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**Consciousness and its Place  
in a “Natural Hierarchy”**

**Considerations Concerning the Role of Consciousness  
in Modern Philosophy and Ethics**

“Thus one thinker may be more particularly interested in *manifoldness*, ... another thinker in *unity*... And since neither of these principles is based on objective grounds, but solely on the interest of reason, the title ‘principle’ is not strictly applicable; they may more fittingly be entitled ‘maxims’. When we observe intelligent people disputing in regard to the characteristic properties of men, animals, or plants..., we have only to consider what sort of an object it is about which they are making these assertions, to realise that it lies to deeply hidden to allow of their speaking from insight into its nature.”

(Kant, *Critique of Pure Reason* B 695)

**Abstract**

*The paper presents some considerations concerning the role of consciousness as a privileged state in nature which has implications for ethics. Especially in the modern talk about consciousness of human beings or animals since Thomas Nagel (1974) or Peter Singer (1975) we find discussions about the role of consciousness as an important irreducible and ‘higher’ phenomenon connected with a first person authority in epistemology and with special privileges in bioethics. In particular animal consciousness is often considered as a ‘lower’ state in a “natural hierarchy”. In bioethics consciousness has been combined with qualities like the ability for future options, subjectivity, sentience or pain and further more, these elements have been used as criteria to justify an extraordinary ‘moral status’ for instance in these of ‘higher’ beings like Great Apes (Cavalieri/Singer 1993) or for ‘higher’ conscious animals as “subjects of life” (Regan 1983, 2004) or having pain (Ryder 2001). On the other hand some analytical philosophers deny any ‘higher’ consciousness with respect to animals because of different theoretical reasons (Carruthers 2000, Davidson 2005). Nevertheless advocates and deniers of animal ‘consciousness’ both assume that the possession of consciousness justifies privileges in ethics.*

*This is the background for modern ethicists and philosophers of human and animal mind to refer implicate or explicate to a concept of “natural hierarchy” expressed by terms of “higher/lower” etc. In short, they talk in hierarchical terms about relations between natural entities like plants, animals, and men (Perler; Wild 2005). This implies at first a theoretical question: What kind of epistemological or ontological justifications do allow to speak in terms of a “natural hierarchy”? The second more practical question is: If it is possible to talk in this way, is it justified for ethics? These and similar questions are discussed in the following paper from the perspective of modern and a Kantian epistemology. The first part reminds the great influence of two traditional metaphysical thinking patterns – the Aristotelian anima-order and the Cartesian machina-order on natural philosophy in general and its influence on modern neurocentric philosophy of mind (Ingensiep 1997, 2005). The second*

*part presents some epistemological and ontological problems and considerations in this field. The third part presents an example in modern ethics using an hierarchical order (P. Singer). The important main result is, that it is very difficult to justify consciousness at the top of a “natural hierarchy” of organisms.*

**Keywords**

epistemology, bioethics, natural philosophy, natural hierarchy, first/third person perspective, Immanuel Kant, Peter Singer

## 1. Modern and traditional thinking patterns concerning a “natural hierarchy”

Is it a “natural” privilege for human beings to possess a consciousness? It seems to be a very strange question nevertheless it implies very heterogeneous reflections about the status and the role of consciousness in ancient and modern paradigms of natural philosophy and ethics. In particular I focus on the concept of “natural hierarchy” in the organic nature, furthermore its justification in theoretical philosophy and its relevance for ethics. One question is: Is there a “natural hierarchy” in the relation between humans and animals? Since ancient times the usual answer and claim is to emphasize an essential difference between human beings having a rational soul and animals having a ‘lower’ kind of soul associated with the ability of sentience and self determined movement. This kind of an Aristotelian paradigm referred to a special “natural hierarchy” and a metaphysical ordering of different souls for humans, animals and plants. This Aristotelian thinking pattern includes the metaphysical ‘principle of perfection’: the more perfect a soul is the ‘higher’ is the position of the organism in the organic order of beings. From ancient to modern times this teleological thinking pattern has been very influential, for instance in the 18<sup>th</sup> century as *scala naturae* or “The great chain of being” (Lovejoy, 1985). Today it is still effective and often included in common sense statements in ‘higher/lower’-terms about “natural” relations between minerals, plants, animals, and human beings. I called this type of metaphysical order in short “anima-order” (Ingensiep, 2005).

On the other hand, since the 16<sup>th</sup> century another new thinking pattern was very influential, initiated by the well known cartesian dualism, including a theory of animal machines and of nature directed merely by mechanical principles. In this mechanistic paradigm neither animals nor plants possessed any consciousness. Even the human body machine is a member of the *res extensae* and any teleological principle of “anima” and consciousness was eliminated within nature. Thus, what has been the principle for the justification of a “natural hierarchy”? In the Cartesian paradigm the material things (eg. planets, plants, animals, human body) could only be differentiated by their different kinds and types of movement, eg. plants as immobile machines were ‘lower’ than animals as mobile machines within nature. “Natural hierarchy” was justified by a principle of movement and not of anima or consciousness. Only the second substance *res cogitans* was a carrier of consciousness, well known and criticized by Ryle and others as a “ghost in a machine”. This special natural machine called “homo” was privileged to be “moved” by an extraordinary immaterial soul – and many physical and metaphysical problems arised as we know today. I called this Cartesian paradigm of order in short machina-order (Ingensiep, 2005).

Until today this cartesian machina-order generates many difficulties in talks about “animal consciousness” (Radner/Radner 1996) like “Anthropomorphism” (Kennedy 1992). Another seldom discussed questions is if the new Cartesian mechanical principles of movement are sufficient to justify any “natural hierarchy” and difference between natural things like human bodies, animals, plants, and artificial machines too. Additional to this mechanical criterion of physical movement modern thinkers try to use similar theoretical criteria to justify a difference between ‘higher/lower’ system using terms like “complexity” or “organization” referring to structure or “information” in organisms. For instance a common sense statement is: plants are ‘lower’ complex than animals, or: humans do have a more complex nervous system than the other ‘higher’ animals, or: humans are ‘higher’ selforganized systems than animals and plants. Obviously with respect to a purely materialistic world view these modern machina-criteria count as theoretical justifications for a ‘natural hierarchy’ of organisms.

Last not least we have to mention the third important thinking pattern in natural philosophy, the Darwinian paradigm since mid of the 19<sup>th</sup> century criticizing any teleological principles and distinct differences between humans and other organisms. Under the influence of the Darwinian pattern the earlier essential differences between plants, animals, and humans were eliminated more and more. All organisms were seen as embedded into a continuous and gradual evolution, all organisms have been generated and directed by the same blind mechanism of “natural” selection. From this evolutionary point of view modern biologists and philosophers like to call humans “the third chimpanzee” (Diamond, 1992) and they emphasize from a Darwinian point of view that there is no hierarchy in nature, rather they warn against the use of the words “higher or lower” because there is no more possibility for a biological justification to use these terms for a ranking of animals on a scale (Dawkins, 1992).

This is in short, the historical background for following considerations concerning the role of consciousness in epistemology and ethics. Consciousness seems to be an important criterion to establish an essential difference between humans and other animals and leads to a wide field of problems before and after Nagel’s “What is it like to be a bat?” (Nagel, 1974). Many questions concerning the problem of *qualia* in human consciousness or with respect to animals arised. This discussion was dominated by a very epistemological point of view of questions like: What is consciousness? What’s the definition? Is consciousness irreducible? Which terms should we use in our talk about consciousness? Is the right method autophenomenology or heterophenomenology? Or more special questions ask whether animals have subjectivity, thoughts, intentions or a “theory of mind”? Famous anglophone philosophers like Malcolm, Davidson, and Searle (Perler/Wild, 2005) delivered interesting contributions to these problems. In particular in these very special modern discussions concerning the “mind of animals” we often find comparisons with humans and animals on the one side or plants and artificial machines on the other side (Dretske, 2005), and it seems to be clear and significant that the latter ones don’t have any mind (Perler/Wild, 2005: 10). Plants and machines do not have thoughts and consciousness, while on the other side it seems to be very important to know whether and what kind of consciousness animals or humans do have. Last not least we know: these epistemological questions are of ethical relevance.

This ethical debates about human and animal consciousness often start on a mere theoretical level. For instance, ethicists like Richard Ryder, Peter Singer

or Tom Regan integrated different concepts of consciousness into their approaches to human and animal ethics. Consciousness is the most important criterion for ethics. Thus these ethicists demand special rights for ‘higher’ animals or they intend to legitimate a very special moral status for Great Apes because they are conscious beings (Cavalieri/Singer, 1993). Most of these ethicists and biologists criticize the traditional “anthropocentrism” in ethics and reproach them for “speciesism”. From their antispeciesist point of view to be a biological member of the “species” *homo sapiens sapiens* is neither sufficient nor necessary to claim a privileged moral status. I called “speciesism” the greatest disease in modern ethics (Ingensiep, 1997). But consciousness including self consciousness, awareness, subjectivity, pain etc. is for Singer, Regan or Ryder a very good reason to defend special interests and a privileged moral status in particular for carriers of self consciousness called “persons”. They have interests. Nevertheless some philosophers remain and deny that even ‘higher’ animals do have interests (Frey, 1980), even subjectivity or phenomenal consciousness is denied (Carruthers, 2004, 2000, 1998, 1996). Particularly Carruthers induced a very complex discussion about “higher-order thought theory” (HOT) and “first order representationalists” (FOR) of phenomenal consciousness (Carruthers, 2000). These theoretical and epistemological discussions about animal consciousness or “Suffering without subjectivity” (Carruthers, 2004) seems to be a provocation for established positions in animal ethics like Ryders “Painism” (Ryder, 2001), and hardliners like Carruthers maintain now: it could be possible that animals have pain without any consciousness of pain, what obviously seems to be a very strange thing.

In this part I tried to give some insight into traditional and modern discussions concerning the role and status of consciousness with respect to the problem of “natural hierarchy”. Behind many of these debates I assume a very special kind of philosophy of “natural hierarchy”, sometimes more hidden similar to the traditional aristotelian, sometimes more similar to the modern Cartesian or Darwinian thinking patterns about hierarchy in nature. Apparently consciousness often is used as the crucial theoretical term with the aim or interest to introduce privileges for those beings which possess a ‘higher’ consciousness in comparison with other beings having only a ‘lower’ consciousness or nothing like that as plants or machines. The basics and theoretical structure of these kinds of statements refer to background assumptions and a kind of knowledge about a hierarchy in nature like in the statement: If these natural entities (eg. ‘higher’ animals) really do have the same type of consciousness as human beings do have, than there would be no difference between humans and these beings. I repeat more precise: the assumption is, if these ‘higher’ animals do all have consciousness, there would be no difference on a *theoretical level*. For some philosophers and ethicists the latter theoretical premise implies an egalitarian concept on the *practical level* in ethics. For instance one opinion in a Darwinian paradigm is: If there is no distinct “natural hierarchy” in consciousness between humans and “higher” animals at all from an evolutionary point of view and only a gradualism exists, than we and they all are on the same ethical level, or in the case of ‘higher’ animals: we all feel the same pain and have the same right to be painless (Ryder, 2001).

These examples indicate in other words: If there is no “natural hierarchy”, than there is no hierarchy in ethics. Finally we have to consider the other side of the coin, especially in bioethics sometimes discussed as marginal cases: If humans in a persistent situation don’t have any consciousness – for instance,

we could remember “The Case of Terri Schiavo” (Caplan et. al., 2006) as a case of “Persistent Vegetative State” (PVS) -, then some modern ethicists like Singer would conclude similar to the following statement: If there is no consciousness then there is nothing to take into consideration on the ethical level from a utilitarian point of view. Common sense and popular bioethics speak in the case of PVS of *human vegetables* indicating that these human beings seem to be on the same hierarchical level as plants or vegetables (what is indirectly indicated by the term “vegetative”; Ingensiep, 2006). This case shows again: it is crucial and of great “value” to possess a persistent consciousness. The possession of consciousness or being conscious guarantees not only a privileged position at the top of a “natural hierarchy”, but also very ‘high’ ethical privileges. The following two sketches try to throw some more light on these positions and problems with consciousness in modern discussions.

## 2. Consciousness and “natural hierarchy” – epistemological problems

Concerning the problem of a connection between the consciousness-talk and the problem of “natural hierarchy” we have to consider various, very different aspects which lead to some general problems in epistemology, ontology and metaphysics. As well known, the modern perspective is dominated by analytical and epistemological approaches and on the other side, natural philosophy or biophilosophy is neglected or ignored in this context. The following remarks try to give a sketch of different epistemological perspectives to the problem of “natural hierarchy”, partly from the modern perspective, partly from a traditional approach with Kant.

If we talk about “natural hierarchy” and the role of consciousness in the way we did in the first part (eg. in the Aristotelian, Cartesian oder Darwinian view of “hierarchy”): what do we have to consider at first? In most of the cases we obviously deliver some kind of Third-Person-Reports (3.PR) about nature or “natural hierarchy”, particularly about the special relations between plants, animals and men. From the modern epistemological position we talk like an external ‘impartial observer’ about “natural hierarchy”, for instance if we maintain: “Man is at the top of the natural hierarchy!” We construct a natural philosophy by means of assumed “objective” terms referring to external things or processes like evolution, life, organisms. At the same time we use “subjective” terms like “consciousness” or “sentience” and introduce them into these constructions of “natural hierarchy”. These “subjective” terms are only understandable from an internal perspective justified by a First-Person-Authority (1.PA). This includes having a phenomenal consciousness which leads to First-Person-Reports (1.PR) about several types of conscious experience like sensations, propositional thoughts, emotions, pain. From a Cartesian point of view it seems that only a first-person-phenomenology is the correct method for studying consciousness. A modern version is the belief that consciousness contains something irreducible that is not sufficiently described by 3.PRs about the neurobiological or functional states which are expressed solely in third-person terms. What is the situation concerning the mentioned talk about consciousness and “natural hierarchy” from this perspective? In short, I think from this point of view we are mixing up a cocktail of 3.PR and 1.PR statements. We try to play the role of an ‘impartial theoretical observer’ of nature or “natural hierarchy” – but with our special interest to establish a privileged position for us as *homo sapiens sapiens*. In such statements the

possession of consciousness seems to justify a privileged top position in nature. But are we ‘impartial’?

This leads to the next problem. What is the adequate ‘objective’ methodology or epistemological point of view for talks about “natural hierarchy”? It seems obvious that we have to talk from the perspective of a ‘heterophenomenology’ about hierarchy in nature, for instance like in following statements: A: Animals are ‘higher’ organized natural entities than plants. B: The brain of men is ‘higher’ organized than the brain of any other primates. This may be a correct description but what kind of theoretical criteria allow to justify the principle according to which we talk in terms of ‘higher’ and ‘lower’ about animals, plants etc? We need an ‘objective’ criterion as principle of our judgement – for instance to justify the grade of natural complexity in this heterophenomenological talk about organisms.

On the other hand: if we start our investigations with autophenomenology – that means with a first person introspection into our own consciousness as the relevant basic, perhaps irreducible, unique phenomenon (Nagel): how can we justify any ‘natural hierarchy’ by autophenomenology without a dogmatic statement that includes the premise: consciousness is the ‘highest’ point in nature? But if we do, we would transfer our *epistemological* privilege into an *ontological* or *metaphysical* privilege, if we say for instance: consciousness is the ‘highest’ reference point for all hierarchical constructions like in the statements: ‘higher’ animals are ‘higher’ because they are conscious (and feel pain etc.), while plants are ‘lower’ because they don’t have consciousness (and don’t feel any pain) – or: people in a persistent vegetative state don’t have any consciousness, so they are ‘lower’ than ‘higher’ animals and something like a *human vegetable* – without any ability to feel pain etc.

In other words: If we start with an autophenomenological method (like introspection) we will have many problems (beside anthropomorphism), but concerning our starting point we presuppose that it is a privileged state to be conscious. We use our conscious centered position to justify our construction of “natural hierarchy” and introduce autophenomenological terms into heterophenomenological terms talking about nature.

This leads to the next problem, a deeper epistemological, but traditional critique of implicate teleological statements in general and in particular with respect to our constructions of a “natural hierarchy”. First in general. From a Kantian point of view as discussed in the Critique of teleological judgement teleological statements and constructions dealing with a “natural hierarchy” like in the paradigm *scala naturae* (Charles Bonnet) don’t have any *constitutive* function for our knowledge about nature. It may be that teleological statements about the grade of organisms (higher or lower) play a *regulative*, heuristic role. They may allow to perform methodologically a unity. But these statements never allow to recognize any hierarchy in nature as such (see Kant CpR B 695). In short: “natural hierarchy” is not justifiable by reason as a constitutive category for our knowledge of nature.

Let’s have a look on this Kantian approach in more detail. From this epistemological point of view not only “manifoldness” and “unity” are neither ontological nor metaphysical principles of nature “as such”, but only of our “appearance” (*Erscheinung*) as opposed to things-in themselves (“*Dinge an sich*”). According to Kant these “principles” are not constitutive but “merely maxims” (B 694). They represent only a regulative employment of the ideas of pure reason, which may have an heuristic function to expand and to give order into our experience. Kant illustrates this point by means of the con-

temporary opinion of some scholars like Charles Bonnet. They thought that minerals, plants, animals, and men are arranged according to a “law of the *continuous gradation* of created beings” (above mentioned as *scala naturae*). This methodological principle of construction is never a constitutive principle. Further on, by means of experience and observation – as Kant pointed out – we may find big steps and wide gaps of this hierarchical ladder, but we never will find an objective “law” in regard to nature’s ultimate design,

“... especially if we bear in mind, that in so great a multiplicity of things there can never be much difficulty in finding similarities and approximations. On the other hand, the method for looking for order in nature in accordance with such a principle, ... is certainly a legitimate and excellent regulative principle of reason. In this regulative capacity it goes far beyond what experience or observation can verify: and though not itself determining anything, yet serves to mark out the path towards systematic unity.” (B 696).

With respect to this Kantian approach we could say: the principle of “natural hierarchy” may be a fruitful heuristic regulative maxim of pure reason for experience, but it is never justifiable by experience. In other words: “natural hierarchy” is never a constitutive “principle” or “law”, but may be a useful methodological “maxim” to arrange *our* many and various experience “to mark out the path towards a systematic unity”. From this transcendental point of view consciousness is only the ‘container’ for the epistemological “maxim” of pure reason, while reason has the interest to look for unity in nature, but is never able to give ontological or metaphysical principles of things-in-themselves.

This Kantian point of view leads to other epistemological problems. If we would believe that there is something like a ‘natural hierarchy’ in nature as such (for instance comparing minerals, plants, animals, men) and we try to found this hierarchy in our consciousness, than we would have two possibilities to justify this hierarchy – an epistemological way and a metaphysical way. The first possibility leads to an argumentation: We are conscious and possess a “maxime” for the construction of a hierarchical design *of* nature in our consciousness: Because of this capability consciousness is a privileged state *in* nature. In this case we would transform the epistemological role of consciousness as the source for *knowing* something *about* nature into an ontological one as consciousness *being* something *in* nature. Thus we would transform an epistemological principle to an ontological or metaphysical one. Further, if we now would introduce consciousness as a privileged phenomenon *into* an *hierarchical* nature, this seems to be obviously a circular dogmatic and metaphysical statement. Again, if we believe that consciousness is something like the ‘highest’ position *in* nature – then it is obvious from a Kantian view: we introduced this regulative “maxime” into constitutive statements about nature, which is only possible by means of our consciousness. But why should we accept these hierarchical projections into nature (3.PS), which are only products of our dogmatic perspective (1.PS)?

Let’s try and consider the problem the other way round: If we would say, consciousness itself *is* a hierarchical organized structure *in* nature because it is for instance an “emergent” phenomenon based on a hierarchical structured central nervous system (Bunge etc.), than we start with an ontological statement and use terms from biology or natural philosophy. But what is the criterion for this privileged state of consciousness *in* nature? If we talk in this 3.PS-terms about a privileged position of consciousness we never talk about a 1.PS state of our consciousness. We report (3.PS) natural facts as if there would exist

no consciousness at all. The 3.PS perspective is blind for the 1.PS perspective, even for our own material basis, the central nervous system. Thus, why should we talk about a privileged status of consciousness in a physical nature where all processes and things may be arranged in a natural hierarchy, but only as more or less complex unconscious processes and things?

The last epistemological point is well known in modern philosophy. We have to consider many epistemological problems if we talk about phenomenal consciousness with respect to other beings starting with our 1PA perspective with respect to other humans or animals. The problems are well known and discussed since Nagel (1974). Nagel inspired the “What is it like to be a X-discussion” until the modern talk about animal mind and subjectivity (Carruthers, 2000; Perler/Wild, 2005). Phenomenal consciousness sometimes seems to be reducible to nothing and sometimes it seems to remain a mystery. In this context talking about “natural hierarchy” it seems to be important that according to the dilemma of the method (auto-/heterophenomenology) there seems to be no possibility to reduce, translate or transform the 1.PA-perspective and its terms completely into 3.PR-terms. In short: I probably never will know what is it like to be bat using 3.PR statements of ethology, neurology, evolutionary biology etc. But nevertheless we talk by means of a cocktail of these terms about “natural hierarchy”.

### 3. Concerning the role of consciousness and “natural hierarchy” in modern bioethics

It is well known that consciousness and self-consciousness play an important role as criteria in modern bioethics. Both terms are used with respect to the identification and description of the role and function of moral agents on the one side and moral patients on the other side. Particularly in modern approaches to animal ethics consciousness and selfconsciousness are of practical relevance, for example in Singer’s bioethics or in the so called “Great Ape Project” (Cavaliere/Singer, 1993). The leading question will be, whether and how a hierarchical order is integrated and connected to the concept of consciousness. Some critique is added from a Kantian perspective and tries to give basic hints. It is emphasized that the term consciousness can be used in methodically different ways and functions.

In his famous second edition of practical ethics Singer asked the important question “What’s wrong with killing?”, talking about human life, human being, person, the species *homo sapiens*, and in general about the value of a person’s life, the right of life, autonomy and – “conscious life” (Singer, 2005: Ch. 4, 101–109).

“There are many beings who are sentient and capable of experiencing pleasure and pain, but are not rational and self-conscious and so no persons. I shall refer to these beings as conscious being” (Singer, 2005: 101).

A person as a selfconscious being may have a right to life, but merely conscious beings do not according to Singer and Tooley. Now the question arises “if the life of a being who is conscious but not self-conscious has value, and if so, how the value of such a life compares with the value of a person’s life?” (Singer 2005, 101). From his utilitarian point of view Singer defends that a conscious life has value because of the pleasure it can experience. Singer discusses different ways to reduce the amount of pleasure in the world and comes to the result, that it is wrong to cut short a pleasant life. After that

Singer discusses and compares the value of different lives, further on at different levels of consciousness and self-consciousness and asks, whether or how we can produce an ordered list.

The crucial question in this field seems to be, whether it is “anthropocentric, even speciesist, to order the value of different lives in a hierarchical manner”. (Singer, 2005: 105) Some people think that from the point of view of another being each life is of equal value and that this statement is correct because pleasure is pleasure. Against the position Singer asks: “Is it speciesist to judge that the life of a normal adult member of our species is more valuable than the life of a normal adult mouse?” (Singer, 2005: 106). The solution for this problem is Singer’s preference utilitarianism. Singers starts with a fictitious test. We should imagine to be an animal-existence (like a horse, mouse etc.) and compare it with our human-existence. This idea of choosing from a more “objective” or “intersubjective” point of view would lead us to prefer the human life as the one of greater value. “So it would not necessarily be speciesist to rank the value of different lives in some hierarchical ordering.” Now, in this argument we reached the crucial point, “the imaginative reconstruction of what it would be like to be a different kind of being.” (Singer, 2005: 107). As mentioned in Part II above we now should discuss the pros and cons of this approach to another consciousness, different objections like anthropomorphism etc. since Nagel’s famous paper (Nagel, 1974) or more modern objections against animal consciousness or pain (Carruthers). Further on, it is clear that Singer knows that these comparisons are difficult and that we don’t have “the slightest idea whether it would be better to be a fish or a snake”.

My problem in this context is another one: Is it really possible to imagine ‘another kind of existence’ without any input of a “natural hierarchy”? The next problem is connected with this one, it is the believe of Singer, that “it would be not necessarily be speciesist to rank the value of different lives in some hierarchical ordering.” (Singer, 2005: 107). What is Singer’s principle in arguments and comparisons like that? “In general it does seem that the more highly developed the conscious life of a being, the greater the degree of self-awareness and rationality and the broader the range of possible experiences, the more one would prefer that kind of life, if one were choosing between it and a being at a lower level of awareness. Can utilitarians defend such a preference?” (Singer, 2005: 107). They do. With John Stuart Mill Singer prefers “to be a human being dissatisfied than a pig satisfied” and that only a “few human creatures would consent to be changed into any of the lower animals”, as Mill points out. (Singer, 2005: 107–108). My point is not, that this kind of argument is “weak” in ethics and not, that it seems to be very difficult to experience pleasure etc. of animals like horses, mice, pigs, fish or snake. My problem is that in this ethical arguments terms like “hierarchical ordering”, “more highly developed”, “lower animals” etc. are introduced, which refer not immediately to a “consciousness” but to external constructions of a “natural hierarchy” in nature. One problem is: Before we use evaluating terms like “higher” or “lower” with respect to animals we have to justify these terms as theoretical ones from a point of an ‘impartial observer’ without any ethical evaluation. Otherwise it would be a circular argument. But at least in the case of Mill “a human creature” is still assumed at the top of the ‘ladder’, and this means: such constructions still follow the concept of a “natural hierarchy” since Aristotelian times.

Singer’s approach to the problem of “natural hierarchy” is more obvious in the chapter about the environment (Singer, 2005: Ch. 10), where the question

is: Is there value beyond sentient beings? The answer is in short, including the result of the imaginative test like: What is it like to be a tree? The problem: Without conscious interests we have no guide to assess anything.

“There is *nothing* that corresponds to what it is to be a tree... Once we abandon the interests of sentient creatures as a source of value, where do we find value? What is good or bad for nonsentient creatures, and why does it matter?” (Singer 2005: 277).

Later on Singer summarizes his opinion concerning plants, anorganic and artificial things in nature:

“... in the absence of consciousness, there is no good reason why we should have greater respect for the physical processes that govern growth and decay of living things than we have for those that govern non-living things”. (Singer, 2005: 279)

Again Singer uses the criterion of consciousness to decide what has value and what not according to the rule: no consciousness, no sentience, no interests, thus there is no reason to consider anything in an utilitarian calculation. In the same way Singer would argue against popularly so called *human vegetables*, for instance human beings like embryos oder PVS-patients in a persistent vegetative state without any consciousness. In short we could say: the three-class ethics of Singer’s preference utilitarianism is mainly founded in states of consciousness: 1. self-consciousness, 2. sentient consciousness, 3. no consciousness at all. Although Singer is using implicitly terms referring to a “natural hierarchy”, he and others try to avoid this old anthropocentric pattern as shown in the following part concerning the boundary problem with Great Apes.

The so called “Great Ape Project” (Cavalieri/Singer, 1993) seems to be again instructive if we look at the ethical role of consciousness and the concept of ‘person’ in more detail. One point is dealing with the question whether the great apes possess a selfconsciousness and what kind of consciousness. The answer depends of course on our understanding of selfconsciousness (including rationality, intentionality, verbal communication, reflective self-evaluation, morality). For instance, the behavioral psychologist Robert W. Mitchell comes to the conclusion that “the great apes are not persons, in that they lack full self-consciousness, or what I am here calling reflective self-awareness“ including the ability to have a general future plan of their life etc. (Mitchell, in Cavalieri/Singer, 1993: 242). They do not possess a reflecting consciousness in the sense of a reflecting self-evaluation. Furthermore, they lack the ability to understand the meaning of morality based actions. But Mitchell goes on to say that the great apes are like children or disabled or confused elderly people in that they do possess psychological capabilities which they can use for their own purposes, which entitles them to a certain recognition. What is unusual in this argument is that it is not general spiritual capabilities that are spoken of here but rather mental incapacibilities of certain persons with regards to general psychological qualities of other beings.

Many problems arise, if in this striking assumption of an analogy, the term “person” is understood in the Kantian sense as “selfpurpose”. But often argumentatively it is linked to a questionable empirical-psychological understanding of what a person is. Neither the special personalistic boundary problem with regards to humans, nor the problem of an ontological basis of morals are solvable in this way. Basically the problem of whether it is possible at all to speak of moral “equality” on the basis of cognitive or psychological “similarity” remains and one must consider whether or not a categorial mistake has been created (Ingensiep, 1997).

Nevertheless, from the perspective of preference-Utilitarianism animals are seen to be sensitive lifeforms and therefore potential carriers of interests and

consciousness. Some of them like great apes or dolphins could possess self-consciousness and be something like a person. It is important to mention, that Singer wishes to make a clear differentiation between the biological phrase "members of a species" and the term "person" which he understands as being a rational and selfconscious being. The real or possible preferences of persons must be included in the utilitarian calculation and generalization of interests. As such preferences and wishes of future orientated beings must be considered in a special way. Since non human beings such as the great apes decide via selfconsciousness, they should, according to Singer, also be regarded as "non human persons" and should clearly be seen as being different from other animals who are not persons in this meaning of the word. The ability to have interests is directly connected to real, descriptive qualities of living beings, such as selfconsciousness, consciousness and sensory perception which means that according to Singer, only beings that possess such qualities can be said to have utilitarian interests.

From a Kantian point of view I would like to add some objections against this modern approach to the concept of consciousness within a Lockian psychological tradition to construct a "person". The main point is, that it would be useful to make methodological differences between terms for description, prescription and adscription in an ethical context.

In general we have to acknowledge the difference between a Kantian idealistic-prescriptive term of "person" as "selfpurpose" and the descriptive differences of consciousness between humans and animals. What is described in autophenomenological or heterophenomenological terms as being either an animal, a great ape or a human can lay no claims to prescription merely as a result of how it is described. The description of facts as such includes no moral instructions and offers no ethical justification. It would be a kind of "natural fallacy" to conclude from the descriptive statement "P has consciousness" (described for instance in heterophenomenological terms of observed behaviour) to the prescriptive statement: "P is valuable" in a moral sense. Kant does however provide a prescriptive definition of a moral person. Yet, this apriori and idealistic-typical definition of the moral person as a "purpose in itself" can claim no real descriptive qualities such as selfconsciousness as qualifications criteria. One can define in a prescriptive idealistic-typical manner what an ethical person should be (!) but this still does not make clear, who or what should practically be seen as an ethical person, something we can learn from the discussion regarding the great apes. Should a concrete empirical definition of beings such as "humans with selfconsciousness" be drawn from an apriori opinion of what one should do? If so we are dealing with a kind of "idealistic error". Nevertheless in Kant's approach to ethics the question remains as to what extent the definition of moral persons as "purpose in itself" is indeed a metaphysical consideration.

In attempting to design a strictly rational term of a moral person as laid down by Kant there exists a fundamental attribution problem, I would call it the problem of adscription. This used to be a problem of defining angels and humans, today the problem centers around the term human "species" and tomorrow the term in question will perhaps be "the great apes", "intelligent robots" or "extraterrestrials". Perhaps then, it will be they who are attributed a moral status as a consequence of a supposed understanding of personality. However, should this attribution be based on a form of "selfconsciousness" or "consciousness" it will then no longer be possible to distinguish description and prescription from adscription. In everyday life the attribution of terms mostly

arises as a result of a historical and supposed understandings of personage coloured by the prevailing society and in more difficult cases the problem is solved through consensualism and pragmatism. However, so long as it is not rationally substantiated just how it follows from Kant’s personage formula that the person formula is only applicable to humans with actual or potential selfconsciousness, so long as this is the case, one has to understand this opinion as a dogma. And all those views that are based on this person dogma, must be seen as “species“ Kantianism what means: It includes the assumption that one species (*homo sapiens sapiens*) is adscribed as the species at the top of a kind of “natural hierarchy”. But this adscription would be a dogma without justification.

However, should such a standpoint be justified, then this would immediately give rise to a boundary problem within the human species, namely in all the cases in which an actual or potential selfconsciousness can be seen. This would lead us back to the very fundamentals of human bioethics and to questions with regards to subjects such as brain dead persons. To identify them we use “consciousness” as an adscriptive term. Kants view of a rational personalism does however teach that we must strictly distinguish between empirical psychological, transcendental, epistemological and an ethical understanding of terms like “person” or “consciousness”. Apart from this necessary differentiation regarding description, prescription and adscription with regards to the terms person and consciousness, such an attitude also removes a certain confusion into the discussion concerning utilitarian personalism when consciousness is used as term describing different natural beings in a hierarchical order.

There are other objections against “speciesism”, its implicite confusion between exemplarity and individuality, and other possibilities to stress selfconsciousness as an irreducible and individual precondition in ethics (Gethmann, 1998). The perspective of the moral agent is always a 1PS-perspective, which can not be translated completely into terms of a 3PS-perspective at all. If this “desription” is correct, the next question is, why is consciousness a “value”? And if this is justifiable from a moral point of view, than we can say, that “consciousness” could be used as an adsriptive term, to identify the entity, which should be value. May be this is the way to avoid a “natural fallacy” in using the term consciousness in an ethical argument. But if we use in these context terms like “higher” and “lower” based on a “natural hierarchy” it will become a problem. Than ethics is on the way to be naturalized and replaced by a dogmatic neurocentrism or CNS-Ethics which includes only “higher” animals because of having this natural quality. Thus the positions of “idealism” and “naturalism” both are insufficient to justify consciousness at the top of a “natural hierarchy” in this way.

#### **4. Final considerations about “natural hierarchy” in a history of ideas**

As already mentioned above Aristotle, Descartes and Darwin inspired different concepts of “natural hierarchy” and in each concept consciousness seems to be a very important criterion for establishing a top position in a “natural hierarchy” as a “primate of reason” (“Primat der Vernunft?” Ingensiep, 2005). To recognize the role of consciousness in a “natural hierarchy” the comparison between human beings and great apes was instructive – like in the so called “Great Ape Project” (Cavalieri / Singer, 1993). In this context the term

“person” plays a central role. Clearly opposing views and a large conflict potential exist between the utilitarian standpoint and the attempt by philosophers in the Kantian tradition. While Kantian philosophers emphasize the role of person and consciousness, supporters of preference utilitarianism defend a two-step-ethics referring to consciousness and sentience as main indicators for a “moral status”. Beyond these boundaries (consciousness and sentience) in the field of living creatures (mostly related to humans and higher animals) there seems to be nothing to discuss of ethical relevance for both positions – in particular plants, stones or machines are ethical irrelevant. Therefore the latter often are used as paradigms in contrast to higher animals having the abilities of consciousness or sentience (e.g. Perler/Wild, 1995). All these discussions explicitly or implicitly refer to the scientific assumption or the common sense dogma of a “natural hierarchy” in the field of visible living beings (plants, animals, humans). Looked upon as a history of ideas, it is obvious, that the whole discussion concerning the consciousness, sentience and personage of the great apes takes place according to the tradition of ancient intellectualism which is itself embossed by the Aristotelian teachings or a three step hierarchy pertaining to organic lifeforms. The conscious intellect as the *anima rationalis* was attributed only to humans, and adopts the highest rank in this hierarchy. Sensory perception as the *anima sensitiva* is attributed to animals capable of movement, as lower lifeforms, and all this has already been included in ancient ethical considerations about the status of animals (Dierauer, 1977; Sorabji, 1993). The lowest rank in the hierarchy belonged to the *anima vegetativa*, a lifeform capable only of vegetation – including feeding, growth and reproduction. This was the status of plants (Ingensiep, 2001). Beyond this hierarchical organisation of the organic (having an immaterial *psyche*), lay that without a *psyche* or spirit, namely the inorganic (called *apsyche*). As mentioned above this anima order forms the foundations of a theoretical order of existence (ontology) and a practical world order (ethics). This traditional picture of different souls as principles for the construction of a hierarchy in nature continues to influence not only bioethical fundamentals such as the role of consciousness, personage, sentience, but also boundary problematic itself.

As many other thinkers Peter Singer joins the historical idea tradition of speciesism and criticizes the ancient and middleage tradition (Aristotle, T. Aquinas) of sometimes so called “external teleology”, according to which plants and animals do exist only for human purposes – in short for mankind. In his own personal approach, he prefers selfconsciousness which in his eyes is the best criterion for lifeforms that are seen to be ‘higher’ in the “natural hierarchy”, compared to creatures with lower spiritual qualities or such as non sensitive creatures like plants. But nevertheless in this opinion Singer follows the idea that beings with consciousness occupy a special ethical top position, and like many others, he seems to follow the old view that there is something like a so called “internal teleology” in the organic with an intrinsic value, something that corresponds to the traditional idea of a subtle order of souls. For the principle of this was that a higher quality of the soul in the hierarchy of existence corresponds directly to a higher place in the nature and in a moral order of the world. Why though should the higher soul be the more valuable? Because the reasoning soul – the *anima rationalis* – attributes to humans a higher standard. Sentientists like Ryder see consciousness and sensitivity as such as being rather equal amongst all animals but nevertheless they judge it as being of higher value than mere life without consciousness and sentience (eg. plants). Statements in this way follow the above hierarchical order.

Finally biocentrists value this “life” (eg. of plants) so highly, that inorganic entities are seen as being purely instrumental. Everyone arguing in this way still follows the Aristotelian order of souls in nature which operates via the concept of a *scala naturae* (Lovejoy, 1985) and which has gone so far as to influence the evolutionary theory of Darwin. For instance Darwinists like Ernst Haeckel placed human beings (particularly the so called “Caucasian race”) at the top of the phylogenetic tree. Examples like that illustrate that it is a kind of ideology if the human being is declared by metaphysics or science as the ‘highest’ measuring point of all things in nature. This view is obviously deeply rooted in an anthropocentric view of nature. But last not least I would like to emphasize: It is another and new systematical question, whether it is possible to justify this top position *within* natural philosophy or science than to justify it *outside* from any natural philosophy and science – from a practical point of view in ethics.

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Hans Werner Ingensiep

Das Bewusstsein und seine Stellung  
innerhalb der „Naturhierarchie“

Betrachtungen über die Rolle des Bewusstseins  
in der modernen Philosophie und Ethik

**Zusammenfassung**

Dieser Beitrag präsentiert einige Betrachtungen über die Rolle des Bewusstseins als eines in der Natur privilegierten Zustands, der mit Implikationen für die Ethik behaftet ist. Besonders im modernen Diskurs über das Bewusstsein beim Menschen oder beim Tier nach Thomas Nagel (1974) oder Peter Singer (1975) stößt man auf Diskussionen über die Rolle des Bewusstseins als eines wichtigen irreduktiblen und „höheren“ Phänomens, das in Bezug steht zur Autorität der ersten Person in der Epistemologie sowie zu speziellen Vorrechten in der Bioethik. Insbesondere tierisches Bewusstsein wird oft als ein „niedrigerer“ Zustand in der „Naturhierarchie“ bewertet. In der Bioethik wurde Bewusstsein mit Eigenschaften wie zukünftige Entscheidungsfähigkeit, Subjektivität, Empfindungsvermögen oder Schmerzfähigkeit in Verbindung gebracht. Mehr

noch: Diese Elemente dienen als Kriterien, um den außerordentlichen „moralischen Status“ bestimmter Lebewesen zu bestätigen, so etwa den Status der als „höhere Wesen“ geltenden Menschenaffen (Cavalieri/Singer 1993) oder anderer „höherer“, mit einem Bewusstsein ausgestatteter Tiere im Sinne von „Lebenssubjekten“ (Regan 1983, 2004), oder auch den Status von Schmerz empfindenden Tieren (Ryder 2001). Andererseits streiten einige analytische Philosophen die Existenz eines „höheren“ Bewusstseins bei Tieren aus verschiedenen theoretischen Gründen ab (Carruthers 2000, Davidson 2005). Dennoch vertreten sowohl die Befürworter als auch die Gegner der These von der Existenz tierischen „Bewusstseins“ die Ansicht, dass Wesen, die über ein Bewusstsein verfügen, in der Ethik mit Vorrechten ausgestattet seien.

Vor diesem Hintergrund greifen moderne Ethiker und Philosophen, die sich mit der Frage des Bewusstseins bei Mensch und Tier beschäftigen, zurück auf das Konzept der „Naturhierarchie“, die in Termini „höher/niedriger“ usw. zum Ausdruck kommt. Kurz gesagt, ist damit in hierarchischen Termini von den Beziehungen zwischen natürlichen Wesen wie Pflanzen, Tieren und Menschen die Rede (Perler, Wild 2005). Dies impliziert zunächst folgende theoretische Frage: Was für epistemologische oder ontologische Gründe berechtigen, mit den Termini einer „Naturhierarchie“ zu sprechen? Die zweite, praktischere Frage lautet: Wenn es möglich ist, in dieser Weise zu sprechen, ist dann auch die Ethik dazu berechtigt? Diese und ähnliche Fragen werden im Beitrag aus der Perspektive der modernen wie auch der kantischen Epistemologie erörtert. Im ersten Teil wird an den großen Einfluss zweier traditioneller metaphysischer Denkmuster erinnert – der Seelenlehre des Aristoteles und der cartesianischen Sichtweise des Menschen als einer Maschine, die ihren Niederschlag in der Naturphilosophie allgemein fanden und sich auch auf die moderne neurozentrische Philosophie der Vernunft (Ingensiep 1997, 2005) auswirken. Der zweite Teil präsentiert bestimmte epistemologische und ontologische Probleme und die dazu existierenden Reflexionen. Im dritten Teil wird an einem Beispiel gezeigt, wie eine hierarchische Ordnung in die Praxis umgesetzt wird (P. Singer). Das ausschlaggebende Ergebnis ist die Einsicht, dass es äußerst schwierig ist, Bewusstsein als den Gipfel einer „natürliche Hierarchie“ der Organismen zu rechtfertigen.

#### Schlüsselbegriffe

Epistemologie, Bioethik, Naturphilosophie, natürliche Hierarchie, Erste/Dritte-Person-Perspektive, Immanuel Kant, Peter Singer

Hans Werner Ingensiep

### La conscience et sa place dans « la hiérarchie naturelle »

#### Considérations sur le rôle de la conscience dans la philosophie et l'éthique moderne

#### Résumé

L'article présente quelques considérations sur le rôle de la conscience comme un état privilégié dans la nature qui a des incidences sur l'éthique. C'est notamment dans le discours moderne sur la conscience des êtres humains depuis Thomas Nagel (1974) ou Peter Singer (1975) que l'on rencontre des débats sur le rôle de la conscience en tant que phénomène irréductible et « supérieur », lié, dans l'épistémologie, à l'autorité de la première personne, ou, dans la bioéthique, aux droits particuliers. De plus, la nature animale est souvent considérée comme un stade « inférieur ». Dans le domaine de la bioéthique, la conscience a été associée aux qualités telles que la capacité de prévision, la subjectivité, la sensibilité ou la douleur. De plus, ces éléments ont été utilisés comme critères pour justifier un « statut moral » exceptionnel, par exemple, des êtres comme les grands singes (Cavalieri/Singer 1993), des animaux dotés d'un niveau de conscience supérieur en tant que « sujets de vie » (Regan 1983, 2004) ou encore de ceux qui sont capables d'éprouver la douleur (Ryder 2001). D'autre part, plusieurs philosophes analytiques nient aux animaux, pour des raisons théoriques différentes, tout degré de conscience élevé (Carruthers 2000, Davidson 2005). Cependant, les partisans comme les pourfendeurs de la conscience animale partent du principe que le fait de posséder la conscience justifie les droits éthiques. C'est sur ce contexte que se basent les experts en éthique et en philosophie modernes qui étudient le mental humain et animal lorsqu'ils se réfèrent, de façon implicite ou explicite, au concept de la « hiérarchie naturelle » exprimée par les notions de niveau supérieur/intérieur. En résumé, c'est en termes de « hiérarchie naturelle » qu'ils s'expriment lorsqu'ils évoquent les relations entre les êtres naturels comme les plantes, les animaux ou les hommes (Perler, Wild, 2005).

*Cela implique d'abord une question théorique, celle de savoir quelle sorte de justification épistémologique ou ontologique permet de parler en termes de « hiérarchie naturelle ». Une autre question, plus pratique, se pose : S'il est possible de parler en ces termes, est-ce pour autant justifiable d'un point de vue éthique ? D'autres questions similaires sont également discutées dans l'article dans une perspective épistémologique moderne et kantienne. La première partie rappelle l'influence importante de deux modèles de pensée, celui de l'ordre anima d'Aristote et celui de l'ordre machina de Descartes, sur l'étude philosophique de la nature en général ainsi que l'influence de cette dernière sur la philosophie moderne et neurocentrique de l'intelligence (Ingensiep, 1997, 2005). La deuxième partie expose quelques problèmes et réflexions ontologiques et épistémologiques dans le domaine. La troisième présente un exemple de l'ordre hiérarchique dans l'éthique moderne. La conclusion principale est qu'il est très difficile de justifier le sommet de la « hiérarchie naturelle » qu'occuperait la conscience.*

**Mots-clés**

épistémologie, bioéthique, philosophie naturelle, hiérarchie naturelle, perspective de la première / troisième personne, Immanuel Kant, Peter Singer