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# Unitarianism or Hierarchical Approach for Moral Status?

## A Very Subtle Difference

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### ABSTRACT

*The article is inspired by Shelly Kagan's recent book "How to Count Animals", which focuses on the alternative between a unitarian and a hierarchical conception of the moral status of beings in the animal ethics debate. The paper finds a way of compromise between the two perspectives in the principle of equal consideration of interests, but above all it lessens the role of such opposition – especially its practical relevance – by emphasizing that, regardless of the fact of conceiving moral status in terms of all or nothing or in gradual terms, what really counts in our attitude towards non-human animals is to assign them an important moral consideration, that protects them not only from suffering, but also from an induced death in advance of natural times, a thesis that is compatible with both unitarianism and a hierarchical approach.*

*Keywords:* animal ethics; animals; David DeGrazia; equal consideration of interests; hierarchical approach; Shelly Kagan; moral status; unequal consideration model; unequal interests model; unitarianism.

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### 1. INTRODUCTION: SHELLY KAGAN AND HOW TO COUNT ANIMALS

The importance of that specific area of applied ethics which is animal ethics is evidenced by the fact that now all or almost all the great moral philosophers have dealt with the issue of our moral relationships with sentient beings of other species. Just to name a few, R. Nozick, P. Singer, R.M. Hare, M. Nussbaum, B. Williams, J. McMahan, D. DeGrazia, C.M. Korsgaard etc. In recent years another eminent name in the sphere of philosophical ethics have been added to this long list. I refer to Shelly

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Kagan, a thinker who has made notable contributions in normative ethics and applied ethics <sup>1</sup>. In the book *How to Count Animals, More or Less* (Oxford: Oxford University Press, 2019) he collected his ethical theses on our relationship with non-human animals.

It is a text of great refinement, written in a “G. E. Moorish”, analytical style, and deserves the greatest attention. It touches on fundamental themes with original solutions, and I hope that papers that explore these points will appear in *Relations*. Regardless of animal ethics, it is an excellent book on moral philosophy, well suited to give a clear understanding of the main subdivisions of this discipline (moderate and absolutist deontological theories, consequentialism, the major theories of value etc.). His points of reference for animal ethics (P. Singer, T. Regan, D. DeGrazia, J. McMahan) are also mine. In addition, Kagan benefits from the uncertain, balanced, never dogmatic tone.

In the following pages, I do not intend to closely analyze the many interesting themes and arguments developed by Kagan. I just want to focus on the central alternative he outlined in his volume and, in seeking which of the two options is more plausible, to highlight the subtlety and abstractness of the dispute, that does not appear to have decisive implications for the conditions of the animal world.

The main topic of the book are two different conceptions of the moral status of animals and, more generally, of the moral status of beings <sup>2</sup>. According to the first conception, that Kagan calls “unitarianism” <sup>3</sup> (or unitarian approach to animal ethics), there is one single moral status, only one kind of moral status and a being or a thing either possesses it or does not. Instead, for the second conception, that Kagan calls “hierarchical approach”, moral status admits degrees. And therefore a being can possess a lower level of status, another being a higher level and so on. Kagan argues against the first option and tries to defend the second one.

Perhaps Kagan is right to propose a hierarchical model, although I prefer to speak of a gradualist approach to moral status. Among other things, a gradualist approach seems to me more suitable to deal with fun-

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<sup>1</sup> For the relevance of Kagan’s texts, see for example Kagan 1989, 1997, 2012. For the debate on animals, it is worth noting his back-and-forth with Singer (and with others) on speciesism. See Kagan 2016 and Singer 2016.

<sup>2</sup> As readers of *Relations* well know, the moral status of an entity is its intrinsic relevance from a moral point of view, i.e. its value in itself or inherent value (its value as an end and not as a means; its being the object of direct and not merely indirect duties).

<sup>3</sup> He prefers this term to the more natural “egalitarianism” because the latter is already abundantly in use in the moral field with other meanings, for example, in the sphere of distributive justice.

damental bioethical issues, such as the moral status of the fetus. But my aim in this paper is another. Regardless of the fact of conceiving moral status in terms of all or nothing or in gradual terms, what really counts in our attitude towards non-human animals is to assign them an important moral consideration, that protects them not only from suffering, but also from an induced death in advance of natural times, a thesis that is compatible with both unitarianism and the hierarchical approach.

## 2. UNITARIANISM VS. HIERARCHICAL APPROACH

Kagan is well aware that hierarchical conceptions can be and have been the basis of terrible discrimination and morally abhorrent practices, but he does not intend to advocate such hierarchism<sup>4</sup>. He wants simply to assert that, while recognizing non-human animals an important moral status, their relevance is inferior than that of people. A statement that he specifies in two senses: (1) first of all, in a non-speciesist sense: the superiority of status refers to *persons*, understood as self-conscious and rational beings, and not to human beings; therefore it assigns a role to mental complexity and not to biological species membership; (2) then, the superiority of mentally more complex beings must not give the erroneous impression that his theory recognizes exactly *two* levels of moral status, one enjoyed by persons and the other by animals. In his view an adequate theory must recognize multiple levels of status, since not all animals have the same status (Kagan 2019, 6-7).

Kagan repeatedly points out that, if in his conception animals count less than people, this does not in any way mean that it justifies the human behavior of exploitation and killing of animals:

Animals count for less than people do, but they count for far, far more than we ordinarily acknowledge.

The day may come when it will be common to look back on mankind's long history of abuse of animals and recognize it as the disgrace and horror that it is. But that day is not yet upon us. Conceivably, then, given the widespread mistreatment and disregard for animal interests that continues to this very day – indeed, given the innumerable ways in which abuse of animals runs almost unnoticed through countless aspects of human life – it may well be the case that the most *pressing* task for moral philosophy

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<sup>4</sup> On the other hand, even the unitarian approach can be a source of profound discrimination, just with regard to the animal world. Throughout history – but also currently – it has been the foundation of the exclusion of animals from the moral community, assigning moral status (at the same level) only to members of the human species.

with regard to animals is to establish that they really do count morally, and that they count for a tremendously great deal more than we seem ready to acknowledge (given the horrific ways we actually treat them). (*ibid.*, 303)

Since, therefore, the hierarchical alternative that Kagan intends to oppose to unitarianism is within a perspective that assigns moral status to animals, we will take this point for granted and we will ask ourselves whether, in the context of a conception that attributes an important moral consideration to animals, a unitarian approach or a hierarchical approach is preferable.

Kagan believes that a hierarchical approach is better suited than a unitarian approach to account for the demands of distributive justice (*ibid.*, 58-78). In addition to these arguments, which I will not address here because of a lack of space, he thinks that the reasons for hierarchical approach also emerge by focusing on the value of well-being. In contrast to the unitarian perspective, according to which “in assessing the contribution to the goodness of an outcome made by an increase in welfare for a given individual, it makes no difference *whose* well-being we are talking about” (*ibid.*, 96-97), for Kagan

The contribution that an increase in welfare makes to the goodness of an outcome depends in part on the status of the individual whose welfare it is. More particularly, perhaps a given increase in welfare makes a larger addition to the goodness of the outcome when the welfare is going to an individual with a higher, rather than lower, moral status. On this alternative view, status makes a difference to the *value* of well-being. (*ibid.*)

To support this thesis, Kagan gives an apparently very simple example:

Suppose that two individuals have toothaches, equally intense, and I have enough painkiller to put an end to either one of the two toothaches but not both. Suppose, next, that unless I stop one of the toothaches they will last equally long. Finally, imagine that one of the two individuals is a normal, adult human – that is, a person – while the other is a mouse. (*ibid.*, 99)

Who should I give the painkiller to? The answer that appears to conform to common sense is that my choice should fall on the person and this is Kagan’s response: “when I think about this case, I find myself strongly inclined to judge that it is more important to help the person than the mouse” (*ibid.*). What reasons are given by Kagan for justify this answer? He asserts that “the person is a more valuable sort of being than the mouse, she counts more, she has a higher moral status” (*ibid.*). But does this example necessarily support a hierarchical conception? It is true, who believes that moral status is of only one level, that it is the same for all who possess it, faced with this *aut-aut* could coherently assert that,

since the moral status of the mouse is equal to that of the adult human, it is perfectly legitimate to give the painkiller to the first instead of the second, and in any case, given the equal position of the two, one option is as good as the other. And this would be a highly counterintuitive outcome. But is the proponent of unitarianism really logically obliged to such a response? Can't he consistently answer that the human being should be privileged? Kagan in a similar example (although with reference to life and not to suffering) in the previous pages had granted this possibility. Faced with the alternative of saving a human or a mouse from drowning, in his view even the unitarian has the opportunity to answer that the human should be saved: "Appearances to the contrary notwithstanding, it is [...] perfectly compatible with unitarianism to insist that there is indeed far greater moral reason to save the person than the mouse" (*ibid.*, 42). Because "under almost all realistic circumstances the person will lose more if she drowns than the mouse will lose if *it* drowns" (*ibid.*). In fact

what each stands to lose is the future well-being that would come their way if only they were saved from drowning – and it is almost always the case that when a person drowns this involves a tremendously larger loss of future well-being than when a mouse drowns. [...] First of all [...] since mice live for only two or three years at most, while humans can live for 80 years or more, if the person drowns she is likely to be losing many more years of life than the mouse will lose if it drowns instead. But beyond that, second, each one of those years in the life of the person is almost certain to contain a tremendously greater amount of well-being than a year in the life of the mouse (since the life of a person generally involves a significantly larger and more valuable array of goods than the life of a mouse). (*ibid.*, 42-43)

From the unitarian perspective what justifies saving the person rather than the mouse is not her higher moral status, but simply the moral requirement to prevent the greater harm. But, granting this, isn't Kagan then forced to recognize that the same explanation may also apply to the toothache example? Indeed he admits the difficulty:

even if one does share my intuition about this example, one might reasonably worry whether I have really constructed a case in which the two potential increases in welfare are genuinely the same size. It is arguable, after all, that the person's welfare will take a greater hit if her toothache is left untreated than the mouse's welfare would (if it were the mouse's toothache that was left untreated). Among other reasons, the person presumably has a much better memory than the mouse has. Once the mouse's toothache is over it may immediately be forgotten; but the person will remember hers – and the longer it goes on, the more painful the later memories may be. So

even if one does have the intuition that it is better to aid the person, this may simply show that one actually thinks that a greater increase in welfare will be brought about if one aids the person rather than the mouse. Status may play no role whatsoever in explaining why the result will be better if we aid the person. (*ibid.*, 100)

The logic that seems to be behind this *modus operandi* of the unitarians, which allows them to comply with intuitive data, is the principle of equal consideration of interests (widely found in Singer and Regan, the two classic defenders of animals). According to such principle, interests deserves equal consideration, regardless of the nature of individuals involved in a course of action. But only if the interests at stake are *the same*. If the interests at stake are unequal, the principle may admit unequal treatment.

But in reality this principle is also invoked by those who do not move in a unitarian horizon, as much as in a hierarchical or gradualist horizon. This is demonstrated by the following framework of possibilities offered by DeGrazia, which I refer to in order to shed light on such a tangled issue.

### 3. DEGRAZIA'S OVERVIEW OF POSSIBILITIES FOR HIERARCHICAL OR GRADUALIST PERSPECTIVE

A good overview of the possibilities connected to a hierarchical model of moral status, or gradualist model of moral status – as I prefer to express it – is outlined by DeGrazia in his texts<sup>5</sup>, of which I share not only the approach to the problem, but also – as will be seen shortly – the conclusions regarding the alternative unitarianism-hierarchical model.

While in general, as we have seen, a hierarchical approach asserts that there are different degrees of moral status, according to DeGrazia, in the context of a view that ascribes to animals moral consideration, there are two main conceptions of status admitting degrees. The first, which he calls the “unequal consideration model of degrees of moral status” (DeGrazia 2008, 186), is easier to understand. It is based on a principle of unequal consideration of interests (unequal consideration of the same interests at stake). According to this principle, the same interests at stake are not valued equally, because some have greater moral weight. For example, in this perspective even though a human and a lizard have the same interest in not being made to suffer, the human’s interest has a greater moral relevance than the lizard’s interest, and therefore it is morally worse to cause

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<sup>5</sup> I am mainly referring to DeGrazia 1993, 1996, 2002, 2008, 2009.



a certain amount of pain to a human being than the same amount of pain to a lizard. Analogously, from this point of view it is worse to kill humans than lizards, because we owe to the former a higher moral consideration than to the latter. This hierarchical model can take two main forms (a simpler one and a more articulated one): (1) a *two-tier* model, according to which rational and self-conscious beings or persons possess a full moral status, while less complex sentient beings (animals that are not persons) possess a lower moral status (cf. DeGrazia 2008, 192; 2009, 145); (2) a *sliding-scale model*, according to which there are a lot of degrees of moral status connected with the cognitive, emotive and social complexity of a sentient being. The more mentally complex a sentient being is, the higher its moral status. Thus, humans have the greatest moral status, “Great Apes and dolphins a bit less, elephants and monkeys somewhat less than apes and dolphins, middling mammals still less, rodents less, and so on down through the phylogenetic scale” (DeGrazia 2008, 192)<sup>6</sup>.

The second model, which DeGrazia calls “unequal interests model of degrees of moral status”, is more complicated to understand, because it starts from a principle of equal consideration of interests, i.e. it derives from the principle that equal interests deserve equal consideration. The natural outcome of this conception seems to be the attribution of equal status to all beings who possess it (indeed, it is the main point of reference or one of the main points of reference, as I have said, for the proponents of an egalitarian or unitarian conception of moral status). Also because, as we have seen, such principle requires equal consideration of equal interests, not of different interests. I do not violate it if I argue that, for example, an early induced death harms a person more than a sentient being who is not a person; and consequently it is more serious to kill a person than a lizard. In this way, the principle allows unitarians to reach responses in accordance with common sense. But, according to DeGrazia, this principle, precisely because it allows to evaluate differently different interests, for example conceiving the value of life as something that grows with the increase of mental complexity, can also be ascribable to the gradualist area. In his opinion “the noncomparability of certain interests and perhaps other factors justify sufficient favoring

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<sup>6</sup> But there are also intermediate versions between the two, and Kagan seems to support one of these. In fact, the version of hierarchy conception that he ultimately embraces involves only a few levels (Kagan calls it “a *limited* hierarchy view”): “There are at most only a small number of morally relevant divisions within the animal kingdom, with higher animals (for example, dogs, monkeys, and whales) counting for more than other animals (such as chickens, rabbits, and mice) who in turn count for still more the rest (like fish, perhaps, or maybe insects)” (Kagan 2019, 303).

of humans in case of genuine conflict that we may say, without distortion, that human persons have higher moral status than nonhuman animals” (DeGrazia 2008, 191). Those who attribute the principle of equal consideration of interests to the unitarian sphere and reject assertions of degrees of moral status do so only for reasons of conceptual parsimony:

these thinkers accept that there are some noncomparable interests – that death, for example, typically harms humans more than mice. But they deny that this fact justifies talk of degrees of moral status. Such talk, they maintain, is unnecessary to explain considered moral judgment such as the stronger presumption against killing persons. These judgments can be explained simply by noting that killing persons harms them more than killing mice harms mice – and it’s generally worse to cause more harms than less. (*ibid.*)

This is Harman’s position, according to which “We have no reason to posit such degrees of moral status, so we can conclude that moral status is not a matter of degree, but is rather on/off: a being either has moral status or lacks it” (Harman 2003, 183). The fact remains that it is the same conception that one ascribes to the unitarian field and the other to the hierarchical field. Apart from the nominal difference there seems to be no other difference. Unitarians prefer to speak of equal moral status. DeGrazia instead believes that that different value of life, which grows as the mental complexity of a being increases, is best qualified by using the language of degrees of moral status. Theirs appears to be a verbal dispute.

Focusing on the two parameters of life and suffering, the status options we have seen at stake therefore seems to be 4: (1) an undoubted form of unitarianism, which operates with a principle of equal consideration of interests and assigns the same value or weight to the suffering and life of all sentient beings (because the interests at stake are equal when the suffering has the same intensity and duration, and with the loss of one’s life); (2) a form of unitarianism also based on the principle of equal consideration of interests, but which considers that in dilemmatic cases, and particularly when life is at stake, the interests for sentient beings, though equally considered, may be different; (3) an undoubted form of hierarchical approach, which operates with a principle of unequal consideration of interests and is expressed in (3A) a two-tier model and (3B) a sliding scale-model; (4) a form of hierarchical or gradualist approach, founded on the principle of equal consideration of interests, which holds that mentally more complex sentient beings may have greater interests than less complex mentally sentient beings, in particular they have more to lose from an interruption of one’s life. Option 2 and option 4 appear to be equivalent.

#### 4. EQUAL CONSIDERATION OF INTERESTS, BUT DIFFERENT MORAL STATUS

What is the most appropriate conception? As emerges from the preceding considerations, both hierarchical and unitarian approaches present elements of plausibility. Referring to two fundamental parameters such as life and suffering, also recalled by Kagan in the two examples I have cited, I would say that looking at the value of life, the hierarchical model appears more suitable. But looking at the weight of suffering the advantage is reversed.

My position on this kind of problems continues to be the one I have defended in recent years (Allegrì 2015, 2018, 2019a), which I summarize here below. I have argued, also in *Relations* (Allegrì 2019b, 2020), that all sentient beings, in addition to the harm of pain, suffer harm also from an early induced death. In fact even sentient beings without self-awareness and rationality killed prematurely lose all those satisfactions conform to their own species which they would have enjoyed living longer: more food, more sex, more children to be raised, etc. They do not need to have a sense of the remote future and/or a desire to continue living to undergo harm. The fact that a lizard – assuming it is a being without complex mental skills – cannot have an interest (in the sense of desire) to live, having no sense of the future, does not mean that it is not in its interest to avoid a premature death. That it is not – cannot be – interested in continuing its life does not mean that it is not in its interest to continue it. However, I am convinced that the damage suffered by all sentient beings from an induced death ahead of time is not the same. I believe that a mentally complex individual, i.e. a person, suffers greater harm. Expressed in Regan's terms, a mentally complex individual, in addition to having future-oriented *welfare-interests*, also has (in more) future-oriented *preference-interests*<sup>7</sup>. If the former are sufficient to make wrong the killing of a sentient being (and therefore those who link this prohibition to personhood status are mistaken), the presence of a preference-interest not to die makes the life of an individual more important and the harm she receives from a prematurely induced death of greater gravity. Compared to a merely sentient being, a mentally complex subject with a premature death not only loses the satisfactions of future life, has

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<sup>7</sup> By “preference-interests” Regan means what we are interested in. By “welfare-interests” he means what is in our interest. The two concepts must be kept distinct because not everything that interests us is in our interest and vice versa (Regan 1983, 87-88).

also frustrated his preference to survive and all the future-oriented preferences that presuppose remaining alive in order to be satisfied.

But, in order to establish the value of lives and the harm that individuals receive from a premature death, a simple division like that between persons and non-persons is not appropriate, because it does not capture the multiple differences existing between individuals. Between fully self-aware and rational beings – typical humans – and mere sensory containers, if they really exist, there are many intermediate gradations. The concept of a person is hardly categorical. One can be *more* or *less* a person. And *almost* a person. Self-awareness and rationality do not have an “all or nothing” nature. Inasmuch as a dog, cat or ape is self-aware and rational, it is difficult to conceive of them as persons in the same way as an ordinary human being. It therefore seems more plausible to posit a *gradualist* conception of the value of life and the harm caused by death, for which the value of life increases gradually, rising up the phylogenetic scale, on the basis of the complexity of an organism. Expressed in more precise terms, the value of sentient life is *directly proportional* to the cognitive, emotional and social complexity of individuals. The more an organism is complex under these aspects, the more its life has value. And the more harm it receives from premature death.

Does this gradualist conception of the value of life and the harm of death also apply to pain and more generally to the moral consideration of a sentient being? Not necessarily. There are two possibilities in this regard. Either to attribute also to pain a weight that gradually increases on the basis of the cognitive, emotional and social complexity of individuals (the higher we go up the phylogenetic scale, the more relevant is the pain of an entity). Or to give the same weight to pain, accepting a principle of equal consideration of interests and believing that, with the same intensity and duration of pain, the interest to avoid it is the same for all sentient beings. Adopting the first way means subscribing to what DeGrazia calls the sliding-scale model, in which not only life, but more generally the moral consideration for an individual (therefore including pain) must grow on the basis of his mental complexity (see DeGrazia 1996, 34-37; 2008, 192; 2009, 145). But the gradualist model of the value of life does not necessarily have the outcome of attributing a lower value to the pain of mentally less complex individuals. It is also compatible with the attribution of equal importance to the pain of sentient beings, on the basis of a principle of equal consideration of interests. Such a principle, as we have seen, does not imply that all lives are of equal value (although it is compatible with this thesis). In fact, even if the consideration is the same, the interests at stake may be unequal. In this perspective

while all sentient beings deserve equal consideration – equal protection of their comparable interests – some of their interests are noncomparable in ways that justify significantly different moral protections. Thus, while it is in the interests of both mice and persons to continue to live, persons generally have a much greater stake in life – are harmed more by death – so killing persons is worse, other things equal, than killing mice. (DeGrazia 2008, 190)

By accepting the principle of equal consideration of interests, we can therefore argue at the same time that, *ceteris paribus*, the value of the pain of all sentient beings is equal, and yet the value of their lives differs in gradual terms on the basis of mental complexity. Is this conception to be subscribed? I would say that it has no contraindications, it has only positive implications. First of all, it seems to be dictated by the principle of universalizability or formal justice, which requires us to treat relevantly similar cases similarly and relevantly different cases differently. As DeGrazia states, “universalizability lays an onus of proof on the ‘inegalitarian’ [...]. For she must identify the relevant difference between the two beings that justifies making different moral judgments with respect to their relevantly similar interests” (DeGrazia 1993, 19). DeGrazia, again, notes that “the avoidance of aversive mental states [...] is a relevantly similar interest, no matter who has it: ‘Pain is pain’” (DeGrazia 1996, 234).

Furthermore, the principle of equal consideration of interests accords with a wide range of moral theories. But above all, it does not seem to have counterintuitive results. Putting the pain of animals on the same level as human pain is not to say that they suffer as much as we do. The pain of many sentient species does not appear equal in intensity and duration to ours. And even in those cases in which it can be (I am thinking of animals closer to us in mental complexity), in dilemmatic situations the greater value of our life must lead us to privilege the human animal over the non-human animal. That is to say, once we differentiate the value of lives, even if we attach the same relevance to the pain of a dog or a human, in situations of serious conflict the greater damage inflicted by the death to the human will make that we will have to give precedence to her needs over those of the dog<sup>8</sup>. Finally, such a conception allows us

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<sup>8</sup> See the excellent examples in this regard in DeGrazia 1993, 26-27. The fact that a typical human may receive greater harm from an early induced death than a less cognitively, emotionally, and socially complex animal does not mean, of course, that in all cases of conflict between our needs and those of nonhuman animals, the former take precedence. It depends on what is at stake. If for a less complex being (human or non-human) in a given situation a fundamental interest such as life or a great harm

to attribute to the pain of marginal humans the same weight as the pain of typical humans. In this way, an important principle of equality is preserved. Otherwise we should ascribe to the pain of a human with severe mental disabilities a lower relief<sup>9</sup>. Assigning equal weight to the suffering of all sentient beings, but a different value to their life on the basis of mental complexity, seems to me a good compromise, which safeguards both marginal human cases and the need to ascribe greater value to the life of men than to the life of lizards.

Does giving equal consideration to the equal interests of all sentient beings mean giving them equal moral status? As we have seen, for some it is so, for example for Peter Singer. In his view, the principle of equal consideration of interests, which he advocates in the utilitarian version, implies that

nonhuman animals, or at least all nonhuman animals capable of conscious experiences such as pain or pleasure, enter the sphere of moral concern. Moreover they enter it with a fundamentally equal moral status: their interests are to be given the same consideration as the like interests of any other being. (Singer 1987, 5)

Similarly, Tom Regan – who argues for equal consideration in the form of equal inherent value – asserts that “all those individuals who are subjects-of-a-life [...] have inherent value and thus enjoy an equal moral status”

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(or a great benefit) is at stake, while for a more complex being (e.g. a typical human) a less relevant interest (e.g. a slight pain) is at stake, there is no doubt that the moral point of view should privilege the needs of the less complex animal. It is only when the stakes are the same for the more complex and the less complex animal – namely equal amounts of harm are at stake – that it is reasonable to privilege the more mentally complex being. Consequently, this type of position in no way justifies intensive farming, where the stakes are completely unbalanced to the detriment of less complex animals, which have their lives and well-being to lose. We, on the other hand, by renouncing to eat sentient animals, we do not lose either one or the other. On animal experimentation the issue is more complicated, but even in this case the role played by mental complexity does not authorize experiments that are not a necessary and sufficient condition (i.e. the only means) to save people’s lives.

<sup>9</sup> This seems to me a better solution to the problem of atypical humans than Kagan’s solution. To give an important moral consideration to humans who, because of profound intellectual disabilities, are not conscious of their lives as their own and do not look forward to future achievements, Kagan introduces the concept of *modal personhood*. According to him human beings who are neither persons nor even potential persons are *modal* persons, namely individuals who might have been persons. In his view to possess modal personhood is sufficient for counting more, morally speaking, than nonhuman animals “that are their psychological peers” (Kagan 2019, 159; more generally, see 137-145, 156-164). Regarding this last point, in Allegri 2015, 230-231 and in Allegri 2019, 631 I have proposed a different argument (which recalls the Aristotelian distinction between privation and negation) to arrive at the same result.

(Regan 2004, XXII). But, in my view, DeGrazia's position appears more convincing. He argues against the unequal consideration inherent in the sliding scale model or in other similar simpler models (such as the two tier-model), but nevertheless thinks that equal consideration does not imply equal status. Since the principle of equal consideration of interests is compatible with a different assessment of the value of life and the damage of death, the formula that DeGrazia considers most appropriate is "equal consideration of (relevantly similar) interests, but *unequal* moral status" (DeGrazia 1993, especially 26-28)<sup>10</sup>. So if equal status seems to imply equal consideration, the reverse is not true. I am inclined to believe that DeGrazia's position is preferable to the thesis of the equal status of Singer and Regan, which does not seem to adequately highlight the different value of the life of sentient beings, which they also welcome.

In any case, as we have seen, it is a very subtle distinction, so much so that DeGrazia admits that within this dispute among defenders of the principle of equal consideration of interests "There might be no disagreement about our obligations to various beings. All can agree on the moral 'facts'" (DeGrazia 2008, 191). More generally, Kagan himself acknowledges that the contrast between unitarianism and a hierarchy approach "is probably less crisp than it might initially appear" (Kagan 2019, 39-40).

## 5. FOUR (LESS SUBTLE, CLEARER) OPTIONS FOR THE MORAL CONSIDERATION OF ANIMALS

Instead of getting stuck in a distinction like the one between unitarianism and hierarchical approach, so subtle and abstract, I think it is more profitable and simpler to divide – as I have done in previous texts – the main positions on the moral status of animals into the following four options (listed in ascending order of consideration).

O<sub>1</sub>: animals do not possess any moral status. We have no direct obligations to them (they are not moral patients). This is the widely prevalent attitude in the history of Western thought. Not to attribute any moral status to animals means not to ascribe a direct moral consideration even

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<sup>10</sup> See also DeGrazia 1996, 256-257 and DeGrazia 2008, 191 and 198, where, however, the author, while reiterating the proposed formula, prefers to put it in the background, since it lends itself to be misunderstood in a sense that debases the value of animals.

to their suffering, i.e. not to accept what we might call the “Minimal Pro-Animal Argument” (hereafter MPAA), structured as follows:

it is directly wrong to procure unnecessary suffering to sentient beings  
animals are sentient beings

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it is directly wrong to procure unnecessary suffering to animals

O<sub>1</sub>'s supporters deny MPAA either because they do not subscribe to the first premise (historically for example Aristotle) or because they do not subscribe to the second (historically for example Descartes) or because they reject both of them (for instance Peter Carruthers). They either deny that animals suffer or they deny the relevance of their suffering. While denying direct consideration to non-human sentient beings, O<sub>1</sub>'s defenders can make extensive use of indirect reasons for not mistreating them (among which stands out the one made famous by Ovid's motto: *saevitia in bruta est tirocinium crudelitatis in homines*). In their perspective, the interests of animals matter only when they are causally related to human interests.

O<sub>2</sub>: animals possess moral status, i.e. they are worthy of direct moral consideration, but it is not comparable (in any way) to that of humans, whose value is higher and whose interests are to be given greater importance. Whoever chooses this option accepts MPAA and accordingly rejects all those human practices that involve unjustified suffering directed at other sentient beings. But he does not think that animal suffering has the same weight as human suffering. Furthermore, he does not believe that an early induced death constitutes a harm to beings without a sense of the long-term future. Or, if it is, it is not such as to render their killing unjustifiable<sup>11</sup>.

O<sub>3</sub>: animals possess a very relevant moral status. Whoever defends this type of position goes beyond MPAA, also giving weight to animal life and arguing that its abbreviation harms animals. Many of O<sub>3</sub>'s supporters arrive to accept the idea that equal consideration should be given to the interests of animals and human beings when equal, coming to recognize the suffering of animals the same weight as human suffering. But they believe that this does not preclude the possibility of valuing the life of mentally more complex beings (persons) as being more important than

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<sup>11</sup> Historically we can put in this option thinkers such as Bentham, Hutcheson, Schopenhauer, Primatt, just to name some philosophers of a certain importance. An excellent defender of O<sub>2</sub> in the twentieth-twenty-first century has been Scruton (on this topic, see Allegri 2020).



the life of mentally less complex beings (non-persons), because the former receive greater harm from a premature death than the latter.

O<sub>4</sub>: all sentient beings have the same moral status, irrespective of their biological belonging or cognitive abilities. Whoever supports this thesis makes the claim (addressed to defenders of O<sub>3</sub>) to draw fully the consequences of attributing equal consideration to sentient beings, placing them on the same level also in regard to the value of their lives and to the harm they receive from an early death. For the proponents of this option, there is no convincing argument for asserting that the life of a mentally more complex being has more value than the life of a less complex being.

In order to adequately protect animals, it is not necessary to go up to level O<sub>4</sub> of moral consideration; it is sufficient to go up to level O<sub>3</sub>.

## 6. WHAT REALLY MATTERS: DEFENDING ANIMALS FROM SUFFERING AND KILLING

In fact, it doesn't seem so relevant to me (in practical terms) that animals have the same moral status as we do, i.e., deserve the same consideration as we do. What is relevant is that the consideration we give them protects them from suffering and induced death in advance of natural times. Not only from the former, but also from the latter. Here is the great knot. The consideration to be given to animals must include the *prima facie* obligation not to take their lives, regardless of whether this means giving them the same status or consideration or not. Herein lies the great difference between a strong defence of animals and a weak defence of animals.

I can also think that animals do not have the same status as us, but this is not decisive. Decisive is whether I think animals can be killed or not. Let's take the following example, which shows where the decisive difference lies. Two people can both think that non-human animals do not have the same moral status as we do. On this point they fully agree. But one of them is convinced that, by virtue of this, while it is wrong to make animals suffer unjustifiably, it is not wrong to kill them (for example for food reasons). The other, on the other hand, believes that, although animals do not have the same status as us, in addition to making them suffer, it is wrong to anticipate their death with respect to natural times (if not for euthanasia reasons). This is an important difference, far from negligible, even in the context of a conception that does not attribute to animals the same moral status as ours.

That the moral status of sentient beings can be different, as Kagan argues, does not mean, therefore, that we cannot assign a strong moral status to all sentient beings regardless of their mental complexity, i.e. a moral status involving the protection of life. And that we cannot embrace a principle of equal consideration of interests which equalizes all sentient beings at least where they have equal interest at stake (e.g. the interest of not being made to suffer).

So the right compromise between unitarianism and hierarchical conception lies in the thesis of the equal consideration of interests, which on the one hand is compatible with assigning the same moral weight to the pain of all sentient beings, on the other hand is compatible with assigning a different moral weight to the damage that sentient beings receive from a prematurely induced death, giving a greater weight to more mentally complex beings. Once we adopt the principle of equal consideration of interests and once we distinguish the value of lives, theses that are compatible with both perspectives at stake, we do not see much difference between a unitarian and a hierarchical conception.

It can be accepted that there are gradations of status among sentient beings. That, for example, non-human animals have a lower status than ordinary humans. But what I do not find acceptable is that such a difference in status denies some sentient beings the right to life. That in dilemmatic situations it is permissible or obligatory to favor more mentally complex beings cannot imply that then it is permissible to kill the least cognitively, emotionally and socially complex sentient beings.

## REFERENCES

- Allegri, Francesco. 2015. *Gli animali e l'etica*. Milano - Udine: Mimesis.
- Allegri, Francesco. 2018. "The Moral Status of Animals: A Critical Analysis and a Gradualist Proposal". *Ethics & Politics* 20: 559-570.
- Allegri, Francesco. 2019a. "Quale animalismo? Quattro opzioni etiche a confronto". *Ragion pratica* 53: 611-634.
- Allegri, Francesco. 2019b. "Respect, Inherent Value, Subjects-of-a-Life: Some Reflections on the Key Concepts of Tom Regan's Animal Ethics". *Relations. Beyond Anthropocentrism* 7: 41-60.
- Allegri, Francesco. 2020. "On Midgley and Scruton: Some Limits of a Too Moderate Animal Ethics". *Relations. Beyond Anthropocentrism* 8: 137-143.
- DeGrazia, David. 1993. "Equal Consideration and Unequal Moral Status". *The Southern Journal of Philosophy* 31: 17-31.

- DeGrazia, David. 1996. *Taking Animals Seriously: Mental Life and Moral Status*. Cambridge: Cambridge University Press.
- DeGrazia, David. 2002. *Animal Rights: A Very Short Introduction*. Oxford: Oxford University Press.
- DeGrazia, David. 2008. "Moral Status As a Matter of Degree?". *The Southern Journal of Philosophy* 46: 181-198.
- DeGrazia, David. 2009. "Moral Vegetarianism from a Very Broad Basis". *Journal of Moral Philosophy* 6: 143-165.
- Harman, Elizabeth. 2003. "The Potentiality Problem". *Philosophical Studies* 114: 173-198.
- Kagan, Shelly. 1989. *The Limits of Morality*. Oxford: Clarendon Press.
- Kagan Shelly. 1998. *Normative Ethics*. Boulder (CO): Westview Press.
- Kagan Shelly. 2012. *Death*. New Haven (CT): Yale University Press.
- Kagan Shelly. 2016. "What's Wrong with Speciesism?". *Journal of Applied Philosophy* 33: 1-21.
- Kagan Shelly. 2019. *How to Count Animals, More or Less*. Oxford: Oxford University Press.
- Regan, Tom. (1983) 2004. *The Case for Animal Rights*. Reprint, Berkeley: University of California Press.
- Singer, Peter. 1987. "Animal Liberation or Animal Rights?". *The Monist* 70: 3-14.
- Singer, Peter. 2016. "Why Speciesism Is Wrong: A Response to Kagan". *Journal of Applied Philosophy* 33: 31-35.