

## Animal Ethics without Equality

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For many animal advocates, the defense of animals goes hand in hand with an assertion of equality. I'm going to explore some of these claims of equality and argue that we can do without them. A robust defense of animals doesn't require us to see animals as our equals. Respect can be our primary attitude, and respect is tenuously connected to equality—or so I will argue. In the case of animals, at least, we can stress one and not the other.

### I.

In a recent book, Jane Goodall and Marc Bekoff note the impulse to see animals as our inferiors --

We humans look at the world around us and try to categorize, and thus simplify, the wondrous, diverse collection of life forms. We have large, highly developed, and complex brains with awesome capabilities for rational and abstract thinking. We have a highly sophisticated way of communicating with words. This has led, in the Western world, to a belief that humans stand in glorious isolation apart from the rest of the animal kingdom.<sup>1</sup>

They decry the way we look down on all other animals, but also our tendency to think of species as if they were arranged on a ladder beneath *homo sapiens*. They write, “We have placed the great apes on the next rung down, then monkeys, cetaceans, dogs, and so on until we get to insects, mollusks, and sponges.” The ladder image grants that members of

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<sup>1</sup> Jane Goodall and Mark Bekoff, *The Ten Trusts: What We Must Do to Care for the Animals We Love*, HarperSanFrancisco: 2002, p. 18. The next quote is on the same page.

other species have lives with some value, but makes value out to be graded. A human's life is taken to possess more inherent value than a dog's life, and a dog's life more inherent value than a frog's life.

Comparative psychologists Gisela Kaplan and Lesley Rogers are equally skeptical about rankings. They inveigh against authors who “surreptitiously resurrect *scalae naturae* and make intelligence the linchpin for worthiness.” We are to avoid “gradation-of-achievement syndrome” and “guard against, or at least be very cautious about the temptation of creating a scale of lesser or greater value of one species over another.”<sup>2</sup>

Martha Nussbaum is another skeptic about comparisons. On her view, justice requires that all creatures have a chance to exercise their basic capabilities. Nussbaum rejects the notion that there's more inherent worth in a human life than in a dog's life, when both have a chance to exercise all their capabilities. She writes: “We should not follow Aristotle in saying that there is a natural ranking of forms of life, some being intrinsically more worthy of support and wonder than others.”<sup>3</sup> Clearly, there are simply more capabilities in a human to be protected, and fewer in a frog—so in a just society, more attention will have to be directed towards human development. But we are not to think that justice requires some general ordering of priorities that corresponds to a ranking of species by their inherent value.

In his book *Respect for Nature*, Paul Taylor argues that all animals and all plants have “a good of their own” and claims that this bare fact about them gives them all equal

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<sup>2</sup> Lesley J. Rogers and Gisela Kaplan, ‘All Animals are *Not* Equal: The Interface between Scientific Knowledge and Legislation for Animal Rights,’ in Cass R. Sunstein and Martha C. Nussbaum, eds., *Animal Rights: Current Debates and New Directions* (Oxford University Press: 2004). First two quotes are on p. 195 and last is on p. 196.

<sup>3</sup> Martha Nussbaum, *Frontiers of Justice* (Harvard University Press: 2006, p. 360).

inherent worth.<sup>4</sup> We are not to attribute extra inherent worth to humans over dogs, or dogs over frogs, just because the supposedly superior are more amply endowed with “goods” like happiness, intelligence, autonomy, morality, etc. When we pursue these things, we may pursue them for themselves, Taylor points out, but it doesn’t follow (he argues) that possessing them augments our inherent worth. Likewise, sentience is good for the creatures who have it, to the extent that it contributes to their survival, but being sentient doesn’t augment any creature’s inherent worth. On his view, humans do have the special characteristic of being persons (because they are autonomous, self-aware moral agents), and possibly uniquely so, but that gives us no extra worth, and does not create a basis for saying that human lives have any extra importance.

All these authors are “life value egalitarians”: they think that all lives are equal in inherent worth, or at least they think that any differences in life value that might separate one individual from another do not arise from species related characteristics. Then again, when it comes to addressing concrete moral problems, it’s hard to stay the course.

Suppose you are lost in the wilderness. You don’t happen upon nests full of eggs or berry-laden bushes so you can survive without killing. And you don’t find yourself under attack, so that you can claim self-defense. How can it be right for you to destroy something that’s worth just what you are, in order to preserve your own life? It’s not easy to see how life value egalitarians can justify killing even for purposes of survival—though I suspect they would all want to.

The problem is particularly acute for Taylor, since he thinks that plants have the same inherent worth as animals. The rabbit that could keep you alive has the same worth

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<sup>4</sup> Paul Taylor, *Respect for Nature* (Princeton University Press: 1986), pp. 71-80, 155.

that you do, and so does the wild tuber you're tempted to uproot. The guiding attitude Taylor urges upon us is respect for nature. This involves following a number of principles, the most relevant being a principle of distributive justice. In the circumstances I've described, he says—surprisingly—that I may kill tuber or rabbit to survive, despite the equal worth of humans, animals, and plants. Though all are owed exactly the same respect, if humans refrained from eating animals and plants in those dire circumstances, then, according to Taylor, they would be sacrificing their lives for the sake of animals and plants. That's more than you have to do.<sup>5</sup>

But suppose you've got a friend with you in the wilderness. Respecting your friend's inherent worth, and seeing it as no less than your own, own would surely make it very hard to justify killing him to save your life. It shouldn't be any different if we're serious about respecting and granting equal worth to plants and animals. Truly sacrificing yourself for your friend would involve more than just refraining from killing him. It would mean offering to kill yourself for your friend's sake. You don't do that if you merely refrain from eating your friend. And you don't do that if you refrain from eating the plants and animals. Taylor thinks he's explained why you can eat animals to survive, consistent with respect and equal inherent worth, but I think not.

Life value egalitarians reach some of the same verdicts about concrete moral problems that everyone else does, but have trouble justifying them. These everyday judgments are very compelling, and very hard to give up. If we're not going to give them up, we may have to admit to irrationality or moral error, but before doing that, surely we should do our best to see if they can be validated.

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<sup>5</sup> Taylor, *Respect for Nature*, pp. 294-5.

## II.

Taylor's argument for the equal inherent worth of all lives, plant and animal, turns on claims he makes about the nature of value. Taylor thinks there's precisely one source of inherent worth, i.e. worth that exists independent of anyone valuations, and that is simply *having* "a good of one's own." We often think of many other attributes as independently valuable and adding to the inherent worth of a life. Where do we go wrong? Taylor seems to think we get confused when we mix up the basis for inherent worth with certain goods to which we attribute ultimate value.<sup>6</sup> Some things are good *to us* in a special way: we want them just for themselves, and not as means to our ends. But these things—like pleasure, for example—are still merely good *to us*. They don't have value independent of our valuing them, and so don't add to our inherent worth, to the extent that we possess them. If we avoid succumbing to this confusion, Taylor thinks having a good of one's own is the only asset we will go on seeing as contributing to inherent worth. And since it's evenly distributed among humans, plants, and animals, life value egalitarianism will be seen as the correct view.

In fact, the confusion Taylor refers to isn't likely at the root of the various theories that see pleasure, preference satisfaction, autonomy, self-expression, knowledge, and the like as having inherent value and therefore as imbuing lives with inherent worth. I may not actually want preference-satisfaction as an end—I may rather want the specific things I prefer (food, love, money, whatever). And yet I could have reasons to hypothesize that preference-satisfaction has inherent value. Likewise, it's implausible that pluralistic theories of value stem from of sheer confusion between wanting "goods" as ends and

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<sup>6</sup> This is how I interpret the discussion of inherent worth vs. intrinsic and inherent value on pp. 71-7 of Taylor, *Respect for Nature*.

regarding them as inherently valuable. Rather, a variety of considerations has led different ethicists to one or another account of what has inherent value. In any event, if Taylor's grounds for dismissing candidates for inherent value had any merit, it could be turned on his own candidate. It's not inconceivable that some of us expressly value being individuals with a good of our own for itself. One could wonder whether our valuing that, and valuing it in an ultimate way, generates or at least reinforces the notion that having a good of one's own is the basis for inherent worth.

Taylor's life value egalitarianism is rejected by Peter Singer. On Singer's view, preference satisfaction is inherently valuable, and lives more suffused with it have more value. Plants don't have preferences, and so don't have lives with any inherent worth. Animals vary in their capacity to have preferences and to satisfy them. In the first chapter of *Animal Liberation* Singer says that human beings, with their capacity for self-awareness, morality, deep relationships, and thoughts about the future, ought to be recognized as having more valuable lives, at least in the typical case.<sup>7</sup> These capacities make for differences in the amount of preference satisfaction available to different species. A human life is thus, on his view, worth more (typically) than a dog's life.

Unlike life value egalitarians, who have a very difficult time explaining our bedrock intuitions about cases of conflict, Singer has an easy time. A firefighter should save the baby, not the dog, in a burning building (assuming they are both normal). One life has more value than the other. Furthermore, the different amounts of worth in different lives make it easy for him to say that you may kill rabbits (lower worth) in the wilderness to save your life (higher worth) if that's your only way of surviving; that you

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<sup>7</sup> Peter Singer, *Animal Liberation* (New York: Random House, 1975, 1990), pp. 17-22.

should uproot wild tubers instead, if that's an option; and that killing other people would be your worst option.

Even if we are very careful to avoid the confusions Taylor is worried about, there's plenty of room for seeing rabbits and people as having lives of different worth. And of course, there are ways to see this besides Singer's. We might want to say that happiness is inherently valuable (and life-value-boosting), instead of, or in addition to, preference-satisfaction. Or we might want to endorse a pluralistic conception of inherent value, perhaps one that countenances happiness, autonomy, self-expression, creativity, and the like.<sup>8</sup> Or we might want to put the emphasis on capabilities, when assessing the different amounts of value in different lives.

Does Singer's view resurrect the "scalae naturae" that Kaplan and Rogers warn against? The ladder image implies much more precise comparisons than are really possible, with each species on its own perch. It also suggests that every member of a species has the same status, from the most capable to the least—a view Singer rejects. So the ladder isn't the perfect image, but it's not completely off base. On his view, there really are differences in life worth that roughly correlate with species.

So much for how Singer is not a life value egalitarian. He is instead an advocate of interest egalitarianism, a view encapsulated by a very simple principle of equality: equal interests (or preferences) should receive equal consideration. While Singer believes there is good reason to see more potential for a valuable life in a normal human than a normal dog, he thinks the very same interest in the human and the dog would have

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<sup>8</sup> These "goods" are explored in my book *The Weight of Things: Philosophy and the Good Life* (Oxford: Wiley-Blackwell, 2007), chapter 5.

to be given the same consideration. Equal pains, for example, should receive just the same consideration, without regard to their owners' species.

Could there be any rational, non-biased reason to question Singer's rather modest notion of the equality of humans with non-human animals?

### III.

The principle of equality seems almost self-evident at first. Nevertheless, there are reasons to worry that interest egalitarianism still makes stronger claims about equality than are warranted. Take the idea that equal pains—pains that hurt to the same degree—should receive equal consideration. This sounds far less problematic than it really is. Pain isn't bad just because of what it feels like. It's also bad because it obliterates hours or days of our lives. Suppose Jack and Jill have migraine headaches that feel just the same. But Jill's migraine headache will ruin a critical audition to an acclaimed music school, fulfilling a life-long dream of hers. Jack's will only stop him watching a football game. It's perfectly reasonable to think that Jill's problem is worse.<sup>9</sup>

If one thinks that on the whole animals have lives with less value, then one also has to think that the extrinsic cost of their pains is lower than ours. Their pains interfere with less than our pains. That's got to be so because on all of the accounts of whole life value alluded to earlier, lives with much more total value are composed of days and hours that at least on average have more value. The life with more preference satisfaction as a whole is a life composed of hours and days that are higher in preference satisfaction, on average. If it's happiness that counts, happier lives have happier days (again, on average). Even if it's capacities that count, if it makes sense to say that 100 years of living with a

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<sup>9</sup> For the general idea that pain "interferes," I'm indebted to Bonnie Steinbock, "Speciesism and equality." *Philosophy* 53 (1978), 247-56.

set of complex capacities is especially valuable, it makes sense to think the days and hours of that life as also especially valuable (on average).

Now, this point could be accommodated without abandoning the principle of equality. It could be taken merely as showing that the interest in avoiding pain is a very complex interest, having to do not only with momentary experience, but with global impact on all an individual's interests. But even this would be somewhat of a departure from the spirit of the original idea. In *Animal Liberation*, the concession about differences in whole life value is presented as independent of and irrelevant to the position Singer takes on responding to pain. As it turns out, Singer's life value inequality has more pervasive relevance to the way we should treat animals, even if that doesn't mean the principle of equality should be abandoned.

But maybe the principle really does have to be abandoned. Think of a limit case-- a really primitive creature that suffers pain. Suppose there are tiny "pangfish" swimming around in a lake by the millions. Imagine they have headaches just like ours, and no other mental life. (How do we know about their headaches? Don't worry about that. We just do.) Occasionally people help them out by tossing painkillers into the lake, and then the fish just float around in a semi-conscious haze. The principle of equality says their pains matter at least a little bit. If pains matter both based on their feel and based on how they interfere with global interests, then they matter less than a typical person's or dog's or frog's interests. Yet they still matter.<sup>10</sup>

But do they matter? Does it make sense to meticulously apportion consideration to the pangfish, so that we don't give their interests any less consideration than

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<sup>10</sup> These points and all the ideas in this section are further developed in my book *Animalkind: What We Owe to Animals* (Oxford: Wiley-Blackwell, 2010).

comparable interests belonging to anyone else? Clearly, Singer's goal in proposing the principle of equality is not to come to the defense of such minimal atoms of suffering. The point is to urge us to care about other individuals, without regard for superficial and irrelevant characteristics. We are being asked to shed our biases against people of other races, genders, and species. But proposing the principle of equality is more than just condemning racism, sexism, and speciesism. The principle asks us to cue our behavior to interests, and nothing but interests. The principle of equality is not the commonsense standard it first appears to be, but a singularly revisionary scheme for thinking about what we owe to others. We don't have to accept it, just because we are determined to get over our biases.

The least adjustment to Singer's view that's warranted by these thoughts is to limit the principle of equality to a certain domain—the domain of individuals who should be given any consideration at all. This domain might be defined in terms of whole life value. You might say that it's only those individuals whose lives have significant worth, over all, who ought to receive consideration in exact proportion to the weight of their interests. Those are the individuals for whom we feel a basic sense of respect, and thus to whom we should be fair. But that concession invites further adjustments. Why let attitudes of respect, concepts of fairness, etc., play a role in determining when the principle of equality kicks in, but not use those concepts to understand what sort of protection individuals should receive? As we let concepts like whole life value, respect, and fairness play more and more of a role, we stray ever further way from equality as our guiding concept. But perhaps that's just as well. Though we surely ought to look at animals without bias, it's not clear that when we shed our biases, what we must find

underneath is a commitment to equality. “Unbiased” and “egalitarian” are certainly not synonyms.

#### IV.

When we shed our biases about animals what do we see? Not, I think, that all animals are alike, or that their lives are of equal worth, or that we must key our responses strictly to interests. We see that animals are not things, but rather have lives that are worth living and can go more or less well for them. It’s not too strong to say that we respect animals when we leave bias behind. Failing to water a plant or put it in a sunny place, I don’t take good care of it. If I don’t change the oil in my car, I don’t take good care of the car. It would be neglectful if I ignored the needs of my plant or my car, but not disrespectful. It seems as if it’s not only uncaring, but disrespectful to put a bird in a cage or to isolate a primate who needs companionship, or warehouse pigs as if they were already just slabs of meat.

When respect motivates us to let the bird out of the cage, give the primate a companion, and accommodate the pig, what is it in these animals that we are respecting? The answer seems inevitably to involve a mix of features. We respect the very fact that the animal is not a mere thing, but in fact has a life—he or she is a someone, not a something (I’ll call this “subjecthood”). We respect the fact that the animal is a locus of specific needs and demands; an animal has a good of his (her) own (I’ll call this “autonomy”). We respect the potential of the animal to live a valuable life (I’ll call this “life value potential”). Because of all of all these things about an animal we feel compelled to adjust our plans to the animal, and not just the animal to our plans. Because of the nature of the animal, we are the ones who sometimes have to yield.

Now, egalitarianism could easily resurface here under a new guise. The egalitarian may say that we owe exactly the same respect to frog and dog, to dog and child. After all, even the frog has subjecthood *and* autonomy *and* life value potential. Shouldn't we have the same thoughts and yield in the same way to all animals? In fact, no. We feel different amounts of respect for different animals, and it's not obvious that this is just speciesist bias rearing its head instead of keen perception. *Subjecthood*: The sense that an animal is not a thing but a subject admits of degrees. A very complex and capable animal is much further from being a thing than a primitive animal. A complex and capable animal has a good of his own, and so the asset of autonomy, to a much greater degree than a primitive animal does. *Autonomy*: A complex animal like a dog or a cat may have personal preferences, while a primitive animal's preference are all preset in his genetic blueprint. In the most complex and capable creature we know of—homo sapiens—it means even more to speak of an individuals “having its own good.” I may have carefully reflected on what I want in life for years, making my way of life “my own” in many senses that have no relevance to the lives of non-human animals. *Life Value Potential*: When we respect the fact that a bird could have a very valuable life, if released from his cage, it depends on the species what sort of value will be manifested in that life. A crow is capable of things that a pigeon is not; indeed, a migrating arctic tern is capable of things that we are not. Integrating all of the different respect-enhancing and respect-decreasing information we have about different animals, we are not going to have exactly the same response to every creature.

The variability of respect will help us come to grips with conflicts that arise between ourselves and animals. Returning to the survival hunting scenario: there I am,

deciding whether to expire or to kill a rabbit. If I have respect for rabbits, I will harm them only when “necessary”—to use a vague but useful term. When we think about whether killing a rabbit is necessary, we are trying to work through whether respect for ourselves takes precedence over respect for rabbits. And what there is to respect in myself and in a rabbit must come into play. But that’s not all. Respect comes into play in a second and quite different way.

It’s not just me pitted against the rabbit, but a specific desire of mine that’s pitted against a specific desire of the rabbit’s. I’m trying to decide what takes priority—respecting this human’s desire to stay alive or respecting that rabbit’s desire to get away. The worth of each individual *and* the seriousness of the desire seem to rightfully affect my thinking when I try to figure out which sort of disrespect would be worse—the disrespect to myself of simply letting myself die of starvation, or the disrespect of killing the rabbit. On the whole, it seems like I’m resolving the conflict as respect requires if I kill the rabbit. It’s a disrespectful thing to do, but it’s the least disrespectful thing I *can* do.

The extra worth of human lives tips the scale in favor of survival killing, but it doesn’t tip the scale in favor of just any killing. Suppose I have a backpack full of food, but I want to shoot a rabbit to obtain a rabbit’s foot charm for my aesthetic gratification. Killing the rabbit then doesn’t seem necessary at all. As much as I have greater respect for human beings, this human’s desire for a rabbit foot must give way to that rabbit’s desire to get away and keep his foot.

Respect comes into play as I think about humans being humans, and rabbits being rabbits, but also affects the way I evaluate desires. Perhaps it’s not just a passing urge for

a charm that drives me, but instead it would give me exquisite pleasure to carry a rabbit charm. Maybe the charm will be passed down through the generations, giving exquisite pleasure to my descendants as well. Maybe the rabbit wasn't going to be alive, and in need of his foot much longer anyway, considering the lifespan of rabbits. It could be that the greater good, assessed in terms of sheer interest satisfaction, is served by killing the rabbit, and so utilitarians must let me have my charm. But if I think through what's respectful to the rabbit, and what self-respect does and doesn't require me to do, I'm going to think there's something trivial about my need for the charm, and something deep about his desire to stay alive and keep his foot. I don't have a serious, self-respecting reason to want that charm, like I have a serious, self-respecting reason to try to survive.

With these rather minimal tools, we can arrive at judgments about many of our every day dilemmas. With respect for different species apportioned sensitively, and by making dispassionate judgments about which desires are serious and self-respecting, and which are not, we will arrive at many dos and don'ts. Do kill an animal to save your life. Do kill wild tubers rather than rabbits, but also rabbits rather than chimpanzees, to save your life. With those precepts in place, together with further factual premises, it may be possible to reason our way to a defense of some medical research on animals; but considerations of respect stop us from being profligate about it. Do keep the number of animals to a minimum and do choose mice instead of dogs, dogs instead of chimpanzees. On the other hand, don't kill animals for luxury purposes. Don't kill animals for furs, whatever the species. With the addition of some further facts and premises, we may also have to reason our way to a prohibition on killing animals for food, when there are perfectly nutritious and appetizing alternatives to eating animal products.

All these reasonings—grossly abbreviated, to be sure—come from thinking about respect, capacities, life worth, and necessity, but without any form of egalitarianism. That is the main point—that an ethical stance that strongly advocates for animals doesn't need to be egalitarian. That is the issue that now needs more attention: can we really dissociate ethical respect from equality?

## V.

The concept of respect is often coupled with equality. So it is puzzling, on the face of it, to suggest that the sort of respect I'm talking about here, variable as it is, really amounts to ethical respect. Can it really be ethical respect I feel, to different degrees, for rabbits, chimpanzees, and human beings, if I don't recognize them as equals?

In fact, respect and equality are uneasy bedfellows. Respect seems to vary according to the merits of those we respect. We respect generous people more than stingy people, and we respect the extremely generous more than the slightly generous. The natural variability of respect makes it ill-suited, on the face of it, to be any sort of basis for equality. It takes a certain amount of contrivance to make it function that way.

The conjuring trick typically involves homing in on a type of respect that relates to the basic category a thing falls into, rather than its individual merits. In a 1977 article, Stephen Darwall argued that Kantian respect is purely an attitude of recognition, and involves no appraisal at all, let alone case-by-case personal appraisal.<sup>11</sup> Kantian respect is directed at something all normal human beings have in common—their personhood, their moral autonomy. Respect is also conceived of as a response to a metaphysical category by Tom Regan, who says the basis of ethical respect is the rather minimal characteristic

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<sup>11</sup> Stephen L. Darwall, "Two Kinds of Respect," *Ethics* 88 (1977), 36-49.

of being a subject of a life.<sup>12</sup> And respect is claimed as the due of a still wider class—humans, animals, and plants—by Paul Taylor. As we have seen, the grounds for respect on his view is simply having “a good of one’s own.”

If respect has nothing to do with crediting an entity with value, that will rule out the third basis for respect that I have sketched—a thing’s potential for a valuable life. But the value-free construal of respect is problematic. It’s hard to see how the category a thing falls into, all by itself, could put grave restrictions on what we can do to it. If I treat a teddy bear as a person, I’ve made a serious error. It’s much worse to treat a person as a teddy bear, but no more of a “sorting” error.

Respecting persons means, in part, attaching a very special value to things in that category. Thus we find Kant himself often writing about the special value of persons, moral autonomy, and the good will. He speaks of the “absolute value” of persons; the “intrinsic value” of human dignity, a value “infinitely above all price”; “humanity so far as it is capable of morality” is to be accorded “incomparable worth.”<sup>13</sup> This is the way Regan and Taylor appear to view the slimmer bases for respect that they each postulate. Regan thinks all subjects of a life have the same “inherent worth”—surely some impressive amount, and Taylor says the same thing about all plants and animals. He thinks all have the same inherent worth. If respect is always at least partly a response to value, then my picture of respect for animals as responsive to their life value potential is not so peculiar.

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<sup>12</sup> Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983, 2004).

<sup>13</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals* (New York: Harper, 1964). For “absolute value” of persons, see p. 96. For “intrinsic value” of dignity, see p. 102. Obedience to moral laws is “infinitely above all price”: see p. 103. Kant writes that “Humanity so far as it is capable of morality” (p. 102) has “incomparable worth” (p. 103).

Kant, Regan, and Taylor see respect as a response to something that makes all humans (or all animals, or all living things) equal, whereas I have portrayed respect as variable and sensitive to differences in capability. There's certainly something attractive about the idea that all humans deserve the same respect (or all animals, or all living things), but the trouble is that the equalizing in all three cases is difficult to sustain.

Take moral autonomy as a possible common denominator undergirding human equality. It's hard to see how it establishes the relevant sameness, considering the immensity of individual differences. Some people spend their lives almost always on "automatic pilot," doing what's expected of them by a master, a spouse, an employer, or by the prevailing social norms. They decide how their lives will unfold only when it comes to trivialities like turning right or left, eating peas or carrots. At the other end of the spectrum, there are people who make every decision an occasion for careful reflection. They evaluate themselves and their whole lives, even carefully identifying and evaluating the society that influences their tastes and preferences. It would be hard to make the case that the person on automatic pilot is just as morally autonomous as the highly reflective decider. To think so, one seems forced to buy into much more Kantian infrastructure than one might really want to; maybe if there were really Kantian "noumenal selves" we could believe in their being similarly endowed, but surely we cannot believe this of natural human selves. On close analysis, respect for persons quickly turns out to be variable respect for persons.

Seeing this, some ethicists find ways to suppress the variability. Jeff McMahan explains the wrongness of killing persons in terms of respect--

The intuitive idea behind this view is that a person, a being of incalculable worth [note the talk of “worth”], demands the highest respect. To kill a person, in contravention of that person’s own will, is an egregious failure of respect for the person and his worth. It is to annihilate that which is irreplaceable, to show contempt for that which demands reverence, and to assume a superior position vis-à-vis one who is in reality one’s moral equal.<sup>14</sup>

But then he asks, “What are the properties of persons that are the basis of their worth?” His answer is that autonomy is the basis of respect, but not just any degree of autonomy. Levels of autonomy above a certain threshold warrant respect, but levels of autonomy below that threshold deserve no respect.<sup>15</sup> The threshold is exceeded by all normal human beings, McMahan thinks, but not met by any animals (or by certain abnormal human beings).

McMahan’s insistence on a threshold is explicitly designed to validate the intuition that killing normal human beings is a special type of wrong. The intuition is certainly robust. Still, the threshold device is peculiar.<sup>16</sup> If respect is appropriately felt in response to normal human levels of autonomy, why should it vanish instead of simply decreasing when autonomy drops below a certain threshold? If we do respond with respect to the abilities of animals and the intellectually impaired—and I think we do—it’s just not clear why the respect we feel “doesn’t count,” ethically speaking. By all appearances, ethical respect really is a variable response to attributes that are more fully represented in some individuals than others.

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<sup>14</sup> Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford University Press: 2004), p. 242. The next quote is on the same page.

<sup>15</sup> Jeff McMahan, *The Ethics of Killing*, pp. 249-51.

<sup>16</sup> He acknowledges and worries about the peculiarity on p. 251.

Respect as understood by Regan and Taylor also devolves into something variable, when we look closely. If rabbits, chimpanzees, and people are all subjects of a life (the crucial thing for Regan), there's a clear sense in which some individuals have more of a life than others. Sometimes our own lives seem "thin" and gappy--for example, when we are ill and unfocused, or sleeping away our days. It doesn't seem unreasonable to view an individual who is always like that as less a subject of a life than someone who is living more fully and attentively. Likewise, having a good of your own (the crucial thing for Taylor) only appears to be a yes-no property; on closer inspection, the phrase "of your own" can apply in different ways. My good is more my own than a plant's is its own, considering that I often reflectively determine what's good for me, while a plant's DNA determines what's good for it.

In his recent book *The Second Person Standpoint*, Stephen Darwall characterizes respect in a way that may seem to stop it from being variable.<sup>17</sup> Respect is an attitude *I* have toward *your* dignity, he claims—it's inherently "second personal"—and an individual's dignity (in my eyes) resides not in her sheer personhood, but in her authority to address demands, requests, complaints, etc, to me. Respecting someone is being swayed by her; it's not a matter of putting her in some special category or seeing her as having certain features. This conception of respect doesn't have to put animals out of the running: when we see a dog as a subject, and as autonomous, and as having potential for a life with value, the way he barks to get out of a crate comes across as a demand he's entitled to make of us. But does this conception make respect (at least for humans) invariant?

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<sup>17</sup> *The Second Person Standpoint: Morality, Respect, and Accountability* (Cambridge: Harvard University Press, 2006), see chapter 6.

Once again, I do not think it's easy to stop respect from turning into a matter of degree. Think about the way we respect children. When they are very young, they can have odd preferences. For example, a child might insist that the different foods on her plate not touch each other. She may want to keep candy wrappers safe and sound in a drawer instead of throwing them out. A disrespectful parent completely disregards demands of this sort, insisting she has better judgment. A respectful parent grants the child some authority over his own "world" and tries to accommodate the preferences, bizarre though they may be. But she needn't take them quite as seriously as an adult's preferences. She might try to nudge the child in the direction of having other preferences. But she is still at least somewhat prepared to yield.

Darwall says we respect the authority of persons not just full stop, but rather we respect the authority of persons "as equal free and rational agents."<sup>18</sup> So there isn't merely a primitive response to authority here, but at least potentially a thought about why another is authoritative. Being rational is clearly a matter of degree, and so, one might argue, is being free. The example of the child makes it seem dubious that authority really rests on an assumption of equality, since we don't think of children as the equals of adults in any substantive sense. It's not out of the question, then, that even within this model of what respect amounts to, it does come in degrees, even when we are respecting other humans. It comes in degrees even more obviously if it's true that we respond respectfully to dogs trying to get out of crates *and* to humans trying to achieve their own ends.

The variability of respect for animals can be defended on general grounds, but it's also evident empirically. We see it when we attend to the way respect increases as we

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<sup>18</sup> Darwall, *The Second Person Standpoint*, p. 121.

learn more about a species. I'm more inclined to care what happens to crows now that I've read Bernd Heinrich's book *The Mind of the Raven*, and know more about them. If you read Frans De Waal's books about proto-morality in chimpanzees and monkeys, you'll probably feel your admiration growing as he convinces you that animals are capable of empathy and a sense of fairness. But your deference is likely to grow as well. Once I knew nothing about bower birds, and might have had little reaction to news about them being hunted; but under the tutelage of David Attenborough, I've learned that the males build beautiful, one-of-a-kind little structures to impress females. Now their welfare concerns me more. Learning about animal emotions has that respect-enhancing effect as well. If you think that animals have a very narrow range of emotions, encompassing just primitive feelings like fear, pain, and pleasure, you're likely to have lower respect for them than if you learn they feel love, sadness, anxiety, and depression.<sup>19</sup>

If Regan or Taylor is correct, we are quite misguided when our respect for animals increases with our understanding of their abilities. Most of what we learn about animals from books and films has no relevance to what makes them worthy or not worthy of respect. I suggest we are not so misguided, though our perceptions may change upon reflection. It may not be true that every aspect of cognitive and emotional sophistication adds value to animal lives; and it may not be that all value-enhancers are also grounds for extra respect. For example, we may make too much of the presence or absence of language in animals. We may put too much stress on whether they feel our full spectrum of emotions. Every intelligence deficit doesn't produce a corresponding decrease in

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<sup>19</sup> De Waal, Frans, *Primates and Philosophers: How Morality Evolved* (Princeton: Princeton University Press, 2006). Bernd Heinrich, *The Mind of the Raven: Investigations and Adventures with Wolf Birds* (New York: Harper Perennial, 2006). David Attenborough, *The Life of Birds* (BBC film).

respect-worthiness. But it doesn't follow we should trim back the bases for respect to the minimum.

There is good reason to think that ethical respect is variable. All we respect are not made equal by that which we respect in them. But then, we might wonder, of what use is a *variably* respectful attitude? Wouldn't it steer us wrong if we gave it sway over our treatment of not only non-human animals, but human animals—each other—as well?

## VI.

Approaching other human beings with the variably respectful attitude I've been discussing, respecting people would certainly place limits on harming them. In fact, a respectful attitude would limit what we can do to humans even more than what we can do to animals. There is simply more to respect in a human being—at least typically. A human life has more inherent worth. Beyond that global difference, there are also specific things about humans, and only humans, that elicit a respectful response. Only a human being can say “I don't want to participate in that experiment, even if it's harmless (to me) and beneficial (to others).” Respect means honoring preferences just because they are a person's preferences, even if considerations of costs and benefits lead to a different decision. Respect for human beings includes being sensitive to a person's sense of their own dignity, where no such sense exists in animals. It means keeping promises that can't be made to animals to begin with. An ethic of respect will give types of protection to human beings that needn't be given to animals.

On the other hand, if respect is variable, then it's not going to protect every human being to an equal degree. Like respect protects chimpanzees more than frogs,

surely it also must protect some human beings more than others. And that's going to lead in intolerably counterintuitive directions. If differences in respectworthiness are part of the explanation why we can kill rabbits to save our lives, doesn't parity of reasoning require us to give special rights and privileges to particularly capable human beings? Of course, this isn't going to mean according higher status to one race or one sex, or even to the smartest people or the most artistic. But it's true that with all factors taken into account sensitively, some people are rightly seen as more gifted than others—whether because of nature, nurture, good health, luck, their own decisions, or whatever. At the two ends of the spectrum, there are people who “score” very high in all areas that increase our respect, and people who score very low in all those areas. To fix ideas, think of people who are all-around impressive as prototypes at the high end. For the low end, don't indulge your biases about race, gender, disability, etc., but think about someone who is all around unimpressive—gratuitously cruel to others, lazy, dull-witted, self-involved, etc. If respect is variable and therefore humans may eat rabbits to survive, then by the same reasoning, why can't the all around highly gifted eat the all around terribly ungifted in a time of famine? Why can't the impressive prototype at one end of your spectrum eat the unimpressive prototype at the other?

To think about the matter further, it will help to picture a self-contained world—an island community with a population of humans and animals of various sorts. Resources fluctuate, so that there are periods of peace interrupted by periods of scarcity. Initially the islanders live by a variable ethic of respect. They resort to eating animals on the island only when times are tough and they are threatened by starvation. When things get really bad, and they run out of animals, they resort to carefully controlled

cannibalism, with giftedness determining who eats whom. It's hard to imagine that they could be satisfied with this form of life, as much as everyone restricts their predations. The situation is not quite as bleak as the completely unfettered state of nature described by Hobbes, but still life is pretty nasty, brutish, and (for some) short.

Rational members of this society will surely start to pair off and make agreements. Gifted Gilbert gets together with Dull (but still essentially rational) Derrick, and they agree never to eat each other. It may seem irrational for Gilbert to make such an agreement, but it's not. Gilbert knows he could be hit on the head with a coconut and wind up in much worse shape than Dull Derrick. It would even be rational for them to go further and draw up a more general set of Eating Rules, instead of just making a deal with each other. Perhaps they both have young children and elderly parents whom they care about just as much as themselves. Dull Derrick doesn't want Gilbert eating his immature children and infirm parents, who are pretty dull too. And Gilbert doesn't want Derrick eating *his* dull children and parents. But what of an outlier—someone not rational enough to be party to the agreement, and not a relative of any of these signers? I think the rational islanders will want to cover that person as well. The parties deciding which rule to erect know they could be in the outlier's shoes some day. Their children might now have the protection accorded to relatives, but may not forever. Once they agree on this rule, their behavior during the next famine is going to have to change. Gifted Gilbert will not be able to save his life by eating people. In fact, it will have become a matter of self-respect not to do so. He has agreed to abide by the rule against eating people; he'd be violating his own promise if he were to do so. So he will hold back from cannibalism, without regard for whether a potential meal is someone more or less gifted than himself.

Though the completely irrational cannot hold themselves to the rule out of the same fidelity to a promise (since they can't think things through), their compatriots will hold them back from any infringements. It's true that the whole society doesn't agree to the rule, but nobody can complain about it. The ungifted will get more than they deserved under the pure ethics of respect they started out with. The gifted will get less than they deserved, but they will have agreed to that, and agreed to it with good reason.

When famine strikes again, all will be voluntarily blind to differences in giftedness, and never eat people. But now suppose they start thinking about their habit of eating animals in times of scarcity. The critical question for us is whether the islanders must go a step further and make a rule that obliterates human-animal differences. If they are rational and not species-biased, will they accept a broad prohibition on eating other creatures? Or will they continue to register difference in respectworthiness between humans and non-human animals, and use animals for food when absolutely necessary?

Certainly, they aren't cornered into protecting animals, just because they've rationally decided to protect themselves, their future selves, and their relatives. Animals are not, of course, their future selves, and not their relatives. So they aren't being inconsistent if they don't include animals in the no-eating rule. If there's anything that forces them to abolish eating animals, out of consistency, it's the fact that they've decided not to eat the outliers. But their reasons there don't extrapolate to animals. The contractors protect signers see themselves as being in peril of being in that position. They don't have the same reason to bar the eating of animals. They simply will never need for themselves the protections they might extend to squirrels, dogs, monkeys, etc. It doesn't make sense to disregard an animal's respectworthiness for another reason as well.

It's not up to us to say that a chimpanzee and a mouse should be treated interchangeably, despite their naturally different entitlements. And so the naturally heterogeneous ethic of respect should hold sway where animals are concerned.

The story of the islanders suggests that we may have perfectly good, non-speciesist reasons to go beyond an ethic of variable respect when we are among humans, acting just as though "All men are created equal," as the great declaration says. Yet there may also be good, non-speciesist reasons to continue responding with variable respect when our actions affect non-human animals, or a mix of human and non-human animals.

These suggestions about human equality are sketchy, but may at least allay the fear that if we take variable respect seriously as an attitude that should shape our dealings with humans and all other animals, we'll be stuck paying variable respect to all, and recognizing the equality of none. There are extra factors that shape our way of living with each other. We can recognize that, and still have a robust understanding of our obligations to animals.

## VII.

If a robust defense of animals does not require any assertion of equality between all animals, might it still be pragmatically valuable to make that assertion? Is equality the sort of rough-and-ready notion that makes for good advocacy, as opposed to precise truth?

A case might be made to that effect. As Singer argues so persuasively in *Animal Liberation*, a deep-seated speciesist bias afflicts us and distorts our thinking about animals. Dogs and cats are in a sort of high caste. Species that are used for food are low

caste, though even lower are “pest” animals like squirrels or animals many people find repulsive, like rats. Wild animals—particularly large mammals and beautiful birds—are valued much more highly, though we consider it an acceptable form of entertainment to kill them just for fun (at least if they’re in good supply). Generally, we disparage the whole class of non-human animals as “just animals.” Notions of equality may seem to be the perfect antidote. Feeling the pull of life value egalitarianism or Singer’s principle of equality, we are likely to correct our course, and at least come closer to where we ought to be. If what really matters is overcoming our biases and treating animals with all due respect, might it not simply be most effective if animal advocates more boldly proclaim that all animals are equal? In our political culture, isn’t that the right way to package the more subtle truth of the matter?

Judging from the huge influence of *Animal Liberation*, whose opening chapter proclaims that all animals (human and not) are equal, it might seem that the concept of equality has been nothing but a boon to the animal rights movement. But I will end with an anecdote that calls that into question. When I use Singer’s book to teach a course on animal rights, I find students are strongly skeptical of the claim that all animals are equal, and especially about claims that we commit the very same mistake whether we are racists, sexists, or speciesists. But at the same time that they are voicing skepticism, I see them flipping to the pictures in the middle of the book. They are convinced that animals are being wronged by the images and by the mountain of information throughout the book about the way animals are treated in factory farms and animal labs. It’s not actually the concept of equality that brings students around to greater concern for animals.

Now, it may be that the facts and images do all the work, and no moral precepts are really needed, but I suspect that's going too far. There is a conceptual component to the repulsion. Part of what repels is the treatment of animals as if they were things, i.e. *without respect*. What inspires is the notion that animals ought to be given their due, as thinking, feeling, living creatures. We can talk about "their due" in a rich vocabulary that includes concepts of respect, balance, necessity, compassion, overcoming bias, and so on, but doesn't include equality.

Returning to Jane Goodall and Mark Bekoff, the authors I started with: they are at least roughly right when they write, "Every living creature is deserving of respect" ("roughly" because I'm not so sure about respecting every pangfish and dust mite). Equal respect for every creature is another matter. Not only is equal respect impossible to live by and difficult to make sense of, but I suspect it is also the wrong concept for framing effective animal advocacy.