



Weighing Up Animal Dignity – Due Caution about Going Beyond Welfare

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Abstract

Recently, there have been growing calls to take animals' sui generis dignity into consideration when weighing the competing values at play in our treatment of them. I argue that, as things stand right now, we are not justified in doing so due to considerations of moral caution. This is because for sui generis dignity to be meaningfully distinct from other, less controversial forms of dignity, it must carry weight also and especially when it comes into conflict with subjectively based values such as those of happiness and autonomy – with what can be widely construed as the animal's welfare. In such conflicts, one should be cautious about not incurring undue moral risk. But not only is our evidentiary basis of sui generis dignity much worse than that of the values it comes into conflict with; taking into account animals' supposed sui generis dignity would also, if the value does not obtain, inflict on animals just those kinds of moral wrongs it is meant to prevent. We should therefore, until more evidence or better argument arise, not consider animals' sui generis dignity when weighing up how to treat them. While this result has profound consequences for how we should treat and legislate animals, it does not mean that we cannot appeal to the concept of animal dignity in any form – only that, if we do so, we are still in a position where we have to give good reason as to why it is important. For now, such reasons must be based in subjectively based values.

Keywords Animal ethics · Welfare · Dignity · Moral caution · Animal dignity · Non-experiential harms · Bioethics

1 Introduction

In contemporary animal ethics, there has been an increased push to go “beyond welfare” (Ortiz 2004) in our ethical considerations of animals, that is, to consider harms and benefits to non-human animals (henceforth just ‘animals’) that go beyond their possible needs and

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interests. Perhaps the most resolute proponents of this move away from a strict welfare approach are defenders of *animal dignity*, specifically of what Coghlan (2023) calls *sui generis dignity*: dignity understood as an independent value not further reducible to other, more basic moral values such as the satisfaction of interests, autonomy or the animal's well-being. Infractions on animal dignity are rather things like insults or denigrations, of which animals, by virtue of being animals, have no concept, and therefore cannot be affected by directly. These positions (e.g. Coghlan 2023; Abbate 2020; Diamond 2001; Loder 2016; Crary and Gruen 2022; Kunzmann 2009; Ortiz 2004) ask us not just to consider potential infractions to the animal's welfare that could occur downstream of such denigrations but to take seriously those dignitarian harms themselves, even while the harmed animals could not, even in principle, experience them.¹ They ask us, to quote Abbate (2020), to value animals "whether they feel it or not."

There is widespread disagreement about whether such *sui generis* dignity obtains in animals (cf. Martin 2019; Zuolo 2016; Kymlicka 2018). In this article, I will not weigh in on this question directly. I will, however, argue that by virtue of the uncertainty around *sui generis* animal dignity, and the weakness of the evidence brought up in its favour, it would be irresponsible to, as things stand right now, include it in our practical deliberations about animals. I will argue that in cases such as that of *sui generis* animal dignity, where a value is introduced into our moral deliberation that lacks any normative connection to the subjectivity of its beneficiary, we are dealing with a question of *moral caution*. This is because by introducing such a value into our weighing-up-of-values, we inherently shift its outcome away from what would be optimal from the (actual or idealized) perspective of the animal – what can be described as its subjective welfare, broadly conceived. This means that in adopting it, we are committing ourselves to the position that our confidence in the existence and relative importance of this value weighs strongly enough to sacrifice at least some of the welfare of whomever we mean to protect. So even if we have positive credence in the existence of *sui generis* dignity in animals, unless it is high enough to warrant the sacrifice of welfare in at least some plausible cases, we should nonetheless not use it in our practical deliberation.

This question is especially salient in the case of *sui generis* animal dignity since the term's application can have a significant impact on how animals are treated, particularly when it comes to questions about genetic engineering animals to decrease animal suffering. There, considerations of *sui generis* dignity are frequently used as arguments against such practices (cf. Loder 2016; Kunzmann 2009; Ortiz 2004) and even appealed to in laws, such as is the case in Switzerland (Schindler 2013; Bolliger 2015). So there is a lot at stake in answering whether we can, as things stand right now, be justified in its practical application.

I will claim that moral caution does indeed end up recommending against considering *sui generis* dignity in our practical deliberation about animals in virtually all practical cases. To argue for this, I will make three claims:

¹ This explicitly goes beyond the simple rejection of the experience requirement for wellbeing (cf. Lin 2021), that in order for something to count as a harm or benefit to a subject, it must enter that subject's experience. Even if, e.g., a desire being fulfilled without my knowledge were good for me, it would still only be good by virtue of me having that desire and approving of its fulfilment were I to know about it. Similarly, an infringement on my autonomy is made bad only if I could be imagined to ever actually make the precluded choice. Instead, we are here dealing with a rejection of what John Martin Fischer calls Experience Requirement II (Fischer 1997, p. 342), that is, of the claim that in order for something to count as a harm or benefit to a subject, it must be at least in principle possible for that subject to experience it.

Firstly, I will claim that the only cases in which it could make sense to include *sui generis* animal dignity in our practical deliberation are cases where that dignity conflicts with other values grounded in that or some other animals' subjectivity.

Secondly, I will claim that in such situations of conflict, where we are asked to sacrifice a moral good in the existence of which we have a lot of confidence for another in the existence of which we have less confidence, principles of moral caution are relevant. That means that we ought to pay attention to how our evidence for the existence of the uncertain moral good, combined with the potential vileness of being deprived of it, compares with the evidence and potential vileness of the deprivation of the moral good we are more confident in obtaining. If this comparison comes out sufficiently lopsided on both counts, then we ought not to sacrifice the latter for the former until we have better evidence or argument.

And thirdly, I will claim that in the case of *sui generis* animal dignity, principles of moral caution do indeed kick in in all plausible cases, and that we should therefore not include it in our moral deliberation until our available evidence changes.

This article is mainly concerned with the case of *sui generis* animal dignity. However, any value to be introduced into our moral deliberation, unless it derives its normative force from things we uncontroversially assume to be *good for* the beneficiary of that value, will have to pass the same kind of test for us to be warranted in its practical application. A similar case could be made, for example, in regards to harms to the dead, where any connection to the victim's subjectivity is also sometimes denied (Suits 2001; Fischer 1997; Bradley 2012; though not always, cf. Luper 2012), though the stakes there are much lower.

2 Sui Generis Dignity

The version of animal dignity at issue in this article is what Simon Coghlan calls '*sui generis* dignity'. *Sui generis* dignity is dignity viewed as a basic moral value which needs no further grounding in other moral values. While other conceptions of dignity seek to ground the concept's moral import in its relation to values based in the animal's subjectivity, like those of wellbeing (Nussbaum 2006) or autonomy (Humphreys 2016), dignity in its *sui generis* form is taken to be on the same ontological and justificatory level as those values. Under *sui generis* dignity, mocking an animal, for example, would not be bad (only) by virtue of any real or potential negative consequences from that animal's or any other creature's point of view, but because of the humiliating and hence undignified nature of the mocking itself.

As such, and in contrast to those other conceptions of the term, *sui generis* animal dignity can be weighed up against other apparently basic values in cases where the two conflict. If an animal's dignity were to consist in its right to the ability to freely further its own flourishing, then an action aiming to increase an animal's dignity while simultaneously accepting an on-balance reduction of its autonomy and wellbeing could not be justified, since those values are what this conception of dignity draws its moral import from. If, however, dignity is valuable on its own and without reference to any other moral values, then such a conflict is not decided from the outset and would require a weighing-up of the respective values against each other.

Paradigmatic candidates for incidents of infringement on irreducible dignity are the harms supposedly occurring when mocking an animal in private and without that animal's comprehension, dressing up animals for one's own amusement and with the animal's appar-

ent approval, and the desecration of animal corpses. It is important to note, however, that intuitions of moral transgression in these cases would not necessarily have to be explained with reference to *sui generis* dignity. In most of these examples, there is no obvious conflict between dignity and subjectively based values – preventing the desecration of an animal corpse, for example, does not usually entail the frustration of legitimate interests, the causing of suffering, or any other infringement on that, or any other creature’s welfare. In such cases, there is no distinction between the recommendations made by *sui generis* dignity and those made by some other, reducible accounts of dignity. Lori Gruen’s (2014) ‘social’ account of dignity, for example, would recommend against the desecration of animal corpses just as defenders of *sui generis* dignity would. However, her account would ground this recommendation in the fact that such desecration would be signalling the ascription of a low status to animals, which in turn could end up emboldening members of one’s society to treat them without care and respect, leading to natural harms to those animals.²

An unambiguous example of *sui generis* dignity specifically is given by Coghlan (2023) in his programmatic outline of the concept. He turns to a case he lifts from Raimond Gaita’s (2005) philosophical autobiography.

There, in what Coghlan calls *Cat Shovel Case*, Gaita finds his cat grievously injured. He judges the cat’s suffering to be bad enough that it would be better for her if she were to be euthanized - for the sake of the example we will take for granted that Gaita is medically competent to make this determination. The only implement which he finds to kill the cat, however, is a shovel he could use to bash the cat’s head in. This, we also will take for granted, would be similarly quick and painless as a veterinarian euthanizing the cat with a cocktail of drugs. When Gaita returns to the animal with the shovel in hand, however, he finds her gone and, to his shock, comes to realize that to kill her in this manner, though painless and merciful, “would have dishonored her.” (Coghlan 2023, p. 128) While it would have been “morally right” (ibid.) to kill the cat in an honourable way such as lethal injection, being hit on the head with a shovel would have “offended her dignity.” (ibid.) This, Gaita’s shock suggests, he would not have considered doing had he been thinking clearly.

This example illustrates how, for defenders of *sui generis* dignity, the change from an ostensibly dignified death to an undignified one not only makes a difference for our moral evaluation despite not making a difference from the perspective of the animal in question; it may even give us a reason to accept harms which *do* make such a difference. In this case, the judgment of the indignity of improvised euthanasia leads Gaita and Coghlan to feel obligated to accept even that the cat endure otherwise unacceptable suffering.

Crucial about this example is that the animal does not only *incidentally* not realize whether its dignity is harmed or respected but that it does not possess the cognitive apparatus to, even *in principle*, care about this harm or some derivative of it. Yet this is no obstacle for those harms to count in the evaluation of the action and in our consideration potentially outweigh things the animal is not only capable of caring about but actually *does* care about.

Such dignitarian, welfare-agnostic harms are in the literature variously termed “non-natural harms” (Coghlan 2023), “unordinary harms” (Abbate 2020), “harm-less wrongs”

² Such derivative forms of dignity may still recommend a sacrifice of some subjectively based values on the part of the moral agent, e.g. the agent taking on the effort of burying the animal, as long as there is an expected on-balance increase of subjectively based value. This, however, would still not constitute a conflict between dignity and subjectively based value since it already involves a weighing up of values involving only subjectively based values.

(Benz-Schwarzburg and Wrage 2023) and “harm-transcending violations” (Crary and Gruen 2022). In the following, I will stick to Coghlan’s terminology of ‘non-natural’ and ‘natural’ harms. Essential to non-natural harms is that they are not harms to the individual’s subjective welfare, nor are they potentially experiential deprivations such as unsatisfied desires, non-actualized dangers or restrictions of autonomy or of possibilities of experience (Coghlan 2023, p. 127n2; Abbate 2020, p. 772). Put squarely, from the perspective of the thusly harmed animal, *nothing happens* to it when it is (only) non-naturally harmed compared to when such harm (and only it) is prevented. The dignitarian harms at issue are, then, harms which can befall a creature even if that creature does not understand it (or a derivation of it), nor care about it, nor, when it comes to animals, is likely to *even be able* to cognize, let alone care about, it or its consequences. The badness of these harms is constituted not by their real or potential impact on the subjective welfare of the humiliated creature or any other creature, but by the humiliating character of the action itself.

It is a live debate whether such harms can obtain in animals³ and I do not aim to settle this question here. The question at issue here is that of under which conditions we could be justified in including these harms and the values they flow from in our practical deliberation, and whether *sui generis* animal dignity meets these conditions for cases of moral interest, as things stand right now. To answer this, we will have to first get clear on what kind of question we are dealing with, before moving on to examining the particular claims made by defenders of *sui generis* animal dignity.

3 Moral Caution

To know what kind of question we are dealing with, it will help to examine why we are posing it in the first place. Why does it make sense to ask whether we should or should not include *sui generis* dignity in our moral deliberation? We don’t, after all, ask this question about, for example, suffering. With suffering, the controversy is not whether it is actually bad, or whether we should take its presumed badness into account at all, but rather how best to explain that badness. The case is similar, though perhaps slightly less uncontroversial, with other subjectively based values. Ardent utilitarians will deny that autonomy is, by itself, something worthy of protection, but even they will be well advised to give autonomy at least *some* consideration in their practical deliberation unless they are really extraordinarily certain of their utilitarian convictions in a way that only certain academic philosophers are liable to be. This is because even if our explanations – utilitarian, deontological, whatever – of the moral infraction in the cases of inflicted suffering, restricted autonomy or frustrated interest, differ, we, as an epistemic community, are fairly confident that in these cases moral infractions *are* occurring. Such confidence is not yet present for cases of injuries to animals’ *sui generis* dignity, as evidenced by the live debate about the existence of such cases (cf. Kymlicka 2018; Zuolo 2016; Martin 2019; Humphreys 2016).⁴

³ This is true also for humans. I will bracket the question of humans for now and come back to it briefly in Sect. 4.

⁴ Even Abbate (2020), one of the primary defenders the existence of non-natural (in her terminology “unordinary”) harms, spends much of her article on animal dignity dedicated to the possibility that they may not exist after all.

This is the sense in which it makes sense to ask whether we are justified to include sui generis dignity in our practical deliberation: We are asking if we are sufficiently sure about animals having sui generis dignity to accept the consequences which would arise were we to act on that value – consequences like the cat's continued suffering in Cat Shovel Case.

As such, and as things stand right now, the question of whether we can be justified in including sui generis animal dignity in our practical deliberation is currently best understood as one of *moral caution*. Moral caution is a normative consideration which asks not whether a course of action, or in our case, a value, is itself good or important, but rather whether in our actual, non-ideal epistemic circumstances, we should endorse that course of action or value. The basic insight of moral caution is that if we are to take morality seriously, we have to, *prima facie*, avoid not only such acts which we believe to be wrong, but also acts the morality of which we are sufficiently doubtful of. (cf. Matheson 2016; for a dissenting opinion cf. Weatherston 2014) Moral caution puts moral constraints on us when there is a sufficient amount of normative uncertainty, that is to say, when we are unsure, to a relevant extent, whether adopting a given course of action or value would constitute a moral infraction. If there is an alternative available to us about the moral permissibility of which we have higher confidence, moral caution tells us to opt for that one instead. The paradigmatic example for a case where moral caution is warranted is that of the carnivore who, while of the opinion that animal lives are not valuable in a way that would make killing and eating them problematic, still ought to opt for vegetarianism as long as she is sufficiently uncertain about whether she is right about this (Guerrero 2007). Importantly, the uncertainty relevant for moral caution is normative, not physical uncertainty; the thing the carnivore is uncertain about is not whether animals feel pain, or whether their deaths constitute an ending of a subject-of-a-life, but whether those facts give us reasons not to kill and eat them.

In one important sense, *Cat Shovel Case* is relevantly similar to the case of the carnivore. In both cases, we are confronted with a choice between two options which are appraised to have the same moral polarity - both courses of action are appraised to be morally permissible in the case of the vegetarian, both values are appraised to be sui generis important in Cat Shovel Case. And both in the carnivore case as well as in *Cat Shovel Case*, for one of the options that moral appraisal has significantly less uncertainty associated with it than the other.

In another sense, however, there is an important disanalogy between the two cases. While the carnivore is faced with a choice between taking a significant moral risk and avoiding almost any moral risk at all, in *Cat Shovel Case* both options – killing the animal as well as letting it suffer – *prima facie* have a non-trivial chance of ending up the losing option from the point of view of a perfect deliberator. That is to say that in *Cat Shovel Case*, other than in the carnivore case, there is no option of which we can be virtually certain that it will never turn out to be a morally problematic choice. This more complicated case is more analogous to the occasionally cited case of abortion (Guerrero 2007, pp. 89–92), where one has to weigh up relatively certain moral goods consisting at least in the autonomy and wellbeing of the mother against an uncertain moral ill that may or may not be entailed by the termination of an embryo. In the case of abortion, just as in the ones with which we are concerned with sui generis animal dignity, our considerations cannot only focus on epistemic concerns. They must also include a comparison of the respective potential moral infringements.

So, if we want to determine whether principles of caution kick in when we ask whether we should consider animals' sui generis dignity, we have to make a comparison involving

two factors. We have to compare, on the one hand, the justified confidence we have in the existence of *sui generis* animal dignity with our confidence in the existence of the values underlying the natural harms we'd have to permit to protect it. And on the other hand, we have to compare the vileness of the transgression that *would* occur if dignity *does* obtain and is ignored with the vileness of the aforementioned natural harm. In Cat Shovel Case, I am moved to judge that it is not permissible to sacrifice the natural harms the cat would suffer for its *sui generis* dignity because I am *both* more certain of the badness of suffering than I am of animals having *sui generis* dignity, *and* that even if animals do possess animal dignity, its infringement would in this case not be worse than the cat's suffering. But even if only one of these aspects counted clearly in favour of one of the options, if it did so with sufficient weight, and if that weight wasn't outweighed by the comparison in the other factor, we should still decide for the option favoured by that combined consideration. To make my claim that, at least as things are right now, we are not justified in including irreducible dignity in our practical deliberation about animals on account of its conflict with moral caution, I'll have to show that this consideration comes out against dignity and in favour of subjectively based values not just in this, but in all relevant cases.

Before doing this in the next section, let me deal with a potential objection against my claim that showing that *sui generis* dignity loses out in all cases of moral caution rules out the use of *sui generis* dignity in practical deliberation *in general*. According to that objection, the preceding only establishes that there are *some cases* where considering *sui generis* animal dignity should happen with moral caution in mind (though it does nothing yet, of course, to establish that these cases would be disqualified by such considerations). Namely, it asks us to be cautious about cases in which dignity comes into conflict with some subjectively based values such as welfare, autonomy or satisfied interests. Cases where no such conflicts occur – for example when it comes to the defilement of animal corpses or the ridiculing of animals without their comprehension – would swing the other way; like in the carnivore case, here too we are confronted with two options, one where there is a possible, though uncertain moral infraction (the dignity of a dead animal being infringed upon) and one where we are very close to certain that it is at least morally neutral. The cautious deliberator should then seek to avoid the moral risk of injuring the animal's potential dignity.

But these cases are relevantly different for two reasons; Firstly, there are alternative conceptions of dignity to *sui generis* dignity which can explain the apparent badness of these cases, and which would give equivalent recommendations (not to defile the corpse or not to mock the animal). I have already mentioned the social account of dignity, which grounds our obligations to, e.g., not defile animal corpses in the natural harms which may befall similar animals as a result of their social position being lowered to something which it is permissible to defile. Another option would be what one can call the 'safeguard conception' of dignity which asks us to take seriously intuitions of indignity as an indicator of likely overlooked natural harm (Eckl 2024). Considering that these alternatives to *sui generis* dignity are derivatives of better-evidenced (subjectively based) values – and therefore explain the moral badness of infractions without postulating an additional value to our value set – we have reasons of parsimony to rely on them, instead of on *sui generis* dignity. Considerations of parsimony would of course cease to count against *sui generis* dignity once its usefulness as a concept has been established in cases where no more parsimonious alternatives are available. These would be cases like Cat Shovel Case where there *is* conflict between dignity and subjectively based values. But whether *sui generis* dignity is, as things

stand right now, a useful and appropriate value to consider in such cases is precisely the question at issue.

Secondly, we are not here dealing with the question about how to act in isolated cases but rather with what values to endorse. And if we endorse a value such as *sui generis* dignity in one case of, e.g., the defilement of animal corpses, then we must also endorse it in relevantly similar cases, including those where subjectively based values come into conflict with dignity.

So ultimately the question of whether we are, as things stand right now, justified to include *sui generis* animal dignity in our practical deliberation falls together with whether we are, as things stand right now, sure enough about animals having *sui generis* dignity to accept sacrificing subjectively based values, that is to say, accept natural harms, for its protection. This, as I have said, is a question of moral caution.

4 Assessing the Moral Risk

These, then, are the two considerations we should keep in mind when, as in this case, we are looking to arbitrate whether the inclusion of a value into practical deliberation is ruled out by moral caution: the justified confidence we have in the presence of the value compared to its rival values on the one hand; and the extent of the moral wrong which would result from the value's violation if it turns out to indeed be present, on the other.

How these two factors should be weighted – whether we should favour values we have better evidence for (cf. Lockhart 2000) or values which to transgress against would be more heinous (cf. Sepielli 2014) – is an open question. It will not be necessary to adjudicate it here. For, as I will show, the sheer fact that *sui generis* dignity loses out as badly as it does against its rival values in the first consideration has significant implications for the second. Because of this, I claim, *sui generis* dignity is liable to lose out against subjectively based values *both* in terms of available evidence *and* in terms of the vileness of the potential transgression in almost all conceivable cases.

Before arguing for that, I will turn to the first consideration, that of the comparative evidentiary basis for the values at issue. To do so, I will give a summary of the evidence usually appealed to by defenders of animals' *sui generis* dignity. It will come out that our warranted confidence in *sui generis* is quite low when compared to the warranted confidence we have in the major subjectively based values.

4.1 Epistemic Evidence

Across defenses of *sui generis* dignity, the kinds of evidence appealed to when arguing for its existence in animals consistently fall into four categories. Dignitarians sometimes appeal to *the use of Dignity Language* when talking about animals; they refer to *intuitions of moral rest* which remains in morally problematic situations even if all the natural harms of that situation are accounted for; to more robust *general dignitarian intuitions* of harms occurring in situations with no obvious natural harm occurring in the first place; and finally, to the *analogy with humans*, where the existence of *sui generis* dignity is less controversial.

Dignity Language is what happens when, to quote Coghlan (2023), “people [feel] compelled to employ the term “dignity” and related moral terms such as “degrade,” “defile,”

“demean,” and “dishonor.”” (p. 127) The idea here is that we use language associated with dignity when talking about morally problematic situations involving animals and that we, crucially, could not go without such language to properly describe them. This points us to the fact that in such situations, there is something present which uniquely corresponds to that language: *sui generis* dignity. Cora Diamond, for example, points out that in cases where we insult animals, we say that it is the insulted animal which suffers the indignity, and not some other animal derivatively harmed in its welfare, as the social account would have it. Such a redistribution of harm would be, for Diamond (2001), a “philosophical interpretation that we impose” (138) onto natural language. A text which frequently gets appealed to (e.g. Humphreys 2016, pp. 152–56; Abbate 2020, p. 771; Crary and Gruen 2022, p. 84; Gruen 2014, p. 214) when talking about dignity language is Cataldi’s “Animals and the Concept of Dignity” where she talks about the necessity of thinking of a circus bear as “defiled” to understand the harm done to it. However, Cataldi herself does not take this to be evidence for *sui generis* dignity. To her, apparent indignities are only “morally relevant, to the extent that infringements or violations detrimentally affect the welfare or flourishing (the ‘good’) of the entity in question.” (Cataldi 2002, p. 116), and not by themselves.

As evidence for the existence of *sui generis* dignity in animals, Dignity Language is weak. As the example of Cataldi shows, the use of Dignity Language, even if it is taken as uniquely apt, does not necessarily imply that it corresponds to some unique referent. Moreover, as Coghlan points out himself (2023, p. 131), animals would have *sui generis* dignity even in a society that does not acknowledge it, linguistically or otherwise, so we cannot make an inference to its existence from language one way or another.

However, arguments from Dignity Language do not usually come alone; they usually also appeal to the intuitions, linguistic or otherwise, which cause us to turn to this language in the first place. Here, dignitarians tend to appeal to two kinds of intuitions as evidence: On the one hand, there are general intuitions of dignitarian harm occurring when insulting (Diamond 2001), post-humously defiling (Coghlan 2023; Abbate 2020) or otherwise degrading (Loder 2016) animals without their comprehension. These intuitions, although widely shared in contemporary Western societies (compare however Kymlicka 2018, p. 771 for some doubt on this), are the same ones appealed to also by other accounts of dignity such as the social account and so do little to argue for *sui generis* dignity as such. So insofar as *sui generis* dignity makes a distinct claim justified by its special fittingness to the facts, these intuitions do not make for good evidence for it. Accordingly, defenders of *sui generis* dignity will also often appeal to a second, more specific kind of intuitions, what I call *moral rest intuitions*. These are intuitions of moral transgression which remain as an unexplained residual moral unease even when all welfare-related aspects of a moral situation, including very remote ones such as social or very unclear effects, are accounted for. For example, Reed Elizabeth Loder appeals to the fact that “we can understand that a veal calf or sow [confined to a crate] has more at stake than the pain and stress of grossly compromised movement” (Loder 2016, p. 63). Even once we have accounted for all the obvious pains and deprivations of the calf, we are still left with something else that bothers us, even if we cannot precisely describe what that is.

Because moral rest intuitions, by definition, do not refer to natural harms, if there is any kind of dignity they count as evidence for, it will be *sui generis* dignity. What mitigates their quality as evidence, though, is that they are almost invariably imprecise or “fuzzy” (Loder 2016, p. 63), and that they are not as widely shared as the less specifically *sui generis*-

dignitarian intuitions. Hence, when appealing to these kinds of intuitions, proponents of irreducible dignity often take care to use cautious language such as appealing only to what “some of us might [...] feel” (Coghlan 2023, p. 131) or about what “some have the intuition that it is morally impermissible” (Ortiz 2004, p. 98) to do, conceding that they are far from universally shared.

These moral-rest intuitions are, then, quite interesting and certainly do give credence to the assumption of *sui generis* dignity as it is able to explain them better than rival kinds of dignity. As evidence, they are by their nature relatively weak as they are not particularly widely shared and per definition hard to pin down.

A last piece of evidence appealed to by virtually all defenders of *sui generis* dignity is the *analogy to humans*. The idea here is that we seem to have much more confidence in the existence of *sui generis* dignity in humans than in animals. If that is so, then unless our arguments for *sui generis* dignity in humans are based on human-specific traits, it would be speciesist to not also apply such dignity to animals. So our confidence in *sui generis* human dignity should carry over to our confidence in *sui generis* animal dignity by analogy.

The problems with human *sui generis* dignity as evidence for animal *sui generis* dignity are chiefly twofold. Firstly, its initial premise seems doubtful. It may be true that we tend to be overall more confident in the existence of *sui generis* dignity in humans than in animals, but even so, that confidence may still be quite low. In fact, human *sui generis* dignity is also a very controversial topic, if the term is understood not as the generic status of a human to morally count at all or as a synonym for autonomy but understood as it is at issue here, as an independent value from which follow specific substantial moral duties. There certainly exists a large cohort which denies its existence also in humans, for much the same reasons as are given in the animal case (e.g. Macklin 2003; Münch et al. 2024; Rachels 1999).

The second problem for the analogy argument is that many of the proposed arguments for *sui generis* dignity are indeed tied to human-specific traits such as the in-principle ability to care about indignities (Martin 2019) or a very demanding flavour of rationality (Kant 1785). In fact, far from failing to universalize these arguments from humans to animals, a common critique of them is that they are not even universal enough to cover all humans (Zylberman 2016). To their credit, some dignitarians, such as Abbate (2020), explicitly engage with these human-specific arguments to show them to be fallacious. It is outside of the scope of this article to appraise whether Abbate succeeds in doing so, but even if she does, any confidence derived from these arguments would then equally be lost for analogous animal *sui generis* dignity.

It is doubtful, then, that *sui generis* dignity in humans can be counted as evidence for *sui generis* dignity in animals. At best, however, it would put the question of animal *sui generis* dignity on parity with human *sui generis* dignity, and this is by no means an obvious value to appeal to. And at worst, the analogy would fail.

Compare the above to the subjectively based values of happiness, satisfied interests and autonomy. They uniformly do much better on all these accounts. Our intuitions that suffering and frustrated interests are *prima facie* bad, and that allowing animals some species-appropriate amount of autonomy is good, are almost universally shared and deeply embedded in our language. When it comes to the analogy argument, suffering and having interests are actually the archetypical features of expanding moral consideration through that argument. While autonomy does slightly worse here, with e.g. Kantian concepts of autonomy resting on uniquely human abilities such as moral reasoning, plenty of less demanding conceptions

of autonomy generalize perfectly fine (e.g. Sebo 2017). And even if more demanding conceptions of autonomy are used, the uncertainty we are faced with in that case is not normative but physical uncertainty – uncertainty about whether animals have the kind of cognition allowing for autonomy (Beauchamp and Wobber 2014; Thomas 2016), not about the moral implications of them having or lacking it.

More formally, unnecessary suffering is also uniformly condemned in animal ethics (Köllen and Schneeberger 2023), and both wellbeing and autonomy already appear in most tools for weighing up values in animal bioethics (cf. Webster 2014).

This, combined with the (so far) shaky evidence for irreducible dignity makes it clear that, epistemically, the case for irreducible dignity is significantly weaker than that for the moral relevance of the subjectively based values it is liable to come into conflict with.

4.2 Vileness of Transgression

The evidence for *sui generis* dignity in animals is, then, still quite weak, especially when compared to the largely uncontroversial values it comes into conflict with. This on its own does not mean that we should eschew it from our practical deliberation completely. Of course, to some, the evidence may already appear slim enough to mark *sui generis* animal dignity as unable to overcome considerations of moral caution anyway, but this is something which would have to be shown in reference to some generally agreeable minimum standard of evidence for moral values, something I cannot offer here. Barring such a standard, what one would have to show for cautionary principles to kick in with *sui generis* animal dignity is that, considering its epistemic uncertainty, the moral risk incurred by taking it into account is higher than that incurred by ignoring it.

One way of trying to show this would be by pointing out that the distinctively dignitarian moral ills tends to be relatively small. The ‘moral rest’ framing already suggests its secondary character to subjectively based values. Concern for *sui generis* dignity is often motivated by the “significant harms [...] *accompany* dignitary assaults” (Coghlan 2023, p. 129), and occasionally its violation is explicitly characterized as “perhaps not very [bad]” (Fischer and Ozturk 2017, 492). If dignitarian harms are relatively slim, then their moral vileness is unlikely to outweigh their epistemic shortcomings, and moral caution would kick in.

However, while this would show that *sui generis* animal dignity should not be *very* impactful in our practical deliberation, it would still leave open cases where the competing natural harm is similarly small, cases where *sui generis* dignity is the deciding factor in a conflict where both options are otherwise commensurate in harm, and the rare but impactful cases, such as the ones at issue in the Swiss legislation, where the apparent force of dignitarian considerations is so weighty as to apparently outweigh, e.g., the suffering of billions of farm animals.

But my worry is not so much that the gains in respecting irreducible dignity are sufficiently small as to be unlikely to outweigh their lack of evidence in a prudential appraisal (although I believe this is true); rather, it is that by virtue of *sui generis* dignity’s uncertain existential status, its consideration incurs *additional* moral risks even on top of the natural harms it asks us to accept. To see how, consider what is characteristic for infractions on *sui generis* dignity. Abbate (2020) gives two possible options for this. According to her, “[a]ction X is a dignitary wrong if the object of X has inherent value, yet is viewed or treated as a tool, commodity, or consumable or if the object of X is not treated in accordance with

the subject's specific nature." (p. 775) So when we treat an animal in an undignified manner, we are either instrumentalizing them or we are treating them as if they were other than what they actually are (cf. also Kunzmann 2011; Bolliger 2015; Camenzind 2013).

By now it should be clear that denying *sui generis* dignity would not necessarily lead us to deny that many or all instances of instrumentalization or infringement on species-nature of animals would be morally problematic. It would only throw into doubt whether these things are bad *by themselves* rather than because of their relationship with actual or possible natural harms to the animal in question, or to other animals or humans. We can therefore meaningfully ask how these worries of instrumentalization and of treating animals not in accordance with their nature would fare in the possible world where animals *do not* have *sui generis* dignity, but where we nonetheless choose to sacrifice subjectively based values for supposed dignitarian gains.

As it turns out, they wouldn't fare very well at all. For, under the possibility that *sui generis* dignity does *not* exist, the intuitions and language conventions that dignitarians evoke to argue for their position do one of two things: Either they correctly point us away from moral infractions, but we're wrong to think that these infractions are independent of any subjectively based values; or they don't give us any moral insights at all.

In the first case, we fail to treat animals as the kind of things they are when we consider their *sui-generis* dignity. We treat them as creatures that ideally should care about humiliation and undignified behaviour, and only do not do so for lack of cognitive capacity. Since they are unable to understand the harms in question, they need humans to protect them. But this posits animals as something like mentally deficient humans, things whose best interest is not defined by what they value, nor even by what they would value if they were "rational and fully informed" (Abbate 2020, p. 774) but still animals – but by what they would value if they were other than themselves, if they were humans.

In the second case, where our supposedly moral intuitions turn out not to track anything moral at all, we end up instrumentalizing animals. This is because if our concern with animal dignity does not correspond to any claims animals have, what is left is only our own feelings, our bad conscience, or a mere "aesthetic response" (Shriver and McConnachie 2018). But this would mean that by sacrificing an animal's welfare for its supposed dignity, what we are really doing is sacrificing an animal's welfare in order to gain peace of mind for ourselves. But this would be instrumentalization of the most grotesque kind.⁵

So any time we sacrifice an animal's welfare for its *sui generis* dignity, the moral risk we incur is not only that associated with the natural harms which it would be immoral to accept if we are wrong to assume *sui generis* dignity. We also risk committing precisely those wrongs of instrumentalization and of treating animals as other-than-themselves which dignitarians associate with dignity. And while those wrongs could in the case of animals not possessing *sui generis* dignity not be morally irreducible, as the dignitarians assume, they would still have moral import by virtue of their relation to animals' welfare.

These particular infractions would occur in any case of sacrificing subjective welfare for *sui generis* dignity, no matter how small the incurred natural harm. So even if the moral risk

⁵ On a previous draft of this paper, an anonymous reviewer asked whether, if *Cat Shovel Case* were about a human (who was injured, say, on a hike) instead of a cat, we wouldn't feel the same as Gaita does about his cat. This invites us to imagine ourselves in the case of the suffering party, for whom death would be a mercy. If our friend would refuse to end our misery because the means to do so were too gruesome, whom would we think that refusal was in service of? Our own dignity, or our friend's conscience? I propose that it would be the latter.

of harming the animal in question seems, on the face of it, to be negligibly small, by virtue of the very fact that there is sufficient uncertainty around *sui generis* dignity, we would be incurring significant additional moral risk of instrumentalization in assuming it.

This leaves us still with a final class of conceivable cases where there is an on-balance increase of natural harm *but* it is extremely small, *and* the expected non-natural harm is very great, *and* the instrumentalization or treating-them-other-than-they-are has a low likelihood of bringing with it natural harms. The probabilistic nature of cautionary arguments means that we will always be able to construct possible cases where the weights are distributed such that any one side will win over the other. But note how demanding the conditions for this are in our case. Say, for example, that Gaita, instead of choosing between bashing his cat's head in or letting her suffer, was confronted with the choice of bashing her head in or euthanizing her for a small fee. It may look like here we have a case where *sui generis* dignity can play a role because all the above conditions are fulfilled; the accepted harm is negligible, being a mere small financial burden to Gaita, the potential non-natural harm has been established to be greater than pain worse than death, and the potential instrumentalization if there is no *sui generis* dignity seems unlikely to be problematic from the standpoint of subjectively based values. After all, if Gaita ends up instrumentalizing animals to ease his conscience by being very ready to pay for what he feels they need, that is more likely to bring natural *goods* than harms to animals, in the long term. However, just that last factor, that such actions would, on balance, cause positive inclinations likely to weigh up the tiny harm of paying for the euthanasia, invalidates it as an appropriate case. Reducible accounts of dignity would not disagree with the recommendations of *sui generis* dignity here, which means that unless other reasons for it are given, Ockham's razor would once again recommend against assuming the presence of an extra value of *sui generis* dignity. We'd have to tweak the example such that the potential instrumentalization is neither good nor very bad, nor particularly uncertain (or the safeguard interpretation of reducible dignity kicks in), without affecting any of the other parameters. We would end up with an extremely artificial and, by design, morally trivial situation.

While cases where moral caution allows for the sacrifice of natural harms for the protection of *sui generis* dignity are, then, conceivable, they are hard to construct and likely extremely trivial. Their mere possibility is not enough to license us to assume the values' presence in the range of actual morally problematic cases we do deliberate about.

5 Conclusion

I have presented a case against including *sui generis* animal dignity in our actual practical deliberation by presenting to it a challenge which any value that's normatively disconnected from its beneficiary's subjectivity must meet. Including such a value in our practical deliberation necessarily commits us to be ready to sacrifice for it the overall balance of subjectively based values. I have said that to do this without very strong evidence would be a grave disservice to the creature which it is supposed to protect. *Sui generis* animal dignity does not, as of now, have this evidence in its favour, and so should be excluded from our weighing of values on the basis of moral caution.

These results should have significant consequences for how we treat animals, and for what justifications we accept for that treatment. They do not, however, recommend against using the concept of an animal's dignity at all, only that if we do so, it must be further justi-

fied in the welfare of that animal. It does not, then give *carte blanche* to, e.g., the kinds of genetic modifications the use of the term in Swiss legislation is meant to prevent. Only, if we are really interested in protecting the animals in question, rather than assuage our own discomfort, it is not enough to assign the term ‘dignity’ to the target of that discomfort to justify a moral prohibition. For that, at least some reason has to be given in reference to a well-evidenced picture of their welfare.

The article has made no claims against the existence of *sui generis* dignity of animals as such. Rather, I have made the case against its actual implementation until a stronger consensus on the question of its existence has been reached or a better case for its importance has been made. Until then, it would be an unkindness towards animals to ever ignore what they actually do care about or at least would care about under ideal conditions in favour of an uncertain dignity for which they themselves would never want us to inconvenience them. In other words, and at least for now, whenever we want to evoke dignity with animals, we should make sure that we do so in reference to the harms to those animals’ welfare which ignoring it would cause.

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