the general grounding for animal

rights (Bilchitz 2009), others argue that it is not a helpful register for grounding basic animal rights (Zuolo 2016), if only because dignity talk is saturated with the idea that dignity involves not being treated as an animal. In any event, dignity is not the natural language of AR theory.

And so, for anyone who wants to defend species hierarchy and to resist the extension of rights to animals, one option is to shift away from vulnerable subjectivity, care, capability, or precarious life to instead ground rights on 'dignity'. And indeed Kateb is quite explicit that this is his motivation in appealing to human dignity. He notes the tendency I have just described to recognize continuities between humans and animals – as he puts it, the tendency to 'picture humanity as just another animal species among other animal species, with some particularities, even uniqueness, but none so commendable as to elevate humanity above the rest' – but he objects that this 'unnecessarily tarnish[es] human dignity by taking away commendable uniqueness from it'. And to combat this tendency, he says, we need to emphasize human dignity: 'These days, the notion of human stature is directed in part against these reductions, in the name of human dignity' (Kateb 2011, 128).[20] Whereas other moral concepts seem to lead to the recognition of interspecies continuities and the flattening of species hierarchies, a central virtue of the concept of dignity for Kateb, is precisely its ability to reassert a species hierarchy.[21]

I hasten to add again that I do not claim that all people who appeal to human dignity in their account of HR share Kateb's supremacist aims. I simply note that the privileging of 'dignity' over other moral concepts has the effect of inhibiting efforts to reduce species hierarchy, and that for some people, this was precisely the intention of invoking dignity.

The costs of supremacism

If the analysis so far is correct, we are at an important cross-road in the HR project. More so perhaps than at any time since 1948, the HR movement is being invited today to recommit itself to species hierarchy. As I noted earlier, while previous HR theories did not embrace animal rights, they did not build human supremacism into the premises of their theories, and did not view the possibility that their arguments for human rights might apply to animals as grounds for rejecting their theories. They simply aimed to identify compelling moral reasons why we have obligations to protect the rights of others, and if some of the reasons also apply to animals, then so be it. By contrast, the new dignitarians are supremacists in the sense defined earlier: namely, their aim is to ensure not just that all humans are protected, but that animals are not.

In the rest of the paper, I will argue that the HR movement should decline this invitation to recommit to human supremacism. Of course, I believe that the disregard for animals is a sufficient reason to reject the new dignitarian politics, and I am sure that many HR advocates do not want to be complicit in

condoning the instrumentalization of, and violence against, animals. However, for the purposes of this paper, I will focus not on the ways dignitarian politics harms animals, but rather on its harms for the HR project itself.

Does species hierarchy alleviate or exacerbate dehumanization?

To begin, let me step back and ask why this emphasis on species hierarchy might be thought beneficial from an HR point of view. How might species hierarchy help the HR project? Some of the passages I have quoted seem to be exalting the human for its own sake, almost as a matter of building a sense of species self-love and species entitlement – what Benton called species narcissism. But in other cases, species hierarchy is invoked for more strategic purposes, to help battle forms of prejudice and discrimination against marginalized groups, including racialized groups, women, the poor, immigrants, indigenous peoples, and people with disabilities. The hope and expectation is that asserting a sharp hierarchy between humans and animals will make it more difficult to disparage these groups.

Why might asserting species hierarchy combat the mistreatment of these groups? Because one of the central features of these status hierarchies is *dehumanization*: that is, treating members of these groups as less than fully human.[22] Of course no one today denies that members of these groups belong to the human species. Dehumanization is not literally a matter of denying that someone is *Homo sapiens*. Rather, dehumanization involves viewing others in ways that deny them what are seen as distinctly human qualities. Animals are widely seen as sharing certain basic emotions or traits with us, such as happiness, fear, or nervousness, but as lacking more refined emotions and traits, such as guilt and embarrassment or curiosity or self-restraint. Dehumanized groups are seen as lacking these (supposedly) distinctly human qualities, and as driven by more basic impulses we share with animals. Social science research has repeatedly shown that dominant groups do indeed view outgroups in this dehumanized way. And the evidence also shows that dehumanization in this sense results, not just in prejudice or stereotypes, but in deeply pernicious forms of discrimination, even violence. After all, if members of these groups lack refined sentiments and capacities for self-regulation based on those sentiments, then it seems that they can only be governed by force. As a recent summary of the dehumanization literature puts it:

> Viewing others as lacking core human capacities and likening them to animals or objects may reduce perceptions of their capacity for intentional action, but it may also make them appear less sensitive to pain, more dangerous and uncontrollable, and thus more needful of severe and coercive forms of punishment. (Bastian, Jetten, and Haslam 2014, 212)

Dehumanization, therefore, is a profound threat to human rights, and combatting dehumanization must be one of the central tasks of the HR movement.

But how should we do this? Many people assume that the best way to combat dehumanization is to re-inscribe a sharp hierarchy between humans and animals, and to emphasize that the good of a human life is radically discontinuous with and superior to that of animals, and that therefore we must not treat any humans as if they were animals. On this view, a steep moral hierarchy between humans and animals is a crucial resource and effective tool for subaltern groups. They can best assert their right to a dignified existence by emphasizing the moral significance of their humanity, and their categorical discontinuity with, and superiority to, animality. By sacralising 'the human' and instrumentalizing 'the animal', we provide a clear and secure foundation for protecting the rights of all humans, including vulnerable racial groups. Species hierarchy may render animals more vulnerable, but at least it helps provide secure recognition for the rights of vulnerable human outgroups, who share in the sacredness of the human.

Claire Jean Kim calls this the 'sanctification of species difference', and notes that the African-American civil rights movement heavily invested in this strategy to combat dehumanization (Kim 2011). Defenders of this strategy may be unsure about how exactly to defend philosophically this species hierarchy, but it is seen as a useful political resource. The fear is that if the line between human and animal is blurred, vulnerable human groups will be the ones whose humanity will be put into question, relegated to some subhuman or dehumanized status. The status of privileged and powerful humans will be secure even if we extend rights to animals – no one is going to question the importance of their interests or dignity. But the status of disadvantaged groups, and their right to a dignified existence, is always vulnerable, and species hierarchy is seen as an essential barrier to their dehumanization.

If this indeed was an effective and necessary strategy to fight dehumanization, then we would face a genuine dilemma. It would imply, in Alison Suen's words, that we have no way to 'curb racism without throwing the animal under the bus' (Suen 2015, 99). Fortunately, there is growing evidence that this strategy is neither necessary nor effective. On the contrary, the evidence shows that the more sharply people distinguish between humans and animals, the more likely they are to dehumanize other humans, including including women and immigrants (Dhont et al. 2014; Taylor and Singer 2015; Roylance, Abeyta, and Routledge 2016; Amiot and Bastian 2017). Belief in human superiority over animals is not only empirically correlated with, but also causally connected to, the dehumanization of human outgroups. Social psychologists have shown that inculcating attitudes of human superiority over other animals worsens, rather than alleviates, the dehumanization of minorities, immigrants and other outgroups. For instance, when participants in studies are given a newspaper story reporting on evidence for human superiority over animals, the outcome is the expression of greater prejudice against human outgroups. By contrast, those who are given a newspaper story reporting on evidence that animals

are continuous with humans in the possession of valued traits and emotions become more likely to accord equality to human outgroups. Reducing the status divide between humans and animals helps to reduce prejudice and to strengthen belief in equality amongst human groups (Costello and Hodson 2010, 2012, 2014b). Multiple psychological mechanisms link negative attitudes towards animals to the dehumanization of human outgroups (Bastian et al. 2012; Dhont et al. 2014; Dhont, Hodson, and Leite 2016).

This finding – known in the literature as the 'interspecies model of prejudice' – has now been widely replicated, including amongst children. The more children are taught to place the human above the animal, the more they dehumanize racial minorities (Costello and Hodson 2014a). Conversely, humane education regarding animals – emphasizing interspecies affinities and solidarities – is known to encourage greater empathy and pro-social attitudes towards other humans.[23] As Hodson, MacInnis and Costello summarize the evidence:

> overvaluing humans, relative to nonhumans, lies at the heart of problems not only for animals but also for humans … We may collectively need to face an inconvenient truth: The premium placed on humans over animals – overvaluing humans as an unchallenged truism – fuels some forms of human dehumanization. (Hodson, MacInnis, and Costello 2014, 106)

This suggests that the HR movement faces a choice about whether its fundamental aim is to fight dehumanization or to strengthen species hierarchy: the two goals are not the same. It might have been reasonable, sixty years ago, to think that the latter was necessary for the former, but we now know that it is in fact counter-productive.

Solitary confinement as a test case

This evidence may seem puzzling to people, so it might be worth thinking about how these different approaches to dehumanization play out in a concrete human rights situation. Consider the example of long-term solitary confinement, which has been an increasing focus of HR activism in the US and Canada. We know that this practice, which is disproportionately imposed on racialized minorities, is rooted in attitudes of dehumanization. Racialized prisoners are seen as lacking distinctly human qualities, and so are treated as unruly animals, subjected to extraordinarily high levels of coercion, isolation, and confinement. In criticizing this practice as an HR violation, it is common to point out that prisoners in solitary confinement are being treated like caged animals in a zoo or a laboratory. This analogy is ubiquitous in the public debate, the academic literature, and indeed the legal jurisprudence when solitary confinement is being challenged as a human rights violation.[24]

However, there are two very different ways this analogy is invoked by HR advocates, one of which appeals to human supremacism, and one of which disavows supremacism. The non-supremacist approach connects the wrongness of

keeping prisoners in solitary confinement to the wrongness of keeping animals in cages in zoos and labs. On this view, it is wrong to keep any sentient being who belongs to a social species in a state of isolation, and exploring the impact of solitary confinement on animals can illuminate why solitary confinement of humans is indeed a rights violation (e.g. Dayan 2011; Guenther 2012). We know that the effects on animals of such isolation are profoundly damaging: they become listless, engage in stereotypical behaviours including self-harming behaviours, exhibit learned helplessness, and suffer a variety of mental illnesses, including PTSD.[25] Encouraging people to carefully attend to this horror we inflict on animals will facilitate recognition of the horror of solitary confinement of prisoners, since the harms and wrongs are continuous.

The supremacist strategy takes the opposite tack: it emphasizes the discontinuity between humans and animals, and argues that the reason why solitary confinement violates human dignity is that its zoo-like features do not sufficiently respect the distinction between humans and animals. Solitary confinement violates human dignity because – to use Waldron's definition – it involves 'treatment that is more fit for an animal than for a human, treatment of a person as though he were an animal. It can be treatment that is insufficiently sensitive to the differences between humans and animals, in virtue of which humans are supposed to have special status' (Waldron 2010, 282). On this view, the wrongness of solitary confinement has nothing to do with the wrongness of caging and isolating animals in a zoo, lab or factory farm: the wrongness, rather, is that it does not sufficiently exalt humans over animals. It is this failure to mark species difference that makes solitary confinement a violation of human rights and human dignity.

These are two very different strategies for discussing the zoo/prison analogy in order to press solitary confinement as an HR issue. And these are not simply academic choices: these choices are being made every day in the HR movement as it advocates against solitary confinement.[26] And so, the pressing question, from an HR perspective, is which of these approaches is most likely to generate recognition of solitary confinement as a rights violation?

To my knowledge, this question has not been subject to any direct empirical test, so it would be premature to draw definite conclusions. But, personally, I have no doubt that the former strategy is likely to be more effective. The best way to get people to understand the wrongness of solitary confinement is to get them to be attentive to the wrongs involved in the social isolation of any embodied subject who belongs to a social species. As Lisa Guenther puts it, the social isolation of animals in zoos and labs and the social isolation or prisoners all entail forms of 'social death':

> the disastrous effects of being radically deprived of the concrete experience of other living beings suggest that there is nothing exclusively human about the need for everyday intercorporeal experience…. it is not primarily as human beings, with a presumably inherent sense of dignity and freedom, that we are affected

> by solitary confinement and sensory deprivation, but as living beings, sensible flesh, with corporeal relations to other embodied beings and to an open field of overlapping experience in a shared world. It is as animals that we are damaged or even destroyed by the supermax of [Security Housing Units], just as our fellow animals are damaged or destroyed by confinement at zoos, factory farms and scientific laboratories. (Guenther 2012, 57)

She notes the widespread criticism in HR circles of prison programs in which prisoners are 'treated like dogs to be chained, confined and retrained through a system of punishments and rewards', but emphasizes that:

> we cannot fully understand the brutality of these programs until we refuse to accept that dogs deserve to be treated this way, any more than humans do. To the extent that we focus on the abuse of prisoners as an affront to human dignity, we risk overlooking the ethical, political, and ontological complexity of a situation in which not only human beings but living beings as such are at stake. The problem with programs like START and Asklepieion is not that they treat human prisoners as `mere flesh and blood', but that they fail to respect them as flesh and blood creatures, with corporeal and intercorporeal needs that go beyond the basic conditions of survival. (Guenther 2012, 60)[27]

Attending carefully to the ethical obligations called forth by the 'corporeal and intercorporeal needs' of all sentient and sociable individuals, she argues, helps illuminate the horrors of solitary confinement. And as we've seen, this is what the general social psychology evidence suggests: emphasizing continuities between animals and humans in their valued traits generates greater concern for mistreated humans.

The dignitarian account, by contrast, seems shallow, and almost willfully perverse. On the dignitarian account, the wrongfulness of solitary confinement lies not in its violation of the 'corporeal and intercorporeal needs' we share with animals – or the depression, withdrawal, mental illness, disorientation, or self-harming behaviours this generates – since these are all equally true of the treatment of animals in zoos and labs. Rather, its wrongfulness depends on its violation of some extra factor – some ineffable quality of 'human dignity' – which is allegedly not present in animals. For the dignitarian, confining and isolating someone in a way that will foreseeably cause endless distress is not inherently wrong – it is only wrong if we can identify within this individual some quality of humanity that elevates them above animality.[28]

In my view, inculcating this sort of supremacist thinking is unlikely to be an effective remedy for dehumanization. It deadens our ethical sensibilities, entrenches indifference to violence and harm, and leaves all of us vulnerable to what we know are shifting and biased perceptions of 'humanity', which of course were the source of the problem in the first place.[29] So it is hardly surprising that the social psychology evidence shows that inculcating supremacist thinking exacerbates, rather than remedies, dehumanization.[30]

Grounding human rights

So far, I have discussed a marked trend in the past decade to reassert species hierarchy within the theory and practice of human rights, and have identified some of the counterproductive effects this is likely to have. But I haven't yet said much about how these authors seek to justify species hierarchy. Why exactly do these dignitarians think it is wrong to terrorize and beat humans but not wrong to terrorize and beat animals? Why is it wrong to keep humans in solitary confinement but not wrong to keep chimps or dogs in solitary confinement?

It is surprisingly difficult to extract a clear answer to this question. As I noted earlier, there are many justifications for human supremacy in the Western tradition – appealing to God, reason, language, moral autonomy, potentiality and so on – but supremacist theorists today often try to avoid nailing their colours to any of these masts. One reason, perhaps, is that all of these have been subject to withering critiques by AR theorists in the past 40 years, and dignitarian theorists may be unsure how best to respond to these critiques. But I suspect a more significant reason for evasion is that these authors realize that any possible justification they give will in fact prove damaging to human rights.

Consider, for example, Kateb's appeal to the importance of language. According to Kateb, animals are not worthy of rights because language is a precondition of having an 'internal life', and animals lack language:

> Language is what nature lacks and what humanity has; where language is lacking, a thing or creature cannot exist to itself … Animals have no language and therefore no inwardness that makes a difference to what they do. (Kateb 2011, 117, 151)

As an argument for human supremacy, this is subject to obvious objections. There is overwhelming evidence that many animals do have language, and do have an internal life. Kateb's views about animals would not survive even minimal scrutiny in relation to the evidence.[31] However, as I said earlier, I will set aside the impact of supremacist thinking on animals, and will focus instead on its implications for human rights. And from that perspective, the obvious worry with Kateb's view is that it would deny human rights to any humans who lack linguistic capacities, including infants and people with severe cognitive disabilities or dementia.

Kateb acknowledges that his approach puts their rights at risk, and offers this revealing response:

> There are people who are so disabled that they cannot function. Does the idea of dignity apply to them? Yes, they remain human beings in the most important respect. If they cannot exercise many or any of their rights they nevertheless retain a right to life, whatever their incapacities (short of the most extreme failings of functioning). They must be treated as human beings, not as subhuman or as animals or as lumps of matter. Clearly, however, the idea I explore puts functioning human beings at the center. (Kateb 2011, 19)

It is worth pausing to note how diametrically opposed Kateb's view is to the entire direction of recent HR jurisprudence. For Kateb, autonomous speaking

adults are the 'center' of human rights, and the rights of everyone else are left hanging by a thread, perhaps just reduced to the bare right to life. HR law and practice, however, are moving in the opposite direction. The most important recent HR conventions are the Convention on the Rights of the Child (1989), which covers even the youngest of infants, and the Convention on the Rights of Persons with Disabilities (2007), which covers those with even the most severe cognitive disabilities. In fact, the CRC is the most ratified of any HR Convention, and if any document can plausibly claim to be at the 'center' of HR, it is the CRC. More generally, HR jurisprudence has been moving decisively to disconnect human rights from any cognitive or linguistic thresholds. As Dupré puts it, the goal of recent human rights jurisprudence, as interpreted by the courts, is to include

> all human beings within its protective scope, regardless of the degree of self-awareness of their humanity or their ability to take rational decisions affecting their life or death. As a result … human beings deprived of autonomy, because they are, for instance, too young or too old, severely disabled or in a persistent vegetative state, are not treated as an exception when it comes to determining the scope of their human rights and to protecting them … human dignity is not designed just for the strong, healthy, assertive and competent, it is designed to bring into the centre of constitutionalism those who are on the margin of human rights. (Dupré 2015, 22)

Kateb's account, tying human rights to linguistic and cognitive thresholds, is a direct threat to this evolving jurisprudence, and to the protections it offers to vulnerable groups. HR practitioners want to put children and people with disability at the centre of human rights; Kateb wants to push them back to the margins, with their rights hanging by a thread. (And other recent supremacist defenses of HR are in fact willing to cut the thread).[32]

We see the same problem in Waldron's account. He does not deny that animals have an internal life, but he argues that dignity depends not just on having an internal life, but on capacities for 'self-application':

> Right-bearers stand up for themselves, they make unapologetic claims on their own behalf, they control the pursuit and prosecution of their own grievances… [Dignity] counts on people's capacities for practical understanding, self-control, self-monitoring, and the modulation of their own behaviour in regard to norms that they can grasp and understand. (Waldron 2012, 49, 52)

As we've seen, for Waldron, this capacity for self-application is what distinguishes human dignitarian politics from 'herding cows with a cattle prod' (Waldron 2012, 52).

Here again, there is much that could be said about Waldron's disdainful view of animals, many of whom are in fact quite capable of regulating their behavior in accordance with social norms.[33] However, I will set that aside,[34] and ask instead about the impact of his views for the rights of humans. The obvious worry is that it seems to deny human rights to any humans who lack the capacity to 'stand up for themselves', to 'make unapologetic claims on their own behalf' or to 'control the pursuit and prosecution of their own grievances', including infants and

people with severe cognitive disabilities or dementia. Waldron acknowledges that his account jeopardizes the human rights of all these groups, but insists that our concern for infants and the profoundly disabled should not 'shift us away from a conception that involves the active exercise of a legally defined status' (Waldron 2012, 29). So how then can we protect the human rights of people who are unable to engage in the 'active exercise' and 'self-application' of rights? His answer – in one sentence – is to quote John Locke's claim that 'Children, I confess, are not born in this full state of equality, though they are born to it'.[35] This explains, he says, why 'it does not require us to invent a different sort of dignity' for those unable to engage in the self-application of rights (Waldron 2012, 29).

This quote from Locke is poetic, but it's not clear what the actual moral argument is. On the surface, it appears to be an appeal to familiar arguments from potentiality, in which case it faces a number of well-known objections, including: (1) the potentiality argument has been widely disputed, not least by human rights defenders[36]; (2) it does not provide any protection for those individuals whose cognitive disabilities preclude the development of these capacities[37]; (3) it does not provide any protection for the rights of children that are not tied to their development into adults.[38] There may or may not be ways of responding to these familiar objections, but what is worth noting is that Waldron makes no effort to address them. Like Kateb, he acknowledges that his defense of human supremacism leaves the rights of many humans hanging by a thread, offers a one sentence hand-waving response, and then walks away.

In my view, this is an abdication of a fundamental HR principle, which Dupré puts this way:

> From a methodological point of view, any construction of a legal concept of human dignity ought to check that it passes what can be called the victim test, and explore whether or not it benefits the most vulnerable people and potential victims of dignity breaches. (Dupré 2013, 117)[39]

Kateb (2011) and Waldron (2012) fail this principle spectacularly: they are remarkably casual about the risks that their own theories create for the rights of children and people with disabilities, a risk for which they offer only the vaguest response, and which does not detain them for more than a sentence or two. Put another way, there are more passages in these books devoted to putting animals outside the sphere of rights protection than passages devoted to ensuring that children and people with cognitive disabilities are protected.

This is a structural problem for supremacist theories. Given the continuities between humans and animals in their interests, capacities and subjectivities, there simply is no way to justify throwing animals under the bus without simultaneously throwing some humans under the bus (or at least dramatically increasing the risks that they will be thrown under the bus).

Interestingly, some defenders of human exceptionalism address this problem by refusing to provide any justification for their decision to exclude animals. If

giving justifications for excluding animals undermines the rights of vulnerable humans, then we should stop giving justifications. This is the strategy adopted by Anne Phillips in her defense of the 'politics of the human' (Phillips 2015). She notes that accounts of human dignity that appeal to language or autonomy will exclude some humans, and so are unacceptable, and she specifically criticizes Waldron and Kateb's accounts for jeopardizing the rights of many humans (Phillips 2015, 93). She acknowledges that there are other justifications of rights that appeal to basic needs, vulnerability, embodied subjectivity or precarious life, and acknowledges that these could indeed provide a secure foundation for protecting the rights of all humans. But all of these justifications potentially extend to animals, and so they too are unacceptable for Phillips, since the 'politics of the human' requires not only that we protect humans but also that we exclude animals (in her words, they 'fail to differentiate in a convincing manner between human and nonhuman animals' (Phillips 2015, 29). So none of these existing justifications do the work she wants. How then can we justify restricting rights to all and only humans? Her answer is that we don't need to justify it: we just 'claim and enact' it (Phillips 2015, 131), an expression of our will.[40]

In short, human rights for Phillips become a matter of decisionism. We have no reasons or justifications for grounding our rights in our humanity rather than in the corporeal vulnerability we share with animals: we just will it. As Rossello notes, this sort of decisionism has made a spectacular rebirth in HR theory (Rossello 2016b). He cites a wide range of theorists, from Zizek to Habermas, and argues that all of them retreat to decisionism at the crucial moment of grounding HR (even as they disavow decisionism elsewhere in their philosophies). This is a striking reversal of the usual narrative, in which human rights stand as a rational bulwark against decisionism. It is also ironic, since as Rossello notes, the original decisionist defender of human supremacism is Carl Schmitt, the Nazi theoretician. Defenders of the UN Declaration such as Maritain understood themselves to be making a decisive break with decisionism. While Maritian might be pleased to see human supremacism returning to HR theory, he would despair that this has come at the cost of abandoning moral justification in favour of decisionism.[41]

Conclusion

The return of supremacist thinking to HR theory is a striking development, and one with profound consequences for both humans and animals. In some cases, this return has been explicit and deliberate; in other cases, it is seeping in unacknowledged. One aim of this paper is simply to encourage HR theorists and practitioners to be attentive to this trend, and to think carefully about whether they wish to embrace it. Do we want HR to be complicit in the ongoing and ever-increasing violence inflicted on animals? Michael Meyer once noted that 'it would be a cruel irony indeed' if the idea of human dignity became 'a source

for rationalizing harm toward nonhuman animals' (Meyer 2001, 115), and I hope most HR advocates would want to avoid any conception of dignity that had this implication.

However, it is not just animals who are at risk from this new dignitarian politics. I have suggested that this trend is likely to set off a cascading set of negative effects on the rights of humans as well. We have strong evidence that this sort of dignitarian thinking exacerbates racism, sexism and other forms of dehumanization, deadens ethical sensibilities, and marginalizes vulnerable human groups.

What is the alternative? As I noted earlier, we in fact already have available to us a much richer moral vocabulary for discussing and defending human rights – basic needs, vulnerability, embodied subjectivity, capabilities, care, flourishing, precarious life – all of which provide a more adequate and robust defense of HR.[42] It may be true, as AR theorists have argued, and Phillips acknowledges, that if we appeal to these concepts to defend HR, it will have implications for how we treat animals, and may put into question our sense of species entitlement. I don't underestimate how much of a challenge it is for us, as individuals or as societies, to let go of this sense of entitlement. But at the end of the day, I do not believe it is the mission of the HR movement to uphold species entitlement.

Notes

1. I use 'project' to encompass both HR theory and practice, including academic theorizing, legal rulings and activist campaigning. I will focus primarily on the role of human supremacism in recent academic theories of human rights, but as we will see, the same trends can be identified at the level of judicial reasoning and activist discourse.
2. For ease of exposition, I will henceforth refer to nonhuman animals simply as 'animals', although the fact that humans are also animals will play a central role in my argument.
3. For Maritain's views about humanity and animality, see Maritain ([1944] 2012, 37, 66, 101). For a more recent exposition of this tradition of 'Thomistic personalism', with its radical difference between human persons, who must be treated as ends in themselves, and all the rest of nature, including animals, which are 'things' to be 'used' and treated as 'means' with 'impunity', see Williams (2005, 125–145, 158, 270–272). For the role of Maritain, and Catholic personalism more generally, in shaping the early history of the HR project, see Moyn (2015).
4. See, for example, Etinson (forthcoming): 'According to one longstanding tradition, one very much still in vogue, human dignity is special because it marks out the unique (i.e. elevated, divine, free, dominant, etc.) status of human beings in the order of creation. On this view, the "specialness" of our dignity lies in its being something that other animals and objects *lack,* or at least do not possess to the same degree. I have no interest in affirming anything like this here … As I understand it, talk about human dignity is simply talk about the kind of dignity attributable to human beings; it need not make *any* assumptions, positive or negative, about the kind of dignity attributable to other animals'.
5. In previous work with Sue Donaldson, I have focused on this side of the equation, discussing how the AR movement needs to be more reflective about the impact

of its discourses and tactics on various human rights struggles, including those of people with disabilities (Donaldson and Kymlicka 2016); immigrants and racialized minorities (Kymlicka and Donaldson 2014); indigenous peoples (Kymlicka and Donaldson 2015); and children (Donaldson and Kymlicka 2017). Developing a coherent framework which integrates human and animal rights is a long-term project which will require a lot of moral learning (and unlearning) on all sides, and we should not expect this to be an easy process. Recall the efforts required to overcome the divisions between mainstream feminism and anti-racism: it has taken a lot of time and effort to develop a way of discussing women's rights that is sensitive to racism, and a way of discussing racism that is sensitive to gender. Learning how to discuss human rights in a way that is sensitive to animal rights, and vice versa, is an even steeper learning curve.

The task here is complicated by the legacy of Peter Singer's utilitarian account of animal ethics. As a utilitarian, Singer does not defend either animal rights or human rights. Many HR defenders have been distressed at Singer's casual willingness to violate human rights if it would advance utilitarian goals (e.g. his claim that we should consider abandoning 'the idea of the equal value of all humans, replacing that with a more graduated view in which moral status depends on some aspects of cognitive ability' (Singer 2010, 338). But of course animal rights defenders are equally distressed at Singer's casual willingness to violate animal rights to advance utilitarian goals (Davies 2017). Unfortunately, many HR theorists take Singer's anti-HR views to be a product of his animal rights commitments, when in fact they are a product of his utilitarianism that rejects both HR and AR. It is a source of endless confusion that, for many people, their prime example of an 'animal rights' theorist is someone who explicitly rejects AR.

6. Throughout history, and around the world, one can find religious and cultural precedents and sources for animal rights concerns (Preece 2002; Perlo 2009), but the contemporary 'animal rights movement' is usually dated to the 1960s and 1970s.
7. Tom Regan, for example, argued that the normative logic of these HR theories naturally extends to sentient animals (Regan 1983). Paola Cavalieri made a similar argument for 'taking the human out of human rights' (2001), since the arguments underlying HR theory are often applicable to the treatment of animals. More recently, Alastair Cochrane has argued that HR theories are better understood as theories of 'sentient rights' (Cochrane 2013).
8. What many of these alternative vocabularies have in common is that they defend HR in terms of what Ann Murphy calls the new 'corporeal humanism':

> 'Humanism' is a term that has designated a remarkably disparate set of ideologies. Nonetheless, strains of religious, secular, existential, and Marxist humanism have tended to circumscribe the category of the human with reference to the themes of reason, autonomy, judgment, and freedom. This essay examines the emergence of a new humanistic discourse in feminist theory, one that instead finds its provocation in the unwilled passivity and vulnerability of the human body, and in the vulnerability of the human body to suffering and violence. Grounded in a descriptive ontology that privileges figures such as exposure, dispossession, vulnerability, and 'precariousness,' this new humanism is a corporeal humanism. (Murphy 2011)

While Murphy herself denies this, I would argue that the more we shift towards a 'corporeal' humanism, the more difficult it becomes to defend species hierarchy.

9. Fineman included Satz's article in her recent collection of essays illustrating the power of vulnerability-based ethical thinking (Fineman and Grear 2013).
10. This is often part of a broader effort to build more intersectional accounts of justice and rights, exploring the interaction of race, sex, disability, nationality, age and species (e.g. Deckha 2008).
11. Two recent collections that include representations from these and other traditions are McCrudden (2013), Düwell (2014).
12. Twenty years ago, Anglo-American political theorists often said that rights were grounded in some principle of 'equal concern and respect'. Today, they are more likely to say that rights are grounded in 'equal dignity'. Some commentators argue that this shift is largely a matter of fashion and rhetoric, not substantively different normative commitments (e.g. Macklin 2003; Bagaric and Allan 2006). As we will see, however, in at least some cases, the choice of dignity talk does indeed reflect a very specific normative commitment – namely, human supremacism.
13. See also Anderson's account that the task of human dignity-as-rank is to ensure that, unlike 'beings of lower rank', workers 'are not treated in a contemptible manner like beasts of burden' or that 'Like animals, they might be bent to the will of others by goading or prodding' (Anderson 2014, 494, 496).
14. Elsewhere he explains that violating dignity-as-rank involves 'treatment that is more fit for an animal than for a human, treatment of a person as though he were an animal. It can be treatment that is insufficiently sensitive to the differences between humans and animals, in virtue of which humans are supposed to have special status. So for example a human is degraded by being bred like an animal, used as a beast of burden, beaten like an animal, herded like an animal' (Waldron 2010, 282). Waldron's work is an interesting example of the 'hidden in plain sight' role of animals in HR theory. For readers who are attentive to animal rights, his book is distressing in its repeated condoning of violence against animals, and its image of a good society that treats humans with respect but beats, breaks and terrorizes animals. However, several colleagues who are close readers of Waldron's work have told me that they did not realize or recall that he says anything about animals. Violence against animals is so normalized in our society that many readers simply do not register all of the passages where Waldron talks about beating and terrorizing animals.
15. Rossello warns against 'the political agenda of aristocracy for all, like Waldron's, when it risks turning the human family into new Bourbons or Tudors, at the expense of the underdog of other forms of life' (Rossello 2016a, 17).
16. The dignity literature in bioethics, in particular, has different intellectual origins, responding to different ethical challenges. Its focus in recent years has not been on how to understand the dignity of individual human beings, but on how to understand the dignity of 'human life' in contexts where the rights of individual human beings are not directly at stake (e.g. stem cell research). Human dignity, in this context, is typically invoked as a supplement to human rights (rather than as a basis for human rights), to address ethical issues that cannot be parsed as respect for the rights of individual human beings. In Habermas' terms, this is the distinction between 'human dignity as guaranteed by law to every person' and 'the dignity of human life': the former (for Habermas) is grounded in relations of intersubjective recognition between equal persons; the latter is part of 'ethical self-understanding of the species' (Habermas 2010). For overviews of this bioethics tradition of dignity, see Düwell (2014), Werner (2014), Bennett (2016). In my view, this bioethics strand of human dignity is also rampant with human supremacism. Leon Kass, Chair of the President's Council on Bioethics (2001–2005), described

the task of human dignity in bioethics as upholding the hierarchy between human *bios* and animal *zoe* (Bennett 2016, 234–236, 250–251). One predictable result is a commitment to the integrity and non-commodification of the human genome but instrumentalization and commodification of the animal (Deckha 2009).

17. It is worth noting, for example, that the entry on 'Human Rights' in the Stanford Encyclopedia of Philosophy, by James Nickel, first written in 2003 and updated in 2014, has no discussion of dignity-based theories. His sole passing reference to dignity is to dismiss it as rhetorical: 'Human rights are specific and problem-oriented … Bills of rights may have preambles that speak grandly and abstractly of life, liberty, and the inherent dignity of persons, but their lists of rights contain specific norms addressed to familiar political, legal, or economic problems' (Nickel 2014).
18. Another concept in the HR toolbox is 'personhood', which has also been invoked to exclude animals (e.g. Griffin 2008). I will return to personhood below (note 32).
19. See also the Israeli court finding that wrestling with alligators to entertain spectators might be an infringement of the alligators' dignity, see 1648/96, *Let the Animals Live v. Hamat Gader Spa Village Inc* (1997), cited in McCrudden (2008, 708). The dignity of animals has been legally recognized in Switzerland's Federal Constitution and in its Animal Welfare Act (2005), Article 3(a). I discuss the Swiss case in Kymlicka (2017); see also Bolliger (2016).
20. Williams too invokes human dignity to counteract the tendency of 'the experimental and human sciences' to 'ever more emphasize the continuity between man and other creatures' and to invoke that continuity as a basis for animal rights (Williams 2005, 207, 133–4, 271–2). Confronted with growing evidence that animals are continuous with humans in their morally significant traits and hence their potential rights-claims, dignity is invoked by both Kateb and Williams to rescue human supremacy and to exclude animals from the sphere of rights.
21. As Raffael Fasel shows, this dynamic – in which supremacists appeal to dignity to counter evidence of human-animal continuity – was already present during the French Enlightenment (Fasel 2017). He discusses the work of 18th-century *philosophe* Jean-Baptiste Salaville who mounted a defense of human uniqueness and dignity as a direct response to (what he perceived as) the debasing work of naturalists on human-animal continuities. Fasel notes many fascinating parallels between these 'old dignitarians' of the French Enlightenment and the 'new dignitarians' of the past decade.
22. I will return below to the question whether 'dehumanization' is the right term for this phenomenon, but it is the standard term used in both social science research and HR advocacy.
23. Amongst many studies, see Thompson and Gullone (2003). Put another way, the idea that reducing the hierarchy between humans and animals will create an intermediary category of dehumanized humans only makes sense if you are already locked into a Great Chain of Being framework that insists that vulnerable subjects must be ranked on some hierarchy of worth. The evidence shows, however, that challenging species hierarchy reduces this very disposition to rank vulnerable subjects on some hierarchy of worth, to the benefit of both humans and animals.
24. In *Madrid v Gomez*, 889 F. Supp. 1146, (N.D. Cal. 1995), an American case challenging prison conditions at a supermax prison as a human rights violation, the judge noted 'some inmates spend the time simply pacing around the edges

of the pen; the image created is hauntingly similar to that of caged felines pacing at a zoo' (quoted in Guenther 2012, 270).

25. On the evidence that confinement produces mental illness in animals, and the extensive use of pharmaceuticals by zoos to hide the problem from the public, see Bradshaw (2009, 2011), Smith (2014), Braitman (2014).
26. See Guenther (2012) and Morin (2015, 2016) for this debate within prison studies and prison activism. See Montford (2016) for a parallel debate about prison tours. Everyone in that debate notes the analogies between prison tourism and zoo tourism, but they disagree about how to interpret the analogy. For some, like Montford, the wrongness of treating zoo animals as a spectacle illuminates the wrongness of treating prisoners as a spectacle; for human supremacists, like Wacquant (2002), zoo tourism is fine, and the wrongness of prison tourism comes from not sufficiently elevating the human over the animal.
27. This raises the question whether we should abandon the very term 'dehumanization' – since it occludes these dynamics and misdiagnoses the wrongs – and replace it with something like 'desubjectification'. For arguments about the 'need to think beyond dehumanization, and beyond the anthropocentric worldview that supports it', see Guenther (2012, 60–61), Gillespie and Lopez (2015, 15), Deckha (2010).
28. Some authors waver between the two accounts. Brownlee, for example, argues that we should recognize a 'human right against social deprivation', and that solitary confinement violates this right (Brownlee 2013). The crux of her argument is that 'human beings are, by nature, social creatures', and because of this, there are multiple ways in which social deprivation harms our well-being. She rightly worries that the HR tradition has failed to adequately attend to the rights we have as 'social creatures'. But she does not recognize the obvious explanation for this failure: namely, that the dignitarian account of HR requires that rights must be grounded in something other than the needs we share with other 'social creatures'. Rather than challenging this assumption, she broadly accepts it, and so limits the right against social deprivation to humans. In the process, Brownlee ends up reproducing the very supremacist framework that created the failure to recognize our needs as social creatures in the first place.
29. Recall that the problem we are trying to solve is that while people recognize members of subaltern groups as (vulnerable, embodied) *Homo sapiens*, they do not recognize their normative humanity. Tying rights to the recognition of valued humanity (rather than to embodied subjectivity) is to double down on the very judgements of (de)humanization that cause the problem in the first place. The sanctification of humanness naturally leads people to ask why humans are owed this sanctification, and people spontaneously fill in the answer with values such as intelligence, rationality, self-discipline, and then use these metrics of humanity to dehumanize outgroups. If we say instead that individuals are to be respected as embodied subjects, this provides fewer grounds for distinguishing, not only between humans and animals, but also between human groups. As we've seen, flattening the moral hierarchy between humans and animals also flattens hierarchies amongst humans and reduces dehumanization.
30. I have focused in this section on solitary confinement, but the same strategic choice arises across many HR issues. Consider labour rights. Kateb, Dupré, Waldron and Anderson all argue that it is wrong to treat humans as 'beasts of burden' (Waldron 2010, 282; Kateb 2011, 38; Anderson 2014, 496; Dupré 2015, 124). I agree. But I would argue that it is also wrong to treat animals as beasts

of burden, and inculcating attentiveness to the latter wrong would facilitate recognition of the former wrong.

31. For an overview of the extensive literature on animal language, see Slobodchikoff (2012).
32. For example, James Griffin states baldly that 'My belief is that we have a better chance of improving the discourse of human rights if we stipulate that only normative agents bear human rights – *no exceptions*: not infants, not the seriously mentally disabled, not those in a permanent vegetative state, and so on' (Griffin 2008, 92; emphasis in original). This is indeed the logical consequence of traditional defenses of HR grounded in the idea of 'personhood', where personhood refers to the subset of humans who possess the cognitive and linguistic capacities needed to engage in propositional moral reasoning. While this position has a long pedigree, the modern HR movement has unequivocally rejected it, and for the purposes of this paper, I am taking that as a settled feature of the contemporary HR project. As Quinn and Arstein-Kerslake note, the adoption of the UN Convention on the rights of persons with disabilities was the death-knell of 'the `myth-system' of personhood in human rights talk' (2012, 40). Insofar as personhood remains a term within HR jurisprudence, it is used in the more inclusive 'corporeal' sense discussed earlier (see note 9), to refer to all embodied and vulnerable human subjects, in all of their enormous diversity of linguistic and cognitive capacities. And as we've seen, insofar as this corporeal humanism grounds human rights, its logic extends naturally to animals.
33. No matter how often biologists and ethologists refute this hackneyed image of social animals as lacking self-restraint (e.g. Bekoff and Pierce 2009; De Waal 2016), supremacist philosophers keep reviving it, blissfully indifferent to the evidence. While Waldron can only envisage violent relations with cows, they are in fact perfectly capable of having civil, sociable, cooperative and non-violent relations with us, as indeed is true of most domesticated animals, and many other animals as well (Donaldson and Kymlicka 2014; Willett 2014). If we live in a world full of cattle prods, rape racks and choke chains, this is not because of domesticated animals' capacities, but because supremacists have chosen to govern animals through violence.
34. It is however worth pausing to reflect on the fact that writers in the humanities and social sciences are rarely held to any professional standards in their references to animals. What should we make of the fact that they ignore readily available evidence? Sangiovanni considers this question in relation to ante-bellum slave owners, and argues that even if their beliefs about the incapacities of blacks were sincerely held, their indifference to the facts was itself evidence of contempt: 'The resistance to fact sends the following message: `We don't really care what the facts about people like you are. You are subjects of disdain and disgust whatever the facts'' (Sangiovanni 2017, 137). This captures the way supremacists think and talk about animals.
35. *Second Treatise of Civil Government* (1690), section 55.
36. Potentiality is the basis on which the Catholic Church argues that embryos and fetuses have human dignity and human rights that justify forbidding women access to abortion (or even contraception).
37. Graumann (2014, 487) claims (without evidence) that advocates for disability human rights rely on this potentiality argument. In fact, many disability advocates emphasize that they are owed rights for who and what they are, not in virtue of their (variable) potentiality to achieve some perceived species normal capacity (Taylor 2017).

38. The potentiality argument is widely seen as an inadequate basis for children's human rights. Advocates of children's rights insist that children have rights qua children, not simply qua future adults. The right of children not to be beaten, for example, is not based on their potentiality to become adults, but on their current well-being as (embodied subject) children. They have rights as 'beings' not just as 'becomings' (Arneil 2002).
39. While Dupré is unambiguous in her support for the claim that the rights of vulnerable groups should be at the core of HR theory, she does not even consider the possibility that celebrating human supremacism has negative effects on their rights.
40. Phillips rejects autonomy and reason as 'justifying our moral status – and this is not because something else justifies it instead, but because justification is not the issue' (Phillips 2015, 29). I should note that both Phillips and Kateb seek to distance themselves from what they view as unacceptable forms of species narcissism. Phillips says there is 'something troubling about this repeated emphasis' on human supremacy (Phillips 2015, 105), just as Kateb says there is something troubling about 'species snobbery' (Kateb 2011, 180). I leave it to the reader to judge what these protestations amount to.
41. Interestingly, Kateb rejects this sort of decisionism: 'This is a neat solution but a bad one because it comes down to the adage that might makes right, which is not a moral principle. It is instead a debased existential idea' (Kateb 2011, 23). For Kateb, if we are going to exclude animals, we need to give a justification for doing so. Unfortunately, as we've seen, the justification he gives is bad for human rights as well as for animals.
42. I leave it as an open question what role dignity will play in such an adequate theory of human rights. Rosen argues that dignity is best invoked, not as the master ground for all HR, but rather to designate a specific but limited subset of rights tied to issues of degradation and humiliation (Rosen 2012, 62). Viewed this way, dignity is one component of a broader HR theory, not the only or most important component (Rosen 2012, 158). If we adopt this view, which I find plausible, then I think dignity would play a similar role in AR theory. Animals too should have certain 'dignitarian' rights against humiliating treatment (e.g. circuses and zoos), but these would not be their only or most important rights, for which we need a richer moral vocabulary.

Notes on contributor

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References

Amiot, Catherine, and Brock Bastian. 2017. "Solidarity with Animals: Assessing a Relevant Dimension of Social Identification with Animals." *Plos One* 12 (1): e0168184.

Anderson, Elizabeth. 2014. "Human Dignity as a Concept for the Economy." In *The Cambridge Handbook of Human Dignity*, edited by Marcus Duwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 492–497. Cambridge: Cambridge University Press.
Appiah, Kwame Anthony. 2010. "What will Future Generations Condemn Us for?" *Washington Post*, September 26.
Arneil, Barbara. 2002. "Becoming Versus Being: A Critical Analysis of the Child in Liberal Theory." In *The Moral and Political Status of Children*, edited by David Archard and Colin Macleod, 70–96. Oxford: Oxford University Press.
Bagaric, M., and J. Allan. 2006. "The Vacuous Concept of Dignity." *Journal of Human Rights* 5 (2): 257–270.
Bastian, Brock, Jolanda Jetten, and Nick Haslam. 2014. "An Interpersonal Perspective on Dehumanization." In *Humanness and Dehumanization*, edited by Paul Bain, Jeroen Vaes, and Jacques-Philippe Leyens, 205–224. Abingdon: Routledge.
Bastian, Brock, Kimberly Costello, Steve Loughnan, and Gordon Hodson. 2012. "When Closing the Human–Animal Divide Expands Moral Concern." *Social Psychological and Personality Science* 3 (4): 421–429.
Bekoff, Marc, and Jessica Pierce. 2009. *Wild Justice: The Moral Lives of Animals*. Chicago: University of Chicago Press.
Bennett, Gaymon. 2016. *Technicians of Human Dignity*. New York: Fordham University Press.
Benton, Ted. 1988. "Humanism= Speciesism? Marx on Humans and Animals." *Radical Philosophy* 50: 4–18.
Bilchitz, David. 2009. "Moving Beyond Arbitrariness: The Legal Personhood and Dignity of Non-Human Animals." *South African Journal on Human Rights* 25 (1): 38–72.
Bolliger, Gieri. 2016. "Legal Protection of Animal Dignity in Switzerland." *Animal Law* 22: 311.
Bradshaw, Gay. 2009. "Inside Looking Out: Neuroethological Compromise Effects in Elephants in Captivity." In *An Elephant in the Room: The Science and Well- Being of Elephants in Captivity*, edited by Debra Forthman, 54–68. Medford, MA: Center for Animals and Policy, Tufts University.
Bradshaw, Gay. 2011. "Why the Caged Bird Does Not Sing: Captivity and Complex PTSD in parrots and people." *Psychology Today* (blog), October 16. https://www.psychologytoday.com/blog/bear-in-mind/201110/why-the-caged-bird-does-not-sing.
Braitman, Laurel. 2014. *Animal Madness*. New York: Simon and Schuster.
Brownlee, Kimberley. 2013. "A Human Right Against Social Deprivation." *The Philosophical Quarterly* 63 (251): 199–222.
Butler, Judith. 2006. *Precarious Life*. Brooklyn, NY: Verso.
Cataldi, Sue. 2002. "Animals and the Concept of Dignity." *Ethics & the Environment* 7 (2): 104–126.
Cavalieri, Paola. 2001. *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press.
Cochrane, Alasdair. 2013. "From Human Rights to Sentient Rights." *Critical Review of International Social and Political Philosophy* 16 (5): 655–675.
Costello, Kimberly, and Gordon Hodson. 2010. "Exploring the Roots of Dehumanization: The Role of Human-Animal Similarity in Promoting Immigrant Humanization." *Group Processes & Intergroup Relations* 13 (1): 3–22.
Costello, Kimberly, and Gordon Hodson. 2014a. "Explaining Dehumanization Among Children: The Interspecies Model of Prejudice." *British Journal of Social Psychology* 53 (1): 175–197.

Costello, Kimberly, and Gordon Hodson. 2014b. "Lay Beliefs About the Causes of and Solutions to Dehumanization and Prejudice: Do Nonexperts Recognize the Role of Human–Animal Relations?" *Journal of Applied Social Psychology* 44 (4): 278–288.
Davies, Ben. 2017. "Utilitarianism and Animal Cruelty: Further Doubts." *De Ethica. A Journal of Philosophical, Theological and Applied Ethics* 3 (3): 5–19.
Dayan, Colin. 2011. *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons*. Princeton, NJ: Princeton University Press.
De Waal, Frans. 2016. *Are We Smart Enough to Know How Smart Animals Are?* New York: Norton.
Deckha, Maneesha. 2008. "Intersectionality and Posthumanist Visions of Equality." *Wis. JL Gender, & Society* 23: 249.
Deckha, Maneesha. 2009. "Holding onto Humanity: Animals, Dignity, and Anxiety in Canada's Assisted Human Reproduction Act." *Unbound: Harvard Journal of the Legal Left* 5: 21–55.
Deckha, Maneesha. 2010. "The Subhuman as a Cultural Agent of Violence." *Journal for Critical Animal Studies* 3 (3): 28–51.
Dhont, Kristof, Gordon Hodson, and Ana Leite. 2016. "Common Ideological Roots of Speciesism and Generalized Ethnic Prejudice: The Social Dominance Human-Animal Relations Model (SD-HARM)." *European Journal of Personality* 30 (6): 507–522.
Dhont, Kristof, Gordon Hodson, Kimberly Costello, and Cara C. MacInnis. 2014. "Social Dominance Orientation Connects Prejudicial Human–Human and Human–Animal Relations." *Personality and Individual Differences* 61: 105–108.
Donaldson, Sue, and Will Kymlicka. 2014. "Unruly Beasts: Animal Citizens and the Threat of Tyranny." *Canadian Journal of Political Science* 47 (1): 23–45.
Donaldson, Sue, and Will Kymlicka. 2016. "Rethinking Membership and Participation in an Inclusive Democracy: Cognitive Disability, Children, Animals." In *Disability and Political Theory*, edited by Barbara Arneil and Nancy Hirschmann, 168–197. Cambridge: Cambridge University Press.
Donaldson, Sue, and Will Kymlicka. 2017. "Children and Animals." In *Routledge Handbook on the Philosophy of Childhood and Children*, edited by Gideon Calder, Jurgen De Wispelaere, and Anca Gheaus, 1–1. Abingdon: Routledge.
Donovan, Josephine, and Carol Adams. 2007. *The Feminist Care Tradition in Animal Ethics*. New York: Columbia University Press.
Dupré, Catherine. 2013. "Constructing the Meaning of Human Dignity." In *Understanding Human Dignity*, edited by C. McCrudden, 113–122. Oxford: Oxford University Press.
Dupré, Catherine. 2015. *The Age of Dignity: Human Rights and Constitutionalism in Europe*. Portland, OR: Hart.
Düwell, Marcus. 2014. "On the Border of Life and Death: Human Dignity and Bioethics." In *The Cambridge Handbook of Human Dignity*, edited by M. Duwell, Jens Braarvig, Roger Brownsword, and Dietmar Mieth, 526–534. Cambridge: Cambridge University Press.
Etinson, Adam. forthcoming. *What's So Special About Human Dignity*. Accessed March 2017. https://www.academia.edu/14634091/Whats_So_Special_About_Human_Dignity_DRAFT_
Fasel, Raffael. 2017. *The Old 'New' Dignitarianism*. Accessed September 2017. SSRN: https://ssrn.com/abstract=3034748
Feinberg, Joel. 1974. "The Rights of Animals and Unborn Generations." In *Philosophy and Environmental Crisis*, edited by William Blackstone, 43–68. Athens, GA: U Georgia Press.
Fineman, Martha. 2008. "The Vulnerable Subject: Anchoring Equality in the Human Condition." *Yale JL & Feminism* 20: 1.
Fineman, Martha, and Anna Grear, eds. 2013. *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics*. Abingdon: Routledge.

Gillespie, K., and P. Lopez. 2015. "Introducing Economies of Death." In *Economies of Death: Economic Logics of Killable Life and Grievable Death*, edited by P. Lopez and K. Gillespie, 1–13. Abingdon: Routledge.
Graumann, Sigrid. 2014. "Human Dignity and People with Disabilities." In *The Cambridge Handbook of Human Dignity*, edited by Marcus Duwell, 484–491. Cambridge: Cambridge University Press.
Griffin, James. 2008. *On Human Rights*. Oxford: Oxford University Press.
Gruen, Lori. 2014. "Dignity, Captivity, and an Ethics of Sight." In *The Ethics of Captivity*, edited by Lori Gruen, 231–247. Oxford: Oxford University Press.
Guenther, Lisa. 2012. "Beyond Dehumanization: A Post-humanist Critique of Solitary Confinement." *Journal for Critical Animal Studies* 10 (2): 47–68.
Habermas, Jürgen. 2010. "The Concept of Human Dignity and the Realistic Utopia of Human Rights." *Metaphilosophy* 41 (4): 464–480.
Hodson, Gordon, Cara MacInnis, and Kimberly Costello. 2014. "(Over)Valuing 'Humanness' as an Aggravator of Intergroup Prejudices and Discrimination." In *Humanness and Dehumanization*, edited by Paul Bain, Jeroen Vaes, and Jacques Philippe Leyens, 86–110. Abingdon: Routledge.
Hodson, Gordon, and Kimberly Costello. 2012. "The Human Cost of Devaluing Animals." *New Scientist* 216 (2895): 34–35.
Humphreys, Rebekah. 2016. "Dignity and Its Violation Examined Within the Context of Animal Ethics." *Ethics & the Environment* 21 (2): 143–162.
Kateb, George. 2011. *Human Dignity*. Cambridge, MA: Harvard University Press.
Kim, Claire Jean. 2011. "Moral Extensionism or Racist Exploitation? The Use of Holocaust and Slavery Analogies in the Animal Liberation Movement." *New Political Science* 33 (3): 311–333.
Kymlicka, Will. 2017. "Social Membership: Animal Law beyond the Property/Personhood Impasse." *Dalhousie Law Journal* 40: 123–155.
Kymlicka, Will, and Sue Donaldson. 2014. "Animal Rights, Multiculturalism and the Left." *Journal of Social Philosophy* 45 (1): 116–135.
Kymlicka, Will, and Sue Donaldson. 2015. "Animal Rights and Aboriginal Rights." In *Canadian Perspectives on Animals and the Law*, edited by Peter Sankoff, Vaughan Black and Katie Sykes, 159–186. Ontario: Irwin.
Loder, Reed Elizabeth. 2016. "Animal Dignity." *Animal Law* 23 (1): 1–64.
Macklin, Ruth. 2003. "Human Dignity is a Useless Concept: It Means no More than Respect for Persons or their Autonomy." *BMJ* 327 (7429): 1419–1420.
Maritain, Jacques. (1944) 2012. *Christianity and Democracy*. San Francisco: Ignatius Press.
McCrudden, Christopher. 2008. "Human Dignity and Judicial Interpretation of Human Rights." *European Journal of International Law* 19 (4): 655–724.
McCrudden, Christopher. 2013. "In pursuit of human dignity: An introduction to current debates." In *Understanding Human Dignity*, edited by C. McCrudden, 1–58. Oxford: Oxford University Press.
Meyer, Michael. 2001. "The Simple Dignity of Sentient Life: Speciesism and Human Dignity." *Journal of Social Philosophy* 32 (2): 115–126.
Montford, Kelly. 2016. "Dehumanized Denizens, Displayed Animals: Prison Tourism and the Discourse of the Zoo." *philoSOPHIA* 6 (1): 73–91.
Morawa, Alexander. 2003. "Vulnerability as a Concept of International Human Rights Law." *Journal of International Relations and Development* 6 (2): 139–155.
Morin, Karen. 2015. "Wildspace: The Cage, the Supermax, and the Zoo." In *Critical Animal Geographies*, edited by Kathryn Gillespie and Rosemary-Claire Collard, 73–91. Abingdon: Routledge.
Morin, Karen. 2016. "Carceral Space: Prisoners and Animals." *Antipode* 48 (5): 1317–1336.

Moyn, Samuel. 2015. *Christian Human Rights*. Philadelphia, PA: University of Pennsylvania Press.
Murphy, Ann. 2011. "Corporeal Vulnerability and the New Humanism." *Hypatia* 26 (3): 575–590.
Nickel, James. 1987. *Making Sense of Human Rights*. Berkeley, CA: University of California Press.
Nickel, James. 2014. "Human Rights." *Stanford Encyclopedia of Philosophy* (Winter 2014 edition). https://plato.stanford.edu/entries/rights-human/.
Nussbaum, Martha. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, MA: Harvard University Press.
Nussbaum, Martha. 2007. "Human Rights and Human Capabilities." *Harvard Law School Human Rights Journal* 20: 21.
Perlo, Katherine. 2009. *Kinship and Killing: the Animal in World Religions*. New York: Columbia University Press.
Phillips, Anne. 2015. *The Politics of the Human*. Cambridge: Cambridge University Press.
Preece, Rod. 2002. *Awe for the Tiger, Love for the Lamb: A Chronicle of Sensibility to Animals*. Vancouver: UBC Press.
Quinn, Gerard, and Anna Arstein-Kerslake. 2012. "Restoring the 'Human' in 'Human Rights': Personhood and Doctrinal Innovation in the UN Disability Convention." In *The Cambridge Companion to Human Rights Law*, edited by C. Gearty and C. Douzinas, 36–55. Cambridge: Cambridge University Press.
Regan, Tom. 1983. *The Case for Animal Rights*. Berkeley, CA: University of California Press.
Robinson, Fiona. 2003. "Human Rights and the Global Politics of Resistance: Feminist Perspectives." *Review of International Studies* 29: 161–180.
Rosen, Michael. 2012. *Dignity*. Cambridge, MA: Harvard University Press.
Rossello, Diego. 2016a. "All in the (Human) Family? Species Aristocratism in the Return of Human Dignity." *Political Theory*: 0090591716668383.
Rossello, Diego. 2016b. ""To be Human, Nonetheless, Remains a Decision": Humanism as Decisionism in Contemporary Critical Political Theory." *Contemporary Political Theory*: 1–20.
Roylance, Christina, Andrew Abeyta, and Clay Routledge. 2016. "I am not an Animal but I am a Sexist: Human Distinctiveness, Sexist Attitudes Towards Women, and Perceptions of Meaning in Life." *Feminism & Psychology* 26 (3): 368–377.
Sangiovanni, Andrea. 2017. *Humanity Without Dignity*. Cambridge, MA: Harvard University Press.
Satz, Ani. 2009. "Animals as Vulnerable Subjects." *Animal Law* 16: 65.
Schinkel, Anders. 2008. "Martha Nussbaum on Animal Rights." *Ethics & the Environment* 13 (1): 41–69.
Sen, Amartya. 2005. "Human Rights and Capabilities." *Journal of Human Development* 6 (2): 151–166.
Shue, Henry. 1980. *Basic rights*. Princeton, NJ: Princeton University Press.
Singer, Peter. 2010. "Speciesism and Moral Status." *Metaphilosophy* 40 (3): 567–581.
Slobodchikoff, Con. 2012. *Chasing Doctor Dolittle: Learning the Language of Animals*. New York: St. Martin's Press.
Smith, Laura. 2014, June 20. "Zoos Drive Animals Crazy." *Slate*. http://www.slate.com/blogs/wild_things/2014/06/20/animal_madness_zoochosis_stereotypic_behavior_and_problems_with_zoos.html.
Stanescu, James. 2012. "Species Trouble: Judith Butler, Mourning, and the Precarious Lives of Animals." *Hypatia* 27 (3): 567–582.
Suen, Alison. 2015. *The Speaking Animal: Ethics, Language and the Human-Animal Divide*. Lanham, MD: Rowman and Littlefield.

Taylor, Angus. 2010. "Review of Wesley J. Smith's "A Rat is a Pig is a Dog is a Boy"." *Between the Species* 10: 223–236.
Taylor, Chloë. 2008. "The Precarious Lives of Animals." *Philosophy Today* 52 (1): 60–72.
Taylor, Kathy, and Susanne Singer. 2015. "Diet, Authoritarianism, Social Dominance Orientation, and Predisposition to Prejudice." *British Food Journal* 117 (7): 1949–1960.
Taylor, Sunuara. 2017. *Beasts of Burden: Animal and Disability Liberation*. New York: New Press.
Thompson, Kelly, and Eleonora Gullone. 2003. "Promotion of Empathy and Prosocial Behaviour in Children Through Humane Education." *Australian Psychologist* 38 (3): 175–182.
Turner, Bryan. 2006. *Vulnerability and Human Rights*. University Park, PA: Penn State Press.
Wacquant, Loïc. 2002. "The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration." *Ethnography* 3 (4): 371–397.
Waldron, Jeremy. 2010. "The Coxford Lecture Inhuman and Degrading Treatment: The Words Themselves." *The Canadian Journal of Law and Jurisprudence* 23 (2): 269–286.
Waldron, Jeremy. 2012. *Dignity, Rank and Rights*. Oxford: Oxford University Press.
Werner, M. 2014. "Individual and Collective Dignity." In *The Cambridge Handbook of Human Dignity*, edited by Marcus Duwell, et al., 343–352. Cambridge: Cambridge University Press.
Willett, Cynthia. 2014. *Interspecies Ethics*. New York: Columbia University Press.
Williams, Thomas. 2005. *Who is my Neighbor? Personalism and the Foundation of Human Rights*. Washington, DC: Catholic University of America Press.
Zuolo, Federico. 2016. "Dignity and Animals. Does it Make Sense to Apply the Concept of Dignity to all Sentient Beings?" *Ethical Theory and Moral Practice* 19 (5): 1117–1130.