

Equality, Priority and Nonhuman Animals*

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Igualdad, prioridad y animales no humanos

ABSTRACT: This paper assesses the implications of egalitarianism and prioritarianism for the consideration of nonhuman animals. These implications have been often overlooked. The paper argues that neither egalitarianism nor prioritarianism can consistently deprive nonhuman animals of moral consideration. If you really are an egalitarian (or a prioritarian) you are necessarily committed both to the rejection of speciesism and to assigning priority to the interests of nonhuman animals, since they are the worst-off. From this, important practical consequences follow for the improvement of the current situation of nonhuman animals.

RESUMEN: Este artículo analiza las implicaciones del igualitarismo y del prioritarismo en lo que refiere a la consideración de los animales no humanos. Estas implicaciones han sido comúnmente pasadas por alto. Este artículo defenderá que ni el igualitarismo ni el prioritarismo pueden privar de forma consistente de consideración moral a los animales no humanos. Si realmente alguien es igualitarista (o prioritarista) ha de tener necesariamente una posición de rechazo del especismo, y estar a favor de asignar prioridad a los intereses de los animales no humanos, dado que estos son los que están peor. De aquí se siguen importantes consecuencias prácticas para la mejora de la situación actual de los animales no humanos.

KEYWORDS: egalitarianism, prioritarianism, nonhuman animals, speciesism, equality

PALABRAS-CLAVE: igualitarismo, prioritarismo, animales no humanos, especismo, igualdad

1. Introduction

It is commonly assumed that human beings should be given preferential moral consideration, if not absolute priority, over the members of other species. Despite its prevalence in the moral and political debate, this idea has been recurrently challenged from different normative viewpoints. Consider, for instance, rights theories. Tom Regan (1983) has famously claimed that every individual who is the subject of a life has inherent value and hence satisfies a sufficient condition for full moral consideration. Other theorists have claimed that nonhuman animals should be granted rights on the basis of other perspectives such as Kantianism, as defended by Christine Korsgaard (2005), or contractarianism, as defended by Mark Rowlands (1998).

Anthropocentrism has also been challenged from character-based theories. For example, Stephen Clark (1977) has argued that one can hardly be a sound, virtuous moral agent if one disregards the interests of certain beings based either on the species they belong to or on features we consider irrelevant when acting towards members of our own species. A similar claim has been

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laid down regarding caring agents. Theorists such as Josephine Donovan (2007) have argued that being a caring agent is incompatible with disregarding the plight of nonhuman animals.

In addition, anthropocentrism has also been challenged by theorists who favor giving full consideration to nonhuman animals due to their capacity to have a well-being. This is something that has been extensively argued for by utilitarians such as Peter Singer (2002, 2011). This view has also been defended by theorists such as Martha Nussbaum's (2006), who hold a totally different view that focuses on the development of one's own set of capabilities.

In this paper, I will argue that either from an egalitarian or a prioritarian viewpoint it is also possible to endorse full moral consideration for nonhuman animals. I will examine the implications of these approaches for the consideration of nonhuman animals. Firstly, I will define egalitarianism and prioritarianism and derive from them a common normative thesis that distinguishes both from other normative approaches. I will name it "the wide egalitarian thesis". Secondly, I shall analyze the implications of this thesis for the consideration of nonhuman animals and assess the consequences that the exclusion of nonhuman animals has for egalitarian theory. Finally, I will address some apparently counterintuitive implications of consistent egalitarianism. I conclude that it necessarily follows from egalitarianism that nonhuman animals ought to be given full consideration, notwithstanding entrenched speciesist attitudes that point otherwise.

2. Egalitarianism and Prioritarianism

Egalitarianism and prioritarianism are two normative views according to which:

(E) *We should act as to increase equality among individuals we can affect with our action or we should act as to reduce inequality between individuals we can affect with our action.*

(P) *We should act as to assign the greatest benefits to the worse off individuals we can affect with our action.*

In order to illustrate what these views imply, consider the following case:

First Mission. Suppose you go on a mission to work in an African orphanage. There are two groups of children at the orphanage, A and B. A includes healthy and reasonably happy children living in modest material conditions. B includes children living in the same material conditions, but suffering from a debilitating disease. They have a life worth living even though they experience levels of well-being inferior to those of children of group A. You have a limited amount of money to improve the situation of these children. So you face one of two possible scenarios: (S1) you use the money to buy the medical treatment that children from group B need or (S2) you use the money to make improvements to the school which children of group A attend (S2). The outcome you may expect to achieve in each case can be described as follows:

(S1): A: 200; B: 100

(S2): A: 300; B: 50

If your aim is to maximize the total aggregated amount of well-being for A and B, you should clearly choose S2 (which results in a total of 350). Utilitarians would clearly do that. Acting otherwise, would be wrong, since according to that theory S1 (300) fails to be the best possible state of affairs.

Nonetheless, many people disagree with utilitarians regarding bringing about S2. They believe that when deciding what to do, it is not enough to aim at maximizing the total sum of the value individually received. We should take into account how that value is distributed among the different individuals affected by our actions. Thus, it is a relevant aspect to take into consideration the fact that B is worse off than A or, in other words, that value is unequally distributed among A and B such that B is worse off than A. Accordingly, some will claim that the right thing to do will be to choose S1 over S2, inasmuch as it will amount to a better distribution of value between A and B. Different views have different definitions of what constitutes a better distribution, so their reasons for choosing S1 over S2 may be different. Here I will consider the following two such reasons:

(i) S1 reduces the inequality between A and B with respect to S2 (which makes it better for egalitarianism).

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And:

(ii) S1 allocates greatest benefits to the worse off (B) than S2 (which makes it better for prioritarianism).

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By introducing new variables into the distributive calculation, the answer with which egalitarianism and prioritarianism provide us differs from the one given by utilitarianism. Even though in practice this makes prioritarianism often coincident with egalitarianism, there are nevertheless differences between these two views.¹ Regarding egalitarianism, among the reasons for claiming (i) it might be said that inequality is bad in itself and hence when we aim for equality we aim for a better state of affairs, or that inequality is not bad in itself though we should promote it for different moral reasons, for example, because there is no reason why different individuals should not have access to equal chunks of the good. Thus, we should bring about S1 because in this scenario the distribution is much more equal than in S2.²

Prioritarianism, though, does not make any claims regarding equality. Its only claim is that when deciding what to do we should give extra weight (i.e. priority) to the interests of the worse-off. For the sake of simplicity, I will assume that an individual's interests consist in her well-being. The idea behind it is that the lower an individual's level of well-being is, the more valuable it would be to improve her condition. Thus, the lower the well-being is the higher the claim on benefits. It follows that we should act as to maximize benefits to the worse off individuals.

For prioritarianism what is valuable is not how equally value is distributed among individuals but rather how individual well-being stands in absolute terms. Nevertheless, since it always recommends helping the worse-off, in practice, reducing inequality is often the way to level them up. Given that B is worse off relative to A and that S1 benefits B more than S2, bringing about S1 is the right thing to do.

Notwithstanding their differences, egalitarianism and prioritarianism are both committed to what may be referred to as "the wide egalitarian thesis":

*(WE) We should bring about the most equal distribution of well-being among individuals (or groups of individuals) such that the worse-off are affected for the better.*³

I will now examine the implications for the consideration of nonhuman animals that follow from endorsing egalitarianism. Henceforth, I will use the term "egalitarianism" to denote both egalitarianism and prioritarianism.

3. The implications of egalitarianism for the consideration of nonhuman animals

Consider the following variation on the previous case.

Second Mission. Suppose that you go to a similar mission to Africa but that your work will be devoted to helping chimpanzees. There are two groups of chimpanzees at the center you arrive to: (C) those who live with human beings inside the facilities and (D) those who live outside in the wild. Due to lack of funding, the chimpanzees living in (C), even though they get properly fed and have adequate health care, do not have optimal material conditions and so occasionally they get bored. Those in (D) have to face the typical harsh conditions in the wild and suffer from an infectious debilitating disease. Due to this, their levels of well-being are much lower than those experienced by the chimpanzees in (C). Again, you have a limited amount of money and only two courses of action are available: (S4) you use the money to buy toys for the animals in (C) or (S3) you use it to buy antibiotics and vaccines for the chimpanzees in (D). The expected outcome would thus be as follows:

(S3): C: 200; D: 100

(S4): C: 300; D: 50

It seems that (unless you reject S1 as the best possible scenario in *First Mission*), you should act as to bring about S3 for the exact same reasons presented before. S4 increases inequality between the chimpanzees (or benefits the better-off), while S3 increases equality (or benefits the worse-off). In other words, if you are an egalitarian, given the two groups of chimps, you should bring about the most equal distribution of well-being among them.

The reason why we find it easy to regard *Second Mission* in egalitarian terms is our understanding that nonhuman animals also have a well-being of their own,

made possible by their capacity to experience the world in negative (suffering) and positive (pleasure) ways. So, the distribution of well-being necessarily applies to them. Egalitarianism thus, implies the following:

- (i) Equality/priority applies to every being that can have a well-being of her/his own.
- (ii) Every sentient being has a well-being of her/his own.
- (iii) Most nonhuman animals are sentient, hence they have a well-being of their own.
- (iv) Therefore, equality/priority applies to sentient nonhuman animals.

Any attempt to dispute this implication by appealing to characteristics that differ from the individuals' capacity to have an experiential well-being (e.g., higher cognitive capacities), will be an instance of speciesism (see Horta, 2010a). It would be unjustified to make such an appeal, inasmuch as only the capacity to have positive and negative experiences is determinant for the consideration of one's well-being. Since this capacity is not exclusive to human beings, if egalitarianism is to be consistent, it must necessarily imply antispeciesism.

In addition, more has to be said regarding the implications of egalitarianism for the consideration of nonhuman animals.

Consider a slight modification on the previous case:

Third Mission. You go on a mission to Africa but you find out that your work will be devoted to help one of two groups of your choice: either the orphanage children or the wild chimpanzees, who are the only ones actually facing a debilitating disease (not the children, who are healthy though still living in modest material conditions). You still have a restricted amount of money and you can only use it to improve the situation of one of these groups, E (now including all the children at the orphanage) or F (the sick chimpanzees, in the same number as children). There are only two scenarios available: (S5) you use the money to improve the facilities of the orphanage school or (S6) you use the money to buy antibiotics and vaccines for the chimpanzees. Again, the expected outcome may be represented as follows:

(S5): A: 200; D:100

(S6): A: 300; D:50

If we reject speciesism (as implied by egalitarianism) we should clearly choose S5. The reasons should be apparent. Human and nonhuman well-being should be equally considered such that we should bring about the most equal distribution of well-being among individuals, regardless of the species they belong to. In this case, the worse-off are clearly the sick chimpanzees, suffering from a debilitating disease. Human children have healthy and reasonably happy lives, which makes them the better-off. Thus, bringing about S5 would be the right thing to do. Acting otherwise would favor the already better off individuals. Thus, egalitarianism implies that we should increase the well-being of nonhuman animals over the well-being of human beings if it is the case that nonhuman animals are the worse-off in the situation.

4. An objection: the problematic conclusion

Many have failed to see the implications of egalitarianism for the consideration of nonhuman animals (some exceptions can be found in Persson, 1993; Holtug, 2007; Vallentyne, 2004). Nonetheless, others have recognized that it prescribes that a significant amount of resources should be displaced from most humans to nonhumans. This is not clearly equivalent to its implications being fully embraced, though. Peter Vallentyne, in his influential paper "Of mice and men" (Vallentyne, 2004), claims that it would be absurd to endorse this implication, which he dubs as "the problematic conclusion". He suggests, alternatively, that we should think about a way of making egalitarianism a less demanding view regarding our obligations towards nonhuman animals.

Vallentyne's solution is a sort of egalitarianism that renders equality relative to moral standing, such that:

- (i) Equality applies both to human and nonhuman sentient animals (i.e. those who can have a well-being),
- (ii) A lower capacity for well-being implies lower moral standing.
- (iii) Most nonhuman animals are not worse off than most humans because

they have a lower capacity for well-being (hence, lower moral standing).

(iv) Therefore, no significant shift of well-being should follow from most humans to most nonhuman animals.

However, as Nils Holtug (2007) has pointed out, there are major difficulties in Vallentyne's account. These difficulties, as we shall see, are bad news not only for Vallentyne's view but also to speciesist egalitarianism⁴ more generally.

If we accept Vallentyne's solution to "the problematic conclusion" such that human well-being would always be favored over nonhuman, then we are led to scenarios hardly acceptable from an egalitarian viewpoint, where:

Figure 1 – Inegalitarian scenarios

	C - Small increase in nonhuman well-being	D - Large increase in nonhuman well-being	E - Small increase in high capacity nonhuman well-being (aliens)
A - Small increase in human well-being	A is better than C	A is better than D	A is worse than E
B - Large increase in human well-being	B is better than C	B is better than D	B is worse than E

Consider (A)-(B). A slight increase in human well-being would always be favored over a large increase in nonhuman well-being because, according to Vallentyne, from a low capacity for well-being follows a low degree of moral standing. Since equality (or priority) is to be relative to moral standing, a small benefit to a high-well-being/moral-standing individual outweighs a huge benefit to a low-well-being/moral-standing individual. However, this seems implausible both for the consideration of human and nonhuman beings.

Firstly, many people (certainly egalitarians) would not accept a scenario in which trivial interests of human beings are satisfied (e.g., every citizen has a new TV) to be better than a scenario where fundamental interests of nonhuman beings are satisfied as well (e.g., every stray dog gets room in a shelter and is safe from being killed). This can be clearly observed, given that the implication also applies among humans. For example, a large increase in the well-being of human beings which due to a disability or some form of disease exhibit low degrees of well-being (hence, lower moral standing) are also overridden

by small increases in the well-being of normal or *much better off* humans. This would be clearly inconsistent with the dominant view among egalitarians, according to which humans with disabilities should have priority over humans in no such condition.

Secondly, the implication applies *top-down*. Consider (B)-(E). That is, consider an alien species with a super-capacity for well-being, much higher than the human capacity. If a conflict of interests took place regarding, for example, Earth's natural resources, even though we might need those resources more than the aliens (suppose getting our resources just slightly amuses them), we should nevertheless transfer them to the aliens, given their higher capacity for well-being (hence, higher moral standing). However, this would surely be unacceptable to most of us.

Finally, if we consider negative levels of well-being this will also lead us to accept that a certain scenario where a great amount of pain on low-well-being nonhumans is always better than a small amount of pain inflicted on high-well-being humans. However, this would not be justified, since in this particular case possessing higher capacities would not make the human interests at stake higher, since the intensity of the pain suffered by humans would be lower.

All these scenarios lead to individuals with lower levels of well-being being sacrificed for the well-being of the best endowed. This cannot be acceptable from an egalitarian viewpoint. If Vallentyne does not succeed in soundly discarding the "problematic conclusion", we seem to be committed to a significant shift of resources (or well-being) from humans to nonhuman animals. Egalitarianism cannot consistently exclude nonhuman animals without moving away from egalitarianism itself.

Some may insist that such a shift of resources from humans to nonhuman animals goes against some of our basic moral intuitions, which favor human beings over other animals. However, that is just begging the question on the priority of human interests. On reflection, we realize that most of us believe that some humans, due to their impaired cognitive abilities, are worse off than others and that we should give priority to their interests. Accordingly, we should do the same with nonhuman animals, who have a much lower well-being than most humans. Thus, we should reject speciesism and accept that the problematic conclusion may not be so problematic after all.

5. Conclusion: practical consequences of egalitarianism

The Wide Egalitarian Thesis commits us to giving priority to leveling up the situation of nonhuman animals, since they are worse off relative to human beings. Human benefits are commonly pursued in a wide range of areas that imply the systematic suffering and death of nonhuman animals. Nonhuman animals experience enormous suffering, have terribly short lives and are painfully killed so that they can be eaten, made into clothes and exploited in many other ways. In addition, the situation of those animals that are not exploited by humans is not necessarily good either. Nonhuman animals' well-being is not threatened exclusively by human action. Just like humans, animals often suffer and die from natural causes and find themselves in very bad situations that occur due to natural phenomena (e.g. fires, floods, rough weather conditions). This is particularly the case for animals that live in the wild, whose lives are far from being idyllic, though this is often ignored. In fact, as some have pointed out, natural processes are a major source of suffering and death for wild animals (Ng 1995, Horta 2010b).

All this shows that nonhuman animals are worse off with respect to humans. According to egalitarianism, this means we have strong reasons to change the situation in which they currently are. These reasons are stronger than those we may have to improve the lot of human beings.

Since it is unjustified to inflict a substantial amount of harm to the worse-off individuals in order to benefit the better-off, it follows that human beings should reject all the practices that contribute to aggravating the situation of the worse-off. As for domestic animals, this means abandoning every practice that harms them. At the personal level, this entails adopting a vegan life-style and working to encourage others to do the same. At the collective level it compels us to progress towards a society without animal exploitation. As for animals living in the wild, we should prevent or reduce the harms that they naturally endure. Thus, egalitarianism implies positively assisting nonhuman animals when they are in need, whether it be because of human beings or because of nature.

It is usually thought that, even if we do have strong obligations not to interfere with the well-being of nonhuman animals, all we should do is to guide our action towards reducing the negative impact of human beings on nonhuman animals. However,

avoiding harming animals is not enough to significantly increase their well-being from the very low levels at which they are. To do so it is also necessary to actively help them. And in fact this is something egalitarianism typically prescribes. According to egalitarianism, we should not only refrain from harming the worse-off, we should also positively act as to improve their situation whenever it is in our power to do so. This is widely accepted in the case of human beings. And as we have seen here this should also be accepted when nonhuman animals are involved.

References

- Clark, Stephen. R. L. (1977): *The Moral Status of Animals*, Oxford, Claredon Press.
- Donovan, Joan & Adams, Carol J. (eds.), (2007): *The Feminist Care Tradition in Animal Ethics: A Reader*, New York, Columbia University Press.
- Holtug, Nils (2007): Equality for Animals, *New Waves in Applied Ethics*, ed. J. Ryberg, T. Petersen & C. Wolf, Basingstoke, Palgrave Macmillan, 1–24.
- Holtug, Nils & Lippert-Rasmussen, Kasper, (2006): An Introduction to Contemporary Egalitarianism, *Egalitarianism: New Essays on the Nature and Value of Equality*, ed. N. Holtug & K. Lippert-Rasmussen, (eds.) Oxford, Oxford University Press, 1–37.
- Horta, Oscar (2010a): What Is Speciesism?, *Journal of Agricultural and Environmental Ethics* 23, 243–266.
- Horta, Oscar. (2010b): Debunking the Idyllic View of Natural Processes: Population Dynamics and Suffering in the Wild, *Télos* 17, 73–90.
- Korsgaard, Christine (2005): Fellow Creatures: Kantian Ethics and Our Duties to Animals, *The Tanner Lectures on Human Values* 25–26, 77–110.
- Ng, Yew-Kwang (1995): Towards Welfare Biology: Evolutionary Economics of Animal Consciousness and Suffering, *Biology and Philosophy* 10, 255–285.
- Nussbaum, Martha C. (2006): *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge, Harvard University Press.
- Parfit, Derek (1995): *Equality or Priority*, Lawrence, University of Kansas.
- Persson, Ingmar (1993): A Basis for (Interspecies) Equality, *The Great Ape Project: Equality Beyond Humanity*, ed. P. Cavalieri & P. Singer, New York, St. Martin's Press, 183–193.
- Persson, Ingmar. (2007): A Defence of Extreme Egalitarianism, in *Egalitarianism: New Essays on the Nature and Value of Equality*, ed. N. Holtug & K. Lippert-Rasmussen, Oxford, Oxford University Press, 83–97.
- Regan, Tom. (2004 [1983]): *The Case for Animal Rights*, 2nd ed., Berkeley, University of California Press.
- Rowlands, Mark (1998): *Animal Rights: A Philosophical Defence*, London, MacMillan Press.
- Singer, Peter (2002 [1975]): *Animal Liberation*, 3rd ed., New York, HarperCollins.

- Singer, Peter (2011 [1979]): *Practical Ethics*, 3rd ed., Cambridge, Cambridge University Press.
- Temkin, Larry (1993): *Inequality*, Oxford, Oxford University Press.
- Vallentyne, Peter. (2004): Of Mice and Men: Equality and Animals, *Journal of Ethics* 9, 403–433.

Notes

1. Particularly, regarding their resistance to the leveling down objection, though I will not discuss it here, since the aim of this paper is to assess the consideration of nonhuman animals in egalitarian theory and not to assess the soundness of egalitarianism. At any rate, the leveling down objection fails or succeeds independently of considering humans or nonhumans animals. See, for example, Temkin (1993) for a sound analysis of the compromise of egalitarianism to leveling down scenarios.
2. It is important to notice that a “pure egalitarian” would commit to (i) even if (i) entailed A and B being equally badly off. That is, the hypothetical scenario S3 where A: 50; B: 50 would still be preferable to S2. However, in practice I know of no egalitarian who would not reject this conclusion, given that egalitarians endorse a combined view of the value of equality and that of aggregated total well-being, such that they give weight to both values in deciding what to do. So, one could say that even though S3 would be better than S2 in terms of equality, given that it would be much worse in terms of total well-being, then all things considered S3 would be worse than S2.
3. Unless the expected levels of well-being of leveling up the worse-off group are not high enough impartially compared to the expected levels of well-being of leveling up another badly-off group (even if not the worse-off). For example, consider that we have three groups of individuals: G1 (100 individuals at 100 units of well-being), G2 (1 million individuals at 10) and G3 (1 individual at 9). Imagine that we can either (i) level up G2 to 20 or (ii) level up G3 to 10. Inasmuch as (i) has the greatest reduction of equality, egalitarianism and (moderate) prioritarianism would prescribe that we should bring it about.
4. To be accurate, if egalitarianism implies the consideration of nonhuman animals, then it is impossible to be a proper egalitarian and not to consider fully nonhuman animals. Thus, there could not be such a thing as a consistent “speciesist egalitarianism”. I use the expression as a shortcut for “any position that attempts to combine the wide egalitarian thesis with moral anthropocentrism”.