

Interspecific Justice

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This essay supposes that the question of what treatment of animals is morally acceptable cannot be decided in any straightforward way by appeals to 'equal consideration of interests' or to animal rights. Instead it seeks to survey a variety of proposals as to how we ought to adjudicate interspecific conflicts of interests – proposals that are both 'speciesist' and 'non-speciesist' in nature. In the end one proposal is defended as the most reasonable one, and is claimed to provide a partial basis for developing an adequate theory of interspecific justice. In the course of this argument the challenge posed by radical critics of current treatment of animals (e.g. Tom Regan and Peter Singer) is considered. The schema of a theory developed here partly supports and partly conflicts with positions they have defended. Regarding the latter point it proposes a non-anthropocentric basis for discounting the interests of sentient animals.

I have never committed an axe-murder, bludgeoned fellow-humans to death, nor eaten any of their babies. Even though I would not think of setting fire to cats (though I am not at all fond of them), I have most of my adult life paid people to axe-murder and bludgeon to death a considerable variety of creatures, some of whom were babies, so that I might eat them; they were, in fact, tasty. That this description applied to my actions or that there were moral questions about these practices is something to which I was largely oblivious until reading Peter Singer's essay 'Animal Liberation' several years ago.¹

The effect of Singer's early essay was sometimes – and in my case – to shake one from his 'dogmatic slumbers'. However, before the uptake could secure itself, Singer lost some hard-won credibility near the end of his essay by stating:

What, for instance, are we to do about genuine conflicts of interest like rats biting slum children? I am not sure of the answer, but the essential point is just that we *do* see this as a conflict of interests, that we recognize that rats have interests too.²

To be fair, Singer does *not* say or suggest that the interests of rats ought to be weighed equally, but his willingness to consider that there might be a serious moral question here no doubt struck some readers as a *reductio* of his position. A further factor in such a reaction may be that there is

naturally a powerful *desire* to believe that one is not party to morally outrageous practices and that arguments which suggest as much 'must' be fallacious. This less than reflective reaction may have occurred, I speculate, with many initial encounters with Singer's essay.

In that essay and more explicitly in Singer's book by the same title, there is a simple, tempting argument in favor of the view that humans have some duties toward animals; one possible reconstruction is this:

1. All or virtually all human beings are sentient creatures.
2. Many animals are sentient creatures.
3. Moral agents have a duty not to cause suffering to sentient creatures.
4. So, moral agents have a duty to refrain from causing suffering to (sentient) humans and (sentient) animals.
5. The interests of *all* sentient creatures (in not suffering) must be given equal consideration.
6. So, the imposition of suffering on animals (an overriding of the duty mentioned in (4)) would have to be justified by grounds of the same moral weight as those which would be necessary to justify the imposition of suffering on humans.³

The argument seems plausible, and some of its premises are incontrovertible. Singer's strong and specific admonitions (e.g. to become a vegetarian) in his radical critique of almost universal current practices affecting animals appeal to this argument and to further assumptions about (a) the actual effects of existing practices on animals (e.g. experimentation, raising animals for food and other products), (b) judgments about the painfulness or disability of these practices for the animals involved, and (c) the falsity of the claim that certain human satisfactions are obtainable only by harming or killing animals. The first four claims of my reconstruction of Singer's argument are reasonable. What is meant, in (5), by giving the interests of all sentient creatures 'equal consideration' is less clear. Does it mean 'taking into account' all such interests? Does this mean giving *equal moral weight* to like interests? If not, will (6) follow? Further, since killing may be performed painlessly the constraint on causing animals suffering (even if [6] is conceded) cannot yield an adequate basis for deciding on the legitimacy of killing animals if it is done painlessly. It is not my purpose to dwell on Singer's argument in any direct way, although I shall survey some principles which proffer answers to some of the above questions. Of the

views to be considered, one emerges which is reasonable and in some important ways stands in agreement with *Animal Liberation*. At points, however, it delineates a competing view on the question of how we may legitimately treat animals. While I shall allude on occasion to the views of those who have taken a stand on these matters in recent literature, e.g. Peter Singer and Tom Regan, I conceive my task as a more constructive than critical one, and I shall try to sketch some of the features which I think must be incorporated in an adequate theory. Since I will focus on conflicts of interests between humans and animals and the question of a just resolution of competing morally relevant claims, one might describe what is needed as a theory of interspecific justice.⁴ Questions about the treatment of animals, like questions about non-paradigm humans (e.g. Homo sapiens fetuses) are hard cases, and even if the suggestions posed here are correct, they will fall short of a fully adequate account. Indeed, it seems to me that the formulation of an adequate theoretical basis for the legitimate treatment of animals is no simple task and cannot be done simply by extending, in any straightforward way, principles widely accepted or thought to be uncontroversial. It is not surprising that some of the recalcitrant problems confronting the formulation of an adequate theory of justice with regard to humans have parallels in attempts to formulate an adequate theory of interspecific justice.

I. Interests and Conflicts of Interests

Of those animals capable of suffering we may assume that they have at least one interest, namely, in not suffering. By this assumption I do not mean that they are interested in not suffering (though they may be) but, roughly, that it is *in their interest* not to suffer. This last claim means that it is not conducive to an animal's well-being to suffer – whether or not the animal is capable of ‘consciously’ wanting not to suffer. Further, the claim that it is not in the interest of an animal to suffer is, I think, a strong presumptive one. While pain *per se* is undesirable, it may be in the interest of animals to suffer *on balance* for the sake of a certain beneficial result – as in the painful removal of a gangrenous leg by surgery – as it is also for human beings. While the concept of an action's being in the interest of a creature is not transparently clear, it is contingently and commonly in the interest of a being not to suffer, although there are exceptions when it is in its over-all interest to do so. Since it is possible to cause death painlessly, an animal in whose interest it is not to suffer *may* not be such that it is in its

interest not to die. However, I shall simply assume that *generally* when it is in some creature's interest not to suffer it is also in its interest not to die (and, hence, not to be killed). Let us assume, then, – somewhat more strongly than our earlier (3) – that moral agents have a duty, *ceteris paribus*, not to cause suffering to those animals which can suffer and a duty, *ceteris paribus*, not to cause animals to die. On this view there are many common practices which are not in the interests of many animals, and there is a presumptive duty not to engage in certain practices, namely, any which cause suffering or death to *those* animals in whose interest it is not to suffer or not to die. The troublesome and difficult question which arises, once one is convinced that both human beings (or many) and animals (or many) have at least some morally relevant interests, concerns how to *weigh* their respective interests in general and how to adjudicate *conflicts of interest* which arise between humans and animals. What we crucially need, to advance the current reconsideration of our treatment of animals, is an identification and assessment of principles which provide a basis for comparatively weighing such interests. We may be guided here by the standard method of testing principles by checking their implications against our deepest and strongest pre-theoretical convictions about specific cases ('intuitions' in *one* sense of the term), and also by how well such principles cohere with other defensible principles, in particular, how well principles advocating interspecific discriminations (weightings of respective interests) seem to be consistent with parallel and defensible intraspecific discriminations.⁵

II. Principles of Adjudicating Conflicts of Interests

Singer characterizes views which advocate a certain preferential weighing of human interests over that of animals as 'speciesist'.⁶ He claims:

If a being suffers there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being.



The racist violates the principle of equality by giving greater weight to the interests of members of his own race when there is a clash between their interests and the interests of those of another race. The sexist violates the principle of equality by favoring the interests of his own sex. Similarly the speciesist allows the interests of his own species to override the greater interests of members of other species. The pattern is identical in each case.⁷

The quoted passage does not distinguish some relevantly different principles which may be aptly classified as speciesist views and not all of which are equally tempting. I shall identify three forms of speciesism and two non-speciesist views which I shall dub Two Factor Egalitarianism and Species Egalitarianism respectively; the first three principles may be entitled 'speciesist' because they all advocate a heavier weighting of human interests over that of animals or do not concede that animals have any interests at all. The fourth principle also weights human interests more heavily but only when certain contingent conditions are satisfied; for reasons mentioned later, it would be misleading to label it a speciesist view. I list the names of the principles here, and consider each in turn:

1. Radical Speciesism
2. Extreme Speciesism
3. Interest Sensitive Speciesism
4. Two Factor Egalitarianism
5. Species Egalitarianism

In turning to Radical Speciesism we consider the only one of the five principles to be identified which in fact is incompatible with the premises of the mentioned argument appealing to animal suffering.

Radical Speciesism

Radical Speciesism is the view that:

It is morally permissible, *ceteris paribus*, to treat animals in any fashion one chooses.

One ground for this claim is the view that there is no *intrinsic* feature of any animal *per se* in virtue of which there is any moral constraint on how it may be treated. I speak of 'intrinsic feature' because the radical speciesist may allow that a given animal ought not to be harmed because of its relational trait, e.g. it is Smith's pet. This view is similar to the by now familiar view of Descartes's that animals were mere automata, extended things which neither think nor are sentient. With the further assumption that only thinking or sentient things are such that something may be in their interests, it follows that animals have no interests. So, it could not be the case that the interest of any animal outweighs that of any human being.

There seem to be no premises which are both strong enough to entail Radical Speciesism (RS) and plausible. The Cartesian assumption is a strong one but not at all tempting. I shall not explore it. That many animals can and do suffer intensely is quite obvious. The anti-Cartesian arguments may be found elsewhere; in general, they are the arguments against extreme scepticism about Other Minds. Since many animals can suffer, the Cartesian assumption is evidently an untenable view. I include it for purposes of contrast and completeness. The reader may wish to examine the more patient discussions in Singer's book.⁸

What are the moral implications of Radical Speciesism? On RS there is no presumption at all, based on the effects *on the animal*, against putting live puppies in one's oven, and heating them in order to watch them squirm or convulse or fall over; the reader can imagine other 'perverse' experiments. The important issue here is simply put. Can animals (some) suffer? If so, it is, in general, in their interest not to suffer and moral agents have a presumptive duty to avoid causing such suffering. Hence, we must judge, if we acknowledge that animals suffer, that RS is mistaken or that the *ceteris paribus* clause is rarely satisfied.

It may be noted that Singer characterizes the 'speciesist' as allowing 'the interests of his own species to override the greater interests of members of other species' (see earlier quotation). While such unequal weighting of interests seems to be an objectionable feature of other principles which I have dubbed speciesist, it is worth observing that the Cartesian elaboration which may be associated with Radical Speciesism (as part of the ground for the latter) is not speciesist on Singer's criterion, for RS in its Cartesian elaboration does not weigh interests *unequally*; it simply concedes no interests at all to animals.

Those forms of speciesism which allow that animals have interests and which are compatible with the statements constituting the Suffering Argument are those remaining to be considered. They may all be regarded as principles purporting to guide action in cases of *conflicts of interests*. In examining such cases it is desirable to focus, when possible, on cases where the existence of animals is no threat to humans (e.g. not on cases of animals attacking humans) and, when possible, on 'normal' before extreme or bizarre situations.

Extreme Speciesism

To distinguish two further forms of speciesism we must suppose that there

is a difference between the basic and peripheral interests of a being. It would be difficult to elaborate such a distinction in a precise manner or offer a full-fledged defense of it. It is clear, however, that in the absence of certain sorts of goods many creatures cannot function in ways common to their species; they do not function in a 'minimally adequate' way, for example, in the absence of food, water, oxygen or the presence of prolonged, intense pain. We may say that it is in a creature's *basic* interest to have (not have) such things. In contrast there are goods such that in their absence it is true only that the creature does not thrive and which are, then, not in its basic interest (e.g. toys for my dog). This distinction is admittedly vague but it is not empty. Its application must, in part, depend on contextual matters. Given such a distinction, Extreme Speciesism is the view that:

When there is a conflict of interests between an animal and a human being, it is morally permissible, *ceteris paribus*, so to act that a basic interest of the animal is subordinated for the sake of promoting even a peripheral interest of a human being.

Extreme Speciesism (ES) proffers a different theoretical basis for actions affecting animals from Radical Speciesism when RS is linked to Cartesian assumptions, but, as stated, RS and ES will, in practice, sanction the same policies when there is, in fact, a requisite conflict of interests. When there is not, ES allows (is compatible with) acting to promote an animal interest, e.g. the interest in not suffering. As stated, however, ES would not prohibit puppy cooking and cat torturing as long as such acts promote some peripheral (or basic) human interest. In the end, perhaps, much may depend on *how* peripheral the human interest one is considering is or further discriminations of that sort. Nevertheless, unless we wish to defend the moral permissibility of recreational puppy cooking and like acts, ES must be rejected as well as RS. On ES the kind or level of animal interest involved in a conflict of interests is, in effect, unimportant and need not be considered; this is not true of the next form of speciesism to be considered.

Interest Sensitive Speciesism

Interest Sensitive Speciesism (ISS) is the view that:

When there is a conflict of interests between an animal and a human being, it is morally permissible, *ceteris paribus*, so to act that an interest of the animal is subordinated for the sake of promoting a *like* interest of a human being (or a more basic one) but one may not subordinate a *basic* interest of an animal for the sake of promoting a *peripheral* human interest.

On this principle what is permissible depends importantly on whether or not the conflicting interests are basic or not; it is, thus, 'interest sensitive'. This principle sanctions a wide range of treatment preferential to human beings. For example, in a life raft case where the raft is overloaded and about to go under and either I or my dog will die (not both) before rescue, ISS permits me to sacrifice my dog if I so choose. In cases of conflict of *like* interests it is permissible, *ceteris paribus*, to subordinate that of the animal. Anti-speciesist principles which do *not* yield this result are hard to defend. Unlike RS and ES, which also yield this result, ISS does *not* permit puppy cooking or cat torturing for the pleasure of watching them squirm. This fact immediately makes ISS a more viable contender for the appellation, 'justifiable form of speciesism'.

While ISS clearly permits an evident discrimination in favor of human interests while not, in effect, assigning infinite weight to the latter, it will strike many as giving *insufficient* weight to human interests. For, on ISS, if it is in a bird's interest not to be incarcerated (as in a cage) and this interest is more basic than a hedonistic interest of a human owner in keeping it there, then such acts are impermissible since they would subordinate a basic animal interest in order to promote a peripheral human one. Suppose that having musk perfume, leather wearing apparel or luggage, fur rugs, ivory piano keys, or animal derived glue are not necessary to promote basic human interests. If so, then ISS would entail that killing animals for these purposes would (supposing that doing so violates a basic interest of these animals in continuing to live), *ceteris paribus*, be impermissible. Given the mentioned suppositions some would judge ISS as 'too strong' even though it plausibly prohibits cat torturing to promote sadistic pleasure. I leave the question of whether ISS is 'too strong' or 'too weak' open here. There is a more basic objection to ISS, namely, that it omits consideration of another factor which is morally relevant in adjudicating conflicts of interests.

The objection calls attention, in part, to the enormous diversity *among* animals whose basic interest may conflict with some human interest. In this regard, the use of the expression 'speciesism' tends to suggest,

perhaps, that we are only dealing with two groups and, hence, encourages formulating principles which suggest the permissibility of some sort of subordination of the interests of members of one group to the interests of members of the other.⁹ This perspective reflects our tendency, Jonathan Swift to the contrary, to divide the animal world into the human and non-human or, analogously, into the inedible and the edible.¹⁰ We ought not to forget that there are estimated to be about 1.5 million species and about 10 000 new ones discovered each year.¹¹ Significant differences among non-human species may become ignored with Interest Sensitive Speciesism. If it is in the interest of both an oyster and a chimpanzee not to be killed, ISS only requires that one consider the fact that the interest is in each case a basic and not a peripheral one. However, it is most tempting to think that while both interests are basic, the interest of the chimpanzee is of greater moral weight than that of the oyster, a judgment analogous to the one about the same-level or 'like' interests of my dog and myself in my life raft case. If so, then a principle purporting to be a reasonable guide to weighting the interests of members of different species must take account of something other than whether the interests in question are 'like' or 'unlike'. Such a consideration provides a basis for another principle, one to which we may now turn.

Two Factor Egalitarianism

It is necessary, to formulate our next principle, to recognize interests that are not basic in the sense suggested earlier yet not frivolous. I shall call such interests 'serious interests'. A rough criterion for serious interests would be that something is in a being's serious interest if and only if, though it can survive without it, it is difficult or costly (to its well-being) to do so. Hence, it may be in the serious interest of a lonely child to have a pet or in the serious interest of an eagle to be able to fly. Serious interests are not as peripheral as Jones's interest in watching cockfights. It would be less messy if interests did not exhibit degrees of importance to their possessors; unfortunately, they do. This is also true of the other factor considered by the next principle, the factor of psychological capacities.

Two Factor Egalitarianism can now be formulated; it holds that

When there is an interspecies conflict of interests between two beings, A and B, it is morally permissible, *ceteris paribus*:

- (1) to sacrifice the interest of *A* to promote a like interest of *B* if *A* lacks significant psychological capacities possessed by *B*,
- (2) to sacrifice a basic interest of *A* to promote a serious interest of *B* if *A* substantially lacks significant psychological capacities possessed by *B*,
- (3) to sacrifice the peripheral interest to promote the more basic interest if the beings are similar with respect to psychological capacity (regardless of who possesses the interests).¹²

On TFE the subordination of basic animal interests (say, in living or not suffering) may be subordinated if the animal is (significantly) psychologically 'inferior' to the human in question. 'Psychological' is intended to include the 'mental'. Let us conjecture about the implications of TFE; I leave certain assumptions tacit. On TFE killing oysters or (most kinds of) fish for food for human survival would be permissible; killing them only for the human pleasure of doing so would not be. On this view *certain* forms of hunting (recreational killing) would seem to be immoral. Similarly certain rodeo activities and bull-fighting would not be justified. The killing of seals for food by an Eskimo would be justified; the killing (and radical deprivation and suffering) of veal calves by people in agriculturally affluent areas may be wrong.¹³ TFE allows the sacrifice of my dog in our life raft case. Many of these implications are plausible. In general, TFE permits scientific experiments on animals where the promised utility for humans and/or animals is very considerable but not otherwise; recent criticisms suggest that a small proportion of the millions of experiments regularly performed can be so categorized.¹⁴ It appears, then, on TFE as well as with some other speciesist principles, that fairly *simple* generalizations about the morality of hunting, killing animals for food, and experiments on animals are unreasonable. This feature of course parallels the difficulties with familiar simple generalizations about when it is permissible to kill or experiment on humans; this consideration is not unfavorable to TFE.

So far I have neglected what will strike the traditionally minded as an unfortunate and 'radical' implication of TFE. On TFE if there is a conflict of interests between a human permanently and (seriously) psychologically incapacitated by illness, injury, or senility and, on the other hand, an animal with similar or superior psychological capacities (self-awareness, capacity for purposive action, diverse emotions, affection, devotion, and so on), then the more peripheral interest must be subordinated, and the peripheral interest *may* be that of the human being. If the animal is sufficiently

developed psychologically, then even a serious interest of a no more capacitated human should not take precedence over the basic interests of the animal. An example where an 'under-capacity' human is involved might be this. Suppose, contrary to fact, that an infant with Tay-Sachs disease could be saved from imminent death by a kidney transplant from a healthy chimpanzee at the expense of the chimpanzee's life; TFE prohibits this way of adjudicating the conflict of interests.¹⁵ This case would be, at best, a statistically unusual one, and is mentioned in the attempt to get clearer about principles which have implications concerning other almost universal practices, e.g. raising and killing animals for certain human purposes. An important general characteristic of TFE is that not *any* interest of *any* human morally outweighs *any* interest of *any* animal, such a consideration seems a desideratum of any acceptable principle. TFE attempts to take into account both the kind of interests at stake and also psychological traits of the beings in question.

If the core of speciesism is the belief that it is permissible to give preferential treatment to humans over animals *just because* the former are human beings, then TFE is not a speciesist view. Being a member of *Homo sapiens per se* is not assumed to justify preferential treatment of humans over animals. It is a matter of fact as to whether a given human being will match or exceed a given animal in terms of psychological capacity; usually humans will. However, TFE allows that if there were, for example, beings physiologically like apes except for large brains and more complicated central nervous systems who had intellectual and emotional lives more developed than mature humans, then in a conflict of *like* interests the interests of these ape-looking persons should take precedence.¹⁶

We shall return (in Section IV) to further examination of TFE. First, I shall describe a final principle purporting to adjudicate interspecific conflicts of interest. Then I shall turn to the challenge posed by those who are sharply opposed to much of our preferential treatment of humans, with the larger aim of seeing whether any principle proposed here meets the challenge and provides a satisfactory basis for justifying certain preferential treatment of humans over animals.

Species Egalitarianism

In contrast to principles which permit the subordination of animal interests in *a priori* fashion (Radical Speciesism) or do so in practice even when like interests are being considered (Extreme Speciesism), is a view

which is distinctly anti-speciesist, one I label Species Egalitarianism.

When there is a conflict of interests between an animal and a human being it is morally permissible, *ceteris paribus*, to subordinate the more peripheral to the more basic interest and not otherwise; facts not relevant to how basic the interests are, are not morally relevant to resolving this conflict.

SE is a one factor (level of interests) principle in contrast to TFE. Like TFE it plausibly denies that any interest of any human outweighs any interest of any animal. In fact it suggests, in a radical way, that species identification of the possessors of the interests is irrelevant except in so far as this might bear on a non-evaluative description of the interests in question.

It is tempting to call this view 'radical egalitarianism' because it allows, like Interest Sensitive Speciesism, no weight to the many impressive and (seemingly) morally relevant psychological differences among species. On this view it is not 'where you are on the evolutionary scale' or what psychological capacities you have but only how fundamental your interest is which counts. This view is unacceptable. That we should, for example, equally weigh the interest in not being killed of an oyster, earthworm, or fruitfly with that of a like interest of a human being, is an implication in virtue of which we can summarily judge, I submit, that SE indeed reduces to an absurdity. While Radical and Extreme Speciesism both give undue weight to human interests over that of animals, Species Egalitarianism swings to the opposite error of giving too little. Part of the attraction of the former views may in fact derive from the blatant ignoring of relevant differences which occurs with SE and the assumption that there are no plausible alternative positions. In view of reasons discussed to this point the least counter-intuitive principle appears to be Two Factor Egalitarianism, or possibly some variant of it. Before elaborating on such a view and considering objections to it, it will be useful to consider more thoroughly the challenge posed by those who are critical of current policies toward radically differential treatment of animals and humans. After doing so we will be in a better position to determine whether TFE is acceptable as it is, whether it requires revision, or whether it should be relegated to the wasteland of tempting but, in the end, irrational proposals.

III. The Challenge of the Critics

It has been argued by Tom Regan that the radically differential treatment that we extend toward animals as opposed to human beings cannot be justified unless 'we are given some morally relevant difference that characterizes all humans, but no animals' – one that would, in other words, justify the different sorts of duties and/or rights which we commonly assume we have toward the two groups, or attribute to the two groups, respectively.¹⁷ It is tempting to believe (as Regan allows), however, that not all animals have interests, e.g. protozoa. While protozoa, I shall assume, are not *sentient*, perhaps we should allow, to the contrary, that even for protozoa something may be in their interest, e.g. conducive to their well-being. If so, possession of some (at least one) interest will not serve as a difference, possibly a morally relevant one, between all human beings on the one hand and all animals on the other. A feature that *is* possessed by humans but not, however, by all animals is sentience. This feature, since it *is* possessed by many animals, will not, however, satisfy Regan's requirement that we be given 'some morally relevant difference that characterizes *all* humans, but *no* animals' (my italics). Such a feature will not, then, serve as a justification, or part of a justification, for radically differential treatment of all humans on the one hand and *all* animals on the other. The presence or absence of sentience is, however, a morally relevant trait, and it *will* serve to justify, or as part of a justification of, differential treatment of sentient creatures on the one hand and non-sentient creatures on the other, e.g. the subordination of certain animals (non-sentient ones) for the sake of the well-being of others (sentient humans and sentient non-humans). Hence, *some* differential treatment of humans on the one hand and *some* animals on the other is, *ceteris paribus*, justifiable, I believe, without satisfying the stringent requirement that there is 'some morally relevant difference that characterizes all humans, but no animals'. This conclusion serves to undermine certain arguments prohibiting radically differential treatment of non-sentient animals. The conclusion is, however, a very weak one. For most differential treatment of humans and animals which is controversial involves differential treatment *within* the class of sentient creatures. The challenge posed by critics of established practices toward animals, such as Tom Regan and, possibly, Peter Singer, is more reasonably posed in the following way: to justify radically differential treatment of creatures *all of whom are sentient* it is necessary to identify a morally relevant difference between those who receive preferential treatment and those who do not. Further, any such

morally relevant difference must be sufficiently significant to justify the specific differential treatment in question.¹⁸ Of the views previously considered the only one not subject to decisive objections (considered to this point) which also proposes a basis for subordinating the interests of animals when there is a conflict of like interests between humans and sentient animals, is Two Factor Egalitarianism. It, thus, *purports* to provide the requisite morally relevant difference which would serve to justify some, at least, of the radically differential treatment of humans and animals, treatment which is not merely the kind involved in extending preferential treatment to humans over *non-sentient* animals. TFE is, then, of special interest and, in view of current disputes, not uncontroversial. Let us examine it in more detail.

IV. Two Factor Egalitarianism Explored

Two Factor Egalitarianism assumes the relevance of two matters: (1) level or importance of interests to each being in a conflict of interests, and (2) the psychological capacities of the parties whose interests conflict. It is worth considering further the rationale for assuming their relevance. First, consider the importance of the respective interests. In familiar infelicitous situations where a conflict of interests can be resolved only by sacrificing the interest of one party, a plausible principle would seem to be that there is a *presumption* in favor of maximizing utility or at least choosing an alternative which will minimize net disutility.¹⁹ Given our initial crude distinction between basic and peripheral interests we can classify four basic types of conflicts of interests between, to oversimplify, a human and an animal:

	human interest	animal interest
1	basic	basic
2	basic	peripheral
3	peripheral	basic
4	peripheral	peripheral

The following examples illustrate (roughly) the above conflicts, e.g. (1) my life versus my dog's in the life raft case, (2) giving up my career to move to a climate where my dog will be happier, (3) my obtaining a new flyswatter by killing a Wildebeest (for its tail), (4) my spending for a new wallet for

myself or spending for a toy for my dog. If we suppose that the non-satisfaction of a basic interest yields a greater disutility than the non-satisfaction of a peripheral interest and if the conflict of interests in (2) and (3) is resolved by sacrificing the basic to the peripheral interest, it is tempting to suppose that there is a net loss of aggregate utility. Giving the interests of the animal no weight in calculating utilities in (2) or (3) is speciesism with a vengeance. That tack is an obvious target of current critics of many standard ways in which animals are treated and ways in which their interests are evaluated (if indeed recognized at all). For an example of the latter, to the criticism that DDT usage damages penguins, one writer states

My criteria are oriented to people, not penguins. Damage to penguins . . . is . . . simply irrelevant . . . Penguins are important because people enjoy seeing them walk about rocks . . . I have no interest in preserving penguins for their own sake . . . it is the only tenable starting place for analysis . . . First, no other position corresponds to the way most people really think and act . . . ²⁰

On the principle that utility ought to be maximized in adjudicating conflicts of interests, peripheral interests ought to be subordinated to basic ones. Such a principle seems to underlie Interest Sensitive Speciesism. For reasons mentioned earlier such a view is problematic, e.g. if it is in any animal's basic interest to live then killing cockroaches for the sake of a certain convenience to humans would be prohibited. On the assumption that satisfaction (or non-satisfaction) of like interests involves promotion (or non-attainment) of like utilities and the assumption that we should maximize aggregate utility, it is not clear how to resolve conflicts of types (1) and (4). Recall the case of my dog and myself in the overloaded life raft. The conflict is between basic interests; one has to go overboard (assume drowning is then inevitable) so that the other may live. If promoting my dog's interest will promote the same utility as promoting my own, the principle of maximizing utility will fail to require what, intuitively, seems permissible, namely, that I sadly do away with my canine friend.²¹

It is reasonable to believe, however, that in the life raft example the disutilities of my dying and my dog's dying are not really equal, even though the case seems correctly describable as one where a *basic* interest of mine is in conflict with an *equally basic* interest of my dog. But would not the assignment of different utilities to *like interests* be arbitrary – a giving of greater *weight* to interests of my own species over like interests of members of other species – and, hence, in some sense, 'speciesist'? The more important question, labels aside, is whether a case can be made for

giving *greater weight* to my own interest in such a case as opposed to my dog's.²² In general, is there a justification for weighting human interests more heavily than *comparable* or *like* interests of animals in cases of conflicts of interests and, thus, justifying the extension of differential treatment toward animals in certain cases where it would not be justified if extended to (most) other humans (e.g. it may be worth comparing a life raft case like the one discussed except that the conflict is between the reader and myself)?²³ Two Factor Egalitarianism assumes an affirmative answer to this question. The basis for doing so is *not* simply that human interests are, after all, *human* interests and necessarily deserving of more weight than comparable or like interests of animals. The ground is rather that the interests of beings with more complex psychological capacities deserve greater weight than those with lesser capacities – up to a point. Let us call this the Weighting Principle.²⁴ What may be said in defense of the Weighting Principle? I am not sure that an adequate defense can be proposed, but let us consider some possible attempts. It might be proposed that humans are typically subject to certain kinds of suffering that animals are not. For example, humans are typically capable of suffering from the dread of impending disaster (e.g. death from terminal cancer) in a way that animals are not (e.g. a turkey will not be wary of impending Thanksgiving events). This fact, however, may only show that a given type of act (e.g. death sentence) may cause unequal disutilities to an animal and a human. However, the *same amount* of suffering may be imposed on a human and an animal on a given occasion. Would there be any reason for assigning different disutilities to the two acts respectively? There may be if we take into account not just the comparative amounts of suffering on *that* occasion but consequent suffering over time, a factor affected by life span and the capacity of remember. Suppose it were true that the pain experienced by a steer upon being castrated and the pain experienced by a woman who was raped were of the 'same amount'.²⁵ The steer would not suffer from the memory of such an experience in the way that women continue to suffer from the trauma of rape, e.g. 'reliving' of the experience in dreams, and so on. What such an example suggests is that in cases where a basic interest (e.g. an interest in not being subjected to serious bodily harm) is violated, the different disutilities to the animal and human may be obscured by focusing on the fact that a 'basic interest' was violated in *both* cases. The long term disutilities of each individual may be radically different, and whether this is so is very much a function of the psychological capacities of the beings involved. That the *interests* of a

human and an animal are 'like or comparable' seems no sure guide to the comparative amounts of harm done in such cases. Hence, in conflicts of *like* interests between humans and animals (basic-basic, or peripheral-peripheral) it may be important to focus on the less obvious and long term disutilities which may accrue in not promoting the interest; focusing on 'levels of interest' may fail to take into account matters of importance.

Another and, I believe, overlooked consideration which may be used in defense of the Weighting Principle concerns the economist's notion of 'opportunity cost'. Generally, in employing one's capital or one's efforts in achieving one goal, the cost of doing so can be thought of as the opportunities thereby forgone, goods and satisfactions that may not be obtained but which could have been if one's capital or efforts were employed in other ways. Most of my examples have focused on cases of inflicting pain or deprivation rather than death. The notion of opportunity cost is a useful one in trying to assign some weight to the imposition of death upon a human or an animal – as well as to weighting the imposition of pain or deprivation upon an animal or a human. Suppose that a group of rabbits is used in testing possibly toxic drugs and that the test is of the LD-50 type, where it is built into the experimental design that the experiment is complete only when fifty percent of the rabbits die (thus, Lethal Dosage – fifty percent).²⁶ Imagine a comparable test on a group of retarded human beings. Why are we inclined to think that if either experiment (but not both) is justified it must be the one involving rabbits? It need not be, I believe, because we think the suffering of rabbits has no weight. Neither must it be because we would deny that like interests are involved in the two cases. The psychological capabilities of even retarded human beings, such as those suffering from Downs Syndrome, are, however, far greater than those of rabbits. Even with the predictable shorter than normal life span for Downs Syndrome persons, the opportunities for a satisfying life for the retarded which would be forgone in the event of death are enormously greater than those of rabbits – or even, to take a 'less favorable' case – those of typical non-human primates. Generally, though not necessarily nor in every case, the prospects of satisfaction are qualitatively and quantitatively greater for human beings than for animals. And this fact, this morally relevant fact, is a function of the psychological complexity of the beings in question. Further, it is clear that membership in the species *Homo sapiens* is no *a priori* guarantee of the existence of greater psychological capacity to experience satisfaction than that which may be possessed by beings of other species. The more basic point is that,

generally, the opportunity cost of dying for humans and for animals at comparable ages, barring abnormalities, is vastly greater for the former. The harm, then, of killing in the former case is much greater than in the latter. From the fact, *if it were a fact*, that nothing could be more important to a given human than preservation of his life and that nothing could be more important to a given animal than preservation of its life, it does not follow that the disvalue of the loss of life in the two cases is equal.²⁷ For reasons mentioned, the discounting of the value of the preservation of the lives of many animals seems reasonable. A principle such as Two Factor Egalitarianism, based in part, then, on the Weighting Principle, is not unreasonable, and need not appeal to species membership *per se* as a basis for assigning unequal weights to like interests of animals and humans respectively.

The extent of discounting the interests of a being, or more generally – weighting its interests – will, on this view, depend on the psychological complexities of the being in question. There is no reason, except to have practical presumptions, to make, *a priori*, generalizations about the capacities of all humans, all animals, all primates, or all chimpanzees. Non-trivial variations in capacity occur in any such group.

The importance of forgone satisfactions, as I have observed in passing, is a function not only of psychological capacity but of life span. The fact that the merciful letting die of quite aged humans with terminal diseases seems more acceptable than failure to extend analogous life preserving treatment to young adult humans, may reflect an implicit acceptance of the view that the opportunity cost of death is morally relevant and, in fact, a relevant difference in the two cases just mentioned.²⁸ In that respect, more familiar judgments about the comparative value of preserving human lives suggest that the emphasis here on opportunity cost accords with reflective moral judgments that are made with regard to differential treatment among human beings. Similarly, the general acceptance of allowing seriously defective infants to expire may assume the plausibility of attending to psychological capacity as part of the determination of the value of promoting or sacrificing a basic interest – such as the interest in the preservation of life.

If Two Factor Egalitarianism is correct, and for the reasons mentioned, it will *sometimes* be permissible to do what Singer regards as an arbitrary prejudice, namely, for the speciesist (or any human) to 'allow the interests of his own species to override the greater interests of members of other species'. The unfortunate implication of Singer's claim that this is imper-

missible is that it prohibits killing a minimally sentient non-human creature for the sake of a 'lesser human interest' in cases where the human's psychological capacities are distinctly more complex. TFE is not anthropocentric in the way that a view is if it regards species membership in *Homo sapiens* as relevant *per se*. The latter assumption is what Singer takes to be invidious and arbitrary about views he labels speciesist. On this point Singer is right. If Singer, or others, were to claim that TFE is also invidious and arbitrary in its 'psychocentric' emphasis, reasons need to be stated other than that it takes species membership *per se* as relevant; for it does not.

V. Some Persistent Difficulties

To this point I have argued that among the widely divergent proposals considered (Radical Speciesism, etc.), Two Factor Egalitarianism best accords with both matters of fact and considered and not unreasonable pre-theoretical convictions about how we ought to resolve conflicts of interests between humans and animals. Thus, it seems the most plausible among the five positions considered. I have further suggested an answer (or part of one) to the basic challenge posed by critics of our treatment of animals (as I would pose it): to justify radically differential treatment of creatures all of whom are sentient it is necessary to identify a morally relevant difference between those who receive preferential treatment and those who do not. The difference proposed is psychological complexity in so far as that bears on the capacity of the entity to live a satisfying life; further, to the extent that the entity lacks capacities necessary for such, it is reasonable to discount its interests. The thorny question of what counts as a reasonable discounting I have not tried to settle. I have further argued that TFE avoids the counter-intuitive implications of Singer's principle of equality which requires (of *any* being) 'that its suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being'. As I understand the principle it focuses on actual suffering and not also on forgone satisfactions. Further, TFE avoids the charge of taking species membership *per se* as a morally relevant difference serving to justify interspecific differential treatment. If the argument so far is correct (perhaps even, approximately correct), TFE stands as the most reasonable approach.

Nevertheless, TFE is subject to a number of objections not yet considered, some of which are obvious and some of which are not. Most

evident, the principle is vague. There is no precise way of determining which interests are basic, which serious, and which are more peripheral or how to rank interests precisely. Similarly, no adequate account has been offered of how to determine levels of psychological complexity. I will not dwell on these problems. If they are relevant (I believe they are) we must do the best we can; perhaps these difficulties are *no more* difficult than those faced in analogous problems of intraspecies conflicts of interests. These difficulties do not strike me as *decisive* ones; in any case I do not pursue them here.

TFE is, I believe, more troubling in another respect. In regarding level of psychological complexity as morally important (rather than, say, possession or lack of fur, feathers, a tail, or claws) it may require or allow that the interests of human beings need not be assigned equal weight where it is the case that there are significant empirical differences among humans in terms of psychological capacity. If an implication exists that the interests of dull, psychologically less complicated humans (the retarded? the senile? the brain damaged?) need not be counted as much as that of other humans (in the process of coming to some all-things-considered moral judgment about acts affecting them and perhaps others), it will be tempting to judge that accepting TFE would commit one to sanctioning intraspecific injustices – perhaps on the conviction that ‘all human beings are of equal intrinsic worth’ or convictions which appear to demand that the like interests of all human beings must be assigned equal moral weight initially regardless of final specific moral judgments. The worry is, generally, that a tempting basis for making *interspecific discrimination* entails possibly counter-intuitive results with regard to *intraspecific* discriminations.

Is there any way of reasonably weighting interests based on the psychological capacities of interest holders which will not commit one who does so to policies of intraspecific (human) discrimination of an objectionable sort. A simple principle – give greater weight to the interests of a being with greater psychological capacity than one with less, proportionately – may indeed lead to objectionable discrimination. But a plausible weighting principle need not look like this. We may well regard it as an arbitrary and unjustified extension of differential treatment to offer, other things being equal, to finance the college education of one of our children with an ‘I.Q.’ of 140 but to refuse to do so for another with an ‘I.Q.’ of 120. Possession of a capacity beyond a certain degree may not count as a morally relevant difference. Beyond a certain threshold point it may. It might not be unjustified to refuse such support for a Downs Syndrome

child. Suppose we adopt a bright chimpanzee and a quite retarded Downs Syndrome child. Would it be permissible to torture either? Intuitively: no. Would it be permissible to extend differential treatment to them regarding the provision of educational opportunities? Intuitively, one would think so. My more general point is that differences in psychological capacity may, up to a point, not justify differential treatment. Beyond a certain point they may, and whether they do may depend in part on the kind of differential treatment we are considering and what difference it might make to the prospective satisfactions or dissatisfactions of the beings considered. For example, virtually all human beings are capable of understanding promises and forming expectations of their being kept. Wide variations in psychological capacity exist alongside this particular capacity. These variations may provide no reason for justifying differing presumptions about the importance of promise keeping for these humans. It is not evident that any non-human is capable of understanding promises, although some certainly seem to form expectations.²⁹

To clarify, a weighting principle may recognize threshold points. Possession of certain capacities (e.g. intelligence) above a certain point may preclude certain forms of differential treatment. Below a certain point it may not. These assumptions may justify certain forms of interspecific discrimination. They also may serve to justify *certain* forms of intraspecific discrimination (among humans), e.g. treating differently an anencephalic infant, a Downs Syndrome infant, and a normal infant.³⁰ Because of the recognition of the importance of threshold considerations it is not obvious that a weighting principle, if applied, would lead to *objectionable* forms of intraspecific discrimination. So, the genuine worry about such a consequence does not evidently disqualify TFE (or some variant on it), which presupposes a weighting principle, from consideration. If so, more needs to be said, but I shall make no attempt to say it here (at least partly because it is beyond *my* capacity).

For the reasons discussed TFE seems more adequate than other proposals about how we ought to treat animals – in spite of its deficiencies. Some of its deficiencies may be remedied by a more specific, determinate statement of a variant on TFE. Further, supplementary principles are needed to elaborate and defend distinctions among levels of interests, as well as an elaboration of which psychological capacities are relevant or which sets of such capacities are relevant (and relevant to different forms of proposed differential treatment). That such supplementary assumptions are necessary complicates what may be called, appropriately, a

theory of interspecific justice. That such a theory would be complicated may be disappointing; most of us hope for and value simplicity in a theory. TFE is not itself complicated, from one standpoint. It explicitly recognizes only two considerations as morally relevant in adjudicating interspecific conflicts of interests (levels of interests and psychological complexity of the beings). As noted, however, these considerations need more complicated elaboration and defense. Given the difficulties commonly acknowledged today in formulating and defending principles of justice for human interaction, it should not be surprising that plausible principles for just interspecific interactions turn out to be not readily or easily formulated.

In testing the proposed principles I have depended considerably on what I take to be thoughtful pre-theoretic convictions about how specific conflicts ought to be or may permissibly be resolved. Some may claim that this approach is wrong-headed at the outset, but I will leave it to others to say why. More likely, some will claim that the convictions invoked are a by-product of prejudice or are uniquely mine. I do not find this obvious, and I have tried to show that distinctions among levels of interests are supposed by those who take a somewhat different view of these matters, e.g. Peter Singer. I have also indicated how some limited weighting of interests is presupposed in what appears to be reasonable albeit differential treatment of human beings. If the admittedly incomplete account presented here is approximately correct, then certain general criteria are available for assessing which sorts of subordination of animal interests are justifiable and which are not. That some subordination of animal interests is, in general, acceptable and that some is not is evident. The important and more practical task of ascertaining which is which remains. In general, the implications of the position defended here will, I think, neither sanction many common dealings with animals nor lend support to some of the sweeping condemnations of preferential treatment set out by recent critics. But a more moderate position on the proper treatment of animals must, I think, side with recent critics in judging much of the prevailing wholesale disregard of the basic interests of higher animals as unconscionable.³¹

NOTES

1 Peter Singer's essay 'Animal Liberation' appeared in *The New York Review of Books* (April 5, 1973), pp. 10-15.

2 *Ibid.*, p. 15.

- 3 Later references will be to Singer's book, *Animal Liberation*, Avon Books, New York 1977. In that book Singer emphasizes that his primary moral assumption is 'the principle of equality' which does not require identical treatment of but 'equal consideration' of beings with interests (pp. 3, 6). Further, beings with interests are only those with a capacity for suffering and enjoyment (p. 8). Recognizing complexities about killing, as opposed to the imposition of pain, he claims that 'the conclusions that are argued for in this book flow from the principle of minimizing suffering alone' (p. 22). Given this last emphasis and Singer's rejection of any necessity to couch his position in terms of animal rights (see Peter Singer, 'The Fable of the Fox and the Unliberated Animals', *Ethics*, Vol. 88, No. 2 [January 1978], p. 122), I have chosen to reconstruct his argument as above.
- 4 The parallel with current theories of justice 'for' human beings, theories which attempt to adjudicate conflicting interests, is evident.
- 5 Of course, the radical subordination of certain *human* interests (those of 'natural slaves') seemed intuitively innocent and natural to Aristotle, and, as J. S. Mill noted in *The Subjection of Women*, it is a standard mark of a deeply held prejudice that it seem perfectly *natural* to the one who holds it. There is always the danger of accepting only those principles which are compatible with our prejudices.
- 6 For aesthetic reasons I would prefer use of 'specieism', but to avoid multiplication of variants I adhere to the current use of 'speciesism'.
- 7 Singer, *op. cit.*, pp. 8-9.
- 8 *Ibid.*, pp. 9-15.
- 9 It is worth noting a dissimilarity between racism or sexism on the one hand and speciesism on the other, namely, that in the former cases those whose interests are subordinated are biologically 'homogeneous' with their subordinators but not in the latter case.
- 10 See Stanley Godlovitch, 'Utilities' in *Animals, Men, and Morals*, Taplinger Publishing Company, New York 1972, p. 181.
- 11 A. J. Cain, *Animal Species and Their Evolution*, Harper & Row, New York 1960.
- 12 It would be plausible to add: (4) to use a fair (e.g. random) procedure to decide whose interest should be sacrificed if the beings are psychologically similar and the interests are like. But see the (here unincorporated) consideration in Note 19.
- 13 See Singer, *op. cit.*, pp. 122-8.
- 14 *Ibid.*, Ch. 2.
- 15 The Tay-Sachs infant will die 'soon' anyway, typically by the age of five or six years and will suffer in the interim. Its interest in continuing to exist may, then, be less basic than that of the healthy chimpanzee in continuing to live. The capacities of the infant may not exceed those of the chimpanzee at the time supposed.
- 16 See the intriguing fictionalized thought-experiment in Desmond Stewart's 'The Limits of Troghaft' in Tom Regan and Peter Singer (Eds.), *Animal Rights and Human Obligations*, Prentice Hall, Englewood Cliffs, New Jersey 1976, pp. 238-45.
- 17 Tom Regan, 'The Moral Basis of Vegetarianism', *Canadian Journal of Philosophy*, Vol. 5, No. 2 (October 1975), pp. 181-214.
- 18 Without this qualification (sufficiently . . .), someone might argue that since there is a morally relevant difference between those who commit traffic violations and those who do not, it is justified to extend capital punishment to the former but not the latter.
- 19 I have so far deliberately ignored a complicating factor which seems relevant, namely, how a conflict of interest arises. A fuller account of things should consider this; I make no such attempt here. To elaborate, however, conflicts of interests sometimes arise only because one party *wants* what another has, and resolution of such a conflict *may not* be a matter of balancing legitimate claims. There may be a conflict of interests between my neighbor and myself since I want his new car, or between a rapist and his victim. Many of the conflicts of interests between humans and animals are generated by human desires to do what is harmful to animals; we eat them more than they eat us.

- 20 William F. Baxter, *People or Penguins: The Case for Optimal Pollution*, Columbia University Press, New York 1974, p. 5.
- 21 Considering utilities or disutilities to others would likely weight the case in favor of my preservation – solely on grounds of maximizing aggregate utility. But we can imagine cases where this would not be so; in any case I exclude such considerations above by assumption.
- 22 The relation between having rights and having interests is not clear. It is doubtful that having interests is sufficient for having rights (on this see the discussions by myself and James Rachels in Tom Regan and Peter Singer's anthology, *Animal Rights and Human Obligations*, Prentice Hall, Englewood Cliffs, New Jersey 1976, pp. 205–32). More plausible is the claim that any entity having rights must also have interests. If so, at least many entities having interests also have rights. If the interests of rightholders are regarded as very important, according those interests may be thought to be sufficiently important to override the *interests* of others – or, and this seems not insignificant – the *rights* of others (who have not only interests but rights). For example, Lawrence Haworth, who defends the view that some non-humans have rights, maintains that when the latter rights conflict with 'worthy human interests . . . then it is in general reasonable to give preference to these human concerns and violate . . . the rights of nonhumans'. See Lawrence Haworth, 'Rights, Wrongs, and Animals', *Ethics*, Vol. 88, No. 2 (January 1978), p. 100.
 So even if it is allowed that some animals have *rights*, the *weightings* of the respective interests in interspecific conflicts of interests are important and may affect our ultimate 'on balance' judgments concerning justified violations (or justified infringements) of rights. Hence, my aims in the text are not, I think, irrelevant even if it is shown that animals have rights (short of being unqualifiedly 'absolute').
- 23 Again, I simplify. Assume that neither of us owns the boat, has a special duty to sacrifice for the other, consents to die, or agrees to 'draw straws'.
- 24 The notion of psychological complexity needs further elaboration. I do have in mind complexity bearing on capacity to experience satisfaction and dissatisfaction. After all there might be a type of psychological complexity *not* conducive to a greater capacity to experience satisfaction. Suppose a micro-computer could be implanted in a turkey so that it became an excellent chess player but in other respects remained turkey-like, e.g. still did not worry about the prospect of Thanksgiving rituals.
- 25 I am, of course, by-passing all sorts of difficulties about the possibility of having a cardinal measure of utility and making 'interbeing' comparisons of utilities.
- 26 On this type of test, see Peter Singer, *op. cit.*, p. 48.
- 27 While the death of an animal or a human results in its forgoing *all* the potential satisfactions either could have, still the quantity of such satisfactions would typically be different for each. Hence it is reasonable to conclude that the disvalue of the death of a normal animal is less than the disvalue of the death of a normal human (at similar stages in typical life spans) even though the death of each involves a total loss of their respective potential satisfactions. The difference in disvalues is partly a function of whatever differences there are in respective psychological capacities.
- 28 Compare the absence of capacities in aged humans due to their waning, their absence in defective humans, and their absence in young normal animals. Absence of capacities may be a result of natural decline, injury, disease, or one's genetic lot.
- 29 Who would not feel some sense of betrayal when an aged dog eagerly gets in the car for a ride but does not know that it is being taken to be put to death (commonly: 'to sleep')? Further, it will not surprise me if communications with non-human primates, in Ameslan, provides evidence of a capacity for understanding promises or, indeed, a sense of regret or remorse.
- 30 It does not seem to me that one should shrink from the view that *some* weighting of human

interests and, hence, *some* differential treatment of humans is justified. There is great danger that I shall be misunderstood here – as approving in some degree the sorts of unequal consideration intrinsic to repulsive doctrines commonly labeled racist, sexist, or Nazi-like. Respect for persons requires respecting their interests but not, I think, giving equal weight to them.

- 31 With regard to various facets of this essay I have benefited from discussions with my colleagues, W. R. Carter, Robert Hoffman, Harold Levin, Tom Regan, and Alan Sparer – as well as the writings of both Tom Regan and Peter Singer. Any or all are, of course, entitled to complain that I did not benefit enough.

Some have supposed that morality has its basis in altruistic emotions implanted in accordance with the standard pattern by natural selection. It is argued, to the contrary, that the fabric of group selection theory precludes founding genetic altruism on such a basis, and that the evolutionary theory of evolution renders morality possible only if a cognitivist conception of moral psychology is accepted. Some independent reasons are given for favoring that conception over its noncognitivist rival. Morality is then claimed to be a necessary corollary of advanced intelligence, so that morality cannot easily be selected against. Finally, the bearing of the foregoing considerations on the normative conclusion commonly labeled 'speciesism' is assessed. It is concluded that a proper view of morality supports the inclusion of (other) animals within the domain of concern.

The prescription of human morality, I am going to suppose, may be suitably stated as follows:

Morality has evolved in the human species according to the usual principles of natural selection. Evolution operates by the differential selection of characteristics – specifically patterns of behaviour – which are such as to conduce to the survival prospects of the species as a whole, or at least to those of geographically separated groups or populations belonging to a given species. Among the kinds of behaviour likely to be selected for, then, is the kind generally and aptly characterized as 'altruistic' – i.e. behaviour which is calculated to improve the survival prospects of the group, possibly at the cost of jeopardizing those of the altruistic individual. Human morality itself exists by virtue of the natural selection of such altruism in the human species. As is the case with species-wide genetically determined dispositions (at least in mammals), the altruistic trait has an affective or appetitive basis from whence it derives its motive power. We thus arrive at two theses about morality. First, moral action issues from genetically based attitudes