

**University life and educational politics in the University of Tartu
at the turn of 19th–20th centuries
through the viewpoint of professors and scholars**

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This article describes a reflection of educational politics of Tsarist Russia in the context of university reformation. Tartu (Dorpat, then – Yuryev) University was, probably, the most ‘German’ university in Russian Empire, university with a long history and deep traditions. In the end of 19th century the University was under radical transformation (e. g. transition from German to Russian language in teaching and in office work). The current article is an attempt to give a general image of the scientific atmosphere that took place in that period and in later decade.

Keywords: history of higher education, reformation of education, Tartu University, student life, academic culture, university as a migratory point.

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**Political and Legal Prolegomena
to an Extended Republic of Humanity, or Transhumanity**

Lessons from the Difficult History of ‘Human Rights’

It is difficult to deny that humans began as *Homo sapiens*, evolutionary offshoot of the primates. Nevertheless, for most of what is properly called ‘human history’ (i. e., the history that starts with the invention of writing), most of *Homo sapiens* have not qualified as ‘human’ – and not simply because they were too young or too disabled. In sociology, we routinely invoke a trinity of shame – ‘race, class, and gender’ – to characterise the gap that remains between the normal existence of *Homo sapiens* and the normative ideal of full humanity. Much of the history of social science can be understood as either directly or indirectly aimed at extending the attribution of humanity to as much of *Homo sapiens* as possible. It is for this reason that the welfare state is very reasonably touted as social science’s great contribution to politics in the modern era. But perhaps membership in *Homo sapiens* is neither sufficient *nor even necessary* to qualify a being as ‘human’. What happens then? Transhumanism takes off from this *aporia*, as it opens the question of whether some other

beings – not only other animals but also complex machines – might not come to occupy the status of ‘human’ in the future, despite not having arisen as a genetic offshoot of *Homo sapiens*.

My starting point is the historical specificity of the idea of ‘human rights’ as something with binding legal force. Despite much philosophical talk and political assertion about what *prima facie* look like ‘human rights’ (most notably the American and French Revolutions in the late 18th century and their intellectual antecedents), most of these ‘rights’ have been on closer inspection ‘civil rights’ — that is, the right for an individual to be treated as an equal in a self-governing polity, or ‘citizenship’. Such rights were never meant to be made indiscriminately available to anyone who happens to be a member of *Homo sapiens*. Rather, rights had to be earned by demonstrating a level of competence, traditionally evidenced in successful property management. Of course, this gave a default – yet still defeasible – advantage to inheritors of wealth to display their managerial competence.

The modern period has been about seeking alternative tests for the relevant competence so that inheritance doesn’t matter at all: One should simply be capable of sustaining something substantially more than one’s own physical survival. While a certain element of the Left still dislikes the appeal to cognitive criteria for citizenship (perhaps even including literacy), such criteria served historically to liberalise entry into the polity, as one no longer had to arrive with wealth but simply a detectable capacity to generate wealth. Capitalism’s focus of cognitive prowess – aka ‘invention’ – establishes the point. (See also the US Constitution’s creation of the Patent Office and Joseph Schumpeter’s subsequent valorisation of Henry Ford as ‘entrepreneur’.) Indeed, most of the acrimony between capitalists and socialists over the past 200 years reduces to the simple issue of how to credit people properly for what they have done. This is of course a serious problem that requires redress, but quite different from how society should be organized in a progressive fashion. Indeed, the very idea that one should be concerned about who deserves credit for contributing to societal wealth is a normative principle shared by capitalism and socialism, predating their schism: It is what put both of these ideologies on the same side against those who continue to believe that heredity is ultimately the most reliable source of social order.

When I entered university nearly forty years ago, the ‘hereditarians’ would have been seen as hopelessly reactionary. However, the emergence of ‘sociobiology’ and its second coming as ‘evolutionary psychology’ has breathed new life into the pro-heredity forces. Animal rights activists are empowered by this revival. Thus, instead of asking what new skills animals might need to acquire to survive in an increasingly anthropomorphic world (what is below discussed as ‘uplift’), they simply observe that animals had survived perfectly well for millennia prior to human habitation. Whatever else one might wish to say about these contrasting attitudes, the former is ‘forward-looking’ and the latter ‘backward-looking’ in its normative orientation.

From this standpoint, ‘human rights’ is a curious hybrid. After the United Nations Universal Declaration on Human Rights of 1948, the normative force of ‘human rights’ is that every member of *Homo sapiens*, no matter where they live and simply by virtue of species membership, is entitled to a range of rights that approximate those historically covered by civil rights legislation. In other words, an explicitly heredity-based definition of ‘humanity’ is invoked to justify attributions that previously had been based on potential or actual individual achievement. In jurisprudential terms, ‘natural law’ and ‘positive law’, increasingly at loggerheads in the modern era, found a mutually satisfactory conceptual meeting point in ‘human rights’. Natural law had indeed protected all members of *Homo sapiens*

equally – but only relative to their ‘natural’ standing. So the ‘right to revolution’ was originally about allowing serfs to revolt against their masters who abused their power; but if serfs revolted against a benevolent master, then they would be in the wrong. For its part, positive law maintained an open-minded attitude about the composition of society just as long as it was composed of ‘equals’ in the deep sense of those who could support themselves in the face of potential opposition from fellow equals. Such societies, while typically ‘advanced’ by today’s lights, functioned as what we nowadays call ‘gated communities’ but used to be called ‘city-states’.

In effect, ‘human rights’ resulted from removing natural law’s hierarchical vision and positive law’s elitist practice, while combining the universalism and paternalism of natural law with the egalitarianism and liberalism of positive law. As Samuel Moyn (2011) has observed, the creative genius behind the UN Declaration was the Neo-Thomist Catholic philosopher, Jacques Maritain (1882–1973). I say ‘genius’ because many things were accomplished by the idea of human rights that are nowadays often taken for granted. First, it kept the Catholic legal tradition relevant in public life, where it had been increasingly seen as anti-modern and authoritarian. Second, it removed political barriers within Christianity between Catholics and those Protestants who were theologically inclined to abandon natural law altogether. Third, it provided a clear legal grounding for welfare state and even socialist policies, since the existence of ‘human rights’ draws explicit international attention to ‘problems’ presented by the difference between what the Declaration says and the actual existence of *Homo sapiens*. Moreover, the appeal to ‘human rights’ does so in a way that shifts the burden of proof onto those who might still believe that human distress is merely a local concern that in the long term will somehow take care of itself, either through charity or benign neglect.

Sixty-five years later, the concept of human rights in Maritain’s original sense still really exists only in Europe, including the UK, where it has spawned various bottom-line ‘grand coalitions’ between parties of the mainstream Right (‘Christian Democratic’) and Left (‘Social Democratic’) to preserve the welfare state in the face of fiscal pressures. These governments have also been sensitive about maintaining international development aid as a constant percentage of the state budget.

The United States of America – established as a republic with indefinitely expansive horizons – set an important practical precedent for the realizability of ‘human rights’, especially through its historically open-door immigration policy. However, the USA is still not fully signed up to the idea of human rights – though it is very much signed up to civil rights. Consider this: Prominent in the opposition to Barack Obama’s efforts to get Americans to invest in healthcare is the claim that it would deny Americans the right to live as they wish. In a classic republic, requiring that people have health insurance might make sense as a criterion for citizenship. However, if you’re already a citizen and you aren’t troubled by ‘natural law’ considerations about what makes a life objectively ‘decent’, then ‘Obamacare’ might well strike you as imposing an unreasonable tax burden. In this context, Europeans would play the socialist card and say that even citizens are ‘always already’ indebted to others who in various ways have enabled the conditions under which they thrive. This creates an obligation for citizens to respond in kind – to ‘pay it forward’, if you will – to reaffirm the value of living in your society beyond the value of your own particular life. But you need to be receptive to the peculiar legal alchemy behind the idea of human rights for this argument not to sound ‘merely socialist’ in the sense that many Americans – and not only them – increasingly find offensive.

Despite the evident shortcomings of the USA on matters of welfare, a scientifically viable concept of the human fit for the future – of the sort transhumanism needs – could do worse than take a lesson from republican democracies, which bestow citizenship on those whom its members are willing to treat as ‘equals’ in some legally prescribed sense of reciprocal rights and duties. Republican citizenship is about the mutual recognition of peers, not a status of grace bestowed by some overbearing monarch. Moreover, republican constitutions define citizenship in terms that do not make explicit reference to the inherited qualities of the citizenry. Birth in the republic does not constitute a privilege over those who have had to earn their citizenship. A traditional expression of this idea is that those born to citizens are obliged to perform ‘national service’ to validate their citizenship. The United States has exceeded the wildest hopes of republican theorists (who tended think in terms of city-states), given its historically open-door immigration policy yet consistently strong sense of self-identity – not least among recent immigrants.

In terms of a scientifically upgraded version of ‘human rights’ that might be called ‘human citizenship’, let us imagine this ‘open-door immigration policy’ as ontological rather than geographical in nature. Thus, non-*Homo sapiens* may be allowed to migrate to the space of the ‘human’. Animal rights activists believe that they are already primed for this prospect. They can demonstrate that primates and aquatic mammals are not only sentient but also engaged in various higher cognitive functions, including what is nowadays called ‘mental time travel’ (Suddendorf and Corballis, 2007). This is the ability to set long-term goals and pursue them to completion because the envisaged value of the goal overrides that of the diversions encountered along the way. While this is indeed a good empirical marker of the sort of autonomy that has been historically required for republican citizenship, in practice animal rights activists embed this point in an argument for *de facto* species segregationism. Such a move is *prima facie* curious. If, say, apes and dolphins are indeed as cognitively advanced as the animal rights activists suggest, then we might expect that those species would like to foster closer social bonds with us and us with them, which would entail research aimed at opening channels of communication (e. g., prosthetic translation devices, if not trans-species pidgins), so that we might learn from each other and pool our efforts to mutual benefit.

But as a matter of fact, animal rights activists generally call for a ‘separate but equal’ policy among the species, in which the only enforceable sense of ‘rights’ is one of immunity from bodily harm from humans. It is the sense of ‘rights’ *qua* dependency that a child or a disabled person might enjoy. That claims to ‘animal rights’ carry no sense of reciprocal obligations on the part of the animals towards humans raises questions about the activists’ sincerity in appealing to ‘rights’ at all. (I shall return to this point in section 3 below.) However, if the activists are sincere, then they should also call for a proactive policy of what the science fiction writer David Brin (1980) has termed ‘uplift’, whereby we prioritise research designed to enable cognitively privileged creatures, regardless of material origin, to achieve capacities that enable them to function as peers in what may be regarded as an ‘expanded circle of humanity’. (Bioethicists will have encountered a similar idea under the rubric of ‘enhancing animals’ in Chan [2009].) Such research may focus on behaviour modification, gene therapy or prosthetic enhancement, but in the end it would inform a ‘Welfare State 2.0’ that takes seriously our obligation to all of those whom we regard as capable of being rendered ‘human’, in the sense of fully autonomous citizens in The Republic of Humanity (Fuller and Lipinska, 2014, chap. 4).

The idea that ‘Human being = *Homo sapiens*’ has always had a stronger basis in theology than biology. Only the Abrahamic religions have clearly privileged the naked ape over all other creatures. Evolutionists of all stripes have seen only differences in degree as separating the powers of living things, with relatively few evolutionists expecting that a specific bit of genetic material will someday reveal the ‘uniquely human’. All the more reason to think that in a future where some version of evolution prevails that republican theories of ‘civil rights’ are likely to point the way forward. This prospect implies that every candidate being will need to earn the status of ‘human’ by passing certain criteria as determined by those in the society in which he, she, or it would propose to live. The Turing Test provides a good prototype for examining eligibility into this expanded circle of humanity, given the test’s neutrality to material substratum.

It is not too early to construct Turing Test 2.0 tests of ‘human citizenship’ that attempt to capture the full complexity of the sorts of beings that we would have live among us as equals. A good place to start would be with a sympathetic rendering of long-standing – and too easily dismissed – ‘anthropomorphic’ attributions to animals and machines. Welfare State 2.0 policies could be then designed to enable a wide assortment of candidate beings – from carbon to silicon – to meet the requisite standard of citizenship implied in such attributions. Indeed, many classic welfare state policies such as compulsory mass education and childhood vaccination can be understood retrospectively as the original political commitment to ‘uplift’ in Brin’s sense – but applied only to members of *Homo sapiens* living within the territory governed by a nation-state. The idea now would be to tackle the final barrier to full humanity: Once we have overcome prejudice based on race, class, gender and even species, the substratum barrier will remain – to wit, our privileging of carbon over silicon – or, in most general terms, ‘natural is better than artificial’. As we shall now see, what Freud (2012) a century ago identified as the ‘narcissistic personality’ can be used to understand and overcome this final prejudice.

The Tale of Narcissus as a Lesson in the Obstacles to Extending the Republic of Humanity

The most famous rendition of the tale of Narcissus appears as an invention in the great Latin love epic, Ovid’s *Metamorphoses*. In this version there are two main characters, Narcissus, an accomplished hunter, and Echo, a fluent and witty nymph whom a jealous Hera, wife of Zeus, consigns to a life of speaking only by repeating the final lines of whomever she encounters; hence, the meaning of ‘echo’. After having been so cursed, Echo falls in love with Narcissus, who ends up being frightened away by her simple repetition of what he says. However, the goddess of revenge, Nemesis, deems Narcissus’ response to be unfair, cursing him to fall in love with his reflected image that he accidentally espies upon a lake. Transfixed for the rest of his life by his image as an object of fascination, Narcissus only realizes its illusory character just before he is about to die.

In contemporary debates over personhood – in particular, its extension to non-humans – the main take-home point of this tale is that we should not reject qualities that we esteem so highly in ourselves when they are found in others, simply because they do not come from us. In Ovid’s tale, Echo is doubly cursed – first by Hera, who recoils when Echo challenges her verbal authority, and then by Narcissus, who recoils when Echo imitates his

verbal authority. Perhaps the most natural response to this narrative premise in our times is to see Echo as the archetypal ‘modern woman’ who is damned whether she tries to ‘get ahead’ (*à la* Hera, i.e. at work) or ‘stay behind’ (*à la* Narcissus, i.e. at home). However, I believe that it is more productive to see the narrative as an implied critique of the association of *authority and uniqueness* – or, as the economists put it with the sort of insulting clarity that only abstraction can provide, *value and scarcity*.

Neither the value of humanity as such nor our own personal sense of humanity is diminished by recognising humanity in other beings. To be sure, this is much more difficult to achieve in practice than my platitude might suggest. Nevertheless, as the fate of Narcissus illustrates, the cost of not recognising this moral fact is that one falls victim to *self-consumption* – the opposite of the virtue of *self-production*, in which the self is projected to every other thing, thereby rendering it an object of concern. In Ovid’s day, the point would have been seen through the lens of Cicero’s observation about the Roman general and consul, Pompey: He was a man so in love with himself that he had no rivals. Specifically, Pompey trusted his own judgement to such an extent that he became inflexible in dealing with his opponents over time, which brought about his downfall. Pompey was so self-enamoured that he failed to see how others were trying to teach him things that could improve his position. In this deep cognitive sense, then, he fell victim to a false sense of self-love, which led him to do things that went against his own self-interest. If ‘narcissism’ is meant to stand for a pathological condition, then this should be it.

It follows that the antidote for narcissism is a version of *anthropomorphism*, a psychological tendency that has admittedly come under suspicion from a variety of quarters – ranging from evolutionary biology to animal rights activists to the more fashionable quarters of post-modern social theory that fancy the term ‘posthuman’. To be sure, if anthropomorphism entailed all the qualities that its opponents suspect, then it would go little way toward addressing the pathology of narcissism. However, when proposed in a relatively positive spirit (e.g. by the 19th century theologian Ludwig Feuerbach, who strongly influenced the early Marx), anthropomorphism is an invitation to universalise one’s most esteemed qualities to others who show signs of manifesting them as well. In other words, anthropomorphism requires an abstract identification with others that narcissism precludes. Thus, the anthropomorphist perceives the *prima facie* cogency of another’s utterance not as a threat but as a friendly gesture in a world where both are equally legitimate inhabitants and perhaps even share the same ultimate goals. In contrast, narcissists will always think that if what the other person says makes sense, they could have thought of it, which then leads them to disregard the alien utterance as superfluous, if not an artefact, vis-à-vis their own thinking.

In this respect, narcissism is the complementary pathology to what the US sociologist W.E.B. DuBois (1903) originally identified as ‘double consciousness’. In other words, if some subaltern group comes to think of itself as the dominant group sees them (i.e. double consciousness) but tries to gain maximum advantage from that psychic condition, then it invites members of the dominant group to respond with revulsion when a member of the subaltern group appears to match the dominant group’s standards (i.e. narcissism). In DuBois’ own case, a European-trained black man holding a Ph.D. from Harvard in the first decade of 20th century America provoked suspicion, if not outright fear and loathing – perhaps a racist version of what roboticists dub the ‘uncanny valley’, whereby humans are taken aback by androids that seem to possess too many human-like qualities yet quite clearly do not possess a human nature (Mori 2012). Thus, presaging people’s preference for dealing with more ‘mechanical’ looking androids, DuBois discovered that whites (and even some blacks) may

favour blacks who conform to the servile stereotype. Put as a more general worry: Simply the knowledge that a being is composed of silicon rather than carbon might serve as a source of prejudice, regardless of the being's demonstrated capacities.

To be sure, the narcissist could have probably come up with whatever statement was uttered by the alien being that caused him or her to recoil as Narcissus did to Echo. Nevertheless, the logical compatibility of 'could have' and 'did not' provides a breeding ground for a sense of common humanity to which the narcissist is insensitive. Put it this way: The narcissist could never be convinced that another entity — perhaps even a member of *Homo sapiens* — has passed the Turing Test. Alan Turing wanted to know whether machines can think and concluded that the best way to find out was to have a known thinker — a human being — judge the responses to questions from a being whose identity was hidden. Artificial intelligence researchers have treated this test as a challenge for designing computers potentially fit to live as equals with humans. Thus, if the unknown being answers a series of questions to the satisfaction of the intelligent questioner, then that being passes as intelligent, regardless of its material makeup. To be sure, there is the issue of the number and nature of the questions necessary before reaching a judgement, as anyone who has watched the film *Blade Runner* will immediately understand. However, a narcissist could never fairly administer the Turing Test because the very fact that the interrogated being is not oneself would already prejudice the interrogator against the being. In other words, the narcissistic interrogator would interpret every similarity to oneself as a veiled difference that requires further scrutiny, perhaps imagining that he or she could have programmed the scrutinised being.

This suggests the need for lawyers with a transhumanist sensibility to craft a workable concept of 'Privacy 2.0' that allows access to 'track record' without access to 'material origin' — in other words, an enforceable notion of privacy that prevents the interrogators from cheating on the Turing Test. After all, the idea of standing as a 'legal person' is that one is literally regarded under a mask (as the *persona*, in Greek drama) with a clear sense of which properties of the being are relevant (or not) to the case at hand. This ideal will be harder to maintain in a world where the difference between track record and material origin is blurred by the political desire to pre-empt various forms of prohibited behaviour based on interpretive strategies explicitly designed to 'unmask' the suspect. However, I don't mean this as an argument against the very idea of governments and businesses mining data for securing or promoting various forms of social life. After all, it is one thing to mine 'big data' to determine that someone is likely to commit a crime; it is quite another then to disarm that person of any defence against a criminal charge by claiming that it was 'in their nature' to commit the crime. In the latter case, a purported (scientific) understanding of the capacities of a particular configuration of matter serves to undermine the suspect's autonomy by preventing them from providing an alternative account of why they did what they seem to have done. Here Kant and Nietzsche would be on the same page in suspecting that such 'naturalistic' appeals are really shows of power that *ipso facto* dehumanise the being in question — whether its nature is carbon- or silicon-based.

Now, of course, for the foreseeable future, any candidate android person will have been originally programmed by someone who could function as its interrogator in a Turing Test. But should that fact matter in judging the entity's worth as a person on the same terms as oneself? After all, the biological reproduction of *Homo sapiens* has always involved — however crudely and imperfectly — the shaping of offspring in the parents' own image. In this respect, the care lavished on the child is simply an extended opportunity to make the child aware that he or she has been deliberately brought into existence. From a psychoanalytic

standpoint, narcissism is normally seen as a deformation of this process. Depending on which analyst you believe, a narcissistic personality results from either too much or too little care lavished on the child during the period when he or she is welcomed as a new member of the human community. In both cases, the empirical connection to the parents matters mainly as a *prima facie* virtue that may become a source of pathology. The non-narcissistic child comes to acquire a sense of self-worth that is comparable to the parents' own, even while realizing his or her own created character. From this perspective, the future looks bright for androids whose sense self is instilled through sustained interaction with their creators who every so often are pleasantly surprised and perhaps even instructed by behaviours emitted by their creations.

A potential case in point is the android 'BINA48', which means 'Breakthrough Intelligence via Neural Architecture 48 exaflops per second processing speed and 48 exabytes of memory'. More concretely, BINA48 consists of a bust-like head and shoulders mounted on a frame who speaks answers in response to typed questions. The android appears to be modelled on a *Jackie Brown*-like African-American woman, but in fact is based on — and named for — the wife of the media lawyer who has perhaps done the most to promote the idea of rights for machines capable of sustained creative extension of digitally uploaded cognitive processes. This lawyer, Martine Rothblatt, who began life as Martin Rothblatt, is a transgender celebrity in the United States. However, her main concern these days, via the Terasem Movement, is the cultivation of 'cyberconsciousness' through the continuous upgrading and public exposure of BINA48. The basic idea is that BINA48 stores all that she learns and redeploys it in increasingly sophisticated and creative ways, in the course of which she develops what Rothblatt (2012) calls a 'beme', a style of being-in-the-world. Now in her fourth year of existence, BINA48 comes across — at least to this interlocutor — as an insightful albeit rambling — a pub philosopher functioning slightly over the limit (i.e. she has difficulty deciding when the length of an answer was sufficient to the question, but otherwise is very fluent).

At this point, the difference between the legal case for animal and machine personhood should be made explicit, if it is not already clear. Animal rights activists are clearly aiming for recognition of a sense of personhood that is detached from the possession of distinctly human qualities, even if that means conceding a diminished sense of 'right', as I have already suggested. In contrast, machine rights activists aim to build machines that match, if not surpass, supposedly distinctive human achievements — in a Turing Test fashion — in order to acquire personhood for those machines. Whereas animal rights activists tend to speak in terms of 'sanctuaries' and other segregated spaces that allow animals to live as they were biologically meant to live, machine rights activists favour increasing interaction and even integration with humans as part of an open-ended process of mutual learning and accommodation. In the more dystopic versions of this vision, the machines may even surpass and dominate the humans. I may be exaggerating the implied political differences here — but I believe only slightly.

Does Extending Rights to Animals Diminish the Concept of Right?

Removing the need to be *Homo sapiens* to qualify for human citizenship — say, in terms of the extended Turing Test criteria discussed above — would invite comparison with the European Union's policy for the accession of new member states. The policy assumes that candidate states start with certain historical disadvantages vis-à-vis membership in the Union

but that these are in principle surmountable. Thus, there is a pre-accession period in which the candidate states are monitored for political and economic stability, as well as treatment of its own citizens, after which 'integration' occurs in stages – starting with free mobility of students and workers, the harmonisation of laws, and revenue transfers from more established member states. To be sure, there is pushback by both the established and the candidate member states. But notwithstanding these painful periods of mutual adjustment, the process has so far worked and may prove a model for the ontological union of humanity. The gradual assimilation of women and ethnic minorities as free-standing agents in the public life of modern nation-states has also conformed to this pattern, albeit at various rates and to varying degrees of success.

However, as was also suggested above, it is not clear that those who wish to expand the moral circle beyond *Homo sapiens* to other animals, as opposed to machines, wish to change – let alone 'uplift' – these creatures as a condition of their liberation. Thus, when on 2 December 2013, the leading American legal theorist of animal rights, Steven Wise, filed in New York State the first lawsuit to uphold the 'right to bodily liberty' of four captive chimpanzees, his proposal was simply to transfer them from their cages (where they functioned as pets, entertainers and lab subjects) to a dedicated sanctuary where they can live among fellow chimpanzees. This led many lawyers to accuse Wise of confusing the idea of protection – the legal coverage of which would include not only animals but also, say, the artefacts and sites that UNESCO has designated 'world heritage' – with 'rights' in the strict sense that are assigned to free-standing, self-determining beings (Siebert 2014).

To be sure, the animal rights movement has never been completely clear on what it means to 'expand the moral circle' (Singer 1981). But we can get a sense of what they have in mind by considering the normative reference points of the movement's leading philosopher, Peter Singer, who has gone so far as to suggest that Darwin replace Marx and the talismanic figure of the political left (Singer 1999). Singer often points to Tooley (1972) as formative in his thinking about the conditions under which something has a 'right to life'. Following Tooley, Singer argues that if a right to life presupposes the possession of future-oriented desires, then while some cognitively underdeveloped humans may not have a right to life, some cognitively developed animals may have just such a right. So far it sounds as if a reasonably strong sense of personal autonomy is required for a right to life.

At the same time, though, Tooley and Singer wish to make these judgements 'on the spot' based on 'natural' potential, without considering the prospect of artificially enhancing that potential (e.g. making a genetically blind child see or at least simulate visual access through some other medium). This, in turn, serves to restrict what is meant by 'future-oriented desires'. Indeed, Singer and most of his followers in practice revert to a relatively weak sense of personhood, whereby a serviceable set of interests is deemed sufficient to possess a right to life, regardless of how those interests are established or satisfied. Indeed sometimes animal rights defenders demonise autonomy as an especially 'speciesist' criterion of personhood that ignores the obligation that humans have to enable the flourishing of non-human species with existential horizons radically different from their own. In this context, Singer singles out for criticism Bernard Williams' (2008) posthumous work, 'The Human Prejudice', which attempts to defend pro-human attitudes on simple grounds of group loyalty: an ontological 'us vs. them'.

Unsurprisingly Singer does not find Williams' argument persuasive – and neither do I. Moreover, Williams' species chauvinism plays into Singer's association of speciesism with racism and sexism in the index of politically incorrect attitudes for an enlightened age. Yet,

their self-avowed ‘progressive’ credentials notwithstanding, Singer and his followers fail to acknowledge that broadly ‘welfarist’ projects have always required substantially transforming those who are deemed ‘unfairly disadvantaged’ as measured by some standard of social justice. This is why so much of civil rights legislation, while couched in the rhetoric of removing barriers based on race, class and gender, has involved compelling these disadvantaged people to attend schools, undergo medical treatments, and undertake employment – all designed, hopefully for better and not worse, to take the disadvantaged outside their comfort zones. (This has been the great promise of ‘affirmative action’.) By extension, at least certain animals might be somehow ‘enhanced’ so that they acquire a sense of autonomy that allows us to recognise them as equals. Of course, it may also mean that humans learn animal languages (perhaps via some prosthetic translation device), perhaps prior to the development of some hybrid interspecies lingua franca. The template for this strategy is the efforts to open up trade relations between Europe and the rest of the world, admittedly a very chequered legacy.

If autonomy in the strong (Kantian) sense is one great enemy of the animal rights activists, another is anthropomorphism, even though they often refer sympathetically to animals in the same terms they might very young or disabled humans. For example, Andrew Fenton (2012) takes seriously that we might work toward some idea of chimp-based consent to experimental participation, modelled on pediatric research ethics. The basic idea is that we might ‘persuade’ chimps – as we do children – to consent to participate in scientific research by getting them used to experimental apparatus and lab conditions, so that they realize that their lives are not under any substantial threat. I put ‘persuade’ in scare quotes because Fenton concretely proposes that chimps be instructed in a way that allows their dissent to be clearly registered, even if we do not quite understand why they dissent. Here one might wonder whether Fenton’s comparison is quite fair to children, who after all have the potential to demonstrate much greater powers of comprehension through language. However, it does reflect a common animal rights strategy of minimizing the difference between children and mature apes to establish an intuitive sense of continuity between humans and non-humans.

On the other hand, Fenton is also sensitive to a set of concerns closely associated with the late bioethicist Raymond Frey (2002), who argued that doing research on animals that is not permitted on humans may simply jeopardize animal lives without appreciably contributing to knowledge of how humans work. (This echoes a concern that Charles Darwin originally raised about his defender Thomas Henry Huxley’s enthusiasm for vivisection.) Fenton follows Frey in suspecting, perhaps rightly, that scientists routinely ignore doubts about the cross-species generalisability of the results of animal-based research out of a more general disregard for the value of animal life.

The logic of this argument implies that the excessive restrictions on human participation in scientific research imposed by ‘institutional review boards’ – which are typically more concerned with institutional liability than the actual beliefs and desires of the would-be subjects – should be relaxed so that humans are allowed to participate in risky research that would otherwise needlessly endanger animals. Both epistemology and ethics would benefit from the move. To be sure, neither Frey nor Fenton draw this conclusion, as they are more concerned with minimizing harm to animals than maximizing benefit to humans. However, Veronika Lipinska and I draw just this conclusion in *The Proactionary Imperative* (Fuller & Lipinska 2014). Here we follow the University of Manchester bioethicist Sarah Chan in supporting a culture in which the right to participate in scientific research would be promoted by potential human subjects who self-organize themselves as proactive interest groups (Chan et al., 2011).

But make no mistake: Notwithstanding the appeals to the disabled and children, anthropomorphism in the service of animal rights is presumed by its defenders to be no more than a necessary evil – though some activists detect a latent masculinist bias underlying the anthropomorphism, one that privileges, say, apes over birds as intuitive bearers of rights (Davis 2012). (One is reminded of the *Animal Farm* slogan: ‘All animals are equal, but some animals are more equal than others’.) In any case, from ancient times, those concerned with animal welfare have taken the capacity to suffer pain – understood as a liminal experience whereby a being’s sense of bodily integrity is under direct threat – as playing an important conceptual, and perhaps ultimately forensic, role in providing a criterion of personhood that ideally might be read off the physiological disposition of an organism without having to engage in any politically incorrect or epistemically dubious anthropic projections. Moreover, animal rights activists capitalise on the capacity of animals to feel pain in captivity so as to gain emotional leverage with those who do not already believe that animal lives are intrinsically valuable.

Against this backdrop, it is interesting to read Wennemann (2012), a work by a Catholic philosopher, whose conception of ‘posthuman personhood’ involves saying that it is sufficient but not necessary to be a member of *Homo sapiens* to count as a ‘human’, which he equates with a personhood. Thus, in one deft logical manoeuvre, Wennemann manages to uphold the value of bringing all potential (including potentially aborted) members of *Homo sapiens* to maturity while maintaining a rather high bar for non-*Homo sapiens* to be credited with the same status. In particular, the capacity to suffer pain *ipso facto* won’t cut it. Here Wennemann draws on the fact that in Abrahamic theology, suffering is the feeling associated with an opportunity for deep learning, on the basis of which a person’s moral state may then be judged. In this respect, suffering is not something to be avoided at all cost or perhaps even mitigated as quickly as possible; rather, it is something to be overcome, ideally in a way that leaves one stronger.

This last point highlights a delicate problem for animal rights activists in their appeal to *human* rights as a rights benchmark. The content of the UN Declaration mostly references ‘rights’ in the sense recognised in positive law, namely, a society of individuals each of whom is presumed to possess considerable autonomy. In the Declaration, freedom from bodily harm and security of material well-being are not ends in themselves but simply provide a platform for free expression through art, science and culture – the means by which humans assert their distinctiveness as a species. (Abraham Maslow’s self-actualisation psychology is a natural concomitant of this idea of human rights.) In that case, might it not be possible for a being capable of art, science and culture, yet unencumbered by *Homo sapiens*’ carbon-based needs, be eligible for ‘human rights’ – especially if humans can interact with such creatures and respect their achievements in these areas? This, of course, has been the promise of artificial intelligence research and other Golem-like projects. But we might also add the generation of avatars in cyberspace and perhaps even the Search for Extraterrestrial Intelligence (SETI).

Here it is telling that Steven Wise’s legal defence of animal rights is based on only a part of the modern composite notion of rights laid down in the early 20th century by the Yale constitutional lawyer, Wesley Hohfeld (1879–1918). Hohfeld’s legacy has flowed mainly through his Oxford follower Herbert Hart, who in turn laid the foundations for modern analytic philosophy of law (Hart 1961). Hohfeld (1919) offered a self-styled ‘molecular’ analysis of right into its logical components, one element of which is immunity from others altering your constitution without your consent. However, for Hohfeld, this element provided only

a quarter of the concept of right, which also includes more positive notions of power and privilege – that is, outright self-assertion, not merely protection from self-negation. According to Wise (2000), this rather limited sense of right – normally reserved for children and the disabled – is simply meant to be the thin edge of a thicker legal wedge. I am not so sure. The default contempt for autonomy and anthropomorphism exhibited by many animal rights activists – and extending more broadly to those who would claim rights for ‘nature’ – suggests that legally enforced protection would end the matter. To be sure, more activism would be needed to bring the rest of the animal – not to mention plant – species under the rubric of ‘rights’, even in Wise’s attenuated sense, but the result would be a superficially attractive patchwork world that in reality would be an ecological version of Apartheid.

Philosophers have long wondered whether ‘animal liberation’ entails a serious commitment to ‘animal rights’. The jury is still in deliberation. Here it is worth recalling that the appeal to rights (i.e. ‘civil rights’) has historically required that those who would be treated as free-standing individuals worthy of bearing rights need to re-enact the original struggle of those who established those rights. This is a stronger requirement than the simple capacity to fit into a larger corporate whole, which the concept of ‘ecology’ often suggests. This is why national service has been so prominent in republican democracies, the political system that has done the most to promote rights. Call it an ideological vaccination policy, if you will. In any case, your capacity for self-assertion against a countervailing force – as good an empirical definition of autonomy as any – marks you as worthy of rights. You don’t simply capitulate or adapt: You leave *your* mark. As long as animals do not have the opportunity to prove themselves in such a manner, then the appeal to ‘rights’ on their behalf is no more than a euphemism for a state of protected dependency. Libertarians, often the scourge of self-styled ‘progressives’, understand this point better than anyone else.

Conclusion:

The Centrality of Uplift to the Extended Republic of Humanity

At this point, let us return to the concept of *uplift* raised earlier in our discussion. An interesting witness is George Dvorsky, who sits on the board of the Institute for Ethics and Emerging Technologies (IEET), is a founder of Toronto Transhumanists and the chief contributing editor to the popular futurist website, *io9*. In addition, Dvorsky is a Buddhist, just like the co-founder of the IEET, the sociologist and bioethicist James Hughes, who together organized a most remarkable conference at Yale University in December 2013, shortly after Steven Wise had filed his legal brief on behalf of the four captive chimpanzees. It was arguably the first time that advocates of animal and machine rights faced each other over their preferred futures – ‘posthumanist’ in the case of animal rights activists, ‘transhumanist’ in the case of machine rights activists, the former de-centring the ‘human’ as a locus of value, the latter extending it (Fuller, 2012, chap. 2). Dvorsky’s own view on this matter is interesting because he is on record as supporting species uplift as part of a generic expansion of ‘intelligence’ in the universe (Dvorsky, 2008).

Of course, this leaves open whether such an expansion of intelligence is meant to happen by reducing uncertainty in the normal communication between humans and animals (perhaps by humans learning animal codes) or by introducing human-like intelligence into the animals themselves (*à la* uplift), though Dvorsky clearly has the latter in mind.

At a metaphysical level, the distinction looks like ‘evolution v. creation’. But even without the theological backdrop, there remains the question of who exactly needs to change – and to what extent – in order for this global increase in intelligence to occur. Dvorsky (2008) relies on the intuition that as long as the animals can retain their memories, they would recognise the improvement to their lives wrought by intellectual enhancement, even if it is brought about indirectly, say, by the enrichment of animal lives through engagement in trade with humans. Perhaps in the spirit of Haeckel’s late 19th century idea that ‘ontogeny recapitulates phylogeny’, Dvorsky supposes cross-species uplift to be a process by which, say, apes or dolphins acquire something that previously only humans had, but without losing what they already possess. However, if, as Dvorsky’s more ethically oriented comments suggest, this process involves issues historically associated with ‘civilizing native knowledge’, then more of a trade-off may be required, which then raises issues concerning the terms – along the lines suggested above by Andrew Fenton – on which ‘mutual consent’ might occur to legitimize uplift. But the overall drift of Dvorsky (2008) is not so far from the classic defence of imperialism as the logical extension of liberalism – namely, that humans have an obligation to enable other species to be as fit as they are to inhabit a world where ultimately we can all live as equals.

Under the circumstances, one might think that Dvorsky would have then given up entirely on the (not exclusively) Aristotelian idea of there being a ‘natural’ way for a species to exist in the world. However, at the aforementioned Yale conference, I raised to him the prospect of resurrecting the Neanderthals, something that has been recently advanced by the Harvard medical geneticist George Church, who notoriously claimed that a woman could well be a surrogate mother to such a being, given the availability of Neanderthal DNA and our current level of competence in synthetic biology (Der Spiegel, 2013). Given that virtually all those concerned with such matters would grant Neanderthals the status of persons, then might not their resurrection (or ‘de-extinction’, cf. Church and Regis, 2012) increase the value in the world, at least insofar as personhood is taken to be an inherently good of beings. However, Dvorsky was having none of this. His response to me suggested that the addition of candidate persons like Neanderthals by non-natural means would likely result in their misery, if not increase the misery of the world more generally. The time and place for the Neanderthals had come and gone.

Thus, Dvorsky appeared to have a strong sense of nature’s overriding normative character, yet without attributing to nature the personality of a creative deity, as promoted in Christianity by, say, theistic evolution (Catholic) and intelligent design theory (Protestant). Indeed, Dvorsky’s antipathy toward synthetic biology’s genetic adventurism appears profoundly conservative and certainly unbecoming of the IEET set, who self-describe as ‘technoprogressive’. Nevertheless, in the future this largely suppressed Christian-Buddhist divide, dubbed ‘anthropic-karmic’ in Fuller (2006, chap. 11), is likely to gain greater prominence as the terms of political discourse and public life – in ethics, economics and ecology – are more explicitly framed as questions about the source of value in the world. To see the first shoots of this emerging world-historic conflict should study the academic philosophical debate between *will theory* and *interest theory* as alternative accounts of the nature of rights (Wenar, 2011). The former corresponds to the Christian/anthropic side, the latter the Buddhist/karmic side of the personhood divide. On the one hand, will theorists see rights as vehicles for *self-assertion* in a presumably free and open space, which places a premium on limited liability so that agents effectively possess a ‘right to be wrong’. On the other hand, interest theorists see rights as vehicles for *self-protection*, as if the ‘self’ were a plot of land or

territory – the ‘body’ – whose jurisdiction is determined more by entitlement than actual agency. A striking way of casting the difference is to observe that whereas interest theorists tend to regard the will theory of rights as an unreflective version of itself (i.e. a failure to recognise the limits of one’s being and hence the restricted nature of one’s proper interests), will theorists see the interest theory as pre-emptively limiting the agent’s capacity for change, based on an inductive inference from what has enabled the agent to flourish in the past.

The will theory’s critique of the interest theory of rights puts the project of cross-species uplift in a telling light. It would seem to imply that those animal rights activists who operationalise rights in terms of sanctuary for subjugated species short-sell their animal clients by reifying the clients’ comfort zones as biologically grounded ‘interests’. (Here the activists may be unwittingly trading in an outdated evolutionary narrative in which animals are more slaves to their genetic heritage than humans.) In any case, the argument for uplift rests on the idea that humans are an exceptional species in that we are the only ones who sufficiently understand the entire natural world to take actions to direct its future course in decisive ways. Maybe it has been all a cosmic accident, as Darwinists seem to believe – but we don’t know that for sure, either. Humanity’s track record, while chequered, is arguably improving. In any case, given our emerging sense of what constitutes a good life for ourselves, why not try to extend that across nature? Yes, we may fail, but then there’s no reason to think that life will continue to flourish by our *not* intervening so directly. This is an updated version of Julian Huxley’s (1957) original motivation for coining ‘transhumanism’. Huxley wanted to reassert humanity’s uniqueness in the face of Darwin’s own default species egalitarianism, whereby all life is composed of exactly the same stuff and, at least in species form, we are all ultimately condemned to extinction. Huxley’s solution was to use our very knowledge of evolution as a moral lever for our self-transcendence – and, following the uplift agenda, the self-transcendence of other species. This argument requires that we trust the historical track record in science and technology – that is, to believe that the record speaks to a sincere, open, productive but certainly fallible, conversation with a larger reality that seems to be always prodding us to move on.

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