Equality, Its Basis and Moral Status. Challenging the Principle of Equal Consideration of Interests

The principle of equal consideration of interests (henceforth ECOI) is a very popular principle in animal ethics. Its first and most famous formulation has been outlined by Peter Singer (1993). However, the popularity and theoretical importance of this principle has quickly overcome the boundaries of utilitarianism and has become a hallmark of many other theories in animal ethics (among many see Cavalieri 2001; Cochrane 2012; DeGrazia 1996). Singer does not subscribe to the idea that individuals, whether humans or animals, should be recognized an equal moral status. Ascribing equal moral status to diverse beings would be a mistake because the morally relevant properties (sentience, rationality, agency, etc.) upon which the moral status is conferred greatly vary (Carter 2011). Hence, Singer argues, if we want to retain the principle of equality, as morality requires us to do, we should abandon the idea that equality ought to be predicated upon individuals’ statuses. Rather, we should adopt the principle of ECOI holding that we ought to equally treat similar interests of diverse individuals independently of whether they belong to the same species. For instance, the same interest in not suffering should have an equal value in moral reasoning across different species. In this sense, Singer aims to rescue the principle of equal consideration in his preference-based act-utilitarian theory, whose inegalitarian implications are notorious.

Despite its intuitive appeal, ECOI’s conceptual foundation is still unclear. Against Singer’s claim, I argue that this principle cannot be used as a response to the problem of the basis of equality, and faces the same problems as egalitarian accounts based on equal status (Regan 1983). These latter accounts of equality have often been challenged because there is no empirical property, equally possessed by all the relevant individuals, which can justify equal treatment. If two individuals score differently on a scale of the morally relevant property, shouldn’t we appropriately employ the Aristotelian principle of proportionality? This principle holds that two individuals ought to be equally treated, if they equally possess the morally relevant property, and differently if they unequally possess the morally relevant property. Against the seeming straightforwardness of the principle of ECOI, in this paper I claim that we cannot establish the weight and subsequent value of an interest without relying, at least to some extent, on the moral status of an individual.

The general question to be answered is: How can we presume that the “same” interest of two beings should count equally? To respond to this question we must tackle the issue of the basis of equality. The basis of equality in the ECOI principle can be a feature of the interest itself or of the individual having the interest. If it is a property of the interest itself, it must consist in the physiological components of the experience at the basis of such an interest. However, even if there were equal physiological events occurring in two individuals, it would not necessarily follow that these events could translate into equal conscious experiences of two different beings and, subsequently, into two equal interests. Quite to the contrary, if we consider the case of pain and the interest in not experiencing pain, which is frequently used by Singer himself as a clear and non-
controversial example, it is a commonplace that similar physiological events can determine different conscious experiences (Aydede 2013). Similar considerations can be made for other interests.

If, instead, the basis of equality of the principle of ECOI rests on a feature of the individual rather than on a feature of the interest itself, the ECOI principle is not an independent ground for equal treatment. Singer has explicitly rejected this option. However, in this paper I argue that the ECOI needs an independent basis to justify equal treatment and that such a basis must rest on the moral status of a being. By moral status, I mean, quite standardly, the basic moral consideration that we ought to recognize to a being in virtue of its, her or his morally relevant features.

Hence, why is the notion of moral status necessary to ground equal treatment? First, the moral status of a being is an epistemic proxy. By epistemic proxy, I mean a reliable source of knowledge regarding the typical functioning of a being. Second, and relatedly, the moral status of a being can also work as a normative proxy. Through the moral status we can presumably know the relative weight of certain interests compared to others. Indeed, the value of an interest should not be assessed as if such an interest were independent from other interests. For instance, why should one have an interest in living if she does not have other types of interests? And how much weight should such an interest in life have if we don’t know the importance of the other interests? Similar considerations also apply to liberty-related interests.

A typical worry regarding the moral status parlance, which lies behind Singer’s rejection of it, is that by appealing to the notion of moral status one might feel justified in considering human interests always more important than the interests of other animals. On the contrary, my claim regarding the necessity of the notion of moral status does not mean that the interests of humans always outweigh the interests of animals. We can solve this worry once we understand that the idea of moral status is only a set of preliminary considerations: we cannot do without considering the moral status but the moral status does not establish all what we ought to do towards a certain individual.

REFERENCES


