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# What's Wrong with Speciesism

François Jaquet

**Abstract:** The prevalent view in animal ethics is that speciesism is wrong: we should weigh the interests of humans and non-humans equally. Shelly Kagan has recently questioned this claim, defending speciesism against Peter Singer's seminal argument based on the principle of equal consideration of interests. This critique is most charitably construed as a dilemma. The principle of equal consideration can be interpreted in either of two ways. While it faces counterexamples on the first reading, it makes Singer's argument question-begging on the second. In response, Singer has grasped the first horn of this dilemma and tried to accommodate Kagan's apparent counterexamples. In my opinion, this attempt is unpersuasive: the principle of equal consideration is inconsistent with common-sense intuitions on Kagan's cases. Worse, Singer's argument begs the question anyway. It therefore faces two serious objections. This is not to say that there is nothing wrong with speciesism, however. In the second half of the paper, I propose another, better argument against speciesism, which I argue is immune to both objections. According to this other argument, speciesism is wrong because it involves discriminating on the basis of a merely biological property.

The field of animal ethics is about half a century old, and the same is therefore true of a notion that has been central to it from the outset. Understood as an ethical claim, speciesism is the notion that we should give more weight to the interests of humans than to the equal interests of non-humans. A striking feature of animal ethics is what a fruitful and lively research area it has become over the years. Of course, the debate about our duties to animals is far from settled, and speciesism still has defenders. A majority view has nonetheless emerged, according to which we should not discriminate against non-humans. Instead, we should give equal weight to human and non-human otherwise similar interests.

In his paper "What's Wrong with Speciesism?", Shelly Kagan questions this majority view and defends speciesism against a prominent argument put forward by Peter Singer.<sup>1</sup> Following this argument, speciesism is wrong because it violates the principle of equal consideration of interests. Ultimately, however, Kagan supports a view he calls "modal personism": we should grant special consideration to the interests of modal persons—that is, subjects who either are or could have been

rational and self-conscious. Such subjects have a moral status superior to that of subjects who neither are nor could have been rational and self-conscious.

This challenging contribution generated a new discussion in animal ethics. In response, some have criticized modal personism—convincingly, in my opinion. This view has implausible implications for the treatment of both humans who are not modal persons and non-humans who are modal persons.<sup>2</sup> On the other side, Kagan's defense of speciesism was criticized by Peter Singer, who was his only target on this front.<sup>3</sup> My general impression upon reading this response is that something like Kagan's critique is compelling. Not only is Singer's rejoinder insufficient; the ingredients for a better reply are nowhere to be found in his writings. Nevertheless, it will be my contention that there is something wrong with speciesism.

Here is the plan for this paper. I will first present Singer's argument against speciesism (§1). Then, I will introduce Kagan's objection (§2). This objection is best thought of as a dilemma: there are two possible readings of the principle of equal consideration, and both make Singer's argument unsatisfactory, albeit for different reasons. Singer's reaction was to grasp one horn of this dilemma and defend his argument in light of one version of the principle of equal consideration. As we shall see, this rejoinder is flawed (§3). Next, I will show that Singer cannot avoid the bad implication associated with the other horn of Kagan's dilemma either (§4). His argument therefore faces two seriously damaging objections. I shall nonetheless propose another argument against speciesism (§5) and maintain that this other argument is immune to these objections (§6 and §7).

Here is the gist of this other argument: speciesism is wrong because species membership is a merely biological property, and merely biological properties are irrelevant to the consideration we owe an entity. If all this is on the right track, we can learn a valuable lesson from this whole discussion: in the future, the debate over speciesism should focus not so much on Singer's argument as it should on this other argument.

## **1. Singer's Argument**

By speciesism's lights, we should grant more consideration to the interests of humans than to the equal interests of non-humans. Before outlining Singer's objection to this view, let me make a couple of clarifications. What does it take for something to be in someone's interests? This must be understood in terms of prudential value. State of affairs S is in the interests of subject A if and only if S is good for A—that is, S contributes to A's well-being. What does it take for two interests to be equal? This too must be understood in prudential terms. A's interest in S is equal to B's interest in

T just in case S is good for A to the same extent that T is good for B—that is, S contributes to A’s well-being just as much as T contributes to B’s well-being.

Suppose that listening to Chopin is good for Hugh the human to some extent and that wallowing in mud is good for Pete the pig to the same extent. These activities would bring an equal contribution to their respective well-beings. Hence, Hugh’s interest in listening to Chopin and Pete’s interest in wallowing in mud are equal in the relevant sense. On the present definition, a speciesist would nevertheless give more weight to Hugh’s interest than to Pete’s. And, crucially, she would do so because Hugh is a human while Pete is a pig. More generally, speciesists give human interests more weight than the equal interests of non-humans. So, what is wrong with that?

One suggestion is that speciesism violates a fundamental ethical principle. In this spirit, Singer puts forward the same argument against speciesism in both chapter 1 of *Animal Liberation* and chapters 2 and 3 of *Practical Ethics*:<sup>4</sup>

- (1) We should give equal consideration to like interests.
- (2) If we should give equal consideration to like interests, then we should give equal consideration to the equal interests of humans and non-humans.
- (3) Therefore, we should give equal consideration to the equal interests of humans and non-humans.

Premise (1) is often called the “principle of equal consideration.” Obviously, much in Singer’s argument hinges on a crucial notion in this principle, that of “like interests.” What does it take for two interests to be alike? Kagan identifies two senses of “alike” and uses this ambiguity to raise a dilemma against Singer.<sup>5</sup>

## **2. Kagan’s Dilemma**

On the first interpretation, two interests are like each other if and only if they are “equal in terms of their impact on the welfare or well-being of the beings whose interests they are.”<sup>6</sup> A’s interest in S and B’s interest in T are alike just in case S is good for A to the same extent that T is good for B. This amounts to saying that they are *equal* in the sense relevant to the definition of speciesism. On the second interpretation, two interests are like each other if and only if they are “alike in all the morally relevant ways.”<sup>7</sup> A’s interest in S and B’s interest in T are alike just in case, their respective features make them equally worth of consideration.

According to Kagan, each interpretation has unwanted implications for Singer’s argument. Premise (1) has apparent counterexamples on the first reading, and

premise (2) is question-begging on the second reading. Let us examine both horns of this dilemma in turn.

Assume first that two interests are alike just in case they are equal. The principle of equal consideration stated in premise (1) then requires that we give all equal interests equal consideration. The worry is that this principle faces a counterexample.<sup>8</sup> Intuitively, the interests of bad people matter less than the equal interests of good people. In other words, deserved suffering counts for less than undeserved suffering. Here is Kagan:

Suppose, for example, that you and I are both suffering in jail. We are equally miserable, and for an equally long time. But you are innocent, while I am being justly punished for some horrible crime. Can't the fact that I *deserve* to be punished, while you do not, give us reason to think that the pain you are suffering should be *given more weight* than the pain that I am suffering?<sup>9</sup>

If equal interests should receive unequal weight depending on whether their bearers are innocent or guilty, then not all equal interests should receive equal weight. The principle of equal consideration is false, and it cannot be leveled against speciesism.

Assume now that two interests are alike just in case they are relevantly similar. This reading makes the principle of equal consideration much more plausible. But it also makes it purely formal. The principle now says that we should give equal consideration to interests that are similar in their morally relevant features—that is, in their features that determine the consideration we owe them. Because it is now purely formal, the principle leaves it open which features of an interest are morally relevant and which are not. As far as it is concerned, it might be a relevant feature of an interest that it is had by a human, such that human interests might matter more than otherwise similar non-human interests.

The worry is that premise (2) now presupposes what the argument was intended to prove. It says that, if we should give equal consideration to relevantly similar interests, then we should give equal consideration to the equal interests of humans and non-humans. How could that be if not because it does not matter whether an interest's bearer is human or not? When he affirms this premise, Singer assumes that the equal interests of humans and non-humans are relevantly similar—in effect, that they should receive the same consideration. As this is the conclusion of his argument, he begs the question against speciesists.<sup>10</sup>

### 3. Singer's Reply

In his response paper, Singer grasps the first horn of this dilemma: what he means by “like interests” is not *relevantly similar* interests but *equal* interests.<sup>11</sup> Hence a substantial principle of equal consideration: we should give equal interests equal consideration. (From now on, this is what I will call “the principle of equal consideration.”) Accordingly, Singer faces the objection associated with the first horn, the apparent counterexample to premise (1). Intuitively, we should give more consideration to the interests of the innocent than to the equal interests of the guilty.

Predictably, Singer was not convinced by this objection. In his response to Kagan, he retorts that the principle of equal consideration can accommodate the common-sense intuition that we should punish the guilty.<sup>12</sup> Utilitarians are not short of arguments when it comes to justifying punishment: chiefly, punishing the guilty usually serves the key function of deterring future crimes. Given the close connection between utilitarianism and equal consideration, these justifications are available to proponents of the latter as well: if one takes everyone's interests into account, then one will give weight to the interests of possible future victims too, which will often prevail. Punishing the guilty can be justified in the very terms of the principle of equal consideration.

Be that as it may, Singer's rejoinder seems to miss the point. Kagan is not talking about the down-to-earth intuition that we should punish the guilty; he is talking about the more abstract intuition that deserved suffering matters less than undeserved suffering.<sup>13</sup> And, while proponents of equal consideration might be able to accommodate the former intuition, one thing is certain: the latter is out of their reach. The claim that everyone's equal interests count equally is clearly inconsistent with the claim that the innocent's interests count more than the guilty's equal interests.

Now, even if Singer could rebut this specific counterexample, the general objection would remain, for there are other apparent counterexamples to the principle of equal consideration. For instance, most people believe that the interests of the worse off count more than the equal interests of the better off.<sup>14</sup> If we had a given amount of well-being to allocate, we should give it to someone extremely unhappy rather than to someone very happy—this intuition is the main source of support for prioritarian theories in normative ethics. Besides, virtually everyone believes that special relations generate special duties, such that a parent should grant more consideration to the interests of their child than to the equal interests of a stranger. Both intuitions are inconsistent with the view that equal consideration must be given to equal interests.

(A parenthesis about the latter intuition. Special relations do not ground a special moral status. The fact that Jill is Jim's daughter does not mean that her interests matter more absolutely. It only suggests that Jim owes them special consideration. Could Singer not simply weaken his principle, such that it would only say that equal interests matter equally absolutely? This would be compatible with the existence of special duties. The problem is that this new principle would also be compatible with so-called indexical speciesism, according to which, even though humans do not have a higher moral status, they owe each other's interests special consideration because they belong in the same species.<sup>15</sup>)

In the end, the principle of equal consideration seems too strong. It has many apparent counterexamples, and the greater consideration we owe to human interests might just be one of those. But there is worse to come.

#### **4. A Question Begged**

Since Singer grasps the first horn of the dilemma and defines "like interests" as equal interests, one might think that he avoids the bad implication of the second horn. And, indeed, premise (2) does not beg the question against speciesists. It now says that, if we should give equal consideration to equal interests, then we should give equal consideration to the equal interests of humans and non-humans. Even speciesists will accept this obviously true conditional.

Is this to say that Singer's argument begs no question? Unfortunately not. Look at premise (1). It now says that we should give equal consideration to equal interests. But, by definition, defenders of speciesism recommend that we give more weight to some interests (namely, human interests) than to other, equal interests (namely, non-human interests). So, by definition, they deny that we should give equal weight to all equal interests. They reject the principle of equal consideration by accepting speciesism. Conversely, the principle of equal consideration presupposes the rejection of speciesism. While premise (2) no longer begs the question, premise (1) now does.

Or does it? As Singer aptly remarks in his response to Kagan, he provides an independent argument in support of the principle of equal consideration, both in *Animal Liberation* and in *Practical Ethics*. Here is the argument in question:

- (4) All humans are equal.
- (5) If all humans are equal, this is in the sense that we should give equal consideration to equal interests.
- (6) Therefore, we should give equal consideration to equal interests.

Singer does not defend premise (4). Fair enough, one might think. Maybe the view that all humans are equal is a self-evident truth that must be accounted for, not a controversial claim in need of justification. In comparison, Singer is more voluble concerning premise (5). There, he argues that human equality cannot be grounded in mere observation. As a matter of empirical fact, no capacity is possessed equally by all humans. If the claim that we are equal is true at all, then it cannot be an empirical description; it has to be a moral norm. All humans are equal, on the assumption that they are, in the sense that their equal interests should receive equal consideration.<sup>16</sup>

What should we make of this argument for equal consideration? In my opinion, there are issues with both premises. To begin with, one might criticize premise (4) on the ground that it lacks a truth value. Think about it: the claim that all humans are equal can be interpreted in two different ways: either as an empirical description—all humans have the same capacities—or as a moral norm—all humans count equally. We must wait until premise (5) to know how to interpret it, namely in the second sense: if all humans are equal, this is in the sense that they count equally. But then, isolated from premise (5), premise (4) is ambiguous between a descriptive proposition and a moral proposition. It remains indeterminate which one it expresses. Consequently, it is neither true nor false. *A fortiori*, it is untrue, which makes the argument unsound.

Could Singer circumvent this issue by insisting that premise (4) is not ambiguous? Could he maintain that, even in isolation from premise (5), premise (4) amounts to the moral proposition that we should give everyone's equal interests equal consideration? A moment's thought suffices to appreciate that this is not an option. In doing so, he would assume the principle of equal consideration, which he is supposed to demonstrate. At the end of the day, premise (4) is either untrue or question-begging.

Turning now to premise (5), if this argument is to be of any help against speciesism, its conclusion cannot concern humans only. Just as premise (1), conclusion (6) has to mean that we should give equal consideration to the equal interests of all subjects, *human or not*. But then, for the argument to be valid, the consequent of premise (5) must be read in the same way—otherwise, we would be dealing with an equivocation. Premise (5) has to mean that, if all humans are equal, this is in the sense that we should give equal weight to the equal interests of all subjects, *human or not*. Alas, once this is made explicit, the pill is harder to swallow.

How could the principle of equal consideration of all interests be the best way to secure human equality? This becomes even more mysterious once we compare it to a close alternative: the principle of equal consideration of *human* interests. The idea

that we should give equal weight to the equal interests of all human beings makes equally good sense of the common belief that all humans are equal. And it makes much better sense of the no less common belief that *only* humans are equal. (In fact, premise (5) might well be false even once narrowed to humans only. Most believers in human equality also believe that deserved suffering matters less than undeserved suffering, that the interests of the worse-off count more, and that parents ought to favor their children.)

Unfortunately, Singer cannot substitute this narrower principle to premise (1) of his argument against speciesism, for speciesism does *not* violate the principle of equal consideration of *human* interests. One can give equal weight to the equal interests of all humans and yet not give the least weight to the interests of pigs and cows. Ironically, in order to get from the principle of equal consideration of human interests to premise (1), Singer would need some sort of bridge principle very much like the claim that it is wrong to discriminate according to species. But, wait, this is the *conclusion* of his argument! So, here we are, back to square one. Whichever way one looks at it, Singer's argument begs the question against speciesists.

### **5. A Better Argument**

On Singer's view, speciesism is wrong because it breaches the principle of equal consideration. But Singer cannot take this principle for granted. For one thing, by their very approval of speciesism, his opponents reject it—*by definition*, speciesism involves giving more weight to the interests of some than to the equal interests of others. What is more, there are apparent counterexamples to the principle. Perhaps one should give more weight to the interests of the innocent than to the equal interests of the guilty, to the interests of the worse off than to the equal interests of the better off, to the interests of one's loved ones than to the equal interests of strangers.

To sum up the above dialectic, the reason Singer's argument fails is that the feature of speciesism on which it focuses—violation of the principle of equal consideration—is not clearly wrong-making. If we are to propose an argument against speciesism that does not run into the same difficulties, then, we must identify a feature of speciesism which is clearly wrong-making. Here is the present suggestion: speciesism is wrong because it consists in giving more consideration to the interests of some entities than to the equal interests of others *when the difference between the former and the latter is merely biological*. In other words, speciesism is wrong because it discriminates on the basis of a merely biological property. Here is the argument stated properly:

- (7) We should give equal consideration to the equal interests of entities that differ only in their biological properties.
- (8) If we should give equal consideration to the equal interests of entities that differ only in their biological properties, then we should give equal consideration to the equal interests of humans and non-humans.
- (9) Therefore, we should give equal consideration to the equal interests of humans and non-humans.

Although premise (7) makes sense of many shared intuitions, it is not very intuitive on its face. This is due in great part to the opaque nature of the notion of a merely biological property.

Roughly, biological properties are features we instantiate inasmuch as we have a body. Examples of such properties are skin color, eye color, hair color, sex, and morphology. The main contrast class here is psychological properties, which we instantiate inasmuch as we have a mind, and examples of which are rationality, self-consciousness, possession of a language, and sentience. That being said, some biological properties go hand in hand with psychological properties. Having a complex central nervous system, for instance, might well ground sentience in a metaphysically robust sense. Other biological properties entail nothing about our psychological make-up—these are *merely* biological.

Premise (7) states that equal consideration must be given to the equal interests of entities that differ only in such properties. As I said, this general principle makes sense of many widespread intuitions, such as our intuition that the weight we should give to the interests of a subject does not depend on their skin color, eye color, hair color, sex, or body shape. It would be unfair to neglect someone's interests on the ground that they have dark skin, grey eyes, red hair, two X chromosomes, or small feet.

What about premise (8), then? Suppose we should give equal weight to the equal interests of subjects who differ only in their merely biological properties. Then, we should give equal weight to the equal interests of humans and non-humans. Indeed, all humans differ from all non-humans only in one property: *being human*. And, just as skin color and sex, this property is merely biological. As such, whether a subject is a *Homo sapiens* does not entail anything about their psychological make-up, as testified by the existence of cognitively impaired humans.

This argument is not intended to sound entirely original. In truth, it figures more or less explicitly in many famous cases against speciesism. Thus, one finds it in the background of James Rachels's critique of what he calls "unqualified speciesism."

After reminding us of Eando Binder's *The Teacher from Mars*, whose eponymous character suffers the abuses of his Earthling students, Rachels writes this:

The teacher from Mars is portrayed as being, psychologically, exactly like a human: he is equally as intelligent, and equally as sensitive, with just the same cares and interests as anyone else. The only difference is that he has a different kind of body. And surely that does not justify treating him with less respect.<sup>17</sup>

The students are acting wrongly because they discriminate against the teacher on the basis of a merely biological property.<sup>18</sup>

Not only has (something like) this argument been proposed by critics of speciesism; it was also discussed by their opponents. In particular, some have argued that being human is no biological property but a social property.<sup>19</sup> Contra premise (8), this would mean that speciesists do not discriminate on the basis of a merely biological difference. I will not devote much time to this objection here, both for lack of space and because I believe others did that well enough.<sup>20</sup> Long story short: we sure can distinguish the social property of membership in the human community from the biological property of membership in the human species. But the former property is not shared by all and only humans, as testified by the existence of socially isolated humans. The only property instantiated by all and only humans is membership in the human species, and this property is merely biological.

Rather than delving further into the details of this objection, I will try to show that my argument is immune to the two objections raised above against Singer's argument. So, let us see if it faces counterexamples and if it begs the question against defenders of speciesism.

## **6. Counterexamples?**

Premise (7) states that the equal interests of entities that differ only in their biological properties must be given equal consideration. Does this principle face counterexamples? One thing is sure: it does not face two of the three we discussed in §3. Being guilty or innocent and being better or worse off are not merely biological properties. Whether someone is guilty or innocent depends on something they did, hence on their intention, not on their mere biological make-up. Likewise, whether someone is happy or unhappy is obviously a matter of their psychology. While premise (7) entails that a subject's merely biological features are immaterial to the consideration due to their interests, it says nothing about such psychological properties as being guilty or happy. It can therefore easily accommodate the

retributivist intuition that the interests of the innocent matter more than the equal interests of the guilty, as well as the prioritarian intuition that the interests of the worse off matter more than the equal interests of the better off.

What about special relations? Some are not biological in the first place. Thus, premise (7) has nothing to object to your giving more weight to the interests of your friends than to the equal interests of strangers. Other special relations are nonetheless grounded in biology, of which parenthood is the prime example. One might hold that parents owe more consideration to the interests of their children than they do to the equal interests of non-relatives, even though *being the parent of* is a biological relation.

Parenthood would indeed constitute a counterexample to premise (7) if it were both morally relevant and merely biological. But my hunch is that it is not. The parenthood relation is actually seldom exhaustively constituted by its mere biological aspects. In the vast majority of cases, parents bear non-biological relations to their children. As Jeff McMahan puts it:

In the normal case, of course, there is much more to the relation that a parent bears to her child than the mere biological connection: she is at least partiality [*sic*] responsible for its existence and its need for aid, she has voluntarily assumed responsibility for it, she has bonded with it and it with her, and so on.<sup>21</sup>

Might it be these non-biological aspects of parenthood that make it morally significant, justifying the special consideration that parents apparently owe to their kids? It would seem so. Once we distinguish the social relation *being the social parent of* from the biological relation *being the biological parent of*, it appears that it is the former that matters rather than the latter.

Incidentally, not all biological parents are social parents and, conversely, one might be responsible for the existence of someone one bears no biological relation to. Suppose that Jim and Pam want a child but Jim is infertile. He manages to steal a sample of Sam's sperm and inseminates Pam, who gets pregnant as a result. Nine months later, she gives birth to Jill. In this case, it is Jim who has special duties to Jill, not Sam. What matters is the relation *being the social parent of*, not the relation *being the biological parent of*. As such, biological parenthood seems irrelevant.

That it is can be further brought to light via the following thought experiment. Suppose you had two children, only one of whom was your biological child—you adopted the other one. Intuitively, it would be wrong for you to grant more consideration to the interests of your biological child than to the equal interests of

your adopted child on the mere ground that you are the former's, but not the latter's, biological parent.

As soon as one takes good care to distinguish biological parenthood from social parenthood, it thus appears that neither is both morally relevant and merely biological: social parenthood might be morally relevant but it is not merely biological, whereas biological parenthood is merely biological but does not appear to matter morally. If this is correct, then proponents of premise (7) can easily accommodate the widespread intuition that parenthood justifies special consideration.

It might not be as easy for them to accommodate another intuition, though, according to which it is morally acceptable to discriminate based on age differences. In the United States, one cannot drive a car before 14 or vote before 18—and this seems unobjectionable. Yet, age appears to be as biological a property as skin color and sex. Your age, after all, is the amount of time your body has spent outside your mother's womb, and this amount of time entails nothing about your psychology. Do we then have an exception to the principle stated in premise (7)? I think we do not, and the reason is very much like the one we met in the case of special relations. In a sense, age is plausibly relevant to how we should treat individuals. In this sense, however, it is not merely biological.

Before elaborating on this, I must mention one limit of this objection. It is one thing to assert that age is relevant to how we should treat individuals; quite another to say that age is relevant to the consideration we owe to their interests. Children should arguably not be allowed to vote or drive a car. For all that, their interests seem to matter just as much as the equal interests of adults. It is simply that they have a weaker interest in voting or driving a car. Or, perhaps, that they would jeopardize the interests of other people should they vote or drive a car, because they lack the mental maturity required for these activities. The intuitions that children ought not to vote and drive a car are therefore perfectly consistent with premise (7), which is about equal consideration, not treatment.

Now, just as one can distinguish biological parenthood from social parenthood, one can distinguish *biological age* (the age of a body) from *psychological age* (the age of a mind). And, there again, neither is at the same time merely biological and relevant to how we should treat people—let alone to the consideration that is due to their interests. Biological age is merely biological but morally irrelevant, whereas psychological age is morally relevant but not merely biological. Seeing this will take another thought experiment. Imagine that Descartes was right, and substance dualism is true. Imagine further that we could transplant a person's mind from one body to another, and that in effect we did just that: a twenty-year-old mind is now in a ten-

year-old body. It will keep developing just as it would have in its original body. Intuitively, the resulting person should be treated as a twenty-year-old, not as a ten-year-old. They should be allowed to drive a car and vote.

This lends support to the claim that it is psychological age that matters to how people should be treated. Biological age—the merely biological property in this case—should not be taken into account, or only insofar as it can serve as a heuristic for psychological age. And indeed, in the actual world, where people’s minds cannot be transplanted from one body to another, the age of a body is an excellent proxy for the age of the mind it hosts. Under such circumstances, it makes much sense to rely on this heuristic, especially for legal purposes. But this does certainly not entail that we should give the interests of a fourteen-year-old more weight than those of a thirteen-year-old just because the former’s body is one year older.

A similar reply can be made to an objection raised by a reviewer for this journal. Suppose ninety-year-old Jim and twenty-five-year-old Sam need a heart transplant, but only one heart is available. Intuitively, twenty-five-year-old Sam has a stronger claim to the transplant than ninety-year-old Jim. Is this not a counterexample to our principle? I do not think so, for two reasons.

First, Jim and Sam differ not only in their biological age but also in their psychological age—not only has Jim’s body lived longer than Sam’s; Jim’s mind has lived longer than Sam’s too. More importantly, Jim presumably has fewer years ahead of him than Sam. It is arguably these psychological differences that ground the claim that Sam should receive the transplant. In short, this thought experiment is no counterexample to the principle stated in premise (7) because this principle is silent about cases in which people differ in their psychological features.

Second, premise (7) is about the consideration we owe to *equal* interests. But Jim and Sam do not have equal interests in getting the transplant. Since Jim’s life expectancy is much shorter than Sam’s, and assuming that they both have a good life, Jim’s interest in getting the transplant is much weaker than Sam’s. In brief, this thought experiment is no counterexample to the principle stated in premise (7) because this principle is silent about cases in which people have unequal interests.

Until proved otherwise, then, there is no apparent counterexample to the principle that we should give equal weight to the equal interests of entities differing only in their biological properties.

## **7. A Question Begged?**

Before concluding, let us turn to the second objection and see if it is as effective in the present context. Does our argument beg the question against defenders of

speciesism? I believe not. Singer's argument is question-begging because its first premise—"We should give equal consideration to equal interests"—presupposes the truth of its conclusion—"We should give equal consideration to the equal interests of humans and non-humans." By definition, defenders of speciesism believe that we should give more consideration to the interests of some (namely, humans) than to the equal interests of others (namely, animals). By definition, then, they reject the principle of equal consideration. This principle can therefore not be taken for granted in an argument against them.

Our argument is very different in this respect. Its first premise—"We should give equal consideration to the equal interests of entities that differ only in their biological properties"—does not presuppose the truth of its conclusion—"We should give equal consideration to the equal interests of humans and non-humans." To be sure, some defenders of speciesism might reject this premise. But we have seen that some accept it and object to premise (8) instead, pointing at alleged non-biological differences between all humans and all non-humans. As unconvincing as these objections may be, they are evidence that one need not reject speciesism in order to accept premise (7). While the wrongness of speciesism was built into premise (1) of Singer's argument, premise (7) does not presuppose it. No question is begged by our argument.

### **Conclusion**

To sum things up, speciesism is likely to be wrong since it consists in discriminating on the basis of a merely biological difference while all other forms of discrimination based on such differences seem to be wrong. This argument does not beg the question against the defenders of speciesism, and its premises do not have apparent counterexamples.

Although I sided with Kagan's critique of Singer's argument, I would not want to imply that Singer failed to identify the wrong-making feature of speciesism. This is not my view. As a utilitarian, I am actually inclined to believe that speciesism is wrong because it breaches the principle of equal consideration. My suspicion is that the counterexamples mentioned in §3 are only apparent and that our intuitions on these matters are amenable to debunking explanations. Thus, the intuitions that we should favor the innocent over the guilty and relatives over strangers were probably shaped by evolution.<sup>22</sup> As for the intuition that the interests of the worse-off matter more than those of the better-off, it is likely due to a common error, the so-called wealthitarian fallacy, which we commit when we treat utility as if it had a diminishing marginal utility.<sup>23</sup> If these genealogies are accurate, then we should take

these intuitions with a grain of salt. This suggests that Singer's argument might be *sound* after all.

But it is not *good* for all that. The crucial ingredient it lacks is relevance in the current debate, where not everyone accepts the utilitarian framework on which it ultimately rests. Most advocates of speciesism take the apparent counterexamples mentioned in §3 seriously, and all reject the principle of equal consideration from the start. While Singer might succeed in identifying the wrong-making feature of speciesism, Kagan identified serious defects in his argument. So, one lesson stemming from this whole discussion is that the speciesism debate should rather focus on the argument I have defended in this paper.

Here is another take-home message. Insofar as most people are speciesists and speciesism is wrong, we should be wary of common-sense intuitions about how much animals count. For these intuitions are deeply tainted by speciesism. To be clear, I am not calling for general distrust vis-à-vis moral intuitions, which plausibly constitute our primary access to moral truths. Unless we have evidence that a given intuition is unreliable, we must do our best to accommodate it. (I would be hard-pressed to deny this anyway, as I have appealed to my share of intuitions throughout this paper.) Nonetheless, we should be attentive to evidence that some of our moral intuitions are unreliable and, when facing such evidence, distrust the intuitions in question.

That our intuitions about what we owe to animals are infused with speciesism is strong evidence of their unreliability, evidence that we should not trust them. Incidentally, Kagan is directly concerned, as he seems happy to rest his most recent defense of modal personism on the common-sense intuition that humans count more than other animals.

## Notes

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1. Shelly Kagan, "What's Wrong With Speciesism?," *Journal of Applied Philosophy* 33, no. 1 (2016): 1-21.
  2. See David DeGrazia, "Modal Personhood and Moral Status: A Reply to Kagan's Proposal," *Journal of Applied Philosophy* 33, no. 1 (2016): 22-25; Jeff McMahan, "On 'Modal Personism,'" *Journal of Applied Philosophy* 33, no. 1 (2016): 26-30. For more detailed defenses of modal personism, see Doran Smolkin, "Kagan on Speciesism and Modal Personism," *Journal of Applied Philosophy* 36, no. 1 (2019): 73-92; Shelly Kagan, *How to Count Animals, More or Less* (New York: Oxford University Press, 2019).

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3. See Peter Singer, "Why Speciesism Is Wrong: A Response to Kagan," *Journal of Applied Philosophy* 33, no. 1 (2016): 31-35.
  4. See Peter Singer, *Animal Liberation*, updated edn. (New York: Harper, 2009); *Practical Ethics*, 3rd edn. (Cambridge: Cambridge University Press, 2011).
  5. Kagan provides a second reconstruction of Singer's argument, according to which speciesism is wrong because it is mere prejudice—that is, "a view [held] on the basis of evidence that you wouldn't otherwise consider adequate" ("What's Wrong With Speciesism?," p. 8; see also Samuel Director, "Speciesism, Prejudice, and Epistemic Peer Disagreement," *The Journal of Value Inquiry* (2020): 1-20). In his response paper, Singer complains that this is a straw man. Speciesism is not wrong because of some kind of epistemic defect but because it breaches the principle of equal consideration ("Why Speciesism Is Wrong", p. 33).
  6. Kagan, op. cit., p. 21.
  7. Ibid., p. 5.
  8. Ibid., p. 21.
  9. Ibid., p. 6 ; see also Kagan, *Counting Animals*, p. 107.
  10. Kagan, "What's Wrong With Speciesism?," p. 5.
  11. Singer, op. cit., p. 33.
  12. Ibid., p. 33.
  13. For evidence of how widespread (something like) this more abstract intuition is, see Jonathan Baron & Ilana Ritov, "Intuitions About Penalties and Compensation in the Context of Tort Law," *Journal of Risk and Uncertainty* 7, no. 1 (1993): 17-33; K.M. Carlsmith, J.M. Darley, & P.H. Robinson, "Why Do We Punish? Deterrence and Just Deserts as Motives for Punishment", *Journal of personality and social psychology* 83, no. 2 (2002): 284-299.
  14. Kagan, *Counting Animals*, p. 107.
  15. See Oscar Horta, "What Is Speciesism?," *Journal of Agricultural and Environmental Ethics* 23, no. 3 (2010): 243-266, p. 254.
  16. See Singer, op. cit., p. 32, where Singer makes the same point but at the level of races and sexes: we need the principle of equal consideration to rule out racism and sexism because, as far as we know, there might be factual inequalities between races or between sexes.
  17. James Rachels, *Created From Animals. The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), p. 183.

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18. See also Hugh LaFollette & Niall Shanks, "The Origin of Speciesism," *Philosophy* 71, no. 275 (1996): 41-61, p. 43; Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford: Oxford University Press, 2002), p. 214; Jeff McMahan, "Our Fellow Creatures," *The Journal of Ethics* 9, no. 3-4 (2005), 353-380, p 361.
  19. For example, see Cora Diamond, "Eating Meat and Eating People," *Philosophy* 53, no. 206 (1978): 465-479; Cora Diamond, "The Importance of Being Human," *Royal Institute of Philosophy Supplements* 29 (1991): 35-62; Stephen Mulhall, "Fearful Thoughts," *London Review of Books* 24 (2002): 18.
  20. For example, see McMahan, "Our Fellow Creatures."
  21. McMahan, *The Ethics of Killing*, p. 226.
  22. See Isaac Wiegman, "The Evolution of Retribution: Intuitions Undermined," *Pacific Philosophical Quarterly* 98, no. 2 (2017): 193-218; Katarzyna de Lazari-Radek & Peter Singer, "The Objectivity of Ethics and the Unity of Practical Reason," *Ethics* 123, no. 1 (2012): 9-31.
  23. J.D. Greene, *Moral Tribes: Emotions, Reason, and the Gap Between Us and Them* (New York: Penguin, 2013), pp. 279-284; J.D. Greene & Jonathan Baron, "Intuitions About Declining Marginal Utility," *Journal of Behavioral Decision Making* 14 (2001): 243-55.