

Living Ethics

AN INTRODUCTION
WITH READINGS

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Moral Problems

Animals

JUST THE FACTS

If you slam a rock against a tree, or throw it in a fire, or put it in a freezer, it feels nothing. If you do the same to a person, he or she will feel it. That's because human beings are **sentient**—we are able to have sense experiences and, as a result, can feel pleasure and pain. What about nonhuman animals (“animals,” from now on): are they like rocks or like us? There’s little doubt that almost all animals are sentient like us. There might be exceptions (maybe clams or corals, for instance), but we won’t be concerned with them here. Though no animal has ever rated its pain on a scale of 1 to 10 for an experimenter, we have excellent reason to believe that animals experience pleasures and pains as we do. First, animals frequently exhibit the same sort of behavior that humans do when they receive the kind of treatment that would ordinarily cause humans to experience pain (e.g., being cut, struck, or subjected to extreme temperatures). Under these circumstances, animals kick, moan, squirm, squeal, and so on, just like we do. While it’s possible that animals are merely exhibiting the behaviors we associate with being in pain without having the corresponding **subjective experiences**, this seems highly unlikely when you consider that many animals have complex brains and nervous systems very similar to ours. And we know that, for humans, the brain and the nervous system—that network of nerves and cells that carries messages to and from the brain—is the crucial biological structure that allows us to experience pleasure and pain. It would be quite surprising, then, if the brain and nervous system that serves as the biological basis for our subjective experiences played no role whatsoever in generating

conscious experiences for animals. So, though we must admit that we’re not (and likely never will be) *certain* that animals are sentient, we can be extraordinarily confident that they are.

Humans use animals in a variety of ways. The first, and perhaps most obvious, is as a food source. Across the globe, humans eat enormous amounts of beef, chicken, pork, lamb, turkey, duck, fish, and many other kinds of meat. In 2015, 9.2 billion animals were slaughtered for food in the United States alone.¹ US citizens eat, on average, about 200 pounds of meat per person per year.² With a population of 320 million, that comes out to an annual overall consumption of about 64 billion pounds of meat.

Most animals used for food in the United States are raised on intensive animal farms, or **factory farms**. These are industrial complexes where large numbers of animals are raised in a relatively small and tightly controlled space so that farmers can maximize meat production while minimizing their costs. Animals often find life in these conditions very uncomfortable.

For example, many chickens used for meat and egg production are put in **battery cages**, wire cages roughly the size of a piece of computer paper. In these cages, chickens are unable to fully spread their wings and can barely move. Due to the stress of these conditions, chickens (especially egg-laying hens) have a tendency to peck at one another, sometimes to death. To

1. http://www.humanesociety.org/news/resources/research/stats_slaughter_totals.html?referrer=https://www.google.com/

2. <https://www.forbes.com/sites/niallmccarthy/2015/08/05/which-countries-eat-the-most-meat-each-year-infographic/#6988e5fb4f95>

prevent this, farmers often cut off the tips of their beaks with a hot blade, a process called debeaking. This is quite painful for the birds, but farmers argue that it's better than the alternative, which is to leave their beaks unclipped, resulting in their mutilating or killing one another. Publicity surrounding these practices has led some large corporations to pledge to abandon these practices.³

Pigs don't have it much better. The natural life of a domestic pig is somewhere between ten and fifteen years. Pigs raised to be slaughtered for meat live for anywhere between six months to two years. Breeding pigs spend most of their lives in a cycle of pregnancy, birth, nursing, and pregnancy again until they're eventually slaughtered for food. During most of their life, they are confined to **gestation crates**, small cages only slightly larger than the pigs themselves. The tight space makes it impossible for the pigs to turn around and nearly impossible for them to sleep comfortably on the ground. The crates contain only slats and no solid floor, so as to make it easier to dispose of the waste. These crates have been banned in Canada and in nine US states, though many pork producers argue that such crates are needed to prevent sows from harming one another in more open, common spaces. As for nonbreeding pigs, they nurse for several weeks after birth. They're then separated from their mothers, castrated (if male), and placed in a pen with many other pigs where they live the majority of their lives. As soon as they are large enough, they're packed tightly into a truck and taken off to be slaughtered. In the summer, many pigs die on the way to the slaughterhouse, due to the intense heat inside the packed truck. In the winter, many freeze to death. Around a million pigs die each year en route to the slaughterhouse.⁴

3. http://www.humanesociety.org/issues/confinement_farm/facts/battery_cages.html?credit=web_id96878129
 4. <https://www.peta.org/issues/animals-used-for-food/factory-farming/pigs/pig-transport-slaughter/>

In response to what many regard as cruel practices by the meat industry, millions of people across the world have chosen to adopt a **vegetarian** or **vegan** lifestyle. A vegetarian is someone who refrains from eating any meat products, while a vegan is someone who refrains from using any animal products at all (e.g., milk, cheese, eggs, leather belts, fur coats, animal skin shoes). In 2016, 9 percent of US citizens claimed to be strictly or mostly vegan or vegetarian—about 29 million people.⁵

Another way that humans use animals is by experimenting on them for research purposes. Though precise figures are hard to come by, the best estimates indicate that more than 100 million animals—for example, mice, guinea pigs, frogs, dogs, cats, rabbits, monkeys, fish, and birds—are killed annually in research labs.⁶ The majority of those are rodents (e.g., mice, rats, hamsters). Pharmaceutical companies and medical researchers test vaccines, medications, and surgery techniques on animals before using them on humans. Similarly, many companies that sell cosmetics and want to be sure that their products are safe for human consumption begin by testing their products on animals. Some animals are forced to inhale toxic fumes; others are restrained while they have harmful chemicals dripped in their eyes; some have their skin repeatedly burned so that it never grows back. Anesthesia is used very rarely. As a result of these practices, the United Kingdom banned such experiments in 1998; the European Union did so in 2007. Though such experimentation is legal in the United States, greater knowledge of these experimental conditions has led some cosmetic companies to abandon such practices and to tout the “cruelty-free” origins of their products.

While animal experimentation can cause tremendous suffering for animals, it can also

5. http://www.pewinternet.org/2016/12/01/the-new-food-fights/ps_2016-12-01_food-science_1-07/
 6. <http://lushprize.org/many-animals-used-experiments-around-world/>

result in great benefits. For example, in 1921, an Ontario doctor experimented on dozens of dogs by severing the connection between their pancreas and digestive systems in an effort to understand diabetes. These experiments allowed him to isolate insulin, which eventually made it possible for millions of people with diabetes to be treated. More recently, Parkinson's disease was deliberately introduced to macaque monkeys in order to study ways to reduce the tremors that beset humans with the disease. Electrodes were implanted into the monkey's brains that managed to control the tremors; this procedure is now commonly used to help human victims of Parkinson's. Indeed, virtually any risky medical procedure now in use has been tested extensively on animals before it is ever attempted on humans. For example, the techniques for organ transplants and major organ surgeries (e.g., heart, brain, liver, kidney surgery) were developed by first attempting these procedures on animals. Vaccines are tested repeatedly on animals before they're introduced to humans on a large scale.

Advocates of animal testing point out that animals benefit from animal testing, too. Without animal research, millions of dogs, cats, birds, and farm animals would be dead (and continue to die) from more than two hundred diseases, including anthrax, rabies, distemper, feline leukemia, and canine parvo virus. Today, these diseases are largely preventable due to vaccines and treatments developed in animal research.

In the United States, there are laws in place to protect animals used for research purposes. The Animal Welfare Act (AWA) of 1966 requires all federally funded research facilities that conduct animal research to have an Institutional Animal Care and Use Committee (IACUC). These committees review research proposals from scientists who intend to use animals for research purposes. IACUCs try to ensure that no unnecessary harm is done to the animals, and they allow research on animals to proceed only if, in their judgment, there are no alternatives to animal testing. This doesn't mean, however,

that IACUCs never permit harm to animals. On the contrary, often the only way to achieve the desired scientific result is to subject animals to intense suffering. If the expected benefits are great enough, an IACUC may still permit the research. The AWA does not apply to animals involved in meat production.

ARGUMENT ANALYSIS

If faced with the choice of having to toss a human or an animal overboard in order to keep a life-boat afloat, few of us would send the human to a watery death. (Let's assume the human isn't a moral monster, but an everyday person like you or me.) This is a pretty plausible prediction. But most people also take it as wise moral advice—if we can't save them both, then we *ought* to spare the human, because humans are morally more important than animals. Is such a thought defensible, or is it perhaps just a prejudice that reflects our preference for those of our own kind?

Arguments designed to justify meat-eating and animal experimentation almost always proceed from the assumption that humans are morally more important than nonhuman animals. Almost no one would allow human beings to treat one another as we treat animals. But if you think that it is morally OK to kill animals for sport or for food, or to perform painful experiments on them, while also thinking that it isn't OK to do such things to your fellow humans, then you need some way to justify this differential treatment.

Such justifications are easy to find. Here is a popular one:

The Animals Kill Other Animals Argument

- 1.** If animals kill other animals, then it is morally OK for humans to kill animals.
- 2.** Animals do kill other animals.

Therefore,

- 3.** It is morally OK for humans to kill animals.

There are several problems with premise 1. First, animals that eat other animals have no choice in the matter. We do. Second, a carnivore's survival depends on its eating other animals. Ours does not. With rare exceptions, human beings can survive perfectly well without eating animal flesh. Third, it is implausible to look to animals for moral guidance. Animals are not moral agents—they can't control their behavior through moral reasoning. That explains why they have no moral duties, and why they are immune from moral criticism. But we, obviously, are moral agents, and we can guide our behavior by the moral decisions we make. There is also a crucial problem for premise 2: none of the animals we routinely eat (chickens, cows, pigs, sheep, ducks, rabbits) are carnivores. They *don't* kill other animals. So if their behavior is supposed to guide our own, then we should eat only plants.

Rather than looking to animals as the models for our own moral behavior, some have suggested that we look to our power over animals as the basis for justifying their second-class status. Consider, then,

The Power Argument

1. If we are powerful enough to control an animal's behavior and the conditions under which it lives, then we are morally allowed to exercise that control.
2. We are powerful enough to control an animal's behavior and the conditions under which it lives.

Therefore,

3. We are morally allowed to control an animal's behavior and the conditions under which it lives.

Premise 2 of this argument is true for almost all animals. But premise 1 is deeply troubling. Might does not make right. That we are able to bend an animal to our will does not give us moral license to do so, any more than a slave-owner's power to control the life of his slaves gives him moral

authority to treat them that way. Our coercive power is one thing; the morality of exercising it is another.

Consider, instead, the claim that since animals are dependent on farmers or lab researchers, those animals are rightly at the mercy of the humans who care for them. This dependence is of two sorts. Sometimes it is true that, were a farmer not in the business of breeding animals, certain animals would never have been born, and so they owe their lives to the farmers. In other cases, though farmers or lab researchers don't play a crucial role in seeing their animals into the world, these humans nevertheless maintain the animals under their care; the animals are in this sense dependent on humans for being able to remain alive. This gives rise to

The Dependency Argument

1. If animals depend for their existence or their sustenance on humans, then humans have a right to treat those animals in any way that best suits human interests.
2. Farm and lab animals depend for their existence or their sustenance on humans.

Therefore,

3. Humans have a right to treat farm and lab animals in any way that best suits human interests.

Though premise 2 is true in most cases, premise 1 is problematic. Regardless of which way the dependence relation is understood, dependence alone does not provide grounds for justifying anything like current farm or lab practices. Suppose a baby is dependent on her mother for her life. This certainly doesn't entitle the mother to kill or experiment upon the baby. Nor would an adoptive parent—one who exemplifies the second sort of dependence relation—be justified in treating a human baby this way. Dependence does not give free rein to the provider; we do not get license to kill or experiment on animals just because they owe their lives or sustenance to their keepers.

Here is another popular argument, not really in defense of the status quo with respect to our treatment of animals, but rather a critique of those who question it. It takes the form of

The Hypocrisy Argument

1. People who act in morally inconsistent ways are hypocrites, and so have flawed characters.
2. Ethical vegetarians and vegans act in morally inconsistent ways.

Therefore,

3. Ethical vegetarians and vegans are hypocrites.

Premise 1 is true, though it is important to note that hypocrisy is not the gravest moral flaw. (After all, some people are highly principled and act with perfect integrity—and yet their principles are terrible.) Consider one of literature’s great hypocrites—the fictional character Huck Finn, as depicted in Mark Twain’s 1884 novel *The Adventures of Huckleberry Finn*. Huck, like most whites of the day, has deeply racist attitudes. But his behavior doesn’t always match up with his principles. For example, Huck shelters his runaway slave friend Jim, rather than turning him over to the slave catchers. Huck’s compassion led him to hypocrisy, which in his case is to be applauded, rather than condemned—we think Huck’s character is better than that of someone who would never sacrifice his racist principles to compassion.

Premise 2 refers to ethical vegetarians (those who are prompted by a concern for the rights or welfare of animals to refrain from eating them) and vegans (those who refuse to purchase or use any animal products). The thought behind the premise is simple: ethical vegetarians and vegans refuse to eat meat because of their moral objections to the ways in which animals are treated prior to and during slaughter. But these same people fail to protest other, more important injustices that target human beings. Their actions are thus inconsistent with their avowed opposition to cruelty and injustice.

There are three difficulties with this line of reasoning. First, there is simply no good evidence that most ethical vegetarians and vegans are as indifferent as this charge makes them out to be. Second, one cannot fight every injustice, and there is nothing wrong with selecting one’s own particular area of concern for displaying extra effort. Failing to protest against every injustice does not amount to hypocrisy—or, if it does, then we are all hypocrites, in which case this criticism has no special force against ethical vegetarians and vegans. Third, this argument is, at its strongest, an ad hominem attack against ethical vegetarians and vegans. It says that they, as people, exhibit some sort of moral failing; they aren’t active enough in protesting against human suffering. But even if this were true—and once again, there is no evidence to support this charge—it would do nothing to undermine the moral principles behind ethical vegetarianism or veganism. The charge of hypocrisy does not tell you which moral principles are correct. It just tells you that some people are not living up to the principles they endorse. You may know folks who talk a good game about the importance of giving generously to charity, while giving almost nothing. So they are hypocrites. That doesn’t show that the principle of giving generously is mistaken. Likewise, even if ethical vegetarians and vegans did fail to live up to their principles, that doesn’t show that those principles are mistaken.

Another familiar argument invites us to reflect on our emotional attachments to our fellow human beings and to compare them to those we have to other animals. Our bonds with our fellow humans are typically much stronger than those we have toward nonhuman animals. We love our pets, for sure, but we love our parents and our siblings and our friends even more. This greater emotional investment in members of our own species may give rise to

The Emotional Attachment Argument

1. If we feel greater emotional attachment to fellow human beings than to nonhuman

animals, then we are morally allowed to harm animals in order to promote human interests.

2. We do feel greater emotional attachment to fellow human beings than to nonhuman animals.

Therefore,

3. We are morally allowed to harm animals in order to promote human interests.

Premise 2 is true in most cases. That said, there are some misanthropes (those who dislike or hate their fellow humans) who prefer the company of their pets to that of other humans. The billionaire Leona Helmsley, a notorious misanthrope who earned the nicknamed ‘The Queen of Mean,’ left \$12 million in her will to her dog while disinheriting two grandchildren.

As this example shows, it may not be a good idea (as premise 1 suggests) to make our moral relations with others depend on how much we happen to care about them. After all, white supremacists care more about whites than blacks; this doesn’t license their treating blacks as inferiors. Many wealthy citizens feel distaste for the poor; this doesn’t morally permit the rich to harm the poor. Similarly, though most of us care more about our fellow human beings than about animals, this greater emotional investment does not by itself allow us to harm animals.

Some justify eating and experimenting on animals by claiming that animals lack moral rights. Humans have such rights; animals don’t; therefore we are allowed to confine, kill, and experiment upon animals, even if we are forbidden from treating our fellow human beings in these ways. These considerations combine to form

The Rights Argument

1. Humans have moral rights.
2. Animals lack moral rights.
3. Those with moral rights are morally permitted to treat beings without moral rights in whatever way the rights-holder thinks is best.

Therefore,

4. We humans are morally permitted to treat animals in any way we think best.

Premise 1 is true. But why think that premise 2 is true? Some argue that moral rights require an ability to (1) enter into reciprocal agreements, or (2) stand up for oneself, or (3) think about one’s future in complex ways, or (4) conform one’s behavior to principles one freely and rationally endorses. Animals lack all of these abilities.

Now it is a very difficult matter to determine whether any of these four abilities really is a necessary condition of having moral rights. But suppose they are, and premise 2 is true because of that. This raises a problem, though, since many human beings—newborn babies, young children, some adults who are severely mentally impaired—also lack these abilities. And that would mean that these humans also lack moral rights.

Now you might think—fine, not all human beings do have moral rights, after all. But now look at premise 3. If that premise is true, then the Rights Argument would morally allow us to treat babies, infants, toddlers, and the severely mentally incapacitated in any way we thought best. If we decided it was best to kill them, or keep them alive only to harvest their organs for our benefit, then it would be OK to do so. But (I am assuming) it’s obviously wrong to do such things!

If you want to avoid this unhappy result, you have three choices. First, you could reject premise 2 and argue that animals do have moral rights after all. Second, you could reject premise 3 and argue that there are limits to the treatment we extend to those who lack rights. Or, third, you could accept all premises of the Rights Argument but challenge the assumption I’ve been using in my analysis of the argument. That assumption is that possessing moral rights depends on satisfying one of the conditions (1)–(4). The idea here is that there is a fifth source of moral rights, one that even human babies or

late-stage Alzheimer's patients possess, but that animals lack. The project in that case is to identify it.

Let's consider this third strategy in more detail. You might believe that there is something special about humans—any human, no matter his or her abilities, talents, intelligence, or virtue. You might think that every human being is morally more important than any non-human animal. If you believe this—and most people seem to—the challenge is to defend it in the face of

The Argument from Marginal Cases

1. If it is immoral to kill and eat “marginal” human beings, and to painfully experiment on them, then it is immoral to treat nonhuman animals this way.
2. It is (almost) always immoral to kill and eat “marginal” human beings, and to painfully experiment on them.

Therefore,

3. It is (almost) always immoral to kill and eat animals, and to painfully experiment on them.

I dislike the name of this argument, because I think it distasteful to refer to any human being as “marginal.” But its name is so familiar in philosophical circles that we will stick with it here.

“Marginal” human beings are those whose mental lives are no more developed than those of the nonhuman animals we routinely eat and experiment on. There are many causes of such developmental limitations: severe brain trauma, extreme intellectual disability, and so on. The basic idea behind the Argument from Marginal Cases is that such human beings are no more morally important than the animals we harm in our labs or factory farms. Since they are of equal importance, we must treat them equally. If we are not prepared to eat or experiment upon such human beings, then we shouldn't be willing to treat animals that way, either.

Almost no one rejects premise 2 of the Argument from Marginal Cases. You've got to be awfully hard-hearted to be willing to subject marginal human beings to the sort of treatment we apply to animals in our labs and farms. True, there *might* be rare exceptions where such treatment is acceptable—that's the point of saying that it is *almost* always wrong to do such things to human beings. But these would have to be extremely unusual cases.

So the real action occurs in premise 1. Its defenders support it in this way. They say that marginal human beings, and farm and lab animals, are moral equals. They are moral equals because they have the same capacity to experience pain or pleasure, and they also possess the same kind and degree of mental powers. Of course, different marginal human beings have diverse mental lives. But so, too, do animals—pigs are extremely smart, as are many of the primates that are kept caged in university and pharmaceutical labs, while other animals, such as chickens and turkeys, are far less intelligent. The idea behind premise 1, though, is that when an animal and a human being exhibit the same capacity for pleasure or pain and possess the same mental powers, then they are moral equals, and so morally ought to be given equal respect. Equal respect in this case cannot mean nurturing and caring for the “marginal” human being while killing, eating, or experimenting on the nonhuman animal.

The obvious place to attack this reasoning is with the claim that animals and marginal humans are moral equals. If you don't like that claim, then it is up to you to find a better test for moral importance than reference to mental powers and a capacity for experiencing pleasure and pain.

Here are some familiar alternatives: the ability (1) to communicate, (2) to have emotions, (3) to be self-aware, (4) to be self-governing, (5) to assert claims on one's behalf, (6) to plan for one's future, or (7) to figure out how to get what one wants.

The problem is that marginal human beings and many animals fare equally well on each of these tests. Many animals possess these abilities to the same degree as marginal human beings. In some cases, animals will pass these tests more readily than their human counterparts.

In my experience, most people at this point try to argue in one of three ways. First, some say that every human is more important than any animal, because God created each of us as an exalted being whose life has more value than that of any animal. That's a possibility, but defending it is a task for theologians, as the defense will ultimately rest on claims about God's existence and His purposes and intentions. So we are going to leave this aside.

Second, people often say that marginal human beings, *just because they are human*, are more important than animals. On this view, the test of whether you are morally important is whether you are human. No matter how "marginal" someone is, he or she is still a human being, and so more important than any animal.

But this is a bad argument. It clearly begs the question against the Argument from Marginal Cases. What we need to know is *why* all human beings are morally more important than all nonhuman animals. We don't answer that question by asserting that they are.

Third, some say that every human is especially morally important because human beings, *as a species*, are the most intelligent and powerful beings on the planet. Even though "marginal" human beings themselves are no different from many animals in terms of their mental powers and their capacity for pleasure and pain, still, marginal human beings belong to a group that, on the whole, exhibits greater mental powers than any other group of animals.

This is a popular line of argument, but it, too, is problematic. Suppose all members of your family—except you!—are criminals. It's wrong to treat you as a criminal, just because

you are a member of a group whose typical members, or most of whose members, are criminals. We should treat you in a way that responds to your own individual traits. The same thing is true when it comes to benefiting others. Suppose a teacher decides to give a student a better grade than she deserves because all of her older siblings were academic overachievers. It would be wrong to give her a benefit just on the basis of her group membership (i.e., her family). The teacher should give her the grade she deserves, which depends on her specific effort, aptitude, and performance, rather than the achievements that are typical of her family members as a whole.

One of our authors, Peter Singer, popularized the term **speciesism** to refer to the view that humans, just by virtue of their species membership, are morally more important than nonhuman animals. He likened speciesism to racism and sexism, in that, as he sees it, all three give moral priority to one group over another on the basis of a morally irrelevant trait. Skin color doesn't make you morally superior to someone else; neither does your sex. Neither, according to Singer, does your species membership.

For those who disagree, let us ask why species membership is supposed to be the all-important test of moral status. Your genetic code, or the species of your parents, doesn't seem to be what establishes your moral importance. To see this, imagine a time, perhaps not so far in the future, in which we encounter (or create) beings who are like us in every way—except that they are made of silicon. They think like us. They feel emotions as we do. They are self-aware. They feel pain. They look exactly like us. The *only* difference between them and us is which species we belong to.

I don't know how to argue for this, and perhaps you disagree, but it seems to me that this difference doesn't justify treating these beings as second-class citizens. In fact, it seems that they

are just as morally important as we are—after all, without cutting them open, we couldn't tell them apart from a human being, because they are identical to us in every way except the internal circuitry.

If you share my view about this case, then you should reject the idea that species membership is, in itself, a morally important trait. And if that is so, then we can't resist the Argument from Marginal Cases by claiming that marginal human beings, just by virtue of their humanity, are more important than animals.

Thus if you do think that every "marginal" human being is more important than every non-human animal, then you have to identify a litmus test of moral importance that is better than the one that makes it depend on a capacity for pleasure and pain and on one's mental powers. This test has to be defensible in its own right, and also give humans an edge, no matter how mentally developed they happen to be. It won't be easy to do this. Exercise: see for yourself.

CONCLUSION

There is a widespread feeling that humans, no matter their abilities, are morally more important than any nonhuman animal. Our current factory farming practices, and those in a great many research labs, reflect this outlook, insofar as they treat animals in ways that we would not allow any of our fellow human beings to be treated.

But perhaps these practices reflect a prejudice, rather than a defensible moral position. A number of the most popular arguments for assigning all humans moral priority over all other animals are quite weak, as we have seen. And the Argument from Marginal Cases poses a strong challenge to those who would invariably favor the interests of humans over those of nonhumans.

Suppose that the Argument from Marginal Cases is sound. What follows? It is important to see that we could still assign greater importance

to the lives of *most* human beings over those of animals. The Argument requires that we give equal moral respect to those who are moral equals. It does not say that every animal is the moral equal of every human being—indeed, for all it says, most humans, who possess far greater mental powers than any nonhuman animal, may have a more exalted moral status as a result of these greater powers (of imagination, empathy, intelligence, comprehension, etc.). So the Argument does not force us to the conclusion that we must regard every human and every animal as morally on a par. Still, it does force us to think hard about why beings—humans and nonhumans alike—are morally important in the first place.

ESSENTIAL CONCEPTS

Battery cages: small wire cages housing chickens that can be lined up and stacked in a barn so that thousands of chickens can be stored in a very small space.

Ethical vegetarians: those who refrain from eating animals out of a moral concern for the rights or welfare of animals.

Factory farm: a large industrial complex where large volumes of animals are packed into a small space to make raising and slaughtering them (or collecting their eggs) maximally efficient.

Gestation crates: strong metal cages, barely larger than a pig, used to house breeding pigs.

Sentience: the capacity to have sense experiences (e.g., feelings of pleasure or pain).

Speciesism: the view that humans, just by virtue of their species membership, are morally more important than nonhuman animals.

Subjective experience: the sort of experience one has when one is conscious and occupying a perspective on the world.

Vegans: those who refrain from the purchase and consumption of all animal products.

Vegetarian: a person who refrains from eating meat.

STAT SHOT

- In 2013,¹ the meat and poultry industry processed:
 - 8.6 billion chickens
 - 33.2 million cattle
 - 239.4 million turkeys
 - 2.3 million sheep and lambs
 - 112 million hogs
- Among the top meat-consuming countries are developed countries and developing countries in South America (Figure 13.1).

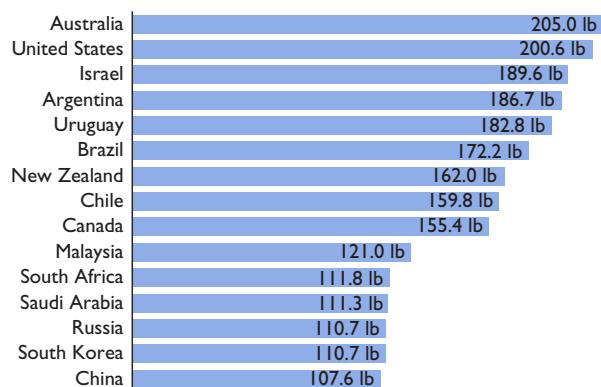


Figure 13.1. Annual meat consumption per capita worldwide in 2013.

Source: <https://www.forbes.com/sites/niallmcCarthy/2015/08/05/which-countries-eat-the-most-meat-each-year-infographic/#4d7331064f95>

- The size and number of pigs slaughtered in the United States have risen steadily since the early 1990s. The increase in average

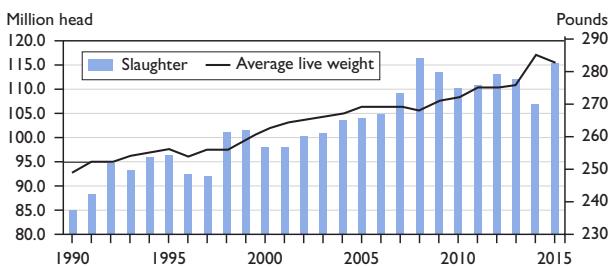


Figure 13.2. Commercial hog slaughter, number of head, and average live weight—United States.

Source: <http://usda.mannlib.cornell.edu/usda/current/SlauOverview/SlauOverview-10-27-2016.pdf>

live weight is due, in part, to a steady dose of antibiotics, which allow pigs to devote energy to growing, rather than fighting disease.

- Nine percent of US adults claim to be strictly or mostly vegetarian or vegan.²
- In 2014, a slight majority of US adults (who didn't answer “don't know”) opposed the use of animals in research (Figure 13.3). A significant majority of men favored research on animals, while a significant majority of women opposed it.

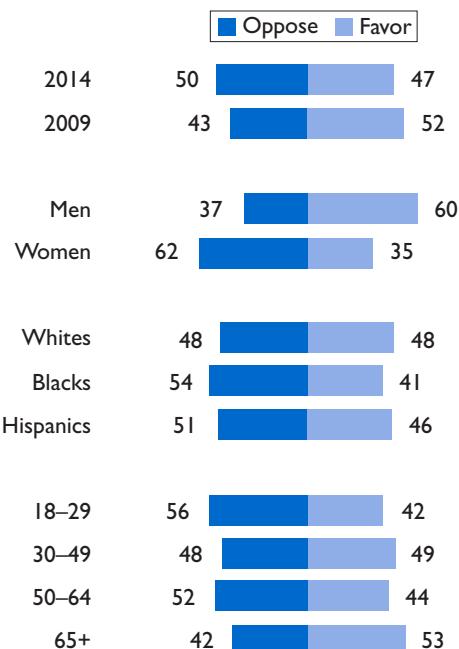


Figure 13.3. Percentage of US adults surveyed in 2014 saying they favor/oppose the use of animals in scientific research.

Source: http://www.pewinternet.org/2015/07/01/americans-politics-and-science-issues/pi_2015-07-01_science-and-politics_7-01/

1. <https://www.meatinstitute.org/index.php?ht=d/sp/i/47465/pid/47465>

2. http://www.pewinternet.org/2016/12/01/the-new-food-fights/ps_2016-12-01_food-science_1-07/

Cases for Critical Thinking

Exposé Videos

With the rise of YouTube and high-quality video cameras on cell phones, factory farm exposé videos have become increasingly numerous. These are videos taken by people, often animal rights activists, who go undercover to record farm workers abusing animals. These videos have been enormously successful tools at mobilizing large numbers of people to oppose the practices of the meat industry. In order to get the desired footage, though, activists must interview with, and be hired as employees by, factory farm managers. Once they've been hired and gain access to the farm, the videos they capture are deeply disturbing—even for supporters of factory farming. The worst of these show extreme abuses that are already illegal. In other cases, though, the films depict practices that are legally permitted but very unsettling to witness. Videos depicting illegal abuse have led to criminal prosecution in some cases, though they have been barred (because they were obtained through deception) in others.

Questions

1. To gain entrance to the factory farms, activists must deceive their employers by acting as though they're sincerely interested in working for the farm. Do you think it's morally permissible to deceive farm managers in this way? Why or why not? Suppose a condition of employment on the farm is that you sign a document promising never to take undercover video. Would it be morally permissible for an activist to sign that document and take undercover video anyway? Why or why not?
2. Usually, those who shoot exposé footage gain employment at a farm, take their video, and then immediately quit the job. But suppose an animal rights activist reasoned as follows: "Look, if I quit this job,

the company will hire someone else to take my place and that person will likely not care about animal welfare. They might even be terribly cruel. If I continue working for this farm, however, I know that I will be kind to the animals. Now, to keep my job, I'll have to get my hands dirty by leading thousands of animals to their death. They won't keep me employed if I don't do the job they hired me for. So I'll certainly have to act in a way that I very much despise. But keeping this job is better for the animals than having someone else take the job. So, I'm going to keep working for this farm." Do you find this line of reasoning morally objectionable in any way, or does it sound like a pretty good idea? Why do you think that?

3. Imagine you work for a factory farm where employees are cruel to animals on a regular basis. The management is aware of the abuse, but they don't care. In fact, being compassionate to animals makes the work slower, so the management encourages the cruelty. Assuming you're certain you won't be caught, would it be permissible for you to set many of the animals free by opening up their cages so they can get away? If not, do you think it's ever permissible to take illegal means to alleviate the suffering of animals? Why or why not?

Experimenting on Chimpanzees

In the United States, 18 percent of adults suffer from anxiety or depression—about 40 million people.¹ Anxiety and depression can cause substance abuse, suicide, and other problems, especially in people who are not helped by today's medications and therapies. So, in 2014, researchers at the University of Wisconsin² interested in the neurobiology of anxiety and depression proposed the following experiment. They would take twenty rhesus macaque monkeys from their mothers in infancy. Periodically, they would expose the monkeys to stimuli intended to cause fear, stress, and anxiety. For

example, they would put a strange monkey in the test monkey's cage, or put a strange human just outside of their cage, or expose the monkeys to a large snake. Shortly after, they would euthanize the monkeys and study their brains. Researchers hoped that, by conducting these experiments, they would be able to come up with new medication and psychotherapy strategies. Many on UW's campus opposed the study, claiming that the payoff didn't justify terrorizing the monkeys in the way the researchers proposed.

1. <https://www.adaa.org/about-adaa/press-room/facts-statistics>

2. <http://wisconsinwatch.org/2014/07/university-of-wisconsin-to-reprise-controversial-monkey-studies/>

Questions

1. What do you think: Was this study morally justified? Why or why not?
2. Researchers would never dream of doing this kind of experiment to an infant human being. Are we justified in treating non-human subjects differently than human subjects who are, cognitively speaking, relevantly similar? Why or why not?
3. The UW study on monkeys was controversial, and even the researchers, though they ultimately supported the study, could see that there were powerful moral reasons to oppose it. But few researchers would think twice about doing painful research on rabbits, or frogs, or mice. Are we justified in treating some nonhuman subjects, such as primates, differently from others, such as mice? Why or why not?

Uplift: Cognitive Enhancement for Animals

In 2013, researchers at the University of Rochester and UCLA announced that they had made rodents smarter by injecting human brain cells into the forebrains of newborn mice. Scientists have also succeeded in dramatically improving

the memories of rats and rhesus monkeys by using electronic brain implants.¹ These are the early stages of what many scientists believe is in our future: cognitive enhancement for animals, or, as science fiction novelists have called it for decades, "uplift." The benefits of uplift for animals could be tremendous. As one researcher said, uplifted animals could benefit by "find[ing] food more easily, being able to create a comfortable and secure environment, being able to avoid danger, and enjoying social interaction."² Though we are in the early stages, it can be instructive to think about the ethical implications of the fully developed animal uplift technology. Suppose, for example, that we were able to give animals a relatively cheap and easy treatment that would boost their intelligence to the level of a typical human adult.

1. <https://www.bostonglobe.com/ideas/2013/03/30/should-make-animals-smarter/zbW4LTWkP8TZgB93Mqw7QJ/story.html>

2. <https://www.bostonglobe.com/ideas/2013/03/30/should-make-animals-smarter/zbW4LTWkP8TZgB93Mqw7QJ/story.html>

Questions

1. Would this kind of cognitive enhancement be a benefit for animals? Why or why not?
2. Supposing that cognitively enhancing animals would be a benefit to them, would it be morally *permissible* to give this treatment to an animal? Why or why not? Would it be morally *required* that we give (at least some of) them the treatment? Why or why not?
3. If we get to the point that we can cognitively enhance animals to a significant degree, it will almost certainly be thanks to insights learned from extensive experimentation on animals. Assuming that cognitively enhancing animals would be to their benefit, would we have an obligation to enhance at least some animals as a way of compensating them for our extensive experimentation on them? Why or why not?

READINGS

All Animals Are Equal

Peter Singer

Peter Singer argues for a radical kind of equality among all animals—human and nonhuman alike. He knows that this is highly controversial, and seeks to protect against misunderstanding by distinguishing between a moral principle that requires equal treatment of all and a principle that requires equal consideration of interests. It is morally acceptable to treat different beings differently on many occasions. What we must not do, according to Singer, is to give the interests of humans greater importance than the same interests of nonhuman animals. His principle of equal consideration requires that identical interests be given identical moral weight, no matter whose interests they are. In many cases we share interests with nonhuman animals—interests, for instance, in avoiding hunger, staying warm, and avoiding pain. In cases where we have common interests, those interests are equally morally important, whether they belong to a human or to a nonhuman animal.

Singer believes that his equal consideration principle explains what is wrong with racism and sexism. It also explains what is immoral about speciesism—the view that one's species membership gives one greater moral importance than members of other species. For Singer, what confers moral importance on humans and nonhumans alike is the ability to experience pleasure and pain. He regards all other criteria—rationality, intelligence, or linguistic ability, for example—as arbitrary.

Singer presents the so-called Argument from Marginal Cases in defense of his claim that animal and human interests must be given equal weight. He argues that if it is wrong to kill or experiment on a “marginal” human—one whose mental life is no more developed than an animal’s—then it is equally wrong to kill or experiment on an animal. After all, if their mental life is basically the same, then what else could morally distinguish them? They belong to different species, but Singer denies that species membership has any independent moral importance. They look different—but appearance is not itself morally important, either. We may care more about the human than the animal, but the emotional attachment of others is not a reliable basis for determining moral importance. Singer argues that animal experimentation may sometimes be morally justified, if it promises to yield great benefits. But then experimentation on “marginal” humans is also sometimes justified. Indeed, in some cases, we ought to experiment on humans rather than on animals, since human experimentation will be more reliable than animal experimentation.

In recent years a number of oppressed groups have campaigned vigorously for equality. The classic

From Peter Singer, “All Animals Are Equal,” in Tom Regan and Peter Singer, eds., *Animal Rights and Human Obligations* (Prentice-Hall, 1989), pp. 148–162.

instance is the Black Liberation movement, which demands an end to the prejudice and discrimination that has made blacks second-class citizens. The immediate appeal of the black liberation movement and its initial, if limited, success made it a model for other oppressed groups to follow. We became

familiar with liberation movements for Spanish-Americans, gay people, and a variety of other minorities. When a majority group—women—began their campaign, some thought we had come to the end of the road. Discrimination on the basis of sex, it has been said, is the last universally accepted form of discrimination, practiced without secrecy or pretense even in those liberal circles that have long prided themselves on their freedom from prejudice against racial minorities.

One should always be wary of talking of “the last remaining form of discrimination.” If we have learnt anything from the liberation movements, we should have learnt how difficult it is to be aware of latent prejudice in our attitudes to particular groups until this prejudice is forcefully pointed out.

A liberation movement demands an expansion of our moral horizons and an extension or reinterpretation of the basic moral principle of equality. Practices that were previously regarded as natural and inevitable come to be seen as the result of an unjustifiable prejudice. Who can say with confidence that all his or her attitudes and practices are beyond criticism? If we wish to avoid being numbered amongst the oppressors, we must be prepared to re-think even our most fundamental attitudes. We need to consider them from the point of view of those most disadvantaged by our attitudes, and the practices that follow from these attitudes. If we can make this unaccustomed mental switch we may discover a pattern in our attitudes and practices that consistently operates so as to benefit one group—usually the one to which we ourselves belong—at the expense of another. In this way we may come to see that there is a case for a new liberation movement. My aim is to advocate that we make this mental switch in respect of our attitudes and practices towards a very large group of beings: members of species other than our own—or, as we popularly though misleadingly call them, animals. In other words, I am urging that we extend to other species the basic principle of equality that most of us recognize should be extended to all members of our own species.

All this may sound a little far-fetched, more like a parody of other liberation movements than a serious objective. In fact, in the past the idea of

“The Rights of Animals” really has been used to parody the case for women’s rights. When Mary Wollstonecraft, a forerunner of later feminists, published her *Vindication of the Rights of Women* in 1792, her ideas were widely regarded as absurd, and they were satirized in an anonymous publication entitled *A Vindication of the Rights of Brutes*. The author of this satire (actually Thomas Taylor, a distinguished Cambridge philosopher) tried to refute Wollstonecraft’s reasonings by showing that they could be carried one stage further. If sound when applied to women, why should the arguments not be applied to dogs, cats, and horses? They seemed to hold equally well for these “brutes”; yet to hold that brutes had rights was manifestly absurd; therefore the reasoning by which this conclusion had been reached must be unsound, and if unsound when applied to brutes, it must also be unsound when applied to women, since the very same arguments had been used in each case.

One way in which we might reply to this argument is by saying that the case for equality between men and women cannot validly be extended to nonhuman animals. Women have a right to vote, for instance, because they are just as capable of making rational decisions as men are; dogs, on the other hand, are incapable of understanding the significance of voting, so they cannot have the right to vote. There are many other obvious ways in which men and women resemble each other closely, while humans and other animals differ greatly. So, it might be said, men and women are similar beings and should have equal rights, while humans and nonhumans are different and should not have equal rights.

The thought behind this reply to Taylor’s analogy is correct up to a point, but it does not go far enough. There are important differences between humans and other animals, and these differences must give rise to some differences in the rights that each have. Recognizing this obvious fact, however, is no barrier to the case for extending the basic principle of equality to nonhuman animals. The differences that exist between men and women are equally undeniable, and the supporters of Women’s Liberation are aware that these differences may give rise to different rights. Many feminists hold that

women have the right to an abortion on request. It does not follow that since these same people are campaigning for equality between men and women they must support the right of men to have abortions too. Since a man cannot have an abortion, it is meaningless to talk of his right to have one. Since a pig can't vote, it is meaningless to talk of its right to vote. There is no reason why either Women's Liberation or Animal Liberation should get involved in such nonsense. The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups. Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall argue, is equality of consideration; and equal consideration for different beings may lead to different treatment and different rights.

So there is a different way of replying to Taylor's attempt to parody Wollstonecraft's arguments, a way which does not deny the differences between humans and nonhumans, but goes more deeply into the question of equality and concludes by finding nothing absurd in the idea that the basic principle of equality applies to so-called "brutes." I believe that we reach this conclusion if we examine the basis on which our opposition to discrimination on grounds of race or sex ultimately rests. We will then see that we would be on shaky ground if we were to demand equality for blacks, women, and other groups of oppressed humans while denying equal consideration to nonhumans.

When we say that all human beings, whatever their race, creed, or sex, are equal, what is it that we are asserting? Those who wish to defend a hierarchical, inegalitarian society have often pointed out that by whatever test we choose, it simply is not true that all humans are equal. Like it or not, we must face the fact that humans come in different shapes and sizes; they come with differing moral capacities, differing intellectual abilities, differing amounts of benevolent feeling and sensitivity to the needs of others, differing abilities to communicate effectively, and differing capacities to experience pleasure and pain. In short, if the demand for equality were based on the actual equality of all

human beings, we would have to stop demanding equality. It would be an unjustifiable demand.

Still, one might cling to the view that the demand for equality among human beings is based on the actual equality of the different races and sexes. Although humans differ as individuals in various ways, there are no differences between the races and sexes as such. From the mere fact that a person is black, or a woman, we cannot infer anything else about that person. This, it may be said, is what is wrong with racism and sexism. The white racist claims that whites are superior to blacks, but this is false—although there are differences between individuals, some blacks are superior to some whites in all of the capacities and abilities that could conceivably be relevant. The opponent of sexism would say the same: a person's sex is no guide to his or her abilities, and this is why it is unjustifiable to discriminate on the basis of sex.

This is a possible line of objection to racial and sexual discrimination. It is not, however, the way that someone really concerned about equality would choose, because taking this line could, in some circumstances, force one to accept a most inegalitarian society. The fact that humans differ as individuals, rather than as races or sexes, is a valid reply to someone who defends a hierarchical society like, say, South Africa, in which all whites are superior in status to all blacks. The existence of individual variations that cut across the lines of race or sex, however, provides us with no defense at all against a more sophisticated opponent of equality, one who proposes that, say, the interests of those with I.Q. ratings above 100 be preferred to the interests of those with I.Q.s below 100. Would a hierarchical society of this sort really be so much better than one based on race or sex? I think not. But if we tie the moral principle of equality to the factual equality of the different races or sexes, taken as a whole, our opposition to racism and sexism does not provide us with any basis for objecting to this kind of inegalitarianism.

There is a second important reason why we ought not to base our opposition to racism and sexism on any kind of factual equality, even the limited kind which asserts that variations in capacities and abilities are spread evenly between the different races and sexes: we can have no absolute guarantee that these abilities and capacities really

are distributed evenly, without regard to race or sex, among human beings. So far as actual abilities are concerned, there do seem to be certain measurable differences between both races and sexes. These differences do not, of course, appear in each case, but only when averages are taken. More important still, we do not yet know how much of these differences is really due to the different genetic endowments of the various races and sexes, and how much is due to environmental differences that are the result of past and continuing discrimination. Perhaps all of the important differences will eventually prove to be environmental rather than genetic. Anyone opposed to racism and sexism will certainly hope that this will be so, for it will make the task of ending discrimination a lot easier; nevertheless it would be dangerous to rest the case against racism and sexism on the belief that all significant differences are environmental in origin. The opponent of, say, racism who takes this line will be unable to avoid conceding that if differences in ability did after all prove to have some genetic connection with race, racism would in some way be defensible.

It would be folly for the opponent of racism to stake his whole case on a dogmatic commitment to one particular outcome of a difficult scientific issue which is still a long way from being settled. While attempts to prove that differences in certain selected abilities between races and sexes are primarily genetic in origin have certainly not been conclusive, the same must be said of attempts to prove that these differences are largely the result of environment. At this stage of the investigation we cannot be certain which view is correct, however much we may hope it is the latter.

Fortunately, there is no need to pin the case for equality to one particular outcome of this scientific investigation. The appropriate response to those who claim to have found evidence of genetically-based differences in ability between the races or sexes is not to stick to the belief that the genetic explanation must be wrong, whatever evidence to the contrary may turn up; instead we should make it quite clear that the claim to equality does not depend on intelligence, moral capacity, physical strength, or similar matters of fact. Equality is a moral ideal, not a simple assertion of fact. There is no logically

compelling reason for assuming that a factual difference in ability between two people justifies any difference in the amount of consideration we give to satisfying their needs and interests. The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat humans.

Jeremy Bentham incorporated the essential basis of moral equality into his utilitarian system of ethics in the formula: "Each to count for one and none for more than one." In other words, the interests of every being affected by an action are to be taken into account and given the same weight as the like interests of any other being. A later utilitarian, Henry Sidgwick, put the point in this way: "The good of any one individual is of no more importance, from the point of view (if I may say so) of the Universe, than the good of any other."¹ More recently, the leading figures in contemporary moral philosophy have shown a great deal of agreement in specifying as a fundamental presupposition of their moral theories some similar requirement which operates so as to give everyone's interests equal consideration—although they cannot agree on how this requirement is best formulated.²

It is an implication of this principle of equality that our concern for others ought not to depend on what they are like, or what abilities they possess—although precisely what this concern requires us to do may vary according to the characteristics of those affected by what we do. It is on this basis that the case against racism and the case against sexism must both ultimately rest; and it is in accordance with this principle that speciesism is also to be condemned. If possessing a higher degree of intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit nonhumans?

Many philosophers have proposed the principle of equal consideration of interests, in some form or other, as a basic moral principle; but, as we shall see in more detail shortly, not many of them have recognized that this principle applies to members of other species as well as to our own. Bentham was one of the few who did realize this. In a forward-looking passage, written at a time when black slaves in the British dominions were still being treated much as we now treat nonhuman animals, Bentham wrote:

The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the vinosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?³

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for suffering—or more strictly, for suffering and/or enjoyment or happiness—is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark “the insuperable line” that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being. If a being is not capable of suffering,

or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin color?

The racist violates the principle of equality by giving greater weight to the interests of members of his own race, when there is a clash between their interests and the interests of those of another race. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species.⁴ The pattern is the same in each case. Most human beings are speciesists. I shall now very briefly describe some of the practices that show this.

For the great majority of human beings, especially in urban, industrialized societies, the most direct form of contact with members of other species is at mealtimes: we eat them. In doing so we treat them purely as means to our ends. We regard their life and well-being as subordinate to our taste for a particular kind of dish. I say “taste” deliberately—this is purely a matter of pleasing our palate. There can be no defense of eating flesh in terms of satisfying nutritional needs, since it has been established beyond doubt that we could satisfy our need for protein and other essential nutrients far more efficiently with a diet that replaced animal flesh by soy beans, or products derived from soy beans, and other high-protein vegetable products.⁵

It is not merely the act of killing that indicates what we are ready to do to other species in order to gratify our tastes. The suffering we inflict on the animals while they are alive is perhaps an even clearer indication of our speciesism than the fact that we are prepared to kill them.⁶ In order to have meat on the table at a price that people can afford, our society tolerates methods of meat production that confine sentient animals in cramped, unsuitable conditions for the entire durations of their lives. Animals are treated like machines that convert fodder into flesh, and any innovation that results in

a higher “conversion ratio” is liable to be adopted. As one authority on the subject has said, “cruelty is acknowledged only when profitability ceases.”⁷ . . .

Since, as I have said, none of these practices cater for anything more than our pleasures of taste, our practice of rearing and killing other animals in order to eat them is a clear instance of the sacrifice of the most important interests of other beings in order to satisfy trivial interests of our own. To avoid speciesism we must stop this practice, and each of us has a moral obligation to cease supporting the practice. Our custom is all the support that the meat-industry needs. The decision to cease giving it that support may be difficult, but it is no more difficult than it would have been for a white Southerner to go against the traditions of his society and free his slaves: if we do not change our dietary habits, how can we censure those slaveholders who would not change their own way of living?

The same form of discrimination may be observed in the widespread practice of experimenting on other species in order to see if certain substances are safe for human beings, or to test some psychological theory about the effect of severe punishment on learning, or to try out various new compounds just in case something turns up. . . .

In the past, argument about vivisection has often missed the point, because it has been put in absolutist terms: Would the abolitionist be prepared to let thousands die if they could be saved by experimenting on a single animal? The way to reply to this purely hypothetical question is to pose another: Would the experimenter be prepared to perform his experiment on an orphaned human infant, if that were the only way to save many lives? (I say “orphan” to avoid the complication of parental feelings, although in doing so I am being overfair to the experimenter, since the nonhuman subjects of experiments are not orphans.) If the experimenter is not prepared to use an orphaned human infant, then his readiness to use nonhumans is simple discrimination, since adult apes, cats, mice, and other mammals are more aware of what is happening to them, more self-directing and, so far as we can tell, at least as sensitive to pain, as any human infant. There seems to be no relevant characteristic that human infants possess that adult mammals do not

have to the same or a higher degree. (Someone might try to argue that what makes it wrong to experiment on a human infant is that the infant will, in time and if left alone, develop into more than the nonhuman, but one would then, to be consistent, have to oppose abortion, since the fetus has the same potential as the infant—indeed, even contraception and abstinence might be wrong on this ground, since the egg and sperm, considered jointly, also have the same potential. In any case, this argument still gives us no reason for selecting a nonhuman, rather than a human with severe and irreversible brain damage, as the subject for our experiments).

The experimenter, then, shows a bias in favor of his own species whenever he carries out an experiment on a nonhuman for a purpose that he would not think justified him in using a human being at an equal or lower level of sentience, awareness, ability to be self-directing, etc. No one familiar with the kind of results yielded by most experiments on animals can have the slightest doubt that if this bias were eliminated the number of experiments performed would be a minute fraction of the number performed today.

Experimenting on animals, and eating their flesh, are perhaps the two major forms of speciesism in our society. By comparison, the third and last form of speciesism is so minor as to be insignificant, but it is perhaps of some special interest to those for whom this article was written. I am referring to speciesism in contemporary philosophy.

Philosophy ought to question the basic assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy, and it is this task that makes philosophy a worthwhile activity. Regrettably, philosophy does not always live up to its historic role. Philosophers are human beings, and they are subject to all the preconceptions of the society to which they belong. Sometimes they succeed in breaking free of the prevailing ideology: more often they become its most sophisticated defenders. So, in this case, philosophy as practiced in the universities today does not challenge anyone’s preconceptions about our relations with other species. By their writings, those philosophers who tackle problems that touch upon the issue reveal that they make the same

unquestioned assumptions as most other humans, and what they say tends to confirm the reader in his or her comfortable speciesist habits.

I could illustrate this claim by referring to the writings of philosophers in various fields—for instance, the attempts that have been made by those interested in rights to draw the boundary of the sphere of rights so that it runs parallel to the biological boundaries of the species homo sapiens, including infants and even mental defectives, but excluding those other beings of equal or greater capacity who are so useful to us at mealtimes and in our laboratories. I think it would be a more appropriate conclusion to this article, however, if I concentrated on the problem with which we have been centrally concerned, the problem of equality.

It is significant that the problem of equality, in moral and political philosophy, is invariably formulated in terms of human equality. The effect of this is that the question of the equality of other animals does not confront the philosopher, or student, as an issue itself—and this is already an indication of the failure of philosophy to challenge accepted beliefs. Still, philosophers have found it difficult to discuss the issue of human equality without raising, in a paragraph or two, the question of the status of other animals. The reason for this, which should be apparent from what I have said already, is that if humans are to be regarded as equal to one another, we need some sense of “equal” that does not require any actual, descriptive equality of capacities, talents or other qualities. If equality is to be related to any actual characteristics of humans, these characteristics must be some lowest common denominator, pitched so low that no human lacks them—but then the philosopher comes up against the catch that any such set of characteristics which covers all humans will not be possessed only by humans. In other words, it turns out that in the only sense in which we can truly say, as an assertion of fact, that all humans are equal, at least some members of other species are also equal—equal, that is, to each other and to humans. If, on the other hand, we regard the statement “All humans are equal” in some non-factual way, perhaps as a prescription, then, as I have already argued, it is even more difficult to exclude non-humans from the sphere of equality.

This result is not what the egalitarian philosopher originally intended to assert. Instead of accepting the radical outcome to which their own reasonings naturally point, however, most philosophers try to reconcile their beliefs in human equality and animal inequality by arguments that can only be described as devious.

As a first example, I take William Frankena's well-known article “The Concept of Social Justice.” Frankena opposes the idea of basing justice on merit, because he sees that this could lead to highly inegalitarian results. Instead he proposes the principle that

all men are to be treated as equals, not because they are equal, in any respect, but simply because they are human. They are human because they have emotions and desires, and are able to think, and hence are capable of enjoying a good life in a sense in which other animals are not.⁸

But what is this capacity to enjoy the good life which all humans have, but no other animals? Other animals have emotions and desires and appear to be capable of enjoying a good life. We may doubt that they can think—although the behavior of some apes, dolphins, and even dogs suggests that some of them can—but what is the relevance of thinking? Frankena goes on to admit that by “the good life” he means “not so much the morally good life as the happy or satisfactory life,” so thought would appear to be unnecessary for enjoying the good life; in fact to emphasize the need for thought would make difficulties for the egalitarian since only some people are capable of leading intellectually satisfying lives, or morally good lives. This makes it difficult to see what Frankena’s principle of equality has to do with simply being human. Surely every sentient being is capable of leading a life that is happier or less miserable than some alternative life, and hence has a claim to be taken into account. In this respect the distinction between humans and nonhumans is not a sharp division, but rather a continuum along which we move gradually, and with overlaps between the species, from simple capacities for enjoyment and satisfaction, or pain and suffering, to more complex ones.

Faced with a situation in which they see a need for some basis for the moral gulf that is commonly

thought to separate humans and animals, but can find no concrete difference that will do the job without undermining the equality of humans, philosophers tend to waffle. They resort to high-sounding phrases like “the intrinsic dignity of the human individual”,⁹ they talk of the “intrinsic worth of all men” as if men (humans?) had some worth that other beings did not,¹⁰ or they say that humans, and only humans, are “ends in themselves,” while “everything other than a person can only have value for a person.”¹¹

This idea of a distinctive human dignity and worth has a long history; it can be traced back directly to the Renaissance humanists, for instance to Pico della Mirandola’s *Oration on the Dignity of Man*. Pico and other humanists based their estimate of human dignity on the idea that man possessed the central, pivotal position in the “Great Chain of Being” that led from the lowliest forms of matter to God himself; this view of the universe, in turn, goes back to both classical and Judeo-Christian doctrines. Contemporary philosophers have cast off these metaphysical and religious shackles and freely invoke the dignity of mankind without needing to justify the idea at all. Why should we not attribute “intrinsic dignity” or “intrinsic worth” to ourselves? Fellow-humans are unlikely to reject the accolades we so generously bestow on them, and those to whom we deny the honor are unable to object. Indeed, when one thinks only of humans, it can be very liberal, very progressive, to talk of the dignity of all human beings. In so doing, we implicitly condemn slavery, racism, and other violations of human rights. We admit that we ourselves are in some fundamental sense on a par with the poorest, most ignorant members of our own species. It is only when we think of humans as no more than a small sub-group of all the beings that inhabit our planet that we may realize that in elevating our own species we are at the same time lowering the relative status of all other species.

The truth is that the appeal to the intrinsic dignity of human beings appears to solve the egalitarian’s problems only as long as it goes unchallenged. Once we ask why it should be that all humans—including infants, mental defectives, psychopaths, Hitler, Stalin, and the rest—have some kind of dignity or worth that no elephant, pig, or chimpanzee can ever achieve, we see that this question is as difficult

to answer as our original request for some relevant fact that justifies the inequality of humans and other animals. In fact, these two questions are really one: talk of intrinsic dignity or moral worth only takes the problem back one step, because any satisfactory defence of the claim that all and only humans have intrinsic dignity would need to refer to some relevant capacities or characteristics that all and only humans possess. Philosophers frequently introduce ideas of dignity, respect, and worth at the point at which other reasons appear to be lacking, but this is hardly good enough. Fine phrases are the last resource of those who have run out of arguments.

In case there are those who still think it may be possible to find some relevant characteristic that distinguishes all humans from all members of other species, I shall refer again, before I conclude, to the existence of some humans who quite clearly are below the level of awareness, self-consciousness, intelligence, and sentience, of many non-humans. I am thinking of humans with severe and irreparable brain damage, and also of infant humans. To avoid the complication of the relevance of a being’s potential, however, I shall henceforth concentrate on permanently retarded humans.

Philosophers who set out to find a characteristic that will distinguish humans from other animals rarely take the course of abandoning these groups of humans by lumping them in with the other animals. It is easy to see why they do not. To take this line without re-thinking our attitudes to other animals would entail that we have the right to perform painful experiments on retarded humans for trivial reasons; similarly it would follow that we had the right to rear and kill these humans for food. To most philosophers these consequences are as unacceptable as the view that we should stop treating nonhumans in this way.

Of course, when discussing the problem of equality it is possible to ignore the problem of mental defectives, or brush it aside as if somehow insignificant.¹² This is the easiest way out. What else remains? My final example of speciesism in contemporary philosophy has been selected to show what happens when a writer is prepared to face the question of human equality and animal inequality without ignoring the existence of mental defectives, and without resorting

to obscurantist mumbo jumbo. Stanley Benn's clear and honest article "Egalitarianism and Equal Consideration of Interests"¹³ fits this description.

Benn, after noting the usual "evident human inequalities" argues, correctly I think, for equality of consideration as the only possible basis for egalitarianism. Yet Benn, like other writers, is thinking only of "equal consideration of human interests." Benn is quite open in his defence of this restriction of equal consideration:

...not to possess human shape is a disqualifying condition. However faithful or intelligent a dog may be, it would be a monstrous sentimentality to attribute to him interests that could be weighed in an equal balance with those of human beings ... if, for instance, one had to decide between feeding a hungry baby or a hungry dog, anyone who chose the dog would generally be reckoned morally defective, unable to recognize a fundamental inequality of claims.

This is what distinguishes our attitude to animals from our attitude to imbeciles. It would be odd to say that we ought to respect equally the dignity or personality of the imbecile and of the rational man ... but there is nothing odd about saying that we should respect their interests equally, that is, that we should give to the interests of each the same serious consideration as claims to considerations necessary for some standard of well-being that we can recognize and endorse.

Benn's statement of the basis of the consideration we should have for imbeciles seems to me correct, but why should there be any fundamental inequality of claims between a dog and a human imbecile? Benn sees that if equal consideration depended on rationality, no reason could be given against using imbeciles for research purposes, as we now use dogs and guinea pigs. This will not do: "But of course we do distinguish imbeciles from animals in this regard," he says. That the common distinction is justifiable is something Benn does not question; his problem is how it is to be justified. The answer he gives is this:

...we respect the interests of men and give them priority over dogs not *insofar* as they are rational, but because rationality is the human norm. We say it is *unfair* to exploit the deficiencies of the imbecile who falls short of the norm, just as it would be

unfair, and not just ordinarily dishonest, to steal from a blind man. If we do not think in this way about dogs, it is because we do not see the irrationality of the dog as a deficiency or a handicap, but as normal for the species. The characteristics, therefore, that distinguish the normal man from the normal dog make it intelligible for us to talk of other men having interests and capacities, and therefore claims, of precisely the same kind as we make on our own behalf. But although these characteristics may provide the point of the distinction between men and other species, they are not in fact the qualifying conditions for membership, to the distinguishing criteria of the class of morally considerable persons; and this is precisely because a man does not become a member of a different species, with its own standards of normality, by reason of not possessing these characteristics.

The final sentence of this passage gives the argument away. An imbecile, Benn concedes, may have no characteristics superior to those of a dog; nevertheless this does not make the imbecile a member of "a different species" as the dog is. Therefore it would be "unfair" to use the imbecile for medical research as we use the dog. But why? That the imbecile is not rational is just the way things have worked out, and the same is true of the dog—neither is any more responsible for their mental level. If it is unfair to take advantage of an isolated defect, why is it fair to take advantage of a more general limitation? I find it hard to see anything in this argument except a defense of preferring the interests of members of our own species because they are members of our own species. To those who think there might be more to it, I suggest the following mental exercise. Assume that it has been proven that there is a difference in the average, or normal, intelligence quotient for two different races, say whites and blacks. Then substitute the term "white" for every occurrence of "men" and "black" for every occurrence of "dog" in the passage quoted; and substitute "high I.Q." for "rationality" and when Benn talks of "imbeciles" replace this term by "dumb whites"—that is, whites who fall well below the normal white I.Q. score. Finally, change "species" to "race." Now retread the passage. It has become a defense of a rigid, no-exceptions division between whites and blacks, based on I.Q. scores, not

withstanding an admitted overlap between whites and blacks in this respect. The revised passage is, of course, outrageous, and this is not only because we have made fictitious assumptions in our substitutions. The point is that in the original passage Benn was defending a rigid division in the amount of consideration due to members of different species, despite admitted cases of overlap. If the original did not, at first reading strike us as being as outrageous as the revised version does, this is largely because although we are not racists ourselves, most of us are speciesists. Like the other articles, Benn's stands as a warning of the ease with which the best minds can fall victim to a prevailing ideology.

NOTES

1. *The Methods of Ethics* (7th Ed.), p. 382.
2. For example, R. M. Hare, *Freedom and Reason* (Oxford, 1963) and J. Rawls, *A Theory of Justice* (Harvard, 1972); for a brief account of the essential agreement on this issue between these and other positions, see R. M. Hare, "Rules of War and Moral Reasoning," *Philosophy and Public Affairs*, vol. 1, no. 2 (1972).
3. *Introduction to the Principles of Morals and Legislation*, ch. XVII.
4. I owe the term speciesism to Richard Ryder.
5. In order to produce 1 lb. of protein in the form of beef or veal, we must feed 21 lbs. of protein to the animal. Other forms of livestock are slightly less inefficient, but the average ratio in the United States is still 1:8. It has been estimated that the amount of protein lost to humans in this way is equivalent to 90 percent of the annual world protein deficit. For a brief account, see Frances Moore Lappe, *Diet for a Small Planet* (Friends of The Earth/Ballantine, New York 1971), pp. 4-11.
6. Although one might think that killing a being is obviously the ultimate wrong one can do to it, I think that the infliction of suffering is a clearer indication of speciesism because it might be argued that at least part of what is wrong with killing a human is that most humans are conscious of their existence over time and have desires and purposes that extend into the future—see, for instance, M. Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs*, vol. 2, no. 1 (1972). Of course,

if one took this view one would have to hold—as Tooley does—that killing a human infant or mental defective is not in itself wrong and is less serious than killing certain higher mammals that probably do have a sense of their own existence over time.

7. Ruth Harrison, *Animal Machines* (Stuart, London, 1964). For an account of farming conditions, see my *Animal Liberation* (New York Review Company, 1975).
8. In R. Brandt (ed.), *Social Justice* (Prentice Hall, Englewood Cliffs, 1962), p. 19.
9. Frankena, op. cit. p. 23.
10. H. A. Bedau, "Egalitarianism and the Idea of Equality," in *Nomos IX: Equality*, ed. J. R. Pennock and J. W. Chapman, New York, 1967.
11. C. Vlastos, "Justice and Equality," in Brandt, *Social Justice*, p. 48.
12. For example, Bernard Williams, "The Idea of Equality," in *Philosophy, Politics, and Society* (second series), ed. P. Laslett and W. Rundman (Blackwell, Oxford, 1962), p. 118; J. Rawls, *A Theory of Justice*, pp. 509-10.
13. *Nomos IX: Equality*; the passages quoted are on p. 62ff.

Peter Singer: All Animals Are Equal

1. Singer claims that speciesism commits the same sort of moral error as racism and sexism. Do you agree? Why or why not?
2. If you believe that animal experimentation is morally justified even when experimenting on mentally similar "marginal" human beings is not, what explains why such differential treatment is morally acceptable?
3. Singer claims that rationality or intelligence is as arbitrary a basis for determining moral importance as skin color. Do you find his claim plausible? Why or why not?
4. Does sentience really serve as the basis for independent moral importance? If so, why? If not, what other basis would you propose?
5. Does Singer's view allow for any circumstances in which it is morally acceptable to eat meat? If so, which circumstances are these, and why? If not, why not?

The Case for Animal Rights

Tom Regan

Tom Regan considers a variety of strategies that seek to downgrade the value of non-human animals when compared to the value of humans. He finds each of these strategies to be problematic.

The first strategy argues that we have no duties to animals, though we have duties *regarding* them. Regan summarizes this position by saying that this leaves animals with the same moral status as a windshield. I have a duty regarding your windshield not to destroy it, but that's only because of how the windshield, which is not important in itself, is related to you, who are. The most plausible basis for this position is contractarianism, which makes membership in the moral community dependent on an ability to contract with others for purposes of securing mutual protection. But many human beings lack this ability. As a result, contractarianism would assign to those humans, as well as to all nonhuman animals, the same moral status as a windshield.

Regan also considers the merits of utilitarianism, which seems to have better implications for the moral status of animals. But Regan disagrees. Utilitarians assign intrinsic value to experiences of pleasure, rather than to those beings who experience it. On this view, people, and animals, are disposable: if we can maximize pleasure by killing innocent people, as we might do by painlessly killing an elderly relative so as to inherit her riches, then utilitarianism requires us to do so. We need to look beyond contractarianism and utilitarianism for a plausible view of humanity's moral status. Once we do, we will see that ensuring the moral importance of all human beings does the same thing for nonhuman animals.

Regan thinks that the only secure basis for the moral protection of human beings is a rights-based view, which says that we are inherently valuable because we are experiencing subjects of a life: there is something it is like to be us. This is the basis for our intrinsic moral importance. But (almost) all animals are also such subjects, and so are intrinsically morally important as well. Further, every experiencing subject of a life is equally morally important, and this yields a set of equal basic moral rights for both humans and animals. These rights protect both humans and animals from being experimented on or killed without consent. Since animals do not consent to such experimentation, or to being killed for use as human food, such behavior on our part is morally wrong.

I regard myself as an advocate of animal rights—as a part of the animal rights movement. That movement, as I conceive it, is committed to a number of goals, including:

- the total abolition of the use of animals in science;
- the total dissolution of commercial animal agriculture;
- the total elimination of commercial and sport hunting and trapping.

From Tom Regan, "The Case for Animal Rights," in Peter Singer, ed., *In Defense of Animals* (Basil Blackwell, 1985), pp. 13–26.

There are, I know, people who profess to believe in animal rights but do not avow these goals. Factory

farming, they say, is wrong—it violates animals' rights—but traditional animal agriculture is all right. Toxicity tests of cosmetics on animals violates their rights, but important medical research—cancer research, for example—does not. The clubbing of baby seals is abhorrent, but not the harvesting of adult seals. I used to think I understood this reasoning. Not any more. You don't change unjust institutions by tidying them up.

What's wrong—fundamentally wrong—with the way animals are treated isn't the details that vary from case to case. It's the whole system. The forlornness of the veal calf is pathetic, heart wrenching; the pulsing pain of the chimp with electrodes planted deep in her brain is repulsive; the slow, tortuous death of the racoon caught in the leg-hold trap is agonizing. But what is wrong isn't the pain, isn't the suffering, isn't the deprivation. These compound what's wrong. Sometimes—often—they make it much, much worse. But they are not the fundamental wrong.

The fundamental wrong is the system that allows us to view animals as *our resources*, here for *us*—to be eaten, or surgically manipulated, or exploited for sport or money. Once we accept this view of animals—as our resources—the rest is as predictable as it is regrettable. Why worry about their loneliness, their pain, their death? Since animals exist for us, to benefit us in one way or another, what harms them really doesn't matter—or matters only if it starts to bother us, makes us feel a trifle uneasy when we eat our veal escalope, for example. So, yes, let us get veal calves out of solitary confinement, give them more space, a little straw, a few companions. But let us keep our veal escalope.

But a little straw, more space and a few companions won't eliminate—won't even touch—the basic wrong that attaches to our viewing and treating these animals as our resources. A veal calf killed to be eaten after living in close confinement is viewed and treated in this way: but so, too, is another who is raised (as they say) 'more humanely'. To right the wrong of our treatment of farm animals requires more than making rearing methods 'more humane'; it requires the total dissolution of commercial animal agriculture.

How we do this, whether we do it or, as in the case of animals in science, whether and how we

abolish their use—these are to a large extent political questions. People must change their beliefs before they change their habits. Enough people, especially those elected to public office, must believe in change—must want it—before we will have laws that protect the rights of animals. This process of change is very complicated, very demanding, very exhausting, calling for the efforts of many hands in education, publicity, political organization and activity, down to the licking of envelopes and stamps. As a trained and practising philosopher, the sort of contribution I can make is limited but, I like to think, important. The currency of philosophy is ideas—their meaning and rational foundation—not the nuts and bolts of the legislative process, say, or the mechanics of community organization. That's what I have been exploring over the past ten years or so in my essays and talks and, most recently, in my book, *The Case for Animal Rights*. I believe the major conclusions I reach in the book are true because they are supported by the weight of the best arguments. I believe the idea of animal rights has reason, not just emotion, on its side.

In the space I have at my disposal here I can only sketch, in the barest outline, some of the main features of the book. Its main themes—and we should not be surprised by this—involve asking and answering deep, foundational moral questions about what morality is, how it should be understood and what is the best moral theory, all considered. I hope I can convey something of the shape I think this theory takes. The attempt to do this will be (to use a word a friendly critic once used to describe my work) cerebral, perhaps too cerebral. But this is misleading. My feelings about how animals are sometimes treated run just as deep and just as strong as those of my more volatile compatriots. Philosophers do—to use the jargon of the day—have a right side to their brains. If it's the left side we contribute (or mainly should), that's because what talents we have reside there.

How to proceed? We begin by asking how the moral status of animals has been understood by thinkers who deny that animals have rights. Then we test the mettle of their ideas by seeing how well they stand up under the heat of fair criticism. If we

start our thinking in this way, we soon find that some people believe that we have no duties directly to animals, that we owe nothing to them, that we can do nothing that wrongs them. Rather, we can do wrong acts that involve animals, and so we have duties regarding them, though none to them. Such views may be called indirect duty views. By way of illustration: suppose your neighbour kicks your dog. Then your neighbour has done something wrong. But not to your dog. The wrong that has been done is a wrong to you. After all, it is wrong to upset people, and your neighbour's kicking your dog upsets you. So you are the one who is wronged, not your dog. Or again: by kicking your dog your neighbour damages your property. And since it is wrong to damage another person's property, your neighbour has done something wrong—to you, of course, not to your dog. Your neighbour no more wrongs your dog than your car would be wronged if the windshield were smashed. Your neighbour's duties involving your dog are indirect duties to you. More generally, all of our duties regarding animals are indirect duties to one another—to humanity.

How could someone try to justify such a view? Someone might say that your dog doesn't feel anything and so isn't hurt by your neighbour's kick, doesn't care about the pain since none is felt, is as unaware of anything as is your windshield. Someone might say this, but no rational person will, since, among other considerations, such a view will commit anyone who holds it to the position that no human being feels pain either—that human beings also don't care about what happens to them. A second possibility is that though both humans and your dog are hurt when kicked, it is only human pain that matters. But, again, no rational person can believe this. Pain is pain wherever it occurs. If your neighbour's causing you pain is wrong because of the pain that is caused, we cannot rationally ignore or dismiss the moral relevance of the pain that your dog feels.

Philosophers who hold indirect duty views—and many still do—have come to understand that they must avoid the two defects just noted: that is, both the view that animals don't feel anything as well as the idea that only human pain can be morally relevant. Among such thinkers the sort of view

now favoured is one or other form of what is called *contractarianism*.

Here, very crudely, is the root idea: morality consists of a set of rules that individuals voluntarily agree to abide by, as we do when we sign a contract (hence the name *contractarianism*). Those who understand and accept the terms of the contract are covered directly; they have rights created and recognized by, and protected in, the contract. And these contractors can also have protection spelled out for others who, though they lack the ability to understand morality and so cannot sign the contract themselves, are loved or cherished by those who can. Thus young children, for example, are unable to sign contracts and lack rights. But they are protected by the contract none the less because of the sentimental interests of others, most notably their parents. So we have, then, duties involving these children, duties regarding them, but no duties to them. Our duties in their case are indirect duties to other human beings, usually their parents.

As for animals, since they cannot understand contracts, they obviously cannot sign; and since they cannot sign, they have no rights. Like children, however, some animals are the objects of the sentimental interest of others. You, for example, love your dog or cat. So those animals that enough people care about (companion animals, whales, baby seals, the American bald eagle), though they lack rights themselves, will be protected because of the sentimental interests of people. I have, then, according to *contractarianism*, no duty directly to your dog or any other animal, not even the duty not to cause them pain or suffering; my duty not to hurt them is a duty I have to those people who care about what happens to them. As for other animals, where no or little sentimental interest is present—in the case of farm animals, for example, or laboratory rats—what duties we have grow weaker and weaker, perhaps to vanishing point. The pain and death they endure, though real, are not wrong if no one cares about them.

When it comes to the moral status of animals, *contractarianism* could be a hard view to refute if it were an adequate theoretical approach to the moral status of human beings. It is not adequate in this latter respect, however, which makes the question of its adequacy in the former case, regarding animals,

utterly moot. For consider: morality, according to the (crude) contractarian position before us, consists of rules that people agree to abide by. What people? Well, enough to make a difference—enough, that is, *collectively* to have the power to enforce the rules that are drawn up in the contract. That is very well and good for the signatories but not so good for anyone who is not asked to sign. And there is nothing in contractarianism of the sort we are discussing that guarantees or requires that everyone will have a chance to participate equally in framing the rules of morality. The result is that this approach to ethics could sanction the most blatant forms of social, economic, moral and political injustice, ranging from a repressive caste system to systematic racial or sexual discrimination. Might, according to this theory, does make right. Let those who are the victims of injustice suffer as they will. It matters not so long as no one else—no contractor, or too few of them—cares about it. Such a theory takes one's moral breath away . . . as if, for example, there would be nothing wrong with apartheid in South Africa if few white South Africans were upset by it. A theory with so little to recommend it at the level of the ethics of our treatment of our fellow humans cannot have anything more to recommend it when it comes to the ethics of how we treat our fellow animals.

The version of contractarianism just examined is, as I have noted, a crude variety, and in fairness to those of a contractarian persuasion it must be noted that much more refined, subtle and ingenious varieties are possible. For example, John Rawls, in his *A Theory of Justice*, sets forth a version of contractarianism that forces contractors to ignore the accidental features of being a human being—for example, whether one is white or black, male or female, a genius or of modest intellect. Only by ignoring such features, Rawls believes, can we ensure that the principles of justice that contractors would agree upon are not based on bias or prejudice. Despite the improvement a view such as Rawls's represents over the cruder forms of contractarianism, it remains deficient: it systematically denies that we have direct duties to those human beings who do not have a sense of justice—young children, for instance, and many mentally retarded humans. And yet it seems reasonably certain that, were we to torture a young

child or a retarded elder, we would be doing something that wronged him or her, not something that would be wrong if (and only if) other humans with a sense of justice were upset. And since this is true in the case of these humans, we cannot rationally deny the same in the case of animals.

Indirect duty views, then, including the best among them, fail to command our rational assent. Whatever ethical theory we should accept rationally, therefore, it must at least recognize that we have some duties directly to animals, just as we have some duties directly to each other. The next two theories I'll sketch attempt to meet this requirement.

The first I call the cruelty-kindness view. Simply stated, this says that we have a direct duty to be kind to animals and a direct duty not to be cruel to them. Despite the familiar, reassuring ring of these ideas, I do not believe that this view offers an adequate theory. To make this clearer, consider kindness. A kind person acts from a certain kind of motive—compassion or concern, for example. And that is a virtue. But there is no guarantee that a kind act is a right act. If I am a generous racist, for example, I will be inclined to act kindly towards members of my own race, favouring their interests above those of others. My kindness would be real and, so far as it goes, good. But I trust it is too obvious to require argument that my kind acts may not be above moral reproach—may, in fact, be positively wrong because rooted in injustice. So kindness, notwithstanding its status as a virtue to be encouraged, simply will not carry the weight of a theory of right action.

Cruelty fares no better. People or their acts are cruel if they display either a lack of sympathy for or, worse, the presence of enjoyment in another's suffering. Cruelty in all its guises is a bad thing, a tragic human failing. But just as a person's being motivated by kindness does not guarantee that he or she does what is right, so the absence of cruelty does not ensure that he or she avoids doing what is wrong. Many people who perform abortions, for example, are not cruel, sadistic people. But that fact alone does not settle the terribly difficult question of the morality of abortion. The case is no different when we examine the ethics of our treatment of animals. So, yes, let us be for kindness and against cruelty. But let us not suppose that being for the

one and against the other answers questions about moral right and wrong.

Some people think that the theory we are looking for is utilitarianism. A utilitarian accepts two moral principles. The first is that of equality: everyone's interests count, and similar interests must be counted as having similar weight or importance. White or black, American or Iranian, human or animal—everyone's pain or frustration matter, and matter just as much as the equivalent pain or frustration of anyone else. The second principle a utilitarian accepts is that of utility: do the act that will bring about the best balance between satisfaction and frustration for everyone affected by the outcome.

As a utilitarian, then, here is how I am to approach the task of deciding what I morally ought to do: I must ask who will be affected if I choose to do one thing rather than another, how much each individual will be affected, and where the best results are most likely to lie—which option, in other words, is most likely to bring about the best results, the best balance between satisfaction and frustration. That option, whatever it may be, is the one I ought to choose. That is where my moral duty lies.

The great appeal of utilitarianism rests with its uncompromising *egalitarianism*: everyone's interests count and count as much as the like interests of everyone else. The kind of odious discrimination that some forms of contractarianism can justify—discrimination based on race or sex, for example—seems disallowed in principle by utilitarianism, as is speciesism, systematic discrimination based on species membership.

The equality we find in utilitarianism, however, is not the sort an advocate of animal or human rights should have in mind. Utilitarianism has no room for the equal moral rights of different individuals because it has no room for their equal inherent value or worth. What has value for the utilitarian is the satisfaction of an individual's interests, not the individual whose interests they are. A universe in which you satisfy your desire for water, food and warmth is, other things being equal, better than a universe in which these desires are frustrated. And the same is true in the case of an animal with similar desires. But neither you nor the animal have any value in your own right. Only your feelings do.

Here is an analogy to help make the philosophical point clearer: a cup contains different liquids, sometimes sweet, sometimes bitter, sometimes a mix of the two. What has value are the liquids: the sweeter the better, the bitterer the worse. The cup, the container, has no value. It is what goes into it, not what they go into, that has value. For the utilitarian you and I are like the cup; we have no value as individuals and thus no equal value. What has value is what goes into us, what we serve as receptacles for; our feelings of satisfaction have positive value, our feelings of frustration negative value.

Serious problems arise for utilitarianism when we remind ourselves that it enjoins us to bring about the best consequences. What does this mean? It doesn't mean the best consequences for me alone, or for my family or friends, or any other person taken individually. No, what we must do is, roughly, as follows: we must add up (somehow!) the separate satisfactions and frustrations of everyone likely to be affected by our choice, the satisfactions in one column, the frustrations in the other. We must total each column for each of the options before us. That is what it means to say the theory is aggregative. And then we must choose that option which is most likely to bring about the best balance of totalled satisfactions over totalled frustrations. Whatever act would lead to this outcome is the one we ought morally to perform—it is where our moral duty lies. And that act quite clearly might not be the same one that would bring about the best results for me personally, or for my family or friends, or for a lab animal. The best aggregated consequences for everyone concerned are not necessarily the best for each individual.

That utilitarianism is an aggregative theory—different individuals' satisfactions or frustrations are added, or summed, or totalled—is the key objection to this theory. My Aunt Bea is old, inactive, a cranky, sour person, though not physically ill. She prefers to go on living. She is also rather rich. I could make a fortune if I could get my hands on her money, money she intends to give me in any event, after she dies, but which she refuses to give me now. In order to avoid a huge tax bite, I plan to donate a handsome sum of my profits to a local children's hospital. Many, many children will benefit from my generosity, and much joy will be brought to their parents,

relatives and friends. If I don't get the money rather soon, all these ambitions will come to naught. The once-in-a-lifetime opportunity to make a real killing will be gone. Why, then, not kill my Aunt Bea? Oh, of course I *might* get caught. But I'm no fool and, besides, her doctor can be counted on to co-operate (he has an eye for the same investment and I happen to know a good deal about his shady past). The deed can be done . . . professionally, shall we say. There is *very* little chance of getting caught. And as for my conscience being guilt-ridden, I am a resourceful sort of fellow and will take more than sufficient comfort—as I lie on the beach at Acapulco—in contemplating the joy and health I have brought to so many others. Suppose Aunt Bea is killed and the rest of the story comes out as told. Would I have done anything wrong? Anything immoral? One would have thought that I had. Not according to utilitarianism. Since what I have done has brought about the best balance between totalled satisfaction and frustration for all those affected by the outcome, my action is not wrong. Indeed, in killing Aunt Bea the physician and I did what duty required.

This same kind of argument can be repeated in all sorts of cases, illustrating, time after time, how the utilitarian's position leads to results that impartial people find morally callous. It *is* wrong to kill my Aunt Bea in the name of bringing about the best results for others. A good end does not justify an evil means. Any adequate moral theory will have to explain why this is so. Utilitarianism fails in this respect and so cannot be the theory we seek.

What to do? Where to begin anew? The place to begin, I think, is with the utilitarian's view of the value of the individual—or, rather, lack of value. In its place, suppose we consider that you and I, for example, do have value as individuals—what we'll call *inherent value*. To say we have such value is to say that we are something more than, something different from, mere receptacles. Moreover, to ensure that we do not pave the way for such injustices as slavery or sexual discrimination, we must believe that all who have inherent value have it equally, regardless of their sex, race, religion, birthplace and so on. Similarly to be discarded as irrelevant are one's talents or skills, intelligence and wealth, personality or pathology, whether one is loved and admired or

despised and loathed. The genius and the retarded child, the prince and the pauper, the brain surgeon and the fruit vendor, Mother Teresa and the most unscrupulous used-car salesman—all have inherent value, all possess it equally, and all have an equal right to be treated with respect, to be treated in ways that do not reduce them to the status of things, as if they existed as resources for others. **My value as an individual is independent of my usefulness to you. Yours is not dependent on your usefulness to me.** For either of us to treat the other in ways that fail to show respect for the other's independent value is to act immorally, to violate the individual's rights.

Some of the rational virtues of this view—what I call the rights view—should be evident. Unlike (crude) contractarianism, for example, the rights view *in principle* denies the moral tolerability of any and all forms of racial, sexual or social discrimination; and unlike utilitarianism, this view *in principle* denies that we can justify good results by using evil means that violate an individual's rights—denies, for example, that it could be moral to kill my Aunt Bea to harvest beneficial consequences for others. That would be to sanction the disrespectful treatment of the individual in the name of the social good, something the rights view will not—categorically will not—ever allow.

The rights view, I believe, is rationally the most satisfactory moral theory. It surpasses all other theories in the degree to which it illuminates and explains the foundation of our duties to one another—the domain of human morality. On this score it has the best reasons, the best arguments, on its side. Of course, if it were possible to show that only human beings are included within its scope, then a person like myself, who believes in animal rights, would be obliged to look elsewhere.

But attempts to limit its scope to humans only can be shown to be rationally defective. Animals, it is true, lack many of the abilities humans possess. They can't read, do higher mathematics, build a bookcase or make *baba ghanoush*. Neither can many human beings, however, and yet we don't (and shouldn't) say that they (these humans) therefore have less inherent value, less of a right to be treated with respect, than do others. **It is the similarities between those human beings who most clearly, most**

non-controversially have such value (the people reading this, for example), not our differences, that matter most. And the really crucial, the basic similarity is simply this: we are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others. We want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of those animals that concern us (the ones that are eaten and trapped, for example), they too must be viewed as the experiencing subjects of a life, with inherent value of their own.

Some there are who resist the idea that animals have inherent value. "Only humans have such value," they profess. How might this narrow view be defended? Shall we say that only humans have the requisite intelligence, or autonomy, or reason? But there are many, many humans who fail to meet these standards and yet are reasonably viewed as having value above and beyond their usefulness to others. Shall we claim that only humans belong to the right species, the species *Homo sapiens*? But this is blatant speciesism. Will it be said, then, that all—and only—humans have immortal souls? Then our opponents have their work cut out for them. I am myself not ill-disposed to the proposition that there are immortal souls. Personally, I profoundly hope I have one. But I would not want to rest my position on a controversial ethical issue on the even more controversial question about who or what has an immortal soul. That is to dig one's hole deeper, not to climb out. Rationally, it is better to resolve moral issues without making more controversial assumptions than are needed. The question of who has inherent value is such a question, one that is resolved more rationally without the introduction of the idea of immortal souls than by its use.

Well, perhaps some will say that animals have some inherent value, only less than we have. Once again, however, attempts to defend this view can be shown to lack rational justification. What could be

the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgment in the case of humans who are similarly deficient. But it is not true that such humans—the retarded child, for example, or the mentally deranged—have less inherent value than you or I. Neither, then, can we rationally sustain the view that animals like them in being the experiencing subjects of a life have less inherent value. All who have inherent value have it *equally*, whether they be human animals or not.

Inherent value, then, belongs equally to those who are the experiencing subjects of a life. Whether it belongs to others—to rocks and rivers, trees and glaciers, for example—we do not know and may never know. But neither do we need to know, if we are to make the case for animal rights. We do not need to know, for example, how many people are eligible to vote in the next presidential election before we can know whether I am. Similarly, we do not need to know how many individuals have inherent value before we can know that some do. When it comes to the case for animal rights, then, what we need to know is whether the animals that, in our culture, are routinely eaten, hunted and used in our laboratories, for example, are like us in being subjects of a life. And we do know this. We do know that many—literally, billions and billions—of these animals are the subjects of a life in the sense explained and so have inherent value if we do. And since, in order to arrive at the best theory of our duties to one another, we must recognize our equal inherent value as individuals, reason—not sentiment, not emotion—reason compels us to recognize the equal inherent value of these animals and, with this, their equal right to be treated with respect.

That, *very roughly*, is the shape and feel of the case for animal rights. Most of the details of the supporting argument are missing. They are to be found in the book to which I alluded earlier. Here, the details go begging, and I must, in closing, limit myself to four final points.

The first is how the theory that underlies the case for animal rights shows that the animal rights movement is a part of, not antagonistic to, the human rights movement. The theory that rationally grounds the rights of animals also grounds the rights of

humans. Thus those involved in the animal rights movement are partners in the struggle to secure respect for human rights—the rights of women, for example, or minorities, or workers. The animal rights movement is cut from the same moral cloth as these.

Second, having set out the broad outlines of the rights view, I can now say why its implications for farming and science, among other fields, are both clear and uncompromising. In the case of the use of animals in science, the rights view is categorically abolitionist. Lab animals are not our tasters; we are not their kings. Because these animals are treated routinely, systematically as if their value were reducible to their usefulness to others, they are routinely, systematically treated with a lack of respect, and thus are their rights routinely, systematically violated. This is just as true when they are used in trivial, duplicative, unnecessary or unwise research as it is when they are used in studies that hold out real promise of human benefits. We can't justify harming or killing a human being (my Aunt Bea, for example) just for these sorts of reason. Neither can we do so even in the case of so lowly a creature as a laboratory rat. It is not just refinement or reduction that is called for, not just larger, cleaner cages, not just more generous use of anaesthetic or the elimination of multiple surgery, not just tidying up the system. It is complete replacement. The best we can do when it comes to using animals in science is—not to use them. That is where our duty lies, according to the rights view.

As for commercial animal agriculture, the rights view takes a similar abolitionist position. The fundamental moral wrong here is not that animals are kept in stressful close confinement or in isolation, or that their pain and suffering, their needs and preferences are ignored or discounted. All these *are* wrong, of course, but they are not the fundamental wrong. They are symptoms and effects of the deeper, systematic wrong that allows these animals to be viewed and treated as lacking independent value, as resources for us—as, indeed, a renewable resource. Giving farm animals more space, more natural environments, more companions does not right the fundamental wrong, any more than giving lab animals more anaesthesia or

bigger, cleaner cages would right the fundamental wrong in their case. Nothing less than the total dissolution of commercial animal agriculture will do this, just as, for similar reasons I won't develop at length here, morality requires nothing less than the total elimination of hunting and trapping for commercial and sporting ends. The rights view's implications, then, as I have said, are clear and uncompromising.

My last two points are about philosophy, my profession. It is, most obviously, no substitute for political action. The words I have written here and in other places by themselves don't change a thing. It is what we do with the thoughts that the words express—our acts, our deeds—that changes things. All that philosophy can do, and all I have attempted, is to offer a vision of what our deeds should aim at. And the why. But not the how.

Finally, I am reminded of my thoughtful critic, the one I mentioned earlier, who chastised me for being too cerebral. Well, cerebral I have been: indirect duty views, utilitarianism, contractarianism—hardly the stuff deep passions are made of. I am also reminded, however, of the image another friend once set before me—the image of the ballerina as expressive of disciplined passion. Long hours of sweat and toil, of loneliness and practice, of doubt and fatigue: those are the discipline of her craft. But the passion is there too, the fierce drive to excel, to speak through her body, to do it right, to pierce our minds. That is the image of philosophy I would leave with you, not 'too cerebral' but *disciplined passion*. Of the discipline enough has been seen. As for the passion: there are times, and these not infrequent, when tears come to my eyes when I see, or read, or hear of the wretched plight of animals in the hands of humans. Their pain, their suffering, their loneliness, their innocence, their death. Anger. Rage. Pity. Sorrow. Disgust. The whole creation groans under the weight of the evil we humans visit upon these mute, powerless creatures. It *is* our hearts, not just our heads, that call for an end to it all, that demand of us that we overcome, for them, the habits and forces behind their systematic oppression. All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage, adoption, that requires

both our passion and our discipline, our hearts and our heads. The fate of animals is in our hands. God grant we are equal to the task.

Tom Regan: The Case for Animal Rights

1. What is inherent worth?
2. Explain the distinction between duties to, and duties regarding, a given being. Then illustrate the distinction with a plausible example of your own.

3. Do you find Regan's criticisms of contractarianism and utilitarianism plausible? Why or why not?
4. Do you think that being an experiencing subject of a life is the correct basis for possessing inherent worth? If so, why? If not, what other basis would you propose?
5. Suppose that animals have inherent worth. Why think that they have inherent worth that is *equal to* that of human beings?

Difficulties with the Strong Animal Rights Position

Mary Anne Warren

Mary Anne Warren offers a thorough consideration of Tom Regan's case for animal rights. She finds much to admire, although she is critical of his view at various points. She wonders about the nature of inherent value and finds some obscurity in this concept. She challenges the claim that being a subject of a life is the basis for possession of moral rights. Regan's thought is that being such a subject is what grounds the possession of inherent value, which in turn grounds possession of moral rights. But Warren thinks that it is plausible to assume that some things possess inherent worth (e.g., entire species or some marvels of the natural world), even though it makes no sense to assign them rights. If she is correct, then inherent value is not the basis for moral rights.

Warren's primary criticism is that Regan has failed to show that animal and human rights are equal. Warren accepts that animals have rights, although she thinks that those rights are more likely based on sentience than on being a subject of a life. Still, she claims that animal rights are ordinarily weaker than human rights, so that if these rights conflict, then those of human beings take moral priority. That is because humans are capable of being moved to act on the basis of reasoned argument; animals are not. Warren thinks that the purpose of morality is to resolve conflict efficiently and nonviolently. The ability to reason with one another enables us to secure this purpose (even if we sometimes fail). Almost all animals, though, lack this ability, and so possess moral rights that are less stringent than those of humans.

From Mary Anne Warren, "Difficulties with the Strong Animal Rights Position," *Between the Species* 2 (Fall 1987), pp. 163–173. <http://digitalcommons.calpoly.edu/bts/>. Notes and art have not been included in this version.

Tom Regan has produced what is perhaps the definitive defense of the view that the basic moral rights of at least some non-human animals are in no way inferior to our own. In *The Case for Animal Rights*, he argues that all normal mammals over a year of

age have the same basic moral rights. Non-human mammals have essentially the same right not to be harmed or killed as we do. I shall call this “the strong animal rights position,” although it is weaker than the claims made by some animal liberationists in that it ascribes rights to only some sentient animals.

I will argue that Regan’s case for the strong animal rights position is unpersuasive and that this position entails consequences which a reasonable person cannot accept. I do not deny that some non-human animals have moral rights; indeed, I would extend the scope of the rights claim to include all sentient animals, that is, all those capable of having experiences, including experiences of pleasure or satisfaction and pain, suffering, or frustration. However, I do not think that the moral rights of most non-human animals are identical in strength to those of persons. The rights of most non-human animals may be overridden in circumstances which would not justify overriding the rights of persons. There are, for instance, compelling realities which sometimes require that we kill animals for reasons which could not justify the killing of persons. I will call this view “the weak animal rights” position. . . .

I will begin by summarizing Regan’s case for the strong animal rights position and noting two problems with it. Next, I will explore some consequences of the strong animal rights position which I think are unacceptable. Finally, I will outline the case for the weak animal rights position.

REGAN’S CASE

Regan’s argument moves through three stages. First, he argues that normal, mature humans are not only sentient but have other mental capacities, as well. These include the capacities for emotion, memory, belief, desire, the use of general concepts, intentional action, a sense of the future, and some degree of self-awareness. Creatures with such capacities are said to be subjects-of-a-life. They are not only alive in the biological sense but have a psychological identity over time and an existence which can go better or worse for them. Thus, they can be harmed or benefitted. These are plausible claims, and well defended. . . . The second and third stages of the argument are more problematic.

In the second stage, Regan argues that subjects-of-a-life have inherent value. His concept of inherent value grows out of his opposition to utilitarianism. Utilitarian moral theory, he says, treats individuals as “mere receptacles” for morally significant value, in that harm to one individual may be justified by the production of a greater net benefit to other individuals. In opposition to this, he holds that subjects-of-a-life have a value independent of both the value they may place upon their lives or experiences and the value others may place upon them.

Inherent value, Regan argues, does not come in degrees. Its hold that some individuals have more inherent value than others is to adopt a “perfectionist” theory, i.e., one which assigns different moral worth to individuals according to how well they are thought to exemplify some virtue(s), such as intelligence or moral autonomy. Perfectionist theories have been used, at least since the time of Aristotle, to rationalize such injustices as slavery and male domination, as well as the unrestrained exploitation of animals. Regan argues that if we reject these injustices, then we must also reject perfectionism and conclude that all subjects-of-a-life have equal inherent value. Moral agents have no more inherent value than moral patients, i.e., subjects-of-a-life who are not morally responsible for their actions.

In the third phase of the argument, Regan uses the thesis of equal inherent value to derive strong moral rights for all subjects-of-a-life. This thesis underlies the Respect Principle, which forbids us to treat beings who have inherent value as mere receptacles, i.e., mere means to the production of the greatest overall good. This principle, in turn, underlies the Harm Principle, which says that we have a direct *prima facie* duty not to harm beings who have inherent value. Together, these principles give rise to moral rights. Rights are defined as valid claims, claims to certain goods and against certain beings, i.e., moral agents. Moral rights generate duties not only to refrain from inflicting harm upon beings with inherent value but also to come to their aid when they are threatened by other moral agents. Rights are not absolute but may be overridden in certain circumstances. Just what these circumstances are we will consider later. But first, let’s look at some difficulties in the theory as thus far presented.

THE MYSTERY OF INHERENT VALUE

Inherent value is a key concept in Regan's theory. It is the bridge between the plausible claim that all normal, mature mammals—human or otherwise—are subjects-of-a-life and the more debatable claim that they all have basic moral rights of the same strength. But it is a highly obscure concept, and its obscurity makes it ill-suited to play this crucial role.

Inherent value is defined almost entirely in negative terms. It is not dependent upon the value which either the inherently valuable individual or anyone else may place upon that individual's life or experiences. It is not (necessarily) a function of sentience or any other mental capacity, because, Regan says, some entities which are not sentient (e.g., trees, rivers, or rocks) may, nevertheless, have inherent value. It cannot attach to anything other than an individual; species, eco-systems, and the like cannot have inherent value.

These are some of the things which inherent value is not. But what is it? Unfortunately, we are not told. Inherent value appears as a mysterious non-natural property which we must take on faith. Regan says that it is a *postulate* that subjects-of-a-life have inherent value, a postulate justified by the fact that it avoids certain absurdities which he thinks follow from a purely utilitarian theory. But why is the postulate that *subjects-of-a-life* have inherent value? If the inherent value of a being is completely independent of the value that it or anyone else places upon its experiences, then why does the fact that it has certain sorts of experiences constitute evidence that it has inherent value? If the reason is that subjects-of-a-life have an existence which can go better or worse for them, then why isn't the appropriate conclusion that all sentient beings have inherent value, since they would all seem to meet that condition? Sentient but mentally unsophisticated beings may have a less extensive range of possible satisfactions and frustration, but why should it follow that they have—or may have—no inherent value at all?

In the absence of a positive account of inherent value, it is also difficult to grasp the connection between being inherently valuable and having moral rights. Intuitively, it seems that value is one thing, and rights are another. It does not seem incoherent to say that some things (e.g., mountains, rivers,

redwood trees) are inherently valuable and yet are not the sorts of things which can have moral rights. Nor does it seem incoherent to ascribe inherent value to some things which are not individuals, e.g., plant or animal species, though it may well be incoherent to ascribe moral rights to such things.

In short, the concept of inherent value seems to create at least as many problems as it solves. . . . That it may enable us to avoid some of the problems faced by the utilitarian is not a sufficient reason, if it creates other problems which are just as serious.

IS THERE A SHARP LINE?

Perhaps the most serious problems are those that arise when we try to apply the strong animal rights position to animals other than normal, mature mammals. Regan's theory requires us to divide all living things into two categories; those which have the same inherent value and the same basic moral rights that we do, and those which have no inherent value and presumably no moral rights. But wherever we try to draw the line, such a sharp division is implausible.

It would surely be arbitrary to draw such a sharp line between normal, mature mammals and all other living things. Some birds (e.g., crows, magpies, parrots, mynahs) appear to be just as mentally sophisticated as most mammals and thus are equally strong candidates for inclusion under the subject-of-a-life criterion. Regan is not in fact advocating that we draw the line here. His claim is only that normal, mature mammals are clear cases, while other cases are less clear. Yet, on his theory, there must be such a sharp line *somewhere*, since there are no degrees of inherent value. But why should we believe that there is a sharp line between creatures that are subjects-of-a-life and creatures that are not? Isn't it more likely that "subjecthood" comes in degrees, that some creatures have only a little self-awareness, and only a little capacity to anticipate the future, while some have a little more, and some a good deal more?

Should we, for instance, regard fish, amphibians, and reptiles as subjects-of-a-life? A simple yes-or-no answer seems inadequate. On the one hand, some of their behavior is difficult to explain without the assumption that they have sensations, beliefs, desires,

emotions, and memories; on the other hand, they do not seem to exhibit very much self-awareness or very much conscious anticipation of future events. Do they have enough mental sophistication to count as subjects-of-a-life? Exactly how much is enough?

It is still more unclear what we should say about insects, spiders, octopi, and other invertebrate animals which have brains and sensory organs but whose minds (if they have minds) are even more alien to us than those of fish or reptiles. Such creatures are probably sentient.... It must, however, be admitted that we do not *know* whether spiders can feel pain (or something very like it), let alone whether they have emotions, memories, beliefs, desires, self-awareness, or a sense of the future....

The existence of a few unclear cases need not pose a serious problem for a moral theory, but in this case, the unclear cases constitute most of those with which an adequate theory of animal rights would need to deal. The subject-of-a-life criterion can provide us with little or no moral guidance in our interactions with the vast majority of animals. That might be acceptable if it could be supplemented with additional principles which would provide such guidance. However, the radical dualism of the theory precludes supplementing it in this way. We are forced to say that either a spider has the same right to life as you and I do, or it has no right to life whatever—and that only the gods know which of these alternatives is true.

Regan's suggestion for dealing with such unclear cases is to apply the "benefit of the doubt" principle. That is, when dealing with beings that may or may not not be subjects-of-a-life, we should act as if they are. But if we try to apply this principle to the entire range of doubtful cases, we will find ourselves with moral obligations which we cannot possibly fulfill. In many climates, it is virtually impossible to live without swatting mosquitoes and exterminating cockroaches, and not all of us can afford to hire someone to sweep the path before we walk, in order to make sure that we do not step on ants. Thus, we are still faced with the daunting task of drawing a sharp line somewhere on the continuum of life forms—this time, a line demarcating the limits of the benefit of the doubt principle.

The weak animal rights theory provides a more plausible way of dealing with this range of cases, in that it allows the rights of animals of different kinds

to vary in strength. A creature's probable degree of mental sophistication may be relevant to the strength of its moral rights, because mentally sophisticated creatures are apt to be capable of greater suffering and probably lose more which is of potential value to them when they lose their lives. The degree of uncertainty about whether a creature is sentient at all is also relevant: whether and in what way we ought to apply the benefit of the doubt principle depends in part upon how much doubt there is. (For instance, it is *possible* that plants are sentient, but it is so unlikely that we are surely not morally obligated to act as though they are.) Thus, we may follow common sense in saying that to kill a spider just for fun is not as objectionable as to kill a bird or a mammal just for fun, but it is wrong, nevertheless. No sentient being should be killed except for some good reason, and sport or amusement are not good reasons....

WHY ARE ANIMAL RIGHTS WEAKER THAN HUMAN RIGHTS?

How can we justify regarding the rights of persons as generally stronger than those of sentient beings which are not persons? There are a plethora of bad justifications, based on religious premises or false or unprovable claims about the differences between human and non-human nature. But there is one difference which has a clear moral relevance: people are at least sometimes capable of being moved to action or inaction by the force of reasoned argument. Rationality rests upon other mental capacities, notably those which Regan cites as criteria for being a subject-of-a-life. We share these capacities with many other animals. But it is not just because we are subjects-of-a-life that we are both able and morally compelled to recognize one another as beings with equal basic moral rights. It is also because we are able to "listen to reason" in order to settle our conflicts and cooperate in shared projects. This capacity, unlike the others, may require something like a human language.

Why is rationality morally relevant? It does not make us "better" than other animals or more "perfect." It does not even automatically make us more intelligent. (Bad reasoning reduces our effective intelligence rather than increasing it.) But it is morally relevant insofar as it provides greater possibilities

for cooperation and for the nonviolent resolution of problems. It also makes us more dangerous than non-rational beings can ever be. Because we are potentially more dangerous and less predictable than wolves, we need an articulated system of morality to regulate our conduct. Any human morality, to be workable in the long run, must recognize the equal moral status of all persons, whether through the postulate of equal basic moral rights or in some other way. The recognition of the moral equality of other persons is the price we must each pay for their recognition of our moral equality. Without this mutual recognition of moral equality, human society can exist only in a state of chronic and bitter conflict. The war between the sexes will persist so long as there is sexism and male domination; racial conflict will never be eliminated so long as there are racist laws and practices. But, to the extent that we achieve a mutual recognition of equality, we can hope to live together, perhaps as peacefully as wolves, achieving (in part) through explicit moral principles what they do not seem to need explicit moral principles to achieve.

Why not extend this recognition of moral equality to other creatures, even though they cannot do the same for us? The answer is that we cannot. Because we cannot reason with most non-human animals, we cannot always solve the problems which they may cause without harming them—although we are always obligated to try. We cannot negotiate a treaty with the feral cats and foxes, requiring them to stop preying on endangered native species in return for suitable concessions on our part. . . .

Aristotle was not wrong in claiming that the capacity to alter one's behavior on the basis of reasoned argument is relevant to the full moral status which he accorded to free men. Of course, he was wrong in his other premise, that women and slaves by their nature cannot reason well enough to function as autonomous moral agents. Had that premise been true, so would his conclusion that women and slaves are not quite the moral equals of free men. In the case of most non-human animals, the corresponding premise is true. If, on the other hand, there are animals with whom we can (learn to) reason, then we are obligated to do this and to regard them as our moral equals.

Thus, to distinguish between the rights of persons and those of most other animals on the grounds that only people can alter their behavior on the basis of reasoned argument does not commit us to a perfectionist theory of the sort Aristotle endorsed. There is no excuse for refusing to recognize the moral equality of some people on the grounds that we don't regard them as quite as rational as we are, since it is perfectly clear that most people can reason well enough to determine how to act so as to respect the basic rights of others (if they choose to), and that is enough for moral equality.

But what about people who are clearly not rational? It is often argued that sophisticated mental capacities such as rationality cannot be essential for the possession of equal basic moral rights, since nearly everyone agrees that human infants and mentally incompetent persons have such rights, even though they may lack those sophisticated mental capacities. But this argument is inconclusive, because there are powerful practical and emotional reasons for protecting non-rational human beings, reasons which are absent in the case of most non-human animals. Infancy and mental incompetence are human conditions which all of us either have experienced or are likely to experience at some time. We also protect babies and mentally incompetent people because we care for them. We don't normally care for animals in the same way, and when we do—e.g., in the case of much-loved pets—we may regard them as having special rights by virtue of their relationship to us. We protect them not only for their sake but also for our own, lest we be hurt by harm done to them. Regan holds that such “side-effects” are irrelevant to moral rights, and perhaps they are. But in ordinary usage, there is no sharp line between moral rights and those moral protections which are not rights. The extension of strong moral protections to infants and the mentally impaired in no way proves that non-human animals have the same basic moral rights as people.

WHY SPEAK OF “ANIMAL RIGHTS” AT ALL?

If, as I have argued, reality precludes our treating all animals as our moral equals, then why should we still ascribe rights to them? Everyone agrees that animals

are entitled to some protection against human abuse, but why speak of animal *rights* if we are not prepared to accept most animals as our moral equals? The weak animal rights position may seem an unstable compromise between the bold claim that animals have the same basic moral rights that we do and the more common view that animals have no rights at all.

It is probably impossible to either prove or disprove the thesis that animals have moral rights by producing an analysis of the concept of a moral right and checking to see if some or all animals satisfy the conditions for having rights. The concept of a moral right is complex, and it is not clear which of its strands are essential. Paradigm rights holders, i.e., mature and mentally competent persons, are *both* rational and morally autonomous beings and sentient subjects-of-a-life. Opponents of animal rights claim that rationality and moral autonomy are essential for the possession of rights, while defenders of animal rights claim that they are not. The ordinary concept of a moral right is probably not precise enough to enable us to determine who is right on purely definitional grounds.

If logical analysis will not answer the question of whether animals have moral rights, practical considerations may, nevertheless, incline us to say that they do. The most plausible alternative to the view that animals have moral rights is that, while they do not have *rights*, we are, nevertheless, obligated not to be cruel to them. Regan argues persuasively that the injunction to avoid being cruel to animals is inadequate to express our obligations towards animals, because it focuses on the mental states of those who cause animal suffering, rather than on the harm done to the animals themselves. Cruelty is inflicting pain or suffering and either taking pleasure in that pain or suffering or being more or less indifferent to it. Thus, to express the demand for the decent treatment of animals in terms of the rejection of cruelty is to invite the too easy response that those who subject animals to suffering are not being cruel because they regret the suffering they cause but sincerely believe that what they do is justified. The injunction to avoid cruelty is also inadequate in that it does not preclude the killing of animals—for any reason, however trivial—so long as it is done relatively painlessly.

The inadequacy of the anti-cruelty view provides one practical reason for speaking of animal rights. Another practical reason is that this is an age in which nearly all significant moral claims tend to be expressed in terms of rights. Thus, the denial that animals have rights, however carefully qualified, is likely to be taken to mean that we may do whatever we like to them, provided that we do not violate any human rights. In such a context, speaking of the rights of animals may be the only way to persuade many people to take seriously protests against the abuse of animals.

Why not extend this line of argument and speak of the rights of trees, mountains, oceans, or anything else which we may wish to see protected from destruction? Some environmentalists have not hesitated to speak in this way, and, given the importance of protecting such elements of the natural world, they cannot be blamed for using this rhetorical device. But, I would argue that moral rights can meaningfully be ascribed only to entities which have some capacity for sentience. This is because moral rights are protections designed to protect rights holders from harms or to provide them with benefits which matter *to them*. Only beings capable of sentience can be harmed or benefitted in ways which matter to them, for only such beings can like or dislike what happens to them or prefer some conditions to others. Thus, sentient animals, unlike mountains, rivers, or species, are at least logically possible candidates for moral rights. This fact, together with the need to end current abuses of animals—e.g., in scientific research and intensive farming—provides a plausible case for speaking of animal rights.

CONCLUSION

I have argued that Regan's case for ascribing strong moral rights to all normal, mature mammals is unconvincing because (1) it rests upon the obscure concept of inherent value, which is defined only in negative terms, and (2) it seems to preclude any plausible answer to questions about the moral status of the vast majority of sentient animals. Moreover, (3) the strong animal rights position leads to unacceptable conclusions: e.g., that we may not kill rodents when they invade our houses or protect endangered species by killing introduced predators. The weak animal rights position allows for the necessary flexibility in

dealing with animals when they pose a threat to our well-being, or that of other animals, or ecological systems. On the other hand, it also ascribes moral rights to a much wider range of animals: not just normal, mature mammals but all sentient beings, whether warm- or cold-blooded, vertebrate or invertebrate.

The weak animal rights theory asserts that (1) any creature whose natural mode of life includes the pursuit of certain satisfactions has the right not to be forced to exist without the opportunity to pursue those satisfactions; (2) that any creature which is capable of pain, suffering, or frustration has the right that such experiences not be deliberately inflicted upon it without some compelling reason; and (3) that no sentient being should be killed without good reason. However, moral rights are not an all-or-nothing affair. The strength of the reasons required to override the rights of a non-human organism varies, depending upon—among other things—the probability that it is sentient and (if it is clearly sentient) its probable degree of mental sophistication. . . .

Mary Anne Warren: Difficulties with the Strong Animal Rights Position

1. Do you share Warren's doubts about the coherence of the idea of inherent worth?
2. Warren thinks that whether a given being is the subject of a life is usually unclear, with the result that this is a poor basis for inherent value and moral rights. Do you agree with her criticism? Why or why not?
3. Warren claims that the purpose of morality is to resolve conflict in nonviolent ways. Do you agree with that position? If so, do you think that her use of this view to downgrade the relative importance of animal rights succeeds?
4. Does Warren's argument for the weaker status of animal rights also imply that human infants and young children have weaker moral rights than those of adults? Why or why not?
5. Warren argues that moral rights require sentience. Do you agree with this position and her argument for it?

Puppies, Pigs and People: Eating Meat and Marginal Cases

Alastair Norcross

Alastair Norcross opens his provocative piece with a fictional scenario that is both outrageous and meant to make a very serious philosophical point. As he sees it, current practices of factory farming are deeply immoral. One might think that meat-eaters are exempt from blame, though, since for the most part they are not the ones who are actually perpetrating the harms to animals on the factory farms that process the great majority of animal products. Norcross rejects this thought. As he sees it, meat-eaters—at least those who know of the cruelty of the treatment of factory-farmed animals—are fully blameworthy for their indulgence. The good they get from eating meat—primarily the gustatory pleasure they get from eating meat—is far outweighed by the awful suffering of the animals when confined and killed on factory farms.

Norcross considers a wide variety of replies to his charge. These include the claim that individual meat-eaters are off the moral hook because their purchases are so insignificant that they cannot affect the practices on factory farms. Another reply is that

meat-eaters do not intend to harm animals, but only foresee animal harm as a result of contemporary farming practices. Norcross extensively criticizes both replies.

He then introduces a very popular argument in the literature on animal welfare: the argument from marginal cases. This argument says that we must treat animals and so-called marginal human beings as equals, since such humans have mental lives that are no more developed than those of the animals that are killed and eaten for food. He considers several replies to this argument and finds fault with each of them. If we are unwilling to cruelly confine, prematurely kill, and eat “marginal” human beings, then we should be equally reluctant to do such things to animals.

Norcross concludes with a discussion of the difference between being a moral agent (i.e., someone who can respond to moral reasons and control her behavior by means of such reasons) and a moral patient (i.e., a being to whom we owe duties, even if that being lacks rights or lacks the cognitive powers needed to be a moral agent). Norcross argues that animals qualify as moral patients, even if, because of their diminished or nonexistent rationality, they cannot qualify as moral agents. We therefore owe them duties of respect, which protect them against the current practices involved in factory farming.

1. FRED'S BASEMENT

Consider the story of Fred, who receives a visit from the police one day. They have been summoned by Fred's neighbors, who have been disturbed by strange sounds emanating from Fred's basement. When they enter the basement they are confronted by the following scene: Twenty-six small wire cages, each containing a puppy, some whining, some whimpering, some howling. The puppies range in age from newborn to about six months. Many of them show signs of mutilation. Urine and feces cover the bottoms of the cages and the basement floor. Fred explains that he keeps the puppies for twenty-six weeks, and then butchers them while holding them upside-down. During their lives he performs a series of mutilations on them, such as slicing off their noses and their paws with a hot knife, all without any form of anesthesia. Except for the mutilations, the puppies are never allowed out of the cages, which are barely big enough to hold them at twenty-six weeks. The police are horrified, and promptly charge Fred with animal abuse. As details of the case are publicized, the public is

outraged. Newspapers are flooded with letters demanding that Fred be severely punished. There are calls for more severe penalties for animal abuse. Fred is denounced as a vile sadist.

Finally, at his trial, Fred explains his behavior, and argues that he is blameless and therefore deserves no punishment. He is, he explains, a great lover of chocolate. A couple of years ago, he was involved in a car accident, which resulted in some head trauma. Upon his release from hospital, having apparently suffered no lasting ill effects, he visited his favorite restaurant and ordered their famous rich dark chocolate mousse. Imagine his dismay when he discovered that his experience of the mousse was a pale shadow of its former self. The mousse tasted bland, slightly pleasant, but with none of the intense chocolaty flavor he remembered so well. The waiter assured him that the recipe was unchanged from the last time he had tasted it, just the day before his accident. In some consternation, Fred rushed out to buy a bar of his favorite Belgian chocolate. Again, he was dismayed to discover that his experience of the chocolate was barely even pleasurable. Extensive investigation revealed that his experience of other foods remained unaffected, but chocolate, in all its forms, now tasted bland and insipid. Desperate for a solution to his problem, Fred visited a renowned gustatory neurologist, Dr. T. Bud. Extensive tests

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revealed that the accident had irreparably damaged the godiva gland, which secretes cocoamone, the hormone responsible for the experience of chocolate. Fred urgently requested hormone replacement therapy. Dr. Bud informed him that, until recently, there had been no known source of cocoamone, other than the human godiva gland, and that it was impossible to collect cocoamone from one person to be used by another. However, a chance discovery had altered the situation. A forensic veterinary surgeon, performing an autopsy on a severely abused puppy, had discovered high concentrations of cocoamone in the puppy's brain. It turned out that puppies, who don't normally produce cocoamone, could be stimulated to do so by extended periods of severe stress and suffering. The research, which led to this discovery, while gaining tenure for its authors, had not been widely publicized, for fear of antagonizing animal welfare groups. Although this research clearly gave Fred the hope of tasting chocolate again, there were no commercially available sources of puppy-derived cocoamone. Lack of demand, combined with fear of bad publicity, had deterred drug companies from getting into the puppy torturing business. Fred appeals to the court to imagine his anguish, on discovering that a solution to his severe deprivation was possible, but not readily available. But he wasn't inclined to sit around bemoaning his cruel fate. He did what any chocolate lover would do. He read the research, and set up his own cocoamone collection lab in his basement. Six months of intense puppy suffering, followed by a brutal death, produced enough cocoamone to last him a week, hence the twenty-six cages. He isn't a sadist or an animal abuser, he explains. If there were a method of collecting cocoamone without torturing puppies, he would gladly employ it. He derives no pleasure from the suffering of the puppies itself. He sympathizes with those who are horrified by the pain and misery of the animals, but the court must realize that human pleasure is at stake. The puppies, while undeniably cute, are mere animals. He admits that he would be just as healthy without chocolate, if not more so. But this isn't a matter of survival or health. His life would be unacceptably impoverished without the experience of chocolate.

End of story. Clearly, we are horrified by Fred's behavior, and unconvinced by his attempted justification. It is, of course, unfortunate for Fred that he can no longer enjoy the taste of chocolate, but that in no way excuses the imposition of severe suffering on the puppies. I expect near universal agreement with this claim (the exceptions being those who are either inhumanly callous or thinking ahead, and wish to avoid the following conclusion, to which such agreement commits them). No decent person would even contemplate torturing puppies merely to enhance a gustatory experience. However, billions of animals endure intense suffering every year for precisely this end. Most of the chicken, veal, beef, and pork consumed in the US comes from intensive confinement facilities, in which the animals live cramped, stress-filled lives and endure unanesthetized mutilations. The vast majority of people would suffer no ill health from the elimination of meat from their diets. Quite the reverse. The supposed benefits from this system of factory farming, apart from the profits accruing to agribusiness, are increased levels of gustatory pleasure for those who claim that they couldn't enjoy a meat-free diet as much as their current meat-filled diets. If we are prepared to condemn Fred for torturing puppies merely to enhance his gustatory experiences, shouldn't we similarly condemn the millions who purchase and consume factory-raised meat? Are there any morally significant differences between Fred's behavior and their behavior?

2. FRED'S BEHAVIOR COMPARED WITH OUR BEHAVIOR

The first difference that might seem to be relevant is that Fred tortures the puppies himself, whereas most Americans consume meat that comes from animals that have been tortured by others. But is this really relevant? What if Fred had been squeamish and had employed someone else to torture the puppies and extract the cocoamone? Would we have thought any better of Fred? Of course not.

Another difference between Fred and many consumers of factory-raised meat is that many, perhaps most, such consumers are unaware of the treatment of the animals, before they appear in neatly wrapped packages on supermarket shelves. Perhaps I should

moderate my challenge, then. If we are prepared to condemn Fred for torturing puppies merely to enhance his gustatory experiences, shouldn't we similarly condemn those who purchase and consume factory-raised meat, in full, or even partial, awareness of the suffering endured by the animals? While many consumers are still blissfully ignorant of the appalling treatment meted out to meat, that number is rapidly dwindling, thanks to vigorous publicity campaigns waged by animal welfare groups. Furthermore, any meat-eating readers of this article are now deprived of the excuse of ignorance.

Perhaps a consumer of factory-raised animals could argue as follows: While I agree that Fred's behavior is abominable, mine is crucially different. If Fred did not consume his chocolate, he would not raise and torture puppies (or pay someone else to do so). Therefore Fred could prevent the suffering of the puppies. However, if I did not buy and consume factory-raised meat, no animals would be spared lives of misery. Agribusiness is much too large to respond to the behavior of one consumer. Therefore I cannot prevent the suffering of any animals. I may well regret the suffering inflicted on animals for the sake of human enjoyment. I may even agree that the human enjoyment doesn't justify the suffering. However, since the animals will suffer no matter what I do, I may as well enjoy the taste of their flesh.

There are at least two lines of response to this attempted defense. First, consider an analogous case. You visit a friend in an exotic location, say Alabama. Your friend takes you out to eat at the finest restaurant in Tuscaloosa. For dessert you select the house specialty, "Chocolate Mousse à la Bama," served with a small cup of coffee, which you are instructed to drink before eating the mousse. The mousse is quite simply the most delicious dessert you have ever tasted. Never before has chocolate tasted so rich and satisfying. Tempted to order a second, you ask your friend what makes this mousse so delicious. He informs you that the mousse itself is ordinary, but the coffee contains a concentrated dose of cocoamone, the newly discovered chocolate-enhancing hormone. Researchers at Auburn University have perfected a technique for extracting cocoamone from the brains of freshly slaughtered puppies, who have been subjected to lives of pain and frustration. Each

puppy's brain yields four doses, each of which is effective for about fifteen minutes, just long enough to enjoy one serving of mousse. You are, naturally, horrified and disgusted. You will certainly not order another serving, you tell your friend. In fact, you are shocked that your friend, who had always seemed to be a morally decent person, could have both recommended the dessert to you and eaten one himself, in full awareness of the loathsome process necessary for the experience. He agrees that the suffering of the puppies is outrageous, and that the gain in human pleasure in no way justifies the appalling treatment they have to endure. However, neither he nor you can save any puppies by refraining from consuming cocoamone. Cocoamone production is now Alabama's leading industry, so it is much too large to respond to the behavior of one or two consumers. Since the puppies will suffer no matter what either of you does, you may as well enjoy the mousse.

If it is as obvious as it seems that a morally decent person, who is aware of the details of cocoamone production, couldn't order Chocolate Mousse à la Bama, it should be equally obvious that a morally decent person, who is aware of the details of factory farming, can't purchase and consume factory-raised meat. If the attempted excuse of causal impotence is compelling in the latter case, it should be compelling in the former case. But it isn't.

The second response to the claim of causal impotence is to deny it. Consider the case of chickens, the most cruelly treated of all animals raised for human consumption, with the possible exception of veal calves. In 1998, almost 8 billion chickens were slaughtered in the US, almost all of them raised on factory farms. Suppose that there are 250 million chicken eaters in the US, and that each one consumes, on average, 25 chickens per year (this leaves a fair number of chickens slaughtered for nonhuman consumption, or for export). Clearly, if only one of those chicken eaters gave up eating chicken, the industry would not respond. Equally clearly, if they all gave up eating chicken, billions of chickens (approximately 6.25 billion per year) would not be bred, tortured, and killed. But there must also be some number of consumers, far short of 250 million, whose renunciation of chicken

would cause the industry to reduce the number of chickens bred in factory farms. The industry may not be able to respond to each individual's behavior, but it must respond to the behavior of fairly large numbers. Suppose that the industry is sensitive to a reduction in demand for chicken equivalent to 10,000 people becoming vegetarians. (This seems like a reasonable guess, but I have no idea what the actual numbers are, nor is it important.) For each group of 10,000 who give up chicken, a quarter of a million fewer chickens are bred per year. It appears, then, that if you give up eating chicken, you have only a one in ten thousand chance of making any difference to the lives of chickens, unless it is certain that fewer than 10,000 people will ever give up eating chicken, in which case you have no chance. Isn't a one in ten thousand chance small enough to render your continued consumption of chicken blameless? Not at all.... A one in ten thousand chance of saving 250,000 chickens per year from excruciating lives is morally and mathematically equivalent to the certainty of saving 25 chickens per year. We commonly accept that even small risks of great harms are unacceptable. That is why we disapprove of parents who fail to secure their children in car seats or with seat belts, who leave their small children unattended at home, or who drink or smoke heavily during pregnancy. Or consider commercial aircraft safety measures. The chances that the oxygen masks, the lifejackets, or the emergency exits on any given plane will be called on to save any lives in a given week, are far smaller than one in ten thousand. And yet we would be outraged to discover that an airline had knowingly allowed a plane to fly for a week with non-functioning emergency exits, oxygen masks, and lifejackets. So, even if it is true that your giving up factory-raised chicken has only a tiny chance of preventing suffering, given that the amount of suffering that would be prevented is in inverse proportion to your chance of preventing it, your continued consumption is not thereby excused.

But perhaps it is not even true that your giving up chicken has only a tiny chance of making any difference. Suppose again that the poultry industry only reduces production when a threshold of 10,000 fresh vegetarians is reached. Suppose also, as is

almost certainly true, that vegetarianism is growing in popularity in the US (and elsewhere). Then, even if you are not the one, newly converted vegetarian, to reach the next threshold of 10,000, your conversion will reduce the time required before the next threshold is reached. The sooner the threshold is reached, the sooner production, and therefore animal suffering, is reduced. Your behavior, therefore, does make a difference. Furthermore, many people who become vegetarians influence others to become vegetarian, who in turn influence others, and so on. It appears, then, that the claim of causal impotence is mere wishful thinking, on the part of those meat lovers who are morally sensitive enough to realize that human gustatory pleasure does not justify inflicting extreme suffering on animals.

Perhaps there is a further difference between the treatment of Fred's puppies and the treatment of animals on factory farms. The suffering of the puppies is a necessary means to the production of gustatory pleasure, whereas the suffering of animals on factory farms is simply a by-product of the conditions dictated by economic considerations. Therefore, it might be argued, the suffering of the puppies is *intended as a means* to Fred's pleasure, whereas the suffering of factory raised animals is merely *foreseen* as a side-effect of a system that is a means to the gustatory pleasures of millions. The distinction between what is intended, either as a means or as an end in itself, and what is 'merely' foreseen is central to the Doctrine of Double Effect. Supporters of this doctrine claim that it is sometimes permissible to bring about an effect that is merely foreseen, even though the very same effect could not permissibly be brought about if intended. (Other conditions have to be met in order for the Doctrine of Double Effect to judge an action permissible, most notably that there be an outweighing good effect.) Fred acts impermissibly, according to this line of argument, because he intends the suffering of the puppies as a means to his pleasure. Most meat eaters, on the other hand, even if aware of the suffering of the animals, do not intend the suffering.

In response to this line of argument, I could remind the reader that Samuel Johnson said, or should have said, that the Doctrine of Double Effect is the last refuge of a scoundrel. I won't do

that, however, since neither the doctrine itself, nor the alleged moral distinction between intending and foreseeing can justify the consumption of factory-raised meat. The Doctrine of Double Effect requires not merely that a bad effect be foreseen and not intended, but also that there be an outweighing good effect. In the case of the suffering of factory-raised animals, whatever good could plausibly be claimed to come out of the system clearly doesn't outweigh the bad. Furthermore, it would be easy to modify the story of Fred to render the puppies' suffering 'merely' foreseen. For example, suppose that the cocoamone is produced by a chemical reaction that can only occur when large quantities of drain-cleaner are forced down the throat of a conscious, unanaesthetized puppy. The consequent appalling suffering, while not itself a means to the production of cocoamone, is nonetheless an unavoidable side-effect of the means. In this variation of the story, Fred's behavior is no less abominable than in the original.

One last difference between the behavior of Fred and the behavior of the consumers of factory-raised meat is worth discussing, if only because it is so frequently cited in response to the arguments of this paper. Fred's behavior is abominable, according to this line of thinking, because it involves the suffering of *puppies*. The behavior of meat-eaters, on the other hand, 'merely' involves the suffering of chickens, pigs, cows, calves, sheep, and the like. Puppies (and probably dogs and cats in general) are morally different from the other animals. Puppies *count* (morally, that is), whereas the other animals don't, or at least not nearly as much.

So, what gives puppies a higher moral status than the animals we eat? Presumably there is some morally relevant property or properties possessed by puppies but not by farm animals. Perhaps puppies have a greater degree of rationality than farm animals, or a more finely developed moral sense, or at least a sense of loyalty and devotion. The problems with this kind of approach are obvious. It's highly unlikely that any property that has even an outside chance of being ethically relevant is both possessed by puppies and not possessed by any farm animals. For example, it's probably true that most puppies have a greater degree of rationality (whatever that

means) than most chickens, but the comparison with pigs is far more dubious. Besides, if Fred were to inform the jury that he had taken pains to acquire particularly stupid, morally obtuse, disloyal and undevoted puppies, would they (or we) have declared his behavior to be morally acceptable? Clearly not.

I have been unable to discover any morally relevant differences between the behavior of Fred, the puppy torturer, and the behavior of the millions of people who purchase and consume factory-raised meat, at least those who do so in the knowledge that the animals live lives of suffering and deprivation. If morality demands that we not torture puppies merely to enhance our own eating pleasure, morality also demands that we not support factory farming by purchasing factory-raised meat. . . .

3. HUMANS' VERSUS ANIMALS' ETHICAL STATUS—THE RATIONALITY GAMBIT

For the purposes of this discussion, to claim that humans have a superior ethical status to animals is to claim that it is morally right to give the interests of humans greater weight than those of animals in deciding how to behave. Such claims will often be couched in terms of rights, such as the rights to life, liberty or respect, but nothing turns on this terminological matter. One may claim that it is generally wrong to kill humans, but not animals, because humans are rational, and animals are not. Or one may claim that the suffering of animals counts less than the suffering of humans (if at all), because humans are rational, and animals are not. . . .

What could ground the claim of superior moral status for humans? Just as the defender of a higher moral status for puppies than for farm animals needs to find some property or properties possessed by puppies but not by farm animals, so the defender of a higher moral status for humans needs to find some property or properties possessed by humans but not by other animals. The traditional view, dating back at least to Aristotle, is that rationality is what separates humans, both morally and metaphysically, from other animals.

One of the most serious challenges to the traditional view involves a consideration of what

philosophers refer to as ‘marginal cases.’ Whatever kind and level of rationality is selected as justifying the attribution of superior moral status to humans will either be lacking in some humans or present in some animals. To take one of the most commonly-suggested features, many humans are incapable of engaging in moral reflection. For some, this incapacity is temporary, as is the case with infants, or the temporarily cognitively disabled. Others who once had the capacity may have permanently lost it, as is the case with the severely senile or the irreversibly comatose. Still others never had and never will have the capacity, as is the case with the severely mentally disabled. If we base our claims for the moral superiority of humans over animals on the attribution of such capacities, won’t we have to exclude many humans? Won’t we then be forced to the claim that there is at least as much moral reason to use cognitively deficient humans in experiments and for food as to use animals? Perhaps we could exclude the only temporarily disabled, on the grounds of potentiality, though that move has its own problems. Nonetheless, the other two categories would be vulnerable to this objection.

I will consider two lines of response to the argument from marginal cases. The first denies that we have to attribute different moral status to marginal humans, but maintains that we are, nonetheless, justified in attributing different moral status to animals who are just as cognitively sophisticated as marginal humans, if not more so. The second admits that, strictly speaking, marginal humans are morally inferior to other humans, but proceeds to claim pragmatic reasons for treating them, at least usually, *as if* they had equal status.

As representatives of the first line of defense, I will consider arguments from three philosophers, Carl Cohen, Alan White, and David Schmidtz. First, Cohen:

[the argument from marginal cases] fails; it mistakenly treats an essential feature of humanity as though it were a screen for sorting humans. The capacity for moral judgment that distinguishes humans from animals is not a test to be administered to human beings one by one. Persons who are unable, because of some disability, to perform the full moral functions natural to human beings

are certainly not for that reason ejected from the moral community. The issue is one of kind. . . . What humans retain when disabled, animals have never had.¹

Alan White argues that animals don’t have rights, on the grounds that they cannot intelligibly be spoken of in the full language of a right. By this he means that they cannot, for example, claim, demand, assert, insist on, secure, waive, or surrender a right. This is what he has to say in response to the argument from marginal cases:

Nor does this, as some contend, exclude infants, children, the feeble-minded, the comatose, the dead, or generations yet unborn. Any of these may be for various reasons empirically unable to fulfill the full role of right-holder. But . . . they are logically possible subjects of rights to whom the full language of rights can significantly, however falsely, be used. It is a misfortune, not a tautology, that these persons cannot exercise or enjoy, claim, or waive, their rights or do their duty or fulfil their obligations.²

David Schmidtz defends the appeal to typical characteristics of species, such as mice, chimpanzees, and humans, in making decisions on the use of different species in experiments. He also considers the argument from marginal cases:

Of course, some chimpanzees lack the characteristic features in virtue of which chimpanzees command respect as a species, just as some humans lack the characteristic features in virtue of which humans command respect as a species. It is equally obvious that some chimpanzees have cognitive capacities (for example) that are superior to the cognitive capacities of some humans. But whether every human being is superior to every chimpanzee is beside the point. The point is that we can, we do, and we should make decisions on the basis of our recognition that mice, chimpanzees, and humans are relevantly different *types*. We can have it both ways after all. Or so a speciesist could argue.³

There is something deeply troublesome about the line of argument that runs through all three of these responses to the argument from marginal cases. A particular feature, or set of features is claimed to have so much moral significance that its

presence or lack can make the difference to whether a piece of behavior is morally justified or morally outrageous. But then it is claimed that the presence or lack of the feature in any *particular* case is not important. The relevant question is whether the presence or lack of the feature is *normal*. Such an argument would seem perfectly preposterous in most other cases. Suppose, for example, that ten famous people are on trial in the afterlife for crimes against humanity. On the basis of conclusive evidence, five are found guilty and five are found not guilty. Four of the guilty are sentenced to an eternity of torment, and one is granted an eternity of bliss. Four of the innocent are granted an eternity of bliss, and one is sentenced to an eternity of torment. The one innocent who is sentenced to torment asks why he, and not the fifth guilty person, must go to hell. Saint Peter replies, "Isn't it obvious Mr. Gandhi? You are male. The other four men—Adolph Hitler, Joseph Stalin, George W. Bush, and Richard Nixon—are all guilty. Therefore the normal condition for a male defendant in this trial is guilt. The fact that you happen to be innocent is irrelevant. Likewise, of the five female defendants in this trial, only one was guilty. Therefore the normal condition for female defendants in this trial is innocence. That is why Margaret Thatcher gets to go to heaven instead of you."

As I said, such an argument is preposterous. Is the reply to the argument from marginal cases any better? Perhaps it will be claimed that a biological category such as a species is more 'natural,' whatever that means, than a category like 'all the male (or female) defendants in this trial.' Even setting aside the not inconsiderable worries about the conventionality of biological categories, it is not at all clear why this distinction should be morally relevant. What if it turned out that there were statistically relevant differences in the mental abilities of men and women? Suppose that men were, on average, more skilled at manipulating numbers than women, and that women were, on average, more empathetic than men. Would such differences in what was 'normal' for men and women justify us in preferring an innumerate man to a female math genius for a job as an accountant, or an insensitive woman to an ultra-sympathetic man for a job as a

counselor? I take it that the biological distinction between male and female is just as real as that between human and chimpanzee.

A second response to the argument from marginal cases is to concede that cognitively deficient humans really do have an inferior moral status to normal humans. Can we, then, use such humans as we do animals? I know of no-one who takes the further step of advocating the use of marginal humans for food. . . . How can we advocate this second response while blocking the further step? Mary Anne Warren suggests that "there are powerful practical and emotional reasons for protecting non-rational human beings, reasons which are absent in the case of most non-human animals."⁴ It would clearly outrage common human sensibilities, if we were to raise retarded children for food or medical experiments. Here is Steinbock in a similar vein:

I doubt that anyone will be able to come up with a concrete and morally relevant difference that would justify, say, using a chimpanzee in an experiment rather than a human being with less capacity for reasoning, moral responsibility, etc. Should we then experiment on the severely retarded? Utilitarian considerations aside, we feel a special obligation to care for the handicapped members of our own species, who cannot survive in this world without such care. . . . In addition, when we consider the severely retarded, we think, 'That could be me.' It makes sense to think that one might have been born retarded, but not to think that one might have been born a monkey. . . . Here we are getting away from such things as 'morally relevant differences' and are talking about something much more difficult to articulate, namely, the role of feeling and sentience in moral thinking.⁵

This line of response clearly won't satisfy those who think that marginal humans really do deserve equal moral consideration with other humans. It is also a very shaky basis on which to justify our current practices. What outrages human sensibilities is a very fragile thing. Human history is littered with examples of widespread acceptance of the systematic mistreatment of some groups who didn't generate any sympathetic

response from others. That we do feel a kind of sympathy for retarded humans that we don't feel for dogs is, if true, a contingent matter. To see just how shaky a basis this is for protecting retarded humans, imagine that a new kind of birth defect (perhaps associated with beef from cows treated with bovine growth hormone) produces severe mental retardation, green skin, and a complete lack of emotional bond between parents and child. Furthermore, suppose that the mental retardation is of the same kind and severity as that caused by other birth defects that don't have the other two effects. It seems likely that denying moral status to such defective humans would not run the same risks of outraging human sensibilities as would the denial of moral status to other, less easily distinguished and more loved defective humans. Would these contingent empirical differences between our reactions to different sources of mental retardation justify us in ascribing different direct moral status to their subjects? The only difference between them is skin color and whether they are loved by others. Any theory that could ascribe moral relevance to differences such as these doesn't deserve to be taken seriously.

Finally, perhaps we could claim that the practice of giving greater weight to the interests of all humans than of animals is justified on evolutionary grounds. Perhaps such differential concern has survival value for the species. Something like this may well be true, but it is hard to see the moral relevance. We can hardly justify the privileging of human interests over animal interests on the grounds that such privileging serves human interests!

6. AGENT AND PATIENT—THE SPECIESIST'S CENTRAL CONFUSION

Although the argument from marginal cases certainly poses a formidable challenge to any proposed criterion of full moral standing that excludes animals, it doesn't, in my view, constitute the most serious flaw in such attempts to justify the status quo. The proposed criteria are all variations on the Aristotelian criterion of rationality. But what is the moral relevance of rationality? Why should we think that the possession of a certain level or kind of rationality renders the possessor's interests

of greater moral significance than those of a merely sentient being? In Bentham's famous words "The question is not, Can they reason? nor Can they talk? But, Can they suffer?"⁶

What do defenders of the alleged superiority of human interests say in response to Bentham's challenge? Some, such as Carl Cohen, simply reiterate the differences between humans and animals that they claim to carry moral significance. Animals are not members of moral communities, they don't engage in moral reflection, they can't be moved by moral reasons, *therefore* (?) their interests don't count as much as ours. Others, such as Steinbock and Warren, attempt to go further. Here is Warren on the subject:

Why is rationality morally relevant? It does not make us "better" than other animals or more "perfect." . . . But it is morally relevant insofar as it provides greater possibilities for cooperation and for the nonviolent resolution of problems.⁷

Warren is certainly correct in claiming that a certain level and kind of rationality is morally relevant. Where she, and others who give similar arguments, go wrong is in specifying what the moral relevance amounts to. If a being is incapable of moral reasoning, at even the most basic level, if it is incapable of being moved by moral reasons, claims, or arguments, then it cannot be a moral agent. It cannot be subject to moral obligations, to moral praise or blame. Punishing a dog for doing something "wrong" is no more than an attempt to alter its future behavior.

All this is well and good, but what is the significance for the question of what weight to give to animal interests? That animals can't be moral *agents* doesn't seem to be relevant to their status as moral *patients*. Many, perhaps most, humans are both moral agents and patients. Most, perhaps all, animals are only moral patients. Why would the lack of moral agency give them diminished status as moral patients? Full status as a moral patient is not some kind of reward for moral agency. I have heard students complain in this regard that it is *unfair* that humans bear the burdens of moral responsibility, and don't get enhanced consideration of their interests in return. This is a very strange claim. Humans

are subject to moral obligations, because they are the kind of creatures who *can* be. What grounds moral agency is simply different from what grounds moral standing as a patient. It is no more unfair that humans and not animals are moral agents, than it is unfair that real animals and not stuffed toys are moral patients.

. . . It seems that any attempt to justify the claim that humans have a higher moral status than other animals by appealing to some version of rationality as the morally relevant difference between humans and animals will fail on at least two counts. It will fail to give an adequate answer to the argument from marginal cases, and, more importantly, it will fail to make the case that such a difference is morally relevant to the status of animals as moral patients as opposed to their status as moral agents.

I conclude that our intuitions that Fred's behavior is morally impermissible are accurate. Furthermore, given that the behavior of those who knowingly support factory farming is morally indistinguishable, it follows that their behavior is also morally impermissible.

NOTES

- 1 Carl Cohen, "The Case for the Use of Animals in Biomedical Research," *The New England Journal of Medicine*, vol. 315, 1986.
- 2 Alan White, *Rights*, (OUP 1984). Reprinted in *Animal Rights and Human Obligations*, 2nd edition, Tom Regan and Peter Singer (eds.) (Prentice Hall, 1989), 120.
- 3 David Schmidtz, "Are All Species Equal?" *Journal of Applied Philosophy*, Vol. 15, no. 1 (1998), 61, my emphasis.
- 4 Warren, op. cit. 483. Mary Anne Warren, "Difficulties with the Strong Animal Rights Position," *Between the Species* 2, no. 4, 1987. Reprinted

in *Contemporary Moral Problems*, 5th edition, James E. White (ed.) (West, 1997), 482.

- 5 Steinbock, op. cit. 469–470. Bonnie Steinbock, "Speciesism and the Idea of Equality," *Philosophy* 53, no. 204 (April 1978). Reprinted in *Contemporary Moral Problems*, 5th edition, James E. White (ed.) (West, 1997) 467–468.
- 6 Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, (Various) chapter 17.
- 7 Warren, op. cit. 482.

Alastair Norcross: Puppies, Pigs and People: Eating Meat and Marginal Cases

1. Do you agree that Fred acts immorally in the case that Norcross describes? If so, what exactly is it about Fred's behavior that is morally objectionable? If not, why not?
2. Some might claim that eating meat from factory farms is relevantly different from Fred's behavior because individual consumers are powerless to change the factory-farming system, whereas Fred is fully in control of the puppies. How does Norcross respond to this claim?
3. Another disanalogy between Fred's behavior and that of most meat-eaters is that Fred *intends* to make the puppies suffer, while most consumers of meat don't intend to make any animals suffer. Does this disanalogy undermine Norcross's argument? Why or why not?
4. What is the "argument from marginal cases" and what is it supposed to show? What do you think is the strongest objection to the argument?
5. What is the difference between being a moral agent and being a moral patient? Why does Norcross think that nonhuman animals are moral patients? Do you agree with him?

Moral Standing, the Value of Lives, and Speciesism

R. G. Frey

Raymond Frey defends a view that he calls the unequal value thesis—the idea that human life is more valuable than animal life. Some philosophers have charged that this is a version of “speciesism,” which is the view that being a member of the species *Homo sapiens* by itself makes human beings more important than other animals. One of the goals of Frey’s article is to show that we can defend the unequal value thesis without relying on speciesist assumptions.

Frey denies that species membership is by itself a morally important trait. Being human is not what makes most us more valuable than any other kind of animal. Rather, our lives are valuable just in proportion to their quality: the higher the quality of life, the greater the value of that life. Frey tells us that the quality of life is itself a function of its capacity for enrichment. You and I have this capacity to a very high degree—we can make all sorts of complicated plans, take pleasure in a huge variety of activities, develop deep and complex relationships with others. When we compare the capacity for enriching our lives with that capacity as possessed, say, by a rabbit, it becomes clear that our capacity for an enriched life far outstrips the rabbit’s. So our lives are more valuable than a rabbit’s (and that of any other animal we know of).

To reinforce the point that this is not a kind of speciesism, Frey invites us to compare the life of a normal adult human being with that of an elderly patient fully in the grips of Alzheimer’s disease. Surely, he says, the former life is more valuable than the latter. Late-stage Alzheimer’s patients have far less capacity to enrich their lives than do you and I. Thus Frey judges that their lives are less valuable than ours. It is also the case, according to Frey, that the lives of some animals are *more* valuable than the lives of some humans, since some human beings have a lower quality of life than that of some animals.

Frey thinks that our moral duties to others depend in large part on the value of their lives. As a result, he thinks that, ordinarily, when we must choose between conducting experiments on animals or on humans, we are right to make animals our test subjects, since they usually possess lives of lesser value. But not always. So, morally speaking, we must sometimes conduct tests on humans and spare the animals.

I.

Those who concern themselves with the moral considerability of animals may well be tempted to suppose that their work is finished, once they successfully envelop animals within the moral community.

From R. G. Frey, “Moral Standing, the Value of Lives, and Speciesism” (Bowling Green State University), selections from pp. 191–201 (*Between the Species*, vol. 4 [1988], pp. 191–201).
<http://digitalcommons.calpoly.edu/bts/>

Yet, to stop there is never *per se* to address the issue of the value of animal life and so never to engage the position that I, and others, hold on certain issues. Thus, I am a restricted vivisectionist; not because I think animals are outside the moral community but because of views I hold about the value of their lives. Again, I think it is permissible to use animal parts in human transplants, not because I think animals lack moral standing but because I think animal life is less valuable than human life.

I have written of views that I hold; the fact is, I think, that the vast majority of people share my view of the differing value of human and animal life. This view we might capture in the form of three propositions:

1. Animal life has some value;
2. Not all animal life has the same value;
3. Human life is more valuable than animal life.

Very few people today would seem to believe that animal life is without value and that, therefore, we need not trouble ourselves morally about taking it. Equally few people, however, would seem to believe that all animal life has the same value. Certainly, the lives of dogs, cats, and chimps are very widely held to be more valuable than the lives of mice, rats, and worms, and the legal protections we accord these different creatures, for example, reflect this fact. Finally, whatever value we take the lives of dogs and cats to have, most of us believe human life to be more valuable than animal life. We believe this, moreover, even as we oppose cruelty to animals and acknowledge value—in the case of some animals, considerable value—to their lives. I shall call this claim about the comparative value of human and animal life the unequal value thesis. A crucial question, obviously, is whether we who hold this thesis can defend it.

Many “animal rightists” themselves seem inclined to accept something like the unequal value thesis. With respect to the oft-cited raft example, in which one can save a man or a dog but not both, animal rightists often concede that, other things being equal, one ought to save the man. To be sure, this result only says something about our intuitions and about those *in extremis*; yet, what it is ordinarily taken to say about them—that we take human life to be more valuable than animal life—is not something we think in extreme circumstances only. Our intuitions about the greater value of human life seem apparent in and affect all our relations with animals, from the differences in the ways we regard, treat, and even bury humans and animals to the differences in the safeguards for their protection that we construct and the differences in penalties we exact for violation of those safeguards.

In a word, the unequal value thesis seems very much a part of the approach that most of us adopt towards animal issues. We oppose cruelty to animals as well as humans, but this does not lead us to suppose that the lives of humans and animals have the same value. Nor is there any entailment in the matter: one can perfectly consistently oppose cruelty to all sentient creatures without having to suppose that the lives of all such creatures are equally valuable.

We might note in passing that if this is right about our intuitions, then it is far from clear that it is the defender of the unequal value thesis who must assume the burden of proof in the present discussion. Our intuitions about pain and suffering are such that if a theorist today suggested that animal suffering did not count morally, then he would quickly find himself on the defensive. If I am right about our intuitions over the comparative value of human and animal life, why is the same not true in the case of the theorist who urges or assumes that these lives are of equal value? If, over suffering, our intuitions force the exclusion of the pains of animals to be defended, why, over the value of life, do they not force an *equal* value thesis to be defended?

Where pain and suffering are the central issue, most of us tend to think of the human and animal cases in the same way; thus, cruelty to a child and cruelty to a dog are wrong and wrong for the same reason. Pain is pain; it is an evil, and the evidence suggests that it is as much an evil for dogs as for humans. Furthermore, autonomy or agency (or the lack thereof) does not seem a relevant factor here, since the pains of non-autonomous creatures count as well as the pains of autonomous ones. Neither the child nor the dog is autonomous, at least in any sense that captures why autonomy is such an immensely important value; but the pains of both child and dog count and affect our judgments of rightness and wrongness with respect to what is done to them.

Where the value of life is the central issue, however, we do not tend to think of the human and animal cases alike. Here, we come down in favor of humans, as when we regularly experiment upon and kill animals in our laboratories for (typically) human benefit; and a main justification reflective people give for according humans such advantage

invokes directly a difference in value between human and animal life. Autonomy or agency is now, moreover, of the utmost significance, since the exercise of autonomy by normal adult humans is one of the central ways they make possible further, important dimensions of value to their lives.

Arguably, even the extended justification of animal suffering in, say, medical research may make indirect appeal to the unequal value thesis. Though pain remains an evil, the nature and size of some benefit determine whether its infliction is justified in the particular cases. Nothing precludes this benefit from accruing to human beings, and when it does, we need an independent defence of the appeal to benefit in this kind of case. For the appeal is typically invoked in cases where those who suffer are those who benefit, as when we go to the dentist, and in the present instance human beings are the beneficiaries of animal suffering. Possibly the unequal value thesis can provide the requisite defence: what justifies the infliction of pain, if anything does, is the appeal to benefit; but what justifies use of the appeal in those cases where humans are the beneficiaries of animal suffering is, arguably, that human life is more valuable than animal life. Thus, while the unequal value thesis cannot alter the character of pain, which remains an evil, and cannot directly, independently of benefit, justify the infliction of pain, it can, the suggestion is, anchor a particular use of the appeal to benefit.

More broadly, I think a presumption, not in favor of, but against the use of animals in medical/scientific research would be desirable. Its intended effect would be to force researchers as a matter of routine to argue in depth a case for animal use. Such a presumption coheres with my earlier remarks. The unequal value thesis in no way compels its adherents to deny that animal lives have value; the destruction or impairment of such lives, therefore, needs to be argued for, which a presumption against use of animals would force researchers to do.

Clearly, a presumption against use is not the same thing as a bar; I allow, therefore, that researchers can make a case. That they must do so, that they must seek to justify the destruction or impairment of lives that have value, is the point.

II.

How might we defend the unequal value thesis? At least the beginnings of what I take to be the most promising option in this regard can be briefly sketched.

Pain is one thing, killing is another, and what makes killing wrong—a killing could be free of pain and suffering—seems to be the fact that it consists in the destruction of something of value. That is, killing and the value of life seem straightforwardly connected, since it is difficult to understand why taking a particular life would be wrong if it had no value. If few people consider animal life to be without value, equally few, I think, consider it to have the same value as normal (adult) human life. They need not be speciesists as a result: in my view, normal (adult) human life is of a much higher quality than animal life, not because of species, but because of richness; and the value of a life is a function of its quality.

Part of the richness of our lives involves activities that we have in common with animals but there are as well whole dimensions to our lives—love, marriage, educating children, jobs, hobbies, sporting events, cultural pursuits, intellectual development and striving, etc.—that greatly expand our range of absorbing endeavors and so significantly deepen the texture of our lives. An impoverished life for *us* need not be one in which food or sex or liberty is absent; it can equally well be a life in which these other dimensions have not taken root or have done so only minimally. When we look back over our lives and regret that we did not make more of them, we rarely have in mind only the kinds of activities that we share with animals; rather, we think much more in terms of precisely these other dimensions of our lives that equally go to make up a rich, full life.

The lives of normal (adult) humans betray a variety and richness that the lives of rabbits do not; certainly, we do not think of ourselves as constrained to live out our lives according to some (conception of a) life deemed appropriate to our species. Other conceptions of a life for ourselves are within our reach, and we can try to understand and appreciate them and to choose among them. Some of us are artists, others educators, still others mechanics; the richness of our lives is easily enhanced through

developing and molding our talents so as to enable us to live out these conceptions of the good life. Importantly, also, we are not condemned to embrace in our lifetimes only a single conception of such a life; in the sense intended, the artist can choose to become an educator and the educator a mechanic. We can embrace at different times different conceptions of how we want to live.

Choosing among conceptions of the good life and trying to live out such a conception are not so intellectualized a set of tasks that only an elite few can manage them. Some reflection upon the life one wants to live is necessary, and some reflection is required in order to organize one's life to live out such a conception; but virtually all of us manage to engage in this degree of reflection. (One of the tragic aspects of Alzheimer's disease is how it undoes a person in just this regard, once it has reached advanced stages.) Even an uneducated man can see the choice between the army and professional boxing as one that requires him to sit down and ponder what he wants to do, whether he has the talents to do it, and what his other, perhaps conflicting desires come to in strength. Even an habitual street person, if free long enough from the influence of drink or drugs to be capable of addressing himself to the choice, can see the life the Salvation Army holds out before him as different in certain respects, some appealing, others perhaps not, from his present life. Choosing how one will live one's life can often be a matter of simply focussing upon these particulars and trying to gauge one's desires with respect to them.

Now, in the case of the rabbit the point is not that the activities which enrich an adult human's life are different from those which enrich its life; it is that the scope or potentiality for enrichment is truncated or severely diminished in the rabbit's case. The quality of a life is a function of its richness, which is a function of its scope or potentiality for enrichment; the scope or potentiality for enrichment in the rabbit's case never approaches that of the human. Nothing we have ever observed about rabbits, nothing we know of them, leads us to make judgments about the variety and richness of their life in anything even remotely comparable to the

judgments we make in the human case. To assume as present in the rabbit's life dimensions that supply the full variety and richness of ours, only that these dimensions are hidden from us, provides no real answer, especially when the evidence we have about their lives runs in the other direction.

Autonomy is an important part of the human case. By exercising our autonomy we can mold our lives to fit a conception of the good life that we have decided upon for ourselves; we can then try to live out this conception, with all the sense of achievement, self-fulfillment, and satisfaction that this can bring. Some of us pursue athletic or cultural or intellectual endeavors; some of us are good with our hands and enjoy mechanical tasks and manual labor; and all of us see a job—be it the one we have or the one we should like to have—as an important part of a full life. (This is why unemployment affects more than just our incomes.) The emphasis is upon agency: we can *make* ourselves into repairmen, pianists, and accountants; by exercising our autonomy, we can *impose* upon our lives a conception of the good life that we have for the moment embraced. We can then try to live out this conception, with the consequent sense of fulfillment and achievement that this makes possible. Even failure can be part of the picture: a woman can try to make herself into an Olympic athlete and fail; but her efforts to develop and shape her talents and to take control of and to mold her life in the appropriate ways can enrich her life. Thus, by exercising our autonomy and trying to live out some conception of how we want to live, we make possible further, important dimensions of value to our lives.

We still share certain activities with rabbits, but no mere record of those activities would come anywhere near accounting for the richness of our lives. What is missing in the rabbit's case is the same scope or potentiality for enrichment; and lives of less richness have less value.

The kind of story that would have to be told to make us think that the rabbit's life *was* as rich as the life of a normal (adult) human is one that either postulates in the rabbit potentialities and abilities vastly beyond what we observe and take it to have, or lapses into a rigorous scepticism. By the latter,

I mean that we should have to say either that we know nothing of the rabbit's life (and so can know nothing of that life's richness and quality) or that what we know can never be construed as adequate for grounding judgments about the rabbit's quality of life. But the real puzzle is how this recourse to scepticism is supposed to make us think that a rabbit's life is as varied and rich as a human's life. If I can know nothing of the rabbit's life, presumably because I do not live that life and so cannot experience it from the inside, then how do I know that the rabbit's life is as rich as a human's life? Plainly, if I cannot know this, I must for the argument's sake assume it. But why should I do this? Nothing I observe and experience leads me to assume it; all the evidence I have about rabbits and humans seems to run entirely in the opposite direction. So, why make this assumption? Most especially, why assume animal lives are as rich as human lives, when we do not even assume, or so I suggest below, that all *human* lives have the same richness?

III.

Agency matters to the value of a life, and animals are not agents. Thus, we require some argument to show that their lack of agency notwithstanding, animals have lives of roughly equal richness and value to the lives of normal (adult) humans. The view that they are members of the moral community will not supply it, the demand is compatible with acknowledging that not all life has the same value; and as we shall see, the argument from the value of the lives of defective humans will not supply it. Any *assumption* that they have lives of equal richness and value to ours seems to run up against, quite apart from the evidence we take ourselves to have about the lives of animals, the fact that, as we shall see, not all human lives have the same richness and value.

Most importantly, it will not do to claim that the rabbit's life is as valuable as the normal (adult) human's life because it is the only life each has. This claim does not as yet say that the rabbit's life has any particular value. If the rabbit and man are dead, they have no life which they can carry on living, at some quality or other; but this *per se* does not show that the lives of the man and the rabbit have a particular value as such, let alone that they have

the same value. Put differently, both creatures must be alive in order to have a quality of life, but nothing at all in this shows that they have the same richness and quality of life and, therefore, value of life. I am not disputing that animals can have *a* quality of life and that their lives, as a result, can have value; I am disputing that the richness, quality, and value of their lives is that of normal (adult) humans.

IV.

Not all members of the moral community have lives of equal value. Human life is more valuable than animal life. That is our intuition, and as I have assumed, we must defend it. How we defend it is, however, a vitally important affair. For I take the charge of speciesism—the attempt to justify either different treatment or the attribution of a different value of life by appeal to species membership—very seriously. In my view, if a defence of the unequal value thesis is open to that charge, then it is no defence at all.

As a result, one's options for grounding the unequal value thesis become limited; no ground will suffice that appeals, either in whole or in part, to species membership. Certainly, some ways of trying to differentiate the value of human from animal life in the past seem pretty clearly to be speciesist. But not all ways are; the important option set out above—one that construes the value of a life as a function of its quality, its quality as a function of its richness, and its richness as a function of its capacity of enrichment—does not use species membership to determine the value of lives. Indeed, it quite explicitly allows for the possibility that some animal life may be more valuable than some human life.

To see this, we have only to realize that the claim that not all members of the moral community have lives of equal value encompasses not only animals but also some humans. Some human lives have less value than others. An infant born without a brain, or any very severely handicapped infant, seems a case in point, as does an elderly person fully in the grip of Alzheimer's disease or some highly degenerative brain, nervous, or physiological disorder. In other words, I think we are compelled to admit that some human life is of a much lower quality and so value than normal (adult) human life. (This is true as well of infants generally, though readers may

think in their unlike the cases of seriously defective infants and adults, some argument from potentiality may be adduced to place them in a separate category. The fact remains, however, that the lives of normal (adult) humans betray a variety and richness that the lives of animals, defective humans, and infants do not.)

Accordingly, we must understand the unequal value thesis to claim that normal (adult) human life is more valuable than animal life. If we justify this claim by appeal to the quality and richness of normal (adult) human life and if we at the same time acknowledge that some human life is of a much lower quality and value than normal (adult) human life, then it seems quite clear that we are not using species membership to determine the value of a life.

Moreover, because some human lives fall drastically below the quality of life of normal (adult) human life, we must face the prospect that the lives of some perfectly healthy animals have a higher quality and greater value than the lives of some humans. And we must face this prospect, with all the implications it may have for the use of these unfortunate humans by others, at least if we continue to justify the use of animals in medical/scientific research by appeal to the lower quality and value of their lives.

What justifies the medical/scientific use of perfectly healthy rabbits instead of humans with a low quality of life? If, for example, experiments on retinas are suggested, why use rabbits or chimps instead of defective humans with otherwise excellent retinas? I know of nothing that cedes human life of any quality, however low, greater value than animal life of any quality, however high. If, therefore, we are going to justify medical/scientific uses of animals by appeal to the value of their lives, we open up directly the possibility of our having to envisage the use of humans of a lower quality of life in preference to animals of a higher quality of life. It is important to bear in mind as well that other factors then come under consideration, such as (i) the nature and size of benefit to be achieved, (ii) the side-effects that any decision to use humans in preference to animals may evoke, (iii) the degree to which education and explanation can dissipate any such negative side-effects, and (iv) the projected reliability of animal results for the human case (as opposed

to the projected reliability of human results for the human case). All these things may, in the particular case, work in favor of the use of humans.

The point, of course, is not that we *must* use humans; it is that we cannot invariably use animals in preference to humans, if appeal to the quality and value of lives is the ground we give for using animals. The only way we could justifiably do this is if we could cite something that always, no matter what, cedes human life greater value than animal life. I know of no such thing.

Always in the background, of course, are the benefits that medical/scientific research confers: if we desire to continue to obtain these benefits, are we prepared to pay the price of the use of defective humans? The answer, I think, must be positive, at least until the time comes when we no longer have to use either humans or animals for research purposes. Obviously, this deliberate use of some of the weakest members of our society is distasteful to contemplate and is not something, in the absence of substantial benefit, that we could condone; yet, we presently condone the use of perfectly healthy animals on an absolutely massive scale, and benefit is the justification we employ.

I remain a vivisectionist, therefore, because of the benefits medical/scientific research can bestow. Support for vivisection, however, exacts a cost: it forces us to envisage the use of defective humans in such research. Paradoxically, then, to the extent that one cannot bring oneself to envisage and consent to their use, to that extent, in my view, the case for anti-vivisectionism becomes stronger.

V.

The fact that not even all human life has the same value explains why some argument from marginal cases, one of the most common arguments in support of an equal value thesis, comes unstuck. Such an argument would only be possible if human life of a much lower quality were ceded equal value with normal (adult) human life. In that case, the same concession could be requested for animal life, and an argument from marginal or defective humans could get underway. On the account of the value of a life set out above, however, the initial concession is not made; it is not true that defective human life has the same quality and value as normal (adult) human

life. Nor is this result unfamiliar to us today; it is widely employed in much theoretical and practical work in medical ethics.

This leaves the argument from marginal cases to try to force the admission of the equal value of human and animal life. Tom Regan has long relied upon this argument; in a recent article Regan wonders what could be the basis for the view that human life is more valuable than animal life and moves at once to invoke the argument from marginal cases to dispel any such possibility:

What could be the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgment in the case of humans who are similarly deficient. But it is not true that some humans—the retarded child, for example, or the mentally deranged—have less inherent value than you or I.¹

Regan provides no argument for this claim (and, for that matter, no analysis of “inherent value”), but it seems at least to involve, if not to depend upon, our agreeing that human life of any quality, however low, has the same value as normal (adult) human life. I can see no reason whatever to accept this. Some human lives are so very deficient in quality that we would not wish those lives upon anyone, and there are few lengths to which we would not go in order to avoid such lives for ourselves and our loved ones. I can see little point in pretending that lives which we would do everything we could to avoid are of equal value to those normal (adult) human lives that we are presently living.

So far as I can see, the quality of some lives can plummet so disastrously that those lives can cease to have much value at all, can cease to be lives, that is, that are any longer worth living. I acknowledge the difficulty in determining in many cases when a life is no longer worth living; in other cases, however, such as an elderly person completely undone by Alzheimer’s disease or an infant born with no or only half a brain, the matter seems far less problematic.

VI.

Is an involved defence of the unequal value thesis, however, really necessary? Is there not a much more

direct and uncomplicated defence readily to hand? I have space for only a few words on several possibilities in this regard.

The defence of the unequal value thesis that I have begun to sketch, whether in its positive or negative aspect, does not make reference to religion; yet, it is true that certain religious beliefs seem to favor the thesis. The doctrine of the sanctity of life has normally been held with respect to human life alone; the belief in human dominion over the rest of creation has traditionally been held to set humans apart; and the belief that humans but not animals are possessed of an immortal soul seems plainly to allude to a further dimension of significance to human life. I am not myself religious, however, and I do not adopt a religious approach to questions about the value of lives. Any such approach would seem to tie one’s defence of the unequal value thesis to the adequacy of one’s theological views, something which a non-religious person can scarcely endorse. I seek a defence of the unequal value thesis, whatever the status of God’s existence or the adequacy of this or that religion or religious doctrine. I do not prejudge the issue of whether a religious person can accept a quality-of-life defence of the sort I have favored; my point is simply that that defence does not rely upon theological premisses.

It may be asked, however, why we need anything quite so sophisticated as a *defence* of the unequal value thesis at all. Why can we not just express a preference for our own kind and be done with the matter? After all, when a father gives a kidney to save his daughter’s life, we perfectly well understand why he did not choose to give the kidney to a stranger *in preference to* his daughter. This “natural bias” we do not condemn and do not take to point to a moral defect in the father. Why, therefore, is not something similar possible in the case of our interaction with animals? Why, that is, can we not appeal to a natural bias in favor of members of our own species? There are a number of things that can be said in response, only several of which I shall notice here.

There is the problem, if one takes the charge of speciesism seriously, of how to articulate this bias in favor of members of our species in such a way as to avoid that charge. Then there is the problem of how to articulate this preference for our own kind in such

a way as to exclude interpretations of “our own kind” that express preferences for one’s own race, gender, or religion. Otherwise, one is going to let such preferences do considerable work in one’s moral decision-making. I do not wish to foreclose all possibilities in these two cases, however; it may well be that a preference for our own kind *can* be articulated in a way that avoids these and some other problems.

Even so, I believe that there is another and deeper level of problem that this preference for our own kind encounters. On the one hand, we can understand the preference to express a bond we feel with members of our own species *over and above* the bond that we (or most of us) feel with (“higher”) animals. Such a bond, if it exists, poses no direct problem, if its existence is being used to explain, for example, instances of behavior where we obviously exhibit sympathy for human beings. (We must be careful not to *under-value* the sympathy most people exhibit towards animals, especially domesticated ones.) On the other hand, we can understand this preference for our own kind to express the claim that we stand in a special moral relationship to members of our own species. This claim does pose a problem, since, if we systematically favor humans over animals on the basis of it, it does considerable moral work, work, obviously, that would not be done if the claim were rejected.

I cannot see that species membership is a ground for holding that we stand in a special moral relationship to our fellow humans. The father obviously stands in such a relationship to his daughter, and his decision to marry and to have children is how he comes to have or to stand in that relationship. But how, through merely being born, does one come to stand in a special moral relationship to humans generally? Typically, I can step in and out of special moral relationships; in the case of species membership, that is not true. In that case, so long as I live, nothing can change my relationship to others, so long as they live. If this were true, my morality would to an extent no longer express my view of myself at large in a world filled with other people but would be something foisted upon me simply through being born.

Since we do not choose our species membership, a special moral relationship I am supposed to stand in to humans generally would lie outside my

control; whereas it is precisely the voluntary nature of such relationships that seems most central to their character. And it is precisely because of this voluntary nature, of, as it were, our ability to take on and shed such relationships, that these relationships can be read as expressing *my* view of myself at large in a world filled with other people.

We often do stand in special moral relationships to others; but mere species membership would have us stand in such a relationship to all others. There is something too sweeping about this, as if birth alone can give the rest of human creation a moral hold over me. In a real sense, such a view would sever me from my morality; for my morality would no longer consist in expressions of how I see myself interacting with others and how I choose to interact with them. My own choices and decisions have no effect upon species membership and so on a moral relationship that I am supposed to stand in to each and every living, human being. Such a view is at odds not only with how we typically understand special moral relationships but also with how we typically understand our relationship to our own morality.

VII.

It may well be tempting, I suppose, to try to develop another sense of “speciesism” and to hold that a position such as mine is speciesist in that sense. I have space here for only a few comments on one such sense.

If to be a *direct* speciesist is to discriminate among the value of lives solely on the basis of species membership, as it is, for example, for Peter Singer, then I am not, as I have tried to show, a direct speciesist. But am I not, it might be suggested, an *indirect* speciesist, in that, in order to determine the quality and value of a life, I use human-centred criteria as if they were appropriate for assessing the quality and value of all life? Thus, for instance, when I emphasize cultural and artistic endeavors, when I emphasize autonomy and mental development and achievement, when I emphasize making choices, directing one’s life, and selecting and living out conceptions of the good life, the effect is to widen the gulf between animals and humans by using human-centred criteria for assessing the quality and value of a life as if they were appropriate to appreciating the quality and value of animal

life. And this will not do; for it amounts to trying to judge animals and animal lives by human standards. What one should do, presumably, is to judge the quality and value of animal life by criteria appropriate to each separate species of animals.

I stress again that the argument of this paper is not about whether rabbits have lives of value (I think that they do) but rather about whether they have lives of equal value to normal (adult) human life. It is unclear to me how the charge of indirect speciesism addresses this argument.

We must distinguish this charge of an indirect speciesism from the claim, noted earlier, that we can know nothing of animal lives and so nothing about their quality and value; indeed, the two claims may conflict. The point behind the speciesism charge is that I am not using criteria appropriate to a species of animal for assessing its quality of life, which presumably means that there *are* appropriate criteria available for selection. Knowledge of appropriate criteria seems to require that we know something of an animal's life, in order to make the judgment of appropriateness. Yet, the whole point behind the lack of knowledge claim is that we can know nothing of an animal's life, nothing of how it experiences the world, nothing, in essence, about how well or how badly its life is going. It would seem, therefore, as if the two views can conflict.

The crucial thing here about both claims, however, is this: both are advanced against my defence of the unequal value thesis and on behalf of the equality of value of human and animal life without it being in any wise clear how they show this equality.

The ignorance claim would seem to have it that, because we can know nothing of the animal case, we must assume that animal and human life have the same value. But why should we fall in with this assumption? The ignorance claim would have us start from the idea, presumably, that all life, irrespective of its level of development and complexity, has the same value; but why should we start from that particular idea? Surely there must be some reason for thinking all life whatever has the same value. It is this reason that needs to be stated and assessed.

The indirect speciesist claim would seem to have it that, were we only to select criteria for assessing the quality and value of life appropriate to animals'

species, we must agree that animal and human life are of equal value. The temptation is to inquire after what these criteria might be in rabbits, but any such concern must be firmly understood in the light of the earlier discussion of the richness of our lives. What the unequal value thesis represents is our quest to gain some understanding of (i) the capacities of animals and humans, (ii) the differences among these various capacities, (iii) the complexity of lives, (iv) the role of agency in this complexity, and (v) the way agency enables humans to add further dimensions of value to their lives. The richness of our lives encompasses these multi-faceted aspects of our being and is a function of them. The point is not that a rabbit may not have a keener sense of smell than we do and may not derive intense, pleasurable sensations through that sense of smell; it is that we have to believe that something like this, augmented, perhaps, by other things we might say in the rabbit's case of like kind, suffices to make the rabbit's life as rich and as full as ours. If one thinks of our various capacities and of the different levels on which they operate, physical, mental, emotional, imaginative, then pointing out that rabbits can have as pleasurable sensations as we do in certain regards does not meet the point.

When we say of a woman that she has "tasted life to the full," we do not make a point about (or solely about) pleasurable sensations; we refer to the different dimensions of our being and to the woman's attempt to develop these in herself and to actualize them in the course of her daily life. And an important aspect in all this is what agency means to the woman: in the sense intended, she is not condemned to live the life that all of her ancestors have lived; she can mold and shape her life to "fit" her own conception of how she should live, thereby enabling her to add further dimensions of value to her life. It is this diversity and complexity in us that needs to be made good in the rabbit's case and that no mere catalogue of its pleasures through the sense of smell seems likely to accomplish.

Again, it is not that the rabbit cannot do things that we are unable to do and not that it has capacities which we lack; what has to be shown is how this sort of thing, given how rabbits behave and live out their days, so enriches their lives that the quality and value

of them approach those of humans. And what *is* one going to say in the rabbit's case that makes good the role agency plays in ours? The absence of agency from a human life is a terrible thing; it deeply impoverishes a life and forestalls completely one's making one's life into the life one wants to live. Yet, this must be the natural condition of rabbits. It is this gulf that agency creates, the gulf between living out the life appropriate to one's species and living out a life one has chosen for oneself and has molded and shaped accordingly, that is one of the things that it is difficult to understand what rabbits can do to overcome.

VIII.

In sum, I think the unequal value thesis is defensible and can be defended even as its adherent takes seriously the charge of speciesism. And it is the unequal value thesis that figures centrally in the justification of our use of animals in medical and scientific research. If as I have done here, we assume that the thesis must be defended, then the character of that defence, I think, requires that *if* we are to continue to use animals for research purposes, then we must begin to envisage the use of some humans for those same purposes. The cost of holding the unequal value thesis, and most of us, I suggest, do hold it, is to realize that, upon a quality-of-life defence of it, it encompasses the lives of some humans as well as animals. I cannot at the moment see that any other defence of it both meets the charge of speciesism and yet does indeed amount to a defence.

NOTE

¹ Tom Regan, "The Case for Animal Rights," in Peter Singer (ed.), *In Defence of Animals* (Oxford: Basil

Blackwell, 1985), p. 23. This article mirrors some central claims of Regan's book of the same name.

R. G. Frey: Moral Standing, the Value of Lives, and Speciesism

1. Explain Frey's unequal value thesis. What implications does it have for how we should treat nonhuman animals? What implications does it have for how we should treat other humans? Do you think any of these implications are problematic? Why or why not?
2. What, according to Frey, makes a life valuable? What reasons does he give in support of his account? Do you find the account plausible? Support your answer.
3. Explain the distinction between direct speciesism and indirect speciesism. Why might direct speciesist views be problematic? Why might indirect speciesist views be problematic? Does Frey's view qualify as one or the other? Why or why not?
4. According to Frey, what makes a being worthy of moral consideration? Which (if any) animals are members of the moral community? In virtue of what are animals' lives more or less valuable than humans' lives? Do you agree with Frey's criteria? Why or why not?
5. Frey refers to himself as a "restricted vivisectionist." Explain what he means by this. Under what conditions does he think that animal experimentation is morally permissible? Under what conditions does he think that human experimentation is morally permissible? Do you think there is a relevant difference between the two that Frey has failed to appreciate? Explain your answer.

The Environment

JUST THE FACTS

There are plenty of reasons to worry about the current and future state of the environment. We can't consider them all in detail, so we'll focus on what many regard as the two most serious environmental problems facing humanity: **climate change** and **deforestation**.

"Climate change" refers to the change in weather patterns across the globe over an extended period of time (e.g., thousands of years). Climate change certainly includes **global warming** (the Earth's rising average atmospheric temperatures), but it also includes the meteorological consequences of global warming, namely, an increase in the frequency and severity of precipitation (leading to increased flooding), more frequent drought, and more frequent heat waves. These changes are expected to bring about a number of unwelcome consequences. For example, rising global temperatures are causing the melting of large parts of the polar ice caps. This has led to a rise in global sea levels, which, if left unchecked, will likely cause widespread coastal flooding, displacing millions from their homes. So far, sea levels have risen about eight inches since statistics were first kept in 1880. They're expected to rise between one and four feet by the end of this century.¹ More frequent droughts and flooding will cause a greater proportion of crops to fail, leading to widespread food shortages and a significant increase in world hunger. The social consequences are harder to predict, but history

has shown that food shortages and land disputes often lead to very serious social harms.

Most climate scientists agree that the main cause of the current global warming trend is human expansion of the **greenhouse effect**—warming that results when greenhouse gases (e.g., carbon dioxide, methane, water vapor, nitrous oxide, and ozone) in the atmosphere trap heat radiating from the Earth's surface toward outer space. Ordinarily, the greenhouse effect is beneficial. Without it, Earth's average temperature would be near 0°F, instead of its current average (58.4°F). The trouble is that having too much greenhouse gas in the atmosphere leads to the problems described earlier.

As of 2017, carbon dioxide (CO₂) levels in the atmosphere are higher than they've been at any time in the past 400,000 years. During past ice ages, CO₂ levels were around 200 parts per million (ppm). During the warmer interglacial periods, they hovered around 280 ppm. In 2013, however, CO₂ levels surpassed 400 ppm for the first time in recorded history.²

The two greatest contributors to these unprecedented CO₂ levels are the burning of fossil fuels for manufacturing, meat production, and other industrial purposes, and changes in land use, especially deforestation (which we'll discuss shortly). When industrial plants burn coal, oil, and other fossil fuels, they release enormous amounts of carbon into the atmosphere, exacerbating the greenhouse effect. The animals on factory farms produce a huge amount of waste that generates an amount of greenhouse gas that exceeds that of the global transportation

1. <http://nca2014.globalchange.gov/report/our-changing-climate/sea-level-rise>

2. https://climate.nasa.gov/climate_resources/24/

industry.³ China, still a developing country with the largest population on Earth (about 19 percent of the world population), is far and away the biggest contributor of greenhouse gases—releasing 23 percent of all greenhouse gases in the world. The United States is next, dwarfing the contribution of most countries, with about 15 percent—though the United States is only 4 percent of the world’s population. Next are India, Russia, Brazil, and Japan, each contributing somewhere between 4 percent and 5 percent. All other countries contribute 2 percent or less.⁴

One of the biggest obstacles to slowing the progress of global warming has been convincing people that it is actually occurring and that humans are the primary cause. For instance, from 2011 to June 2017, US President Donald Trump tweeted 115 different times expressing his doubts about **anthropogenic** climate change (i.e., climate change that is caused by human beings).⁵ That skepticism seems to be shared by a significant number of Americans, but not a majority. According to a 2017 Gallup poll, 68 percent of US citizens believe that climate change is caused by human activities; 32 percent do not.⁶

The other major environmental challenge we face is deforestation—the large-scale destruction of forests. Today, forests cover 31 percent of the land area on our planet, but each year an area roughly the size of Greece is destroyed—about forty-eight football fields every minute. Over the last century, about half of the Earth’s forest cover was lost.⁷ Forests produce vital

3. <https://www.ecowatch.com/how-factory-farming-contributes-to-global-warming-1881690535.html>

4. http://www.ucsusa.org/global_warming/science_and_impacts/science/each-countrys-share-of-co2.html#.WclDS9Frw2w

5. <https://www.vox.com/policy-and-politics/2017/6/1/15726472/trump-tweets-global-warming-paris-climate-agreement>

6. <http://www.gallup.com/poll/206030/global-warming-concern-three-decade-high.aspx>

7. <https://www.worldwildlife.org/threats/deforestation>

oxygen and provide homes for people, plants, and wildlife—somewhere between 70 percent and 90 percent of the world’s biodiversity. Forests also play a crucial role in mitigating climate change because they act as a **carbon sink**, soaking up enormous amounts of carbon dioxide that would otherwise float free in the atmosphere. If deforestation continues at its current rate, the world’s rainforests will vanish within one hundred years, thereby eliminating the majority of plant and animal species on Earth.⁸

When most people think of the causes of deforestation, they usually think of commercial logging—cutting down trees for sale as timber or pulp. While logging accounts for a significant amount of deforestation across the globe, its impact is dwarfed by deforestation due to agriculture (e.g., planting crops, grazing cattle). Poor farmers, especially in South America, often chop down small areas (usually just a few acres) and burn the tree trunks—a process called **slash and burn agriculture**. They use this land just to get by, growing food to support themselves and their families. Industrial agriculture occurs on a much larger scale, sometimes deforesting several square miles at a time. These larger areas of land are cleared for beef cattle to graze upon. The cattle are then slaughtered and much of the meat is sold to countries where demand is especially high (e.g., the United States, Canada). Cattle ranching is the number-one cause of deforestation in South America, accounting for 80 percent of it on the continent. Thus, environmentalists have long argued that one of the best ways that individuals can help slow deforestation and climate change is by avoiding meat, adopting a plant-based diet, and encouraging others to do so as well.

ARGUMENT ANALYSIS

Though environmental ethics covers a huge range of issues, perhaps the most fundamental one concerns moral standing. The issue is which parts of the environment have independent moral

8. <https://www.conserve-energy-future.com/various-deforestation-facts.php>

importance—importance in their own right, apart from any benefits that treating them well might bring about. Relying on a distinction we've seen in other discussions, the question, really, is which elements of the environment are **intrinsically valuable**—good and important in and of themselves—and which elements are merely **instrumentally valuable**—good because of the other good things they make possible. You are intrinsically valuable. A hammer or screwdriver, by contrast, can be only instrumentally valuable. Their goodness resides in their usefulness—if they were defective, for instance, and only frustrated our efforts to build or repair things, then they wouldn't be good at all. But people are valuable regardless of how useful they are.

The question we need to address is which non-human elements of the environment are intrinsically valuable. We can put the question in terms of membership in the **moral community**: members of the moral community are those possessed of independent moral importance, those who are valuable in and of themselves, regardless of how useful they are to others. Since we discussed non-human animals in Chapter 13, where various positions about their moral standing are assessed, our question here is actually a bit narrower: are there any elements of the nonanimal environment that are members of the moral community?

The answer standardly given by Western philosophers is no. On this view, even the most magnificent elements of the natural environment—the Grand Canyon, say, or the massive stands of sequoias and redwoods in northern California—are valuable only because of the enjoyment they provide us, or the resources (minerals, wood) that we can utilize by exploiting them. Kantians defend this view by means of

The Kantian Argument about Moral Standing

1. You are a member of the moral community if, and only if, you are rational and autonomous.
2. Only humans are rational and autonomous.

Therefore,

3. Only humans are members of the moral community; only humans are morally important in their own right.

Kant, as you may recall from Chapter 6, had very high standards for being rational and autonomous. You had to be able to freely choose a plan of life, to contemplate and weigh the value of different alternatives, to imagine what the world would be like were everyone to act on your principles, and to have your behavior conform to your decisions. Given these rigorous standards for rationality and autonomy, premise 2 is true. But premise 1 is problematic—it forces us to say that human infants, very young children, the severely mentally impaired, and all nonhuman animals have no value in their own right. They lack independent moral importance. That is very difficult to accept.

Social contract theorists have a similarly restrictive view of who is and isn't a member of the moral community. They defend their view by means of

The Contractarian Argument about Moral Standing

1. You are a member of the moral community if, and only if, you are able to enter into reciprocal agreements that promise to benefit those who have benefitted you, and to harm those who have harmed you.
2. Only humans are able to enter into such reciprocal agreements.

Therefore,

3. Only humans are members of the moral community.

As indicated in Chapter 7, there is a lot to like about the social contract theory. Still, its tough entry standards for membership in the moral community exclude the most vulnerable among us, just as Kantian views do.

Utilitarians have a broader conception of membership in the moral community. They

allow that most nonhuman animals are valuable in their own right. They defend this by means of

The Utilitarian Argument about Moral Standing

1. A being is a member of the moral community if, and only if, it can experience pleasure or pain.
2. Almost every human being and most nonhuman animals can experience pleasure or pain.
3. Nothing else can experience pleasure or pain.

Therefore,

4. Almost every human being and most nonhuman animals are members of the moral community; nothing else is.

Utilitarians let many more beings into the moral community than Kantians and contractarians do. Unlike those positions, utilitarianism allows infants, young children, the severely mentally impaired, and most nonhuman animals to be members. But like those views, utilitarianism bars entry to all other elements of the environment. Majestic mountain ranges, diverse ecosystems, remarkable coral reefs—none of these are valuable in themselves. Their value lies solely in what they can do for us, and for other animals. Nature can nourish us, and we can take pleasure in its contemplation. But in and of itself, the natural environment—animals (including us) aside—has no value.

Some environmentalists accept these conclusions but argue that we must nevertheless do much more than we currently do in order to protect the natural environment. Their reasoning is straightforward. Although nonanimal elements of the natural environment have no intrinsic value, it is vital that we preserve them against exploitation, because doing so is essential to securing our long-term interests. When we treat the environment as if we were its rulers rather than its stewards, we are harming ourselves and future generations. In a word, we are acting shortsightedly.

This is a strategic argument for greater environmental protections, and it is often a

compelling one. A great many of our current practices—especially, but not exclusively, in the United States—are undertaken with only short-term profits in mind. Of course, compelling arguments often fall on deaf ears, and the ignorance or self-interest of individuals, corporations, and politicians often conspires to stand in the way of sensible policies that are much more beneficial in the long run. Still, some environmentalists are dissatisfied with arguments that appeal only to the interests of humans and other animals. These environmentalists argue that other elements of nature are intrinsically valuable.

But which ones? Is a pebble or a blade of grass independently morally important? Or (for instance) only mountain ranges, or species, or entire ecosystems? Kantians and contractarians and utilitarians have sometimes been accused of chauvinism—of assigning intrinsic value on the basis of traits that we humans have, but that the rest of nature doesn't. Still, their criteria for membership in the moral community do seem to pick out morally important features, even if, as their critics argue, those features are not *all*-important. A stand of redwoods isn't rational, it can't enter agreements, and it doesn't feel pleasure or pain. So what feature (if any) qualifies it for independent moral importance?

One idea, championed by philosopher Paul Taylor, is that *being alive* is the crucial feature. His central thought can be cast in terms of

The Biocentrism Argument

1. Something has independent moral importance if, and only if, it is alive.
2. Plants and animals are alive.

Therefore,

3. Plants and animals have independent moral importance.

Biocentrism is the view that all living things are important in their own right, and that all living things are equally intrinsically valuable. A human is just as alive as a tree—as a result, in and of themselves, humans and trees are equally valuable. Of course we may be allowed to give priority

to humans over trees in many cases, just as we are allowed to take actions that benefit some humans at the expense of others. But the trees will sometimes win out, too—in some cases, we must protect them even at the expense of the interests of humans who would wish to use or destroy them.

There is no arguing with premise 2; premise 1 is where the action is. Why is it that being alive, no matter the quality of one's experiences or abilities, is so important? It's difficult to answer that question, but then again, it is difficult to answer it for *any* candidate feature that is supposed to be the ultimate basis for moral importance. Why is *suffering* morally important? Why is *rationality* morally important? It's very hard to know how to answer these questions.

The typical line of argument on behalf of premise 1 says that being alive is the central basis for intrinsic value because so long as a being is alive, things can go better or worse for it, and that is a nonarbitrary basis for assigning it importance. Biocentrists also claim that any *other* basis is arbitrary. Rationality or reciprocity or suffering very conveniently gives *us* intrinsic importance. The biocentrist argues there is no good basis for restricting the moral community in these ways.

But we might wonder whether being able to be better or worse off is really the key to moral importance. It's true that a sapling can fare well or poorly—just fail to give it water and see. But it's also true that things can go well or poorly with my ten-year-old Toyota. Just fail to give it oil and watch it deteriorate. Paint the exterior of a windowsill and you will make it better off by protecting it against the elements. But no one thinks that Toyotas or windows are intrinsically valuable. So it's not clear why the ability to improve or worsen is so morally important.

We might also question the biocentrist's commitment to the equal intrinsic importance of all living things. Suppose that being alive is, in itself, morally important. But why think that this feature is the *only* thing that confers intrinsic value? Why isn't rationality or the capacity to suffer also important in its own right? Think of a region where mosquitoes are transmitting

malaria. About 655,000 people die each year from this disease. Suppose you are located in such an area, and you see a mosquito land on a child's arm. For all you know, its bite may result in the child's death. It seems obvious that killing the mosquito is morally better than letting it alone. Part of the reason it's obvious is because the child possesses so many more valuable traits than the mosquito. The mosquito is alive. But the mosquito can't reflect on its life, can't make plans for the future, can't deliberate about what's right and wrong, can't forge and maintain loving relations, and can't forsake its own interests in the name of a higher cause. These abilities do seem to be valuable in their own right. If they are, then some living things are, in themselves, more important than others, because some beings have many more of these abilities than other living things.

The Biocentric Argument is expansive in one way and restrictive in another. Compared to the traditional moral theories, it broadens the moral community significantly by providing membership for all animals and plants. But some environmentalists want more. They believe that some things that are not themselves living beings (e.g., species, ecosystems, mountain ranges, or the atmosphere) are intrinsically valuable. These environmentalists argue, for instance, that strip mining a mountain top can be immoral—not (just) because of the pollutants that so often end up in local riverbeds and harm local communities, and not (just) because humans will no longer be able to take pleasure in viewing the landscape or in hiking the mountain trails. Rather, there is something valuable about the mountain itself, something that extends beyond the use to which it can be put for our benefit. The mountain, though, is not alive. Nor is the atmosphere. Nor are species or ecosystems themselves (though of course these last two include many living things). On this view, then, biocentrism is too narrow—it excludes certain elements of nature that possess moral importance in their own right, even though these elements are not alive.

The most common way to defend this idea is by invoking the importance of the natural. The thought is that there is something important, in itself, about being natural—so important, in fact, that preservation of the natural environment is sometimes more important than the benefits to be gained by altering it.

One difficulty we face when assessing this proposal is that the term *natural* has so many different meanings and can be applied to so many different things. We consider most of the morally relevant meanings in Chapter 22, so here we can be brief. In the context of environmentalism, what is **natural** is usually contrasted with what is **artificial**: artificial things are those that have been created or modified by human activity; natural things are not.

No one argues that everything that is natural is good in itself. *Salmonella* bacteria (which cause infections that lead to over 200,000 human deaths worldwide each year) are natural. It's hard to think of why an individual *Salmonella* bacterium should be considered intrinsically valuable. The same holds for a small pebble on a distant, uninhabited planet, or a dried-out splinter of wood in a remote desert. So being natural is not a sufficient condition of being intrinsically valuable. Still, many environmentalists believe that some nonliving elements of the natural environment are intrinsically valuable, just because they are natural, rather than artificial.

It's not easy to identify a principle that sorts the natural things that are thought to be intrinsically valuable (mountain ranges, ecosystems, species) from natural things that lack such value (stray pebbles, individual bacteria). You might think that things in the former category are valuable because we value them, whereas things in the latter category lack value because we are indifferent to their existence. But this is not the story these environmentalists want to tell. Instead, they believe that parts of nature have value in themselves. If we appreciate them, that's because we are recognizing a value that they have independently of the value we place on them.

If a mountain range can't think or feel, and isn't alive, then why think that it possesses any value in itself? A famous reply was given by philosopher Richard Routley, who invited his readers to reflect on what we think of the options available to the last person on Earth.⁹ Suppose that person knows that he's the end of the line; once he dies, there's nothing left of humanity. Now suppose he has a choice. He can just die peacefully, or he can set out beforehand to do as much environmental damage as he can—exterminating whole species, polluting entire ecosystems, dynamiting mountain ranges, destroying the atmosphere. If we think (and we do, don't we?) that he'd be very wrong to take the second path, then this seems to show that we are committed to thinking of these elements of the natural environment as important in their own right. By hypothesis, no human will be around to value such things. If their importance depended on our valuing them, then in the absence of humans, they'd have no value. But if they were valueless, then it wouldn't be wrong to destroy them. We can formulate this line of thinking in

The Last Person Argument

1. If the natural environment lacked intrinsic value, then it would be morally OK for the last person on earth to destroy it.
2. That wouldn't be morally OK.

Therefore,

3. The natural environment possesses intrinsic value.

A parallel line of thought, inspired by the great English philosopher G. E. Moore, yields the same conclusion. Imagine two worlds with no humans or animals in them. One world is lush and beautiful—picture your scene of paradise and insert it here. The second world is completely barren—no life, permanently baked by a

9. This first appeared in Richard Routley, "Is There a Need for a New, an Environmental, Ethic?" *Proceedings of the XVth World Congress of Philosophy* 1 (1973): 205–210.

fiery sun, with a flat, featureless surface. Is one world more valuable than another? To test your answer, imagine that you were forced by someone to push a button that would destroy just one of these two worlds. I'd preserve the first world. (Wouldn't you?) I think it's more valuable than the second. But the value isn't instrumental—after all, nothing in the first world is useful to anyone. So the value is intrinsic.

Even if you find these two arguments persuasive, however, two more questions arise. First: *why* do only some elements of the natural environment, but not others, possess intrinsic value? And, second: how can we balance the value of the natural environment against human interests? We need to alter the natural environment in order to remain alive—we need food, water, and shelter. Meeting those needs requires us to change the natural environment. It follows that unless we are all morally required to die immediately, so as to no longer have any impact on the natural environment, we are morally permitted to modify the natural environment to some extent. But in what ways, and how much?

Suppose that you are convinced that some elements of the natural environment require protection, either for instrumental reasons (e.g., to ensure that we have enough food to eat) or because you assign some intrinsic value to nature. Still, the scope of our moral duties is unclear. Protecting the natural environment is a communal enterprise—the actions of a single individual don't seem to make much difference. Indeed, there seems little that you, as an individual, can do to prevent climate change, for instance. So even if we can settle the issues of the value of nature, we still may be puzzled about what we are morally required to do about it.

Some philosophers argue that we are obligated to do very little—perhaps nothing at all. They support their view by means of

The No Difference Argument

1. You are morally required to change your behavior or refrain from doing something only if that would improve the situation.

2. Changing or refraining from your ordinary consumer practices would not improve the environmental situation.

Therefore,

3. You are not morally required to change or refrain from your ordinary consumer practices in order to improve the environmental situation.

The idea behind premise 1 is that if your actions make no difference to a bad outcome, then you are not morally required to refrain from them. That sounds pretty sensible. If something bad is going to happen no matter what you do, and if you aren't going to make a bad situation even worse, then you are free to do what you want. In general, we are morally allowed to do as we please, at least so long as we are not worsening things. Premise 1 makes perfect sense of these thoughts.

Here are two cases designed to put pressure on this principle. See what you think. First, imagine someone with a fascination for Nazi artifacts. He discovers a lampshade for sale, one that was made from the flesh of concentration camp victims. He wants to buy the lampshade and keep it in a private viewing area in his home. Purchasing it is not going to support Nazi policies. So it doesn't look like the purchase of this piece is going to lead to anyone being worse off. If there is nevertheless something wrong with what this person is doing, then this casts doubt on premise 1.

The second case is one in which I cast a vote for a political candidate who runs on a platform that is popular with many but that is deeply immoral. Suppose that the other candidate is a reasonable, experienced person who stands for policies that are morally good. Still, the first politician wins by a large margin. Since he would have won easily even without my vote, it seems that my vote did not change the outcome. And if it didn't change the outcome, then it didn't make things worse. Still, you might think that my voting as I did was immoral. If so, you cannot accept premise 1.

Suppose, though, that neither of these examples fazed you, and you are committed to

premise 1. Still, you might wonder about whether premise 2 is true. On the one hand, your environmental impact does seem negligible, a drop in the bucket. Suppose you gave up your car and biked everywhere, drastically reduced your energy consumption at home, and purchased only locally grown food. Now try to think of all of the harms that will ensue over the next decades as a result of climate change. Changing your habits will make no difference to the existence or intensity of these harms. Of course, it's a different matter entirely if you are the CEO of a large utility company or major corporation and have the power to effect change on a large scale. But for the rest of us individuals, a change in our daily practices doesn't seem to make any difference at all.

And yet the practices of millions of individuals *do* add up to something quite serious, just as the votes of millions of individuals, when taken together, signify something very important. If there is a major harm being done collectively, then the harm has to come from somewhere. One suggestion is that it comes from each of us; our individual contributions, even if they are very small, are still something. On this view, each of us *is* harming the environment when we drive, when we purchase foods transported from a different continent, when we throw things in the trash. Each harm is minuscule. But very tiny harms can add up to very large ones. If it's true that our ordinary habits are making the environment (perhaps imperceptibly) worse off, then premise 2 is mistaken.

CONCLUSION

As we have seen from discussions of abortion and animals, it is not easy to locate the precise basis of membership in the moral community. Beings are valuable in their own right if, only if, and because _____. Filling in that blank is a challenge, to put it mildly.

Kantians, contractarians, and utilitarians have given it a shot. Some environmentalists embrace one or the other of these theories. In doing so, they thereby deny the intrinsic value of the natural environment, and argue that we must extend our protection of it on instrumental

grounds: such protection is useful to us, or perhaps to other animals or to future generations.

Other environmentalists, though, want to defend the claim that at least some nonhuman and nonanimal elements of nature are important in their own right. Biocentrism is one such effort. If true, it would extend independent moral importance to all living things, no matter how useful (or harmful) to us they happen to be. Biocentrism doesn't go far enough for some, however, as it fails to explain why (for instance) mountain ranges are important in themselves. The challenge for such views is to explain why some nonliving elements of the natural environment are intrinsically valuable, while others are not.

There is also the matter of the scope of our moral duties to protect the natural environment. Our individual actions seem to make either no difference at all, or, at most, only the tiniest difference to whether environmental harms occur. Given this, are we free to do as we please? Or is there some basis for arguing that we are duty-bound to change our individual practices?

ESSENTIAL CONCEPTS

Anthropogenic: originated by human beings.

Artificial: created or modified by human activity.

Biocentric: focused on all living things and their interests and denying the greater intrinsic importance of human beings vis-à-vis other life forms.

Carbon sink: a large system (e.g., an ocean, a forest) that absorbs and stores carbon dioxide from the atmosphere.

Climate change: a change in weather patterns that lasts for a long time (e.g., thousands or millions of years).

Deforestation: the destruction of a forest to make land available for other uses (e.g., agriculture).

Global warming: a rise in average atmospheric temperatures across the world.

Greenhouse effect: warming that results when greenhouse gases in the atmosphere (e.g., carbon dioxide, methane) trap heat radiating from the Earth's surface toward outer space.

STAT SHOT

1. Atmospheric CO₂ levels are higher than they've been in the last 400,000 years. They've risen dramatically since the Industrial Revolution (Figure 14.1).

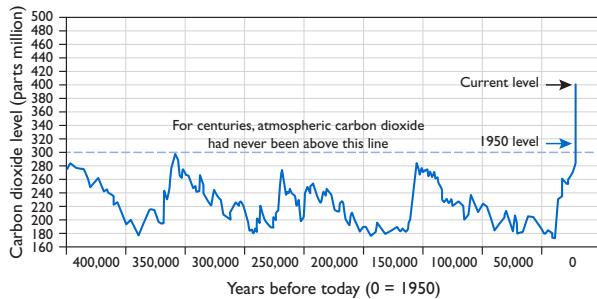


Figure 14.1.

Source: https://climate.nasa.gov/climate_resources/24/

2. Average global temperature has been trending upward since at least 1870 (Figure 14.2).

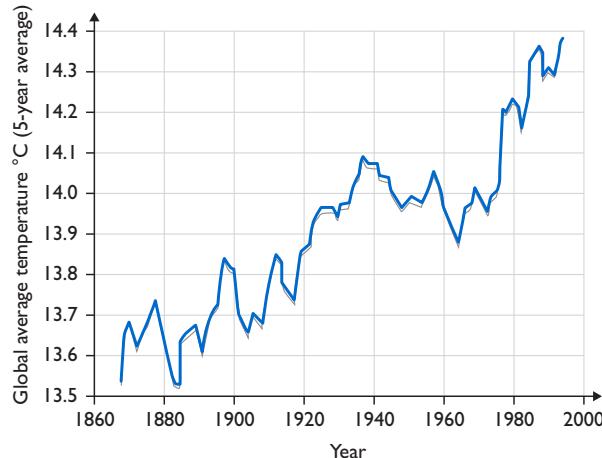


Figure 14.2.

Source: http://www.bbc.co.uk/schools/gcsebitesize/science/aqa_ppe_2011/rocks/fuelsrev6.shtml

3. China emits more CO₂ than the next two biggest contributors combined. The United States still contributes far more

CO₂ per capita (since the US population is a quarter of China's) (Figure 14.3).

Rank	Country	Share of Global CO ₂ Emissions
1	China	23.43%
2	United States	14.69%
3	India	5.70%
4	Russian Federation	4.87%
5	Brazil	4.17%
6	Japan	3.61%
7	Indonesia	2.31%
8	Germany	2.23%
9	Korea	1.75%
10	Canada	1.57%
11	Iran	1.57%

Figure 14.3.

Source: <http://www.worldatlas.com/articles/biggestcontributors-to-global-warming-in-the-world.html>

4. Sixty-eight percent of US citizens believe that climate change is caused by human activities; 32 percent do not (Figure 14.4).

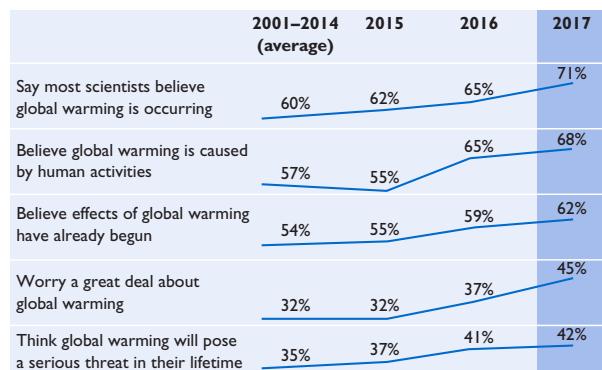


Figure 14.4. Summary of Americans' views on global warming.

Source: <http://www.gallup.com/poll/206030/global-warming-concern-three-decade-high.aspx>

Instrumentally valuable: something good because of the other good things it makes possible.

Intrinsically valuable: something good and important in and of itself.

Moral community: the group of those who possess independent moral importance—those who are valuable in and of themselves, regardless of how useful they are.

Natural: neither created nor altered by humans.

Slash and burn agriculture: a process in which a subsistence farmer cuts down the trees on a small parcel of land, then burns their stumps, so as to create an area suitable for agriculture.

Cases for Critical Thinking

Destroying Ancient Rock Formations

In 2014, two Boy Scout leaders, David Hall and Glenn Taylor, were leading a group of scouts on a hike in Utah's Goblin Valley State Park.¹ They came across a hoodoo, an ancient rock formation. The one they saw dates back to the Jurassic Period—145 to 170 million years ago. Hoodoos are often shaped like long slender pillars of rock, but the one these men encountered looked like a giant round boulder joined to the earth by a very thin piece of rock. With a great deal of effort, and the video camera on Hall's cell phone recording, Taylor proceeded to push the rock from its perch. The rock fell five or six feet to the ground and landed with a thud while the men danced and giggled. They claimed that they were just preventing the rock from falling on an unsuspecting passerby. They posted the video on social media and it went viral—garnering 5.5 million views as of 2017.² Most who saw the video were not amused. When the leadership of the Boy Scouts saw the video, they immediately kicked both men out of the organization, forbidding them from ever leading another troop. Emery County law enforcement in Utah charged Taylor with criminal mischief for pushing the

rock and charged Hall with assisting criminal mischief for capturing the video. Both are felonies. There were no signs posted prohibiting the men's behavior.

1. <http://www.npr.org/sections/thetwo-way/2014/02/01/269926160/men-filmed-toppling-ancient-rock-formation-are-charged-in-utah>

2. <https://www.youtube.com/watch?v=AYFD18BwmJ4>

Questions

1. Did Hall and Taylor do something morally wrong here? Why or why not?
2. Most people who saw the video were outraged at the men's behavior. But suppose that people reacted to the video the way the men themselves did—by laughing in amusement. And suppose that the Emery County police decided not to press any charges. Would that change your view about the moral permissibility of their actions? Why or why not?
3. The same year the video went viral, Goblin Valley State Park saw a 25 percent increase in attendance. The spike began almost immediately after the video was posted. Nearly every month since Hall and Taylor's stunt, the park has seen a new record in attendance. The following spring, nearly 60,000 people visited the park, doubling the 30,081 who visited the entire year of 2006. Thus, the controversial video has resulted in tens of thousands more people enjoying the park and learning about its ancient rock formations. Park employees have been able to educate thousands more people, not only about rock formations, but about how to treat them properly. There have even been proposals for the park to expand from its current 3,500 acres to 132,000 acres—an enormous increase in size.³ The park and its visitors seem to have benefited a great deal from this episode. Imagine that you could go back to that day in 2014—the day the men destroyed the hoodoo—knowing what you know now.

Do you think you should try to stop the men, or should you let things proceed precisely as they actually did? Why?

3. <http://www.deseretnews.com/article/865626278/A-tale-of-2-cameras.html>

Taxing Meat

The meat industry is one of the biggest contributors to global warming—about 25 percent of all greenhouse emissions. Animals' digestive systems, as well as the production and shipment of their feed, produce lots of greenhouse gas. If, however, people around the world decided to eat much less meat, the meat industry would reduce their production of it. This would reduce both deforestation and greenhouse emissions, which would do wonders for the environment. But it's highly unlikely that enough people would give up eating meat so that it would make an appreciable difference to the environment. One way to achieve this desired reduction in the demand for meat, however, might be to tax it. If governments, especially the United States and Chinese governments, imposed high taxes on the purchase of meat, people would probably be less inclined to buy it. Researchers at Oxford University recently found that, in order to compensate for the damage done to the environment by meat production, governments should impose a 40 percent tax on beef, 15 percent on lamb, 8.5 percent on chicken, 7 percent on pork, and 5 percent on eggs.¹ On their proposal, the money received in tax revenue could then be used to fight climate change. Citing both the health and environmental advantages of such a tax policy, the lead researcher on the Oxford study commented, "Either we have climate change and more heart disease, diabetes and obesity, or we do something about the food system."²

1. <https://www.theguardian.com/environment/2016/nov/07/tax-meat-and-dairy-to-cut-emissions-and-save-lives-study-urges>

2. <https://www.theguardian.com/environment/2016/nov/07/tax-meat-and-dairy-to-cut-emissions-and-save-lives-study-urges>

Questions

1. What do you find attractive about the idea of a tax on meat? What do you find unattractive about it?
2. All things considered, do you think we ought to endorse a policy of taxing meat? Or do you think that such taxes ought to be opposed? Why? If you object to a meat tax, is it because you object to the tax rates for various meats mentioned earlier, or is it because you object, in principle, to a tax on meat?
3. There don't seem to be many overwhelmingly attractive options for achieving a significant reduction in worldwide greenhouse gas emissions. Do you think there are any better, or even equally good, alternatives to a meat tax?

Kenyan Deforestation

In 2009, the Kenyan government began enacting a plan to evict 8,000 Kenyans from their homes without compensating them.¹ These Kenyans had, years before, settled illegally in the Mau forest, one of Kenya's national forests, and the Kenyan government turned a blind eye. Drought elsewhere in Kenya was causing many farmers' crops to fail and their grazing land to become barren. These Kenyan "squatters" (as the government called them) entered the Mau looking for a way to support their families. They began clearing away parts of the forest so they could plant crops and give their cattle a place to graze. After clearing roughly 1,500 square miles of land—an area a third the size of Rhode Island—the Kenyan government decided that enough was enough. In their judgment, the rapid deforestation was threatening the Mau, and they very much wished to preserve it. The government began removing squatters from their homes and erecting electrified fences around the area to keep them out.²

1. <https://www.theguardian.com/world/2009/nov/18/kenya-forest-squatters-evicted>

2. <https://www.theguardian.com/world/2009/may/10/kenya-climate-change-mau-park>

Questions

1. Was the Kenyan government justified in preventing its citizens from settling in the Mau to make a living?
 2. Whether or not the Kenyan law prohibiting deforestation was justified, it was (and is) the law. But do you think it's morally permissible for the so-called squatters, who depend on the Mau to provide for their families, to disobey the law by continuing to farm?
 3. The turmoil in Kenya is, in part, the product of droughts caused by global warming. Do you think that countries who have contributed significantly to global warming (e.g., the United States, China, members of the European Union) ought to compensate Kenya for the damage global warming has done? Why or why not?
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READINGS

The Ethics of Respect for Nature

[Paul Taylor](#)

Paul Taylor argues against the anthropocentric view that human interests, and the human perspective generally, are morally superior to all others. Instead, Taylor encourages us to take what he calls “an attitude of respect for nature,” in which we regard all elements of nature as possessed of as much inherent worth as all others. He develops a “life-centered ethic” that assigns importance to the well-being of every living thing, regardless of whether it is rational, able to suffer, or even conscious. That something is alive, or is (like the biosphere or specific ecosystems) composed of living things, is enough to grant it moral importance.

Taylor proceeds to identify the four essential claims that make up a *biocentric* (i.e., life-centered) outlook on nature: (1) humans are members of the Earth’s community of life; (2) the Earth’s natural ecosystems are a complex web of interconnected environments; (3) each individual living thing has a good of its own; (4) the assertion of greater human merit or inherent worth is nothing but irrational bias. The remainder of the article is devoted to a discussion of each of these four elements. The last claim, (4), receives the most attention.

Human beings have long thought of themselves as more important than members of any other species. But what could justify this attitude? We have rationality and autonomy—they don’t. But cheetahs have speed that we lack; birds can fly; eagles can see things we can’t. Why think of our special traits as more important than theirs? Taylor says that there is no good answer to this question. From our perspective, we are likely to give more value to the features that we alone possess.

But there is no neutral reason to assign our perspective any more importance than any other—to argue otherwise is already to assume the superiority of humanity. Taylor concludes by sketching some of the significant implications of taking up the life-centered ethic.

HUMAN-CENTERED AND LIFE-CENTERED SYSTEMS OF ENVIRONMENTAL ETHICS

In this paper I show how the taking of a certain ultimate moral attitude toward nature, which I call “respect for nature,” has a central place in the foundations of a life-centered system of environmental ethics. I hold that a set of moral norms (both standards of character and rules of conduct) governing human treatment of the natural world is a rationally grounded set if and only if, first, commitment to those norms is a practical entailment of adopting the attitude of respect for nature as an ultimate moral attitude, and second, the adopting of that attitude on the part of all rational agents can itself be justified. . . .

In designating the theory to be set forth as life-centered, I intend to contrast it with all anthropocentric views. According to the latter, human actions affecting the natural environment and its nonhuman inhabitants are right (or wrong) by either of two criteria: they have consequences which are favorable (or unfavorable) to human well-being, or they are consistent (or inconsistent) with the system of norms that protects and implements human rights. From this human-centered standpoint it is to humans and only to humans that all duties are ultimately owed. We may have responsibilities *with regard to* the natural ecosystems and biotic communities of our planet, but these responsibilities are in every case based on the contingent fact that our treatment of those ecosystems and communities of life can further the realization of human values and/or human rights. We have no obligation to promote or protect the good of nonhuman living things, independently of this contingent fact.

From Paul Taylor, “The Ethics of Respect for the Environment,” *Environmental Ethics* 3 (1981): pp. 197–201, 211–218.

A life-centered system of environmental ethics is opposed to human-centered ones precisely on this point. From the perspective of a life-centered theory, we have *prima facie* moral obligations that are owed to wild plants and animals themselves as members of the Earth’s biotic community. We are morally bound (other things being equal) to protect or promote their good for *their* sake. . . .

THE GOOD OF A BEING AND THE CONCEPT OF INHERENT WORTH

What would justify acceptance of a life-centered system of ethical principles? In order to answer this it is first necessary to make clear the fundamental moral attitude that underlies and makes intelligible the commitment to live by such a system. It is then necessary to examine the considerations that would justify any rational agent’s adopting that moral attitude.

Two concepts are essential to the taking of a moral attitude of the sort in question. . . . These concepts are, first, that of the good (well-being, welfare) of a living thing, and second, the idea of an entity possessing inherent worth. I examine each concept in turn.

(1) Every organism, species population, and community of life has a good of its own which moral agents can intentionally further or damage by their actions. To say that an entity has a good of its own is simply to say that, without reference to any *other* entity, it can be benefited or harmed. . . . We can think of the good of an individual nonhuman organism as consisting in the full development of its biological powers. Its good is realized to the extent that it is strong and healthy. . . .

The idea of a being having a good of its own, as I understand it, does not entail that the being must have interests or take an interest in what affects its life for better or for worse. We can act in a being’s

interest or contrary to its interest without its being interested in what we are doing to it in the sense of wanting or not wanting us to do it. It may, indeed, be wholly unaware that favorable and unfavorable events are taking place in its life. I take it that trees, for example, have no knowledge or desires or feelings. Yet it is undoubtedly the case that trees can be harmed or benefited by our actions. . . .

(2) The second concept essential to the moral attitude of respect for nature is the idea of inherent worth. We take that attitude toward wild living things (individuals, species populations, or whole biotic communities) when and only when we regard them as entities possessing inherent worth. Indeed, it is only because they are conceived in this way that moral agents can think of themselves as having validly binding duties, obligations, and responsibilities that are *owed* to them as their *due*. I am not at this juncture arguing why they *should* be so regarded; I consider it at length below. But so regarding them is a presupposition of our taking the attitude of respect toward them and accordingly understanding ourselves as bearing certain moral relations to them. This can be shown as follows:

What does it mean to regard an entity that has a good of its own as possessing inherent worth? Two general principles are involved: the principle of moral consideration and the principle of intrinsic value.

According to the principle of moral consideration, wild living things are deserving of the concern and consideration of all moral agents simply in virtue of their being members of the Earth's community of life. From the moral point of view their good must be taken into account whenever it is affected for better or worse by the conduct of rational agents. This holds no matter what species the creature belongs to. The good of each is to be accorded some value and so acknowledged as having some weight in the deliberations of all rational agents. Of course, it may be necessary for such agents to act in ways contrary to the good of this or that particular organism or group of organisms in order to further the good of others, including the good of humans. But the principle of moral consideration prescribes that, with respect to each being an entity having its own good, every individual is deserving of consideration.

The principle of intrinsic value states that, regardless of what kind of entity it is in other respects, if it is a member of the Earth's community of life, the realization of its good is something *intrinsically* valuable. This means that its good is *prima facie* worthy of being preserved or promoted as an end in itself and for the sake of the entity whose good it is. Insofar as we regard any organism, species population, or life community as an entity having inherent worth, we believe that it must never be treated as if it were a mere object or thing whose entire value lies in being instrumental to the good of some other entity. The well-being of each is judged to have value in and of itself.

Combining these two principles, we can now define what it means for a living thing or group of living things to possess inherent worth. To say that it possesses inherent worth is to say that its good is deserving of the concern and consideration of all moral agents, and that the realization of its good has intrinsic value, to be pursued as an end in itself and for the sake of the entity whose good it is.

The duties owed to wild organisms, species populations, and communities of life in the Earth's natural ecosystems are grounded on their inherent worth. When rational, autonomous agents regard such entities as possessing inherent worth, they place intrinsic value on the realization of their good and so hold themselves responsible for performing actions that will have this effect and for refraining from actions having the contrary effect. . . .

THE BIOCENTRIC OUTLOOK ON NATURE

The biocentric outlook on nature has four main components. (1) Humans are thought of as members of the Earth's community of life, holding that membership on the same terms as apply to all the nonhuman members. (2) The Earth's natural ecosystems as a totality are seen as a complex web of interconnected elements, with the sound biological functioning of each being dependent on the sound biological functioning of the others. (This is the component referred to above as the great lesson that the science of ecology has taught us.) (3) Each individual organism is conceived of as a teleological center of life, pursuing its own good in its own way.

(4) Whether we are concerned with standards of merit or with the concept of inherent worth, the claim that humans by their very nature are superior to other species is a groundless claim and, in the light of elements (1), (2), and (3) above, must be rejected as nothing more than an irrational bias in our own favor. . . .

THE DENIAL OF HUMAN SUPERIORITY

This fourth component of the biocentric outlook on nature is the single most important idea in establishing the justifiability of the attitude of respect for nature. Its central role is due to the special relationship it bears to the first three components of the outlook. This relationship will be brought out after the concept of human superiority is examined and analyzed.

In what sense are humans alleged to be superior to other animals? We are different from them in having certain capacities that they lack. But why should these capacities be a mark of superiority? From what point of view are they judged to be signs of superiority and what sense of superiority is meant? After all, various nonhuman species have capacities that humans lack. There is the speed of a cheetah, the vision of an eagle, the agility of a monkey. Why should not these be taken as signs of *their* superiority over humans?

One answer that comes immediately to mind is that these capacities are not as *valuable* as the human capacities that are claimed to make us superior. Such uniquely human characteristics as rational thought, aesthetic creativity, autonomy and self-determination, and moral freedom, it might be held, have a higher value than the capacities found in other species. Yet we must ask: valuable to whom, and on what grounds?

The human characteristics mentioned are all valuable to humans. They are essential to the preservation and enrichment of our civilization and culture. Clearly it is from the human standpoint that they are being judged to be desirable and good. It is not difficult here to recognize a begging of the question. Humans are claiming human superiority from a strictly human point of view, that is, from a point of view in which the good of humans is taken as the standard of judgment. All we need to

do is to look at the capacities of nonhuman animals (or plants, for that matter) from the standpoint of *their* good to find a contrary judgment of superiority. The speed of the cheetah, for example, is a sign of its superiority to humans when considered from the standpoint of the good of its species. If it were as slow a runner as a human, it would not be able to survive. And so for all the other abilities of nonhumans which further their good but which are lacking in humans. In each case the claim to human superiority would be rejected from a non-human standpoint.

When superiority assertions are interpreted in this way, they are based on judgments of *merit*. To judge the merits of a person or an organism one must apply grading or ranking standards to it. (As I show below, this distinguishes judgments of merit from judgments of inherent worth.) Empirical investigation then determines whether it has the “good-making properties” (merits) in virtue of which it fulfills the standards being applied. In the case of humans, merits may be either moral or nonmoral. We can judge one person to be better than (superior to) another from the moral point of view by applying certain standards to their character and conduct. Similarly, we can appeal to nonmoral criteria in judging someone to be an excellent piano player, a fair cook, a poor tennis player, and so on. Different social purposes and roles are implicit in the making of such judgments, providing the frame of reference for the choice of standards by which the nonmoral merits of people are determined. Ultimately such purposes and roles stem from a society’s way of life as a whole. Now a society’s way of life may be thought of as the cultural form given to the realization of human values. Whether moral or nonmoral standards are being applied, then, all judgments of people’s merits finally depend on human values. All are made from an exclusively human standpoint.

The question that naturally arises at this juncture is: why should standards that are based on human values be assumed to be the only valid criteria of merit and hence the only true signs of superiority? This question is especially pressing when humans are being judged superior in merit to nonhumans.

It is true that a human being may be a better mathematician than a monkey, but the monkey may be a better tree climber than a human being. If we humans value mathematics more than tree climbing, that is because our conception of civilized life makes the development of mathematical ability more desirable than the ability to climb trees. But is it not unreasonable to judge nonhumans by the values of human civilization, rather than by values connected with what it is for a member of *that* species to live a good life? If all living things have a good of their own, it at least makes sense to judge the merits of nonhumans by standards derived from *their* good. To use only standards based on human values is already to commit oneself to holding that humans are superior to nonhumans, which is the point in question.

A further logical flaw arises in connection with the widely held conviction that humans are *morally* superior beings because they possess, while others lack, the capacities of a moral agent (free will, accountability, deliberation, judgment, practical reason). This view rests on a conceptual confusion. As far as moral standards are concerned, only beings that have the capacities of a moral agent can properly be judged to be *either* moral (morally good) *or* immoral (morally deficient). Moral standards are simply not applicable to beings that lack such capacities. Animals and plants cannot therefore be said to be morally inferior in merit to humans. Since the only beings that can have moral merits *or be deficient in such merits* are moral agents, it is conceptually incoherent to judge humans as superior to nonhumans on the ground that humans have moral capacities while nonhumans don't.

Up to this point I have been interpreting the claim that humans are superior to other living things as a grading or ranking judgment regarding their comparative merits. There is, however, another way of understanding the idea of human superiority. According to this interpretation, humans are superior to nonhumans not as regards their merits but as regards their inherent worth. Thus the claim of human superiority is to be understood as asserting that all humans, simply in virtue of their humanity, have a *greater inherent worth* than other living things.

The inherent worth of an entity does not depend on its merits.¹ To consider something as possessing inherent worth, we have seen, is to place intrinsic value on the realization of its good. This is done regardless of whatever particular merits it might have or might lack, as judged by a set of grading or ranking standards. In human affairs, we are all familiar with the principle that one's worth as a person does not vary with one's merits or lack of merits. The same can hold true of animals and plants. To regard such entities as possessing inherent worth entails disregarding their merits and deficiencies, whether they are being judged from a human standpoint or from the standpoint of their own species.

The idea of one entity having more merit than another, and so being superior to it in merit, makes perfectly good sense. Merit is a grading or ranking concept, and judgments of comparative merit are based on the different degrees to which things satisfy a given standard. But what can it mean to talk about one thing being superior to another in inherent worth? . . .

The vast majority of people in modern democracies . . . do not maintain an egalitarian outlook when it comes to comparing human beings with other living things. Most people consider our own species to be superior to all other species and this superiority is understood to be a matter of inherent worth, not merit. There may exist thoroughly vicious and depraved humans who lack all merit. Yet because they are human they are thought to belong to a higher class of entities than any plant or animal. That one is born into the species *Homo sapiens* entitles one to have lordship over those who are one's inferiors, namely, those born into other species. The parallel with hereditary social classes is very close. Implicit in this view is a hierarchical conception of nature according to which an organism has a position of superiority or inferiority in the Earth's community of life simply on the basis of its genetic background. The "lower" orders of life are looked down upon and it is considered perfectly proper that they serve the interests of those belonging to the highest order, namely humans. The intrinsic value we place on the well-being of our fellow humans reflects our recognition of their rightful position as our equals. No such intrinsic value is to be placed

on the good of other animals, unless we choose to do so out of fondness or affection for them. But their well-being imposes no moral requirement on us. In this respect there is an absolute difference in moral status between ourselves and them.

This is the structure of concepts and beliefs that people are committed to insofar as they regard humans to be superior in inherent worth to all other species. I now wish to argue that this structure of concepts and beliefs is completely groundless. If we accept the first three components of the biocentric outlook and from that perspective look at the major philosophical traditions which have supported that structure, we find it to be at bottom nothing more than the expression of an irrational bias in our own favor. The philosophical traditions themselves rest on very questionable assumptions or else simply beg the question. I briefly consider three of the main traditions to substantiate the point. These are classical Greek humanism, Cartesian dualism, and the Judeo-Christian concept of the Great Chain of Being.

The inherent superiority of humans over other species was implicit in the Greek definition of man as a rational animal. Our animal nature was identified with “brute” desires that need the order and restraint of reason to rule them (just as reason is the special virtue of those who rule in the ideal state). Rationality was then seen to be the key to our superiority over animals. It enables us to live on a higher plane and endows us with a nobility and worth that other creatures lack. This familiar way of comparing humans with other species is deeply ingrained in our Western philosophical outlook. The point to consider here is that this view does not actually provide an argument *for* human superiority but rather makes explicit the framework of thought that is implicitly used by those who think of humans as inherently superior to nonhumans. The Greeks who held that humans, in virtue of their rational capacities, have a kind of worth greater than that of any nonrational being, never looked at rationality as but one capacity of living things among many others. But when we consider rationality from the standpoint of the first three elements of the ecological outlook, we see that its value lies in its importance for *human* life. Other creatures achieve their species-specific

good without the need of rationality, although they often make use of capacities that humans lack. So the humanistic outlook of classical Greek thought does not give us a neutral (nonquestion-begging) ground on which to construct a scale of degrees of inherent worth possessed by different species of living things.

The second tradition, centering on the Cartesian dualism of soul and body, also fails to justify the claim to human superiority. That superiority is supposed to derive from the fact that we have souls while animals do not. Animals are mere automata and lack the divine element that makes us spiritual beings. I won’t go into the now familiar criticisms of this two-substance view. I only add the point that, even if humans are composed of an immaterial, unextended soul and a material, extended body, this in itself is not a reason to deem them of greater worth than entities that are only bodies. Why is a soul substance a thing that adds value to its possessor? Unless some theological reasoning is offered here (which many, including myself, would find unacceptable on epistemological grounds), no logical connection is evident. An immaterial something which thinks is better than a material something which does not think only if thinking itself has value, either intrinsically or instrumentally. Now it is intrinsically valuable to humans alone, who value it as an end in itself, and it is instrumentally valuable to those who benefit from it, namely humans.

For animals that neither enjoy thinking for its own sake nor need it for living the kind of life for which they are best adapted, it has no value. Even if “thinking” is broadened to include all forms of consciousness, there are still many living things that can do without it and yet live what is for their species a good life. The anthropocentricity underlying the claim to human superiority runs throughout Cartesian dualism.

A third major source of the idea of human superiority is the Judeo-Christian concept of the Great Chain of Being. Humans are superior to animals and plants because their Creator has given them a higher place on the chain. It begins with God at the top, and then moves to the angels, who are lower than God but higher than humans, then to humans, positioned between the angels and the

beasts (partaking of the nature of both), and then on down to the lower levels occupied by nonhuman animals, plants, and finally inanimate objects. Humans, being “made in God’s image,” are inherently superior to animals and plants by virtue of their being closer (in their essential nature) to God.

The metaphysical and epistemological difficulties with this conception of a hierarchy of entities are, in my mind, insuperable. Without entering into this matter here, I only point out that if we are unwilling to accept the metaphysics of traditional Judaism and Christianity, we are again left without good reasons for holding to the claim of inherent human superiority.

The foregoing considerations (and others like them) leave us with but one ground for the assertion that a human being, regardless of merit, is a higher kind of entity than any other living thing. This is the mere fact of the genetic makeup of the species *Homo sapiens*. But this is surely irrational and arbitrary. Why should the arrangement of genes of a certain type be a mark of superior value, especially when this fact about an organism is taken by itself, unrelated to any other aspect of its life? We might just as well refer to any other genetic makeup as a ground of superior value. Clearly we are confronted here with a wholly arbitrary claim that can only be explained as an irrational bias in our own favor.

That the claim is nothing more than a deep-seated prejudice is brought home to us when we look at our relation to other species in the light of the first three elements of the biocentric outlook. Those elements taken conjointly give us a certain overall view of the natural world and of the place of humans in it. When we take this view we come to understand other living things, their environmental conditions, and their ecological relationships in such a way as to awake in us a deep sense of our kinship with them as fellow members of the Earth’s community of life. Humans and nonhumans alike are viewed together as integral parts of one unified whole in which all living things are functionally interrelated. Finally, when our awareness focuses on the individual lives of plants and animals, each is seen to share with us the characteristic of being a teleological center of life striving to realize its own good in its own unique way.

As this entire belief system becomes part of the conceptual framework through which we understand and perceive the world, we come to see ourselves as bearing a certain moral relation to nonhuman forms of life. Our ethical role in nature takes on a new significance. We begin to look at other species as we look at ourselves, seeing them as beings which have a good they are striving to realize just as we have a good we are striving to realize. We accordingly develop the disposition to view the world from the standpoint of their good as well as from the standpoint of our own good. Now if the groundlessness of the claim that humans are inherently superior to other species were brought clearly before our minds, we would not remain intellectually neutral toward that claim but would reject it as being fundamentally at variance with our total world outlook. In the absence of any good reasons for holding it, the assertion of human superiority would then appear simply as the expression of an irrational and self-serving prejudice that favors one particular species over several million others.

Rejecting the notion of human superiority entails its positive counterpart: the doctrine of species impartiality. One who accepts that doctrine regards all living things as possessing inherent worth—the same inherent worth, since no one species has been shown to be either “higher” or “lower” than any other. Now we saw earlier that, insofar as one thinks of a living thing as possessing inherent worth, one considers it to be the appropriate object of the attitude of respect and believes that attitude to be the only fitting or suitable one for all moral agents to take toward it.

Here, then, is the key to understanding how the attitude of respect is rooted in the biocentric outlook of nature. The basic connection is made through the denial of human superiority. Once we reject the claim that humans are superior either in merit or in worth to other living things, we are ready to adopt the attitude of respect. The denial of human superiority is itself the result of taking the perspective on nature built into the first three elements of the biocentric outlook.

Now the first three elements of the biocentric outlook, it seems clear, would be found acceptable

to any rational and scientifically informed thinker who is fully “open” to the reality of the lives of non-human organisms. Without denying our distinctively human characteristics, such a thinker can acknowledge the fundamental respects in which we are members of the Earth’s community of life and in which the biological conditions necessary for the realization of our human values are inextricably linked with the whole system of nature. In addition, the conception of individual living things as teleological centers of life simply articulates how a scientifically informed thinker comes to understand them as the result of increasingly careful and detailed observations. Thus, the biocentric outlook recommends itself as an acceptable system of concepts and beliefs to anyone who is clear-minded, unbiased, and factually enlightened, and who has a developed capacity of reality awareness with regard to the lives of individual organisms. This, I submit, is as good a reason for making the moral commitment involved in adopting the attitude of respect for nature as any theory of environmental ethics could possibly have.

MORAL RIGHTS AND THE MATTER OF COMPETING CLAIMS

I have not asserted anywhere in the foregoing account that animals or plants have moral rights. This omission was deliberate. I do not think that the reference class of the concept, bearer of moral rights, should be extended to include nonhuman living things. My reasons for taking this position, however, go beyond the scope of this paper. I believe I have been able to accomplish many of the same ends which those who ascribe rights to animals or plants wish to accomplish. There is no reason, moreover, why plants and animals, including whole species populations and life communities, cannot be accorded *legal* rights under my theory. To grant them legal protection could be interpreted as giving them legal entitlement to be protected, and this, in fact, would be a means by which a society that subscribed to the ethics of respect for nature could give public recognition to their inherent worth.

There remains the problem of competing claims, even when wild plants and animals are not thought of as bearers of moral rights. If we accept the

biocentric outlook and accordingly adopt the attitude of respect for nature as our ultimate moral attitude, how do we resolve conflicts that arise from our respect for persons in the domain of human ethics and our respect for nature in the domain of environmental ethics? This is a question that cannot adequately be dealt with here. My main purpose in this paper has been to try to establish a base point from which we can start working toward a solution to the problem. I have shown why we cannot just begin with an initial presumption in favor of the interests of our own species. It is after all within our power as moral beings to place limits on human population and technology with the deliberate intention of sharing the Earth’s bounty with other species. That such sharing is an ideal difficult to realize even in an approximate way does not take away its claim to our deepest moral commitment.

NOTE

- 1 For this way of distinguishing between merit and inherent worth, I am indebted to Gregory Vlastos, “Justice and Equality,” in R. Brandt, ed., *Social Justice* (Englewood Cliffs, N.J.: Prentice-Hall, 1962), pp. 31–72.

Paul Taylor: The Ethics of Respect for Nature

1. In what sense is Taylor’s view “life-centered”? How does his view differ from anthropocentric views?
2. What does it mean to say that an entity has “a good of its own”? Which entities does Taylor think have goods of their own? Do you agree with him on this?
3. What is the difference, according to Taylor, between merit and worth? Which does he think is important to determining whether an entity is morally considerable? Do you agree with him?
4. One reason people have given for thinking that humans are morally considerable while animals are not is that only humans are *rational*. How does Taylor respond to this line of argument? Do you find his response persuasive?
5. Taylor claims that the view that humans are morally superior to animals is “an irrational bias in our own favor.” How does he argue for this claim? Is his argument a good one?

Ideals of Human Excellence and Preserving Natural Environments

[Thomas Hill, Jr.](#)

According to Thomas Hill, Jr., the standard moral theories have difficulty explaining what is wrong with the destruction of the environment. Utilitarianism runs into trouble, because it is possible that overall happiness is maximized when cutting down a virgin forest or bulldozing a field to make way for suburban homes. Kantian and rights-based moral theories have just as much trouble here, because it is very difficult to defend the idea that plants or ecosystems—incapable of reasoning, asserting claims, or even feeling anything—are possessed of rights. Contractarian theories are just as vulnerable on this score. If our basic duties are owed only to our fellow members of the social contract, then plants and ecosystems will again be left out in the cold.

These concerns lead Hill to consider an alternative way of understanding our ethical relations with the environment. Rather than focusing on the question of whether we have any duties directly toward the environment, Hill invites us to consider a virtue ethical approach, which places primary emphasis on the sort of person we should try to become. He argues that those who fail to treat the environment with respect are almost certainly going to be less than fully virtuous. They will fail to be admirable in a number of ways, and will exemplify a variety of vices. In particular, those who are indifferent to the value of nature will almost certainly be ignorant and self-important. They will lack proper humility, and will either fail to have a well-developed sense of beauty, or will be insufficiently grateful for the good things in life. Thus even if we can't defend the claim that nature has rights, or that we owe nature anything, there is still excellent reason to respect and preserve natural environments. For if we don't, we will fall short of plausible ideals of human excellence.

A wealthy eccentric bought a house in a neighborhood I know. The house was surrounded by a beautiful display of grass, plants, and flowers, and it was shaded by a huge old avocado tree. But the grass required cutting, the flowers needed tending, and the man wanted more sun. So he cut the whole lot down and covered the yard with asphalt. After all it was his property and he was not fond of plants.

It was a small operation, but it reminded me of the strip mining of large sections of the Appalachians. In both cases, of course, there were

reasons for the destruction, and property rights could be cited as justification. But I could not help but wonder, "What sort of person would do a thing like that?"

Many Californians had a similar reaction when a recent governor defended the leveling of ancient redwood groves, reportedly saying, "If you have seen one redwood, you have seen them all."

Incidents like these arouse the indignation of ardent environmentalists and leave even apolitical observers with some degree of moral discomfort. The reasons for these reactions are mostly obvious. Uprooting the natural environment robs both present and future generations of much potential use and enjoyment. Animals too depend on the environment; and even if one does not value animals

From Thomas Hill, Jr., "Ideals of Human Excellence and Preserving Natural Environments," *Environmental Ethics* 5 (1983), pp. 211–214.

for their own sakes, their potential utility for us is incalculable. Plants are needed, of course, to replenish the atmosphere quite aside from their aesthetic value. These reasons for hesitating to destroy forests and gardens are not only the most obvious ones, but also the most persuasive for practical purposes. But, one wonders, is there nothing more behind our discomfort? Are we concerned solely about the potential use and enjoyment of the forests, etc., for ourselves, later generations, and perhaps animals? Is there not something else which disturbs us when we witness the destruction or even listen to those who would defend it in terms of cost/benefit analysis?

Imagine that in each of our examples those who would destroy the environment argue elaborately that, even considering future generations of human beings and animals, there are benefits in "replacing" the natural environment which outweigh the negative utilities which environmentalists cite. No doubt we could press the argument on the facts, trying to show that the destruction is shortsighted and that its defenders have underestimated its potential harm or ignored some pertinent rights or interests. But is this all we could say? Suppose we grant, for a moment, that the utility of destroying the redwoods, forests, and gardens is equal to their potential for use and enjoyment by nature lovers and animals. Suppose, further, that we even grant that the pertinent human rights and animal rights, if any, are evenly divided for and against destruction. Imagine that we also concede, for argument's sake, that the forests contain no potentially useful endangered species of animals and plants. Must we then conclude that there is no further cause for moral concern? Should we then feel morally indifferent when we see the natural environment uprooted?

II

Suppose we feel that the answer to these questions should be negative. Suppose, in other words, we feel that our moral discomfort when we confront the destroyers of nature is not fully explained by our belief that they have miscalculated the best use of natural resources or violated rights in exploiting them. Suppose, in particular, we sense that part of the problem is that the natural environment is

being viewed exclusively as a natural resource. What could be the ground of such a feeling? That is, what is there in our system of normative principles and values that could account for our remaining moral dissatisfaction?

Some may be tempted to seek an explanation by appeal to the interests, or even the rights, of plants. After all, they may argue, we only gradually came to acknowledge the moral importance of all human beings, and it is even more recently that consciences have been aroused to give full weight to the welfare (and rights?) of animals. The next logical step, it may be argued, is to acknowledge a moral requirement to take into account the interests (and rights?) of plants. The problem with the strip miners, redwood cutters, and the like, on this view, is not just that they ignore the welfare and rights of people and animals: they also fail to give due weight to the survival and health of the plants themselves.

The temptation to make such a reply is understandable if one assumes that all moral questions are exclusively concerned with whether *acts* are right or wrong, and that this, in turn, is determined entirely by how the acts impinge on the rights and interests of those directly affected. On this assumption, if there is cause for moral concern, some right or interest has been neglected; and if the rights and interests of human beings and animals have already been taken into account, then there must be some other pertinent interests, for example, those of plants. A little reflection will show that the assumption is mistaken; but, in any case, the conclusion that plants have rights or morally relevant interests is surely untenable. We do speak of what is "good for" plants, and they can "thrive" and also be "killed." But this does not imply that they have "interests" in any morally relevant sense. Some people apparently believe that plants grow better if we talk to them, but the idea that the plants suffer and enjoy, desire and dislike, etc., is clearly outside the range of both common sense and scientific belief. The notion that the forests should be preserved to avoid *hurting* the trees or because they have a *right* to life is not part of a widely shared moral consciousness, and for good reason.

Another way of trying to explain our moral discomfort is to appeal to certain religious beliefs.

If one believes that all living things were created by a God who cares for them and entrusted us with the use of plants and animals only for limited purposes, then one has a reason to avoid careless destruction of the forests, etc., quite aside from their future utility. Again, if one believes that a divine force is immanent in all nature, then too one might have reason to care for more than sentient things. But such arguments require strong and controversial premises, and, I suspect, they will always have a restricted audience.

Early in this century, due largely to the influence of G. E. Moore, another point of view developed which some may find promising.¹ Moore introduced, or at least made popular, the idea that certain states of affairs are intrinsically valuable—not just valued, but valuable, and not necessarily because of their effects on sentient beings. . . . The intrinsic goodness of something, he thought, was an objective, nonrelational property of the thing, like its texture or color, but not a property perceptible by sense perception or detectable by scientific instruments. In theory at least, a single tree thriving alone in a universe without sentient beings, and even without God, could be intrinsically valuable. . . . The survival of a forest might have worth beyond its worth to sentient beings.

Even if we try to . . . think in Moore's terms, it is far from obvious that everyone would agree that the existence of forests, etc., is intrinsically valuable. The test, says Moore, is what we would say when we imagine a universe with just the thing in question, without any effects or accompaniments, and then we ask, "Would its existence be better than its non-existence?" Be careful, Moore would remind us, not to construe this question as, "Would you prefer the existence of that universe to its nonexistence?" The question is, "Would its existence have the objective, nonrelational property, intrinsic goodness?"

Now even among those who have no worries about whether this really makes sense, we might well get a diversity of answers. Those prone to destroy natural environments will doubtless give one answer, and nature lovers will likely give another. When an issue is as controversial as the one at hand, intuition is a poor arbiter.

The problem, then, is this. We want to understand what underlies our moral uneasiness at the

destruction of the redwoods, forests, etc., even apart from the loss of these as resources for human beings and animals. But I find no adequate answer by pursuing the questions, "Are rights or interests of plants neglected?" "What is God's will on the matter?" and "What is the intrinsic value of the existence of a tree or forest?" My suggestion, which is in fact the main point of this paper, is that we look at the problem from a different perspective. That is, let us turn for a while from the effort to find reasons why certain acts destructive of natural environments are morally wrong to the ancient task of articulating our ideals of human excellence. Rather than argue directly with destroyers of the environment who say, "Show me why what I am doing is *immoral*," I want to ask, "What sort of person would want to do what they propose?" The point is not to skirt the issue with an *ad hominem*, but to raise a different moral question, for even if there is no convincing way to show that the destructive acts are wrong (independently of human and animal use and enjoyment), we may find that the willingness to indulge in them reflects the absence of human traits that we admire and regard as morally important.

This strategy of shifting questions may seem more promising if one reflects on certain analogous situations. Consider, for example, the Nazi who asks, in all seriousness, "Why is it wrong for me to make lampshades out of human skin—provided, of course, I did not myself kill the victims to get the skins?" We would react more with shock and disgust than with indignation, I suspect, because it is even more evident that the question reveals a defect in the questioner than that the proposed act is itself immoral. Sometimes we may not regard an act wrong at all though we see it as reflecting something objectionable about the person who does it. Imagine, for example, one who laughs spontaneously to himself when he reads a newspaper account of a plane crash that kills hundreds. Or, again, consider an obsequious grandson who, having waited for his grandmother's inheritance with mock devotion, then secretly spits on her grave when at last she dies. Spitting on the grave may have no adverse consequences and perhaps it violates no rights. The moral uneasiness which it arouses is explained more by our view of the agent than by any

conviction that what he did was immoral. Had he hesitated and asked, "Why shouldn't I spit on her grave?" it seems more fitting to ask him to reflect on the sort of person he is than to try to offer reasons why he should refrain from spitting.

III

What sort of person, then, would cover his garden with asphalt, strip mine a wooded mountain, or level an irreplaceable redwood grove? Two sorts of answers, though initially appealing, must be ruled out. The first is that persons who would destroy the environment in these ways are either shortsighted, underestimating the harm they do, or else are too little concerned for the well-being of other people. Perhaps too they have insufficient regard for animal life. But these considerations have been set aside in order to refine the controversy. Another tempting response might be that we count it a moral virtue, or at least a human ideal, to love nature. Those who value the environment only for its utility must not really love nature and so in this way fall short of an ideal. But such an answer is hardly satisfying in the present context, for what is at issue is *why* we feel moral discomfort at the activities of those who admittedly value nature only for its utility. That it is ideal to care for nonsentient nature beyond its possible use is really just another way of expressing the general point which is under controversy.

What is needed is some way of showing that this ideal is connected with other virtues, or human excellences, not in question. To do so is difficult and my suggestions, accordingly, will be tentative and subject to qualification. The main idea is that, though indifference to nonsentient nature does not *necessarily* reflect the absence of virtues, it often signals the absence of certain traits which we want to encourage because they are, in most cases, a natural basis for the development of certain virtues. It is often thought, for example, that those who would destroy the natural environment must lack a proper appreciation of their place in the natural order, and so must either be ignorant or have too little humility. Though I would argue that this is not necessarily so, I suggest that, given certain plausible empirical assumptions, their attitude may well be rooted in ignorance, a narrow perspective, inability to see

things as important apart from themselves and the limited groups they associate with, or reluctance to accept themselves as natural beings. Overcoming these deficiencies will not guarantee a proper moral humility, but for most of us it is probably an important psychological preliminary. Later I suggest, more briefly, that indifference to nonsentient nature typically reveals absence of either aesthetic sensibility or a disposition to cherish what has enriched one's life and that these, though not themselves moral virtues, are a natural basis for appreciation of the good in others and gratitude.

Consider first the suggestion that destroyers of the environment lack an appreciation of their place in the universe. Their attention, it seems, must be focused on parochial matters, on what is, relatively speaking, close in space and time. They seem not to understand that we are a speck on the cosmic scene, a brief stage in the evolutionary process, only one among millions of species on Earth, and an episode in the course of human history. Of course, they know that there are stars, fossils, insects, and ancient ruins; but do they have any idea of the complexity of the processes that led to the natural world as we find it? Are they aware how much the forces at work within their own bodies are like those which govern all living things and even how much they have in common with inanimate bodies? Admittedly scientific knowledge is limited and no one can master it all; but could one who had a broad and deep understanding of his place in nature really be indifferent to the destruction of the natural environment?

This first suggestion, however, may well provoke a protest from a sophisticated anti-environmentalist. "Perhaps *some* may be indifferent to nature from ignorance," the critic may object, "but I have studied astronomy, geology, biology, and biochemistry, and I still unashamedly regard the nonsentient environment as simply a resource for our use. It should not be wasted, of course, but what should be preserved is decidable by weighing long-term costs and benefits." "Besides," our critic may continue, "as philosophers you should know the old Humean formula, 'You cannot derive an *ought* from an *is*.' All the facts of biology, biochemistry, etc., do not entail that I ought to love nature or want to preserve it. What one understands is one thing; what one values is

something else. Just as nature lovers are not necessarily scientists, those indifferent to nature are not necessarily ignorant.”

Although the environmentalist may concede the critic’s logical point, he may well argue that, as a matter of fact, increased understanding of nature tends to heighten people’s concern for its preservation. If so, despite the objection, the suspicion that the destroyers of the environment lack deep understanding of nature is not, in most cases, unwarranted, but the argument need not rest here.

The environmentalist might amplify his original idea as follows: “When I said that the destroyers of nature do not appreciate their place in the universe, I was not speaking of intellectual understanding alone, for, after all, a person can *know* a catalog of facts without ever putting them together and seeing vividly the whole picture which they form. To see oneself as just one part of nature is to look at oneself and the world from a certain perspective which is quite different from being able to recite detailed information from the natural sciences. What the destroyers of nature lack is this perspective, not particular information.”

Again our critic may object, though only after making some concessions: “All right,” he may say, “*some* who are indifferent to nature may lack the cosmic perspective of which you speak, but again there is no *necessary* connection between this failing, if it is one, and any particular evaluative attitude toward nature. In fact, different people respond quite differently when they move to a wider perspective. When I try to picture myself vividly as a brief, transitory episode in the course of nature, I simply get depressed. Far from inspiring me with a love of nature, the exercise makes me sad and hostile....” In sum, the critic may object, “Even if one should try to see oneself as one small transitory part of nature, doing so does not dictate any particular normative attitude. Some may come to love nature, but others are moved to live for the moment; some sink into sad resignation; others get depressed or angry. So indifference to nature is not necessarily a sign that a person fails to look at himself from the larger perspective.”

The environmentalist might respond to this objection in several ways. He might, for example, argue that even though some people who see themselves as part of the natural order remain indifferent

to nonsentient nature, this is not a common reaction. Typically, it may be argued, as we become more and more aware that we are parts of the larger whole we come to value the whole independently of its effect on ourselves. Thus, despite the possibilities the critic raises, indifference to nonsentient nature is still in most cases a sign that a person fails to see himself as part of the natural order.

If someone challenges the empirical assumption here, the environmentalist might develop the argument along a quite different line. The initial idea, he may remind us, was that those who would destroy the natural environment fail to *appreciate* their place in the natural order. “Appreciating one’s place” is not simply an intellectual appreciation. It is also an attitude, reflecting what one values as well as what one knows. When we say, for example, that both the servile and the arrogant person fail to *appreciate* their place in a society of equals, we do not mean simply that they are ignorant of certain empirical facts, but rather that they have certain objectionable attitudes about their importance relative to other people. Similarly, to fail to appreciate one’s place in nature is not merely to lack knowledge or breadth of perspective, but to take a certain attitude about what matters. A person who *understands* his place in nature but still views nonsentient nature merely as a resource takes the attitude that nothing is *important* but human beings and animals. Despite first appearances, he is not so much like the pre-Copernican astronomers who made the intellectual error of treating the Earth as the “center of the universe” when they made their calculations. He is more like the racist who, though well aware of other races, treats all races but his own as insignificant.

So construed, the argument appeals to the common idea that awareness of nature typically has, and should have, a humbling effect. The Alps, a storm at sea, the Grand Canyon, towering redwoods, and “the starry heavens above” move many a person to remark on the comparative insignificance of our daily concerns and even of our species, and this is generally taken to be a quite fitting response. What seems to be missing, then, in those who understand nature but remain unmoved is a proper humility.² Absence of proper humility

is not the same as selfishness or egoism, for one can be devoted to self-interest while still viewing one's own pleasures and projects as trivial and unimportant. And one can have an exaggerated view of one's own importance while grandly sacrificing for those one views as inferior. Nor is the lack of humility identical with belief that one has power and influence, for a person can be quite puffed up about himself while believing that the foolish world will never acknowledge him. The humility we miss seems not so much a belief about one's relative effectiveness and recognition as an attitude which measures the importance of things independently of their relation to oneself or to some narrow group with which one identifies. A paradigm of a person who lacks humility is the self-important emperor who grants status to his family because it is *his*, to his subordinates because *he* appointed them, and to his country because *he* chooses to glorify it. Less extreme but still lacking proper humility is the elitist who counts events significant solely in proportion to how they affect his class. The suspicion about those who would destroy the environment, then, is that what they count important is too narrowly confined insofar as it encompasses only what affects beings who, like us, are capable of feeling.

This idea that proper humility requires recognition of the importance of nonsentient nature is similar to the thought of those who charge meat eaters with "species-ism." In both cases it is felt that people too narrowly confine their concerns to the sorts of beings that are most like them. But, however intuitively appealing, the idea will surely arouse objections from our nonenvironmentalist critic. "Why," he will ask, "do you suppose that the sort of humility I *should* have requires me to acknowledge the importance of nonsentient nature aside from its utility? You cannot, by your own admission, argue that nonsentient nature *is* important, appealing to religious or intuitionist grounds. And simply to assert, without further argument, that an ideal humility requires us to view nonsentient nature as important for its own sake begs the question at issue. If proper humility is acknowledging the relative importance of things as one should, then to show that I must lack this you must first establish that one *should* acknowledge the importance of nonsentient nature."

Though some may wish to accept this challenge, there are other ways to pursue the connection between humility and response to nonsentient nature. For example, suppose we grant that proper humility requires only acknowledging a due status to sentient beings. We must admit, then, that it is logically possible for a person to be properly humble even though he viewed all nonsentient nature simply as a resource. But this logical possibility may be a psychological rarity. It may be that, given the sort of beings we are, we would never learn humility before persons without developing the general capacity to cherish, and regard important, many things for their own sakes. The major obstacle to humility before persons is self-importance, a tendency to measure the significance of everything by its relation to oneself and those with whom one identifies. The processes by which we overcome self-importance are doubtless many and complex, but it seems unlikely that they are exclusively concerned with how we relate to other people and animals. Learning humility requires learning to feel that something matters besides what will affect oneself and one's circle of associates. What leads a child to care about what happens to a lost hamster or a stray dog he will not see again is likely also to generate concern for a lost toy or a favorite tree where he used to live. Learning to value things for their own sake, and to count what affects them important aside from their utility, . . . is necessary to the development of humility and it seems likely to take place in experiences with nonsentient nature as well as with people and animals. If a person views all nonsentient nature merely as a resource, then it seems unlikely that he has developed the capacity needed to overcome self-importance.

IV

This last argument, unfortunately, has its limits. It presupposes an empirical connection between experiencing nature and overcoming self-importance, and this may be challenged. Even if experiencing nature promotes humility before others, there may be other ways people can develop such humility in a world of concrete, glass, and plastic. If not, perhaps all that is needed is limited experience of nature in one's early, developing years; mature adults, having overcome youthful self-importance, may live well

enough in artificial surroundings. More importantly, the argument does not fully capture the spirit of the intuition that an ideal person stands humbly before nature. That idea is not simply that experiencing nature tends to foster proper humility before other people; it is, in part, that natural surroundings encourage and are appropriate to an ideal sense of oneself as part of the natural world. Standing alone in the forest, after months in the city, is not merely good as a means of curbing one's arrogance before others; it reinforces and fittingly expresses one's acceptance of oneself as a natural being.

Previously we considered only one aspect of proper humility, namely, a sense of one's relative importance with respect to other human beings. Another aspect, I think, is a kind of *self-acceptance*. This involves acknowledging, in more than a merely intellectual way, that we are the sort of creatures that we are. Whether one is self-accepting is not so much a matter of how one attributes *importance* comparatively to oneself, other people, animals, plants, and other things as it is a matter of understanding, facing squarely, and responding appropriately to who and what one is, e.g., one's powers and limits, one's affinities with other beings and differences from them, one's unalterable nature and one's freedom to change. Self-acceptance is not merely intellectual awareness, for one can be intellectually aware that one is growing old and will eventually die while nevertheless behaving in a thousand foolish ways that reflect a refusal to acknowledge these facts. On the other hand, self-acceptance is not passive resignation, for refusal to pursue what one truly wants within one's limits is a failure to accept the freedom and power one has. Particular behaviors, like dying one's gray hair and dressing like those twenty years younger, do not necessarily imply lack of self-acceptance, for there could be reasons for acting in these ways other than the wish to hide from oneself what one really is. One fails to accept oneself when the patterns of behavior and emotion are rooted in a desire to disown and deny features of oneself, to pretend to oneself that they are not there. This is not to say that a self-accepting person makes no value judgments about himself, that he likes all facts about himself, wants equally to develop and display them; he can, and should feel remorse for his

past misdeeds and strive to change his current vices. The point is that he does not disown them, pretend that they do not exist or are facts about something other than himself. Such pretense is incompatible with proper humility because it is seeing oneself as better than one is.

Self-acceptance of this sort has long been considered a human excellence, under various names, but what has it to do with preserving nature? There is, I think, the following connection. As human beings we are part of nature, living, growing, declining, and dying by natural laws similar to those governing other living beings; despite our awesomely distinctive human powers, we share many of the needs, limits, and liabilities of animals and plants. These facts are neither good nor bad in themselves, aside from personal preference and varying conventional values. To say this is to utter a truism which few will deny, but to accept these facts, as facts about oneself, is not so easy—or so common. Much of what naturalists deplore about our increasingly artificial world reflects, and encourages, a denial of these facts, an unwillingness to avow them with equanimity . . .

My suggestion is not merely that experiencing nature causally promotes such self-acceptance, but also that those who fully accept themselves as part of the natural world lack the common drive to disassociate themselves from nature by replacing natural environments with artificial ones. A storm in the wilds helps us to appreciate our animal vulnerability, but, equally important, the reluctance to experience it may reflect an unwillingness to accept this aspect of ourselves. The person who is too ready to destroy the ancient redwoods may lack humility, not so much in the sense that he exaggerates his importance relative to others, but rather in the sense that he tries to avoid seeing himself as one among many natural creatures.

V

My suggestion so far has been that, though indifference to nonsentient nature is not itself a moral vice, it is likely to reflect either ignorance, a self-importance, or a lack of self-acceptance which we must overcome to have proper humility. A similar idea might be developed connecting attitudes

toward nonsentient nature with other human excellences. For example, one might argue that indifference to nature reveals a lack of either an aesthetic sense or some of the natural roots of gratitude.

When we see a hillside that has been gutted by strip miners or the garden replaced by asphalt, our first reaction is probably, "How ugly!" The scenes assault our aesthetic sensibilities. We suspect that no one with a keen sense of beauty could have left such a sight. Admittedly not everything in nature strikes us as beautiful, or even aesthetically interesting, and sometimes a natural scene is replaced with a more impressive architectural masterpiece. But this is not usually the situation in the problem cases which environmentalists are most concerned about. More often beauty is replaced with ugliness.

At this point our critic may well object that, even if he does lack a sense of beauty, this is no moral vice. His cost/benefit calculations take into account the pleasure others may derive from seeing the forests, etc., and so why should he be faulted?

Some might reply that, despite contrary philosophical traditions, aesthetics and morality are not so distinct as commonly supposed. Appreciation of beauty, they may argue, is a human excellence which morally ideal persons should try to develop. But, setting aside this controversial position, there still may be cause for moral concern about those who have no aesthetic response to nature. Even if aesthetic sensibility is not itself a moral virtue, many of the capacities of mind and heart which it presupposes may be ones which are also needed for an appreciation of other people. Consider, for example, curiosity, a mind open to novelty, the ability to look at things from unfamiliar perspectives, empathetic imagination, interest in details, variety, and order, and emotional freedom from the immediate and the practical. All these, and more, seem necessary to aesthetic sensibility, but they are also traits which a person needs to be fully sensitive to people of all sorts. The point is not that a moral person must be able to distinguish beautiful from ugly people; the point is rather that unresponsiveness to what is beautiful, awesome, dainty, dumpy, and otherwise aesthetically interesting in nature probably reflects a lack of the openness of mind and spirit necessary to appreciate the best in human beings.

The anti-environmentalist, however, may refuse to accept the charge that he lacks aesthetic sensibility. If he claims to appreciate seventeenth-century miniature portraits, but to abhor natural wildernesses, he will hardly be convincing. Tastes vary, but aesthetic sense is not *that* selective. He may, instead, insist that he *does* appreciate natural beauty. He spends his vacations, let us suppose, hiking in the Sierras, photographing wildflowers, and so on. He might press his argument as follows: "I enjoy natural beauty as much as anyone, but I fail to see what this has to do with preserving the environment independently of human enjoyment and use. Nonsentient nature is a resource, but one of its best uses is to give us pleasure. I take this into account when I calculate the costs and benefits of preserving a park, planting a garden, and so on. But the problem you raised explicitly set aside the desire to preserve nature as a means to enjoyment. I say, let us enjoy nature fully while we can, but if all sentient beings were to die tomorrow, we might as well blow up all plant life as well. A redwood grove that no one can use or enjoy is utterly worthless."

The attitude expressed here, I suspect, is not a common one, but it represents a philosophical challenge. The beginnings of a reply may be found in the following. When a person takes joy in something, it is a common (and perhaps natural) response to come to cherish it. To cherish something is not simply to be happy with it at the moment, but to care for it for its own sake. This is not to say that one necessarily sees it as having feelings and so wants it to feel good; nor does it imply that one judges the thing to have Moore's intrinsic value. One simply wants the thing to survive and (when appropriate) to thrive, and not simply for its utility. We see this attitude repeatedly regarding mementos. They are not simply valued as a means to remind us of happy occasions; they come to be valued for their own sake. Thus, if someone really took joy in the natural environment, but was prepared to blow it up as soon as sentient life ended, he would lack this common human tendency to cherish what enriches our lives. While this response is not itself a moral virtue, it may be a natural basis of the virtue we call "gratitude." People who have no tendency to cherish things that give them pleasure may be poorly disposed to respond gratefully to persons who are good

to them. Again the connection is not one of logical necessity, but it may nevertheless be important. A nonreligious person unable to “thank” anyone for the beauties of nature may nevertheless feel “grateful” in a sense; and I suspect that the person who feels no such “gratitude” toward nature is unlikely to show proper gratitude toward people.

Suppose these conjectures prove to be true. One may wonder what is the point of considering them. Is it to disparage all those who view nature merely as a resource? To do so, it seems, would be unfair, for, even if this attitude typically stems from deficiencies which affect one’s attitudes toward sentient beings, there may be exceptions and we have not shown that their view of nonsentient nature is itself blameworthy. But when we set aside questions of blame and inquire what sorts of human traits we want to encourage, our reflections become relevant in a more positive way. The point is not to insinuate that all anti-environmentalists are defective, but to see that those who value such traits as humility, gratitude, and sensitivity to others have reason to promote the love of nature.

NOTES

1. G. E. Moore, *Principia Ethica* (Cambridge: Cambridge University Press, 1903); *Ethics* (London: H. Holt, 1912).
2. By “proper humility” I mean that sort and degree of humility that is a morally admirable character trait. How precisely to define this is, of course,

a controversial matter; but the point for present purposes is just to set aside obsequiousness, false modesty, underestimation of one’s abilities, and the like.

Thomas Hill, Jr.: Ideals of Human Excellence and Preserving Natural Environments

1. Why does Hill think it is sometimes difficult to explain what is wrong with destroying the environment in terms of rights and welfare? What alternative framework does he propose for looking at the issue?
2. Hill presents several examples of acts which may not necessarily be immoral, but which would clearly reveal a defect in any person who performed them. Do you find his examples convincing? Is harming the environment relevantly similar to these actions?
3. Hill suggests that many environmentally destructive actions might be performed as a result of ignorance. How does he argue for this claim, and how might an “anti-environmentalist” respond?
4. What exactly is *humility*, and why does Hill claim that those who are unmoved by nature lack it? Do you agree with him?
5. What connection, if any, is there between self-acceptance and preserving nature? Can a person fully accept himself or herself while at the same time destroying natural environments?

Climate Change Justice

Eric A. Posner and Cass R. Sunstein

Climate change is already having a substantial impact on countries around the world and will almost certainly lead to great suffering for large portions of the population over the coming decades. In addition to the very practical issues of how best to forestall or manage such change, there are also issues about what justice demands of the wealthier nations whose actions have been largely responsible for causing climate change. Legal scholars Eric Posner and Cass Sunstein divide such issues into two sorts: those concerning distributive justice and those that have to do with corrective justice.

Distributive justice is a matter of justly distributing resources and opportunities. Many argue that wealthy nations are required by justice to drastically reduce their greenhouse gas emissions so as to protect the citizens of poorer countries who will suffer from the effects of such emissions. Posner and Sunstein raise a variety of questions about this claim. First, they point out that climate change is not an unmitigated disaster—many millions of people who currently live in very cold climates will benefit in a variety of ways when their lands become warmer. That said, they accept, at least for purpose of argument, that the harms of climate change will greatly outweigh these benefits. Even so, they ask whether the money spent on lowering emissions might instead be better spent as a direct grant to the poorer countries whose future populations are likely to suffer so greatly from climate change. They also worry that offering aid to poorer countries fails to benefit the poor in wealthy nations while also benefiting the wealthy who are citizens of the poorer nations receiving aid.

Posner and Sunstein allow that justice might demand that wealthy nations greatly lower their emissions if doing so is required in order to avoid a worldwide catastrophe. Whether that is so, though, depends on what the risks actually are—a matter on which they take no stand. It's also the case that lowering emissions may better serve justice than giving direct aid to poorer countries if ineffective or corrupt rulers govern those countries, but even here Posner and Sunstein raise serious questions about what justice requires in such situations.

Corrective justice is a matter of righting wrongs, correcting for past injustices. Wealthier nations have emitted far more greenhouse gases than have poorer ones, and so have done much more to harm the planet. As a result, the argument goes, wealthier nations must repair the damage their harmful emissions have (and will have) caused those in poorer nations.

Posner and Sunstein identify three problems for this argument. First, there is the worry that many of those who are responsible for having caused the relevant harms are now dead, and many others who live in wealthy nations support policies that will substantially reduce greenhouse emissions. So it may be hard to determine who should be asked to pay the costs required to correct for environmental harms. Second, the identity of the victims of climate change is very difficult to discern, since most of the harm will occur decades or centuries from now and most of the victims of such harm have not yet been born. Third, claims of corrective justice rest on showing that the wrongdoer has actually caused the victim's harm. Even if we can settle who has perpetrated the wrong and who has suffered the harm, establishing the causal link between the actions of citizens of wealthy nations and the suffering of citizens in poorer countries will be extremely hard.

CLIMATE CHANGE AND DISTRIBUTIVE JUSTICE

To separate issues of distributive justice from those of corrective justice, and to clarify intuitions, let us begin with a risk of natural calamity that does not involve human action at all.

From Eric R. Posner and Cass A. Sunstein, "Climate Change Justice," *Georgetown Law Review* 96 (2008), pp. 1565–1612.

The Asteroid

Imagine that India faces a serious new threat of some kind—say, a threat of a collision with a large asteroid. Imagine too that the threat will not materialize for a century. Imagine finally that the threat can be eliminated, today, at a cost. India would be devastated by having to bear that cost now; as a practical matter, it lacks the resources to do so. But if the world acts as a whole, it can begin to build

technology that will allow it to divert the asteroid, thus ensuring that it does not collide with India a century hence. The cost is high, but it is lower than the discounted benefit of eliminating the threat. If the world delays, it might also be able to eliminate the threat or reduce the damage if it comes to fruition. But many scientists believe that the best approach, considering relevant costs and benefits, is to start immediately to build technology that will divert the asteroid.

Are wealthy nations, such as the United States, obliged to contribute significant sums of money to protect India from the asteroid? On grounds of distributive justice, it is tempting to think so. But if we reach that conclusion, how is the case different from one in which India contends, now, that it would be able to prevent millions of premature deaths from disease and malnutrition if the United States gave it (say) some small fraction of its Gross Domestic Product? If one nation is threatened by malaria or a tsunami, other nations might well agree that it is appropriate to help; it is certainly generous and in that sense commendable to assist those in need. But even generous nations do not conventionally think that a threatened nation has an entitlement to their assistance. For those who believe that there is such an entitlement, the puzzle remains: Why is there an entitlement to help in avoiding future harm from an asteroid, rather than current harms from other sources?

The problem of the asteroid threat does have a significant difference from that of climate change, whose adverse effects are not limited to a single nation. To make the analogy closer, assume that all nations are threatened by the asteroid in the sense that it is not possible to project where the collision will occur; scientists believe that each nation faces a risk. But the risk is not identical. Because of its adaptive capacity, its location, its technology, and a range of other factors, assume that the United States is less vulnerable to serious damage than (for example) India and the nations of Africa and Europe. Otherwise the problem is the same. Under plausible assumptions, the world will certainly act to divert the asteroid, and it seems clear that the United States will contribute substantial resources for that purpose. Suppose that all nations favor an international

agreement that requires contributions to a general fund, but, because it is less vulnerable, the United States believes that the fund should be smaller than the fund favored by the more vulnerable nations of Africa and Europe, and by India. From the standpoint of domestic self-interest, then, those nations with the most to lose will naturally seek a larger fund than those nations facing lower risks.

At first glance, it might seem intuitive to think that the United States should accept the proposal for the larger fund simply because it is so wealthy. If resources should be redistributed from rich to poor on the ground that redistribution would increase overall welfare or promote fairness, the intuition appears sound. But there is an immediate problem: If redistribution from rich nations to poor nations is generally desirable, it is not at all clear that it should take the particular form of a deal in which the United States joins an agreement that is not in its interest. Other things being equal, the more sensible kind of redistribution would be a cash transfer, so that poor nations can use the money as they see fit. Perhaps India would prefer to spend the money on education, or on AIDS prevention, or on health care generally. If redistribution is what is sought, a generous deal with respect to the threat of an asteroid collision seems a crude way of achieving it.

Analytically, that deal has some similarities to housing assistance for poor people when recipients might prefer to spend the money on food or health care. If redistribution is desirable, housing assistance is better than nothing, but it remains puzzling why wealthy nations should be willing to protect poor nations from the risks of asteroid collisions (or climate change), while not being willing to give them resources with which they can set their own priorities. Indeed, a generous deal with respect to the asteroid threat may be worse than housing assistance as a redistributive strategy because, by hypothesis, many of the beneficiaries of the deal are in rich nations and are not poor at all—a point to which we will return.

There is a second difficulty. We have stipulated that the asteroid will not hit the earth for another 100 years. If the world takes action now, it will be spending current resources for the sake of future generations, which are likely to be much



richer. The current poor citizens of poor nations are probably much poorer than will be the *future* poor citizens of those nations. If the goal is to help the poor, it is odd for the United States to spend significant resources to help posterity while neglecting the present. Thus far, then the claim that the United States should join what it believes to be an unjustifiably costly agreement to divert the asteroid is doubly puzzling. Poor nations would benefit more from cash transfers, and the current poor have a stronger claim to assistance than the future (less) poor.

From the standpoint of distributional justice, there is a third problem. Nations are not people; they are collections of people, ranging from very rich to very poor. Wealthy countries, such as the United States, have many poor people, and poor countries, such as India, have many rich people. If the United States is paying a lot of money to avert the threat of an asteroid collision, it would be good to know whether that cost is being paid, in turn, by wealthy Americans or by poor Americans. Suppose, for example, that greenhouse gas reductions lead to a significant increase in the cost of energy. Any such increase—from either carbon taxes or cap-and-trade—would be regressive, in the sense that it would hit poor people harder than wealthy people, who spend a smaller portion of the income on energy costs. But if the concern is to help people who need help, such a tax is hard to defend.

If redistribution is our goal, it would also be good to know whether the beneficiaries are mostly rich or mostly poor. Many of the beneficiaries of actions to reduce a worldwide risk are in wealthy nations, and so it should be clear that the class of those who are helped will include many people who are not poor at all. Because the median member of wealthy nations is wealthier than the median member of poor nations, it is plausible to think that if wealthy nations contribute a disproportionately high amount to the joint endeavor, the distributive effects will be good. For example, the Americans who are asked to make the relevant payments are, on average, wealthier than the Indians who are paying less. But asking Americans to contribute more to a joint endeavor is hardly the best way of achieving the goal of transferring wealth from the rich to the poor.

Climate Change: From Whom to Whom?

In terms of distributive justice, the problem of climate change is closely analogous to the asteroid problem. From that problem, three general questions emerge. First, why should redistribution take the form of an in-kind benefit, rather than a general grant of money that poor nations could use as they wish? Second, why should rich nations help poor nations in the future, rather than poor nations now? Third, if redistribution is the goal, why should it take the form of action by rich nations that would hurt many poor people in those nations and benefit many rich people in poor nations? To sharpen these questions, suppose that an international agreement to cut greenhouse gas emissions would cost the United States \$325 billion. If distributive justice is the goal, should the United States spend \$325 billion on climate change, or instead on other imaginable steps to help people who are in need? If the goal is to assist poor people, perhaps there would be far better means than emissions reductions.

In fact, the argument from distributive justice runs into an additional problem in the context of climate change. No one would gain from an asteroid collision, but millions of people would benefit from climate change. Many people die from cold, and to the extent that warming reduces cold, it will save lives. Warming will also produce monetary benefits in many places, such as Russia, due to increases in agricultural productivity. Indeed, many millions of poor people in such countries may benefit from climate change. Some of them will live when they would otherwise die from extreme cold. In China, many millions of people living in rural areas continue to be extremely poor despite the increasing prosperity of the nation as a whole. These people are among the poorest in the world. For at least some of these people, climate change could well provide benefits by increasing the productivity of their land.

In addition, many millions of poor people would be hurt by the cost of emissions reductions. They would bear that cost in the form of higher energy bills, lost jobs, and increased poverty. Recall too that industrialized and relatively wealthy European nations have been found to be at greater risk than the relatively poorer China.

It follows that purely as an instrument of redistribution, emission reductions on the part of the United States are quite crude. True, a suitably designed emissions control agreement would almost certainly help poor people more than it would hurt them, because disadvantaged people in sub-Saharan Africa and India are at such grave risk. And true, an agreement in which the United States pays more than its self-interest dictates might well be better, from the standpoint of distributive justice, than the status quo, or than an agreement that would simply require all nations to scale back their emissions by a specified amount. But there is a highly imperfect connection between distributive goals on the one hand and requiring wealthy countries to pay for emissions reductions on the other.

To see the problem more concretely, suppose that Americans (and the same could be said about citizens in other wealthy countries) are willing to devote a certain portion, X , of their national income to helping people living in poor countries. The question is, How is X best spent? If X is committed to emissions controls, then X is being spent to benefit wealthy Europeans as well as impoverished Indians, and X is also being spent to harm some or many impoverished people living in China and Russia by denying them the benefit of increased agricultural productivity that warming will bring. And if all of X is spent on global emissions control, then none of X is being spent to purchase malaria nets or to distribute AIDS drugs—which are highly effective ways of helping poor people who are alive today rather than poor people who will be alive in 100 years.

Two Counterarguments

There are two tempting counterarguments. The first involves the risk of catastrophe. The second involves the fact that cash transfers will go to governments that may be ineffective or corrupt.

Catastrophe

On certain assumptions about the science, greenhouse gas cuts are necessary to prevent a catastrophic loss of life. Suppose, by way of imperfect analogy, that a genocide is occurring in some nation. For multiple reasons, it would not be sensible to say

that rich countries should give money to such a nation, rather than acting to prevent the genocide. Or suppose that a nation is threatened by a natural disaster that would wipe out millions of lives; if other nations could eliminate the harms associated with such a disaster, it would be hard to object that they should offer cash payments instead. One reason is that if many lives are at risk, and if they can be saved through identifiable steps, taking those steps would seem to be the most effective response to the problem, and cash transfers would have little or no advantage.

Suppose that climate change threatens to create massive losses of life in various countries. In light of the risk of catastrophe, perhaps emissions reductions are preferable to other redistributive strategies. The catastrophic scenario is a way of saying that the future benefits of cuts could be exceptionally high rather than merely high. If poor people in poor nations face a serious risk of catastrophe, then greenhouse gas abatement *could* turn out to be the best way to redistribute wealth (or, more accurately, welfare) to people who would otherwise die in the future.

Ultimately the strength of the argument turns on the extent of the risk. To the extent that the risk of catastrophe is not low, and to the extent that it is faced mostly by people living in difficult or desperate conditions, the argument from distributive justice does gain a great deal of force. To the extent that the catastrophic scenario remains highly unlikely, the argument is weakened. We cannot exclude the possibility that the argument is correct; it depends on the scientific evidence for the truly catastrophic scenarios.

Ineffective or Corrupt Governments

We have emphasized that development aid is likely to be more effective than greenhouse gas restrictions as a method of helping poor people in poor nations. A legitimate response is that cutting greenhouse gas emissions bypasses the governments of poor states more completely than other forms of development aid do. This might be counted as a virtue because the governments of many poor states are either inefficient or corrupt (or both), and partly for that reason, ordinary development aid has not been very effective.

But here too there are counterarguments. As we have stressed, this form of redistribution does not help existing poor people at all; it can, at best, help poor people in future generations. And it is far from clear that donor states can avoid the pathologies of development aid by, in effect, transferring resources to the future rather than to the present, or by transferring resources directly to the people rather than to corrupt governments. Benefits received by individuals can be expropriated, or taxed away, by governments that do not respect the rule of law. This is just as true for the future as for the present. If abatement efforts today result in higher crop yields in Chad in 100 years than would otherwise occur, Chadians might be better off, of course, but it is also possible that a future authoritarian government would expropriate these gains for itself, or that they would be squandered as a result of bad economic policy, or that in the meantime Chad has become a completely different place that does best by importing food from elsewhere.

Even more important, the claim that emissions reductions avoid corruption overlooks the fact that emissions abatement does not occur by itself but must take place through the activity of governments, including those in developing countries. In cap-and-trade systems, for example, the government of a poor country would be given permits that it could then sell to industry, raising enormous sums of money that the government could spend however it chose. Corrupt governments would spend this money badly, perhaps using it to finance political repression, while also possibly accepting bribes from local industry that chooses not to buy permits, in return for non-enforcement of the country's treaty obligations. To be sure, significant emissions reductions by wealthy nations would directly benefit poor nations.

Notwithstanding the complexities here, the basic point remains: in principle, greenhouse gas cuts do not seem to be the most direct or effective means of helping poor people or poor nations. We cannot exclude the possibility that the more direct methods are inferior, for example because it is not feasible to provide that direct aid; but it would remain necessary to explain why a crude form of redistribution is feasible when a less crude form is not.

CORRECTIVE JUSTICE

Climate change differs from our asteroid example in another way. In the asteroid example, no one can be blamed for the appearance of the asteroid and the threat that it poses to India (or the world). But many people believe that by virtue of its past actions and policies, the United States, along with other developed nations, is particularly to blame for the problem of climate change. In the international arena, the argument that the United States has an obligation to devote significant resources to reducing greenhouse gas emissions is not solely and perhaps not even mainly an argument about distributive justice. The argument also rests on moral intuitions about corrective justice—about wrongdoers and their victims.

The Basic Argument

Corrective justice arguments are backward-looking, focused on wrongful behavior that occurred in the past. Even though China is now the world's leading greenhouse gas emitter, the United States has been the largest emitter historically and thus has the greater responsibility for the stock of greenhouse gases in the atmosphere. Of course, a disproportionate share of the stock of greenhouse gases can be attributed to other long-industrialized countries as well, such as Germany and Japan, and so what we say here about the United States can be applied, *mutatis mutandi*, to those other countries. The emphasis on the United States is warranted by the fact that the United States has contributed more to the existing stock than any other nation (nearly 30%).

In the context of climate change, the corrective justice argument is that the United States wrongfully harmed the rest of the world—especially low-lying states and others that are most vulnerable to global warming—by emitting greenhouse gases in vast quantities. On a widespread view, corrective justice requires that the United States devote significant resources to remedying the problem—perhaps by paying damages, agreeing to extensive emissions reductions, or participating in a climate pact that is not in its self-interest. India, for example, might be thought to have a moral claim against the United States—one derived from the principles of corrective justice—and on this view the United States has

an obligation to provide a compensatory remedy to India. (Because India is especially vulnerable to climate change, we use that nation as a placeholder for those at particular risk.)

This argument enjoys a great deal of support in certain circles and seems intuitively correct. The apparent simplicity of the argument, however, masks some serious difficulties. We shall identify a large number of problems here, and the discussion will be lamentably complex. The most general point, summarizing the argument as a whole, is that the climate change problem poorly fits the corrective justice model because the consequence of tort-like thinking would be to force many people who have not acted wrongfully to provide a remedy to many people who have not been victimized. Some of the problems we identify could be reduced if it were possible to trace complex causal chains with great precision; unfortunately, legal systems lack the necessary tools to do so.

The Wrongdoer Identity Problem

The current stock of greenhouse gases in the atmosphere is a result of the behavior of people living in the past. Much of it is due to the behavior of people who are dead. The basic problem for corrective justice is that dead wrongdoers cannot be punished or held responsible for their behavior, or forced to compensate those they have harmed. At first glance, holding Americans today responsible for the activities of their ancestors is not fair or reasonable on corrective justice grounds, because current Americans are not the relevant wrongdoers; they are not responsible for the harm.

Indeed, many Americans today do not support the current American energy policy and already make some sacrifices to reduce the greenhouse gas emissions that result from their behavior. They avoid driving, they turn down the heat in their homes, and they support electoral candidates who advocate greener policies. Holding these people responsible for the wrongful activities of people who lived in the past seems perverse. An approach that emphasized corrective justice would attempt to be more finely tuned, focusing on particular actors, rather than Americans as a class, which would appear to violate deeply held moral objections to

collective responsibility. The task would be to distinguish between the contributions of those who are living and those who are dead.

The most natural and best response to this point is to insist that all or most Americans today benefit from the greenhouse gas emitting activities of Americans living in the past, and therefore it would not be wrong to require Americans today to pay for abatement measures. This argument is familiar from debates about slave reparations, where it is argued that Americans today have benefited from the toil of slaves 150 years ago. To the extent that members of current generations have gained from past wrongdoing, it may well make sense to ask them to make compensation to those harmed as a result. On one view, compensation can work to restore the *status quo ante*, that is, to put members of different groups, and citizens of different nations, in the position that they would have occupied if the wrongdoing had not occurred.

In the context of climate however, this argument runs into serious problems. The most obvious difficulty is empirical. It is true that many Americans benefit from past greenhouse-gas-emissions, but how many benefit, and how much do they benefit? Many Americans today are, of course, immigrants or children of immigrants, and so not the descendants of greenhouse-gas-emitting Americans of the past. Such people may nonetheless gain from past emissions, because they enjoy the kind of technological advance and material wealth that those emissions made possible. But have they actually benefited, and to what degree? Further, not all Americans inherit the wealth of their ancestors, and even those who do would not necessarily have inherited less if their ancestors' generations had not engaged in the greenhouse-gas-emitting activities. The idea of corrective justice, building on the tort analogy, does not seem to fit the climate change situation.

Suppose that these various obstacles could be overcome and that we could trace, with sufficient accuracy, the extent to which current Americans have benefited from past emissions. As long as the costs are being toted up, the benefits should be as well, and used to offset the requirements of corrective justice. We have noted that climate change is

itself anticipated to produce benefits for many nations, both by increasing agricultural productivity and by reducing extremes of cold. And if past generations of Americans have imposed costs on the rest of the world, they have also conferred substantial benefits. American industrial activity has produced products that were consumed in foreign countries, for example, and has driven technological advances from which citizens in other countries have gained. Many of these benefits are positive externalities, for which Americans have not been fully compensated. To be sure, many citizens in, say, India have not much benefited from those advances, just as many citizens of the United States have not much benefited from them. But what would the world, or India, look like if the United States had engaged in 10% of its level of greenhouse gas emissions, or 20%, or 40%? For purposes of corrective justice, a proper accounting would seem to be necessary, and it presents formidable empirical and conceptual problems.

In the context of slave reparations, the analogous points have led to interminable debates, again empirical and conceptual, about historical causation and difficult counterfactuals. But-for causation arguments, used in standard legal analysis and conventional for purposes of conventional justice, present serious and perhaps insuperable problems when applied historically. We can meaningfully ask whether an accident would have occurred if the driver had operated the vehicle more carefully, but conceptual and empirical questions make it difficult to answer the question whether and to what extent white Americans today would have been worse off if there had been no slavery—and difficult too to ask whether Indians would be better off today if Americans of prior generations had not emitted greenhouse gases. What kind of a question is that? In this hypothetical world of limited industrialization in the United States, India would be an entirely different country, and the rest of the world would be unrecognizably different as well.

Proponents of slave reparations have sometimes appealed to principles of corporate liability. Corporations can be immortal, and many corporations today benefited from the slave economy in the nineteenth century. Corporations

are collectivities, not individuals, yet they can be held liable for their actions, which means that shareholders today are “punished” (in the sense of losing share value) as a result of actions taken by managers and employees long before the shareholders obtained their ownership interest. If innocent shareholders can be made to pay for the wrongdoing of employees who are long gone, why can’t citizens be made to pay for the wrongful actions of citizens who lived in the past?

The best answer is that corporate liability is most easily justified on grounds other than corrective justice. Shareholder liability can be defended on the basis of consent or (in our view most plausibly) on the welfarist ground that corporate liability deters employees from engaging in wrongdoing on behalf of the corporate entity. A factor that distinguishes corporate liability is that purchasing shares is a voluntary activity and one does so with the knowledge that the share price will decline if a past legal violation comes to light, and this is reflected in the share price at the time of purchase. (One also benefits if an unknown past action enhances the value of the company.) But because the corporate form itself is a fiction, and the shareholders today are different from the wrongdoers yesterday, corporate liability cannot be grounded in corrective justice. Thus, it provides no analogy on behalf of corrective justice for the climate change debate.

The Victim/Claimant Identity Problem

As usually understood, corrective justice requires an identity between the victim and the claimant: the person who is injured by the wrongdoer must be the same as the person who has a claim against the wrongdoer. In limited circumstances, a child or other dependent might inherit that claim, but usually one thinks of the dependent as having a separate claim, deriving from the wrongdoer’s presumed knowledge that by harming the victim she also harms the victim’s dependents.

Who are the victims of climate change? Most of them live in the future. Thus, their claims have not matured. To say that future Indians might have a valid claim against Americans today, or Americans of the past, is not the same as saying that Americans today have a duty to help Indians today. To be sure,

some people are now harmed by climate change. In addition, people living in low-lying islands or coastal regions can plausibly contend that a particular flood or storm has some probabilistic relationship with climate change—but from the standpoint of corrective justice, this group presents its own difficulties (a point to which we will return shortly). What remains plausible is the claim that future Indians would have corrective justice claims against current and past Americans.

A successful abatement program would, of course, benefit many people living in the future, albeit by preventing them from becoming victims in the first place or reducing the magnitude of their injury, rather than compensating them for harm. One might justify the abatement approach on welfarist grounds: perhaps the welfare benefits for people living in the future exceed the welfare losses to people living today. One could also make an argument that people living today have a non-welfarist obligation to refrain from engaging in actions today that harm people in the future. The point for present purposes is that both arguments are forward-looking: the obligation, whether welfarist or nonwelfarist, is not based on past actions, and thus a nation's relative contribution to the current greenhouse gas stock in the atmosphere would not be a relevant consideration in the design of the greenhouse gas abatement program, as we have been arguing. By contrast, the corrective justice argument is that the United States should contribute the most to abatement efforts because it has caused the most damage to the carbon-absorbing capacity of the atmosphere.

The argument that we owe duties to the future, on welfarist or other grounds, seems right, but as a basis for current abatement efforts, it runs into a complication. Suppose that activities in the United States that produce greenhouse gases (a) do harm people in the future by contributing to climate change, but also (b) benefit people in the future by amassing capital on which they can draw to reduce poverty and illness and to protect against a range of social ills. Supposing, as we agree, that present generations are obliged not to render future generations miserable, it is necessary to ask whether current activities create benefits that are equivalent to,

or higher than, costs for those generations. As our discussion of distributive justice suggests, it is possible that greenhouse gas abatement programs—as opposed to, say, research and development or promoting economic growth in poor countries—are not the best way to ensure that the appropriate level of intergenerational equity is achieved.

The Causation Problem

Corrective justice requires that the wrongdoing cause the harm. In ordinary person-to-person encounters, this requirement is straightforward. But in the context of climate change, causation poses formidable challenges, especially when we are trying to attribute particular losses to a warmer climate.

To see why, consider a village in India that is wiped out by a monsoon. One might make a plausible argument that the flooding was more likely than it would otherwise have been, as a result of rising sea levels caused by climate change. But it might well be impossible to show that greenhouse gas emissions in the United States “caused” the flooding, in the sense that they were a necessary and sufficient condition, and difficult even to show that they even contributed to it. If the flooding was in a probabilistic sense the result of greenhouse gas activities around the world, its likelihood was also increased by complex natural phenomena that are poorly understood. And to the extent that the United States was involved, much of the contribution was probably due to people who died years ago.

Causation problems are not fatal to corrective justice claims, but they significantly weaken them.

In tort law, courts are occasionally willing to assign liability according to market share when multiple firms contribute to a harm—for example, pollution or dangerous products whose provenance cannot be traced. Perhaps scientific and economic studies could find, with sufficient accuracy, aggregate national losses. And it would be plausible to understand corrective justice, in this domain, in probabilistic terms, with the thought that victims should receive “probabilistic recoveries,” understood as the fraction of their injury that is probabilistically connected with climate change. It is unclear, however, that statistical relationships can be established with

sufficient clarity to support a claim sounding in corrective justice.

CONCLUSION

Our narrow goal has been to investigate considerations of distributive justice and corrective justice. If the United States wants to use its wealth to help to protect India or Africa or impoverished people generally, there can be no reason for complaint. The question remains, however, what is the best way to help disadvantaged people around the world. It is plausible that protecting other countries from genocide or poverty or famine is such a way. It is far from clear that greenhouse gas restrictions on the part of the United States are the best way to help the most disadvantaged citizens of the world.

It is tempting to treat climate change as a kind of tort, committed by the United States against those who are most vulnerable. But we have seen that principles of corrective justice have an awkward relationship to the problem of climate change. Many of the relevant actors are long dead, and a general transfer from the United States to those in places especially threatened by climate change is not an apt way of restoring some imagined status quo. In this context, the idea of corrective justice is a metaphor, and a highly imperfect one.

Eric A. Posner and Cass R. Sunstein: Climate Change Justice

1. Formulate in your own words the best version of an argument from distributive justice to support the conclusion that wealthy nations are morally required to drastically reduce their greenhouse gas emissions.
2. Formulate in your own words the best version of an argument from corrective justice to support the conclusion that wealthy nations are morally required to drastically reduce their greenhouse gas emissions.
3. Posner and Sunstein identify several worries for an argument from distributive justice. Which of these do you find least compelling, and why?
4. Some scientists claim that devastating climate change is now inevitable. Suppose they are right. What, if anything, does this do to affect the merits of arguments from distributive or corrective justice?
5. Much of the ethical concern about climate change is focused on the impact such change will have on people who won't be born for at least another century. Such people don't exist, and, as a general matter, we lack duties to beings or things that don't exist. What implications do these claims have for climate change justice?

It's Not My Fault: Global Warming and Individual Moral Obligations

Walter Sinnott-Armstrong

Global warming, and climate change more generally, is causing huge problems. Sinnott-Armstrong believes that governments have moral duties to address these problems. These duties fall especially to the wealthier countries, which are responsible for the vast majority of the harms that arise from global warming. But the case is far less clear when it comes to individuals, since individuals are far less able to reduce or prevent these harms and are far less responsible for causing them in the first place. To bring out the challenge, Sinnott-Armstrong invites us to consider a case of wasteful driving.

Suppose I take a pleasure drive in a gas-guzzling car. Have I violated any moral obligation in doing so?

Sinnott-Armstrong admits that he has the intuition that I have indeed done wrong in taking such a drive. But he offers many reasons to be suspicious of moral intuitions, and so he argues that if we are to be rightly confident of a verdict here, then we must enlist some general moral principle to show that my pleasure ride is immoral. Sinnott-Armstrong considers a wide variety of such principles: that we oughtn't to do harm or worsen harms that are already occurring, the Kantian principle of universalizability and principle of humanity, the doctrine of double effect, and several others. He then argues that none of these principles implies that I have done wrong in taking such a pleasure drive. According to Sinnott-Armstrong, my moral obligation is to prompt my government to take action to combat the harms of global warming—only in that way will my actions make a real contribution to solving the problem.

.... Even if scientists establish that global warming is occurring, even if economists confirm that its costs will be staggering, and even if political theorists agree that governments must do something about it, it is still not clear what moral obligations regarding global warming devolve upon individuals like you and me. That is the question to be addressed in this essay.

I. ASSUMPTIONS

To make the issue stark, let us begin with a few assumptions. I believe that these assumptions are probably roughly accurate, but none is certain, and I will not try to justify them here. Instead, I will simply take them for granted for the sake of argument.

First, global warming has begun and is likely to increase over the next century. We cannot be sure exactly how much or how fast, but hot times are coming.

Second, a significant amount of global warming is due to human activities. The main culprit is fossil fuels.

Third, global warming will create serious problems for many people over the long term by causing climate changes, including violent storms, floods from sea level rises, droughts, heat waves, and so on. Millions of people will probably be displaced or die.

From W. Sinnott-Armstrong, "It's Not My Fault: Global Warming and Individual Moral Obligations," in W. Sinnott-Armstrong and Richard Howarth, eds., *Perspectives on Climate Change* (Elsevier, 2006), pp. 295–315. Notes have been edited.

Fourth, the poor will be hurt most of all. The rich countries are causing most of the global warming, but they will be able to adapt to climate changes more easily. Poor countries that are close to sea level might be devastated.

Fifth, governments, especially the biggest and richest ones, are able to mitigate global warming. They can impose limits on emissions. They can require or give incentives for increased energy efficiency. They can stop deforestation and fund reforestation. They can develop ways to sequester carbon dioxide in oceans or underground. These steps will help, but the only long-run solution lies in alternatives to fossil fuels. These alternatives can be found soon if governments start massive research projects now.

Sixth, it is too late to stop global warming. Because there is so much carbon dioxide in the atmosphere already, because carbon dioxide remains in the atmosphere for so long, and because we will remain dependent on fossil fuels in the near future, governments can slow down global warming or reduce its severity, but they cannot prevent it. Hence, governments need to adapt. They need to build seawalls. They need to reinforce houses that cannot withstand storms. They need to move populations from low-lying areas.

Seventh, these steps will be costly. Increased energy efficiency can reduce expenses, adaptation will create some jobs, and money will be made in the research and production of alternatives to fossil fuels. Still, any steps that mitigate or adapt to global

warming will slow down our economies, at least in the short run. That will hurt many people, especially many poor people.

Eighth, despite these costs, the major governments throughout the world still morally ought to take some of these steps. The clearest moral obligation falls on the United States. The United States caused and continues to cause more of the problem than any other country. The United States can spend more resources on a solution without sacrificing basic necessities. This country has the scientific expertise to solve technical problems. Other countries follow its lead (sometimes!). So the United States has a special moral obligation to help mitigate and adapt to global warming.

2. THE PROBLEM

Even assuming all of this, it is still not clear what I as an individual morally ought to do about global warming. That issue is not as simple as many people assume. I want to bring out some of its complications.

It should be clear from the start that *individual* moral obligations do not always follow directly from *collective* moral obligations. The fact that your government morally ought to do something does not prove that *you* ought to do it, even if your government fails. Suppose that a bridge is dangerous because so much traffic has gone over it and continues to go over it. The government has a moral obligation to make the bridge safe. If the government fails to do its duty, it does not follow that I personally have a moral obligation to fix the bridge. It does not even follow that I have a moral obligation to fill in one crack in the bridge, even if the bridge would be fixed if everyone filled in one crack, even if I drove over the bridge many times, and even if I still drive over it every day. Fixing the bridge is the government's job, not mine. While I ought to encourage the government to fulfill its obligations, I do not have to take on those obligations myself.

All that this shows is that government obligations do not *always* imply parallel individual obligations. Still, maybe *sometimes* they do. My government has a moral obligation to teach arithmetic to the children in my town, including my own children. If the government fails in this obligation, then I do take on a moral obligation to teach arithmetic to my

children. Thus, when the government fails in its obligations, sometimes I have to fill in, and sometimes I do not.

What about global warming? If the government fails to do anything about global warming, what am I supposed to do about it? There are lots of ways for me as an individual to fight global warming. I can protest against bad government policies and vote for candidates who will make the government fulfill its moral obligations. I can support private organizations that fight global warming, such as the Pew Foundation, or boycott companies that contribute too much to global warming, such as most oil companies. Each of these cases is interesting, but they all differ. To simplify our discussion, we need to pick one act as our focus.

My example will be wasteful driving. Some people drive to their jobs or to the store because they have no other reasonable way to work and eat. I want to avoid issues about whether these goals justify driving, so I will focus on a case where nothing so important is gained. I will consider driving for fun on a beautiful Sunday afternoon. My drive is not necessary to cure depression or calm aggressive impulses. All that is gained is pleasure: Ah, the feel of wind in your hair! The views! How spectacular! Of course, you could drive a fuel-efficient hybrid car. But fuel-efficient cars have less "get up and go." So let us consider a gas-guzzling sport utility vehicle. Ah, the feeling of power! The excitement! Maybe you do not like to go for drives in sport utility vehicles on sunny Sunday afternoons, but many people do.

Do we have a moral obligation not to drive in such circumstances? This question concerns driving, not *buying* cars. To make this clear, let us assume that I borrow the gas-guzzler from a friend. This question is also not about *legal* obligations. So let us assume that it is perfectly legal to go for such drives. Perhaps it ought to be illegal, but it is not. Note also that my question is not about what would be *best*. Maybe it would be better, even morally better, for me not to drive a gas-guzzler just for fun. But that is not the issue I want to address here. My question is whether I have a *moral* obligation not to drive a gas-guzzler just for fun on this particular sunny Sunday afternoon.

One final complication must be removed. I am interested in global warming, but there might be other moral reasons not to drive unnecessarily. I risk causing an accident, since I am not a perfect driver. I also will likely spew exhaust into the breathing space of pedestrians, bicyclists, or animals on the side of the road as I drive by. Perhaps these harms and risks give me a moral obligation not to go for my joyride. That is not clear. After all, these reasons also apply if I drive the most efficient car available, and even if I am driving to work with no other way to keep my job. Indeed, I might scare or injure bystanders even if my car gave off no greenhouse gases or pollution. In any case, I want to focus on global warming. So my real question is whether the facts about global warming give me any moral obligation not to drive a gas-guzzler just for fun on this sunny Sunday afternoon.

I admit that I am *inclined* to answer, Yes. To me, global warming does *seem* to make such wasteful driving morally wrong.

Still, I do not feel confident in this judgment. I know that other people disagree (even though they are also concerned about the environment). I would probably have different moral intuitions about this case if I had been raised differently or if I now lived in a different culture. My moral intuition might be distorted by overgeneralization from the other cases where I think that other entities (large governments) do have moral obligations to fight global warming. I also worry that my moral intuition might be distorted by my desire to avoid conflicts with my environmentalist friends. The issue of global warming generates strong emotions because of its political implications and because of how scary its effects are. It is also a peculiarly modern case, especially because it operates on a much grander scale than my moral intuitions evolved to handle long ago when acts did not have such long-term effects on future generations (or at least people were not aware of such effects). In such circumstances, I doubt that we are justified in trusting our moral intuitions alone. We need some kind of confirmation.

One way to confirm the truth of my moral intuitions would be to derive them from a general moral principle. A principle could tell us why wasteful driving is morally wrong, so we would not have to

depend on bare assertion. And a principle might be supported by more trustworthy moral beliefs. The problem is *which* principle?

3. ACTUAL ACT PRINCIPLES

One plausible principle refers to causing harm. If one person had to inhale all of the exhaust from my car, this would harm him and give me a moral obligation not to drive my car just for fun. Such cases suggest:

The harm principle: We have a moral obligation not to perform an act that causes harm to others.

This principle implies that I have a moral obligation not to drive my gas-guzzler just for fun *if* such driving causes harm.

The problem is that such driving does *not* cause harm in normal cases. If one person were in a position to inhale all of my exhaust, then he would get sick if I did drive, and he would not get sick if I did not drive (under normal circumstances). In contrast, global warming will still occur even if I do not drive just for fun. Moreover, even if I do drive a gas-guzzler just for fun for a long time, global warming will not occur unless lots of other people also expel greenhouse gases. So my individual act is neither necessary nor sufficient for global warming. . . .

Another argument leads to the same conclusion: the harms of global warming result from the massive quantities of greenhouse gases in the atmosphere. Greenhouse gases (such as carbon dioxide and water vapor) are perfectly fine in small quantities. They help plants grow. The problem emerges only when there is too much of them. But my joyride by itself does not cause the massive quantities that are harmful.

Contrast someone who pours cyanide poison into a river. Later someone drinking from the river downstream ingests some molecules of the poison. Those molecules cause the person to get ill and die. This is very different from the causal chain in global warming, because no particular molecules from my car cause global warming in the direct way that particular molecules of the poison do cause the drinker's death. Global warming is more like a river that is going to flood downstream because of torrential rains. I pour a quart of water into the river upstream (maybe just because I do not want to carry it). My act of pouring the quart into the river is not a cause

of the flood. Analogously, my act of driving for fun is not a cause of global warming.

Contrast also another large-scale moral problem: famine relief. Some people say that I have no moral obligation to contribute to famine relief because the famine will continue and people will die whether or not I donate my money to a relief agency. However, I could help a certain individual if I gave my donation directly to that individual. In contrast, if I refrain from driving for fun on this one Sunday, there is no individual who will be helped in the least. I cannot help anyone by depriving myself of this joyride.

The point becomes clearer if we distinguish global warming from climate change. You might think that my driving on Sunday raises the temperature of the globe by an infinitesimal amount. I doubt that, but, even if it does, my exhaust on that Sunday does not cause any climate change at all. No storms or floods or droughts or heat waves can be traced to my individual act of driving. It is these climate changes that cause harms to people. Global warming by itself causes no harm without climate change. Hence, since my individual act of driving on that one Sunday does not cause any climate change, it causes no harm to anyone.

The point is not that harms do not occur from global warming. I have already admitted that they do. The point is also not that my exhaust is overkill, like poisoning someone who is already dying from poison. My exhaust is not sufficient for the harms of global warming, and I do not intend those harms. Nor is it the point that the harms from global warming occur much later in time, if I place a time bomb in a building, I can cause harm many years later. And the point is not that the harm I cause is imperceptible. I admit that some harms can be imperceptible because they are too small or for other reasons. Instead, the point is simply that my individual joyride does not cause global warming, climate change, or any of their resulting harms, at least directly....

Of course, even if I do not cause climate change, I still might seem to contribute to climate change in the sense that I make it worse. If so, another principle applies:

The contribution principle: We have a moral obligation not to make problems worse.

This principle applies if climate change will be worse if I drive than it will be if I do not drive.

The problem with this argument is that my act of driving does not even make climate change worse. Climate change would be just as bad if I did not drive. The reason is that climate change becomes worse only if more people (and animals) are hurt or if they are hurt worse. There is nothing bad about global warming or climate change in itself if no people (or animals) are harmed. But there is no individual person or animal who will be worse off if I drive than if I do not drive my gas-guzzler just for fun. Global warming and climate change occur on such a massive scale that my individual driving makes no difference to the welfare of anyone.

Some might complain that this is not what they mean by "contribute." All it takes for me to contribute to global warming in their view is for me to expel greenhouse gases into the atmosphere. I do that when I drive, so we can apply:

The gas principle: We have a moral obligation not to expel greenhouse gases into the atmosphere.

If this principle were true, it would explain why I have a moral obligation not to drive my gas-guzzler just for fun.

Unfortunately, it is hard to see any reason to accept this principle. There is nothing immoral about greenhouse gases in themselves when they cause no harm. Greenhouse gases include carbon dioxide and water vapor, which occur naturally and help plants grow. The problem of global warming occurs because of the high quantities of greenhouse gases, not because of anything bad about smaller quantities of the same gases. So it is hard to see why I would have a moral obligation not to expel harmless quantities of greenhouse gases. And that is all I do by myself.

Furthermore, if the gas principle were true, it would be unbelievably restrictive. It implies that I have a moral obligation not to boil water (since water vapor is a greenhouse gas) or to exercise (since I expel carbon dioxide when I breathe heavily). When you think it through, an amazing array of seemingly morally acceptable activities would be ruled out by the gas principle. These implications suggest that we had better look elsewhere for a

reason why I have a moral obligation not to drive a gas-guzzler just for fun.

Maybe the reason is risk. It is sometimes morally wrong to create a risk of a harm even if that harm does not occur. I grant that drunk driving is immoral, because it risks harm to others, even if the drunk driver gets home safely without hurting anyone. Thus, we get another principle:

The risk principle: We have a moral obligation not to increase the risk of harms to other people.

The problem here is that global warming is not like drunk driving. When drunk driving causes harm, it is easy to identify the victim of this particular drunk driver. There is no way to identify any particular victim of my wasteful driving in normal circumstances.

In addition, my earlier point applies here again. If the risk principle were true, it would be unbelievably restrictive. Exercising and boiling water also expel greenhouse gases, so they also increase the risk of global warming if my driving does. This principle implies that almost everything we do violates a moral obligation.

Defenders of such principles sometimes respond by distinguishing significant from insignificant risks or increases in risks. That distinction is problematic, at least here. A risk is called significant when it is “too” much. But then we need to ask what makes this risk too much when other risks are not too much. The reasons for counting a risk as significant are then the real reasons for thinking that there is a moral obligation not to drive wastefully. So we need to specify those reasons directly instead of hiding them under a waffle-term like “significant”

4. INTERNAL PRINCIPLES

None of the principles discussed so far is both defensible and strong enough to yield a moral obligation not to drive a gas-guzzler just for fun. Maybe we can do better by looking inward.

Kantians claim that the moral status of acts depends on their agents’ maxims or “subjective principles of volition”¹—roughly what we would call motives or intentions or plans. This internal focus is evident in Kant’s first formulation of the categorical imperative:

The universalizability principle: We have a moral obligation not to act on any maxim that we cannot will to be a universal law.

The idea is not that universally acting on that maxim would have bad consequences. (We will consider that kind of principle below.) Instead, the claim is that some maxims “cannot even be thought as a universal law of nature without contradiction”² However, my maxim when I drive a gas-guzzler just for fun on this sunny Sunday afternoon is simply to have harmless fun. There is no way to derive a contradiction from a universal law that people do or may have harmless fun. Kantians might respond that my maxim is, instead, to expel greenhouse gases. I still see no way to derive a literal contradiction from a universal law that people do or may expel greenhouse gases. There would be bad consequences, but that is not a contradiction, as Kant requires. In any case, my maxim (or intention or motive) is not to expel greenhouse gases. My goals would be reached completely if I went for my drive and had my fun without expelling any greenhouse gases. This leaves no ground for claiming that my driving violates Kant’s first formula of the categorical imperative.

Kant does supply a second formulation, which is really a different principle:

The means principle: We have a moral obligation not to treat any other person as a means only.³

It is not clear exactly how to understand this formulation, but the most natural interpretation is that for me to treat someone as a means implies my using harm to that person as part of my plan to achieve my goals. Driving for fun does not do that. I would have just as much fun if nobody were ever harmed by global warming. Harm to others is no part of my plans. So Kant’s principle cannot explain why I have a moral obligation not to drive just for fun on this sunny Sunday afternoon.

A similar point applies to a traditional principle that focuses on intention:

The doctrine of double effect: We have a moral obligation not to harm anyone intentionally (either as an end or as a means).

This principle fails to apply to my Sunday driving both because my driving does not cause harm

to anyone and because I do not intend harm to anyone. I would succeed in doing everything I intended to do if I enjoyed my drive but magically my car gave off no greenhouse gases and no global warming occurred. . . .

5. COLLECTIVE PRINCIPLES

Maybe our mistake is to focus on individual persons. We could, instead, focus on institutions. One institution is the legal system, so we might adopt.

The ideal law principle: We have a moral obligation not to perform an action if it ought to be illegal.

I already said that the government ought to fight global warming. One way to do so is to make it illegal to drive wastefully or to buy (or sell) inefficient gas-guzzlers. If the government ought to pass such laws, then, even before such laws are passed, I have a moral obligation not to drive a gas-guzzler just for fun, according to the ideal law principle.

The first weakness in this argument lies in its assumption that wasteful driving or gas-guzzlers ought to be illegal. That is dubious. The enforcement costs of a law against joyrides would be enormous. A law against gas-guzzlers would be easier to enforce, but inducements to efficiency (such as higher taxes on gas and gas-guzzlers, or tax breaks for buying fuel-efficient cars) might accomplish the same goals with less loss of individual freedom. Governments ought to accomplish their goals with less loss of freedom, if they can. Note the "if." I do not claim that these other laws would work as well as an outright prohibition of gas-guzzlers. I do not know. Still, the point is that such alternative laws would not make it illegal (only expensive) to drive a gas-guzzler for fun. If those alternative laws are better than outright prohibitions (because they allow more freedom), then the ideal law principle cannot yield a moral obligation not to drive a gas-guzzler now.

Moreover, the connection between law and morality cannot be so simple. Suppose that the government morally ought to raise taxes on fossil fuels in order to reduce usage and to help pay for adaptation to global warming. It still seems morally permissible for me and for you not to pay that tax now. We do not have any moral obligation to send a check

to the government for the amount that we would have to pay if taxes were raised to the ideal level. One reason is that our checks would not help to solve the problem, since others would continue to conduct business as usual. What would help to solve the problem is for the taxes to be increased. Maybe we all have moral obligations to try to get the taxes increased. Still, until they are increased, we as individuals have no moral obligations to abide by the ideal tax law instead of the actual tax law.

Analogously, it is actually legal to buy and drive gas-guzzlers. Maybe these vehicles should be illegal. I am not sure. If gas-guzzlers morally ought to be illegal, then maybe we morally ought to work to get them outlawed. But that still would not show that now, while they are legal, we have a moral obligation not to drive them just for fun on a sunny Sunday afternoon.

Which laws are best depends on side effects of formal institutions, such as enforcement costs and loss of freedom (resulting from the coercion of laws). Maybe we can do better by looking at informal groups.

Different groups involve different relations between members. Orchestras and political parties, for example, plan to do what they do and adjust their actions to other members of the group in order to achieve a common goal. Such groups can be held responsible for their joint acts, even when no individual alone performs those acts. However, gas-guzzler drivers do not form this kind of group. Gas-guzzler drivers do not share goals, do not make plans together, and do not adjust their acts to each other (at least usually).

There is an abstract set of gas-guzzler drivers, but membership in a set is too arbitrary to create moral responsibility. I am also in a set of all terrorists plus me, but my membership in that abstract set does not make me responsible for the harms that terrorists cause.

The only feature that holds together the group of people who drive gas-guzzlers is simply that they all perform the same kind of act. The fact that so many people carry out acts of that kind does create or worsen global warming. That collective bad effect is supposed to make it morally wrong to perform any act of that kind, according to the following:

The group principle: We have a moral obligation not to perform an action if this action makes us a member of a group whose actions together cause harm.

Why? It begs the question here merely to assume that, if it is bad for everyone in a group to perform acts of a kind, then it is morally wrong for an individual to perform an act of that kind. Besides, this principle is implausible or at least questionable in many cases. Suppose that everyone in an airport is talking loudly. If only a few people were talking, there would be no problem. But the collective effect of so many people talking makes it hard to hear announcements, so some people miss their flights. Suppose, in these circumstances, I say loudly (but not too loudly), "I wish everyone would be quiet." My speech does not seem immoral, since it alone does not harm anyone. Maybe there should be a rule (or law) against such loud speech in this setting (as in a library), but if there is not (as I am assuming), then it does not seem immoral to do what others do, as long as they are going to do it anyway, so the harm is going to occur anyway.

Again, suppose that the president sends everyone (or at least most taxpayers) a check for \$600. If all recipients cash their checks, the government deficit will grow, government programs will have to be slashed, and severe economic and social problems will result. You know that enough other people will cash their checks to make these results to a great degree inevitable. You also know that it is perfectly legal to cash your check, although you think it should be illegal, because the checks should not have been issued in the first place. In these circumstances, is it morally wrong for you to cash your check? I doubt it. Your act of cashing your check causes no harm by itself, and you have no intention to cause harm. Your act of cashing your check does make you a member of a group that collectively causes harm, but that still does not seem to give you a moral obligation not to join the group by cashing your check, since you cannot change what the group does. It might be morally good or ideal to protest by tearing up your check, but it does not seem morally obligatory.

Thus, the group principle fails. Perhaps it might be saved by adding some kind of qualification, but I do not see how.

6. COUNTERFACTUAL PRINCIPLES

Maybe our mistake is to focus on actual circumstances. So let us try some counterfactuals about what would happen in possible worlds that are not actual. Different counterfactuals are used by different versions of rule-consequentialism.

One counterfactual is built into the common question, "What would happen if everybody did that?" This question suggests a principle:

The general action principle: I have a moral obligation not to perform an act when it would be worse for everyone to perform an act of the same kind.

It does seem likely that, if everyone in the world drove a gas-guzzler often enough, global warming would increase intolerably. We would also quickly run out of fossil fuels. The general action principle is, thus, supposed to explain why it is morally wrong to drive a gas-guzzler.

Unfortunately, that popular principle is indefensible. It would be disastrous if every human had no children. But that does not make it morally wrong for a particular individual to choose to have no children. There is no moral obligation to have at least one child.

The reason is that so few people *want* to remain childless. Most people would not go without children even if they were allowed to. This suggests a different principle:

The general permission principle: I have a moral obligation not to perform an act whenever it would be worse for everyone to be permitted to perform an act of that kind.

This principle seems better because it would not be disastrous for everyone to be permitted to remain childless. This principle is supposed to be able to explain why it is morally wrong to steal (or lie, cheat, rape, or murder), because it would be disastrous for everyone to be permitted to steal (or lie, cheat, rape, or murder) whenever (if ever) they wanted to.

Not quite. An agent is permitted or allowed in the relevant sense when she will not be liable to

punishment, condemnation (by others), or feelings of guilt for carrying out the act. It is possible for someone to be permitted in this sense without knowing that she is permitted and, indeed, without anyone knowing that she is permitted. But it would not be disastrous for everyone to be permitted to steal if nobody knew that they were permitted to steal, since then they would still be deterred by fear of punishment, condemnation, or guilt. Similarly for lying, rape, and so on. So the general permission principle cannot quite explain why such acts are morally wrong. . . .

7. WHAT IS LEFT?

We are left with no defensible principle to support the claim that I have a moral obligation not to drive a gas-guzzler just for fun. Does this result show that this claim is false? Not necessarily.

Some audiences have suggested that my journey through various principles teaches us that we should not look for general moral principles to back up our moral intuitions. They see my arguments as a *reductio ad absurdum* of principlism, which is the view that moral obligations (or our beliefs in them) depend on principles. Principles are unavailable, so we should focus instead on particular cases, according to the opposing view called particularism.

However, the fact that we cannot find any principle does not show that we do not need one. I already gave my reasons why we need a moral principle to back up our intuitions in this case. This case is controversial, emotional, peculiarly modern, and likely to be distorted by overgeneralization and partiality. These factors suggest that we need confirmation for our moral intuitions at least in this case, even if we do not need any confirmation in other cases.

For such reasons, we seem to need a moral principle, but we have none. This fact still does not show that such wasteful driving is not morally wrong. It only shows that we do not *know* whether it is morally wrong. Our ignorance might be temporary. If someone comes up with a defensible principle that does rule out wasteful driving, then I will be happy to listen and happy if it works. However, until some such principle is found, we cannot claim to know that it is morally wrong to drive a gas-guzzler just for fun.

The demand for a principle in this case does not lead to general moral skepticism. We still might know that acts and omissions that cause harm are morally wrong because of the harm principle. Still, since that principle and others do not apply to my wasteful driving, and since moral intuitions are unreliable in cases like this, we cannot know that my wasteful driving is morally wrong.

This conclusion will still upset many environmentalists. They think that they know that wasteful driving is immoral. They want to be able to condemn those who drive gas-guzzlers just for fun on sunny Sunday afternoons.

My conclusion should not be so disappointing. Even if individuals have no such moral obligations, it is still morally better or morally ideal for individuals not to waste gas. We can and should praise those who save fuel. We can express our personal dislike for wasting gas and for people who do it. We might even be justified in publicly condemning wasteful driving and drivers who waste a lot, in circumstances where such public rebuke is appropriate. Perhaps people who drive wastefully should feel guilty for their acts and ashamed of themselves, at least if they perform such acts regularly; and we should bring up our children so that they will feel these emotions. All of these reactions are available even if we cannot truthfully say that such driving violates a moral *obligation*. And these approaches might be more constructive in the long run than accusing someone of violating a moral obligation.

Moreover, even if individuals have no moral obligations not to waste gas by taking unnecessary Sunday drives just for fun, governments still have moral obligations to fight global warming, because they can make a difference. My fundamental point has been that global warming is such a large problem that it is not individuals who cause it or who need to fix it. Instead, governments need to fix it, and quickly. Finding and implementing a real solution is the task of governments. Environmentalists should focus their efforts on those who are not doing their job rather than on those who take Sunday afternoon drives just for fun.

This focus will also avoid a common mistake. Some environmentalists keep their hands clean by withdrawing into a simple life where they use very

little fossil fuels. That is great. I encourage it. But some of these escapees then think that they have done their duty, so they rarely come down out of the hills to work for political candidates who could and would change government policies. This attitude helps nobody. We should not think that we can do enough simply by buying fuel-efficient cars, insulating our houses, and setting up a windmill to make our own electricity. That is all wonderful, but it neither does little or nothing to stop global warming, nor does this focus fulfill our real moral obligations, which are to get governments to do their job to prevent the disaster of excessive global warming. It is better to enjoy your Sunday driving while working to change the law so as to make it illegal for you to enjoy your Sunday driving.

NOTES

1. Immanuel Kant (1959), *Foundations of the Metaphysics of Morals* (L. W. Beck, trans.). Indianapolis, IN: Bobbs-Merrill. (Original work published in 1785.)
2. *ibid*, 429.
3. *ibid*, 429.

Walter Sinnott-Armstrong: It's Not My Fault: Global Warming and Individual Moral Obligations

1. Sinnott-Armstrong claims that individual actions, such as taking a pleasure drive, do

not cause any global warming at all. Do you agree?

2. If *everyone* took such drives, then global warming would increase. Does that have any impact on the issue of whether each individual has a moral duty to refrain from such driving? Why or why not?
3. Sinnott-Armstrong thinks that individuals have moral obligations to help end global warming, but that these obligations are restricted to influencing governments to change their climate policies. Are people like you and I powerful enough to do that? If so, then why aren't we powerful enough to partially prevent global warming? Alternatively, if, as individuals, we cannot cause global warming, can we, as individuals, cause governments to change their climate policies?
4. The ideal law principle says that we have a moral obligation not to perform an action if that action ought to be illegal. Why does Sinnott-Armstrong think that this principle fails to generate a moral obligation for individuals to refrain from pleasure drives? Is his argument successful? Why or why not?
5. What is a counterfactual principle? Is there any such principle that is both a plausible test for moral requirements and yields a moral obligation to refrain from taking a pleasure drive?

Economic Justice and Economic Inequality

JUST THE FACTS

Economic inequality refers to the difference in economic well-being between different groups or between individuals within a group. There are various measures of economic well-being, such as income, consumption, and wealth. There are therefore a variety of ways to measure economic inequality. For the most part, however, we'll focus on **wealth inequality**—the unequal distribution of wealth among groups or individuals within a group. Many discussions of economic inequality have focused on wealth and wealth inequality because being more wealthy tends to afford one many advantages over the less wealthy. To the extent that one is wealthy, one can achieve both short- and long-term financial security, gain social prestige and political power, and create still more wealth.

There are many ways to measure a person's wealth, but perhaps the most common way is to measure that person's **net worth**—her assets minus her liabilities. People's assets include the value of their banking and savings accounts, residences, cars, boats, real estate holdings, retirement accounts, investments, and so on. Their liabilities include their debts, such as their mortgage, credit card debt, student loans, car loans, and unpaid medical bills. Thus, one can be very wealthy while having very low income (or no income at all), as in the case of a retired person living on the interest from a large retirement account. Conversely, one can have a very high income but very low (even negative) wealth, as in the case, say, of a professional athlete with

a large salary but a negative net worth due to enormous credit card and mortgage debt.

Most people have probably heard that there is significant wealth inequality both between people within the same country and between people across countries. Few, however, are aware of the severity of the inequality. Indeed, a 2011 study found that US citizens dramatically underestimate the degree of wealth inequality in the United States and would prefer a far more equal distribution of it.¹ It's therefore worth taking a long look at the actual numbers to better appreciate the current state of things.

We'll begin with global wealth inequality. According to a recent Oxfam study,² since 2015, the combined wealth of the richest 1 percent of people in the world (about 75 million people) exceeded the combined wealth of the other 99 percent (about 7.4 billion people). The eight richest people on the planet own roughly the same amount of wealth as the poorest 50 percent (about 3.75 billion people) combined. Bill Gates, founder of Microsoft, has more wealth than the gross domestic product (GDP) of more than one hundred different countries (individually, not combined), including Myanmar, Ethiopia, Luxembourg, Croatia, Belarus, Tunisia, and Lithuania. The 1,810 billionaires on the 2016 Forbes list of billionaires own as much wealth as

1. <http://www.people.hbs.edu/mnorton/norton%20ariely%20in%20press.pdf>

2. https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-economy-for-99-percent-160117-en.pdf

the poorest 70 percent of humanity (5.25 billion people). According to UNICEF, 80 percent of the world's population (6 billion) lives on \$10 or less a day—less than \$3,650 per year.³ All the while, 22,000 children die each day due to poverty.⁴

The difference in wealth between the rich and the poor in the United States is also enormous and continues to grow. Indeed, the wealth gap in the United States is wider than that of any other major developed nation. For example, the wealthiest 1 percent of Americans (3.2 million people) own roughly 40 percent of the nation's wealth, while the poorest 80 percent (256 million people) own just 7 percent. In 2011, the 400 wealthiest Americans had more wealth than the poorest 50 percent of Americans (160 million people) combined.⁵

Inequality along racial lines is large and growing in the United States, too. In 1983, the median household wealth of white families was 8 times that of black families. By 2013, that gap had grown; at that point, median white families owned 12 times the wealth (\$134,230) of median black families (\$11,030). There is still significant inequality among white and Hispanic families, but Hispanic families have managed to close the gap a small bit. In 1983, median white families had 11 times the wealth of median Hispanic families; thirty years later, median white families had 10 times the wealth (\$134,230) of median Hispanic families (\$13,730).⁶ In 2013, white families had over \$100,000 more (about 7 to 11 times more) in average retirement savings than African American and Hispanic families—a gap that is becoming more important as 401(k)s and similar retirement plans replace more traditional pension plans. The billionaires who make up the Forbes

400 list of richest Americans—the vast majority of whom are white—now have as much wealth as all African American households, plus one-third of America's Hispanic population, combined. In other words, 400 extremely wealthy individuals have as much wealth as 21 million African American and Hispanic households in America. As of 2010, there were over 3.5 million vacation homes in the United States,⁷ while over half a million people were homeless.⁸

As with any economic phenomenon, the causes of wealth inequality are complex. There are, however, a few factors that most agree contribute to wealth inequality—even if none of these factors is by itself sufficient to explain the phenomenon. Those factors are income inequality, educational inequality, advancement in technology, and globalization. Obviously, income inequality—the disparity in wages earned between people—will make a difference in wealth inequality, because money earned in wages can be invested, or saved, or used to acquire further assets, thereby contributing to one's wealth. Differences in income are often due to differences in education. In general, the more education a person has, the more employers are willing to pay for the knowledge and skills acquired as a result of that education. Thus, better educated people tend to have higher-paying jobs and better job security. As for technology, computers and robots now perform many highly repetitious jobs formerly carried out by humans. As new technology can perform those tasks more efficiently, those jobs are eliminated. And those jobs have tended to be filled by low-skilled, and therefore low-paid, laborers. Thus, poorer people tend to be hurt most by advances in technology—in the short term, at least. Finally, globalization—the business practice of operating on an international scale—means that

3. https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf

4. https://www.unicef.org/media/media_56045.html

5. <http://www.politifact.com/wisconsin/statements/2011/mar/10/michael-moore/michael-moore-says-400-americans-have-more-wealth-/>

6. <http://apps.urban.org/features/wealth-inequality-charts/>

7. <https://www.census.gov/hhes/www/housing/census/historic/vacation.html>.

8. <http://www.reuters.com/article/us-usa-homelessness-idUSKCN0T9O8720151120>.

businesses in America can find laborers outside the American labor market. Laborers in poorer countries are often willing to work for lower wages than American workers. Thus, businesses stand to make higher profits if they hire laborers in those other countries and lay off, or refrain from hiring, American laborers.

Americans and Canadians tend to be less concerned about wealth inequality than members of other developed and developing countries. According to a 2013 Pew Research study, 47 percent of Americans and 45 percent of Canadians said that the gap between the rich and poor was a “very big problem.”⁹ That differs significantly from other developed economies such as Greece, Italy, and Spain, where the numbers were 84 percent, 75 percent, and 75 percent respectively. Concern about inequality is highest among developing countries, where a median of 74 percent say that the gap between the rich and poor is a “very big problem.” This includes 86 percent of Lebanese, 85 percent of Pakistanis, and 82 percent of Tunisians. Japan and Australia were especially noteworthy for their lack of concern with inequality, as only 34 percent of Japanese and 33 percent of Australians said that inequality was a “very big problem.”¹⁰

ARGUMENT ANALYSIS

Statistics like the ones mentioned earlier point to great wealth and income gaps in the United States. Is the wide gulf between rich and poor cause for moral concern? Or is this extreme sort of economic inequality morally acceptable?

To help us answer this question, recall a distinction made in several other chapters: that between instrumental and intrinsic value. Things are instrumentally valuable when they cause good things to occur or prevent bad things from happening. Things are intrinsically valuable when they are good in and of themselves, considered entirely apart from any results they may bring about. Many people think that closing the

wealth and income gaps would be of great *instrumental* value. For instance, reducing inequality might enable those who are relatively poor to have access to better health care, educational opportunities, legal defense, and improved career options. Lessening the wealth and income gaps might help many at the lower end of the economic spectrum to feel more allegiance to society. And less poverty might lead to less crime.

But many also think that there is something good, in and of itself, with a situation of equality among people. This is reflected in the idea that each person is of equal fundamental importance—every person has a basic dignity, a core set of moral rights, an intrinsic value that is the same as that of every other person. Suppose we grant that people are in these ways fundamentally equal. Does that also mean that economic equality is intrinsically valuable?

Many people say no and insist that economic equality is, at best, of only instrumental value. One line of reasoning in support of this position is

The Leveling-Down Argument

1. If equality is intrinsically valuable, then it is morally good to **level down**, even if doing so fails to benefit the worse-off.
2. It wouldn’t be morally good to level down in such circumstances.

Therefore,

3. Equality is not intrinsically valuable.

To level down is to decrease the resources or benefits of the better-off. One way to do this—we might call it the Robin Hood way—is to take from the rich and give to the poor. This would level down the wealthy and level up the poor, yielding a more egalitarian outcome. But we could also increase equality by simply taking from the rich and destroying that wealth, without redistributing it at all. This would make the rich much closer in economic status to the poor, and so increase equality. But this sort of leveling down seems objectionable, as premise 2 asserts. Why act so as to harm some people if you won’t thereby benefit anyone else?

9. <http://www.pewglobal.org/2013/05/23/chapter-3-inequality-and-economic-mobility/>

10. Ibid.

Attention to the plight of the poor often motivates people to endorse some form of **economic egalitarianism**—the view that it is morally important to distribute wealth and income equally. But as the previous paragraph revealed, it is possible to construct an egalitarian system that only harms the better-off and fails to benefit any of the worse-off.

Those who advocate for egalitarianism are often motivated by a concern to improve the condition of the poor. But on some plausible (though contested) assumptions, we can in fact best improve the economic status of the worst-off by allowing for inequalities. The idea is that the poor are better off living in a society with such things as life-saving drugs, cell phones, and safe cars. These innovations are possible (the thought goes) only because we promise innovators a chance at becoming wealthy from the investment of their time and energy. If everyone earned the same income, regardless of how hard they worked or how innovative they were, then this would drastically reduce the incentive to develop so many life-enhancing and life-saving products. So economic inequality may be the price we have to pay in order to live in a society that offers such benefits.

Note that even if this line of reasoning is sound, it does not support anything like the level of inequality we see in the United States. Innovations have flourished in our own country, and others, when the upper income tax rates were much higher than they are today. There are also means of redistributing wealth other than through income taxes. We could, for instance, prevent the concentration of wealth across generations by imposing higher **estate taxes** (those paid by the estate of a person who has died) or **inheritance taxes** (paid by those who have inherited the wealth of the deceased). Doing such things wouldn't have much impact on incentives to innovate for the greater good.

Objections to economic equality can come both from those who are **conservative** (in its original and strict meaning: those who want to preserve the status quo), who argue for protecting

the wealthy from increased taxation, as well as from those who want to see greater redistribution of wealth from the rich to the poor. As an example of a conservative argument, consider

The Legal Argument

1. If one obeys the law (including paying all legally required taxes), then one is morally entitled to all of one's remaining wealth and income.
2. A great many of the rich fully obey the law. Therefore,
3. A great many of the rich are morally entitled to their riches.

Premise 2 is true. But premise 1 not very plausible. For it assumes that whatever the tax code allows or requires is morally legitimate. As a general matter, it is false that we are morally entitled to do whatever the law allows us. After all, the law has allowed people to enslave one another. It has sometimes allowed powerful elites to rape or kill their servants with impunity. We are always able to step back from the law and ask about its moral legitimacy. The same holds for tax law. Even if a given law allows the rich to keep most of their wealth, that does not automatically mean that the rich are *morally* entitled to it. We cannot just assume that existing tax codes are morally correct. Some may err too heavily in favor of the wealthy; others, of course, may err in the opposite direction.

Conservatives might instead opt for a more nuanced attempt to preserve the economic status quo. It takes the form of

The Liberty Argument

1. The government can ensure economic equality only by constantly interfering with its citizens to adjust for any inequality, even when it arises from free exchanges.
2. It is wrong for the government to interfere in this way.

Therefore,

3. It is wrong for the government to ensure economic equality.

The idea behind this argument is simple. We are morally at liberty to do whatever we want, so long as we don't violate the rights of others. A legitimate government will respect that liberty. But if it is called on to ensure economic equality, the government will have to continuously monitor our economic situation and intrude on our privacy. Further, this sort of radical redistribution of wealth will violate the property rights of the better-off, when they have achieved their economic gains through free exchanges.

Suppose you tell me of a great idea for a new company you want to start. You're honest with me, describing the risks and the potential rewards. I tell you I'll invest \$25,000 in exchange for 90 percent of the profits in your company—if it ever does make a profit, which most startups don't. The company is a great success and I become rich—for a short while. Now that I am much wealthier than you, and indeed than most people, the government steps in and takes most of those profits away, in the form of an equality tax. This seems to be a violation of my rights, since our deal was made freely, and in making my newfound wealth, I broke no laws and violated no one's rights.

But this is too quick. After all, most of us, when earning our pay, break no laws and violate no rights. And yet we are all subject to income taxes, and rightly so. Unless you are an **anarchist**—someone who rejects the legitimacy of all governments and thinks that government ought to be abolished—you should believe that some taxes are morally legitimate, since governments require tax revenue in order to provide their services. The question, then, is not *whether* we are morally required to return a portion of our income to the government, but how much. People frequently complain about how high their taxes are. But how much is too much?

Others argue against an egalitarian ideal not because they seek to protect the interests of the wealthy but because, perhaps surprisingly, they believe that economic equality fails to do enough for the worst-off enough among us. Call this

The Insufficiency Argument

1. Distributing equal resources to citizens will still leave many of the worst-off with little chance of a decent life.
2. Governments should not adopt policies that yield this sort of result; governments should instead adopt policies that maximize the chance that every citizen has an equal opportunity to live a sufficiently good life.

Therefore,

3. The government should not distribute resources equally to its citizens.

The core thought behind this argument is that a substantial number of people are very badly off and need an unusually large number of resources to bring them to a level of well-being that is even close to what the average person enjoys. Imagine poor citizens who require medicines, nursing care, hospitalizations, rehabilitative therapies or surgeries that cost hundreds of thousands of dollars. Guaranteeing economic equality would fall far short of giving such people what they need in order to live a decent life.

According to proponents of the Insufficiency Argument, **distributive justice**—justice in the social distribution of resources and opportunities—requires that we do what we can to ensure that everyone has an equal chance at living a sufficiently good life. That can require giving some people much more than the average, and much more than an equal monetary distribution would require. So economic egalitarianism is mistaken—not because it takes too much from the wealthy, but rather because it fails to give enough to many of the poor.

One potential criticism of this argument is that many societies lack the resources to meet the demands it sets. *Perhaps* the richest countries could tax their wealthier citizens enough so as to ensure that even the neediest are able to live a decent life. But other countries may simply be too poor to provide all of their citizens a chance at a decent life.

As you might also have suspected, another problem with this argument is that it requires the government to take a stand on what qualifies as a sufficiently good life and to be committed to enabling each of its citizens to live such a life. Some argue that there is too much controversy over what counts as a good life for this demand to have any force. Others argue that the government should not be in the business of trying to define the nature of a good life—this is something that each citizen should decide for herself. Finally, even if we could agree on what did and didn't qualify as a sufficiently good life, many claim that it's not the government's business to ensure that we are able to live it.

Addressing these points would require that we investigate the proper purpose of government and the limits of its legitimate reach. Some believe that government is best when it interferes the least; it must maintain a hands-off policy so long as we are respecting the rights of others. Others envision a more proactive role for government, arguing that it is uniquely well positioned to bring about important social benefits that make nearly everyone's life better off. On this view, the government may tax us at a greater rate and constrain us in various ways (e.g., by requiring that we wear seat belts or helmets while driving), even when we are not threatening to violate the rights of others. While properly analyzing these fascinating debates is unfortunately beyond the scope of our present discussion, we can consider some related arguments that have an indirect bearing on the merits of these two visions of the role and limits of good government.

One such argument keeps the focus on the poor and claims once again that an economic egalitarian policy fails to do enough for them. The argument comes from John Rawls (1921–2002), who was perhaps the greatest political philosopher of the twentieth century. He defended what he called the **difference principle**: when distributing resources and opportunities, societies are required to give the greatest priority to the interests of the worst-off among

us. Priority is not the same as equality—when you give one group priority over another, you are treating these groups unequally. Rawls's argument for the difference principle has several steps and involves some jargon, but it is not really that complicated.

To appreciate Rawls's view, we need to get two technical terms under our belt. The first is one that Rawls coined: the **original position**. Rawls defended a social contract theory of justice (see Chapter 7), according to which the fundamental principles of social justice are the outcome of contractual negotiations among free, equal, and rational people. The negotiation takes place in the original position, which for Rawls has a very distinctive feature. The negotiators in the original position are not real people. He does not believe that the principles of justice emerge from any actual negotiation. Rather, we are to imagine a group of fictitious people who know almost nothing about themselves. They do know the basic facts about human psychology. They care about what happens to them post negotiation and know that they have some set of values. But they don't know which values they embrace. Nor do they know their age, economic status, religion, sex, gender, personality type, or social position. For Rawls, the extent of this ignorance ensures the fairness of the principles these contractors agree to. Since no one knows the features that distinguish him or her from anyone else, everyone will be negotiating from an impartial perspective.

Their task: come to agreement on which principles they are going to be governed by. They have no idea of where they're going to land once these principles are enforced. Rawls claims that if we face such an uncertain future, and if we are comfortable accepting a sufficiently good outcome, then we must use the **maximin principle** of rational choice. This tells us to survey all of the options, determine what the worst-case scenario is in each of them, and pick the option that yields the best of the worst-case scenarios. In effect, you are maximizing the minimum—hence, maximin. The basic idea is that when you

are really unsure about your choices, then do your best to protect against disaster by picking the option that will guarantee you the best of the worst outcomes. According to Rawls, the difference principle does just that:

The Rawlsian Argument for the Difference Principle

1. The correct principles of social justice are those that would be chosen in the original position.
2. Those principles should be selected by utilizing the maximin principle.
3. The maximin principle, as applied in the original position, tells us to choose the difference principle to distribute social resources and opportunities.

Therefore,

4. The difference principle is one of the correct principles of social justice.

The reasoning behind premise 3 is interesting. Rawls thinks that there are going to be better and worse-off citizens in every country—no matter how hard a government tried to ensure economic equality, some people are going to end up better off than others, through harder work or good fortune. Still, we have to strive to identify the fairest distribution of social resources and opportunities. Rawls thinks that utilitarianism is the view of social justice that *appears* to be the fairest, because it assigns each person's interests equal importance. Rawls asks us to imagine what the worst-case scenario would be like in a society governed by utilitarian principles. And the answer is: terrible. You might be the sacrificial lamb, the one whose interests get crushed if doing so improves the interests of enough others. (Recall the discussion of the problem of justice in Chapter 5.C.) But under the difference principle, the worst-off citizens get top priority. That doesn't guarantee that they will become as well-off as the rich, but it does guarantee that society will focus its attention and its resources to bettering their plight. Since the occupants of the original

position are rational, they'd use the maximin principle to select principles of justice. The difference principle makes the condition of the worst-off the best it can be, since the difference principle requires society to give them greatest priority. Because, as Rawls sees it, principles selected in the original position are fair, and specify what justice requires, it follows that a fair and just society would adopt the difference principle.

Critics of Rawls, and of the general idea that we must give priority to the worst-off, often argue as follows. Whether we should give priority to some citizens over others depends not on the condition they find themselves in, but how they got there. For instance, if those at the bottom rung of the social and economic ladder are there because they don't like to work, or because they opted out of educational opportunities that would have enabled their economic advancement, then society need not do anything to give them a helping hand. The thought is that if a person is responsible for his poverty, then the government owes him nothing by way of offering greater resources or opportunities. This can be summed up in

The Effort Argument

1. If economic equality is a worthy moral ideal, then we should do our best to ensure that everyone receives the same economic resources.
2. We shouldn't do that; those who work much harder than others should receive greater economic reward; those who expend less effort when working should receive less economic reward.

Therefore,

3. Economic equality is not a worthy moral ideal.

Premise 1 is quite plausible. And there is certainly something appealing about premise 2. Compare a hard-working, industrious person with a lazy, entitled one—why create economic policies designed to give them both the same resources?

And yet—many have argued that we bear (at best) only partial responsibility for our work habits. Those who lack initiative, or who are averse to hard work, may be born with traits that make them so, or may be raised by parents who bear a lot of responsibility for reinforcing these characteristics. Here we enter deep territory—how responsible are we for our personality and character traits? Many of our practices assume that people are genuinely responsible for their motivations and actions. But once we see that so much of who we are depends on factors outside of our control—our genetic endowment, our parents, the influences of those we grew up with, the messages being sent by acquaintances, teachers, the media, community members—the scope of our responsibility seems to dwindle.

Suppose we are indeed responsible for how much effort we put into our work. In that case, premise 2 would have some very interesting implications. There is no reason to think that most millionaires work any harder than the average plumber or school teacher. If the Effort Argument is sound, then most CEOs should earn no more than most construction workers. Indeed, those millionaires who have inherited their wealth and never worked at all should, by this argument, be very heavily taxed. It's also the case that many of the poor live in areas where it is very difficult to find work at all, much less well-paying work. What if people are willing to work quite hard, but unable to find such employment? Because the unemployed are not expending any effort at a job, the Effort Argument offers no basis for providing such people with any economic resources at all.

Those who like this result are committed to rejecting the existence of a social safety net for some of the most vulnerable members of society. This rejection is sometimes motivated by the following consideration. People have many needs. But the fact that someone else has unmet needs does not, by itself, impose a duty on me to meet those needs. Suppose I have a lot of money. You, a complete stranger, have been unable to afford health

insurance and have broken your knee in a fall. The surgery and hospitalization will cost \$20,000, which you don't have. You've heard of my wealth and ask me to give you the funds for the surgery. It would be really nice of me to do that—I am so wealthy that the money is a drop in the bucket. But it doesn't seem that you have a right to the money, or that I have a duty to give it to you.

The lesson many draw from this is that needs do not entail rights; just because I need something does not mean that I am entitled to it. This thought gives rise to the last argument we'll consider here:

The Needs Argument

1. The government's moral obligations are limited to respecting its citizens' entitlements.
2. Citizens need many things to which they are not entitled.

Therefore,

3. The government is not morally obligated to meet all of the needs of its citizens.

Premise 2 is very plausible. I may need to be loved, for instance, but that doesn't entitle me to anyone's affection. Premise 1, though, is highly controversial. Many people think, for instance, that even if a person does not have a right to affordable health insurance, the government is required to provide it so as to protect its vulnerable citizens against catastrophic loss. On this view, a government's proper role is much more expansive than premise 1 allows. As indicated earlier, we can't resolve debates about the limits of government here, but we can note the following. When it comes time to defend specific policy proposals, those who endorse the Needs Argument must make further arguments about what citizens are and are not entitled to. For instance, you might love this argument, but also believe that citizens *are* entitled to decent health care. In that case, you'll argue that the government ought to provide it to all citizens. Others, who favor a more limited government, will allow that

everyone needs good health care, but then argue that this is one of those needs that does not generate an entitlement. To make progress on this debate, we'd need to answer the following question: Why are citizens entitled to the fulfilment of some needs—to be safe from attack, to have an efficient police force and a fair judicial system—while other needs fail to generate an entitlement?

CONCLUSION

It turns out that there are surprisingly few arguments for the conclusion that economic equality is intrinsically valuable. And concerns about leveling down have convinced most people that economic egalitarianism is not what we should be striving for. Rather, the animating spirit of economic egalitarianism seems to be better captured by the view that society in some way must give priority to the needs and interests of the poor, even if, in the end, there is still an unequal distribution of wealth and income. On this front, perhaps the most philosophically influential argument has been Rawls's argument for the difference principle. But many have sought to defend something closer to the status quo, thereby preserving the very large wealth and income gaps between rich and poor, by arguing that a substantial redistribution of wealth would infringe the rights of the better-off, wrongly reward those who make little effort at work, and mistakenly treat needs as entitlements. As we have seen, resolving these debates will in many cases require a more extensive investigation into the proper role and limits of government.

ESSENTIAL CONCEPTS

Anarchist: someone who rejects the legitimacy of all governments and thinks that government ought to be abolished.

Conservative: someone who wants to preserve the status quo and endorses policies designed to do so.

Difference principle: the principle that says that when distributing resources and opportunities, societies are required to give the greatest priority to the interests of the worst-off among us.

Distributive justice: justice in the social distribution of resources and opportunities.

Economic egalitarianism: the view that it is morally important to distribute wealth and income equally.

Economic inequality: the difference in economic well-being between different groups or between individuals within a group.

Estate tax: a tax paid by the estate of a person who has died.

Inheritance tax: a tax paid by the recipients who have inherited the wealth of the deceased.

Level down: to decrease the resources or benefits of the better-off.

Maximin principle: a principle of rational choice that tells us to survey all of the options, determine the worst-case scenario in each of them, and pick the option that has the best of the worst-case scenarios.

Net worth: a measure of wealth calculated by subtracting liabilities (i.e., debts or financial obligations) from assets (i.e., holdings regarded as having economic value).

Original position: John Rawls's term for the situation in which imaginary negotiators, stripped of all knowledge of the features that distinguish them from one another, come together to decide on social principles that will govern them.

Wealth inequality: a difference in wealth between groups or individuals within a group.

STAT SHOT

- Since 2015, the combined wealth of the richest 1 percent of people in the world (about 75 million people) exceeded the combined wealth of the other 99 percent (about 7.4 billion people).¹
- High-income populations are scarce outside of North America and Western Europe (Figure 16.1).

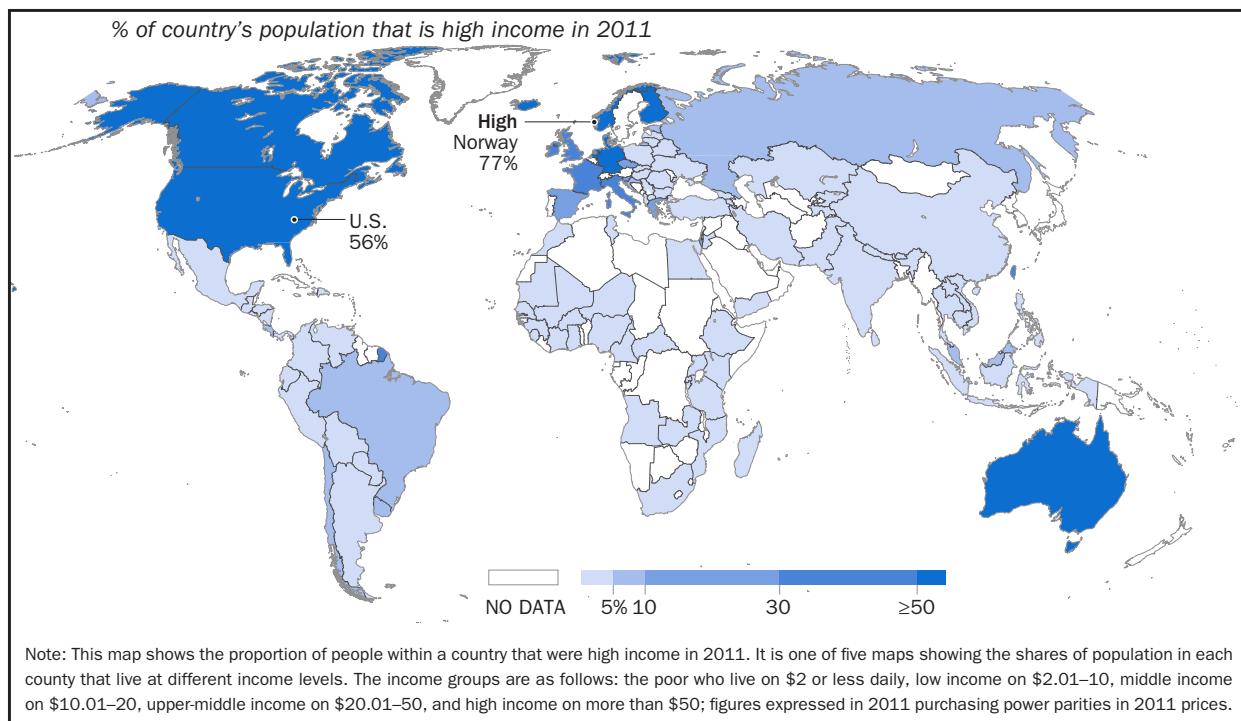


Figure 16.1.

Source: Pew Research Center analysis of data from the World Bank Povcal/Net database (Center for Global Development version available on the Harvard Dataverse Network) and the Luxembourg Income Study Center. <http://www.pewglobal.org/2015/07/08/mapping-the-global-population-how-many-live-on-how-much-and-where/>

- In 2015, the poorest 71 percent of people in the world owned just 3 percent of the wealth. The richest 0.7 percent owned 45.2 percent of the wealth (Figure 16.2).

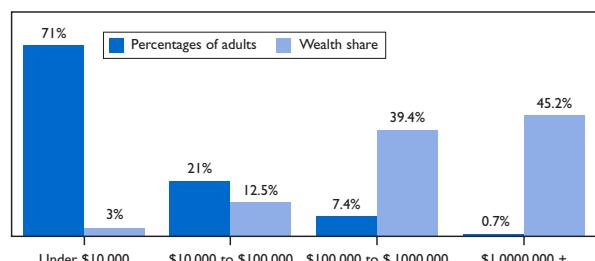


Figure 16.2. Global adult population and share of total wealth by wealth group, 2015.

Source: Credit Suisse Research Institute, Global Wealth Report 2015. <https://inequality.org/facts/global-inequality/>

continued

continued

- In 2013, the top 10 percent of wealthiest Americans owned the overwhelming majority of wealth in the United States. The 51st to 90th percentiles owned about 15 percent. The bottom 50 percent owned somewhere in the vicinity of 1 percent of the wealth (Figure 16.3).

1. https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-economy-for-99-percent-160117-en.pdf

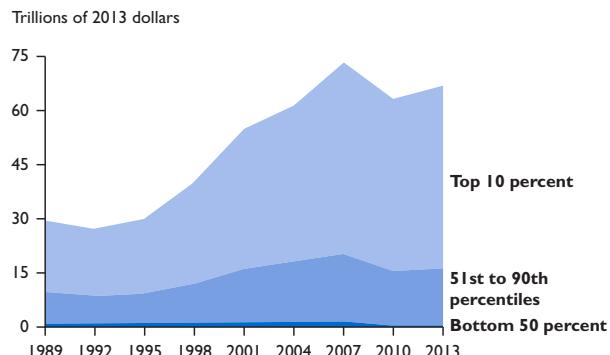


Figure 16.3.

Source: <https://www.cbo.gov/publication/51846>

Cases for Critical Thinking

Economic Inequality and Taxes

People often complain that the richest people in America get too many tax breaks from the government. But the richest Americans often point out that they pay significantly more taxes than anyone else.¹ For example, according to this graphic (Figure 16.4) from the Pew Research Center,² the richest 2.7 percent of Americans pay nearly 52 percent of all income tax. Americans making less than \$100,000 per year in income (84 percent of Americans) pay only 20.5 percent of the income tax collected by the US government. The poorest

24.3 percent of Americans pay only 0.1 percent of the nationally collected income taxes. These poorest Americans are the same ones that receive a host of benefits from the government in the form of welfare payments, disability payments, Medicaid, SNAP (also known as “food stamps”), and so on. The result is that, for the poorest Americans, the monetary value of the benefits they receive from the government far exceeds the amount of money that they pay to the government. Some people think that it’s unfair that poorer Americans receive more from the government than they pay in while richer Americans receive less from the government than they pay in.

Individual income tax statistics, by income group

Adjusted Gross Income	% of Returns Filed	% of Income Tax Paid
Less than \$15,000	24.3	0.1
\$15,000 to \$29,999	20.4	1.4
\$30,000 to \$49,999	17.6	4.1
\$50,000 to \$99,999	21.7	14.9
\$100,000 to \$199,999	11.8	21.9
\$200,000 to \$249,999	1.5	5.9
\$250,000 and above	2.7	51.6

Figure 16.4.

Source: <http://www.pewresearch.org/fact-tank/2016/04/13/high-income-americans-pay-most-income-taxes-but-enough-to-be-fair/>

Questions

- Do you think that the richest Americans should pay still more in income taxes, less, or is the income tax structure basically correct? What reasons can you offer in support of your view?
- Economic conservatives often argue that giving big tax cuts to the rich helps the poor and the worst-off in society, because

this allows business owners to invest even more money back into their businesses, creating more jobs for poorer laborers. This is a highly controversial economic claim, but let's suppose for now that it's true—that tax cuts for the rich benefit the worst-off in society. Still, such a policy is likely to increase wealth inequality, since the result is further profits for businesses and their owners, only a fraction of which will be passed on to workers. Suppose, then, that we can help the worst-off in society only by increasing economic inequality. Should we do it? Or should we refrain from helping the worst-off so as to reduce economic inequality?

3. “Taxation is theft” is a slogan endorsed by some economic conservatives. The idea is that people who earn money in an honest way by making voluntary exchanges with other consenting adults ought to be able to use their earnings as they see fit. If, for example, I tried to take your hard-earned money by force in order to give it to a poorer person, that would be theft. I would have stolen from you. The same, some say, is true of the government. When it redistributes money from rich to poor via taxation, the government has committed theft. Is this line of reasoning correct? Why or why not? If not, what justifies the state in redistributing wealth from some citizens to others?

Global Versus Domestic Economic Inequality

In 2016, Vermont senator Bernie Sanders ran for the Democratic nomination for president, receiving 43 percent of votes in the primaries. One of the issues he was most passionate about was wealth inequality in America. He proposed thirteen strategies for combating such inequality. Here was his fourth strategy: “Reversing trade policies like [the free-trade agreements]

NAFTA, CAFTA, and PNTR with China that have driven down wages and caused the loss of millions of jobs. If corporate America wants us to buy their products, they need to manufacture those products in this country, not in China or other low-wage countries.”¹ In short, he proposed to constrain trade between nations to preserve American jobs.

Also in 2016, Republican presidential nominee Donald Trump proposed taking drastic measures—for example, building a wall between the United States and Mexico—to stop the flow of immigrants from Latin America. One of the stated justifications for this plan was that it would preserve American jobs from immigrants who wished to find employment in the United States.

Both candidates favored creating or preserving jobs for poorer Americans rather than for poorer people from other countries. The likely result is that wealth inequality in the United States would be, to some extent, lessened while global inequality would be increased (since even many of the poorest Americans are vastly richer than the poorest people elsewhere).

1. <https://berniesanders.com/issues/income-and-wealth-inequality>

Questions

1. To the extent that governments ought to try to reduce economic inequality, should they be more concerned about economic inequality *in their own country* or should they be more concerned with *global* economic inequality? Why?
2. Do owners of large businesses (e.g., Nike, Dell, Apple) have a moral obligation not to outsource jobs to other countries—or, at least to limit outsourcing—to preserve jobs for poorer citizens in their own country? Why or why not?
3. Every now and then, when a major company announces that it will eliminate several hundred local jobs and outsource them to workers in another country (e.g., India,

Mexico), consumers respond by trying to organize boycotts against those businesses. Do you, as a consumer, have an obligation to refrain from buying from businesses that eliminate local jobs to the benefit of workers in other countries? Why or why not?

Walmart

Walmart is the world's largest company by revenue and the largest private employer in the world. The company employs 1.4 million people in the United States alone—about 1 percent of the American workforce. The company also has a reputation for being a less-than-ideal place to work. The average pay for nonmanagement positions, as of 2017, is \$9.41 per hour. That's well below the \$13 per hour national average for other retail positions.¹ In 2005, a Walmart memo, sent by its board of directors, advised store managers to begin eliminating full-time positions in favor of hiring part-time employees because part-time employees were ineligible for the more expensive health insurance.² In 2010, the wealth of the Walton family (the family that owns Walmart) was valued at \$89.5 billion—equal, at the time, to the combined wealth of the poorest 41.5 percent of families in America. In response to Walmart's treatment of its employees, many have called on the government to force Walmart to pay higher wages and provide better health insurance programs for its employees. Others have called for consumers to boycott the company.

1. <https://www.glassdoor.com/Salary/Walmart-Salaries-E715.htm>

2. <http://www.nytimes.com/2005/10/26/business/walmart-memo-suggests-ways-to-cut-employee-benefit-costs.html>

Questions

- 1.** Would the government be justified in forcing Walmart, and similar companies, to pay its employees higher wages or to provide health insurance for its uninsured or underinsured employees? Why or why not?
 - 2.** Many defenders of Walmart argue that its employees agree to the wages and benefits that they receive. Walmart doesn't force anyone to accept a job at their company; nor does Walmart prevent their employees from quitting if they so desire. If associates agree to work for the wages and benefits that Walmart provides, should we conclude that those wages and benefits are fair? Why or why not?
 - 3.** Walmart can provide a wide range of products at exceptionally low prices, in part because they pay their employees such low wages and provide such poor benefits. The result is that there are a wide range of low-price goods available for poor people to purchase—products that are significantly more expensive at stores like Whole Foods that pay their employees much higher wages. Given these facts, should we be glad that Walmart exists? Why or why not?
-

READINGS

A Theory of Justice

[John Rawls](#)

In this selection, John Rawls sets out some of the basic elements of his famous theory of justice. Rawls, the most influential English-speaking political philosopher of the twentieth century, sought to identify the method for selecting principles of domestic justice. He tells us that we ought to choose principles that are fair, both in content and in their method of selection.

Rawls develops a social contract theory of justice, according to which principles of justice are those that would be selected by people who know nothing of the features that distinguish them from one another. Such people are rational, know the basic facts of human psychology, know that they have some conception of what is valuable, but don't know what that specific conception is. Nor do they know their economic or social status, their religion, their sex, their family history, or their skin color. This sort of widespread ignorance protects against bias and partiality in the selection of principles of justice.

When it comes to determining the principles that are to govern the basic economic structure of society, Rawls defends what he calls the *difference principle*. This principle recommends laws that give priority in the distribution of opportunities and resources to the worst-off members of society. He argues that the social contractors described earlier would select this principle because it is rational to do so. That claim, in turn, is defended by invoking the *maximin rule*—a principle about how to make decisions when you are uncertain of the chances or the value of the possible outcomes of your choice. The maximin rule tells us to maximize the minimum: we are to survey our options, identify the worst-case scenario associated with each option, and then select the one that yields the best of these worst-case scenarios. Rawls argues that since those selecting principles of justice don't know where they will end up in the social hierarchy, and since the difference principle gives priority to the worst-off in society, then rational contractors will select the difference principle. As a result, domestic economic policies are just only if they distribute greater resources and opportunities to the worst-off among us.

The Main Idea of the Theory of Justice

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as

From *A Theory of Justice* by John Rawls (Cambridge, MA: The Belknap Press of Harvard University Press). Copyright © 1971 by the President and Fellows of Harvard College. Notes have not been reprinted.

found, say, in Locke, Rousseau, and Kant. In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of

equality as defining the fundamental terms of their association. These principles are to regulate all further agreements: they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness.

Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust. **The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.**

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's

relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name "justice as fairness": it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The name does not mean that the concepts of justice and fairness are the same, any more than the phrase "poetry as metaphor" means that the concepts of poetry and metaphor are the same.

Justice as fairness begins, as I have said, with one of the most general of all choices which persons might make together, namely, with the choice of the first principles of a conception of justice which is to regulate all subsequent criticism and reform of institutions. Then, having chosen a conception of justice, we can suppose that they are to choose a constitution and a legislature to enact laws, and so on, all in accordance with the principles of justice initially agreed upon. Our social situation is just if it is such that by this sequence of hypothetical agreements we would have contracted into the general system of rules which defines it. Moreover, assuming that the original position does determine a set of principles (that is, that a particular conception of justice would be chosen), it will then be true that whenever social institutions satisfy these principles those engaged in them can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another were fair. They could all view their arrangements as meeting the stipulations which they would acknowledge in an initial situation that embodies widely accepted and reasonable constraints on the choice of principles. The general recognition of this fact would provide the basis for a public acceptance of the corresponding principles of justice. No society can, of course, be a scheme of cooperation which men enter voluntarily in a literal sense; each person finds himself placed at birth in some particular position in some particular society, and the nature of this position materially affects his life prospects. Yet a society satisfying the principles of justice as fairness comes

as close as a society can be to being a voluntary scheme, for it meets the principles which free and equal persons would assent to under circumstances that are fair. In this sense its members are autonomous and the obligations they recognize self-imposed.

One feature of justice as fairness is to think of the parties in the initial situation as rational and mutually disinterested. This does not mean that the parties are egoists, that is, individuals with only certain kinds of interests, say in wealth, prestige, and domination. But they are conceived as not taking an interest in one another's interests. They are to presume that even their spiritual aims may be opposed, in the way that the aims of those of different religions may be opposed. Moreover, the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends. I shall modify this concept to some extent, as explained later, but one must try to avoid introducing into it any controversial ethical elements. The initial situation must be characterized by stipulations that are widely accepted.

In working out the conception of justice as fairness one main task clearly is to determine which principles of justice would be chosen in the original position. To do this we must describe this situation in some detail and formulate with care the problem of choice which it presents. These matters I shall take up in the immediately succeeding chapters. It may be observed, however, that once the principles of justice are thought of as arising from an original agreement in a situation of equality, it is an open question whether the principle of utility would be acknowledged. Offhand it hardly seems likely that persons who view themselves as equals, entitled to press their claims upon one another, would agree to a principle which may require lesser life prospects for some simply for the sake of a greater sum of advantages enjoyed by others. Since each desires to protect his interests, his capacity to advance his conception of the good, no one has a reason to acquiesce in an enduring loss for himself in order to bring about a greater net balance of satisfaction. In the absence of strong and lasting benevolent impulses, a rational man would not accept a basic structure merely because it maximized the

algebraic sum of advantages irrespective of its permanent effects on his own basic rights and interests. Thus it seems that the principle of utility is incompatible with the conception of social cooperation among equals for mutual advantage. It appears to be inconsistent with the idea of reciprocity implicit in the notion of a well-ordered society. Or, at any rate, so I shall argue.

I shall maintain instead that the persons in the initial situation would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society. These principles rule out justifying institutions on the grounds that the hardships of some are offset by a greater good in the aggregate. It may be expedient but it is not just that some should have less in order that others may prosper. But there is no injustice in the greater benefits earned by a few provided that the situation of persons not so fortunate is thereby improved. The intuitive idea is that since everyone's well-being depends upon a scheme of cooperation without which no one could have a satisfactory life, the division of advantages should be such as to draw forth the willing cooperation of everyone taking part in it, including those less well situated. Yet this can be expected only if reasonable terms are proposed. The two principles mentioned seem to be a fair agreement on the basis of which those better endowed, or more fortunate in their social position, neither of which we can be said to deserve, could expect the willing cooperation of others when some workable scheme is a necessary condition of the welfare of all. Once we decide to look for a conception of justice that nullifies the accidents of natural endowment and the contingencies of social circumstance as counters in quest for political and economic advantage, we are led to these principles. They express the result of leaving aside those aspects of the social world that seem arbitrary from a moral point of view....

Justice as fairness is an example of what I have called a contract theory. The merit of the contract terminology is that it conveys the idea that

principles of justice may be conceived as principles that would be chosen by rational persons, and that in this way conceptions of justice may be explained and justified. The theory of justice is a part, perhaps the most significant part, of the theory of rational choice. Furthermore, principles of justice deal with conflicting claims upon the advantages won by social cooperation; they apply to the relations among several persons or groups. The word "contract" suggests this plurality as well as the condition that the appropriate division of advantages must be in accordance with principles acceptable to all parties. The condition of publicity for principles of justice is also connoted by the contract phraseology. Thus, if these principles are the outcome of an agreement, citizens have a knowledge of the principles that others follow. It is characteristic of contract theories to stress the public nature of political principles. . . .

The Veil of Ignorance

The idea of the original position is to set up a fair procedure so that any principles agreed to will be just. The aim is to use the notion of pure procedural justice as a basis of theory. Somehow we must nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage. Now in order to do this I assume that the parties are situated behind a veil of ignorance. They do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations.

It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism. More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation, or the

level of civilization and culture it has been able to achieve. The persons in the original position have no information as to which generation they belong. These broader restrictions on knowledge are appropriate in part because questions of social justice arise between generations as well as within them, for example, the question of the appropriate rate of capital saving and of the conservation of natural resources and the environment of nature. There is also, theoretically anyway, the question of a reasonable genetic policy. In these cases too, in order to carry through the idea of the original position, the parties must not know the contingencies that set them in opposition. They must choose principles the consequences of which they are prepared to live with whatever generation they turn out to belong to.

As far as possible, then, the only particular facts which the parties know is that their society is subject to the circumstances of justice and whatever this implies. It is taken for granted, however, that they know the general facts about human society. They understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice. There are no limitations on general information, that is, on general laws and theories, since conceptions of justice must be adjusted to the characteristics of the systems of social cooperation which they are to regulate, and there is no reason to rule out these facts. It is, for example, a consideration against a conception of justice that in view of the laws of moral psychology, men would not acquire a desire to act upon it even when the institutions of their society satisfied it. For in this case there would be difficulty in securing the stability of social operation. It is an important feature of a conception of justice that it should generate its own support. That is, its principles should be such that when they are embodied in the basic structure of society men tend to acquire the corresponding sense of justice. Given the principles of moral learning, men develop a desire to act in accordance with its principles. In this case a conception of justice is stable. This kind of general information is admissible in the original position. . . .

Thus there follows the very important consequence that the parties have no basis for bargaining in the usual sense. No one knows his situation in society nor his natural assets, and therefore no one is in a position to tailor principles to his advantage. We might imagine that one of the contractees threatens to hold out unless the others agree to principles favorable to him. But how does he know which principles are especially in his interests? The same holds for the formation of coalitions: if a group were to decide to band together to the disadvantage of the others, they would not know how to favor themselves in the choice of principles. Even if they could get everyone to agree to their proposal, they would have no assurance that it was to their advantage, since they cannot identify themselves either by name or description. . . .

The Rationality of the Parties

I have assumed throughout that the persons in the original position are rational. In choosing between principles each tries as best he can to advance his interests. But I have also assumed that the parties do not know their conception of the good. This means that while they know that they have some rational plan of life, they do not know the details of this plan, the particular ends and interests which it is calculated to promote. How, then, can they decide which conceptions of justice are most to their advantage? Or must we suppose that they are reduced to mere guessing? To meet this difficulty, I postulate. . . . that they would prefer more primary social goods rather than less [i.e., rights and liberties, powers and opportunities, income and wealth and self-respect]. . . . Of course, it may turn out once the veil of ignorance is removed, that some of them for religious or other reasons may not, in fact, want more of these goods. But from the standpoint of the original position, it is rational for the parties to suppose that they do want a larger share, since in any case they are not compelled to accept more if they do not wish to nor does a person suffer from a greater liberty. Thus even though the parties are deprived of information about their particular ends, they have enough knowledge to rank the alternatives. They know that in general they must try to protect their liberties, widen their opportunities,

and enlarge their means for promoting their aims whatever these are. Guided by the theory of the good and the general facts of moral psychology, their deliberations are no longer guesswork. They can make a rational decision in the ordinary sense. . . .

The assumption of mutually disinterested rationality, then, comes to this: the persons in the original position try to acknowledge principles which advance their system of ends as far as possible. They do this by attempting to win for themselves the highest index of primary social goods, since this enables them to promote their conception of the good most effectively whatever it turns out to be. The parties do not seek to confer benefits or to impose injuries on one another; they are not moved by affection or rancor. Nor do they try to gain relative to each other; they are not envious or vain. Put in terms of a game, we might say: they strive for as high an absolute score as possible. They do not wish a high or a low score for their opponents, nor do they seek to maximize or minimize the difference between their successes and those of others. The idea of a game does not really apply, since the parties are not concerned to win but to get as many points as possible judged by their own system of ends. . . .

Once we consider the idea of a contract theory it is tempting to think that it will not yield the principles we want unless the parties are to some degree at least moved by benevolence, or an interest in one another's interests. . . . Now the combination of mutual disinterest and the veil of ignorance achieves the same purpose as benevolence. For this combination of conditions forces each person in the original position to take the good of others into account. In justice as fairness, then, the effects of good will are brought about by several conditions working jointly. The feeling that this conception of justice is egoistic is an illusion fostered by looking at but one of the elements of the original position. . . .

THE PRINCIPLES OF JUSTICE

Two Principles of Justice

I shall now state in a provisional form the two principles of justice that I believe would be chosen in the original position. In this section I wish to make only the most general comments, and therefore the first formulation of these principles is tentative.

As we go on I shall run through several formulations and approximate step by step the final statement to be given much later. I believe that doing this allows the exposition to proceed in a natural way.

The first statement of the two principles reads as follows.

First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.

There are two ambiguous phrases in the second principle, namely "everyone's advantage" and "equally open to all." Determining their sense more exactly will lead to a second formulation of the principle....

By way of general comment, these principles primarily apply, as I have said, to the basic structure of society. They are to govern the assignment of rights and duties and to regulate the distribution of social and economic advantages. As their formulation suggests, these principles presuppose that the social structure can be divided into two more or less distinct parts, the first principle applying to the one, the second to the other. They distinguish between those aspects of the social system that define and secure the equal liberties of citizenship and those that specify and establish social and economic inequalities. The basic liberties of citizens are, roughly speaking, political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. These liberties are all required to be equal by the first principle, since citizens of a just society are to have the same basic rights.

The second principle applies, in the first approximation, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command. While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time,

positions of authority and offices of command must be accessible to all. One applies the second principle by holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits.

These principles are to be arranged in a serial order with the first principle prior to the second. This ordering means that a departure from the institutions of equal liberty required by the first principle cannot be justified by, or compensated for, by greater social and economic advantages. The distribution of wealth and income, and the hierarchies of authority, must be consistent with both the liberties of equal citizenship and equality of opportunity.

It is clear that these principles are rather specific in their content, and their acceptance rests on certain assumptions that I must eventually try to explain and justify. A theory of justice depends upon a theory of society in ways that will become evident as we proceed. For the present, it should be observed that the two principles (and this holds for all formulations) are a special case of a more general conception of justice that can be expressed as follows.

All social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage.

Injustice, then, is simply inequalities that are not to the benefit of all. Of course, this conception is extremely vague and requires interpretation.

As a first step, suppose that the basic structure of society distributes certain primary goods, that is, things that every rational man is presumed to want. These goods normally have a use whatever a person's rational plan of life. For simplicity, assume that the chief primary goods at the disposition of society are rights and liberties, powers and opportunities, income and wealth. These are the social primary goods. Other primary goods such as health and vigor, intelligence and imagination, are natural goods; although their possession is influenced by the basic structure, they are not so directly under its control. Imagine, then, a hypothetical initial arrangement in which all the social primary goods are equally distributed: everyone has similar rights and

duties, and income and wealth are evenly shared. This state of affairs provides a benchmark for judging improvements. If certain inequalities of wealth and organizational powers would make everyone better off than in this hypothetical starting situation, then they accord with the general conception. . . .

Now the second principle insists that each person benefit from permissible inequalities in the basic structure. This means that it must be reasonable for each relevant representative man defined by this structure, when he views it as a going concern, to prefer his prospects with the inequality to his prospects without it. One is not allowed to justify differences in income or organizational powers on the ground that the disadvantages of those in one position are outweighed by the greater advantages of those in another. Much less can infringements of liberty be counterbalanced in this way. Applied to the basic structure, the principle of utility would have us maximize the sum of expectations of representative men (weighted by the number of persons they represent, on the classical view); and this would permit us to compensate for the losses of some by the gains of others. Instead, the two principles require that everyone benefit from economic and social inequalities. It is obvious, however, that there are indefinitely many ways in which all may be advantaged when the initial arrangement of equality is taken as a benchmark. How then are we to choose among these possibilities? . . .

Democratic Equality and the Difference Principle

The democratic interpretation [of the second principle] is arrived at by combining the principle of fair equality of opportunity with the difference principle. This principle singles out a particular position from which the social and economic inequalities of the basic structure are to be judged. Assuming the framework of institutions required by equal liberty and fair equality of opportunity, the higher expectations of those better situated are just if and only if they work as part of a scheme which improves the expectations of the least advantaged members of society. The intuitive idea is that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate. . . .

To illustrate the difference principle, consider the distribution of income among social classes. Let us suppose that the various income groups correlate with representative individuals by reference to whose expectations we can judge the distribution. Now those starting out as members of the entrepreneurial class in a property-owning democracy, say, have a better prospect than those who begin in the class of unskilled laborers. It seems likely that this will be true even when the social injustices which now exist are removed. What, then, can possibly justify this kind of initial inequality in life prospects? According to the difference principle, it is justifiable only if the difference in expectation is to the advantage of the representative man who is worse off, in this case the representative unskilled worker. The inequality in expectation is permissible only if lowering it would make the working class even more worse off. Supposedly, given the rider in the second principle concerning open positions, and the principle of liberty generally, the greater expectations allowed to entrepreneurs encourages them to do things which raise the long-term prospects of the laboring class. Their better prospects act as incentives so that the economic process is more efficient, innovation proceeds at a faster pace, and so on. Eventually the resulting material benefits spread throughout the system and to the least advantaged. I shall not consider how far these things are true. The point is that something of this kind must be argued if these inequalities are to be just by the difference principle. . . .

. . . And therefore, as the outcome of the last several sections, the second principle is to read as follows.

Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

THE REASONING LEADING TO THE TWO PRINCIPLES

. . . It is useful as a heuristic device to think of the two principles as the maximin solution to the problem of social justice. There is an analogy between

the two principles and the maximin rule for choice under uncertainty. This is evident from the fact that the two principles are those a person would choose for the design of a society in which his enemy is to assign him his place. The maximin rule tells us to rank alternatives by their worst possible outcomes: we are to adopt the alternative the worst outcome of which is superior to the worst outcomes of the others. The persons in the original position do not, of course, assume that their initial place in society is decided by a malevolent opponent. As I note below, they should not reason from false premises. The veil of ignorance does not violate this idea, since an absence of information is not misinformation. But that the two principles of justice would be chosen if the parties were forced to protect themselves against such a contingency explains the sense in which this conception is the maximin solution. And this analogy suggests that if the original position has been described so that it is rational for the parties to adopt the conservative attitude expressed by this rule, a conclusive argument can indeed be constructed for these principles. Clearly the maximin rule is not, in general, a suitable guide for choices under uncertainty. But it is attractive in situations marked by certain special features. My aim, then, is to show that a good case can be made for the two principles based on the fact that the original position manifests these features to the fullest possible degree, carrying them to the limit, so to speak.

Consider the gain-and-loss table below. It represents the gains and losses for a situation which is not a game of strategy. There is no one playing against the person making the decision; instead he is faced with several possible circumstances which may or may not obtain. Which circumstances happen to exist does not depend upon what the person choosing decides or whether he announces his moves in advance. The numbers in the table are monetary values (in hundreds of dollars) in comparison with some initial situation. The gain (g) depends upon the individual's decision (d) and the circumstances (c). Thus $g = f(d, c)$. Assuming that there are three possible decisions and three possible circumstances, we might have this gain-and-loss table.

Decisions	Circumstances		
	C_1	C_2	C_3
d_1	-7	8	12
d_2	-8	7	14
d_3	5	6	8

The maximin rule requires that we make the third decision. For in this case the worst that can happen is that one gains five hundred dollars, which is better than the worst for the other actions. If we adopt one of these we may lose either eight or seven hundred dollars. Thus, the choice of d_3 maximizes $f(d, c)$ for that value of c , which for a given d , minimizes f . The term "maximin" means the *maximum minimum*; and the rule directs our attention to the worst that can happen under any proposed course of action, and to decide in the light of that.

Now there appear to be three chief features of situations that give plausibility to this unusual rule. First, since the rule takes no account of the likelihoods of the possible circumstances, there must be some reason for sharply discounting estimates of these probabilities. Offhand, the most natural rule of choice would seem to be to compute the expectation of monetary gain for each decision and then to adopt the course of action with the highest prospect. . . . Thus it must be, for example, that the situation is one in which a knowledge of likelihoods is impossible, or at best extremely insecure. . . .

The second feature that suggests the maximin rule is the following: the person choosing has a conception of the good such that he cares very little, if anything, for what he might gain above the minimum stipend that he can, in fact, be sure of by following the maximin rule. It is not worthwhile for him to take a chance for the sake of a further advantage, especially when it may turn out that he loses much that is important to him. This last provision brings in the third feature, namely, that the rejected alternatives have outcomes that one can hardly accept. The situation involves grave risks. Of course these features work most effectively in combination. The paradigm situation for following the maximin rule is when all three features are realized to the highest degree. This rule does not,

then, generally apply, nor of course is it self-evident. Rather, it is a maxim, a rule of thumb, that comes into its own in special circumstances. Its application depends upon the qualitative structure of the possible gains and losses in relation to one's conception of the good, all this against a background in which it is reasonable to discount conjectural estimates of likelihoods....

Some Main Grounds for the Two Principles of Justice

... The first confirming ground for the two principles can be explained in terms of what I earlier referred to as the strains of commitment. I said that the parties have a capacity for justice in the sense that they can be assured that their undertaking is not in vain. Assuming that they have taken everything into account, including the general facts of moral psychology, they can rely on one another to adhere to the principles adopted. Thus they consider the strains of commitment. They cannot enter into agreements that may have consequences they cannot accept. They will avoid those that they can adhere to only with great difficulty. Since the original agreement is final and made in perpetuity, there is no second chance. In view of the serious nature of the possible consequences, the question of the burden of commitment is especially acute. A person is choosing once and for all the standards which are to govern his life prospects. Moreover, when we enter an agreement we must be able to honor it even should the worst possibilities prove to be the case. Otherwise we have not acted in good faith. Thus the parties must weigh with care whether they will be able to stick by their commitment in all circumstances. Of course, in answering this question they have only a general knowledge of human psychology to go on. But this information is enough to tell which conception of justice involves the greater stress.

In this respect the two principles of justice have a definite advantage. Not only do the parties protect their basic lights but they insure themselves against the worst eventualities. They run no chance of having to acquiesce in a loss of freedom over the course of their like for the sake of a greater good

enjoyed by others, an undertaking that in actual circumstances they might not be able to keep. Indeed, we might wonder whether such an agreement can be made in good faith at all.

... A second consideration invokes the condition of publicity as well as that of the constraints on agreements.... When the basic structure of society is publicly known to satisfy its principles for an extended period of time, those subject to these arrangements tend to develop a desire to act in accordance with these principles and to do their part in institutions which exemplify them. A conception of justice is stable when the public recognition of its realization by the social system tends to bring about the corresponding sense of justice. Now whether this happens depends, of course, on the laws of moral psychology and the availability of human motives. I shall discuss these matters later on. At the moment we may observe that the principle of utility seems to require a greater identification with the interests of others than the two principles of justice. Thus the latter will be a more stable conception to the extent that this identification is difficult to achieve.... Looking at the question from the standpoint of the original position, the parties recognize that it would be highly unwise if not irrational to choose principles which may have consequences so extreme that they could not accept them in practice. They would reject the principle of utility and adopt the more realistic idea of designing the social order on a principle of reciprocal advantage. We need not suppose, of course, that persons never make substantial sacrifices for one another, since moved by affection and ties of sentiment they often do. But such actions are not demanded as a matter of justice by the basic structure of society.

Furthermore, the public recognition of the two principles gives greater support to men's self-respect and this in turn increases the effectiveness of social cooperation. Both effects are reasons for choosing these principles....

John Rawls: A Theory of Justice

1. Do you think that principles of justice ought to be selected by those who are ignorant of their distinguishing features? Why or why not?

2. Is the maximin rule well suited for helping to select principles of justice? If so, why? If not, what alternative principle would you suggest and why?
3. Does the maximin rule yield the result that Rawls thinks it does, or is there an alternative principle of justice that this rule would recommend?
4. Rawls thinks that principles of justice are fair only if they would earn the allegiance of all of those who have to live under them. Do you think that the difference principle meets this condition? Why or why not?
5. Utilitarians argue that giving equal consideration to everyone's interests is fair, and that economic resources and opportunities are therefore fairly distributed when they maximize overall happiness. Rawls disagrees. Who has the better of this disagreement, and why?

The Entitlement Theory of Justice

Robert Nozick

Robert Nozick argues that the justice of a distribution of resources can be determined only by looking to the past. If you acquired your goods in a way that violated no rights, then you justly possess them. This has a very important implication—one cannot look at a distribution of resources and tell, just by its current shape, whether it is just or not. This, in turn, implies that the existence of substantial wealth inequality is not in itself unjust. It all depends on how that inequality came to be.

Nozick introduces us to the notion of a *patterned distribution principle*, which specifies that justice in holdings is determined by whether people's possessions conform to a pattern that is based on some personal feature, such as economic need, moral merit, usefulness to society, or hours worked per week. Nozick thinks that all such principles are mistaken, because we will have to violate people's rights in order to ensure that the pattern is preserved. So long as people acquired their holdings in a just way, it would be wrong, he thinks, to take their resources in order to redistribute them and ensure that the relevant pattern is preserved.

To illustrate this, Nozick introduces a famous example—that of Wilt Chamberlain, the basketball great who played in the 1950s and 1960s. Suppose that the society in which he plays perfectly conforms to whatever patterned distribution principle you like. Now imagine that Chamberlain signs a contract that entitles him to a quarter from everyone who buys a ticket to a game he plays in. At the end of the season, a million ticket buyers who are eager to watch him play have voluntarily dropped a quarter into a separate box on entering the basketball stadium. So, at the end of the season, Chamberlain is \$250,000 richer. This new distribution of resources is going to stray from the perfect pattern that was in place at the beginning of the season. But there is no injustice here—indeed, because everyone was, by stipulation, entitled to his wealth at the start of the season, and because these million folks have given their money voluntarily, no rights have been violated. Chamberlain is entitled to his extra wealth, and it would be unjust to take it from him in order to reinstate the patterned distribution in place at the start of the season.

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CHAPTER 7

DISTRIBUTIVE JUSTICE

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The term “**distributive justice**” is not a neutral one. Hearing the term “distribution,” most people presume that some thing or mechanism uses some principle or criterion to give out a supply of things. Into this process of distributing shares some error may have crept. So it is an open question, at least, whether *redistribution* should take place; whether we should do again what has already been done once, though poorly. However, we are not in the position of children who have been given portions of pie by someone who now makes last minute adjustments to rectify careless cutting. There is no *central distribution*, no person or group entitled to control all the resources, jointly deciding how they are to be doled out. What each person gets, he gets from others who give to him in exchange for something, or as a gift. In a free society, diverse persons control different resources, and new holdings arise out of the voluntary exchanges and actions of persons. There is no more a distributing or distribution of shares than there is a distributing of mates in a society in which persons choose whom they shall marry. The total result is the product of many individual decisions which the different individuals involved are entitled to make. . . . We shall speak of people’s holdings; a principle of justice in holdings describes (part of) what justice tells us (requires) about holdings. I shall state first what I take to be the correct view about justice in holdings, and then turn to the discussion of alternate views.

The Entitlement Theory

The subject of justice in holdings consists of three major topics. The first is the *original acquisition of holdings*, the appropriation of unheld things. This includes the issues of how unheld things may come to be held, the process, or processes, by which unheld things may come to be held, the things that may come to be held by these processes, the extent of what comes to be held by a particular process, and so on. We shall refer to the complicated truth about this topic, which we shall not formulate here, as the principle of justice in acquisition. The second topic concerns the *transfer of holdings* from one

person to another. By what processes may a person transfer holdings to another? How may a person acquire a holding from another who holds it? Under this topic come general descriptions of voluntary exchange, and gift and (on the other hand) fraud, as well as reference to particular conventional details fixed upon in a given society. The complicated truth about this subject (with placeholders for conventional details) we shall call the principle of justice in transfer. (And we shall suppose it also includes principles governing how a person may divest himself of a holding, passing it into an unheld state.)

If the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holdings.

- 1.** A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
- 2.** A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
- 3.** No one is entitled to a holding except by (repeated) applications of 1 and 2.

The complete principle of distributive justice would say simply that a distribution is just if everyone is entitled to the holdings they possess under the distribution.

A distribution is just if it arises from another just distribution by legitimate means. The legitimate means of moving from one distribution to another are specified by the principle of justice in transfer. The legitimate first “moves” are specified by the principle of justice in acquisition.¹ Whatever arises from a just situation by just steps is itself just. The means of change specified by the principle of justice in transfer preserve justice. As correct rules of inference are truth preserving, and any conclusion deduced via repeated application of such rules from only true premisses is itself true, so the means of transition from one situation to another specified by the principle of justice in transfer are justice preserving, and any situation actually arising from repeated transitions in accordance with the principle from a just situation is itself just. The parallel between justice-preserving transformations

and truth-preserving transformations illuminates where it fails as well as where it holds. That a conclusion could have been deduced by truth-preserving means from premisses that are true suffices to show its truth. That from a just situation a situation *could* have arisen via justice-preserving means does *not* suffice to show its justice. The fact that a thief's victims voluntarily *could* have presented him with gifts does not entitle the thief to his ill-gotten gains. Justice in holdings is historical; it depends upon what actually has happened. We shall return to this point later.

Not all actual situations are generated in accordance with the two principles of justice in holdings: the principle of justice in acquisition and the principle of justice in transfer. Some people steal from others, or defraud them, or enslave them, seizing their product and preventing them from living as they choose, or forcibly exclude others from competing in exchanges. None of these are permissible modes of transition from one situation to another. And some persons acquire holdings by means not sanctioned by the principle of justice in acquisition. The existence of past injustice (previous violations of the first two principles of justice in holdings) raises the third major topic under justice in holdings: the rectification of injustice in holdings. If past injustice has shaped present holdings in various ways, some identifiable and some not, what now, if anything, ought to be done to rectify these injustices? What obligations do the performers of injustice have toward those whose position is worse than it would have been had the injustice not been done? Or, than it would have been had compensation been paid promptly? How, if at all, do things change if the beneficiaries and those made worse off are not the direct parties in the act of injustice, but, for example, their descendants? Is an injustice done to someone whose holding was itself based upon an unrectified injustice? How far back must one go in wiping clean the historical slate of injustices? What may victims of injustice permissibly do in order to rectify the injustices being done to them, including the many injustices done by persons acting through their government? I do not know of a thorough or theoretically sophisticated treatment of such issues. Idealizing greatly, let us suppose theoretical investigation will produce

a principle of rectification. This principle uses historical information about previous situations and injustices done in them (as defined by the first two principles of justice and rights against interference), and information about the actual course of events that flowed from these injustices, until the present, and it yields a description (or descriptions) of holdings in the society. The principle of rectification presumably will make use of its best estimate of subjunctive information about what would have occurred (or a probability distribution over what might have occurred, using the expected value) if the injustice had not taken place. If the actual description of holdings turns out not to be one of the descriptions yielded by the principle, then one of the descriptions yielded must be realized.²

The general outlines of the theory of justice in holdings are that the holdings of a person are just if he is entitled to them by the principles of justice in acquisition and transfer, or by the principle of rectification of injustice (as specified by the first two principles). If each person's holdings are just, then the total set (distribution) of holdings is just. To turn these general outlines into a specific theory we would have to specify the details of each of the three principles of justice in holdings: the principle of acquisition of holdings, the principle of transfer of holdings, and the principle of rectification of violations of the first two principles. I shall not attempt that task here. (Locke's principle of justice in acquisition is discussed below.)

Historical Principles and End-Result Principles

The general outlines of the entitlement theory illuminate the nature and defects of other conceptions of distributive justice. The entitlement theory of justice in distribution is *historical*; whether a distribution is just depends upon how it came about. In contrast, *current time-slice principles* of justice hold that the justice of a distribution is determined by how things are distributed (who has what) as judged by some *structural principle(s)* of just distribution. A utilitarian who judges between any two distributions by seeing which has the greater sum of utility and, if the sums tie, applies some fixed equality criterion to choose the more equal distribution,

would hold a current time-slice principle of justice. As would someone who had a fixed schedule of trade-offs between the sum of happiness and equality. According to a current time-slice principle, all that needs to be looked at, in judging the justice of a distribution, is who ends up with what; in comparing any two distributions one need look only at the matrix presenting the distributions. No further information need be fed into a principle of justice. It is a consequence of such principles of justice that any two structurally identical distributions are equally just. (Two distributions are structurally identical if they present the same profile, but perhaps have different persons occupying the particular slots. My having ten and your having five, and my having five and your having ten are structurally identical distributions.) Welfare economics is the theory of current time-slice principles of justice. The subject is conceived as operating on matrices representing only current information about distribution. This, as well as some of the usual conditions (for example, the choice of distribution is invariant under relabeling of columns), guarantees that welfare economics will be a current time-slice theory, with all of its inadequacies.

Most persons do not accept current time-slice principles as constituting the whole story about distributive shares. They think it relevant in assessing the justice of a situation to consider not only the distribution it embodies, but also how that distribution came about. If some persons are in prison for murder or war crimes, we do not say that to assess the justice of the distribution in the society we must look only at what this person has, and that person has, and that person has, . . . at the current time. We think it relevant to ask whether someone did something so that he *deserved* to be punished, deserved to have a lower share. Most will agree to the relevance of further information with regard to punishments and penalties. Consider also desired things. One traditional socialist view is that workers are entitled to the product and full fruits of their labor; they have earned it; a distribution is unjust if it does not give the workers what they are entitled to. Such entitlements are based upon some past history. No socialist holding this view would find it comforting to be told that because the actual distribution *A* happens

to coincide structurally with the one he desires *D*, *A* therefore is no less just than *D*; it differs only in that the “parasitic” owners of capital receive under *A* what the workers are entitled to under *D*, and the workers receive under *A* what the owners are entitled to under *D*, namely very little. This socialist rightly, in my view, holds onto the notions of earning, producing, entitlement, desert, and so forth, and he rejects current time-slice principles that look only to the structure of the resulting set of holdings. (The set of holdings resulting from what? Isn’t it implausible that how holdings are produced and come to exist has no effect at all on who should hold what?) His mistake lies in his view of what entitlements arise out of what sorts of productive processes.

We construe the position we discuss too narrowly by speaking of *current* time-slice principles. Nothing is changed if structural principles operate upon a time sequence of current time-slice profiles and, for example, give someone more now to counterbalance the less he has had earlier. A utilitarian or an egalitarian or any mixture of the two over time will inherit the difficulties of his more myopic comrades. He is not helped by the fact that *some* of the information others consider relevant in assessing a distribution is reflected, unrecoverably, in past matrices. Henceforth, we shall refer to such unhistorical principles of distributive justice, including the current time-slice principles, as *end-result principles* or *end-state principles*.

In contrast to end-result principles of justice, *historical principles* of justice hold that past circumstances or actions of people can create differential entitlement or differential deserts to things. An injustice can be worked by moving from one distribution to another structurally identical one, for the second, in profile the same, may violate people’s entitlements or deserts; it may not fit the actual history.

Patterning

The entitlement principles of justice in holdings that we have sketched are historical principles of justice. To better understand their precise character, we shall distinguish them from another subclass of the historical principles. Consider, as an example, the principle of distribution according to

moral merit. This principle requires that total distributive shares vary directly with moral merit; no person should have a greater share than anyone whose moral merit is greater. (If moral merit could be not merely ordered but measured on an interval or ratio scale, stronger principles could be formulated.) Or consider the principle that results by substituting “usefulness to society” for “moral merit” in the previous principle. Or instead of “distribute according to moral merit,” or “distribute according to usefulness to society,” we might consider “distribute according to the weighted sum of moral merit, usefulness to society, and need,” with the weights of the different dimensions equal. Let us call a principle of distribution *patterned* if it specifies that a distribution is to vary along with some natural dimension, weighted sum of natural dimensions, or lexicographic ordering of natural dimensions. And let us say a distribution is patterned if it accords with some patterned principle. (I speak of natural dimensions, admittedly without a general criterion for them, because for any set of holdings some artificial dimensions can be gimmicked up to vary along with the distribution of the set.) The principle of distribution in accordance with moral merit is a patterned historical principle, which specifies a patterned distribution. “Distribute according to I.Q.” is a patterned principle that looks to information not contained in distributional matrices. It is not historical, however, in that it does not look to any past actions creating differential entitlements to evaluate a distribution; it requires only distributional matrices whose columns are labeled by I.Q. scores. The distribution in a society, however, may be composed of such simple patterned distributions, without itself being simply patterned. Different sectors may operate different patterns, or some combination of patterns may operate in different proportions across a society. A distribution composed in this manner, from a small number of patterned distributions, we also shall term “patterned.” And we extend the use of “pattern” to include the overall designs put forth by combinations of end-state principles.

Almost every suggested principle of distributive justice is patterned: to each according to his moral merit, or needs, or marginal product, or how hard he tries, or the weighted sum of the foregoing, and

so on. The principle of entitlement we have sketched is *not* patterned. There is no one natural dimension or weighted sum or combination of a small number of natural dimensions that yields the distributions generated in accordance with the principle of entitlement. The set of holdings that results when some persons receive their marginal products, others win at gambling, others receive a share of their mate’s income, others receive gifts from foundations, others receive interest on loans, others receive gifts from admirers, others receive returns on investment, others make for themselves much of what they have, others find things, and so on, will not be patterned.

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How Liberty Upsets Patterns

It is not clear how those holding alternative conceptions of distributive justice can reject the entitlement conception of justice in holdings. For suppose a distribution favored by one of these nonentitlement conceptions is realized. Let us suppose it is your favorite one and let us call this distribution D_1 ; perhaps everyone has an equal share, perhaps shares vary in accordance with some dimension you treasure. Now suppose that Wilt Chamberlain is greatly in demand by basketball teams, being a great gate attraction. (Also suppose contracts run only for a year, with players being free agents.) He signs the following sort of contract with a team: In each home game, twenty-five cents from the price of each ticket of admission goes to him. (We ignore the question of whether this is “gouging” the owners, letting them look out for themselves.) The season starts, and people cheerfully attend his team’s games; they buy their tickets, each time dropping a separate twenty-five cents of their admission price into a special box with Chamberlain’s name on it. They are excited about seeing him play; it is worth the total admission price to them. Let us suppose that in one season one million persons attend his home games, and Wilt Chamberlain winds up with \$250,000, a much larger sum than the average income and larger even than anyone else has. Is he entitled to this income? Is this new distribution D_2 , unjust? If so, why? There is *no* question about whether each of the people was entitled

to the control over the resources they held in D_1 ; because that was the distribution (your favorite) that (for the purposes of argument) we assumed was acceptable. Each of these persons chose to give twenty-five cents of their money to Chamberlain. They could have spent it on going to the movies, or on candy bars, or on copies of *Dissent* magazine, or of *Monthly Review*. But they all, at least one million of them, converged on giving it to Wilt Chamberlain in exchange for watching him play basketball. If D_1 was a just distribution, and people voluntarily moved from it to D_2 , transferring parts of their shares they were given under D_1 (what was it for if not to do something with?), isn't D_2 also just? If the people were entitled to dispose of the resources to which they were entitled (under D_1), didn't this include their being entitled to give it to, or exchange it with, Wilt Chamberlain? Can anyone else complain on grounds of justice? Each other person already has his legitimate share under D_1 . Under D_2 , there is nothing that anyone has that anyone else has a claim of justice against. After someone transfers something to Wilt Chamberlain, third parties still have their legitimate shares; their shares are not changed. By what process could such a transfer among two persons give rise to a legitimate claim of distributive justice on a portion of what was transferred, by a third party who had no claim of justice on any holding of the others before the transfer?

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The general point illustrated by the Wilt Chamberlain example . . . is that no end-state principle or distributional-patterned principle of justice can be continuously realized without continuous interference with people's lives. Any favored pattern would be transformed into one unfavored by the principle, by people choosing to act in various ways; for example, by people exchanging goods and services with other people, or giving things to other people, things the transferrers are entitled to under the favored distributional pattern. To maintain a pattern one must either continually interfere to stop people from transferring resources as they wish to, or continually (or periodically) interfere to take from some persons resources that others for some reason chose to transfer to them.

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Locke's Theory of Acquisition

. . . [W]e must introduce an additional bit of complexity into the structure of the entitlement theory. This is best approached by considering Locke's attempt to specify a principle of justice in acquisition. Locke views property rights in an unowned object as originating through someone's mixing his labor with it. This gives rise to many questions. What are the boundaries of what labor is mixed with? If a private astronaut clears a place on Mars, has he mixed his labor with (so that he comes to own) the whole planet, the whole uninhabited universe, or just a particular plot? Which plot does an act bring under ownership? The minimal (possibly disconnected) area such that an act decreases entropy in that area, and not elsewhere? Can virgin land (for the purposes of ecological investigation by high-flying airplane) come under ownership by a Lockean process? Building a fence around a territory presumably would make one the owner of only the fence (and the land immediately underneath it).

Why does mixing one's labor with something make one the owner of it? Perhaps because one owns one's labor, and so one comes to own a previously unowned thing that becomes permeated with what one owns. Ownership seeps over into the rest. But why isn't mixing what I own with what I don't own a way of losing what I own rather than a way of gaining what I don't? If I own a can of tomato juice and spill it in the sea so that its molecules (made radioactive, so I can check this) mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated my tomato juice? Perhaps the idea, instead, is that laboring on something improves it and makes it more valuable; and anyone is entitled to own a thing whose value he has created. (Reinforcing this, perhaps, is the view that laboring is unpleasant. If some people made things effortlessly, as the cartoon characters in *The Yellow Submarine* trail flowers in their wake, would they have lesser claim to their own products whose making didn't cost them anything?) Ignore the fact that laboring on something may make it less valuable (spraying pink enamel paint on a piece of driftwood that you have found). Why should one's entitlement extend to the whole object rather than just to the added value one's labor has produced? (Such reference to

value might also serve to delimit the extent of ownership; for example, substitute “increases the value of” for “decreases entropy in” in the above entropy criterion.) No workable or coherent value-added property scheme has yet been devised, and any such scheme presumably would fall to objections (similar to those) that fell the theory of Henry George.

It will be implausible to view improving an object as giving full ownership to it, if the stock of unowned objects that might be improved is limited. For an object’s coming under one person’s ownership changes the situation of all others. Whereas previously they were at liberty (in Hohfeld’s sense) to use the object, they now no longer are. This change in the situation of others (by removing their liberty to act on a previously unowned object) need not worsen their situation. If I appropriate a grain of sand from Coney Island, no one else may now do as they will with *that* grain of sand. But there are plenty of other grains of sand left for them to do the same with. Or if not grains of sand, then other things. Alternatively, the things I do with the grain of sand I appropriate might improve the position of others, counterbalancing their loss of the liberty to use that grain. The crucial point is whether appropriation of an unowned object worsens the situation of others.

Locke’s proviso that there be “enough and as good left in common for others” (sect. 27) is meant to ensure that the situation of others is not worsened.

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Is the situation of persons who are unable to appropriate (there being no more accessible and useful unowned objects) worsened by a system allowing appropriation and permanent property? Here enter the various familiar social considerations favoring private property: it increases the social product by putting means of production in the hands of those who can use them most efficiently (profitably); experimentation is encouraged, because with separate persons controlling resources, there is no one person or small group whom someone with a new idea must convince to try it out; private property enables people to decide on the pattern and types of risks they wish to bear, leading to specialized types of risk bearing; private property protects future persons by leading some to hold back resources from current consumption for future markets; it

provides alternate sources of employment for unpopular persons who don’t have to convince any one person or small group to hire them, and so on. These considerations enter a Lockean theory to support the claim that appropriation of private property satisfies the intent behind the “enough and as good left over” proviso, *not* as a utilitarian justification of property. They enter to rebut the claim that because the proviso is violated no natural right to private property can arise by a Lockean process. The difficulty in working such an argument to show that the proviso is satisfied is in fixing the appropriate baseline for comparison. Lockean appropriation makes people no worse off than they would be *how?* This question of fixing the baseline needs more detailed investigation than we are able to give it here.

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The Proviso

Whether or not Locke’s particular theory of appropriation can be spelled out so as to handle various difficulties, I assume that any adequate theory of justice in acquisition will contain a proviso similar to the weaker of the ones we have attributed to Locke. A process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened. It is important to specify *this* particular mode of worsening the situation of others, for the proviso does not encompass other modes. It does not include the worsening due to more limited opportunities to appropriate . . . , and it does not include how I “worsen” a seller’s position if I appropriate materials to make some of what he is selling, and then enter into competition with him. Someone whose appropriation otherwise would violate the proviso still may appropriate provided he compensates the others so that their situation is not thereby worsened; unless he does compensate the others, his appropriation will violate the proviso of the principle of justice in acquisition and will be an illegitimate one. A theory of appropriation incorporating this Lockean proviso will handle correctly the cases (objections to the theory lacking the proviso) where someone appropriates the total supply of something necessary for life.

A theory which includes this proviso in its principle of justice in acquisition must also contain a more complex principle of justice in transfer. Some reflection of the proviso about appropriation constrains later actions. If my appropriating all of a certain substance violates the Lockean proviso, then so does my appropriating some and purchasing all the rest from others who obtained it without otherwise violating the Lockean proviso. If the proviso excludes someone's appropriating all the drinkable water in the world, it also excludes his purchasing it all. (More weakly, and messily, it may exclude his charging certain prices for some of his supply.) This proviso (almost?) never will come into effect; the more someone acquires of a scarce substance which others want, the higher the price of the rest will go, and the more difficult it will become for him to acquire it all. But still, we can imagine, at least, that something like this occurs: someone makes simultaneous secret bids to the separate owners of a substance, each of whom sells assuming he can easily purchase more from the other owners; or some natural catastrophe destroys all of the supply of something except that in one person's possession. The total supply could not be permissibly appropriated by one person at the beginning. His later acquisition of it all does not show that the original appropriation violated the proviso. . . . Rather, it is the combination of the original appropriation *plus* all the later transfers and actions that violates the Lockean proviso.

Each owner's title to his holding includes the historical shadow of the Lockean proviso on appropriation. This excludes his transferring it into an agglomeration that does violate the Lockean proviso and excludes his using it in a way, in coordination with others or independently of them, so as to violate the proviso by making the situation of others worse than their baseline situation. Once it is known that someone's ownership runs afoul of the Lockean proviso, there are stringent limits on what he may do with (what it is difficult any longer unreservedly to call) "his property." Thus a person may not appropriate the only water hole in a desert and charge what he will. Nor may he charge what he will if he possesses one, and unfortunately it happens that all the water holes in the desert dry up, except for his. This unfortunate circumstance, admittedly no fault of his, brings into

operation the Lockean proviso and limits his property rights. Similarly, an owner's property right in the only island in an area does not allow him to order a castaway from a shipwreck off his island as a trespasser, for this would violate the Lockean proviso.

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The fact that someone owns the total supply of something necessary for others to stay alive does *not* entail that his (or anyone's) appropriation of anything left some people (immediately or later) in a situation worse than the baseline one. A medical researcher who synthesizes a new substance that effectively treats a certain disease and who refuses to sell except on his terms does not worsen the situation of others by depriving them of whatever he has appropriated. The others easily can possess the same materials he appropriated; the researcher's appropriation or purchase of chemicals didn't make those chemicals scarce in a way so as to violate the Lockean proviso. Nor would someone else's purchasing the total supply of the synthesized substance from the medical researcher. The fact that the medical researcher uses easily available chemicals to synthesize the drug no more violates the Lockean proviso than does the fact that the only surgeon able to perform a particular operation eats easily obtainable food in order to stay alive and to have the energy to work. This shows that the Lockean proviso is not an "end-state principle"; it focuses on a particular way that appropriative actions affect others, and not on the structure of the situation that results.

Intermediate between someone who takes all of the public supply and someone who makes the total supply out of easily obtainable substances is someone who appropriates the total supply of something in a way that does not deprive the others of it. For example, someone finds a new substance in an out-of-the-way place. He discovers that it effectively treats a certain disease and appropriates the total supply. He does not worsen the situation of others; if he did not stumble upon the substance no one else would have, and the others would remain without it. However, as time passes, the likelihood increases that others would have come across the substance; upon this fact might be based a limit to his property right in the substance so that others are not below their baseline position; for example, its bequest might be

limited. The theme of someone worsening another's situation by depriving him of something he otherwise would possess may also illuminate the example of patents. An inventor's patent does not deprive others of an object which would not exist if not for the inventor. Yet patents would have this effect on others who independently invent the object. Therefore, these independent inventors, upon whom the burden of proving independent discovery may rest, should not be excluded from utilizing their own invention as they wish (including selling it to others). Furthermore, a known inventor drastically lessens the chances of actual independent invention. For persons who know of an invention usually will not try to reinvent it, and the notion of independent discovery here would be murky at best. Yet we may assume that in the absence of the original invention, sometime later someone else would have come up with it. This suggests placing a time limit on patents, as a rough rule of thumb to approximate how long it would have taken, in the absence of knowledge of the invention, for independent discovery.

I believe that the free operation of a market system will not actually run afoul of the Lockean proviso. . . .

NOTES

1. Applications of the principle of justice in acquisition may also occur as part of the move from one distribution to another. You may find an unheld thing now and appropriate it. Acquisitions also are to be understood as included when, to simplify, I speak only of transitions by transfers.

2. If the principle of rectification of violations of the first two principles yields more than one description of holdings, then some choice must be made as to which of these is to be realized. Perhaps the sort of considerations about distributive justice and equality that I argue against play a legitimate role in *this* subsidiary choice. Similarly, there may be room for such considerations in deciding which otherwise arbitrary features a statute will embody, when such features are unavoidable because other considerations do not specify a precise line; yet a line must be drawn.

Robert Nozick: The Entitlement Theory of Justice

1. Nozick believes that the justice of a distribution of goods depends entirely on historical matters—on how that distribution came about. Do you find this plausible? Why or why not?
2. What are patterned principles of justice? Why does Nozick find them so problematic?
3. What is the point Nozick is trying to convey by means of the Wilt Chamberlain example? Do you find his analysis of the case compelling? Why or why not?
4. In the real world, a great deal of wealth derives from unjust acquisitions. How (if at all) does this affect the legitimacy of redistributing resources so as to diminish wealth inequality?
5. According to Nozick, what is each person entitled to, and why? What is the best argument he offers for his view? What is the best argument you can think of to criticize it?

Equality as a Moral Ideal

Harry Frankfurt

Harry Frankfurt argues that egalitarianism—the view that it's desirable for everyone to have an equal amount of wealth—is mistaken. Instead, he defends the doctrine of sufficiency—the view that what's important, when it comes to economic justice, is that each has enough. Indeed, he argues, the preoccupation many have with equality of wealth is pathological, because it distracts ordinary people and philosophers from what truly matters. Ordinary people, he argues, ought to be concerned with living

good lives, not monitoring how much their peers have. And philosophers ought to be concerned with the difficult task of offering a theory of what “enough” consists in.

Frankfurt considers several arguments that others have offered for egalitarianism. For example, some have thought that securing equality of wealth is the best way to maximize aggregate utility. Frankfurt argues that this is mistaken, since there are clear cases in which equality of resources demonstrably minimizes utility. Suppose, for example, that there are ten people who each need five units of resources to survive, and there are only forty units of resources to go around. It would be absurd, Frankfurt argues, to insist that each person get four units of resources. That would guarantee that everyone dies. Eight could survive—an obviously better outcome—if only they depart from egalitarianism.

Others argue for egalitarianism on intuitive grounds. To many, it just seems wrong that some live in mansions while others are homeless. Frankfurt argues that such cases derive their intuitive force not from the badness of inequality, but from the badness of some having too little. He argues that we are rarely concerned about economic inequality between, for example, the well-to-do and the extraordinarily rich.

Frankfurt then turns to the task of clarifying the notion of “enough.” On his view, to say that a person has enough is not to say that she has just enough to survive or that she has no preference for more resources. Instead, he argues that a person has enough if she is content, or it would be reasonable for her to be content, with having no more than she has.

First man: “How are your children?”

Second man: “Compared to what?”

Economic egalitarianism is, as I shall construe it, the doctrine that it is desirable for everyone to have the same amounts of income and of wealth (for short, “money”). Hardly anyone would deny that there are situations in which it makes sense to tolerate deviations from this standard. It goes without saying, after all, that preventing or correcting such deviations may involve costs which—whether measured in economic terms or in terms of noneconomic considerations—are by any reasonable measure unacceptable. Nonetheless, many people believe that economic equality has considerable moral value in itself. For this reason they often urge that efforts to approach the egalitarian ideal should be accorded—with all due consideration for the possible effects of

such efforts in obstructing or in conducting to the achievement of other goods—a significant priority.

In my opinion, this is a mistake. Economic equality is not, as such, of particular moral importance. With respect to the distribution of economic assets, what *is* important from the point of view of morality is not that everyone should have *the same* but that each should have *enough*. If everyone had enough, it would be of no moral consequence whether some had more than others. I shall refer to this alternative to egalitarianism—namely, that what is morally important with respect to money is for everyone to have enough—as “the doctrine of sufficiency.”

The fact that economic equality is not in its own right a morally compelling social ideal is in no way, of course, a reason for regarding it as undesirable. My claim that equality in itself lacks moral importance does not entail that equality is to be avoided. Indeed, there may well be good reasons for governments or for individuals to deal with problems of economic distribution in accordance with an egalitarian standard and to be concerned more with

From Harry Frankfurt, “Equality as a Moral Ideal,” *Ethics* 98 (1987), pp. 21–43. Notes have been abridged.

attempting to increase the extent to which people are economically equal than with efforts to regulate directly the extent to which the amounts of money people have are enough. Even if equality is not as such morally important, a commitment to an egalitarian social policy may be indispensable to promoting the enjoyment of significant goods besides equality or to avoiding their impairment. Moreover, it might turn out that the most feasible approach to the achievement of sufficiency would be the pursuit of equality.

But despite the fact that an egalitarian distribution would not necessarily be objectionable, the error of believing that there are powerful moral reasons for caring about equality is far from innocuous. In fact, this belief tends to do significant harm. It is often argued as an objection to egalitarianism that there is a dangerous conflict between equality and liberty: if people are left to themselves, inequalities of income and wealth inevitably arise, and therefore an egalitarian distribution of money can be achieved and maintained only at the cost of repression. Whatever may be the merit of this argument concerning the relationship between equality and liberty, economic egalitarianism engenders another conflict which is of even more fundamental moral significance.

To the extent that people are preoccupied with equality for its own sake, their readiness to be satisfied with any particular level of income or wealth is guided not by their own interests and needs but just by the magnitude of the economic benefits that are at the disposal of others. In this way egalitarianism distracts people from measuring the requirements to which their individual natures and their personal circumstances give rise. It encourages them instead to insist upon a level of economic support that is determined by a calculation in which the particular features of their own lives are irrelevant. How sizable the economic assets of others are has nothing much to do, after all, with what kind of person someone is. A concern for economic equality, construed as desirable in itself, tends to divert a person's attention away from endeavoring to discover—within his experience of himself and of his life—what he himself really cares about and what will actually satisfy him, although this is the most basic and the

most decisive task upon which an intelligent selection of economic goals depends. Exaggerating the moral importance of economic equality is harmful, in other words, because it is alienating.

To be sure, the circumstances of others may reveal interesting possibilities and provide data for useful judgments concerning what is normal or typical. Someone who is attempting to reach a confident and realistic appreciation of what to seek for himself may well find this helpful. It is not only in suggestive and preliminary ways like these, moreover, that the situations of other people may be pertinent to someone's efforts to decide what economic demands it is reasonable or important for him to make. The amount of money he needs may depend in a more direct way on the amounts others have. Money may bring power or prestige or other competitive advantages. A determination of how much money would be enough cannot intelligently be made by someone who is concerned with such things except on the basis of an estimate of the resources available to those with whose competition it may be necessary for him to contend. What is important from this point of view, however, is not the comparison of levels of affluence as such. The measurement of inequality is important only as it pertains contingently to other interests.

The mistaken belief that economic equality is important in itself leads people to detach the problem of formulating their economic ambitions from the problem of understanding what is most fundamentally significant to them. It influences them to take too seriously, as though it were a matter of great moral concern, a question that is inherently rather insignificant and not directly to the point, namely, how their economic status compares with the economic status of others. In this way the doctrine of equality contributes to the moral disorientation and shallowness of our time.

The prevalence of egalitarian thought is harmful in another respect as well. It not only tends to divert attention from considerations of greater moral importance than equality. It also diverts attention from the difficult but quite fundamental philosophical problems of understanding just what these considerations are and of elaborating, in appropriately comprehensive and perspicuous detail,

a conceptual apparatus which would facilitate their exploration. Calculating the size of an equal share is plainly much easier than determining how much a person needs in order to have enough. In addition, the very concept of having an equal share is itself considerably more patent and accessible than the concept of having enough. It is far from self-evident, needless to say, precisely what the doctrine of sufficiency means and what applying it entails. But this is hardly a good reason for neglecting the doctrine or for adopting an incorrect doctrine in preference to it. Among my primary purposes in this essay is to suggest the importance of systematic inquiry into the analytical and theoretical issues raised by the concept of having enough, the importance of which egalitarianism has masked.

II

There are a number of ways of attempting to establish the thesis that economic equality is important. Sometimes it is urged that the prevalence of fraternal relationships among the members of a society is a desirable goal and that equality is indispensable to it. Or it may be maintained that inequalities in the distribution of economic benefits are to be avoided because they lead invariably to undesirable discrepancies of other kinds—for example, in social status, in political influence, or in the abilities of people to make effective use of their various opportunities and entitlements. In both of these arguments, economic equality is endorsed because of its supposed importance in creating or preserving certain noneconomic conditions. Such considerations may well provide convincing reasons for recommending equality as a desirable social good or even for preferring egalitarianism as a policy over the alternatives to it. But both arguments construe equality as valuable derivatively, in virtue of its contingent connections to other things. In neither argument is there an attribution to equality of any unequivocally inherent moral value.

A rather different kind of argument for economic equality, which comes closer to construing the value of equality as independent of contingencies, is based upon the principle of diminishing marginal utility. According to this argument, equality is desirable because an egalitarian distribution of

economic assets maximizes their aggregate utility. The argument presupposes: (a) for each individual the utility of money invariably diminishes at the margin and (b) with respect to money, or with respect to the things money can buy, the utility functions of all individuals are the same. In other words, the utility provided by or derivable from an n th dollar is the same for everyone, and it is less than the utility for anyone of dollar ($n - 1$). Unless *b* were true, a rich man might obtain greater utility than a poor man from an extra dollar. In that case an egalitarian distribution of economic goods would not maximize aggregate utility even if *a* were true. But given both *a* and *b*, it follows that a marginal dollar always brings less utility to a rich person than to one who is less rich. And this entails that total utility must increase when inequality is reduced by giving a dollar to someone poorer than the person from whom it is taken.

In fact, however, both *a* and *b* are false. Suppose it is conceded, for the sake of the argument, that the maximization of aggregate utility is in its own right a morally important social goal. Even so, it cannot legitimately be inferred that an egalitarian distribution of money must therefore have similar moral importance. For in virtue of the falsity of *a* and *b*, the argument linking economic equality to the maximization of aggregate utility is unsound.

So far as concerns *b*, it is evident that the utility functions for money of different individuals are not even approximately alike. Some people suffer from physical, mental, or emotional weaknesses or incapacities that limit the satisfactions they are able to obtain. Moreover, even apart from the effects of specific disabilities, some people simply enjoy things more than other people do. Everyone knows that there are, at any given level of expenditure, large differences in the quantities of utility that different spenders derive.

So far as concerns *a*, there are good reasons against expecting any consistent diminution in the marginal utility of money. The fact that the marginal utilities of certain goods do indeed tend to diminish is not a principle of reason. It is a psychological generalization, which is accounted for by such considerations as that people often tend after a time to become satiated with what they have been

consuming and that the senses characteristically lose their freshness after repetitive stimulation. It is common knowledge that experiences of many kinds become increasingly routine and unrewarding as they are repeated.

It is questionable, however, whether this provides any reason at all for expecting a diminution in the marginal utility of *money*—that is, of anything that functions as a generic instrument of exchange. Even if the utility of everything money can buy were inevitably to diminish at the margin, the utility of money itself might nonetheless exhibit a different pattern. It is quite possible that money would be exempt from the phenomenon of unrelenting marginal decline because of its limitlessly protean versatility. As Blum and Kalven explain: “In . . . analysing the question whether money has a declining utility it is . . . important to put to one side all analogies to the observation that particular commodities have a declining utility to their users. There is no need here to enter into the debate whether it is useful or necessary, in economic theory, to assume that commodities have a declining utility. Money is infinitely versatile. And even if all the things money can buy are subject to a law of diminishing utility, it does not follow that money itself is.”¹ From the supposition that a person tends to lose more and more interest in what he is consuming as his consumption of it increases, it plainly cannot be inferred that he must also tend to lose interest in consumption itself or in the money that makes consumption possible. For there may always remain for him, no matter how tired he has become of what he has been doing, untried goods to be bought and fresh new pleasures to be enjoyed.

There are in any event many things of which people do not, from the very outset, immediately begin to tire. From certain goods, they actually derive more utility after sustained consumption than they derive at first. This is the situation whenever appreciating or enjoying or otherwise benefiting from something depends upon repeated trials, which serve as a kind of “warming up” process: for instance, when relatively little significant gratification is obtained from the item or experience in question until the individual has acquired a special taste for it, has become addicted to it, or has begun in some other way to relate or respond to it

profitably. The capacity for obtaining gratification is then smaller at earlier points in the sequence of consumption than at later points. In such cases marginal utility does not decline; it increases. Perhaps it is true of everything, without exception, that a person will ultimately lose interest in it. But even if in every utility curve there is a point at which the curve begins a steady and irreversible decline, it cannot be assumed that every segment of the curve has a downward slope.

III

When marginal utility diminishes, it does not do so on account of any deficiency in the marginal unit. It diminishes in virtue of the position of that unit as the latest in a sequence. The same is true when marginal utility increases: the marginal unit provides greater utility than its predecessors in virtue of the effect which the acquisition or consumption of those predecessors has brought about. Now when the sequence consists of units of money, what corresponds to the process of warming up—at least, in one pertinent and important feature—is *saving*. Accumulating money entails, as warming up does, generating a capacity to derive, at some subsequent point in a sequence, gratifications that cannot be derived earlier.

The fact that it may at times be especially worthwhile for a person to save money rather than to spend each dollar as it comes along is due in part to the incidence of what may be thought of as “utility thresholds.” Consider an item with the following characteristics: it is nonfungible, it is the source of a fresh and otherwise unobtainable type of satisfaction, and it is too expensive to be acquired except by saving up for it. The utility of the dollar that finally completes a program of saving up for such an item may be greater than the utility of any dollar saved earlier in the program. That will be the case when the utility provided by the item is greater than the sum of the utilities that could be derived if the money saved were either spent as it came in or divided into parts and used to purchase other things. In a situation of this kind, the final dollar saved permits the crossing of a utility threshold.

It is sometimes argued that, for anyone who is rational in the sense that he seeks to maximize the

utility generated by his expenditures, the marginal utility of money must necessarily diminish. Abba Lerner presents this argument as follows:

The principle of diminishing marginal utility of income can be derived from the assumption that consumers spend their income in the way that maximizes the satisfaction they can derive from the good obtained. With a given income, all the things bought give a greater satisfaction for the money spent on them than any of the other things that could have been bought in their place but were not bought for this very reason. From this it follows that if income were greater the additional things that would be bought with the increment of income would be things that are rejected when income is smaller because they give less satisfaction; and if income were greater still, even less satisfactory things would be bought. The greater the income the less satisfactory are the additional things that can be bought with equal increases of income. That is all that is meant by the principle of the diminishing marginal utility of income.²

Lerner invokes here a comparison between the utility of $G(n)$ —the goods which the rational consumer actually buys with his income of n dollars—and “the other things that could have been bought in their place but were not.” Given that he prefers to buy $G(n)$ rather than the other things, which by hypothesis cost no more, the rational consumer must regard $G(n)$ as offering greater satisfaction than the others can provide. From this Lerner infers that with an additional n dollars the consumer would be able to purchase only things with less utility than $G(n)$; and he concludes that, in general, “the greater the income the less satisfactory are the additional things that can be bought with equal increases of income.” This conclusion, he maintains, is tantamount to the principle of the diminishing marginal utility of income.

It seems apparent that Lerner’s attempt to derive the principle in this way fails. One reason is that the amount of satisfaction a person can derive from a certain good may vary considerably according to whether or not he also possesses certain other goods. The satisfaction obtainable from a certain expenditure may therefore be greater if some other expenditure has already been made. Suppose that

the cost of a serving of popcorn is the same as the cost of enough butter to make it delectable, and suppose that some rational consumer who adores buttered popcorn gets very little satisfaction from unbuttered popcorn but that he nonetheless prefers it to butter alone. He will buy the popcorn in preference to the butter, accordingly, if he must buy one and cannot buy both. Suppose now that this person’s income increases so that he can buy the butter too. Then he can have something he enjoys enormously: his incremental income makes it possible for him not merely to buy butter in addition to popcorn but also to enjoy buttered popcorn. The satisfaction he will derive by combining the popcorn and the butter may well be considerably greater than the sum of the satisfactions he can derive from the two goods taken separately. Here, again, is a threshold effect.

In a case of this sort, what the rational consumer buys with his incremental income is a good— $G(i)$ —which, when his income was smaller, he had rejected in favor of $G(n)$ because having it alone would have been less satisfying than having only $G(n)$. Despite this, however, it is not true that the utility of the income he uses to buy $G(i)$ is less than the utility of the income he used to buy $G(n)$. When there is an opportunity to create a combination which is (like buttered popcorn) synergistic in the sense that adding one good to another increases the utility of each, the marginal utility of income may not decline even though the sequence of marginal items—taking each of these items by itself—does exhibit a pattern of declining utilities. . . .

IV

The preceding discussion has established that an egalitarian distribution may fail to maximize aggregate utility. It can also easily be shown that, in virtue of the incidence of utility thresholds, there are conditions under which an egalitarian distribution actually minimizes aggregate utility. Thus, suppose that there is enough of a certain resource (e.g., food or medicine) to enable some but not all members of a population to survive. Let us say that the size of the population is ten, that a person needs at least five units of the resource in question to live, and that forty units are available. If any members

of this population are to survive, some must have more than others. An equal distribution, which gives each person four units, leads to the worst possible outcome, namely, everyone dies. Surely in this case it would be morally grotesque to insist upon equality! Nor would it be reasonable to maintain that, under the conditions specified, it is justifiable for some to be better off only when this is in the interests of the worst off. If the available resources are used to save eight people, the justification for doing this is manifestly not that it somehow benefits the two members of the population who are left to die.

An egalitarian distribution will almost certainly produce a net loss of aggregate utility whenever it entails that fewer individuals than otherwise will have, with respect to some necessity, enough to sustain life—in other words, whenever it requires a larger number of individuals to be below the threshold of survival. Of course, a loss of utility may also occur even when the circumstances involve a threshold that does not separate life and death. Allocating resources equally will reduce aggregate utility whenever it requires a number of individuals to be kept below *any* utility threshold without ensuring a compensating move above some threshold by a suitable number of others.

Under conditions of scarcity, then, an egalitarian distribution may be morally unacceptable. Another response to scarcity is to distribute the available resources in such a way that as many people as possible have enough or, in other words, to maximize the incidence of sufficiency. This alternative is especially compelling when the amount of a scarce resource that constitutes enough coincides with the amount that is indispensable for avoiding some catastrophic harm—as in the example just considered, where falling below the threshold of enough food or enough medicine means death. But now suppose that there are available, in this example, not just forty units of the vital resource but forty-one. Then maximizing the incidence of sufficiency by providing enough for each of eight people leaves one unit unallocated. What should be done with this extra unit?

It has been shown above that it is a mistake to maintain that *where some people have less than enough, no one should have more than anyone else*. When resources are scarce, so that it is impossible

for everyone to have enough, an egalitarian distribution may lead to disaster. Now there is another claim that might be made here, which may appear to be quite plausible but which is also mistaken: *where some people have less than enough, no one should have more than enough*. If this claim were correct, then—in the example at hand—the extra unit should go to one of the two people who have nothing. But one additional unit of the resource in question will not improve the condition of a person who has none. By hypothesis, that person will die even with the additional unit. What he needs is not one unit but five. It cannot be taken for granted that a person who has a certain amount of a vital resource is necessarily better off than a person who has a lesser amount, for the larger amount may still be too small to serve any useful purpose. Having the larger amount may even make a person worse off. Thus it is conceivable that while a dose of five units of some medication is therapeutic, a dose of one unit is not better than none but actually toxic. And while a person with one unit of food may live a bit longer than someone with no food whatever, perhaps it is worse to prolong the process of starvation for a short time than to terminate quickly the agony of starving to death.

The claim that no one should have more than enough while anyone has less than enough derives its plausibility, in part, from a presumption that is itself plausible but that is nonetheless false: to wit, giving resources to people who have less of them than enough necessarily means giving resources to people who need them and, therefore, making those people better off. It is indeed reasonable to assign a higher priority to improving the condition of those who are in need than to improving the condition of those who are not in need. But giving additional resources to people who have less than enough of those resources, and who are accordingly in need, may not actually improve the condition of these people at all. Those below a utility threshold are not necessarily benefited by additional resources that move them closer to the threshold. What is crucial for them is to attain the threshold. Merely moving closer to it either may fail to help them or may be disadvantageous.

By no means do I wish to suggest, of course, that it is never or only rarely beneficial for those below a

utility threshold to move closer to it. Certainly it may be beneficial, either because it increases the likelihood that the threshold ultimately will be attained or because, quite apart from the significance of the threshold, additional resources provide important increments of utility. After all, a collector may enjoy expanding his collection even if he knows that he has no chance of ever completing it. My point is only that additional resources do not necessarily benefit those who have less than enough. The additions may be too little to make any difference. It may be morally quite acceptable, accordingly, for some to have more than enough of a certain resource even while others have less than enough of it.

V

Quite often, advocacy of egalitarianism is based less upon an argument than upon a purported moral intuition: economic inequality, considered as such, just seems wrong. It strikes many people as unmistakably apparent that, taken simply in itself, the enjoyment by some of greater economic benefits than are enjoyed by others is morally offensive. I suspect, however, that in many cases those who profess to have this intuition concerning manifestations of inequality are actually responding not to the inequality but to another feature of the situations they are confronting. What I believe they find intuitively to be morally objectionable, in the types of situations characteristically cited as instances of economic inequality, is not the fact that some of the individuals in those situations have *less* money than others but the fact that those with less have *too little*.

When we consider people who are substantially worse off than ourselves, we do very commonly find that we are morally disturbed by their circumstances. What directly touches us in cases of this kind, however, is not a quantitative discrepancy but a qualitative condition—not the fact that the economic resources of those who are worse off are *smaller in magnitude* than ours but the different fact that these people are so *poor*. Mere differences in the amounts of money people have are not in themselves distressing. We tend to be quite unmoved, after all, by inequalities between the well-to-do and the rich; our awareness that the former are substantially worse off than the latter does not

disturb us morally at all. And if we believe of some person that his life is richly fulfilling, that he himself is genuinely content with his economic situation, and that he suffers no resentments or sorrows which more money could assuage, we are not ordinarily much interested—from a moral point of view—in the question of how the amount of money he has compares with the amounts possessed by others. Economic discrepancies in cases of these sorts do not impress us in the least as matters of significant moral concern. The fact that some people have much less than others is morally undisturbing when it is clear that they have plenty.

It seems clear that egalitarianism and the doctrine of sufficiency are logically independent: considerations that support the one cannot be presumed to provide support also for the other. Yet proponents of egalitarianism frequently suppose that they have offered grounds for their position when in fact what they have offered is pertinent as support only for the doctrine of sufficiency. Thus they often, in attempting to gain acceptance for egalitarianism, call attention to disparities between the conditions of life characteristic of the rich and those characteristic of the poor. Now it is undeniable that contemplating such disparities does often elicit a conviction that it would be morally desirable to redistribute the available resources so as to improve the circumstances of the poor. And, of course, that would bring about a greater degree of economic equality. But the indisputability of the moral appeal of improving the condition of the poor by allocating to them resources taken from those who are well off does not even tend to show that egalitarianism is, as a moral ideal, similarly indisputable. To show of poverty that it is compellingly undesirable does nothing whatsoever to show the same of inequality. For what makes someone poor in the morally relevant sense—in which poverty is understood as a condition from which we naturally recoil—is not that his economic assets are simply of lesser magnitude than those of others. . . .

My suggestion that situations involving inequality are morally disturbing only to the extent that they violate the ideal of sufficiency is confirmed, it seems to me, by familiar discrepancies between the principles egalitarians profess and the way in which

they commonly conduct their own lives. My point here is not that some egalitarians hypocritically accept high incomes and special opportunities for which, according to the moral theories they profess, there is no justification. It is that many egalitarians (including many academic proponents of the doctrine) are not truly concerned whether they are as well off economically as other people are. They believe that they themselves have roughly enough money for what is important to them, and they are therefore not terribly preoccupied with the fact that some people are considerably richer than they. Indeed, many egalitarians would consider it rather shabby or even reprehensible to care, with respect to their own lives, about economic comparisons of that sort. And, notwithstanding the implications of the doctrines to which they urge adherence, they would be appalled if their children grew up with such preoccupations. . . .

VI

What does it mean, in the present context, for a person to have enough? One thing it might mean is that any more would be too much: a larger amount would make the person's life unpleasant, or it would be harmful or in some other way unwelcome. This is often what people have in mind when they say such things as "I've had enough!" or "Enough of that!" The idea conveyed by statements like these is that *a limit has been reached*, beyond which it is not desirable to proceed. On the other hand, the assertion that a person has enough may entail only that *a certain requirement or standard has been met*, with no implication that a larger quantity would be bad. This is often what a person intends when he says something like "That should be enough." Statements such as this one characterize the indicated amount as sufficient while leaving open the possibility that a larger amount might also be acceptable.

In the doctrine of sufficiency the use of the notion of "enough" pertains to *meeting a standard* rather than to *reaching a limit*. To say that a person has enough money means that he is content, or that it is reasonable for him to be content, with having no more money than he has. And to say this is, in turn, to say something like the following: the person does not (or cannot reasonably) regard

whatever (if anything) is unsatisfying or distressing about his life as due to his having too little money. In other words, if a person is (or ought reasonably to be) content with the amount of money he has, then insofar as he is or has reason to be unhappy with the way his life is going, he does not (or cannot reasonably) suppose that money would—either as a sufficient or as a necessary condition—enable him to become (or to have reason to be) significantly less unhappy with it.

It is essential to understand that having enough money differs from merely having enough to get along or enough to make life marginally tolerable. People are not generally content with living on the brink. The point of the doctrine of sufficiency is not that the only morally important distributional consideration with respect to money is whether people have enough to avoid economic misery. A person who might naturally and appropriately be said to have just barely enough does not, by the standard invoked in the doctrine of sufficiency, have enough at all.

There are two distinct kinds of circumstances in which the amount of money a person has is enough—that is, in which more money will not enable him to become significantly less unhappy. On the one hand, it may be that the person is suffering no substantial distress or dissatisfaction with his life. On the other hand, it may be that although the person is unhappy about how his life is going, the difficulties that account for his unhappiness would not be alleviated by more money. Circumstances of this second kind obtain when what is wrong with the person's life has to do with noneconomic goods such as love, a sense that life is meaningful, satisfaction with one's own character, and so on. These are goods that money cannot buy; moreover, they are goods for which none of the things money can buy are even approximately adequate substitutes. Sometimes, to be sure, noneconomic goods are obtainable or enjoyable only (or more easily) by someone who has a certain amount of money. But the person who is distressed with his life while content with his economic situation may already have that much money.

It is possible that someone who is content with the amount of money he has might also be content with an even larger amount of money. Since having

enough money does not mean being at a limit beyond which more money would necessarily be undesirable, it would be a mistake to assume that for a person who already has enough the marginal utility of money must be either negative or zero. Although this person is by hypothesis not distressed about his life in virtue of any lack of things which more money would enable him to obtain, nonetheless it remains possible that he would enjoy having some of those things. They would not make him less unhappy, nor would they in any way alter his attitude toward his life or the degree of his contentment with it, but they might bring him pleasure. If that is so, then his life would in this respect be better with more money than without it. The marginal utility for him of money would accordingly remain positive.

To say that a person is content with the amount of money he has does not entail, then, that there would be no point whatever in his having more. Thus someone with enough money might be quite *willing* to accept incremental economic benefits. He might in fact be *pleased* to receive them. Indeed, from the supposition that a person is content with the amount of money he has it cannot even be inferred that he would not *prefer* to have more. And it is even possible that he would actually be prepared to *sacrifice* certain things that he values (e.g., a certain amount of leisure) for the sake of more money.

But how can all this be compatible with saying that the person is content with what he has? What does contentment with a given amount of money preclude, if it does not preclude being willing or being pleased or preferring to have more money or even being ready to make sacrifices for more? It precludes his having an *active interest* in getting more. A contented person regards having more money as *inessential* to his being satisfied with his life. The fact that he is content is quite consistent with his recognizing that his economic circumstances could be improved and that his life might as a consequence become better than it is. But this possibility is not important to him. He is simply not much interested in being better off, so far as money goes, than he is. His attention and interest are not vividly engaged by the benefits which would be available to him if he had more money. He is just not very responsive

to their appeal. They do not arouse in him any particularly eager or restless concern, although he acknowledges that he would enjoy additional benefits if they were provided to him. . . .

Contentment may be a function of excessive dullness or diffidence. The fact that a person is free both of resentment and of ambition may be due to his having a slavish character or to his vitality being muffled by a kind of negligent lassitude. It is possible for someone to be content merely, as it were, by default. But a person who is content with resources providing less utility than he could have may not be irresponsible or indolent or deficient in imagination. On the contrary, his decision to be content with those resources—in other words, to adopt an attitude of willing acceptance toward the fact that he has just that much—may be based upon a conscientiously intelligent and penetrating evaluation of the circumstances of his life.

It is not essential for such an evaluation to include an *extrinsic* comparison of the person's circumstances with alternatives to which he might plausibly aspire, as it would have to do if contentment were reasonable only when based upon a judgment that the enjoyment of possible benefits has been maximized. If someone is less interested in whether his circumstances enable him to live as well as possible than in whether they enable him to live satisfactorily, he may appropriately devote his evaluation entirely to an *intrinsic* appraisal of his life. Then he may recognize that his circumstances do not lead him to be resentful or regretful or drawn to change and that, on the basis of his understanding of himself and of what is important to him, he accedes approvingly to his actual readiness to be content with the way things are. The situation in that case is not so much that he rejects the possibility of improving his circumstances because he thinks there is nothing genuinely to be gained by attempting to improve them. It is rather that this possibility, however feasible it may be, fails as a matter of fact to excite his active attention or to command from him any lively interest. . . .

NOTES

1. Blum and Kalven, pp. 57–58.
2. Lerner, pp. 26–27.

Harry Frankfurt: Equality as a Moral Ideal

1. As Frankfurt notes, some egalitarians think that equality has inherent moral value, while others think that equality's value is derivative. What's the difference in these two views? Which do you find more plausible?
 2. Which argument for egalitarianism that Frankfurt considers do you find most compelling? Were you satisfied with Frankfurt's rebuttal? Why or why not?
 3. Frankfurt says that people often reflect on cases of inequality and find them objectionable. He argues that such cases derive their intuitive force—not from the badness of inequality, but from the badness of some having
- too little. Do you find this plausible? Why or why not?
4. Frankfurt thinks that, in general, we aren't concerned with inequalities in wealth between people who have plenty of resources. Indeed, he says, we would find it "rather shabby" for our friends or children who have plenty to be concerned that others have still more than they do. Do you share Frankfurt's judgments? Why or why not?
 5. Frankfurt considers, but rejects, the view that people have enough resources, in his important sense, if they have enough to make their life marginally tolerable. Why does he reject this view? Is he correct to reject it?

How Not to Complain about Taxes**Elizabeth Anderson**

In this selection, Elizabeth Anderson considers two common complaints people have about taxation. The first complaint is that, in taxing private citizens, the government takes what is rightfully a citizen's private property. This complaint is often inspired by John Locke's famous defense of the institution of private property in his *Second Treatise of Civil Government*. Anderson argues that Locke himself didn't oppose certain forms of taxation—even extensive taxation. For instance, Locke held that every person has duties of charity that the government can legitimately enforce. Thus, Anderson argues, appeals to Locke's work to oppose the kind of taxation now common in welfare states is unsuccessful.

The second complaint is that, in a capitalist society like the United States, earned income is deserved income. The idea is that the income a person makes by trading with others in the free market is owed to the one who earned it—not the government. If so, this would count strongly against taxation for redistributive purposes. Anderson argues that this thought is mistaken because it's implausible to think that the market distributes income and goods in proportion to a person's virtue or moral worth. She makes the case by considering the work of another famous defender of capitalism: Friedrich Hayek. Hayek argued that prices function to send signals to producers and consumers about the relative abundance or scarcity of goods in the market. If so, then, Anderson argues, there is virtually no connection between a person's moral excellence and the amount of money that person earns by selling his goods or labor in the free market.

From Elizabeth Anderson, "How Not to Complain about Taxes," Left2Right blog, January 6 and January 26, 2005.
http://left2right.typepad.com/main/2005/01/how_not_to_comp.html

Anderson proceeds to argue that, since capitalist economies are by their very nature volatile, having good insurance is necessary. Thus, there is good reason for the government to help protect its citizens from this predictable volatility. And providing this protection would require some taxation for redistributive purposes.

Governments cannot be supported without great charge, and it is fit every one who enjoys his share of the protection, should pay out of his estate his proportion for the maintenance of it.

That's John Locke, the great defender of private property, writing (*Second Treatise of Government*, ch. XI, par. 140). It pays for defenders of private property to listen to Locke, so as to avoid silly complaints about taxation. Here's one common one I hear: that government, in taxing my property, is taking away what is really mine. This complaint is often conjoined with the accusation that liberals, in order to justify taxation, must believe that the government owns all property to begin with and by rights could confiscate it all. Two points should put these fallacies to rest.

First, a technical point: the fact that some property is mine does not entail that other people do not have rightful claims to some portion of it. I am entitled to my salary; it's mine. But my children have a rightful claim to support from my income. In some states, such as California, I have a legal obligation to support my parents out of my income, if they cannot support themselves. I have to pay my bills out of my income. If I negligently injure someone, I am liable to pay them damages from my income. The fact that this income is mine does not settle anything about who else might have legitimate claims to some portion of it, and on what grounds. Note also that I did not have to give my personal consent for some of these others to have a claim on it.

So far, I've just been talking about property as a legal institution. But perhaps the complaint I am criticizing is talking about supposed "natural" property rights, following theorists such as Locke. So here's my second point: unless one is a bomb-throwing anarchist, an advocate of natural property rights must concede the legitimacy and indeed necessity of a state, at least as an institution for

collective protection and impartial adjudication of claims—the so-called "minimal state." And such a state will have a legitimate claim on every member's property, to the extent necessary for everyone to pay their fair share for its maintenance, as Locke rightly insisted. Even in a minimal state, the fact that my income is mine does not constitute an argument against the taxation necessary to support the state.

In fact, Locke himself went much further than this minimal claim. In the Lockean mythology loved by libertarians, it is supposed that individuals, upon joining a minimal state, retain full claim to all of their natural property rights, except to the small extent needed to support a minimal state. The fallacy here is to suppose that, when people join together to form a state for the protection of their property, they are concerned only to protect their property from the encroachment of others. According to Locke, however, individuals form a state not just for protection against violations of their negative liberties but for the *preservation* of their lives (which are part of their property):

the first and fundamental natural law, which is to govern even the legislature itself, is the preservation of society, and (as far as will consist with the public good) of every person in it. (*Locke, Second Treatise*, ch. 11, par. 134)

Unless one could show, contrary to fact, that death rates under publicly funded health care systems are higher than under systems that leave people to pay for their health care with whatever resources are at their disposal, some kind of publicly funded health insurance entitlements are compatible with, and may even be required by, Locke's theory of natural property rights. Moreover, Locke insists on our obligation to provide for the poor:

God hath not left one man so to the mercy of another, that he may starve him if he please: God the Lord and Father of all, has given no one of his children such a property in his peculiar portion of the

things of this world, but that he has given his needy brother a *right* to the surplusage of his goods; so that it cannot justly be denied him, when his pressing wants call for it. . . . As justice gives every man a title to the product of his honest industry, and the fair acquisitions of his ancestors descended to him; so charity gives every man a *title* to so much out of another's plenty, as will keep him from extreme want, where he has no means to subsist otherwise: and a man can no more justly make use of another's necessity to force him to become his vassal, by withholding that relief God requires him to afford to the wants of his brother, than he that has more strength can seize upon a weaker, master him to his obedience, and with a dagger at his throat, offer his death or slavery. (*First Treatise*, ch. 4, par. 42, emphasis mine)

Locke's point is not just that some kind of *entitlement-based* welfare system is required by morality and built into the structure of natural property rights (the poor have a *title* to what they need). It's also that, *to prevent a free property system from degenerating into feudalism, constraints on freedom of contract are required*. Just as contracts into slavery are invalid, contracts into vassalage are. People are not entitled to use their superior bargaining power to drive others to the wall, or into subjection.

So, you can't get an argument against a welfare state from Locke's theory of natural property rights. I won't pretend that Locke was as generous as modern welfare states; his preferred system of provision for the poor was in fact very harsh. And, given the primitive state of medicine in his day, no one at the time imagined it would have done much good to universalize access to it. But nothing in his system prevents a more generous welfare state. . . .

Does it follow that Locke, in accepting the legitimacy of taxation to promote the general welfare, including the establishment of welfare entitlements, really believes that the government owns everything and so could by rights dispose of all property arbitrarily? Of course not. He lays out the following constraints on legitimate taxation in ch. 11 of the *Second Treatise*:

1. It must be consistent with some system of private property or other (par. 138).

2. It cannot confiscate people's private property arbitrarily, but only in accordance with duly passed laws (par. 135–8).
3. The people must consent to these laws, *not* in the sense that they must obtain the personal consent of each individual, but in the sense that they have the consent of the majority of representatives in the legislature (taxation "must be with his own consent, i.e. the consent of the majority, giving it either by themselves, or their representatives chosen by them") (par. 140).
4. The laws must be for the common good of society, and in particular, promote the preservation of each member in it (par. 134–5).
5. The level of taxation cannot be so great as to reduce anyone to poverty or subjection ("It [the legislative power] . . . can never have a right to destroy, enslave, or designedly to impoverish the subjects" par. 135).

Although I'm no Lockean, I'm happy with these constraints, as I think all liberals are. (Personally, I would add another constraint, that requires the distribution of tax burdens to be fair. Locke may also implicitly be insisting on fairness in the quote that opens this post.)

So please, stop the silly rhetoric that liberals suppose that the government owns everything already. Stop the silly rhetoric that supposes that the fact that some property is mine offers any argument whatsoever against the legitimacy of taxing it.

I hasten to add that this still leaves plenty of room for reasonable dispute about proper levels of taxation. For all I've said so far, it's fine to argue that current levels of government spending are excessive, so that the levels of taxation required to support those levels are unjustified. It's fine to argue that the tax system we have unfairly distributes its burdens on the rich. It's fine to argue that our tax system stupidly rigs incentives in unproductive ways. . . . This post is simply a plea to focus on real arguments about taxation, not silly rhetoric.

II

The claim "I deserve my income," as applied to an individual's pretax income in free market economies, has considerable intuitive force. If true, it suggests a powerful moral claim against taxation

for redistributive purposes, on the intuitively plausible supposition that a just economic order ought to ensure that people get what they morally deserve.

But, however intuitive these claims may be, they are unjustified. In two of his important works of political economy, *The Constitution of Liberty* (see esp. ch. 6), and *Law, Legislation, and Liberty* (vol. 2), Hayek explained why free market prices cannot, *and should not*, track claims of individual moral desert.

1. Let's consider first Hayek's claim that prices in free market capitalism do not give people what they morally deserve. Hayek's deepest economic insight was that the basic function of free market prices is informational. Free market prices send signals to producers as to where their products are most in demand (and to consumers as to the opportunity costs of their options). They reflect the sum total of the inherently dispersed information about the supply and demand of millions of distinct individuals for each product. Free market prices give us our *only* access to this information, and then only in aggregate form. This is why centralized economic planning is doomed to failure: there is no way to collect individualized supply and demand information in a single mind or planning agency, to use as a basis for setting prices. Free markets alone can effectively respond to this information.

It's a short step from this core insight about prices to their failure to track any coherent notion of moral desert. Claims of desert are essentially backward-looking. They aim to reward people for virtuous conduct that they undertook in the past. Free market prices are essentially forward-looking. Current prices send signals to producers as to where the demand is *now*, not where the demand was when individual producers decided on their production plans. Capitalism is an inherently dynamic economic system. It responds rapidly to changes in tastes, to new sources of supply, to new substitutes for old products. This is one of capitalism's great virtues. But this responsiveness leads to volatile prices. Consequently, capitalism is constantly pulling the rug out from underneath even the most thoughtful, foresighted, and prudent production plans of individual agents. However virtuous they were,

by whatever standard of virtue one can name, individuals cannot count on their virtue being rewarded in the free market. For the function of the market isn't to reward people for past good behavior. It's to direct them toward producing for *current* demand, regardless of what they did in the past.

This isn't to say that virtue makes no difference to what returns one may expect for one's productive contributions. The exercise of prudence and foresight in laying out one's production and investment plans, and diligence in carrying them out, generally improves one's odds. But sheer dumb luck is also, ineradicably, a prominent factor determining free market returns. And nobody deserves what comes to them by sheer luck.

2. If free market prices don't give people what they morally deserve, should we try to regulate factor prices so that they *do* track producers' moral deserts? Hayek offered two compelling arguments against this proposal. First, if you fix prices on a backward-looking standard, they will no longer be able to perform their informational function. Producers will produce for what was demanded last quarter, even if it isn't demanded today. This creates enormous waste and generates huge opportunity costs. We'd be *much* poorer in an economy that worked like this.

One could imagine a way around this problem. Let prices move according to the free market. But set up a government agency to compensate people for their undeserved bad luck, from taxes raised on that part of people's property that they receive on account of their undeserved good luck. This way, prices would retain their informational function. This idea, which I have dubbed "luck egalitarianism," now dominates contemporary egalitarian thinking. I have argued in print that it's a very bad idea ("What is the Point of Equality?", *Ethics* 109 (1999): 287–337), for numerous reasons. One is that there is no coherent way to determine how much of what people get is due to luck, and how much is truly their responsibility. Hayek focused on a more fundamental reason: any attempt to regulate people's rewards according to judgments of

how much they morally deserve would destroy liberty. It would involve the state in making detailed, intrusive judgments of how well people used their liberty, and penalize them for not exercising their liberty in the way the state thinks best. This is no way to run a free society.

Hayek was right. It might *sound* like a compelling idea, to make sure that people receive the income they morally deserve. But orienting the economy around this goal, assuming it is achievable at all (and there are principled doubts about that), would doom us to poverty and serfdom. It would abolish capitalism, along with its chief virtues. It isn't worth the draconian costs.

3. Several implications follow from Hayek's insights into the nature of capitalism.

- (a) The claim "I deserve my pretax income" is not generally true. Nor should the basic organization of property rules be based on considerations of moral desert. Hence, claims about desert have no standing in deciding whether taxation for the purpose of funding social insurance is just.
- (b) The claim that people rocked by the vicissitudes of the market, or poor people generally, are getting what they deserve is also not generally true. To moralize people's misfortunes in this way is both ignorant and mean. Capitalism continuously and randomly pulls the rug out from under even the most prudent and diligent people. It is *in principle* impossible for even the most prudent to foresee all the market turns that could undo them. (If it were possible, then efficient socialist planning would be possible, too. But it isn't.)
- (c) Capitalist markets are highly dynamic and volatile. This means that at any one time, lots of people are going under. Often, the consequences of this would be catastrophic, absent concerted intervention to avert the outcomes generated by markets. For example, the economist Amartya Sen has documented that sudden shifts in people's incomes (which are often due to market volatility), and not absolute food shortages, are a principal cause of famine.

(d) The volatility of capitalist markets creates a profound and urgent need for insurance, over and above the insurance needs people would have under more stable (but stagnant) economic systems. This need is increased also by the fact that capitalism inspires a love of personal independence, and hence brings about the smaller ("nuclear") family forms that alone are compatible with it. We no longer belong to vast tribes and clans. This sharply reduces the ability of individuals under capitalism to pool risks within families, and limits the claims they can effectively make on non-household (extended) family members for assistance. To avoid or at least ameliorate disaster and disruption, people need to pool the risks of capitalism.

This fact does not yet clinch the case for *social* insurance—that is, universal, compulsory, government-provided, tax-funded insurance. For all I've said so far, maybe private insurance would do a better job meeting people's needs for insurance in the event of unemployment, disability, loss of a household earner, sickness, and old age. That depends on the relative performance of social and private insurance with respect to each of these events. Or perhaps some kind of mixed system, combining social and private insurance, would be optimal (I'm inclined to this position).

I do think, however, that the arguments I have provided so far go a considerable way towards justifying the view that, whether the insurance provider is public or private, not all individuals can reasonably be expected to pay for their insurance premiums out of their pretax incomes. For the reasons just discussed, pretax incomes provide a morally arbitrary baseline for determining the means within which people may reasonably be expected to live. Equilibrium factor prices may well be below subsistence or a decent life for millions. (This doesn't mean we should seek to institute a morally deserved baseline. My goal is not to ensure that people get what they morally deserve. It's to avoid gratuitous suffering, and to ensure that everyone has effective access, over their whole lifespan, to the means needed for a decent life.) And so far, no argument that people have a moral claim to their

pretax incomes, sufficient to preclude taxing it for insurance purposes, has survived critical scrutiny. Certainly, “I deserve it” doesn’t.

Elizabeth Anderson: How Not to Complain about Taxes

1. Which of the complaints against taxation that Anderson considers do you find most compelling (even if, in the end, you don’t find it persuasive)?
2. Anderson distinguishes between legal property rights and natural property rights. What is the difference? Can you think of a legal property right that is not also a natural property right?

3. Anderson cites Locke, who thinks that we have moral duties to aid the poor. Do you agree that we have such duties? If so, is the government justified in ensuring, by means of taxation, that we live up to those duties?
4. Why doesn’t Anderson think that we necessarily deserve the income we make by trading our goods or labor in the free market? Do you agree with her? Why or why not?
5. Anderson argues that capitalist societies are more volatile than more socialistic societies. Why does she think this? Does the government have a duty to protect its citizens from such volatility?

Genetic Engineering

JUST THE FACTS

Genetic engineering is the direct manipulation of an organism's DNA to alter its characteristics. When this manipulation is undertaken to improve a human's form or functioning beyond the level necessary for health, it's called **genetic enhancement**. **Genetically modified organisms** (GMOs) are those whose DNA has been directly manipulated.

Genetic engineering is distinct from other methods of manipulating an organism's DNA. Such manipulation might be done, for instance, by **artificial selection**—the process by which humans develop desirable traits in plants or animals by selecting which males or females will reproduce together. Farmers, scientists, and breeders have done this for ages, selectively breeding prized fruits, vegetables, livestock, and sport and show animals. Artificial selection is limited to naturally occurring variations within species.¹ By contrast, when an organism is genetically engineered, its DNA is directly manipulated. This can be done through changing a base pair, deleting a section of DNA, introducing a copy of a gene, or even inserting DNA extracted from a different organism (sometimes from a different species).² Both **germline cells**, which are reproductive, and **somatic cells**, which are not, can be manipulated. The former type of genetic engineering is more controversial when applied to humans, since changes

made in germline cells will be passed on to the next generation.³

The first organism to be genetically engineered was a bacterium, in 1973. In 1974, scientists genetically engineered a mouse. By 1994, similar methods were applied to plants, and GMOs became a commercial product available to consumers.⁴ Scientists have now engineered tomatoes that resist freezing temperatures by inserting genetic material from a fish—the winter flounder. They've created potatoes that don't bruise and apples that don't brown.⁵

The promise of GMOs is tremendous: genetic engineering is used to make crops more resilient, more nutritious, and faster growing. It can make certain crops immune to certain pesticides—it can even make pesticides unnecessary, in some cases. It's not hard to see how this could produce huge benefits: farmers will produce better crops, lose fewer of them to weather or insects, and they can perform the whole process faster and in some cases with less intervention. This would all mean higher efficiency, which means more food at lower cost. It might also allow foods to be grown in regions that have previously been hard to farm in. This could not only make the lives of average Americans better, but could help to solve the global famine problem as well.

Genetic engineering of human and nonhuman animals promises huge benefits as well. In one instance, scientists took DNA from a spider

1. <https://www.nature.com/scitable/topicpage/genetically-modified-organisms-gmos-transgenic-crops-and-732>

2. <https://www.yourgenome.org/facts/what-is-genetic-engineering>

3. <https://www.yourgenome.org/facts/what-is-crispr-cas9>

4. <https://www.yourgenome.org/facts/what-is-genetic-engineering>

5. <https://www.livescience.com/40895-gmo-facts.html>

and engineered a goat that produces silk in its milk, allowing for production of an incredibly strong silk fabric.⁶ Sheep have been engineered whose milk can be used to treat cystic fibrosis. Worms that have been manipulated to glow in the dark can be used to learn about Alzheimer's. Yeast and bacteria have even been used to produce insulin, which then is used to treat people with Type 1 diabetes.⁷ Directly manipulating the human genome might bring yet greater advances: we might someday eliminate genetic disease—everything from color blindness to Down syndrome. It may even help cure cancer.⁸

Genetic enhancement offers the promise of yet further benefits. By altering a human's genes, it's possible that we could increase his intelligence, make him more attractive, and improve his memory. We could make someone more musically adept, require less sleep, and live longer.⁹ We could even improve someone's reasoning capacity and make her more altruistic.¹⁰ Some have even suggested that genetic engineering could make humans have less of a negative impact on the environment: for example, we could make human eyes that need less light.¹¹

While much of this is still in the future, CRISPR-cas9 (usually referred to just as "CRISPR"—short for clustered regularly

interspaced short palindromic repeats) has started to bridge the gap between science fiction and science fact. CRISPR is a gene-editing tool that allows scientists to target specific sequences of DNA and either alter or delete them, or insert new genetic material altogether. For a long time, scientists had to rely on imprecise methods involving chemicals or radiation to cause random mutations in genes. They couldn't control where in the genome those changes occurred. CRISPR changed all that. It was developed out of a naturally occurring feature of some bacteria: they keep parts of the DNA of viruses that infect them.¹²

Genetic engineering is not without its critics. Some argue that widespread cultivation of GMOs could result in "super-insects" and "super-weeds" that are resistant to pesticides. The worry is that farmers will overuse certain pesticides, since they don't hurt the crops, and that insects and weeds will adapt to these pesticides, creating the need for even stronger pesticides to yield the same benefits. Others are concerned that the pesticide use that GMOs encourage will harm beneficial insect species, or even upend an ecosystem by spreading genetic material into non-GMO plants. Many worry that we don't have enough evidence that GMOs are truly safe—for all we know, GMOs may cause horrible damage to humans or to the environment.¹³

Concerns about human genetic engineering and genetic enhancement run even deeper. According to the Pew Research Center, 68 percent of US adults are worried about using genetic engineering even when it comes to reducing the risk of disease to human babies.¹⁴ Again, many worry that we simply can't see far enough down the road to know what the effects of genetic

6. <http://www.bbc.com/news/av/science-environment-16554357/the-goats-with-spider-genes-and-silk-in-their-milk>

7. <https://www.yourgenome.org/facts/what-is-genetic-engineering>

8. <http://www.asgct.org/general-public/educational-resources/gene-therapy-and-cell-therapy-for-diseases/cancer-gene-and-cell-therapy>

9. <https://www.genome.gov/10004767/genetic-enhancement/>

10. <https://www.psychologytoday.com/blog/how-do-life/201604/human-genetic-enhancement>

11. <https://www.theatlantic.com/technology/archive/2012/03/how-engineering-the-human-body-could-combat-climate-change/253981/>

12. <https://www.yourgenome.org/facts/what-is-crispr-cas9>

13. <http://www.popsci.com/article/science/core-truths-10-common-gmo-claims-debunked>

14. http://www.pewinternet.org/2016/07/26/u-s-public-wary-of-biomedical-technologies-to-enhance-human-abilities/ps_2016-07-26_human-enhancement-survey_o-01/

engineering will be. Some worry that we will end up eliminating genetic disorders, such as high-functioning autism, that have huge benefits to society.¹⁵ Another potential problem is that the benefits of genetic enhancement may very well accrue disproportionately to the wealthy. After all, genetic enhancements will be very expensive when they first become available to the public. In the United States and many other countries, this could serve to deepen the already large inequalities between the rich and the poor—or even between the rich and the middle class.¹⁶

It might seem as well that while genetic engineering is a tool that could be used for good, it could end up being used for nefarious purposes. One such purpose is **eugenics**, the attempt to use science to eliminate “undesirable” qualities from a human population.¹⁷ Eugenics movements in the United States led to the forced sterilization of various already marginalized populations—between 1907 and 1931, thirty states enacted such laws, leading to the forced sterilization of more than 64,000 people, almost all of whom were poor and undereducated.¹⁸ Though we look back on that episode as a deeply misguided one, critics of human genetic engineering worry that the association of “inferior” traits with members of marginalized communities is still with us, and that allowing genetic engineering will invariably lead to practices that marginalize them yet further.

ARGUMENT ANALYSIS

Though genetic engineering can take many forms, here we will restrict our focus to just two of them: the genetic enhancements of human

15. <https://www.psychologytoday.com/blog/how-do-life/201604/human-genetic-enhancement>

16. <https://www.genome.gov/10004767/genetic-enhancement/>

17. https://www.washingtonpost.com/news/in-theory/wp/2016/02/22/whats-the-difference-between-genetic-engineering-and-eugenics/?utm_term=.obo2dcc56ed6

18. <https://www.nature.com/scitable/forums/genetics-generation/america-s-hidden-history-the-eugenics-movement-123919444>

beings, and the production of GMOs. As we will see, a few of the arguments we consider can be applied with equal force to both kinds of genetic engineering. Let’s start with one of these arguments, which cites (in part) the promise of great benefits as a basis for the moral legitimacy of genetic engineering:

The Benefits Argument

1. If a practice provides great benefits to many people and violates no one’s rights, then it is morally legitimate.
2. Genetic enhancement and the production of GMOs provide great benefits to many people and violate no one’s rights.

Therefore,

3. Genetic enhancement and the production of GMOs are morally legitimate.

The benefits referred to in premise 2 are real—see the Just the Facts section earlier for details. But does genetic engineering also avoid violating people’s rights? This is a difficult question whose full answer would require a lot more space than we have here, so let me make just a few brief remarks, first about genetic enhancement and then about GMOs.

Genetic enhancement would make individuals who receive it better off—more attractive, smarter, faster, and so on. This doesn’t violate *their* rights. And it doesn’t seem to violate the rights of others, either. True, it can give the recipients of genetic enhancement an advantage over those who do not have it. But it’s not clear that this violates the rights of the “unenhanced.”

Suppose that others are better looking than I am because they were more fortunate in the “natural lottery”—they were born with great genes. That doesn’t violate my rights. Now suppose that others are better looking than I am because they paid for “cosmetic enhancement”—plastic surgery that involves no genetic manipulation, but leaves them looking way better than I do. That doesn’t seem to violate my rights, either. But then it’s unclear why obtaining this social advantage via genetic manipulation, rather than

good fortune or cosmetic surgery, would violate my rights. And things don't appear to be any different when we are talking, not about good looks, but about cognitive or athletic or personality advantages that might be obtained through genetic enhancement.

There is an exception here: competitions that forbid contestants who have been enhanced. If the rules of a beauty pageant exclude entrants who have been surgically or genetically enhanced, then if some such contestant sneaks into the competition, that *does* violate the rights of the other participants. But this is because such behavior amounts to cheating—deliberately breaking the agreed-on rules so as to gain an unfair advantage. Most genetic enhancements are not forms of cheating, however. And so we don't as yet have reason to believe that genetic enhancements violate the rights of others.

When it comes to GMOs, they too can provide great benefits to human beings. Further, since we are not forced to use GMOs, it is difficult to see how their production or sale violates anyone's rights. One might think that we have a right that others refrain from genetically modifying organisms, but the basis of such a right is unclear, as we shall see later. At this point, then, since both genetic enhancements and GMOs yield substantial benefits, and since they don't appear to violate rights (except when they constitute cheating), premise 2 of the Benefits Argument seems fairly plausible.

We have already considered a variation of premise 1 (see the Social Harm Argument in Chapter 21). It combines a consequentialist element—the emphasis on generating excellent results—with a nonconsequentialist focus on individual rights. While this combination has a lot of appeal, it also has at least one vulnerability. Imagine a practice that generates lots of good results and violates no rights. Still, that practice might produce lots of *terrible* results, too. Those might be enough to outweigh the benefits and to sink the claim to moral legitimacy.

Unsurprisingly, reasonable opponents of genetic engineering allow that it may yield real

benefits. But their concern is with its potential harms, which they see as substantial. Though genetic enhancements are only in their infancy, and GMOs have not yet been shown to have caused substantial harms, it is relatively early days for these practices. Critics have worried that once these forms of genetic engineering become more widespread, significant harms are bound to arise. This worry provides the basis for

The Conservative Argument

1. We should legalize risky social policies only if we have excellent evidence that they will not lead to disaster.
2. We lack such evidence when it comes to genetic enhancements and GMOs.

Therefore,

3. We should not legalize genetic enhancements or GMOs.

The name of this argument has nothing to do with various right-wing causes. Rather, as traditionally understood, a **conservative** position is one that either seeks to preserve the status quo, or claims that we ought to change the traditional ways of doing things only if there is compelling evidence that doing so would be an improvement. In short, conservatives want to *conserve* what is already in place; their default setting is to resist change.

It's not clear what to say about premise 2. On the one hand, we have not yet experienced any disastrous results from GMOs or from genetic enhancement. So that might seem to undermine this premise. But the absence of evidence is not evidence of absence. Because genetic enhancements are still in their infancy, we lack evidence about whether they will cause long-term harms. The lack of evidence about their long-term effects does not amount to evidence that they are safe. GMOs have been widely on the market for a little more than two decades. Critics of genetic engineering claim that we won't be in a position to assess its long-term results for many years to come. But defenders of GMOs argue that since two decades is ample time to record the many

benefits that GMOs have provided, then that span is long enough to gather evidence about whether GMOs have had disastrous effects. As a result, they claim that there is now excellent evidence that GMOs are safe. Rather than try to resolve the matter here, we should note only that, as a general matter, it is difficult to identify a neutral standpoint for determining what counts as *enough* time to gather evidence about the potentially disastrous results of some innovative social policy.

Premise 1 does a good job of expressing the core conservative idea. Reasonable conservatives will not reject all social innovations. They will just insist that these innovations be thoroughly tested before being introduced on a broad scale. When innovations carry not only the chance of great benefit but also great harm, we need to ensure that we can avoid those harms before authorizing the social experiment.

While this sounds very plausible, there is a Catch-22 problem here. Premise 1 allows us to legalize social innovations only if we have good evidence of their safety. But we can acquire such evidence only if we are allowed to implement those innovations and see how they do! In other words, premise 1 assigns a necessary condition for legalizing social innovations (namely, gathering evidence of their safety) and then forbids any action that would enable us to meet that necessary condition.

Actually, things are not quite so bad for premise 1. We might be able to get evidence that a new practice avoids terrible results by looking to *other* societies that have implemented the practice. But there are two difficulties here. First, such evidence is available only because those other societies have violated premise 1. If they had obeyed the conservative principle, they would not have allowed those innovations to be tested in the first place. The second difficulty is what we might call the **extrapolation problem**. This is the difficulty of concluding that outcomes in one context will carry over to a different context. There are lots of extrapolation problems

with animal experimentation, for instance—there are many cases in which a drug found to be helpful when tested on animals has proven ineffective or harmful when used on humans. In the present case, the extrapolation problem arises because social innovations that work well in one culture may prove to be quite harmful in another (and vice versa).

Careful readers will have noticed the similarity between the Conservative Argument and the slippery slope arguments that we have discussed in other chapters (see Chapters 15 and 19). Slippery slope arguments predict that disaster will occur if we allow a social innovation, and argue, on consequentialist grounds, that we should therefore ban that innovation. The difference between the two arguments is this: the Conservative Argument issues no predictions about the likely results of the relevant innovation, while the Slippery Slope Argument does precisely that. In effect, the Conservative Argument says that we ought to ban social innovations until we have a solid basis for predicting its safety, whereas the Slippery Slope Argument says that we ought to ban an innovation because it is likely to have unsafe results. It is easy to craft a slippery slope argument against genetic engineering—just specify the terrible results you anticipate from genetic enhancement or GMOs, and add the claim that we ought to ban practices that are likely to yield terrible results. The trick, of course, is to see whether it is possible to substantiate such predictions.

I leave that as an exercise for you. In the meantime, let's look at another argument against genetic engineering that incorporates an interesting mix of consequentialist and fairness-based considerations. This argument says that genetic engineering will have a specific kind of bad outcome—namely, an increase in *inequality* between the “haves,” who can afford to receive genetic enhancement, and the “have-nots,” who can't. Those who are wealthier will become even better looking, will become immune to various diseases, and will be able to enhance

their intelligence through genetic engineering, thereby increasing the already very wide gap between the life prospects of the wealthy and the less well-to-do. This worry serves as the basis of

The Inequality Argument

1. If a social policy is very likely to increase inequality by improving the lives of the better-off and leaving the worse-off behind, then that social policy is immoral.
2. Allowing genetic engineering is very likely to increase inequality by improving the lives of the better-off and leaving the worse-off behind.

Therefore,

3. Allowing genetic engineering is an immoral social policy.

Premise 2 is probably true, at least in the short run. A typical pattern with social innovation is that the wealthy and powerful reap the bulk of the initial advantages. In some cases, that is the end of the story. But in many others, the less-well-off also benefit, as the innovations become more commonplace and less expensive. (Think of TVs, cars, or computers—all initially within the reach of just a few, but widely accessible to middle and many lower income families in a relatively short amount of time.) It's not clear whether the distribution of the benefits of genetic engineering would follow the first path or the second. That said, innovations in genetic engineering need not increase inequality. We *could* design social policies so that the poorer among us receive subsidized genetic enhancements and free access to GMOs (should they want it). If we chose to do that, premise 2 would be false.

There is a lot to say about premise 1. But we have already said a good deal—see the Argument Analysis section in Chapter 16, which is almost entirely devoted to discussing the morality of social policies that allow or promote specifically economic inequalities. Though the inequalities we are considering in this chapter range more broadly, to cover appearance, intelligence,

character traits, and physical skills, the underlying basis for most of the arguments in Chapter 16 can be easily carried over to discussions of these broader inequalities. As a result, I leave it to you to apply those arguments in the context of genetic engineering, in order to determine whether social policies that result in unequal distributions of benefits are always or usually immoral.

Each of the arguments we have looked at so far highlights the anticipated results of genetic engineering. Let's shift our attention to arguments that focus instead on its nature. These arguments are largely critical, and claim that there is something wrong, in itself, with genetic enhancements or with GMOs. These arguments allow that genetic engineering might have excellent results. But according to those who advance these arguments, there is something intrinsically immoral about genetic engineering.

The first of these criticisms is focused on genetic enhancements, not GMOs, and says that such enhancements rob us of our true selves. To be genetically enhanced is to lose our authenticity, to change us from who we really are to some artificial substitute:

The Authenticity Argument

1. If a practice undermines our authenticity, then it is immoral.
2. Genetic enhancement undermines our authenticity.

Therefore,

3. Genetic enhancement is immoral.

On behalf of premise 2, some argue that part of the human condition is to be limited in various ways and to be forced to face challenges based on one's limitations. An achievement is truly your own only if you gain it via effort that utilizes your own traits. Genetic enhancement is a shortcut that makes your elevated level of appearance, performance, or aptitude not truly your own. Defenders of genetic enhancement, though, say that part of our authentic self is the ability to choose how to move forward in our

lives, how to change ourselves in desirable ways. Choosing to become better through enhancement may be an authentic choice—informed, freely selected, and expressive of our deepest commitments. These critics of premise 2 will say that if an outcome is a result of an authentic choice, then the outcome itself is authentic.

Regarding premise 1: there are certainly some practices that undermine our authenticity and are immoral. Think of cases where totalitarian government officials lobotomize political prisoners, or administer personality-altering drugs in an effort to neutralize the prisoner's opposition to the regime. These ways of undermining our authenticity are immoral, however, because they are done without the victim's consent. What about cases in which people voluntarily seek to change who they are in a very significant way?

Sometimes such changes are for the worse. Imagine an admittedly strange case—one in which a person is bored with who she is and decides to become a drug addict. She succeeds. We might call her decision unwise or imprudent; it's not clear, though, that she has done something immoral. (One reason for this, explored in the Legal Punishment Requires Immorality Argument in Chapter 21, is that it is unclear whether self-harm *per se* is ever immoral.) If she has done something wrong—say, because she is now neglecting her children—the immorality most clearly consists in that neglect, rather than in becoming a different sort of person. After all, sometimes we can engage in transformative change for the better. We can leave at least a significant part of our old selves behind, and become more compassionate, more open-minded, more hopeful, kinder, and wiser. These sorts of fundamental changes in personality or character do not seem to be immoral.

This last point gives us some reason to think that changing who we are is not in itself immoral. A lot depends on the sort of change we are talking about—if it is an improvement, then all seems to be morally OK. And enhancements are, by definition,

improvements. So it seems that enhancing oneself is not immoral, contrary to premise 1.

Critics will claim that there is a fundamental difference between improving oneself through hard work, on the one hand, and genetic enhancement, on the other. It matters whether your better self emerges from your own extended efforts or whether it comes from paying someone else to perform a medical procedure. I think this is right. You deserve much more credit in the first case. But this is not enough to show that you have acted immorally if you go the easier, second route. Some people who effectively purchase their improvements may not deserve any credit for doing so, but that is different from showing that their actions have been immoral.

The last two arguments we'll consider target both genetic enhancement and GMOs. The first of these arguments comes from the core idea that inspires the natural law theory (see Chapter 8): what is natural is good or right, and what is unnatural is bad or wrong. Genetic engineering is designed to alter nature—our own, when it comes to genetic enhancements, or the nature of the food we eat, when it comes to GMOs. The worry here is not that tinkering with nature will lead to disastrous results down the road—that is the focus of a slippery slope or conservative argument. Rather, the idea is that there is something problematic, in and of itself, with acting contrary to nature:

The Unnaturalness Argument

1. Unnatural actions are immoral.
2. Genetic engineering is unnatural.

Therefore,

3. Genetic engineering is immoral.

The apparent simplicity of this argument is deceptive. That's because the notion of *being unnatural* is ambiguous—it has more than one meaning. As a result, defenders of the Unnaturalness Argument need to be very clear about which understanding of “unnatural” they have in mind when pressing their case against genetic engineering.

Perhaps the best way to assess the premises of this argument is just to run through the most common definitions of being natural or unnatural. We've already done this in Chapter 8, though, and the upshot is that premise 1 is deeply problematic on all four readings of "natural" that we discussed there. For ease of reference: "natural" could refer to what we share with other animals, what is innate, what all things of a given kind have in common, or what something is designed to be or do. Rather than repeat that discussion, let's consider two more understandings of what it is to be natural or unnatural. These are the ones that are likely to work best for the opponent of genetic engineering.

On the first view, to be natural is to be unchanged by human manipulation or intervention. Natural traits are opposed to acquired ones; unnatural activities are those that involve changing something or someone from a pristine, unmodified state. Genetic engineering is unnatural in this sense, because both genetic enhancement and GMO manufacture involve human intervention to modify someone or something from its "natural" state. In this sense, though, premise (1) is mistaken, because many human interventions that change things from their natural state are improvements. We act unnaturally in this sense when we educate children, modifying their understanding of the world, or when a furniture maker takes a piece of wood and transforms it into an elegant table. Contrary to premise 1, though, such activities are not immoral.

On the second understanding, natural activities are defined as those that *preserve* something's essence; unnatural activities are ones that change it. GMOs are unnatural in this sense, since they involve altering the genetic essence of crops or other foodstuffs. So premise 2 of the Unnaturalness Argument is true as applied to GMOs. But it's not so clear when it comes to genetic enhancements. Some cases—changing someone's eye color or height, for instance—seem more superficial, and don't

involve modifying a person's essence. Premise 2 is false when it comes to such changes, and so this argument would not justify condemning this sort of genetic enhancement. Other genetic changes, though, do seem to go "deeper," and involve a transformation of who the person is at a more fundamental level. Premise 2 would be true of these instances.

Even with regard to these more essential changes, however, premise 1 remains problematic. It's not clear why changing something's nature need be immoral. For instance, by genetically modifying the germline of the anopheles mosquito—the insect responsible for transmitting malaria—scientists might be able to save the lives of millions of people over the course of the next few decades. Or by developing a new type of apple the old-fashioned way—through conventional, non-GMO means—farmers have modified the essence of the old species, but don't seem to have done anything immoral thereby. When it comes to human beings, things may be more controversial, but a large part of the explanation here has to do with doubts about whether humans have natures. If they don't, then genetic enhancements cannot be unnatural (on this last understanding of what it is to be unnatural). But suppose that people do have natures. In that case, is it always immoral to change them?

It doesn't seem so. After all, some such natures may be bad. Suppose that someone recognizes that he has a deeply flawed nature and wants to improve it. He sets out to do so—he goes to therapy, reads self-help books, and seeks religious counseling. Imagine that this combination is successful; he really does become a much better person, in part by removing the flaws that used to define him. The current understanding makes this sort of transformation unnatural. But contrary to premise 1, there doesn't seem to be anything immoral about it.

We've now canvassed six understandings of what it is to be natural or unnatural. None of these six definitions yields the result that premise 1 is true. This doesn't show that the

Unnaturalness Argument is unsound, however, for there may be a seventh understanding that does the trick. If you're a fan of this argument, then, your job is to identify that further definition and to defend the claim that both premise 1 and premise 2 are true when utilizing that definition.

Let's now consider a final argument about the morality of genetic engineering. This one is based on the thought that such activity expresses a kind of arrogance. It is presumptuous of humans to assume that we are entitled to change nature to suit our tastes and preferences. In effect, when we set out to tinker with the genetic make-up of things, we are playing God:

The Playing God Argument

1. We are morally forbidden from playing God.
2. Engaging in genetic engineering amounts to playing God.

Therefore,

3. We are morally forbidden from engaging in genetic engineering.

In order to make sense of this argument, we need to unpack the metaphor of *playing God* in such a way that premise 2 comes out as true. We can then investigate whether playing God is, as premise 1 declares, really such a bad thing.

We can set aside the vexed question of whether God exists and ask instead about what God's role would be if God were to exist. There are many answers to this question, but perhaps the most relevant is this: God is the creator of all things, and has the final say about life and death. God decides when it is appropriate to end a life, when it is right to sustain or create it, and when it is acceptable to render a fundamental change in the nature of His creation. We play God when we take unto ourselves the authority to do these things.

On this understanding of what it is to play God, premise 2 is usually true. GMO production

creates new life forms. Genetic enhancement would in many (though not all) cases render a fundamental change in the nature of those who receive it. But premise 1 is problematic. Parents who intend to conceive a child are playing God, on the current understanding, but need not be doing anything immoral thereby. Soldiers who sacrifice themselves to save their comrades are also playing God in this sense, as are emergency room doctors who are making life-and-death decisions. But such soldiers need not be acting immorally; the same can be said of these doctors. And as we've seen in the previous discussion, regarding the last of the definitions of "unnatural," there needn't be anything wrong in seeking to change something's fundamental nature.

The notion of playing God, like the notion of being unnatural, admits of many different understandings. I've selected the one that I think has the best shot at getting critics of genetic engineering what they want. As we've seen, this understanding does not succeed. But perhaps another one will. As before, the task for opponents of genetic enhancements and GMOs is to identify that different understanding and then to defend the premises that incorporate it.

CONCLUSION

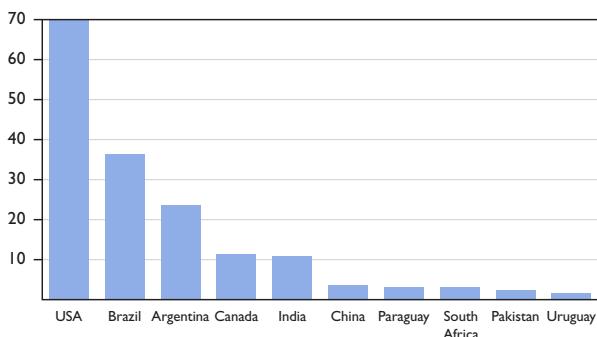
While there is relatively little controversy about the morality of developing genetic *therapies*—procedures designed to restore health to the sick—there is substantial disagreement about whether genetic enhancements and GMOs are morally acceptable. The main reason in support of such efforts is that they promise to do so much good, without violating anyone's rights. But conservative and slippery slope critics argue that we should put the brakes on such research until we have good evidence of its safety, while other critics argue that these forms of genetic engineering will only increase social inequality.

Other objections to genetic engineering focus on its intrinsic nature, rather than on its expected results. Such criticisms claim that

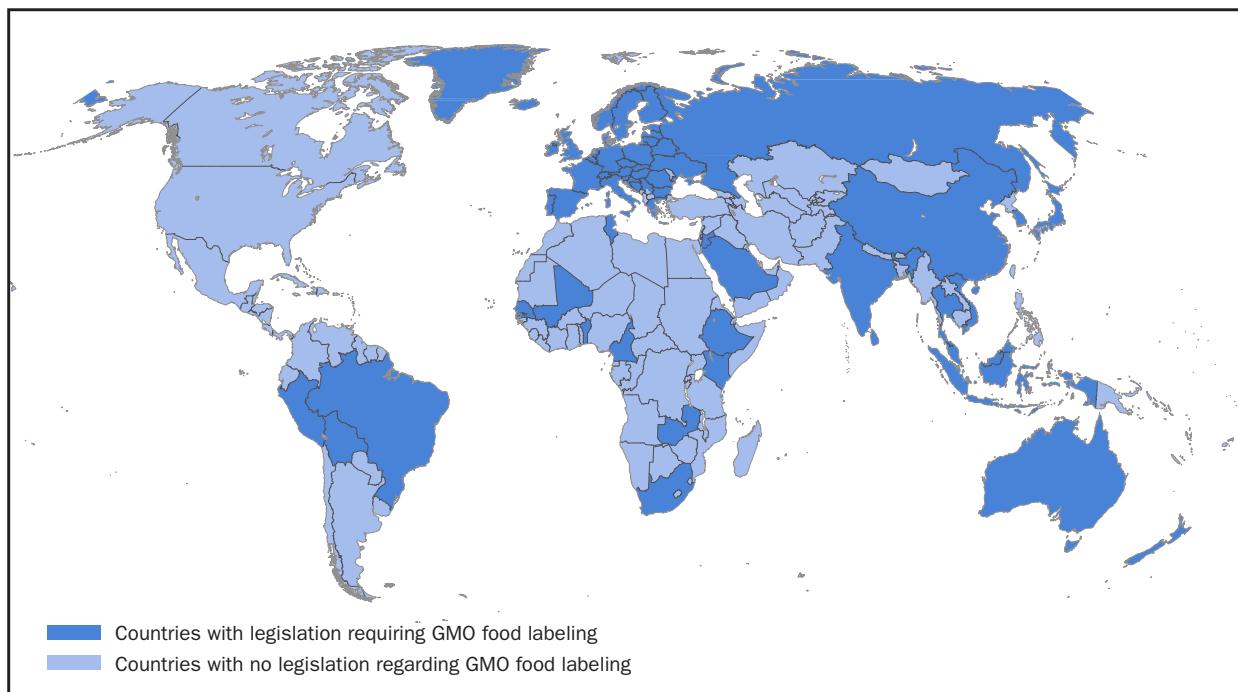
STAT SHOT

1. More than 90 percent of all soybean and corn acreage in the United States is used to grow GMOs.¹
2. The United States, Brazil, and Argentina are the top GMO producers, accounting for 76.3 percent of all GMO crops (Figure 22.1).
3. According to a Harvard poll, 65 percent of US adults think that it should be illegal to genetically modify unborn babies. Eighty-three percent said it should be illegal to engage in genetic enhancement to enhance intelligence or physical attributes.²
4. Most countries in Europe have laws requiring that GMOs be labeled. Most countries in North America don't (Figure 22.2).

Top GMO crop-growing countries, in million hectares (2012)

**Figure 22.1**Source: <http://www.gmoinside.org/gmos-in-animal-feed/>

1. <http://time.com/3840073/gmo-food-charts/>
2. <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/94/2016/01/STAT-Harvard-Poll-Jan-2016-Genetic-Technology.pdf>

**Figure 22.2. GMO labeling laws worldwide (2013).**Source: <http://familywellnesshq.com/what-do-us-canada-and-most-of-the-third-world-countries-have-in-common-gmo-food/>

genetic enhancements are inauthentic, or that such enhancements and GMOs are unnatural or are instances of playing God. As we've seen, these critiques are not yet well-supported, though the jury is still out as to whether critics are able to identify other notions of unnaturalness or playing God that can serve their purposes.

ESSENTIAL CONCEPTS

Artificial selection: the process by which humans develop desirable traits in plants or animals by selecting which males or females will reproduce together. It's sometimes called "selective breeding."

Conservative: a position that either seeks to preserve the status quo or claims that we ought to change the traditional ways of doing things only if there is compelling evidence that doing so would be better.

CRISPR-cas9: a gene-editing tool that allows scientists to target specific sequences of DNA

and either alter or delete them, or insert new genetic material altogether.

Eugenics: the use of selective breeding to develop desirable traits in human beings, or the use of sterilization to eradicate undesirable traits in human beings.

Extrapolation problem: the difficulty of concluding that outcomes in one context will carry over to a different context.

Genetic engineering: the direct manipulation of an organism's DNA to alter its characteristics.

Genetic enhancement: the direct manipulation of an organism's DNA to improve its form or functioning beyond the level necessary for health.

Genetically modified organism (GMO): organisms whose DNA has been directly altered for human purposes.

Germline cells: reproductive cells.

Somatic cells: nonreproductive cells.

Cases for Critical Thinking

Growth Hormones: Just for the Deficient?

Some children have a hormone deficiency that causes them to be much shorter than average. In the 1980s, human growth hormone was approved for addressing their situation. Prescribing this hormone to such children allowed them to enjoy all the benefits of a typical height: for example, they could often compete in basketball, whereas otherwise they couldn't. However, in the 1990s, doctors started to prescribe growth hormone to children who didn't have a hormone deficiency, but whose short stature was due to their parents' height. By 1996, this kind of use accounted for 40 percent of human growth hormone prescriptions.¹

1. <https://www.theatlantic.com/magazine/archive/2004/04/the-case-against-perfection/302927/>

Questions

1. Is normal height a benefit for people? If so, what makes it beneficial?
2. Is there any relevant difference between those children whose height resulted from a hormone deficiency and those whose height resulted from having inherited their parents' genes, such that it is permissible to prescribe growth hormones to the former but not the latter?
3. Suppose Jack is of a typical height for boys his age and, given his family history, can expect to be roughly the average height for US males. But Jack has always dreamed of playing professional basketball. If we can permissibly prescribe growth hormones to those whose height is owing to their genetic inheritance, is it also permissible for Jack's doctor to prescribe them to him?

GMO Labeling Laws

In 2012, California voters decided against Proposition 37, which would have required that foods containing GMOs be labeled as such. (It also would have prohibited labeling them as “natural” or “certified organic,” along with some other labels.) However, in June 2016, President Obama signed into law a bill requiring that foods with GMOs be labeled as such.¹ Many other countries have similar laws, including Australia, Japan, Russia, China, and twenty-eight countries in the European Union.²

1. <http://www.foodsafetynews.com/2016/09/the-new-gmo-labeling-law-a-matter-of-perspective/#.WcwF38iGPIU>

2. <http://www.justlabelit.org/right-to-know-center/labeling-around-the-world/>

Questions

1. Ought we to have such laws, or is it permissible for us not to have them? Why?
2. Suppose we did enough research to know that GMOs—or at least the ones available to consumers—had no adverse health consequences. Would labeling laws be morally advisable in that case? Why or why not?
3. In the United States, all processed foods must contain nutritional information. And tobacco products are required to display the Surgeon General’s warning about the adverse health effects of tobacco use. Are these requirements justified? If not, why not? If so, do the arguments used to justify them also justify a requirement that GMOs be labeled as such?

Doping and Genetic Enhancement

Lance Armstrong won the Tour de France a record seven straight times. Those victories

were voided when it was discovered that he was using performance-enhancing drugs. Similar episodes have plagued most major sports: Jon Jones, for example, the UFC light heavyweight champion and believed by many to be the greatest UFC fighter ever, was stripped of his title in 2017 when both of his urine samples came back positive for a banned substance. In March 2016, tennis star Maria Sharapova was banned from professional tennis for over a year as a result of having failed a drug test conducted during the Australian Open two months earlier.

Questions

1. Do you think that performance-enhancing drugs ought to be banned from professional sports? Why or why not?
 2. Suppose performance-enhancing drugs ought to be banned from professional sports. Many individuals naturally have higher levels of hormones, such as testosterone, that give them athletic advantages. Should we also ban such people from competing, since they get the same kind of unearned advantage as those who use performance-enhancing drugs?
 3. Suppose, as is currently the case, that we shouldn’t ban competitors who have naturally higher levels of advantageous hormones. Does it follow that we should allow competitors who have had genetic enhancements? If not, what’s the relevant difference between the two types of advantage?
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READINGS

• The Case Against Perfection

Michael Sandel

Michael Sandel argues against genetic enhancement and engineering by asking us to focus on what he calls “the gifted character of human powers and achievements.” By this he means that our talents and our abilities are not entirely a product of our efforts. And this, he argues, is a very good thing. That much of what is important in a life is effectively outside of our control should encourage in us a degree of humility about our accomplishments. Genetic enhancement and engineering are an effort to control the key elements of our appearance, fitness, and personality in a way that supports pride and arrogance rather than humility. Further, we expand our human sympathies and sense of social solidarity if we recognize that the problems and difficulties confronted by others are not always of their own making.

Sandel draws a parallel between genetic engineering and the kind of “hyperparenting” in which parents obsessively attend to every detail of their children’s lives. In both cases, a quest for perfection “represents the anxious excess of mastery and dominion that misses the sense of life as a gift.” Recognizing a child’s limitations and vulnerabilities not only helps a parent to develop important moral virtues such as compassion, sympathy, and empathy, but also provides an opportunity to appreciate the frailty and imperfections that come in every life.

Another worry about genetic engineering is that it is really no different from the eugenics programs of old. Those state-run programs forcibly sterilized or compelled abortions of members of unpopular minority groups in the name of creating a finer “race” of human beings. Although the state coercion at the heart of such programs is certainly morally troubling, Sandel argues that the impulse to genetically engineer a more perfect next generation is still morally problematic, even if we imagine that such engineering is done without any coercion at all.

... It is commonly said that genetic enhancements undermine our humanity by threatening our capacity to act freely, to succeed by our own efforts, and to consider ourselves responsible—worthy of praise or blame—for the things we do and for the way we are. It is one thing to hit seventy home runs as the result of disciplined training and effort, and something else, something less, to hit them with the help of steroids or genetically enhanced muscles. Of

From Michael J. Sandel, “The Case Against Perfection,” *Atlantic Monthly* (April 2004), pp. 56–62. <https://www.theatlantic.com/magazine/archive/2004/04/the-case-against-perfection/302927/>

course, the roles of effort and enhancement will be a matter of degree. But as the role of enhancement increases, our admiration for the achievement fades—or, rather, our admiration for the achievement shifts from the player to his pharmacist. This suggests that our moral response to enhancement is a response to the diminished agency of the person whose achievement is enhanced.

Though there is much to be said for this argument, I do not think the main problem with enhancement and genetic engineering is that they undermine effort and erode human agency. The deeper danger is that they represent a kind of

hyperagency—a Promethean aspiration to remake nature, including human nature, to serve our purposes and satisfy our desires. The problem is not the drift to mechanism but the drive to mastery. And what the drive to mastery misses and may even destroy is an appreciation of the gifted character of human powers and achievements.

To acknowledge the giftedness of life is to recognize that our talents and powers are not wholly our own doing, despite the effort we expend to develop and to exercise them. It is also to recognize that not everything in the world is open to whatever use we may desire or devise. Appreciating the gifted quality of life constrains the Promethean project and conduces to a certain humility. It is in part a religious sensibility. But its resonance reaches beyond religion.

It is difficult to account for what we admire about human activity and achievement without drawing upon some version of this idea. Consider two types of athletic achievement. We appreciate players like Pete Rose, who are not blessed with great natural gifts but who manage, through striving, grit, and determination, to excel in their sport. But we also admire players like Joe DiMaggio, who display natural gifts with grace and effortlessness. Now, suppose we learned that both players took performance-enhancing drugs. Whose turn to drugs would we find more deeply disillusioning? Which aspect of the athletic ideal—effort or gift—would be more deeply offended?

Some might say effort: the problem with drugs is that they provide a shortcut, a way to win without striving. But striving is not the point of sports; excellence is. And excellence consists at least partly in the display of natural talents and gifts that are no doing of the athlete who possesses them. This is an uncomfortable fact for democratic societies. We want to believe that success, in sports and in life, is something we earn, not something we inherit. Natural gifts, and the admiration they inspire, embarrass the meritocratic faith; they cast doubt on the conviction that praise and rewards flow from effort alone. In the face of this embarrassment we inflate the moral significance of striving, and deprecate giftedness. This distortion can be seen, for example, in network-television coverage of the Olympics, which focuses less on the feats the athletes perform

than on heartrending stories of the hardships they have overcome and the struggles they have waged to triumph over an injury or a difficult upbringing or political turmoil in their native land.

But effort isn't everything. No one believes that a mediocre basketball player who works and trains even harder than Michael Jordan deserves greater acclaim or a bigger contract. The real problem with genetically altered athletes is that they corrupt athletic competition as a human activity that honors the cultivation and display of natural talents. From this standpoint, enhancement can be seen as the ultimate expression of the ethic of effort and willfulness—a kind of high-tech striving. The ethic of willfulness and the biotechnological powers it now enlists are arrayed against the claims of giftedness.

The ethic of giftedness, under siege in sports, persists in the practice of parenting. But here, too, bioengineering and genetic enhancement threaten to dislodge it. To appreciate children as gifts is to accept them as they come, not as objects of our design or products of our will or instruments of our ambition. Parental love is not contingent on the talents and attributes a child happens to have. We choose our friends and spouses at least partly on the basis of qualities we find attractive. But we do not choose our children. Their qualities are unpredictable, and even the most conscientious parents cannot be held wholly responsible for the kind of children they have. That is why parenthood, more than other human relationships, teaches what the theologian William F. May calls an “openness to the unbidden.”

May’s resonant phrase helps us see that the deepest moral objection to enhancement lies less in the perfection it seeks than in the human disposition it expresses and promotes. The problem is not that parents usurp the autonomy of a child they design. The problem lies in the hubris of the designing parents, in their drive to master the mystery of birth. Even if this disposition did not make parents tyrants to their children, it would disfigure the relation between parent and child, and deprive the parent of the humility and enlarged human sympathies that an openness to the unbidden can cultivate.

To appreciate children as gifts or blessings is not, of course, to be passive in the face of illness or disease. Medical intervention to cure or prevent illness

or restore the injured to health does not desecrate nature but honors it. Healing sickness or injury does not override a child's natural capacities but permits them to flourish.

Nor does the sense of life as a gift mean that parents must shrink from shaping and directing the development of their child. Just as athletes and artists have an obligation to cultivate their talents, so parents have an obligation to cultivate their children, to help them discover and develop their talents and gifts. As May points out, parents give their children two kinds of love: accepting love and transforming love. Accepting love affirms the being of the child, whereas transforming love seeks the well-being of the child. Each aspect corrects the excesses of the other, he writes: "Attachment becomes too quietistic if it slackens into mere acceptance of the child as he is." Parents have a duty to promote their children's excellence.

These days, however, overly ambitious parents are prone to get carried away with transforming love—promoting and demanding all manner of accomplishments from their children, seeking perfection. "Parents find it difficult to maintain an equilibrium between the two sides of love," May observes. "Accepting love, without transforming love, slides into indulgence and finally neglect. Transforming love, without accepting love, badgers and finally rejects." May finds in these competing impulses a parallel with modern science: it, too, engages us in beholding the given world, studying and savoring it, and also in molding the world, transforming and perfecting it.

The mandate to mold our children, to cultivate and improve them, complicates the case against enhancement. We usually admire parents who seek the best for their children, who spare no effort to help them achieve happiness and success. Some parents confer advantages on their children by enrolling them in expensive schools, hiring private tutors, sending them to tennis camp, providing them with piano lessons, ballet lessons, swimming lessons, SAT-prep courses, and so on. If it is permissible and even admirable for parents to help their children in these ways, why isn't it equally admirable for parents to use whatever genetic technologies may emerge (provided they are safe) to enhance their children's intelligence, musical ability, or athletic prowess?

The defenders of enhancement are right to this extent: improving children through genetic engineering is similar in spirit to the heavily managed, high-pressure child-rearing that is now common. But this similarity does not vindicate genetic enhancement. On the contrary, it highlights a problem with the trend toward hyperparenting. One conspicuous example of this trend is sports-crazed parents bent on making champions of their children. Another is the frenzied drive of overbearing parents to mold and manage their children's academic careers.

As the pressure for performance increases, so does the need to help distractible children concentrate on the task at hand. This may be why diagnoses of attention deficit and hyperactivity disorder have increased so sharply. Lawrence Diller, a pediatrician and the author of *Running on Ritalin*, estimates that five to six percent of American children under eighteen (a total of four to five million kids) are currently prescribed Ritalin, Adderall, and other stimulants, the treatment of choice for ADHD. (Stimulants counteract hyperactivity by making it easier to focus and sustain attention.) The number of Ritalin prescriptions for children and adolescents has tripled over the past decade, but not all users suffer from attention disorders or hyperactivity. High school and college students have learned that prescription stimulants improve concentration for those with normal attention spans, and some buy or borrow their classmates' drugs to enhance their performance on the SAT or other exams. Since stimulants work for both medical and nonmedical purposes, they raise the same moral questions posed by other technologies of enhancement.

However those questions are resolved, the debate reveals the cultural distance we have traveled since the debate over marijuana, LSD, and other drugs a generation ago. Unlike the drugs of the 1960s and 1970s, Ritalin and Adderall are not for checking out but for buckling down, not for beholding the world and taking it in but for molding the world and fitting in. We used to speak of nonmedical drug use as "recreational." That term no longer applies. The steroids and stimulants that figure in the enhancement debate are not a source of recreation but a bid for compliance—a way of answering a competitive

society's demand to improve our performance and perfect our nature. This demand for performance and perfection animates the impulse to rail against the given. It is the deepest source of the moral trouble with enhancement.

Some see a clear line between genetic enhancement and other ways that people seek improvement in their children and themselves. Genetic manipulation seems somehow worse—more intrusive, more sinister—than other ways of enhancing performance and seeking success. But morally speaking, the difference is less significant than it seems. Bioengineering gives us reason to question the low-tech, high-pressure child-rearing practices we commonly accept. The hyperparenting familiar in our time represents an anxious excess of mastery and dominion that misses the sense of life as a gift. This draws it disturbingly close to eugenics.

The shadow of eugenics hangs over today's debates about genetic engineering and enhancement. Critics of genetic engineering argue that human cloning, enhancement, and the quest for designer children are nothing more than "privatized" or "free-market" eugenics. Defenders of enhancement reply that genetic choices freely made are not really eugenic—at least not in the pejorative sense. To remove the coercion, they argue, is to remove the very thing that makes eugenic policies repugnant.

Sorting out the lesson of eugenics is another way of wrestling with the ethics of enhancement. The Nazis gave eugenics a bad name. But what, precisely, was wrong with it? Was the old eugenics objectionable only insofar as it was coercive? Or is there something inherently wrong with the resolve to deliberately design our progeny's traits?

James Watson, the biologist who, with Francis Crick, discovered the structure of DNA, sees nothing wrong with genetic engineering and enhancement, provided they are freely chosen rather than state-imposed. And yet Watson's language contains more than a whiff of the old eugenic sensibility. "If you really are stupid, I would call that a disease," he recently told *The Times* of London. "The lower 10 percent who really have difficulty, even in elementary school, what's the cause of it? A lot of people would like to say, 'Well, poverty, things like that.' It probably isn't. So I'd like to get rid of that, to help the

lower 10 percent." A few years ago Watson stirred controversy by saying that if a gene for homosexuality were discovered, a woman should be free to abort a fetus that carried it. When his remark provoked an uproar, he replied that he was not singling out gays but asserting a principle: women should be free to abort fetuses for any reason of genetic preference—for example, if the child would be dyslexic, or lacking musical talent, or too short to play basketball.

Watson's scenarios are clearly objectionable to those for whom all abortion is an unspeakable crime. But for those who do not subscribe to the pro-life position, these scenarios raise a hard question: If it is morally troubling to contemplate abortion to avoid a gay child or a dyslexic one, doesn't this suggest that something is wrong with acting on any eugenic preference, even when no state coercion is involved?

Consider the market in eggs and sperm. The advent of artificial insemination allows prospective parents to shop for gametes with the genetic traits they desire in their offspring. It is a less predictable way to design children than cloning or pre-implantation genetic screening, but it offers a good example of a procreative practice in which the old eugenics meets the new consumerism. A few years ago some Ivy League newspapers ran an ad seeking an egg from a woman who was at least five feet ten inches tall and athletic, had no major family medical problems, and had a combined SAT score of 1400 or above. The ad offered \$50,000 for an egg from a donor with these traits. More recently a Web site was launched claiming to auction eggs from fashion models whose photos appeared on the site, at starting bids of \$15,000 to \$150,000.

On what grounds, if any, is the egg market morally objectionable? Since no one is forced to buy or sell, it cannot be wrong for reasons of coercion. Some might worry that hefty prices would exploit poor women by presenting them with an offer they couldn't refuse. But the designer eggs that fetch the highest prices are likely to be sought from the privileged, not the poor. If the market for premium eggs gives us moral qualms, this, too, shows that concerns about eugenics are not put to rest by freedom of choice.

A tale of two sperm banks helps explain why. The Repository for Germinal Choice, one of America's

first sperm banks, was not a commercial enterprise. It was opened in 1980 by Robert Graham, a philanthropist dedicated to improving the world's "germ plasm" and counteracting the rise of "retrograde humans." His plan was to collect the sperm of Nobel Prize-winning scientists and make it available to women of high intelligence, in hopes of breeding supersmart babies. But Graham had trouble persuading Nobel laureates to donate their sperm for his bizarre scheme, and so settled for sperm from young scientists of high promise. His sperm bank closed in 1999.

In contrast, California Cryobank, one of the world's leading sperm banks, is a for-profit company with no overt eugenic mission. Cappy Rothman, M.D., a co-founder of the firm, has nothing but disdain for Graham's eugenics, although the standards Cryobank imposes on the sperm it recruits are exacting. Cryobank has offices in Cambridge, Massachusetts, between Harvard and MIT, and in Palo Alto, California, near Stanford. It advertises for donors in campus newspapers (compensation up to \$900 a month), and accepts less than five percent of the men who apply. Cryobank's marketing materials play up the prestigious source of its sperm. Its catalogue provides detailed information about the physical characteristics of each donor, along with his ethnic origin and college major. For an extra fee prospective customers can buy the results of a test that assesses the donor's temperament and character type. Rothman reports that Cryobank's ideal sperm donor is six feet tall, with brown eyes, blond hair, and dimples, and has a college degree—not because the company wants to propagate those traits, but because those are the traits his customers want: "If our customers wanted high school dropouts, we would give them high school dropouts."

Not everyone objects to marketing sperm. But anyone who is troubled by the eugenic aspect of the Nobel Prize sperm bank should be equally troubled by Cryobank, consumer-driven though it be. What, after all, is the moral difference between designing children according to an explicit eugenic purpose and designing children according to the dictates of the market? Whether the aim is to improve humanity's "germ plasm" or to cater to consumer preferences, both practices are eugenic insofar as both make children into products of deliberate design.

A number of political philosophers call for a new "liberal eugenics." They argue that a moral distinction can be drawn between the old eugenic policies and genetic enhancements that do not restrict the autonomy of the child. "While old-fashioned authoritarian eugenicists sought to produce citizens out of a single centrally designed mould," writes Nicholas Agar, "the distinguishing mark of the new liberal eugenics is state neutrality." Government may not tell parents what sort of children to design, and parents may engineer in their children only those traits that improve their capacities without biasing their choice of life plans. A recent text on genetics and justice, written by the bioethicists Allen Buchanan, Dan W. Brock, Norman Daniels, and Daniel Wikler, offers a similar view. The "bad reputation of eugenics," they write, is due to practices that "might be avoidable in a future eugenic program." The problem with the old eugenics was that its burdens fell disproportionately on the weak and the poor, who were unjustly sterilized and segregated. But provided that the benefits and burdens of genetic improvement are fairly distributed, these bioethicists argue, eugenic measures are unobjectionable and may even be morally required.

The libertarian philosopher Robert Nozick proposed a "genetic supermarket" that would enable parents to order children by design without imposing a single design on the society as a whole: "This supermarket system has the great virtue that it involves no centralized decision fixing the future human type(s)."

Even the leading philosopher of American liberalism, John Rawls, in his classic *A Theory of Justice* (1971), offered a brief endorsement of noncoercive eugenics. Even in a society that agrees to share the benefits and burdens of the genetic lottery, it is "in the interest of each to have greater natural assets," Rawls wrote. "This enables him to pursue a preferred plan of life." The parties to the social contract "want to insure for their descendants the best genetic endowment (assuming their own to be fixed)." Eugenic policies are therefore not only permissible but required as a matter of justice. "Thus over time a society is to take steps at least to preserve the general level of natural abilities and to prevent the diffusion of serious defects."

But removing the coercion does not vindicate eugenics. The problem with eugenics and genetic engineering is that they represent the one-sided triumph of willfulness over giftedness, of dominion over reverence, of molding over beholding. Why, we may wonder, should we worry about this triumph? Why not shake off our unease about genetic enhancement as so much superstition? What would be lost if biotechnology dissolved our sense of giftedness?

From a religious standpoint the answer is clear: To believe that our talents and powers are wholly our own doing is to misunderstand our place in creation, to confuse our role with God's. Religion is not the only source of reasons to care about giftedness, however. The moral stakes can also be described in secular terms. If bioengineering made the myth of the "self-made man" come true, it would be difficult to view our talents as gifts for which we are indebted, rather than as achievements for which we are responsible. This would transform three key features of our moral landscape: humility, responsibility, and solidarity.

In a social world that prizes mastery and control, parenthood is a school for humility. That we care deeply about our children and yet cannot choose the kind we want teaches parents to be open to the unbidden. Such openness is a disposition worth affirming, not only within families but in the wider world as well. It invites us to abide the unexpected, to live with dissonance, to rein in the impulse to control. A *Gattaca*-like world in which parents became accustomed to specifying the sex and genetic traits of their children would be a world inhospitable to the unbidden, a gated community writ large. The awareness that our talents and abilities are not wholly our own doing restrains our tendency toward hubris.

Though some maintain that genetic enhancement erodes human agency by overriding effort, the real problem is the explosion, not the erosion, of responsibility. As humility gives way, responsibility expands to daunting proportions. We attribute less to chance and more to choice. Parents become responsible for choosing, or failing to choose, the right traits for their children. Athletes become responsible for acquiring, or failing to acquire, the talents that will help their teams win.

One of the blessings of seeing ourselves as creatures of nature, God, or fortune is that we are not

wholly responsible for the way we are. The more we become masters of our genetic endowments, the greater the burden we bear for the talents we have and the way we perform. Today when a basketball player misses a rebound, his coach can blame him for being out of position. Tomorrow the coach may blame him for being too short. Even now the use of performance-enhancing drugs in professional sports is subtly transforming the expectations players have for one another; on some teams players who take the field free from amphetamines or other stimulants are criticized for "playing naked."

The more alive we are to the chanced nature of our lot, the more reason we have to share our fate with others. Consider insurance. Since people do not know whether or when various ills will befall them, they pool their risk by buying health insurance and life insurance. As life plays itself out, the healthy wind up subsidizing the unhealthy, and those who live to a ripe old age wind up subsidizing the families of those who die before their time. Even without a sense of mutual obligation, people pool their risks and resources and share one another's fate.

But insurance markets mimic solidarity only insofar as people do not know or control their own risk factors. Suppose genetic testing advanced to the point where it could reliably predict each person's medical future and life expectancy. Those confident of good health and long life would opt out of the pool, causing other people's premiums to skyrocket. The solidarity of insurance would disappear as those with good genes fled the actuarial company of those with bad ones.

The fear that insurance companies would use genetic data to assess risks and set premiums recently led the Senate to vote to prohibit genetic discrimination in health insurance. But the bigger danger, admittedly more speculative, is that genetic enhancement, if routinely practiced, would make it harder to foster the moral sentiments that social solidarity requires.

Why, after all, do the successful owe anything to the least-advantaged members of society? The best answer to this question leans heavily on the notion of giftedness. The natural talents that enable the successful to flourish are not their own doing but, rather, their good fortune—a result of the genetic

lottery. If our genetic endowments are gifts, rather than achievements for which we can claim credit, it is a mistake and a conceit to assume that we are entitled to the full measure of the bounty they reap in a market economy. We therefore have an obligation to share this bounty with those who, through no fault of their own, lack comparable gifts.

A lively sense of the contingency of our gifts—a consciousness that none of us is wholly responsible for his or her success—saves a meritocratic society from sliding into the smug assumption that the rich are rich because they are more deserving than the poor. Without this, the successful would become even more likely than they are now to view themselves as self-made and self-sufficient, and hence wholly responsible for their success. Those at the bottom of society would be viewed not as disadvantaged, and thus worthy of a measure of compensation, but as simply unfit, and thus worthy of eugenic repair. The meritocracy, less chastened by chance, would become harder, less forgiving. As perfect genetic knowledge would end the simulacrum of solidarity in insurance markets, so perfect genetic control would erode the actual solidarity that arises when men and women reflect on the contingency of their talents and fortunes.

Thirty-five years ago Robert L. Sinsheimer, a molecular biologist at the California Institute of Technology, glimpsed the shape of things to come. In an article titled “The Prospect of Designed Genetic Change” he argued that freedom of choice would vindicate the new genetics, and set it apart from the discredited eugenics of old.

To implement the older eugenics. . . . would have required a massive social programme carried out over many generations. Such a programme could not have been initiated without the consent and co-operation of a major fraction of the population, and would have been continuously subject to social control. In contrast, the new eugenics could, at least in principle, be implemented on a quite individual basis, in one generation, and subject to no existing restrictions.

According to Sinsheimer, the new eugenics would be voluntary rather than coerced, and also more humane. Rather than segregating and eliminating

the unfit, it would improve them. “The old eugenics would have required a continual selection for breeding of the fit, and a culling of the unfit,” he wrote. “The new eugenics would permit in principle the conversion of all the unfit to the highest genetic level.”

Sinsheimer’s paean to genetic engineering caught the heady, Promethean self-image of the age. He wrote hopefully of rescuing “the losers in that chromosomal lottery that so firmly channels our human destinies,” including not only those born with genetic defects but also “the 50,000,000 ‘normal’ Americans with an IQ of less than 90.” But he also saw that something bigger than improving on nature’s “mindless, age-old throw of dice” was at stake. Implicit in technologies of genetic intervention was a more exalted place for human beings in the cosmos. “As we enlarge man’s freedom, we diminish his constraints and that which he must accept as given,” he wrote. Copernicus and Darwin had “demoted man from his bright glory at the focal point of the universe,” but the new biology would restore his central role. In the mirror of our genetic knowledge we would see ourselves as more than a link in the chain of evolution: “We can be the agent of transition to a whole new pitch of evolution. This is a cosmic event.”

There is something appealing, even intoxicating, about a vision of human freedom unfettered by the given. It may even be the case that the allure of that vision played a part in summoning the genomic age into being. It is often assumed that the powers of enhancement we now possess arose as an inadvertent by-product of biomedical progress—the genetic revolution came, so to speak, to cure disease, and stayed to tempt us with the prospect of enhancing our performance, designing our children, and perfecting our nature. That may have the story backwards. It is more plausible to view genetic engineering as the ultimate expression of our resolve to see ourselves astride the world, the masters of our nature. But that promise of mastery is flawed. It threatens to banish our appreciation of life as a gift, and to leave us with nothing to affirm or behold outside our own will.

Michael J. Sandel: The Case Against Perfectionism

1. Explain the difference between “accepting love” and “transforming love.” To illustrate,

give an example of each. Why does Sandel think both are important and how does he think they should be balanced? According to Sandel, what implications does this have for how parents should treat their children? Do you agree? Why or why not?

2. Explain how “liberal eugenics” differs from “old-fashioned authoritarian eugenics.” Under what conditions do the proponents of “liberal eugenics” think that genetic engineering is morally permissible? Do you think that these conditions could ever be met? If they could be met, do you agree that in such circumstances genetic engineering would be morally permissible? Why or why not?
3. What does Sandel think the point of sports is? Explain the distinction between talent and striving, and how each contributes to our assessments of athletes and athletic performances. How do these considerations mirror

those relevant to the moral permissibility of human enhancement? What lesson does Sandel draw from his consideration of athletics?

4. Sandel thinks that the practice of bioengineering will “[dissolve] our sense of giftedness,” which in turn will “transform three key features of our moral landscape.” Identify these three features and explain how Sandel thinks bioengineering would transform them. Do you agree with his assessment? Do you think the likely effects of bioengineering are a good reason to reject it? Defend your answer.
5. What does Sandel mean by “the ethic of giftedness”? What obligations does it impose upon us? What kind of obligations do we have that conflict with giftedness? According to Sandel, what implications does the ethic of giftedness have for the moral permissibility of human enhancement? Do you agree with this assessment? Why or why not?

Genetic Interventions and the Ethics of Enhancement of Human Beings

Julian Savulescu

Julian Savulescu offers three arguments in defense of the genetic enhancement of human beings.

First, suppose that parents could greatly improve their child’s intelligence by altering the child’s diet. They are lazy and fail to do this. We would condemn the parents for their laziness. Things are no different when it comes to genetic enhancements. If parents have the opportunity to greatly benefit their children, but deliberately or negligently fail to do so, then they have acted wrongly. It doesn’t matter whether the benefit is conferred by enhanced diet or by introducing genetic changes.

Second, consistency requires that we treat “environmental” and biological enhancements in the same way. We train our children to be cooperative, intelligent, and well behaved. Such parental “interventions” alter a child’s brain structure in irreversible but highly beneficial ways. This is exactly what many genetic interventions do. Instilling useful and enjoyable traits in one’s child is morally required. Genetic enhancement helps parents to meet this requirement.

Third, if we accept the treatment and prevention of disease as an important goal, then we should accept genetic interventions. Diseases undermine health, which in turn

undermines a person's well-being and quality of life. Failure to prevent diseases by the use of genetic intervention is just as bad as failure to prevent them by the use of available drugs or surgeries.

Savulescu then replies to various objections that have been leveled against genetic enhancement. (1) Such practices amount to "playing God." Reply: we rightly make life-or-death decisions all the time, and many are permissible. (2) Genetic interventions will have discriminatory results. Reply: many people are born with serious biological handicaps, and genetic intervention can level the playing field and thus erase much existing disparity between those who were favored in the "natural lottery" and those who weren't. (3) Genetic engineering will lead to a single model of a desired child, and a sterile world where the surprise and mystery of life would disappear. Reply: manipulating genes will never erase differences among people and will still leave huge elements of our lives subject to chance. (4) Genetic enhancement is contrary to human nature. Reply: our nature as human beings is to be rational, and that requires us to use our reason to determine how best to improve our lives. Genetic engineering will do just that. (5) Genetic enhancement is self-defeating; its goal of making some people superior—more beautiful, intelligent, hard-working than others—will fail if everyone is genetically enhanced. Reply: critics have mistaken the goal of such enhancement: it is not to create or reinforce social divisions, but rather to improve people's lives.

Should we use science and medical technology not just to prevent or treat disease, but to intervene at the most basic biological levels to improve biology and enhance people's lives? By 'enhance', I mean help them to live a longer and/or better life than normal. There are various ways in which we can enhance people but I want to focus on biological enhancement, especially genetic enhancement.

THE ETHICS OF ENHANCEMENT

I will now give three arguments in favour of enhancement and then consider several objections.

First Argument for Enhancement: Choosing Not to Enhance Is Wrong

Consider the case of the Neglectful Parents. The Neglectful Parents give birth to a child with a special condition. The child has a stunning intellect but requires a simple, readily available, cheap dietary supplement

to sustain his intellect. But they neglect the diet of this child and this results in a child with a stunning intellect becoming normal. This is clearly wrong.

But now consider the case of the Lazy Parents. They have a child who has a normal intellect but if they introduced the same dietary supplement, the child's intellect would rise to the same level as the child of the Neglectful Parent. They can't be bothered with improving the child's diet so the child remains with a normal intellect. Failure to institute dietary supplementation means a normal child fails to achieve a stunning intellect. The inaction of the Lazy Parents is as wrong as the inaction of the Neglectful Parents. It has exactly the same consequence: a child exists who could have had a stunning intellect but is instead normal.

Some argue that it is not wrong to fail to bring about the best state of affairs. This may or may not be the case. But in these kinds of case, when there are no other relevant moral considerations, the failure to introduce a diet that sustains a more desirable state is as wrong as the failure to introduce a diet that brings about a more desirable state. The costs of inaction are the same, as are the parental obligations.

From Julian Savulescu, "Genetic Interventions and the Ethics of Enhancement of Human Beings," in *The Oxford Handbook of Bioethics* (Oxford University Press, 2007), Bonnie Steinbock (ed.), pp. 516–535. By permission of Oxford University Press.

If we substitute ‘biological intervention’ for ‘diet’, we see that in order not to wrong our children, we should enhance them. Unless there is something special and optimal about our children’s physical, psychological, or cognitive abilities, or something different about other biological interventions, it would be wrong not to enhance them.

Second Argument: Consistency

Some will object that, while we do have an obligation to institute better diets, biological interventions like genetic interventions are different from dietary supplementation. I will argue that there is no difference between these interventions.

In general, we accept environmental interventions to improve our children. Education, diet, and training are all used to make our children better people and increase their opportunities in life. We train children to be well behaved, cooperative, and intelligent. Indeed, researchers are looking at ways to make the environment more stimulating for young children to maximize their intellectual development. But in the study of the rat model of Huntington’s Chorea, the stimulating environment acted to change the brain structure of the rats. The drug Prozac acted in just the same way. These environmental manipulations do not act mysteriously. They alter our biology.

The most striking example of this is a study of rats that were extensively mothered and rats that were not mothered. The mothered rats showed genetic changes (changes in the methylation of the DNA) that were passed on to the next generation. . . . More generally, environmental manipulations can profoundly affect biology. Maternal care and stress have been associated with abnormal brain (hippocampal) development, involving altered nerve growth factors and cognitive, psychological, and immune deficits later in life.

Some argue that genetic manipulations are different because they are irreversible. But environmental interventions can equally be irreversible. Child neglect or abuse can scar a person for life. It may be impossible to unlearn the skill of playing the piano or riding a bike, once learnt. One may be wobbly, but one is a novice only once. Just as the example of mothering of rats shows that environmental interventions can cause biological changes

that are passed onto the next generation, so too can environmental interventions be irreversible, or very difficult to reverse, within one generation.

Why should we allow environmental manipulations that alter our biology but not direct biological manipulations? What is the moral difference between producing a smarter child by immersing that child in a stimulating environment, giving the child a drug, or directly altering the child’s brain or genes?

One example of a drug that alters brain chemistry is Prozac, which is a serotonin reuptake inhibitor. Early in life it acts as a nerve growth factor, but it may also alter the brain early in life to make it more prone to stress and anxiety later in life by altering receptor development. . . . Drugs like Prozac and maternal deprivation may have the same biological effects.

If the outcome is the same, why treat biological manipulation differently from environmental manipulation? Not only may a favourable environment improve a child’s biology and increase a child’s opportunities, so too may direct biological interventions. Couples should maximize the genetic opportunity of their children to lead a good life and a productive, cooperative social existence. There is no relevant moral difference between environmental and genetic intervention.

Third Argument: No Difference from Treating Disease

If we accept the treatment and prevention of disease, we should accept enhancement. The goodness of health is what drives a moral obligation to treat or prevent disease. But health is not what ultimately matters—health enables us to live well; disease prevents us from doing what we want and what is good. Health is instrumentally valuable—valuable as a resource that allows us to do what really matters, that is, lead a good life.

What constitutes a good life is a deep philosophical question. According to hedonistic theories, what is good is having pleasant experiences and being happy. According to desire fulfilment theories, and economics, what matters is having our preferences satisfied. According to objective theories, certain activities are good for people: developing deep personal relationships, developing talents, understanding oneself and the world, gaining knowledge, being a part

of a family, and so on. We need not decide on which of these theories is correct in order to understand what is bad about ill health. Disease is important because it causes pain, is not what we want, and stops us engaging in those activities that give meaning to life. Sometimes people trade health for well-being: mountain climbers take on risk to achieve, smokers sometimes believe that the pleasures outweigh the risks of smoking, and so on. Life is about managing risk to health and life to promote well-being.

Beneficence—the moral obligation to benefit people—provides a strong reason to enhance people in so far as the biological enhancement increases their chance of having a better life. But can biological enhancements increase people's opportunities for well-being? There are reasons to believe that they might.

Many of our biological and psychological characteristics profoundly affect how well our lives go. In the 1960s Walter Mischel conducted impulse control experiments in which 4-year-old children were left in a room with one marshmallow, after being told that if they did not eat the marshmallow, they could later have two. Some children would eat it as soon as the researcher left; others would use a variety of strategies to help control their behaviour and ignore the temptation of the single marshmallow. A decade later they reinterviewed the children and found that those who were better at delaying gratification had more friends, better academic performance, and more motivation to succeed. Whether the child had grabbed for the marshmallow had a much stronger bearing on their SAT scores than did their IQ (Mischel *et al.* 1988).

Impulse control has also been linked to socio-economic control and avoiding conflict with the law. The problems of a hot and uncontrollable temper can be profound.

Shyness too can greatly restrict a life. I remember one newspaper story about a woman who blushed violet every time she went into a social situation. This led her to a hermitic, miserable existence. She eventually had the autonomic nerves to her face surgically cut. This revolutionized her life and had a greater effect on her well-being than the treatment of many diseases.

Buchanan and colleagues have discussed the value of 'all purpose goods' (Buchanan *et al.* 2000). These are traits that are valuable regardless of the kind of life a person chooses to live. They give us

greater all-round capacities to live a vast array of lives. Examples include intelligence, memory, self-discipline, patience, empathy, a sense of humour, optimism, and just having a sunny temperament. All of these characteristics—sometimes described as virtues—may have some biological and psychological basis capable of manipulation using technology.

Technology might even be used to improve our *moral character*. We certainly seek through good instruction and example, discipline, and other methods to make better children. It may be possible to alter biology to make people predisposed to be more moral by promoting empathy, imagination, sympathy, fairness, honesty, etc.

In so far as these characteristics have some genetic basis, genetic manipulation could benefit us. There is reason to believe that complex virtues like fair-mindedness may have a biological basis. In one famous experiment a monkey was trained to perform a task and rewarded with either a grape or a piece of cucumber. He preferred the grape. On one occasion he performed the task successfully and was given a piece of cucumber. He watched as another monkey who had not performed the task was given a grape and he became very angry. This shows that even monkeys have a sense of fairness and desert—or at least self-interest!

At the other end, there are characteristics that we believe do not make for a good and happy life. One Dutch family illustrates the extreme end of the spectrum. For over thirty years this family recognized that there were a disproportionate number of male family members who exhibited aggressive and criminal behaviour (Morell 1993). This was characterized by aggressive outbursts resulting in arson, attempted rape, and exhibitionism. When a family tree was constructed, the pattern of inheritance was clearly X-linked recessive. This means, roughly, that women can carry the gene without being affected; 50 per cent of men at risk of inheriting the gene get the gene and are affected by the disease.

Genetic analysis suggested that the likely defective gene was a part of the X chromosome known as the monoamine oxidase region. This region codes for two enzymes that assist in the breakdown of neurotransmitters. Neurotransmitters are substances that play a key role in the conduction of nerve

impulses in our brain. Enzymes like the monoamine oxidases are required to degrade the neurotransmitters after they have performed their desired task. It was suggested that the monoamine oxidase activity might be disturbed in the affected individuals. Urine analysis showed a higher than normal amount of neurotransmitters being excreted in the urine of affected males (Morell 1993). These results were consistent with a reduction in the functioning of one of the enzymes (monoamine oxidase A).

How can such a mutation result in violent and antisocial behaviour? A deficiency of the enzyme results in a build-up of neurotransmitters. These abnormal levels of neurotransmitters result in excessive, and even violent, reactions to stress. This hypothesis was further supported by the finding that genetically modified mice that lack this enzyme are more aggressive.

This family is an extreme example of how genes can influence behaviour: it is the only family in which this mutation has been isolated. Most genetic contributions to behaviour will be weaker predispositions, but there may be some association between genes and behaviour that results in criminal and other antisocial behaviour.

How could information such as this be used? Some criminals have attempted a 'genetic defence' in the United States, stating that their genes caused them to commit the crime, but this has never succeeded. However, it is clear that couples should be allowed to test to select offspring who do not have the mutation that predisposes them to act in this way, and if interventions were available, it might be rational to correct it since children without the mutation have a better chance of a good life.

'Genes, Not Men, May Hold the Key to Female Pleasure' ran the title of one recent newspaper article (*The Age* 2005), which reported the results of a large study of female identical twins in Britain and Australia. It found that 'genes accounted for 31 per cent of the chance of having an orgasm during intercourse and 51 per cent during masturbation'. It concluded that the 'ability to gain sexual satisfaction is largely inherited' and went on to speculate that 'The genes involved could be linked to physical differences in sex organs and hormone levels or factors such as mood and anxiety.'

Our biology profoundly affects how our lives go. If we can increase sexual satisfaction by modifying biology, we should. Indeed, vast numbers of men attempt to do this already through the use of Viagra.

Summary: The Case for Enhancement

What matters is human well-being, not just treatment and prevention of disease. Our biology affects our opportunities to live well. The biological route to improvement is no different from the environmental. Biological manipulation to increase opportunity is ethical. If we have an obligation to treat and prevent disease, we have an obligation to try to manipulate these characteristics to give an individual the best opportunity of the best life.

HOW DO WE DECIDE?

If we are to enhance certain qualities, how should we decide which to choose? Eugenics was the movement early in the last century that aimed to use selective breeding to prevent degeneration of the gene pool by weeding out criminals, those with mental illness, and the poor, on the false belief that these conditions were simple genetic disorders. The eugenics movement had its inglorious peak when the Nazis moved beyond sterilization to extermination of the genetically unfit.

What was objectionable about the eugenics movement, besides its shoddy scientific basis, was that it involved the imposition of a state vision for a healthy population and aimed to achieve this through coercion. The movement was aimed not at what was good for individuals, but rather at what benefited society. Modern eugenics in the form of testing for disorders, such as Down syndrome, occurs very commonly but is acceptable because it is voluntary, gives couples a choice of what kind of child to have, and enables them to have a child with the greatest opportunity for a good life.

There are four possible ways in which our genes and biology will be decided:

1. nature or God;
2. 'experts' (philosophers, bioethicists, psychologists, scientists);
3. 'authorities' (government, doctors);
4. people themselves: liberty and autonomy.

It is a basic principle of liberal states like the United Kingdom that the state be ‘neutral’ to different conceptions of the good life. This means that we allow individuals to lead the life that they believe is best for themselves, implying respect for their personal autonomy or capacity for self-rule. The sole ground for interference is when that individual choice may harm others. Advice, persuasion, information, dialogue are permissible. But coercion and infringement of liberty are impermissible.

There are limits to what a liberal state should provide:

1. safety: the intervention should be reasonably safe;
2. harm to others: the intervention (like some manipulation that increases uncontrollable aggressiveness) should not result in harm. Such harm should not be direct or indirect, for example, by causing some unfair competitive advantage;
3. distributive justice: the interventions should be distributed according to principles of justice.

The situation is more complex with young children, embryos, and fetuses, who are incompetent. These human beings are not autonomous and cannot make choices themselves about whether a putative enhancement is a benefit or a harm. If a proposed intervention can be delayed until that human reaches maturity and can decide for himself or herself, then the intervention should be delayed. However, many genetic interventions will have to be performed very early in life if they are to have an effect. Decisions about such interventions should be left to parents, according to a principle of procreative liberty and autonomy. This states that parents have the freedom to choose when to have children, how many children to have, and arguably what kind of children to have.

Just as parents have wide scope to decide on the conditions of the upbringing of their children, including schooling and religious education, they should have similar freedom over their children’s genes. Procreative autonomy or liberty should be extended to enhancement for two reasons. First, reproduction: bearing and raising children is a very private matter. Parents must bear much of

the burden of having children, and they have a legitimate stake in the nature of the child they must invest so much of their lives raising.

But there is a second reason. John Stuart Mill argued that when our actions only affect ourselves, we should be free to construct and act on our own conception of what is the best life for us. Mill was not a libertarian. He did not believe that such freedom is valuable solely for its own sake. He believed that freedom is important in order for people to discover for themselves what kind of life is best for themselves. It is only through ‘experiments in living’ that people discover what works for them and others come to see the richness and variety of lives that can be good. Mill strongly praised ‘originality’ and variety in choice as being essential to discovering which lives are best for human beings.

Importantly, Mill believed that some lives are worse than others. Famously, he said that it is better to be Socrates dissatisfied than a fool satisfied. He distinguished between ‘higher pleasures’ of ‘feelings and imagination’ and ‘lower pleasures’ of ‘mere sensation’ (Mill 1910: 7). He criticized ‘ape-like imitation’, subjugation of oneself to custom and fashion, indifference to individuality, and lack of originality (1910: 119–20, 123). Nonetheless, he was the champion of people’s right to live their lives as they choose.

I have said that it is important to give the freest scope possible to uncustomary things, in order that it may appear in time which of these are fit to be converted into customs. But independence of action, and disregard of custom, are not solely deserving of encouragement for the chance they afford that better modes of action, and customs more worthy of general adoption, may be struck out; nor is it only persons of decided mental superiority who have a just claim to carry on their lives in their own way. There is no reason that all human existence should be constructed on some one or small number of patterns. If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode (Mill 1910:125).

I believe that reproduction should be about having children with the best prospects. But to discover what are the best prospects, we must give individual couples the freedom to act on their own

value judgement of what constitutes a life with good prospects. ‘Experiments in reproduction’ are as important as ‘experiments in living’ (as long as they don’t harm the children who are produced). For this reason, procreative freedom is important.

There is one important limit to procreative autonomy that is different from the limits to personal autonomy. The limits to procreative autonomy should be:

1. safety;
2. harm to others;
3. distributive justice;
4. *such that the parent’s choices are based on a plausible conception of well-being and a better life for the child;*
5. *consistent with development of autonomy in the child and a reasonable range of future life plans.*

These last two limits are important. It makes for a higher standard of ‘proof’ that an intervention will be an enhancement because the parents are making choices for their child, not themselves. The critical question to ask in considering whether to alter some gene related to complex behaviour is: Would the change be better for the individual? Is it better for the individual to have a tendency to be lazy or hardworking, monogamous or polygamous? These questions are difficult to answer. While we might let adults choose to be monogamous or polygamous, we would not let parents decide on their child’s predispositions unless we were reasonably clear that some trait was better for the child.

There will be cases where some intervention is plausibly in a child’s interests: increased empathy with other people, better capacity to understand oneself and the world around, or improved memory. One quality is especially associated with socio-economic success and staying out of prison: impulse control. If it were possible to correct poor impulse control, we should correct it. Whether we should remove impulsiveness altogether is another question.

Joel Feinberg has described a child’s right to an open future (Feinberg 1980). An open future is one in which a child has a reasonable range of possible lives to choose from and an opportunity to choose what kind of person to be; that is, to develop autonomy. Some critics of enhancement have argued that

genetic interventions are inconsistent with a child’s right to an open future (Davis 1997). Far from restricting a child’s future, however, some biological interventions may increase the possible futures or at least their quality. It is hard to see how improved memory or empathy would restrict a child’s future. Many worthwhile possibilities would be open. But it is true that parental choice should not restrict the development of autonomy or reasonable range of possible futures open to a child. In general, fewer enhancements will be permitted in children than in adults. Some interventions, however, may still be clearly enhancements for our children, and so just like vaccinations or other preventative health care.

OBJECTIONS

Playing God or Against Nature

This objection has various forms. Some people in society believe that children are a gift, of God or of nature, and that we should not interfere in human nature. Most people implicitly reject this view: we screen embryos and fetuses for diseases, even mild correctable diseases. We interfere in nature or God’s will when we vaccinate, provide pain relief to women in labour (despite objections of some earlier Christians that these practices thwarted God’s will), and treat cancer. No one would object to the treatment of disability in a child if it were possible. Why, then, not treat the embryo with genetic therapy if that intervention is safe? This is no more thwarting God’s will than giving antibiotics.

Another variant of this objection is that we are arrogant if we assume we could have sufficient knowledge to meddle with human nature. Some people object that we cannot know the complexity of the human system, which is like an unknowable magnificent symphony. To attempt to enhance one characteristic may have other unknown, unforeseen effects elsewhere in the system. We should not play God since, unlike God, we are not omnipotent or omniscient. We should be humble and recognize the limitations of our knowledge.

A related objection is that genes are pleiotropic—which means they have different effects in different environments. The gene or genes that predispose to manic depression may also be responsible for heightened creativity and productivity.

One response to both of these objections is to limit intervention, until our knowledge grows, to selecting between different embryos, and not intervening to enhance particular embryos or people. Since we would be choosing between complete systems on the basis of their type, we would not be interfering with the internal machinery. In this way, selection is less risky than enhancement.

But such a precaution could also be misplaced when considering biological interventions. When benefits are on offer, such objections remind us to refrain from hubris and over-confidence. We must do adequate research before intervening. And because the benefits may be fewer than when we treat or prevent disease, we may require the standards of safety to be higher than for medical interventions. But we must weigh the risks against the benefits. If confidence is justifiably high, and benefits outweigh harms, we should enhance.

Once technology affords us the power to enhance our own and our children's lives, to fail to do so would be to be responsible for the consequences. To fail to treat our children's diseases is to wrong them. To fail to prevent them from getting depression is to wrong them. To fail to improve their physical, musical, psychological, and other capacities is to wrong them, just as it would be to harm them if we gave them a toxic substance that stunted or reduced these capacities.

Another variant of the 'Playing God' objection is that there is a special value in the balance and diversity that natural variation affords, and enhancement will reduce this. But in so far as we are products of evolution, we are merely random chance variations of genetic traits selected for our capacity to survive long enough to reproduce. There is no design to evolution. Evolution selects genes, according to environment, that confer the greatest chance of survival and reproduction. Evolution would select a tribe that was highly fertile but suffered great pain the whole of their lives over another tribe that was less fertile but suffered less pain. Medicine has changed evolution: we can now select individuals who experience less pain and disease. The next stage of human evolution will be rational evolution, according to which we select children who not only have the greatest chance of surviving, reproducing,

and being free of disease, but who have the greatest opportunities to have the best lives in their likely environment. Evolution was indifferent to how well our lives went; we are not. We want to retire, play golf, read, and watch our grandchildren have children.

'Enhancement' is a misnomer. It suggests luxury. But enhancement is no luxury. In so far as it promotes well-being, it is the very essence of what is necessary for a good human life. There is no moral reason to preserve some traits—such as uncontrollable aggressiveness, a sociopathic personality, or extreme deviousness. Tell the victim of rape and murder that we must preserve diversity and the natural balance.

Genetic Discrimination

Some people fear the creation of a two-tier society of the enhanced and the unenhanced, where the inferior, unenhanced are discriminated against and disadvantaged all through life.

We must remember that nature allots advantage and disadvantage with no gesture to fairness. Some are born horribly disadvantaged, destined to die after short and miserable lives. Some suffer great genetic disadvantage while others are born gifted, physically, musically, or intellectually. There is no secret that there are 'gifted' children naturally. Allowing choice to change our biology will, if anything, be more egalitarian, allowing the un-gifted to approach the gifted. There is nothing fair about the natural lottery: allowing enhancement may be fairer.

But more importantly, how well the lives of those who are disadvantaged go depends not on whether enhancement is permitted, but on the social institutions we have in place to protect the least well off and provide everyone with a fair chance. People have disease and disability: egalitarian social institutions and laws against discrimination are designed to make sure everyone, regardless of natural inequality, has a decent chance of a decent life. This would be no different if enhancement were permitted. There is no necessary connection between enhancement and discrimination, just as there is no necessary connection between curing disability and discrimination against people with disability.

The Perfect Child, Sterility, and Loss of the Mystery of Life

If we engineered perfect children, this objection goes, the world would be a sterile, monotonous place where everyone was the same, and the mystery and surprise of life would be gone.

It is impossible to create perfect children. We can only attempt to create children with better opportunities of a better life. There will necessarily be difference. Even in the case of screening for disability, like Down syndrome, 10 per cent of people choose not to abort a pregnancy known to be affected by Down syndrome. People value different things. There will never be complete convergence. Moreover, there will remain massive challenges for individuals to meet in their personal relationships and in the hurdles our unpredictable environment presents. There will remain much mystery and challenge—we will just be better able to deal with these. We will still have to work to achieve, but our achievements may have greater value.

Against Human Nature

One of the major objections to enhancement is that it is against human nature. Common alternative phrasings are that enhancement is tampering with our nature or an affront to human dignity. I believe that what separates us from other animals is our rationality, our capacity to make normative judgments and act on the basis of reasons. When we make decisions to improve our lives by biological and other manipulations, we express our rationality and express what is fundamentally important about our nature. And if those manipulations improve our capacity to make rational and normative judgments, they further improve what is fundamentally human. Far from being against the human spirit, such improvements express the human spirit. To be human is to be better.

Enhancements Are Self-Defeating

Another familiar objection to enhancement is that enhancements will have self-defeating or other adverse social effects. A typical example is increase in height. If height is socially desired, then everyone will try to enhance the height of their children at great cost to themselves and the environment (as

taller people consume more resources), with no advantage in the end since there will be no relative gain.

If a purported manipulation does not improve well-being or opportunity, there is no argument in favour of it. In this case, the manipulation is not an enhancement. In other cases, such as enhancement of intelligence, the enhancement of one individual may increase that individual's opportunities only at the expense of another. So-called positional goods are goods only in a relative sense.

But many enhancements will have both positional and non-positional qualities. Intelligence is good not just because it allows an individual to be more competitive for complex jobs, but because it allows an individual to process information more rapidly in her own life, and to develop greater understanding of herself and others. These non-positional effects should not be ignored. Moreover, even in the case of so-called purely positional goods, such as height, there may be important non-positional values. It is better to be taller if you are a basketball player, but being tall is a disadvantage in balance sports such as gymnastics, skiing, and surfing.

Nonetheless, if there are significant social consequences of enhancement, this is of course a valid objection. But it is not particular to enhancement: there is an old question about how far individuals in society can pursue their own self-interest at a cost to others. It applies to education, health care, and virtually all areas of life.

Not all enhancements will be ethical. The critical issue is that the intervention is expected to bring about more benefits than harms to the individual. It must be safe and there must be a reasonable expectation of improvement. Some of the other features of ethical enhancements are summarized below.

WHAT IS AN ETHICAL ENHANCEMENT?

An ethical enhancement:

1. is in the person's interests;
2. is reasonably safe;
3. increases the opportunity to have the best life;
4. promotes or does not unreasonably restrict the range of possible lives open to that person;

5. does not unreasonably harm others directly through excessive costs in making it freely available;
6. does not place that individual at an unfair competitive advantage with respect to others, e.g. mind-reading;
7. is such that the person retains significant control or responsibility for her achievements and self that cannot be wholly or directly attributed to the enhancement;
8. does not unreasonably reinforce or increase unjust inequality and discrimination—economic inequality, racism.

What Is an Ethical Enhancement for a Child or Incompetent Human Being?

Such an ethical enhancement is all the above, but in addition:

1. the intervention cannot be delayed until the child can make its own decision;
2. the intervention is plausibly in the child's interests;
3. the intervention is compatible with the development of autonomy.

CONCLUSION

Enhancement is already occurring. In sport, human erythropoietin boosts red blood cells. Steroids and growth hormone improve muscle strength. Many people seek cognitive enhancement through nicotine, Ritalin, Modavigil, or caffeine. Prozac, recreational drugs, and alcohol all enhance mood. Viagra is used to improve sexual performance.

And of course mobile phones and aeroplanes are examples of external enhancing technologies. In the future, genetic technology, nanotechnology, and artificial intelligence may profoundly affect our capacities.

Will the future be better or just disease-free? We need to shift our frame of reference from health to life enhancement. What matters is how we live. Technology can now improve that. We have two options:

1. Intervention:
 - treating disease;
 - preventing disease;
 - supra-prevention of disease—preventing disease in a radically unprecedented way;

- protection of well-being;
- enhancement of well-being.
2. No intervention, and to remain in a state of nature—no treatment or prevention of disease, no technological enhancement.

I believe that to be human is to be better. Or, at least, to strive to be better. We should be here for a *good* time, not just a *long* time. Enhancement, far from being merely permissible, is something we should aspire to achieve.

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Julian Savulescu: Genetic Interventions and the Ethics of Enhancement of Human Beings

1. What limits does Savulescu place on procreative autonomy over and above the limits placed on personal autonomy? Why does he think these limits are important? Do you think these limits are enough to protect the rights of children? Explain and defend your answer.
2. Explain Savulescu's consistency argument. What do you think the most powerful objection to this argument is? How do you think Savulescu would respond? Do you think this objection is ultimately successful? Why or why not?
3. Explain why eugenics might pose a problem for Savulescu's view. According to Savulescu,

who should decide when and how to enhance certain qualities? Do you think his account is enough to neutralize the eugenics worry? Defend your response.

4. Savulescu considers a number of objections to his account. Reconstruct one of the objections as a valid argument. Then, explain how Savulescu responds to this argument by saying which premise he rejects and why. Do you think his response is successful? Why or why not?
5. Savulescu defends genetic enhancement by arguing that it is analogous to treating disease.

Explain this argument. Then discuss the potential differences between treating disease and genetic enhancement. Is Savulescu right to say that there is *morally relevant* difference between the two? Defend your response.

6. Explain the principle of procreative liberty and autonomy. Then, explain the two reasons Savulescu cites for applying this principle to human enhancement. Do you think that this is enough to show that parents should have some freedom in determining their children's genes? Why or why not?

GMOs? Not So Fast

Roberta Millstein

Roberta Millstein argues that there are excellent reasons for the government to legally require the labeling of GMOs as such and to exercise stricter oversight over GMO testing. But she doesn't think that GMOs should be banned or outlawed. Indeed, she finds GMO research quite promising. Thus, Millstein takes what she describes as a "middle-ground position" on the topic of GMOs.

Those who have concerns about GMOs and want them to be labeled are often criticized for being anti-science. It's often claimed that the beliefs that underlie anti-GMO attitudes are no more credible than those that support the denial of climate change or evolution. Millstein offers six considerations against this anti-science charge. Her central claim is that much of what underlies concern about GMOs is not a failure to understand the science. It's rather concern about the values at stake—for instance, what counts as healthy, how to weigh risks versus benefits, or who has a right to know what they're eating. And these concerns, she argues, get their power not from ignorance of GMO technology, but rather from a deep understanding of it. Thus the charge that GMO critics are anti-science is mistaken.

Millstein thinks that many people reasonably wish to avoid eating GMOs—either for health or environmental reasons. But due to the widespread presence of GMOs and the lack of labeling regulations, it's impossible for such people to live as they wish. She thinks that requiring GMO labeling is a good way to balance the concerns of GMO critics with those who find GMOs unproblematic. Requiring GMO labeling allows people to live in accord with their values without outlawing GMOs or halting GMO research and development.

From Roberta Millstein, "GMOs? Not So Fast," *The Common Reader* (May 8, 2015). <https://commonreader.wustl.edu/c/gmos-not-so-fast/>

Genetically Modified Organisms (GMOs) have become a hot political issue. Thirty states have considered legislation that would label food containing GMOs. Two states, Maine and Connecticut, have passed GMO labeling laws that will go into effect if nearby states pass GMO labeling laws. Vermont's GMO labeling law will go into effect in 2016—barring the success of a lawsuit against it. Outside of the United States, 64 countries have GMO labeling laws. However, U.S. Rep. Mike Pompeo (R-Kan.) and Rep G. K. Butterfield (D-N.C.) have introduced a bill in Congress that would block states from implementing their own labeling laws. Critics have lampooned the bill as the “Deny Americans the Right-to-Know” or DARK Act.

What is the fuss about? Are foods containing GMOs something that consumers should be worried about? Are they the product of unnatural tampering—are they “Frankenfoods”? Many scientists say “No.” Rather, they say that proponents of labeling are anti-science. The debate has become polarized.

As a philosopher of science, I think I can best help by sorting through some of the arguments concerning GMOs—arguments being a philosopher’s stock-in-trade—in particular by showing how a proper understanding of science and values can help to understand the issues at stake. This is difficult to do, since some of the GMO studies themselves are controversial. So, I will try to be scrupulous with my sources, citing only peer-reviewed articles and well-accepted findings.

Let me put my cards on the table from the outset. I think there are good reasons to label GMOs. However, I am not “anti-GMO”—I don’t think GMOs should be banned or outlawed, and some applications are promising. Research should continue. But there needs to be stricter oversight of GMO testing. In short, I take a middle-ground position which will no doubt antagonize both sides. But it is the middle ground that the arguments steer us toward.

WHAT ARE GMOS?

GMOs are organisms, including plants and animals that we eat, that are created using recombinant DNA methods (“genetic engineering”). These methods allow a gene from any species, including

distantly related species, to be inserted and subsequently expressed in a different species, such as a food crop. (When a gene is “expressed,” that means that it is producing a desired protein, which it will do if it is in the right genetic environment and the right external environment). There are also GMOs that are not designed to be eaten, such as GM bacteria for medical purposes.

Most GMOs on the market today have been designed in one of two ways. First, many crops are *resistant to herbicides*. For example, Monsanto’s “Roundup Ready” crops are resistant to Monsanto’s Roundup herbicide, which has glyphosate as its main ingredient. These crops allow farmers to spray their crops with the herbicide, killing the weeds but not killing the crop. Second, many crops *contain a pesticide*, usually *Bt* (*Bacillus thuringiensis*), which protects crops from pests such as the European corn borer. Here the pest eats the crop and dies; there is no need to spray.

Biotech companies claim that modifications like these will increase crop yields, save farmers time and money, and reduce the use of pesticides and herbicides.

The majority of GM plants are used to make ingredients that are used in other foods: soybean, canola, sugar beets, corn, cotton. These are contained in everyday foods such as cornstarch in soups and sauces; corn syrup as a general purpose sweetener; cottonseed oil, canola oil, and soybean oil in mayonnaise, salad dressings, cereals, breads, and snack foods. GMOs are also fed to livestock, leading to indirect human consumption of GMOs.

According to the FDA, in 2012, approximately 88 percent of corn, 93 percent of soybeans, and 94 percent of cotton produced in the United States was genetically modified. This suggests that unless you have made a special effort to avoid eating GMOs, you have almost certainly eaten them.

Other modifications of foods on the market include vitamin A enriched rice, virus-resistant papayas, and virus-resistant squash. Some modifications that have been proposed or are under research, but are not yet on the market, include apples and potatoes that resist browning, salmon that grow twice as fast as their un-engineered counterparts, and oranges that resist citrus greening disease.

THE LABELING QUESTION AND THE ANTI-SCIENCE CHARGE

Currently, labeling foods containing GMOs is purely voluntary. Foods that are labeled “organic” do not contain GMOs. The FDA supports *voluntary* labeling only, not mandatory labeling.

GMO critics say that voluntary labeling is not enough. Some say that GMOs may contain toxins or allergens. They point out that GMOs are in so many foods that it is almost impossible to avoid them. They want *mandatory* labels so that people can more easily decide for themselves if they want to eat food that contains GMOs.

GMO proponents, on the other hand, say that GMOs have been proven safe, so labels are unneeded—and unscientific. For example, the American Association for the Advancement of Science (AAAS) states that “crop improvement by the modern molecular techniques of biotechnology is safe” and that labels are “meant to alarm.”¹ A well-cited poll by the PEW Research Center² shows that the views of scientists and nonscientists diverge on a number of issues, including GMOs, climate change, evolution, among other topics; in a typical response, a *Slate* article casts this as a bipartisan anti-science problem. A recent cover of *National Geographic* calls it a “War on Science.”

It is true that some GMO critics go too far. Calling GMOs “Frankenfood” is simply a scare tactic; that genetically engineered food is “unnatural” is neither here nor there. Not all that is unnatural is unsafe (think life-saving drugs) and not all that is natural is safe (think naturally occurring poisons).

But is it really anti-science to raise any concerns about GMOs?

In short, no. It is a mistake to lump together climate change deniers, evolution deniers, and GMO critics, in part because the reasons for doubt in each case are different and in part because the so-called “precautionary principle” would incline us to accept climate change while rejecting GMOs, but also because (ironically) a proper understanding of evolution forms the basis for some of the concerns about GMOs. More specifically, I have identified six problems with the claim that GMO critics are anti-science.

Problem 1: The Anti-Science Charge Falsely Assumes That Science Is Value Free

Many philosophers have argued that values may be an intrinsic part of all sciences; value-free science might be a myth.

What are values? Values are things that are *important* to us. They can include moral values, political values, or aesthetic values.

Climate science is a clear-cut example of a value-laden science. We study the connection between fossil fuels and our changing climate because we value the benefits of using fossil fuels as energy but are concerned about harms to humans and other species. Another example of a value-laden science is medical science, which includes values such as improving health and well-being.

When people criticize a science, they are not necessarily criticizing theory, data, or inferences drawn from data—they might instead be criticizing *values* that are embedded in the scientific theory or practice itself.

Problem 2: The Anti-Science Charge Falsely Assumes That GMO Science Is Value Free

The stated and unstated reasons for developing GMOs in the first place were all value-laden: making money for biotech corporations and their shareholders, feeding the hungry, developing new and beneficial strains of food for consumers, reducing pesticide and herbicide use to save money and help the environment.

In other words, the production of GMOs is *not pure science for the sake of knowledge alone*. It is not “value-free” science. It is not even close.

Furthermore, GMO critics are not challenging the *truth* of genetic engineering technology or genetics, as some challenge the truth of climate change or evolution. At best, they might challenge the truth of studies that purport to show the safety of GMOs and evaluate risks. But note that studies that concern health and risk are value-laden—and individuals might reasonably differ on how they weigh risks.

Because GMOs were developed *specifically* in order to satisfy certain values means that it is reasonable for them be judged by those values—and other values.

Problem 3: The Anti-Science Charge Fails to Recognize That Questions about Rights Involve Questions about Values

The question over whether to label GMOs is a question about the public's *right to know* what they are eating and the *right to decide* what they eat, in accordance with their values. GMO science involves values, but it does not and cannot tell us what our rights are. The question of what our rights are is a question about values that falls outside of the domain of GMO science. Thus, to take a stand for labeling GMOs on the basis of rights is not anti-science.

Triclosan, an antibacterial agent used in some toothpastes and hand sanitizers, can serve as an analogy. There is some preliminary evidence that it is a hormone disrupter. For now, however, the FDA says that triclosan "is not currently known to be hazardous to humans." In the meantime, it is labeled. Consumers can decide whether to use those products.

However, some anti-labelers insist that the very labeling of GMOs as GMOs implies that there is something wrong with GMOs, akin to warning labels on cigarettes or alcohol. Similarly, they maintain, ingredient labels are there to inform those who may be allergic to or otherwise harmed by one of the ingredients. Thus, anti-labelers might think that proponents of labeling GMOs are anti-science *because label proponents refuse to accept the evidence that shows that GMOs are safe*. I will return to the issue of GMO safety momentarily.

Problem 4: There Really Is Something Biologically New about GMOs

GMO proponents claim that there is nothing new about GMOs because farmers have been genetically modifying food for centuries. And this is true to a certain extent. Artificial selection led to the domestication of many species, with significant modifications. More recent techniques include hybridization of inbred lines.

These statements are correct, but they are misleading. The techniques of genetic engineering are different from selection or hybridization. These techniques allow genes from one species to be introduced into a very distantly related species—for example, the insertion of a gene from a fish into a

tomato (created but never commercialized) or the insertion of a gene from a pig into an orange (currently under research).

These kinds of modifications have an "ick" factor, but we should avoid knee-jerk reactions; that is not the real problem. The worry of using distantly related genes—resulting in changes of a larger magnitude than would be likely to occur in nature or by most other methods—is how they will behave in a very different genetic context given that genes can affect the expression of other genes in unpredictable ways.

Problem 5: We Lack Good Evidence for GMO Safety

The evidence for the safety of GMOs is not as good as some GMO proponents claim because the scientific protocols are somewhat lax. In the United States, the testing of most GMOs is voluntary, not mandatory; according to the FDA, most GMOs are "generally recognized as safe." The American Medical Association, however, has called for mandatory safety testing. Currently, testing is performed by the companies who manufacture the GMOs *without FDA oversight*. The studies are for the most part short term (three months), meaning that the long-term effects of consuming various GMOs are simply unknown.

These are reasonable—and *scientifically-based*—concerns about the studies that have been performed to date. There is enough uncertainty about the studies of GMOs to make it reasonable for individuals to want to decide for themselves whether to eat GMOs or not.

Compare the many steps involved in the FDA's testing protocols for new drugs. Most notably, after performing FDA-reviewed laboratory and animal tests, the company performs a series of clinical trials in humans in three phases, *which the FDA monitors*, to test if the drug is effective and safe. Next, the company sends its data from all these tests to FDA's Center for Drug Evaluation and Research (CDER). A team of CDER physicians, statisticians, toxicologists, pharmacologists, chemists and other scientists review the data and proposed labeling. After a drug is approved for the market, the FDA continues to monitor its performance. A more cautious, scientifically based approach would include

FDA oversight for testing of new GMOs; the protocols would not necessarily need to be identical to those for new drugs, but they could be (and arguably should be) stronger than they are. . . .

People who say flatly that “GMOs are safe” are being unscientific in another way. A GMO is not a GMO is not a GMO. Each one needs to be tested; the safety of one does not show the safety of another, given that each genetic combination is different. For example, the safety of including *Bt* pesticide in corn is potentially quite different from including vitamin A in rice. And the safety of Roundup resistance in one plant is not necessarily the same as in another (since gene expression is affected by other genes).

Problem 6: Saying GMOs Are Safe Overlooks Environmental Concerns

This is arguably the most serious of the six problems. There are several categories of actual and possible environmental harms.

One is the evolution of herbicide-resistant and pesticide-resistant plants and animals (in other words, evolution of organisms no longer killed by herbicides like Roundup). This effect was predicted, although Monsanto denied that it would occur. It was known that weeds naturally varied in their response to Roundup (glyphosate), with some very susceptible and others less so (i.e., some were resistant). Spraying Roundup on the weeds killed the susceptible ones, in effect selecting for the resistant ones and allowing them to flourish without competition.

In 2012, the Weed Science Society of America (WSSA) website listed 22 Roundup-resistant weed species in the United States. Dow AgroSciences estimates that 100 million acres in the United States are already impacted by Roundup-resistant weeds; Dow has used this estimate to argue for the deregulation of 2,4-D corn.

2,4-D is considered a more toxic herbicide, with a heightened risk of birth defects, more severe impacts on aquatic ecosystems, and more damage to nearby crops and plants.

But why should we expect a different outcome this time? Where does the cycle of herbicide application leading to the evolution of herbicide resistance end?

Another environmental harm is that the evolution of Roundup-resistant crops has led to an

increased use of herbicides (not the promised decrease). According to Charles Benbrook, the Roundup-resistant weed phenotypes are forcing farmers to increase herbicide application rates, make multiple applications of herbicides, and apply additional herbicide active ingredients. Note that the World Health Organization has recently classified glyphosate as “probably carcinogenic to humans.”

On the other hand, *Bt* corn has led to a reduction in pesticide use so far. However, western corn rootworms have now evolved *Bt* resistance, as have other corn pests. So, that decrease may be short-lived, or as with Roundup, stronger pesticides may be proposed.

Yet another possible environmental harm is the transmission of genes (outcrossing or gene flow) from GMOs to wild weedy relatives. When GMOs reproduce with closely related wild species, transfer of herbicide-resistance to weeds can occur.

This creates the same problem as the evolution of herbicide resistance—herbicide-resistant weeds—but with a different cause. Susceptible species include rapeseed (canola), sugar beets, and corn. Roundup Ready wheat (not on the market yet) was found to be six times more likely than non-GMO control lines to produce outcrossed offspring.

Relatedly, there can be transmission of genes from GMOs to other, conventional (non-GMO or organic) crops. In a 2014 survey of 268 organic and non-GMO farmers in the United States, 31 percent said that they had found or suspected GMO presence in their crops. Of these, 52 percent said that they had been rejected by a buyer because of it.

In Oaxaca, Mexico, one of the places where diverse strains of maize (corn) are found, researchers found “a high level of gene flow from industrially produced maize towards populations of progenitor landraces.” This is concerning because these maize strains might otherwise be used to create new commercial corn varieties.

Finally, there are possible effects on other species that consume the GM crops. As with humans, there is no widely accepted evidence of *direct* harms yet (there is laboratory evidence that *Bt* corn harms Monarch butterflies, but no field evidence).

However, there is some evidence of *indirect* harms. Increased spraying of Roundup has led to

a loss of milkweed habitat for Monarch butterflies and contributed to a major decline in the size of their populations. Much Roundup Ready corn seed is coated with neonicotinoid pesticides; neonicotinoids have been shown to affect bee reproduction (whose pollination we rely on) and to persist and accumulate in the soil.

In sum, these concerns over environmental harms—concerns about evolution or transmission of pesticide resistance to weedy relatives, concerns about increased pesticide use, concerns about unwanted contamination of crops, and concerns over harms to other species—do not reflect a misunderstanding or rejection of “science.” On the contrary, they reflect an *understanding* of the relationships between different species and the sorts of evolutionary changes that can occur. *If someone is concerned about these environmental effects, they might want to avoid consuming GMOs on those grounds alone.*

Summarizing the six problems described above: given the role of values in the deployment of GMOs, given the lack of mandatory and long-term testing of GMOs with outside oversight, and given the demonstrated environmental harms, it is not anti-science to want to GMOs labeled as GMOs.

OTHER IMPORTANT VALUES IN THE GMO DEBATE

Monsanto claims that we need GMOs to feed the world, a commendable, value-laden goal.

Critics point out that as pesticide use has increased with GMOs while pesticide resistance among weedy and pest species has also increased, crop yields have been harmed. To combat the resistance problem, crops have been designed that contain *multiple* modifications (*stacked-trait* crops). However, a study commissioned by the USDA showed interactions between the introduced genes often reduced yield, and researchers were “surprised” not to find greater yields among the studied GM crops more generally (although they did find that GM crops were more stable over time). Another study by the USDA showed that in the United States 31 percent (133 billion pounds) of the 430 billion pounds of the available food supply in 2010 went uneaten. Here again, however, it is worth emphasizing that not all GMOs are the same, so that some

may do better than conventional crops under some conditions while some may do worse than conventional crops under different conditions.

There are other methods for improving crop yields, such as the System of Rice (Root) Intensification method or by making better use of the “available diversity of eminently adapted alternatives.” Perhaps more importantly, as Hugh Lacey suggests, we should put the same resources toward alternatives to GMOs as we have put toward GMOs themselves in order to truly know which methods are best.

The effects on farmers are another value-laden consideration, in part tied to crop yield. That is, if it turns out that GMOs increase crops yields, that ought to be good for farmers, but not if they are reduced. Other considerations are that farmers cannot save or trade GMO seeds, or they will face lawsuits. Seeds from GMOs tend to be more expensive than non-GMO seeds, and sometimes require buying the related pesticide (e.g., Roundup for Roundup Ready crops). More dramatically, there have been 250,000 farmer suicides in India, which some have blamed on the failure of *Bt* cotton to live up to its promises and subsequent farmer debt.

GMO proponents have sought to debunk some of the concerns I’ve mentioned in this section by pointing out that they result from faulty use of GMO technology by farmers. Some say that farmers failed to follow Monsanto’s recommendation that “refuges”—areas without GMO crops—be planted. This allows non-resistant pests a place to flourish where they can interbreed with, and thus dilute the numbers of, resistant pests. This may be 5 to 20 percent of total land, depending on the GMO.

Others suggest that farmers in India likewise were similarly to blame for poor results. For example, Guillaume Gruère and Debdatta Sengupta claim that farmers lacked information about growing conditions, pesticide use, the importance of planting proper seeds, and the earnings to be expected from using this technology. However, these same authors also admit the possibility “that *under the conditions in which it was introduced*, *Bt* cotton, an expensive technology that has been poorly explained, often misused and initially available in only a few varieties, might have played a role in the

overall indebtedness of certain farmers in some of the suicide-prone areas of these two states, particularly in its initial years" (emphasis added). They suggest that there is a "critical need to distinguish the effect of Bt cotton as a technology from the *context in which it was introduced*" (emphasis added).

I disagree. Context matters.

In discussing the values embedded in the use of GM crops, we must evaluate conditions as they in fact are. It might be the case that in some more perfect world, with different biotech companies using different practices, different GMOs, and different farmers, the problems I have talked about here would not have occurred. Perhaps, then, there is nothing wrong with GMO technology itself, only GMO practices. But so what? We do not live in that more perfect world. Technology is never deployed in a context-free situation. Imagine evaluating the efficacy of a traffic light without considering the context in which it is deployed—traffic patterns, traffic volumes, and traffic speeds. The result would be meaningless. The same is true for GMOs. *We have to evaluate technologies in their context.*

FINAL THOUGHTS

In truth it is hard to know how to weigh the varying values involved in the use of GMO crops, and there is still much that we do not know. Surely GMO research should continue, although with better testing protocols before the seeds are deployed. We should proceed more slowly and carefully. It might turn out that some GMOs are ones that are truly beneficial (e.g., by saving a species that cannot be saved any other way) with few or no downsides.

But here is what we do know.

If someone wants to follow their values and avoid GMOs, they have no way to do so. GMOs contain new proteins as compared to conventional crops, and any new protein could potentially be an allergen or toxin when consumed over time. It is almost impossible to avoid eating GMOs; most Americans are eating GMOs and foods made with GMOs without knowing what they are eating. There is little to no oversight of the production of GMOs in the United States; scientific protocols fall far short of what they could be. Thus, while there is no strong evidence that GMOs are harmful to humans, the tests have been

inadequate. Environmental harms, on the other hand, have occurred and are well-documented; here it is important to remember that the majority of GMOs on the market today are resistant to particular herbicides or contain a pesticide, and that we should evaluate particular GMOs in particular contexts, not abstract GMOs in abstract contexts.

People who would like to avoid GMOs, whether out of concerns for potential health harms or concerns over actual environmental harms, are not being allowed to judge the risks and make choices for themselves and their families. For these reasons—so that people can follow their reasonably held values—we ought to label GMOs as GMOs.

Roberta Millstein: GMOs? Not So Fast

1. Millstein argues that opposing GMOs because they are unnatural is mistaken, since not all that is unnatural is dangerous and not all that is natural is safe. Can you think of several safe unnatural substances and several dangerous natural substances?
2. What does it mean for science to be value laden? Why does Millstein think that GMO science is value laden? Do you agree?
3. GMO supporters worry that labeling GMOs will signal to the public that they are unsafe. Is this worry well founded? Why or why not? If it is well founded, do you think that Millstein adequately responds to it?
4. Do you think that people have a moral right to know if they're eating GMOs? If not, why not? If so, do you think that that makes it morally permissible for the government to force food producers to label their foods containing GMOs?
5. What do you think is the strongest consideration in favor of requiring food producers to label their foods containing GMOs? What do you think is the strongest consideration against it?

NOTES

1. Statement available at: <https://www.aaas.org/news/statement-aaas-board-directors-labeling-genetically-modified-foods>.
2. See <http://www.pewinternet.org/2015/01/29/public-and-scientists-views-on-science-and-society/>.

Ethics and Genetically Modified Foods

Gary Comstock

In this selection, Gary Comstock defends the use and development of genetically modified organisms (GMOs) against a host of objections. He divides the objections into two groups: extrinsic and intrinsic objections. Extrinsic objections focus on the harms that might result from the widespread adoption of GMOs. For example, some worry that, if GMOs are widely adopted, the result will be an increase in economic inequalities between developed and developing economies. And this, they think, provides strong reason to oppose such widespread adoption. Comstock doesn't find this objection especially compelling, because it fails to show that the supposed harmful consequences of GMOs are not outweighed by their many benefits. Nor does it rule out the possibility that proper government regulation could eliminate, or at least minimize, these harmful consequences. The other extrinsic objections, he argues, fail for the same reason.

According to intrinsic objections, by contrast, the adoption of GMOs would be morally objectionable in itself—quite apart from the consequences. Comstock thinks that these objections are more promising. Each intrinsic objection he considers is a variation of the claim that adopting GMOs would be unnatural. For example, some worry that adopting GMOs would amount to playing God, or introduce a world-changing technology, or illegitimately cross species boundaries, or commodify life in an objectionable way. Comstock rejects these objections because, he argues, each of them implausibly entails that other clearly good technologies are in fact morally problematic. For instance, he argues that if we ought to oppose GMOs because they constitute a world-changing technology, then we should oppose new herbal remedies for menstrual cramps or new anesthetics because such technology would also be world changing. But that it is clearly mistaken.

While Comstock is aware that there are practical difficulties attending the widespread adoption of GMOs—after all, he himself once opposed their adoption—he thinks that there are so far no compelling reasons to oppose them and excellent reasons to embrace them.

... ETHICAL ISSUES INVOLVED IN THE USE OF GENETIC TECHNOLOGY IN AGRICULTURE

Discussions of the ethical dimensions of agricultural biotechnology are sometimes confused by a conflation of two quite different sorts of objections to GM technology: intrinsic and extrinsic. It

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is critical not only that we distinguish these two classes, but keep them distinct throughout the ensuing discussion of ethics.

Extrinsic objections focus on the potential harms consequent upon the adoption of GMOs. Extrinsic objections hold that GM technology should not be pursued because of its anticipated results. Briefly stated, the extrinsic objections go as follows. GMOs may have disastrous effects on animals, ecosystems, and humans. Possible harms to humans include perpetuation of social inequities in modern agriculture, decreased food security for women and children on subsistence farms in developing countries,

a growing gap between well capitalized economies in the northern hemisphere and less capitalized peasant economies in the south, risks to the food security of future generations, and the promotion of reductionistic and exploitative science. Potential harms to ecosystems include possible environmental catastrophe, inevitable narrowing of germplasm diversity, and irreversible loss or degradation of air, soils, and waters. Potential harms to animals include unjustified pain to those used in research and production.

These are valid concerns, and nation-states must have in place testing mechanisms and regulatory agencies to assess the likelihood, scope, and distribution of potential harms through a rigorous and well funded risk assessment procedure. For this reason, I contend that GM technology must be developed responsibly and with appropriate caution. However, these extrinsic objections cannot by themselves justify a moratorium, much less a permanent ban, on GM technology, because they admit the possibility that the harms may be minimal and outweighed by the benefits. How can one decide whether the potential harms outweigh potential benefits unless one conducts the research, field tests, and data analysis necessary to make a scientifically informed assessment?

In sum, extrinsic objections raise important questions about GMOs, and each country using GMOs ought to have in place the organizations and research structures necessary to ensure their safe use.

There is, however, an entirely different sort of objection to GM technology, which, if it is sound, would indeed justify a permanent ban.

Intrinsic objections allege that the process of making GMOs is objectionable in itself. This belief is defended in several ways, but almost all of the formulations are related to one central claim—the “unnaturalness objection” (UE): It is unnatural to genetically engineer plants, animals, and foods.

If UE is true, then we ought not to engage in bioengineering, however unfortunate may be the consequences of halting the technology. Were a nation to accept UE as the conclusion of a sound argument, then much agricultural research would have to be terminated and potentially significant benefits from the technology sacrificed. A great deal is at stake.

In *Vexing Nature? On the Ethical Case Against Agricultural Biotechnology*, I discuss fourteen ways in which UE has been defended. For present purposes, those fourteen objections can be summarized as follows:

- To engage in ag biotech is to *play God*.
- To engage in ag biotech is to *invent world-changing technology*.
- To engage in ag biotech is *illegitimately to cross species boundaries*.
- To engage in ag biotech is to *commodify life*.

Let us consider each claim in turn.

To engage in ag biotech is to *play God*. In a western theological framework, humans are creatures, subjects of the Lord of the Universe, and it would be impious for them to arrogate to themselves roles and powers appropriate only for the Creator. Shifting genes around between individuals and species is taking on a task not appropriate for us, subordinate beings. Therefore, to engage in bioengineering is to play God.

There are several problems with this argument. First, there are different interpretations of God. Absent the guidance of any specific religious tradition, it is logically possible that God is a Being who wants to turn over to us all divine prerogatives; or explicitly wants to turn over to us at least the prerogative of engineering plants; or who does not care what we do. If God is any of these beings, then the argument fails because playing God in this instance is not a bad thing.

The argument seems to assume, however, that God is not like any of the gods just described. Assume that the orthodox Jewish and Christian view is correct, that God is the only personal, perfect, necessarily existing, all-loving, all-knowing, and all-powerful being. In this traditional western theistic view, finite humans should not aspire to infinite knowledge and power. To the extent that bioengineering is an attempt to control nature itself, the argument is that bioengineering is an unacceptable attempt to usurp God’s dominion.

The problem with this argument is that not all traditional Jews and Christians think that this God would rule out genetic engineering. I am a practicing evangelical Christian and the chairperson of my local Church Council. In my tradition, God is

thought to endorse creativity, scientific and technological development, including genetic improvement. Other traditions have similar views. In the mystical writings of the Jewish Kabbalah, God is understood as One who expects humans to be co-creators, technicians working with God to improve the world. At least one Jewish philosopher, Baruch Brody (personal communication), has suggested that biotechnology may be a vehicle ordained by God for the perfection of nature.

Personally, I hesitate to think that humans can “perfect” nature. However, I have become convinced that GM might help humans to rectify some of the damage we have already done to nature. And I believe God may endorse such an aim. For humans are made in the divine image. God desires that we exercise the spark of divinity within us. Inquisitiveness in science is part of our nature. Creative impulses are not found only in the literary, musical, and plastic arts. They are part of molecular biology, cellular theory, ecology, and evolutionary genetics, too. It is unclear why the desire to investigate and manipulate the chemical bases of life should not be considered as much a manifestation of our god-like nature as the writing of poetry and the composition of sonatas. As a way of providing theological content for UE, then, this argument is unsatisfactory because it is ambiguous and contentious.

To engage in ag biotech is to *invent world-changing technology*, an activity that should be reserved to God alone. Let us consider this in conjunction with a similar objection: to engage in ag biotech is to *arrogate historically unprecedented power* to ourselves. The latter argument here is not the strong one, that biotech gives us divine power, but the more modest one, that it gives us a power we have not had previously. Also it would be counterintuitive to judge an action wrong simply because it has never been performed. In this view, it would have been wrong to prescribe a new herbal remedy for menstrual cramps, or to administer a new anesthetic. But that seems absurd. More argumentation is needed to call historically unprecedented actions morally wrong. What is needed is to know to what extent our new powers will transform society, whether we have witnessed prior transformations of this sort, and whether those transitions are morally *acceptable*.

We do not know how extensive the ag biotech revolution will be, but let us assume that it will be as dramatic as its greatest proponents assert. Have we ever witnessed comparable transitions? The change from hunting and gathering to agriculture was an astonishing transformation. With agriculture came not only an increase in the number of humans on the globe, but the first appearance of complex cultural activities: writing, philosophy, government, music, the arts, and architecture. What sort of power did people arrogate to themselves when they moved from hunting and gathering to agriculture? The power of civilization itself.

Ag biotech is often oversold by its proponents. But suppose that they are right, that it will bring us historically unprecedented powers. Is this a reason to oppose it? Not if we accept agriculture and its accompanying advances, for when we accepted agriculture we arrogated to ourselves historically unprecedented powers.

In sum, these objections are not convincing.

To engage in ag biotech is *illegitimately to cross species boundaries*. The problems with this argument are both theological and scientific. I will leave it to others to argue the scientific case that nature gives ample evidence of generally fluid boundaries between species. The argument assumes that species boundaries are distinct, rigid and unchanging, whereas, in fact, species now appear to be messy, plastic, and mutable. To proscribe the crossing of species borders on the grounds that it is unnatural seems scientifically indefensible.

It is also difficult to see how this objective could be defended on theological grounds. None of the scriptural writings of the western religions proscribe genetic engineering, of course, because genetic engineering was undreamt of at the time the holy books were written. Now, one might argue that such a proscription may be derived from Jewish or Christian traditions of scriptural interpretation. Talmudic laws against mixing “kinds,” for example, might be taken to ground a general prohibition against inserting genes from “unclean” species into clean species. Here is one way the argument might go: for an observant Jew to do what scripture proscribes is morally wrong; Jewish oral and written law proscribe the mixing of kinds (e.g., eating milk

and meat from the same plate; yoking donkeys and oxen together) bioengineering is the mixing of kinds; therefore, for a Jew to engage in bioengineering is morally wrong.

But this argument fails to show that bioengineering is intrinsically objectionable in all of its forms for everyone. The argument might prohibit Jews from engaging in certain *kinds* of biotechnological activity but not all; it would not prohibit, for example, the transferring of genes *within* a species, nor, apparently, the transfer of genes from one clean species to another clean species. Incidentally, it is worth noting that the Orthodox community has accepted transgenesis in its food supply. Eighty to ninety percent of cheese produced in the United States is made using a GM product, chymosin. This cheese has been accepted as kosher by Orthodox rabbis.

In conclusion, it is difficult to find a persuasive defense for this objection either on scientific or on religious grounds.

To engage in ag biotech is to *commodify life*. The argument here is that genetic engineering treats life in a reductionistic manner, reducing living organisms to little more than machines. Life is sacred and not to be treated as a good of commercial value only, to be bought and sold to the highest bidder.

Could we apply this principle uniformly? Would not objecting to the products of GM technology on these grounds also require that we object to the products of ordinary agriculture on the same grounds? Is not the very act of bartering or exchanging crops and animals for cash vivid testimony to the fact that every culture on earth has engaged in the commodification of life for centuries? If one accepts commercial trafficking in non-GM wheat and pigs, then why should we object to commercial trafficking in GM wheat and GM pigs? Why should it be wrong for us to treat DNA the way we have previously treated animals, plants, and viruses?

Although this objection may be true, it is not a sufficient reason to object to GM technology because our values and economic institutions have long accepted the commodification of life. Now, one might object that various religious traditions have never accepted commodification, and that genetic engineering presents us with an opportunity to resist, to reverse course. Leon Kass (1988, 1998), for example,

has argued that we have gone too far down the road of dehumanizing ourselves and treating nature as a machine, and that we should pay attention to our emotional reactions against practices such as human cloning. Even if we cannot defend these feelings in rational terms, our revulsion at the very idea of cloning humans should carry great weight. Mary Midgley (2000) has argued that moving genes across species boundaries is not only "yukky" but, perhaps, a monstrous idea, a form of playing God.

Kass and Midgley have eloquently defended the relevance of our emotional reactions to genetic engineering but, as both admit, we cannot simply allow our emotions to carry the day. As Midgley writes, "Attention to . . . sympathetic feelings [can stir] up reasoning that [alters] people's whole world view" (Midgely, 2000, p. 10). But as much hinges on the reasoning as on the emotions.

Are the intrinsic objections sound? Are they clear, consistent, and logical? Do they rely on principles we are willing to apply uniformly to other parts of our lives? Might they lead to counter-intuitive results?

We hesitate to accept counter-intuitive results because they run counter to widely-shared considered moral intuitions. If a moral rule or principle leads to counter-intuitive results, then we have a strong reason to reject it. For example, consider the following moral principle, which we might call the doctrine of naïve consequentialism (NC): always improve the welfare of the most people. Were we to adopt NC, then we would be not only permitted but required to sacrifice one healthy person if by doing so we could save many others. If six people need organ transplants (two need kidneys, one needs a liver, one needs a heart, and two need lungs) then NC instructs us to sacrifice the life of the healthy person so as to transplant their six organs to the other six. But this result, that we are *obliged* to sacrifice innocent people to save strangers, is wildly counter-intuitive. This result gives us a strong reason to reject NC.

I have argued that the four formulations of the unnaturalness objection considered above are unsound insofar as they lead to counter-intuitive results. I do not take this position lightly. Twelve years ago, I wrote an article, *The Case Against bGH*, which,

I have been told, was one of the first papers by a philosopher to object to ag biotech on explicitly ethical grounds. I then wrote a series of other articles objecting to GM herbicide-resistant crops, transgenic animals, and, indeed, all of agricultural biotechnology. I am acquainted with worries about GM foods. But, for reasons that include the weakness of the intrinsic objections, I have come to change my mind. The sympathetic feelings on which my anti-GMO worldview was based did not survive the stirring up of reasoning.

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Gary Comstock: Ethics and Genetically Modified Foods

1. Comstock lists a number of harmful consequences that might result from the adoption of GMOs. Which do you think counts most strongly against the adoption of GMOs? Can you think of any other harmful consequences that he neglects to mention?
2. Which of the intrinsic objections do you find most plausible? Which do you find least plausible? Why?
3. Comstock considers several arguments against GMOs that begin with substantive religious claims. What role (if any) should religious claims play in ethical reasoning?
4. Comstock notes that many experience a feeling of disgust when they consider the prospect of adopting GMOs. Do you think feelings of disgust are good grounds for opposing GMOs? Why or why not?
5. Comstock asserts that “If a moral rule or principle leads to counter-intuitive results, then we have a strong reason to reject it.” Do you accept this claim? Why or why not?