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Relationship between cognition and moral status needs overhaul

Commentary on [Mikhalevich & Powell](#) on *Invertebrate Minds*

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Abstract: I commend Mikhalevich & Powell for extending the discussion of cognition and its relation to moral status with their well researched and argued target article on invertebrate cognition. I have two small criticisms: that the *scala naturae* still retains its appeal to some in biology as well as psychology, and that drawing the line at invertebrates requires a bit more defense given the larger comparative cognitive-scientific context.

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It is gratifying to see Mikhalevich & Powell's (2020) (M&P) further exploration of the moral consequences of taking seriously the ascription of mind to a wider variety of nonhuman species. If we take these ascriptions literally, as I advocate (Figdor 2018), a clear implication is that the traditional grounds of moral status in psychological traits needs to be reconsidered. This includes — for basic moral consideration — having conscious experience (in particular, the capacity to suffer) and — for full moral status — having cognitive capacities, a category currently exclusive to humans (Jaworska and Tannenbaum 2018).

In “The Psychological Speciesism of Humanism” (forthcoming), I focus on this relationship between psychological traits and moral status, arguing that the acknowledgement of the evolved nature of minds precludes using the human mind as the cognitive standard, and consequently, as the moral standard. Both are built into the *scala naturae*, which orders the species by a scale of perfection leading to God. This cognitive and moral hierarchy is already rejected in evolution, is being rejected in the foundations of comparative psychology, and remains to be rejected in ethics. What is needed instead is a conception of moral status that puts treatment before status. The only reason we care about moral standing is the differences in treatment that the differences in status represent. So why not just start from the perspective of justification for systematically different treatment? This starting point is species-neutral in that the relevant statuses can cross-cut species lines, and it unbundles moral status in that there could be a systematic justification for worse treatment in one respect and better treatment in another respect. For example, perhaps no treatment differential is justifiable when it comes to suffering: all beings that can suffer have equal consideration. But (assuming appropriate limitations) perhaps one group that might justifiably be experimented on might not justifiably be killed, whereas another group that

might justifiably be killed might not be justifiably experimented on. The groups may or may not align with species.

Where I would disagree with M&P's otherwise commendable discussion is that it is *not* the case that biology has "long jettisoned progressivist readings of evolutionary history." On the contrary, even in biology, the *scala naturae* way of thinking about comparative biology is found in neuroscience (Cesario et al. 2020; Marino 2003; Parvizi 2009). It has proved to be incredibly difficult to stop thinking of *H. sapiens* as the end or "apex" of evolution (e.g., Dobzhansky 1973; Chapman & Huffman 2018). With respect to insects in particular, Dennett's (1973) famous and repeated example of the Sphex wasp – characterized as an inflexible machine incapable of any learning – is as clear an example of confirmation bias as one might want; Keijzer (2012) makes clear just how biased it is.

Another smallish point of disagreement is that perhaps M&P don't go far enough in their critique. The range of creatures that some thinkers have claimed to have some psychological traits includes not just those without vertebrae, but also those without brains, including bacteria and plants (Lyon 2015; Reber 2016; Calvo 2017) – i.e., not just animals, but living things in general. M&P acknowledge this wider perspective only to set it aside. But if we are reconsidering the grounds of moral status and the role of cognition in establishing those grounds, why it is that invertebrates should be the appropriate contrast group – why M&P draw the line where they do – needs a bit of defense in light of these contemporary discussions.

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