Is There a Thing Called Moral Equality? (And Does It Matter if There Isn’t?)

*Andrea Sangiovanni*

andrea.sangiovanni@kcl.ac.uk

abstract: A commitment to moral equality is everywhere accepted as a foundation stone of liberal moral and political philosophy. Yet, it is often very unclear what such commitment, in fact, commits us to. In this chapter, I argue three main points. First, I argue that it is unclear whether it is the same commitment at the heart of predominant versions of consequentialism and non-consequentialism. Second, I argue that the reference to equality is redundant in the most common formulations of the commitment. Third, I argue that we ought to distinguish, more clearly than has been done so far, the role of the commitment in debates on animal ethics and in debates on social equality.

In *Philosophical Explanations*, Nozick writes: ‘When there seems to be no conceivable alternative, yet the one view lends us to a philosophical impasse, suspect entrapment by a particular picture or model of how things must be’.[[1]](#footnote-1) And so it is, I shall argue, with a common picture or model of moral equality. To make things clearer, I will recommend abandoning all talk of moral equality. Nothing will be lost, and quite a few things gained, if we do so.

In Section I, I contrast nonconsequentialist and consequentialist interpretations of moral equality, and explain how (a) they diverge so significantly as to call into question whether they share a commitment to the same thing, and (b) the reference to equality in each interpretation is redundant. In Section II, I suggest that we ought to distinguish more clearly two different roles that appeal to moral equality has played in social and political debate: its role in animal ethics, and its role in assessing the permissibility of hierarchies in social status. In Section III, I explore in more depth how arguments in animal ethics regarding moral considerability and moral status can come apart from arguments regarding social equality, and trace some implications for relational egalitarianism. Section IV concludes by recommending that we abandon talk of moral equality.

# I.

Everybody seems to know what they are talking about when they talk about moral equality. And, as many philosophers have said, everyone seems to converge in affirming it.[[2]](#footnote-2) It is meant to be a benchmark commitment of liberalism. Here is a somewhat abstract formulation: There is something that all are equal in the possession of that generates significant and basic moral duties owed to beings that possess it—duties of equal respect (mostly in nonconsequentialist accounts) or equal consideration of welfare (mostly in consequentialist ones). But what is this ‘something’? Who is within the scope of the ‘all’? What is the content of the duties that flow from that ‘something’ (whatever ‘it’ is)? And in what sense are the duties ‘equal’? I will argue that once we give a value to each of these variables, not only does the convergence seem to fade, but so does the sense that we are really even speaking about the same thing.[[3]](#footnote-3) And, even worse, the egalitarian character of the commitment seems to fade, too. We aren’t left with much. I will conclude that we need to think about the phenomena classed under the label ‘moral equality’ in a different way than we have been wont to do.

Suppose we specify ‘rights’ as the object of equality, such that anyone who affirms moral equality affirms that all possess equal basic rights, where by ‘basic’ we mean that they are rights that are not derived from other rights or duties, and that give rise to duties but are not themselves grounded in some pre-existing duty or set of duties. There are a number of worries here. First, note that this immediately excludes any sort of welfare consequentialist who doesn’t believe that rights are basic in the required sense. For the welfare consequentialist, if we should treat everyone as possessing the same set of (moral, legal, or conventional) rights, then this is because assigning them this set to everyone is most likely to make the outcomes better in terms of welfare. The significance of rights is derivative. In what sense, then, do the welfare consequentialist and the rights-based nonconsequentialist converge on a single commitment to moral equality? It seems more appropriate to say that they hold very different basic moral commitments, rather than to say that they hold a single commitment to moral equality which is just interpreted in different ways. This is even more evident when there is *also* disagreement about who is within the scope of the ‘all’. Suppose, as is common, that the rights-based nonconsequentialist believes that all and only *persons* can have basic rights, while the welfarist consequentialist believes that all and only the interests of sentient beings matter morally in deciding which outcome is best. What is then the *point* of saying they converge in something as abstract as—for all *x* and *y*, *x* is equal to *y* when and because they are equal in the possession of some duty-grounding *z*—when they differ so fundamentally both on the values to assign to *z* and on the domain of *x* and *y*?

Second, to say that all are *equal* in rights is equivalent to saying that they have the *same* rights. But within the scope of the ‘all’ we ought, surely, to include all women and men. But now look at the rights in the Convention on the Elimination of All Forms of Discrimination Against Women, which includes the right to special protection during pregnancy in types of work proved to be harmful to women.[[4]](#footnote-4) This is not a right possessed by men. An obvious fix is to point out that the rights in the CEDAW are not basic; rather, they are rights derived from more basic rights—possessed by both men and women—to bodily integrity or perhaps health. It seems clear that what is driving this move is a prior commitment to equality among all persons: we move upwards in the scale of abstraction until we have rights that all persons can be said to have to the same extent. If we don’t, we move higher still. But then we wonder: what is the more fundamental, morally relevant property, shared by all persons, in virtue of which all persons have the same rights? Rights-based nonconsequentialists usually point to the capacity for normative agency or moral personality, each of which are, in turn, grounded in the presence of further psychological capacities (for example, capacities for thought, reflection, choice, and principle-guided action).[[5]](#footnote-5)

But here two problems emerge. What is it about the capacity for normative agency or moral personality that makes it a ground for basic rights and their corresponding direct duties, such that all who have the capacity have the *same* basic rights? Suppose, as is common, that one responds that normative agency or moral personality gives its possessors a *worth* or *value* that demands respect—demands that its possessors be treated not only as counting morally in their own right and for their own sake but also as counting equally (i.e., every such demand, where circumstances are similar, should be treated as creating equally stringent and weighty claims as every other such demand).

The first problem is familiar: if the demand to be treated with equal concern and respect is grounded in a worth or value possessed in virtue of the capacity for moral personality/normative agency, then, if the capacity varies, the worth should, too. And if the worth varies, then the demands must not, then, be equally stringent and weighty: those with higher capacity have higher worth; their claims should therefore be treated as *more* weighty and stringent than those of others with lesser capacities.

The usual response is either to argue that moral personality is a range property, and so does not vary within the range, or to look for some other morally relevant property, possessed by all persons, that doesn’t vary. But then one wonders: Why shouldn’t we take the capacity for moral personality/normative agency to vary along with the psychological properties on which it, in turn, is grounded? And why a threshold above which moral personality/normative agency doesn’t vary and below which it does? I don’t want to pursue this particular dialectic any further, because it has been pursued already many times. Suppose the back and forth ends up in a stalemate, or, for the sake of argument, suppose that the defender of moral personality/normative agency wins.

The second problem (much less familiar than the first) is this. The defender of the moral personality/normative agency argument concedes that *were* there to be *no* independent reason to believe that moral personality/normative agency is a morally salient range (or binary) property, then we would be moral *unequals*. The commitment to the claim that all persons have equal rights in virtue of their personhood therefore presupposes, and follows from, a higher-level commitment to the principle ‘respect beings in accordance with the worth of their capacity for moral personality/normative agency’. Note that this higher-level principle is not egalitarian: it doesn’t demand or require equality in any form. All else equal, there would be no reason, for example, to believe that a world in which persons *turned out* to have such capacities to different degrees, and hence possess different rights, was any more unjust or unwelcome than a world in which they didn’t. There would be no pressure, in this case, to equalize capacities. The equality in the equal rights claim is therefore entirely redundant.[[6]](#footnote-6)

The trouble is that the advocate of the moral personality argument *does* seem committed to the egalitarianism implicit in assertions of moral equality. What drives the search, after all, for a morally relevant, natural property that does not vary, and that can ground a claim to equal treatment, is our commitment to equality *rather than a commitment to respecting worth wherever it lies.* As in the case of women and men, were the properties discovered to vary, we would keep looking until we found ones that didn’t. If this is right, then we have a prior and independent commitment to equality that is not explained by the usual arguments for moral equality.

One might object that I have mischaracterized arguments for moral equality.[[7]](#footnote-7) Such arguments seek to *explain* moral equality in terms of the psychological properties on which it is grounded. They do not seek, that is, to *justify* a commitment to moral equality, and they take no view on whether the particular distribution in status that results from an application of the grounding principles is a good or bad thing. What matters is that moral status should track some status-grounding, normatively relevant property, and the objector is neutral on how that particular inquiry should turn out. If it turns out that there is no morally relevant range or binary property on which moral status might be grounded then the objector would be happy to welcome inequalities in status among people with (presumably) different psychological capacities.

But should we be? So far in the debate, there has been much more skepticism regarding the existence of relevant grounding binary/range properties than there has been confidence that one has been, or will be, ‘found’. And yet most really do want to resist the conclusion that would follow. This is evidence that, in the wider reflective equilibrium that is required to establish the truth of any particular grounding claim, people are more strongly committed to equality than they are to the grounding claims. One rightly senses that accepting inequality in status among human beings (I discuss animals below) leads to some dark paths, and one resists the conclusion, and continues the search for something that might justify the commitment to equality; one then tends to despair or go quiet or change the subject when the search runs dry. As I will suggest below, maybe the search for a grounding property is a fool’s errand, and we do better to try to characterize and explain our prior, stronger, more basic commitment to equality in other ways.[[8]](#footnote-8)

Similar arguments apply if we take a different starting point. Suppose we are welfare consequentialists of a standard kind. We believe that we ought to act so as to bring about the outcomes that are best, where what is best is entirely a function of the well-being of sentient creatures. We are committed to basic equality because we believe that the comparable interests of all sentient creatures ought to have the same weight in our deliberations. Any one (morally considerable) being’s interests ought to count for as much as any other’s comparable interests. If one could alleviate a similar sized headache of a mouse or of a human being but not both (and there are no other goods whose pursuit is inhibited as a result of the headache, and both the mouse and the human being will forget the headache after it is gone), one ought to flip a coin (or equivalent). Each is to count for one and no more than one.

Once again: It is very unclear how the welfarist consequentialist has anything much in common with the equal-rights nonconsequentialist. What is the point of saying that they converge on something called moral equality, or have different interpretations of a determinate idea given the extent to which they disagree?

With respect to the variation objection, I believe that welfare consequentialists do better (though this is controversial). The reason usually given for why the interests of sentient beings matter in their own right and for their own sake is that only beings of that kind have a welfare in the first place.[[9]](#footnote-9) While, of course, plants can also flourish, wither, and die, and so things can go better or worse for them, there is nothing that it is like to *be* a plant, no point of view from which the plant’s flourishing matters *to it*. For sentient beings, on the other hand, there is.[[10]](#footnote-10) There are two reasons why this kind of view doesn’t fall prey to the variation objection. First, the significance of sentience does not travel via an account of a being’s *worth*. It is not as if more sentience grounds more significance. Second, the significance of sentience is limited to establishing the idea that sentient beings’ interests matter in their own right and for their own sake. *How* *much* or *in what further ways* they matter is left open, and requires further moral discussion.[[11]](#footnote-11) For example, it may be that (as most welfare consequentialists believe), it is morally worse, on average, to kill a person than a mouse. This is not because persons have greater worth or value or sentience than mice, but merely because persons stand to lose many more goods in dying than a mouse. They have then a greater interest in continuing to live than mice, and it is for this reason that killing the person is worse. The commitment to the moral importance of sentience also leaves open whether other, interest-independent factors might make a difference to what we ought to do all things considered. For example, if one is a prioritarian, then the fact that one being is at a lower level of well-being than another gives one reasons to give additional weight to the interests of that being in determining what to do. This is, again, not because those who are at a lower level of well-being are worth more, or because they have, say, a greater degree of sentience. The reason is that there is, or so the prioritarian argues, more (impersonal) moral value in aiding those who are worse off, all else equal.

However, this open-endedness comes at a price. As in the case of the equal-rights nonconsequentialist, we wonder: in what sense is the commitment to treating all comparable interests *equally* really an egalitarian commitment? Is the reference to equality redundant (just as it was for the equal-rights nonconsequentialist)? Note that there is no pressure in the commitment to *make* or *keep* interests equal. The interests come as they are. What really matters, for the welfare consequentialist, is whether they are *comparable*. Whether they are equal is neither here nor there; saying we ought to treat comparable interests equally is just to say that we ought to treat interests that are in no morally relevant way different the same. That is hardly a substantive commitment. There is, therefore, nothing lost in dropping any reference to equality, let alone moral equality for the welfare consequentialist, too.[[12]](#footnote-12)

I have limited myself to two very broad-brush sketches of consequentialist and nonconsequentialist approaches to moral equality. One might wonder whether the account generalizes to other actual and possible accounts. I believe it does. In the nonconsequentialist case, the problem is what we might call the *grounding strategy*—the attempt to find some morally relevant binary/range property, itself grounded in some set of psychological capacities, that explains how and why we are moral equals. I don’t see how this kind of strategy can yield a substantively egalitarian conclusion, given that it rests, ultimately, on the thought that we are equals because we are in equal in the possession of the grounding properties, which implies that if we are *not* equal in those properties, then we are not equal in moral status. In the consequentialist case, the problem arises when we realize that welfare consequentialists do not value the interests of every being equally *tout court*. They only value the *comparable* interests of every sentient being equally. But saying that we ought to treat every sentient being’s comparableinterests as mattering equallyis no different to saying that we ought to treat sentient beings’ interests the same except when there is a morally relevant difference between them. Everything now rides on what makes interests comparable. This kind of strategy then leaves entirely open whether and when we ought to treat others as equals in some more substantive sense, and in what way. As we will see in the next section, the conclusion we should draw is not that we are, in fact, moral unequals; rather, we need to reject both interpretations of moral equality and think of the underlying commitment to something called ‘moral equality’ in different terms.

# II.

So far I have argued that it is very unclear what, in the usual formulations, a commitment to moral equality is a commitment *to*. On either an equal-rights nonconsequentialist formulation or a welfarist consequentialist one, the appeal to equalitylooks redundant. And, even if it isn’t redundant, it doesn’t look like a commitment to the same idea given how differently each class of views understands the scope, content, and meaning of its different components. Is it sensible, then, to abandon the enterprise of identifying a theory of moral equality, and just to carry on in normative ethics and political philosophy without it?[[13]](#footnote-13) In short, yes.

Why might we be reticent to abandon inquiry into moral equality? We ought to answer this question by asking a different one: What roles has appeal to moral equality played in social and political discussion over the past few centuries? It seems clear that it has played at least two roles. First, it has played a role in the following major developments of the modern era: the democratic revolutions of the 18th century, the revolutions of 1848, the abolition of slavery, the patchwork expansion of the franchise across all liberal democracies, labor movements (especially those associated with socialism), the development of human rights in the wake of the Second World War, decolonization in the 60s, Civil Rights and Women’s Liberation, the wave of democratizations in the 80s and 90s (including the end of Apartheid in South Africa), and recent social movements such as Occupy, MeToo, and Black Lives Matter. In each of these cases, the focus of concern has been on the wrongfulness of *treating as inferior*. The role played by calls for equality has been, then, to undermine the structures that serve to enable the oppression of the ‘inferior’ by the ‘superior’—structures, that is, constituted by (objectionable) *social* *status hierarchy*. Paradigmatic instances of wrongful treatment that flow from, and are justified in terms of, social status hierarchy include caste societies; slavery; sexual harassment and assault; segregation and apartheid; political persecution and exclusion; invidious forms of discrimination; and demeaning forms of paternalism.

The second role has become prominent much more recently. Since at least the 1970s (with, among others, the publication of Singer’s *Animal Liberation* [1975]), inquiry into moral equality has been associated with animal ethics.[[14]](#footnote-14) Singer (like Bentham before him) wondered: Might the same arguments usually marshalled in favor of the conclusion that all comparable *human* interests matter equally be extended to (nonhuman) *animals*? Compare, for example, the interests of a human being with a headache with the comparable interests of a dog with a headache. And suppose we can alleviate the headache of one but not the other. And suppose further that the alleviation of the headache in both cases will improve the well-being of the dog and the human *to the same extent* (i.e., the human being’s headache prevents the realization of the same amount of good as the dog’s). Why should we favor the interests of the human being in this case rather than, say, flip a coin? Singer anticipated that many will say: the human being has greater rationality, or something similar, that raises him up in the order of nature, and gives him a higher status than the dog. This is what justifies giving the interests of the human greater weight. Singer asked us then to imagine we offered the same argument on behalf of racism or sexism. And to the response that women or, say, black people *don’t*, on average, have lower rationality than men or white people, he challenged: And what if they did? Would that change our judgment? Singer answered:

It is an implication of this principle of equality [the equal consideration of interests] 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?[[15]](#footnote-15)

The only thing that should matter morally when comparing the interests of two different beings is the nature of the interest itself, rather than the nature of the being possessing it. This is why, according to Singer, racism and sexism are wrong: because both racism and sexism require us to take into account the race or sex of an individual rather than merely the strength and scope of their interests, they violate the principle that we ought to give all interests equal consideration. If Singer is right about our objections to racism and sexism, then there is no reason to treat the comparable interests of animals any differently to the comparable interests of black and white people (or men and women).[[16]](#footnote-16)

But is it really true that what best explains our considered judgment regarding the wrongness of social status inequality between men and women, black and white people, is Singer’s version of the equal consideration of interests (which commits one to utilitarianism[[17]](#footnote-17))? If it is, then one might think that any account of the wrongness of social status hierarchy and the wrongness of treating the comparable interests of animals and human beings differently must stand or fall together. But, I want to argue, we should reject the idea that what best explains our rejection of social status inequality between men and women, black and white people, is the principle of equal consideration of interests (as Singer construes it). This will clear up space for the idea that, in fact, arguments for and against various forms of moral status in animal ethics need only have a very loose connection to arguments for and against sexism, racism, and other objectionable kinds of social status hierarchy.

The first step is to question whether the best arguments against racism (or sexism) must ultimately rest on the idea that comparable interests must receive equal consideration. The idea seems to do, on one interpretation, too little work and, on the other, too much. Compare two university policies. The first gives special consideration to applications from whites; the second gives special consideration to applications from blacks. And take two applicants who are identical in every way—test scores, socioeconomic background, gender, and so on—except that one is black and one is white. What should the bare idea of equal consideration of comparable interests say in comparing, from a moral point of view, the two university policies? The idea does too little if it permits the following response. The interests of the two applicants are *not* comparable: given historical injustice, etc., there is a *morally relevant* difference between the weight we ought to give to the white applicant’s interests and the black student’s interests. The idea does too little for the reasons given in Section 1: on this interpretation, all the idea says is that we ought to treat the interests of two individuals the same unless there are good moral reasons to treat them differently. The idea is too weak to support our skepticism of racially based status hierarchy since it leaves entirely open what kinds of differences between interests are ‘morally relevant’, and so leaves open exactly what our commitment to moral equality is supposed to aid us in explaining.

The idea of equal consideration does too much if it commits one to the idea that the only thing that should enter our moral deliberations are interests, and the only thing that ought to determine the weight of an interest in our deliberations is its *strength, duration*, and *scope*. On this interpretation, the interest of the white and black student are equal in strength, duration, and scope (i.e., we can easily assume that admission would contribute to how well their lives end up going to the same degree). On this interpretation, we can only permissibly treat the white and black student differently by consulting the overall balance of interests affected by the policy across the rest of the society. If the policy of racial preference turns out to promote overall welfare, then we should adopt it; it is doesn’t, we should reject it. But this would be to purchase a substantive answer at the price of losing its ecumenical reach and plausibility: why should *only* interests count morally, and why must the weight of an interest turn *only* on their strength, duration, and scope? Only a utilitarian would agree (not even a prioritarian—who believes that how badly off someone is also matters [over and above the strength, duration, and scope of their interests] in moral judgment—could join forces here).

The second step in the counter-argument is to suggest how arguments against status hierarchy and in animal ethics can easily come apart.[[18]](#footnote-18) Take an argument, like Shelly Kagan’s, for hierarchy in *moral* status between (most) human beings and (most) animals. If any argument within animal ethics is to have unpalatable implications for social status hierarchy, this would be one. For Kagan, we ought to treat beings with higher psychological capacities, beings who only have the potential for developing those capacities, and beings that do not, but could have had, such capacities as having a higher moral status, all else equal, than individuals lacking each of these items.[[19]](#footnote-19) This will be the case for most (though not all) human beings when compared with most (though not all) animals, and it will also be the case between some animals (say apes) and others (say fish). What Kagan means by ‘status’ is *not* what I meant by ‘social status’ above when discussing our objections to social inequality. Social status is a socially conferred set of advantages (such as influence, power, prestige and authority) granted to individuals on the basis of some socially salient characteristic that marks them out as especially competent in some domain or otherwise socially valued.[[20]](#footnote-20) An example might be the social status accorded to doctors as opposed to hairdressers. A status in Kagan’s sense is broader; it is a moralrather than socialstatus. A being with a higher moral status will have a ‘normative profile’—a set features governing how it ought to be treated—that is more encompassing, demanding, or comprehensive than another.[[21]](#footnote-21) An example: a being with a higher moral status might have, all else equal, entitlements to be protected or saved from harm that are more stringent or weighty than a being with a lower status. More generally, the interests of a being with higher moral status can be given greater weight in our deliberations just in virtue of the fact that such beings have higher psychological capacities *independently* of how those capacities affect the strength, quality, psychological connectedness, and character of their interests. This is something that philosophers like Singer—and, for very different reasons, Tom Regan[[22]](#footnote-22), Christine Korsgaard[[23]](#footnote-23), and James Rachels[[24]](#footnote-24)—deny. And it might seem like just the kind of argument that would fall prey to Singer’s analogy to racism and sexism. But does it?

This is not the place to assess whether the argument succeeds on its own terms. Rather, I want to ask whether it has (a) the resources to resist Singer’s move from the rejection of social status hierarchy to the principle of equal consideration of interests, which would also imply a rejection of Kagan’s moral status hierarchy, and (b) implausible implications regarding objectionable instances of socialstatus hierarchy. Does an argument for hierarchy in *moral* status, that is, necessarily translate into an argument for hierarchy in *social* status? And, conversely, do objections to social status hierarchy depend on arguments for equality of moral status? Or do the two address different concerns?

Kagan could respond in the following way. First, he could point out that his argument has an entirely different structure to the racist and sexist arguments as Singer construes them. The racist and sexist say that *membership in a social group* gives one a higher moral status; Kagan says that it is an *individual’s* properties (including modal and potential properties) that matter. But, more importantly, even if it were true that, say, all men have higher psychological capacities (but comparable interests) than all women, or all whites have higher capacities than all blacks, Kagan could point out that the racist and sexist have very different ideas about the normative profiles that go along with having a lower moral status. Many (though, as we will see below, not all) racists and sexists believe that things like demeaning paternalism, slavery, segregation, public discrimination, punitive legislation, and so on, are justifiable as a consequence of lower moral status. Kagan denies that any of those things must follow from possession of a lower moral status (indeed, he believes that, for example, the equivalent of slavery for animals with much lower psychological capacities is unjustified). It all depends on what the normative profile appropriate to an individual is which, in turn, depends both on features of their psychological capacities more generally (including whether they are merely modal or potential capacities), but also on how those capacities bear on their interests. He denies, for example, that the differences between nondisabled adult human beings are significant enough to warrant radically different moral statuses. At most, he claims, those differences are tiny (compared with differences with animals), and, because of insurmountable epistemic hurdles in identifying them accurately, he also claims that we do better to disregard them when deciding what to do.[[25]](#footnote-25)

The conclusion we should draw is that even defenses of hierarchy in moral status (in Kagan’s sense of a normative profile) need not have the implications we usually assume they do for objectionable *social* statushierarchies. Indeed, an account of why and when social status hierarchy is objectionable can be grounded in entirely different considerations. Social equality could be defended, inter alia, on the basis of independent harms that social inequality does, on the way it impinges on the autonomy of those with lower status, or on the non-instrumental value of social equality (the fact, say, that it realizes a form of unity and reciprocity among those involved that is unavailable in relations based on hierarchy). At no point need it rely on an underlying commitment to moral status equality in Kagan’s sense, where a moral status is a normative profile of things one can, cannot, and must do, with respect to a particular (morally considerable) being. Indeed, in the reverse direction, many widely dispersed and entrenched forms of social status hierarchy, including racially based social status hierarchies, *don’t* depend on beliefs in differential moral status. Racism and sexism need not require belief in the lower *moral* status of women and members of targeted minorities; as is well known, they can be based on (conscious or unconscious) prejudice, false belief about traits of character, dispositions, etc., or animus, and be structurally embedded in institutions; together, they can still serve to reproduce persistent and objectionable social status hierarchy. (This is undoubtedly true of most contemporary forms of sexism and racism.) If this is right, then it looks like an argument for equality in moral status may be too weak to find fault with current forms of racism and sexism without further argument. Hierarchies in moral status, therefore, need have no consequences for the legitimacy of social status hierarchy, and arguments for social equality need not be grounded in an account of equal moral status.

To be sure, accounts like Kagan’s don’t sit well with our egalitarian intuitions. It doesn’t sound right to say that, for example, the claims of the more intelligent are more weighty in certain, even restricted, contexts (even by tiny amounts, and even if we can’t discern the differences reliably) than those of the less intelligent, merely because the latter lack intelligence and independently of any effect on their interests. (It is no surprise that Kagan desperately tries to counter this implication of his view.[[26]](#footnote-26)) This reticence is explained, in part, by the fact that were such differences in moral status, albeit small, to be realized in societies like ours, they would take on important symbolic and social meaning. It is very likely, given the importance of *social* status for us (which is based, recall, on assessments of presumed competence and value to the group) that differentials of Kaganesque *moral* status—based as they are on, among other things, *intelligence*—would generate differences in social status, with potentially important downstream effects for the structure of society. But this further consequence is contingent: it is possible to imagine a Kaganesque society that didn’t allow differences in moral status to translate into differences in social status. Furthermore, it is also available to someone like Kagan to say that, *if* recognizing differences in moral status did have objectionable downstream consequences for status hierarchy, then the harm done by the latter should outweigh the moral value of recognizing the former. (Note that, although he does not, this kind of response could be used to support Kagan’s claim that [minor] differences in moral status among nondisabled human beings should be disregarded.) And these possibilities are all that is required to secure the conclusion that inquiries into Kaganesque moral status can be divorced from considerations about what makes, and doesn’t make, social status hierarchy legitimate.

None of this is to deny that social status hierarchies, especially the objectionable ones, *can* and *have* been based on arguments for differential moral status. But they need not be. This conclusion can be reinforced by noting the different sense of ‘equality’ at stake in assessing moral and social status hierarchies. Recall that, in Section 1, I argued that framing debates about moral equality in terms of equalityof rights and interests was misleading. Claims about ‘equality’ in that context are redundant. Not so with respect to debates on equality in social status. *Social* status is essentially comparative in a way that *moral* status is not. Ascriptions of differential social status always imply a higher and a lower, a superior and an inferior. To subscribe to social egalitarianism is to subscribe to the view that there should not be superiors and inferiors. But ascriptions of differential (Kaganesque) moral status need not: someone may just have a different moral status—or normative profile—than another, without one being higher or lower than the other. When Kagan discusses ‘higher’ and ‘lower’ statuses, this is for ease of discussion, and is meant to track intuitive differences in the comprehensiveness and demandingness of those normative profiles that track (on his view) psychological properties.[[27]](#footnote-27) When Kagan describes two individuals as having *equal* moral status, then, all he means is that they have the *same* basic normative profile; the higher level principle on which such judgments depend is something like ‘moral judgments should track differences not just in interests, but also in other interest-independent properties, such as intelligence’. It is not, absent further argument: ‘make differences in intelligence or welfare equal’. I return to this below.

So far I have argued that moral status equality is not necessary for social status equality. But might it be sufficient? Might an argument for moral equality be enough to reject the bad forms of social status inequality but permit the good ones?[[28]](#footnote-28) It is unclear how it could be. Why and how does an argument for, say, equal moral worth tell us which patterns of social status hierarchy are legitimate, and which ones aren’t? Pointing to worth-grounded claim-rights against the bad kinds of social status hierarchy, and no rights against the permissible kinds, risks begging the question. Why and how does ‘respect’ require one thing in one case, and not the other? Why and how does the equal possession of normative agency/moral personality distinguish between, for example, invidious and permissible discrimination? When does treating comparable interests equally prohibit social status inequality and when does it permit it? To answer these questions requires a richer account of the wrong involved in treating others as inferior. We require, that is, a further stretch of moral reflection. Is the wrongful kind of social status inequality wrongful because of its violation of the autonomy of those on the lower end of the hierarchy? Is it wrong because of the harm it does? Is it wrong because unfair in some way? Is it wrong when and because it makes outcomes worse (how?)? Establishing that two beings have the same set of rights—rights of equal stringency and weight—doesn’t tell us much about social status hierarchy until we know what those rights are. And establishing that we ought to treat the comparable interests of two beings the same doesn’t tell us much about social status hierarchy until we know when and why interests are comparable. This conclusion shouldn’t surprise us: if what I argued in Section I is correct, arguments regarding basic moral status are not egalitarian in any meaningful sense.

One might object that arguments in favor of moral equality, when pursued in the context of social status hierarchy, are intended to counter familiar arguments for racism, sexism, feudalism, and so on, that *are* based on claims regarding the moral inferiority of their targets. There are two problems with this kind of defense of a more traditional view of the relation between moral and social equality. First, arguing for moral equality would at most serve to undermine one *ideological* basis for sexism, racism, feudalism, and so on. But it would not explain what is wrong with the sexism, racism, feudalism, and so on, *itself*. Leaving aside the variation objection, there would still be a gap between the argument for moral equality (whatever it is), and the affirmation of social status equality. Second, and closely related, arguments in favor of moral equality would leave entirely unaddressed what is wrong with forms of racism, sexism, feudalism, and so on, that are *not* based on beliefs in inferiority in moral status—where everyone engaged in reproducing these practices already *affirms* such equality. At this point in the argument, pointing to moral equality is like pointing to a black box.

But how one can defend an account of social equality *if not* by reference to some prior, orthodox account of moral equality (for example, one that seeks to ground it in one or more morally salient properties possessed by all in equal measure). As we have already seen, however, social equality can be defended on other grounds. One could, for example, defend social equality on the basis of its non-instrumental value—on how, say, it realizes forms of unity, reciprocity, or solidarity. Or one could defend it on instrumental grounds—on how, say, social inequality harms those who are considered low status, violates their autonomy, or makes impossible cooperatively productive, noncoercive practices.

The argument also has implications for the growing literature on relational egalitarianism.[[29]](#footnote-29) Relational egalitarians believe that what matters, when assessing social justice, is not only the pattern in the distribution of goods or welfare but also the quality of social relationships. And they believe that social relationships are just when citizens treat one another *as equals*. In turn, the demand to treat one another as equals, it is often argued, derives from a more fundamental commitment to moral equality.[[30]](#footnote-30) If I am right, however, then defenses of social equality need more than a reference to moral equality. Relational egalitarians need to explain, that is, what makes things like oppression, marginalization, social exclusion, and so on, wrong (or bad) that neither begs the question (by building in the wrongness into the definition of oppression, marginalization, etc.) nor merely adverts to the way each violates the respect owed to moral equals. The latter invocation, I have argued, is nothing but a restatement of the commitment to social equality (or a non-egalitarian step in an argument in animal ethics) not an explanation of what makes social equality valuable or required. This lacuna is especially clear when relational egalitarians explain when and why hierarchies of social status and esteem—not all of which are objectionable—violate the basic egalitarian commitment, and when they don’t.

# III.

I have argued that the underlying commitments that go under the name ‘moral equality’, such as it is, play two different roles that ought to be separated more clearly than they have been. In the first role, calls for moral equality have served to challenge deep and pervasive social status hierarchies (including slavery, caste systems, invidious discrimination, demeaning paternalism, and so on). In the second role, calls for moral equality have been used to extend moral concern to certain animals that meet various criteria (such as sentience). I have argued that addressing these separately is more fruitful: it is not sufficient to cite equal *moral* status in defense of equal *social* status, and it is not necessary either. And addressing the question of moral status—of what normative profile goes along with different interests, modalities, potentials, levels of well-being, types of sentience, and so on—isn’t best understood as a question about *equality* at all. Equality comes in, when it comes in, only non-comparatively, only when we want to say that two beings have the *same* normative profile—where a profile is just a list of the things one can, cannot, and must do, with respect to that being.

Regarding this last point, even the disagreement between Singer and Kagan on the importance to give to interest-independent factors about an individual is not best understood, I believe, as an argument between a defender of moral equality (Singer) and a denier (Kagan). Rather, it is best understood as an argument about how different kinds of characteristics ought to matter in moral deliberation. Does it matter to an individual’s normative profile what capacities that individual—say, a child—*could have had* but now doesn’t (and will never) have? Singer: no. Kagan: yes.[[31]](#footnote-31) Does it matter, in compiling an individual’s normative profile, how badly off they are (independently of the strength, quality, and scope of their interests)? Singer: no. Prioritarian: yes. Assuming two individuals have exactly the same interests in receiving some treatment, or will forego the same extent of future good in being killed, should the fact that one has more sophisticated cognitive capacities matter in compiling its normative profile? Singer: no. Kagan (and many others[[32]](#footnote-32)): yes. Does agency matter independently of sentience in determining whether a being ought to be treated as mattering in its own right and for its own sake? Singer: no. Kagan (and some others[[33]](#footnote-33)): yes. All of these questions can be raised (and answered) without ever invoking *equality*, let alone something called ‘moral equality’, at all.

Things are different when assessing social status hierarchies. First, recall that, unlike moral status, social status is, as I have already mentioned, essentially comparative: if someone has a high social status, someone else must have a low one. Social status differentials assign some people to a role as *superior* and others to a role as *inferior*. When social status is equal, this is because no party is deemed higher nor lower in the esteem, privileges, authority, and influence characteristic of social status than any other. Some sociologists argue that the whole point of status is to pick out smaller groups of individuals, and to reward them for their competence, in the expectation that they will benefit the wider group.[[34]](#footnote-34) Social status is also reflected, reinforced, and ossified by institutions. Differentials in social status based on race and gender, for example, are embedded, reflected, and reproduced in patterns of discrimination, segregation, and interaction across a society. And so are social status differentials based on wealth and physical appearance.

Second, there is no social status hierarchy between (most) animals and humans. For there to be a social status hierarchy, there must be a common recognition of who is superior and who is inferior; social status is *conferred* not *possessed*.[[35]](#footnote-35) In any human society, there is a remarkable awareness among its inhabitants who has higher and who has lower status. Even in situations where such assignments are contested, there is common knowledge about who is recognized as superior and who inferior and on what basis.[[36]](#footnote-36) Because animals do not participate, except in special cases[[37]](#footnote-37), in the complex social interactions that determine and reproduce social status, they cannot be participants in social status hierarchy. To be sure, animals can be subject to human authority, influence, and so on, but, because such influence and authority is not *conferred* by both animalsand humans on the basis of commonly known social norms determining presumed competence on the basis of typed characteristics (race, wealth, appearance, gender, and so on), it is not a form of social status. Someone assigned as a rabbit breeder, for example, is assigned that authoritative role by other human beings; the rabbits do not participate in the relations of social authorization and reproduction that are central to social status hierarchies, and so are not participants in them. Human slavery, by contrast, essentially requires, under extreme coercion, the active social participation of slaves in their own subjugation; a slave is aware of their place in the society (and aware of the owner’s knowledge of their knowledge), just as the owner is. This common knowledge is used by the owner to *accomplish* the social annihilation and stigmatization of the slave, not merely to mirror it.[[38]](#footnote-38)

# IV.

Is the argument presented above a form of skepticism about moral equality? Yes and no. No: I have *not* argued that we are moral *unequals*. I have, rather, argued that this is the wrong question to ask in the first place. Yes: I have suggested that we abandon talk of moral equality. Arguments commonly thought to be about moral equality elide important differences between *moral* and *social* status; we do better to distinguish more clearly between the two and to develop arguments about them without ever referring to something called ‘moral equality’.

It is useful to summarize the arguments presented for these claims. Arguments regarding moral status or considerability are not usefully characterized as about equality. They are, rather, about what the normative profile of different kinds of beings, including what makes a being morally considerable in the first place. They are arguments within, broadly, animal ethics. Philosophers, like Singer, who believe that only information about interests ought to matter in moral deliberation reject the idea that, even where interests are comparable, animals have different claims on us than other human beings in virtue of interest-independent features (such as intelligence). This does not, however, make them, I conclude, egalitarians in any relevant sense.

Arguments for social status egalitarianism *prescribe* equality in ways that arguments about moral status do not. The social status egalitarian says that there should be no higher and lower rank between us when, say, voting, or between the sexes. Those who, like Singer, believe that there are no relevant differences between (comparable) interests or in dignity do not *prescribe* equality. For those like Singer, interests comes as they are; our moral judgments should be responsive to relevant differences rather than seek to eliminate them. Similarly, for those emphasize, say, the equal rights-grounding worth or dignity of human beings, the argument takes the basis of worth, say, rationality, or intelligence, as it is; there is no prior prescription to *eliminate* differences in rationality or intelligence. And, even those who are committed to hierarchy in moral status (like Kagan) need not be committed to forms of social status hierarchy.

For these reasons, it is misleading to argue that equality in social status is grounded in equality of moral status. Doing so preempts substantive understanding of what makes social status hierarchies problematic (when they are problematic). Consider, for example, that not all forms of status hierarchy are objectionable in the same way as social status hierarchy between the sexes or among races. Social status awareness (and hence awareness of difference), as I mentioned above, is present in almost any human interaction, whether within a university, workplace, sporting team, or in a shop. Some might be tempted to say that the difference between objectionable and unobjectionable forms of status hierarchy is that the former are based on ‘arbitrary’ characteristics or on false beliefs (for example, about the distribution of intelligence among races or sexes). But what makes a characteristic ‘arbitrary’? And what if the beliefs weren’t false: would that make sexism or racism legitimate? Answering questions like this are beyond the scope of this paper. It is enough if we have shown that they require much further argument than appeal to something called ‘moral equality’.

TEXTS CITED

Anderson, C., S. Srivastava, J. Beer, S. Spataro, and J. Chatman (2006), 'Knowing Your Place: Self-Perceptions of Status in Face-to-Face Groups', *Journal of personality and social psychology* 91: 1094-110.

Anderson, C., and R. Willer (2014), 'Do Status Hierarchies Benefit Groups? A Bounded Functionalist Account of Status', in *The Psychology of Social Status*, eds. Joey Cheng, Jessica Tracy and Cameron Anderson (New York: Springer), pp. 47-70.

Anderson, E. (1999), 'What Is the Point of Equality?', *Ethics* 109: 287-337.

Dworkin, R. (1977), *Taking Rights Seriously* (Cambridge, MA: Harvard University Press).

Floris, G. (2019), 'On the Basis of Moral Equality: A Rejection of the Relation-First Approach', *Ethical Theory and Moral Practice* 22: 237-50.

Griffin, J. (2008), *On Human Rights* (Oxford: Oxford University Press).

Husi, S. (2017), 'Why We (Almost Certainly) Are Not Moral Equals', *The Journal of Ethics* 21: 375-401.

Kagan, S. (2019), *How to Count Animals, More or Less* (Oxford: Oxford University Press).

Kekes, J. (1988), 'Human Worth and Moral Merit', *Public Affairs Quarterly* 2: 53-68.

Kirby, N. (2018), 'Two Concepts of Basic Equality', *Res Publica* 24: 297-318.

Korsgaard, C. (2018), *Fellow Creatures: Our Obligations to the Other Animals* (Oxford: Oxford University Press).

Kumar, R. (2008), 'Permissible Killing and the Irrelevance of Being Human', *The Journal of Ethics* 12: 57-80.

Kymlicka, W. (2002), *Contemporary Political Philosophy* (Oxford: Oxford University Press).

Lee, P., and R. P. George (2008), 'The Nature and Basis of Human Dignity', *Ratio Juris* 21: 173-93.

Lippert-Rasmussen, K. (2018), *Relational Egalitarianism: Living as Equals* (Cambridge, UK: Cambridge University Press).

McMahan, J. (2002), *The Ethics of Killing* (Oxford: Oxford University Press).

McMahan, J. (2008), 'Challenges to Human Equality', *The Journal of Ethics* 12: 81-104.

Miller, D. (1997), 'Equality and Justice', *Ratio* 10: 222-37.

Nozick, R. (1983), *Philosophical Explanations* (Cambridge, UK: Harvard University Press).

Nussbaum, M. (2009), *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Harvard University Press).

Patterson, O. (1982), *Slavery and Social Death* (Cambridge, MA: Harvard University Press).

Phillips, A. (2021), *Unconditional Equals* (Princeton: Princeton University Press).

Pojman, L. (1992), 'Are Human Rights Based on Equal Human Worth?', *Philosophy and Phenomenological Research* 52: 605-22.

Rachels, J. (1990), *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press).

Rawls, J. (1999), *A Theory of Justice* (Cambridge: Harvard University Press).

Raz, J. (1986), *The Morality of Freedom* (Oxford: Clarendon Press).

Regan, T. (2004 [1985]), *The Case for Animal Rights* (Berkeley: University of California Press).

Ridgeway, C. (2014), 'Why Status Matters for Inequality', *American Sociological Review* 79: 1-16.

Ridgeway, C. (2019), *Status: Why Is It Everywhere? Why Does It Matter?* (New York: Russell Sage Foundation).

Sangiovanni, A. (2017), *Humanity without Dignity: Moral Equality, Respect, and Human Rights* (Cambridge: Harvard University Press).

Scheffler, S. (2003), 'What Is Egalitarianism?', *Philosophy & Public Affairs* 31: 5-39.

Schemmel, C. (2021), *Justice and Egalitarian Relations* (Oxford: Oxford University Press).

Sher, G. (2014), *Equality for Inegalitarians* (Cambridge, UK: Cambridge University Press).

Singer, P. (1989), 'All Animals Are Equal', in *Animal Rights and Human Obligations*, eds. Tom Regan and Peter Singer (New Jersey: Prentice-Hall), pp. 148-62.

Singer, P. (1993), *Practical Ethics*, 2nd edn. (Cambridge, UK: Cambridge University Press).

Singer, P. (1995 [1975]), *Animal Liberation* (London: Penguin).

Singer, P. (1999), 'Response', in *Singer and His Critics*, ed. Dale Jamieson (London: Blackwell), pp. 269-336.

Steinhoff, U. (2014), 'Against Equal Respect and Concern, Equal Rights, and Egalitarian Impartiality', in *Do All Persons Have Equal Moral Worth?: On 'Basic Equality' and Equal Respect and Concern*, ed. Uwe Steinhoff (Oxford: Oxford University Press), pp. 142-73.

Temkin, L. (2003), 'Egalitarianism Defended', *Ethics* 113: 764-82.

Thompson, M. (2008), *Life and Action* (Cambridge, MA: Harvard University Press).

Waldron, J. (2017), *One Another's Equals: The Basis of Human Equality* (Cambridge, MA: Harvard University Press).

Westen, P. (1982), 'The Empty Idea of Equality', *Harvard Law Review* 95: 537-96.

Williams, B. (2005), 'The Idea of Equality', in *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, ed. G. Hawthorn (Princeton: Princeton University Press), pp. 97-115.

Wolff, J. (1998), 'Fairness, Respect, and the Egalitarian Ethos', *Philosophy & Public Affairs* 27: 97-122.

1. Nozick 1983, p. 99. [↑](#footnote-ref-1)
2. See, e.g., Kymlicka 2002, p. 4; Dworkin 1977, pp. 272-3. [↑](#footnote-ref-2)
3. Cf. Kirby 2018, who argues that there are two concepts of basic equality, one of which applies to value, and the other to authority. [↑](#footnote-ref-3)
4. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>. [↑](#footnote-ref-4)
5. See, e.g., Rawls 1999; Griffin 2008. [↑](#footnote-ref-5)
6. Raz 1986, Ch. 9; Westen 1982 make a similar argument. [↑](#footnote-ref-6)
7. Thanks to Nik Kirby for the objection. [↑](#footnote-ref-7)
8. For a similar complaint, see also Phillips 2021; Sangiovanni 2017. [↑](#footnote-ref-8)
9. See, e.g., Singer 1999, pp. 328-32. [↑](#footnote-ref-9)
10. It is not relevant, for our purposes, whether sentience requires consciousness, or whether sentience is *sufficient* for what I will call basic moral status. Some will want to say that a being that merely has phenomenal experience of the world but does not have desires or intentions, and is not therefore capable of agency, does not have enough for moral standing. Others will want to say that mere agency (even without phenomenal experience) is sufficient. I leave these possibilities aside. In our world, sentience and agency, for all we know, go together. See Kagan 2019, p. 23ff for further discussion. [↑](#footnote-ref-10)
11. This is why it is also possible to fit the claim that only the interests of beings with a subjective point of view matter morally into nonconsequentialist accounts. See, e.g., Regan 2004 [1985]; Williams 2005; Sher 2014, Ch. 1; Sangiovanni 2017, Ch. 1. On this reading, the argument for what we might call *basic* moral status is not yet an argument for moral *equality*. [↑](#footnote-ref-11)
12. The only exception would be an *egalitarian* welfare consequentialist, who believes that the outcomes are best when well-being is equal. But this kind of egalitarianism is not *basic* but *distributive*. The egalitarian welfare consequentialist also has the formidable task of explaining why this pattern in welfare is preferable to others. See Temkin 2003. [↑](#footnote-ref-12)
13. For moral equality skepticism, see Pojman 1992; Husi 2017; Kekes 1988; Steinhoff 2014. [↑](#footnote-ref-13)
14. Singer 1989, especially Ch. 1. See also Singer 1989. [↑](#footnote-ref-14)
15. Singer 1989, p. 151. [↑](#footnote-ref-15)
16. See also Singer 1995 [1975], p. 36ff. [↑](#footnote-ref-16)
17. Singer 1993. [↑](#footnote-ref-17)
18. Cf. Floris 2019. [↑](#footnote-ref-18)
19. Kagan 2019, Ch. 5. [↑](#footnote-ref-19)
20. See, for example, Ridgeway 2019. [↑](#footnote-ref-20)
21. Kagan 2019, pp. 8-9. [↑](#footnote-ref-21)
22. Regan 2004 [1985]. [↑](#footnote-ref-22)
23. Korsgaard 2018, who derives the conclusion from an argument about the incomparability of goodness-for across different species. See Chapter 4. [↑](#footnote-ref-23)
24. Rachels 1990. [↑](#footnote-ref-24)
25. Kagan 2019, p. 288ff. [↑](#footnote-ref-25)
26. See, e.g., Kagan 2019, Ch. 6. [↑](#footnote-ref-26)
27. Kagan 2019, p. 56. [↑](#footnote-ref-27)
28. I thank Giacomo Floris for discussion on this point. [↑](#footnote-ref-28)
29. See, e.g., Miller 1997; Wolff 1998; E. Anderson 1999; Scheffler 2003; Schemmel 2021. [↑](#footnote-ref-29)
30. See, e.g., E. Anderson 1999, p. 313; Scheffler 2003, pp. 21-4; Schemmel 2021, pp. 55-6. But see Lippert-Rasmussen 2018, p. 61ff. [↑](#footnote-ref-30)
31. Others point to the importance, not of individual modal capacities, but of the normative relevance of the characteristic life cycle and form of the species, such that individuals who lack the capacities that enable them to participate in this cycle and form, but that are members of the species, should still be treated as if they had them (or at least as if they had the potential to develop them). For the latter, see Kumar 2008; Nussbaum 2009; Thompson 2008. For criticism, see McMahan 2002, pp. 146-54, 2008. For the thought that such beings are *internally directed* to the development of such species-typical capacities (even where they lack any, even genetic, potential to develop them), and this is why we ought to treat them as if they had them, see Lee and George 2008; Waldron 2017. [↑](#footnote-ref-31)
32. See, e.g., McMahan 2002. [↑](#footnote-ref-32)
33. See, e.g., Korsgaard 2018. [↑](#footnote-ref-33)
34. C. Anderson and Willer 2014; Ridgeway 2019, Ch. 2. [↑](#footnote-ref-34)
35. Ridgeway 2019, Ch. 4; Ridgeway 2014. [↑](#footnote-ref-35)
36. C. Anderson et al. 2006. [↑](#footnote-ref-36)
37. The special cases may include, for example, animals that understand social status hierarchy, and can participate in such relationships with human beings. Examples include various species of monkey and perhaps dogs as well. In these cases, the ways in which we treat such animals as inferior may well trigger the same kinds of moral concern as similar treatment among human beings. Whether it does or not will depend on what ultimately justifies our judgments regarding when and why social status hierarchy is wrong. [↑](#footnote-ref-37)
38. Patterson 1982. [↑](#footnote-ref-38)