

# IS DANIEL A MONSTER? REFLECTIONS ON DANIEL A. BELL AND WANG PEI'S "SUBORDINATION WITHOUT CRUELTY" THESIS

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Article abstract

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# IS DANIEL A MONSTER? REFLECTIONS ON DANIEL A. BELL AND WANG PEI'S "SUBORDINATION WITHOUT CRUELTY" THESIS

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### ABSTRACT:

Daniel Bell and Wang Pei's recent monograph, *Just Hierarchy*, seeks to defend hierarchical relationships against more egalitarian alternatives. This paper addresses their argument, offered in one chapter of the book, in favour of a hierarchical relationship between human and nonhuman animals. This relationship, Bell and Pei argue, should conform to what they call "subordination without cruelty:" it is permissible to subordinate and exploit animals for human ends, provided that we do not treat them cruelly. We focus on three aspects of their view: their argument for a hierarchical view; their understanding of cruelty; and their account of the heightened duties they claim we owe to nonhuman animals who are intelligent, domesticated, and/or "cute." We argue that the reasons that Bell and Pei offer fail to support their conclusions, and that, even if one accepts a hierarchical view, the conclusions that Bell and Pei draw about the permissibility of practices such as killing animals for food do not follow. We conclude by emphasizing philosophers' responsibility to thoroughly test their arguments and to engage with existing debates, especially when the practices they seek to justify involve harms of great magnitude.

### RÉSUMÉ :

Dans leur récent ouvrage, *Just Hierarchy*, Daniel Bell et Wang Pei se donnent pour tâche de défendre le principe de hiérarchie au détriment des relations plus égalitaires entre les êtres. Dans cet article, nous commentons la position qu'ils défendent dans un chapitre de leur livre consacré à la relation qu'entretiennent les êtres humains avec les autres animaux. Cette relation, soutiennent-ils, devrait relever de ce qu'ils appellent une « subordination non cruelle ». Il serait selon eux légitime d'assujettir et d'exploiter des animaux pour des fins humaines, à condition que nous ne les traitions pas cruellement. Dans cet article, nous nous concentrons sur trois aspects de leur position : leur défense du principe de hiérarchie, leur manière d'envisager la notion de cruauté et ce qu'ils regardent comme

les devoirs accrus que nous aurions, jugent-ils, à l'égard des animaux intelligents, domestiqués et/ou « mignons ». Selon nous, les arguments avancés par Bell et Pei ne permettent pas de défendre adéquatement leur thèse ; en outre, même en admettant leur hypothèse sur la hiérarchie, les conséquences qu'ils en tirent au sujet de la légitimité morale de certaines activités telles que l'élevage pour la viande ne nous semblent pas recevables. Nous concluons en soulignant la responsabilité qui incombe aux philosophes de mettre scrupuleusement à l'épreuve leurs arguments et de connaître les débats actuels dans le domaine qu'ils abordent, tout particulièrement lorsque les pratiques qu'ils entreprennent de justifier sont la cause d'immenses souffrances.

## 1. INTRODUCTION

Daniel Bell and Wang Pei's recent monograph, *Just Hierarchy*, sets out to defend hierarchical relationships against more egalitarian alternatives. This paper is concerned with their argument in favour of a hierarchical relationship between human and nonhuman animals (ch. 4). This relationship, Bell and Pei argue, should conform to what they call "subordination without cruelty," which means that it is permissible to subordinate and exploit animals for human ends, provided that we do not treat them cruelly. Bell and Pei argue that subordination without cruelty remedies the implausibility of theories of animal rights that are strongly egalitarian, such as Donaldson and Kymlicka's (2011) account, which starts from the assumption that all sentient animals have basic inviolable rights. To Bell and Pei, this view and other egalitarian accounts like it are untenable because they yield counterintuitive implications. Most pertinently, they suggest that such egalitarian, rights-based views would brand Bell a monster because of his past interactions with cats, which involve, for instance, eating them, failing to prevent a fatal accident, and physically punishing them for unwelcome behaviour (p. 159).<sup>1</sup> This, they believe, shows that egalitarian animal-rights theory is fundamentally flawed: Daniel clearly is not a monster, which means that "the problem lies with the theory" (p. 159).

We want to resist this move. Specifically, we want to resist the claim that if Daniel is not a monster, then egalitarian animal-rights theory is wrong. It is true that Daniel's actions constitute socially accepted behaviour, and many readers will probably agree that Daniel's actions do not make him a monster: animals are widely seen as the kind of beings that it is permissible to kill, eat, harm, or exploit for human benefit.<sup>2</sup> It is also true that a theory such as Donaldson and Kymlicka's rules out the norms and the actions Bell and Pei describe. Yet it does not follow that Daniel is a *monster*. It does, however, follow that Daniel's actions were *morally wrong*.

Bell and Pei's argument might reasonably be interpreted as an attempt to justify predominant social attitudes about the status of animals and to legitimate much of the status quo. Our critical response to Bell and Pei's argument proceeds from the insight that if we are to make progress in our thinking about interspecies justice, we must be open to the possibility that many, perhaps even most, of the ways in which we currently interact with nonhuman animals are morally wrong. There is now a substantial and growing philosophical literature that seeks to establish that point and, more positively, to describe what just relations between human and nonhuman animals might look like. Throughout this paper, we will argue that by not questioning the norms that currently inform our behaviour vis-à-vis nonhuman animals and by not engaging with the substantial literature that challenges their claims, Bell and Pei fail to defend the position they assert in this chapter. As we argue at the end of this paper, philosophers have a responsibility to do better, especially when their arguments relate to practices that involve harms of such significant magnitude.

Our critical response to Bell and Pei begins by challenging their argument in favour of a hierarchical view (section 2). Our aim is to suggest that egalitarian animal-rights views do not necessarily have the radical implications they suggest, and to argue that their uncritical reliance on intuition is deeply problematic. We then turn our attention to their understanding of cruelty. We argue that their definition of cruelty is underspecified and undefended and that it potentially permits all manner of practices that many people regard as “cruel” (section 3). We then critically discuss their claim that we have special duties towards domesticated, intelligent, and cute animals (section 4). Lastly, we situate Bell and Pei’s argument in the context of contemporary animal ethics and suggest that they fail to show due diligence in approaching a topic that has serious implications for some of the most vulnerable beings (section 5).

## 2. BELL AND PEI’S ARGUMENT IN FAVOUR OF A HIERARCHICAL ACCOUNT

Instead of offering a positive argument in support of their hierarchical account, Bell and Pei suggest that the egalitarian alternative, which grants equal rights to nonhuman animals, has counterintuitive implications that make it untenable. First, if human and nonhuman animals had equal rights, we should feel the same level of moral outrage when their rights are violated. But clearly, they say, this is not how we in fact respond. Second, if human and nonhuman animals had the same basic rights, then animal-rights advocates should want to mete out the same punishment to perpetrators of rights violations against nonhuman animals as to perpetrators of right violations against human animals. Referencing Donaldson and Kymlicka (2011), they argue that even animal-rights advocates do not accept this implication. From this, they conclude that “it definitely doesn’t make sense to say that animals and humans have equal rights” (p. 151).

A number of points are worth making here. First, even though Donaldson and Kymlicka’s *Zoopolis* is one of Bell and Pei’s main reference points throughout this chapter, they misconstrue Donaldson and Kymlicka’s position. Donaldson and Kymlicka are not in principle opposed to punishing violations of nonhuman animals’ rights just as harshly as those of humans’ rights. They say explicitly that they look forward to a future where the killing of any animal, human or nonhuman, is treated as murder (Donaldson and Kymlicka, 2011, p. 133). They also suggest that, under current conditions, there could even be a case for punishing the killing of nonhuman animals *more* harshly than the killing of humans, because harsher punishments could provide much-needed deterrence in the absence of established norms that prohibit such killings (Donaldson and Kymlicka, 2011, p. 133).

Second, recognizing that an individual has moral rights does not imply any specific conclusions about how violations of those rights ought to be legally punished. For one, granting equal moral status to individuals does not necessarily imply granting them all the exact same moral rights. Indeed, the specific rights granted to protect the interests of individuals may vary according to the

interests those individuals have.<sup>3</sup> Also, penal sanctions reflect a range of concerns and objectives that may have different implications depending on the victim's species. For example, if punishment should reflect judgments about individual blameworthiness, we may have to take into account the degree to which the transgressor flouted prevailing norms: this would suggest that violating the rights of nonhuman animals should be subject to less severe punishment than violations of human rights (Donaldson and Kymlicka, 2011, p. 133).<sup>4</sup> Another example is reparation: the human victim of a rights violation could be consoled by a harsh sentence for the perpetrator while a harsh sentence brings no such relief to a nonhuman victim.

More broadly, Bell and Pei's rejection of egalitarian views, which paves the way for their hierarchical account, reflects the uncritical reliance on intuitions that characterizes their methodology. Bell and Pei are quick to assert a claim, state that it is obvious or intuitive, and then move on as if the claim had been defended. This methodology is deeply flawed: our intuitions about how we ought to treat (different kinds of) nonhuman animals are shaped by currently prevailing norms, which unreflectively sanction the use and exploitation of animals. Given that what is at stake in this debate is precisely whether or not these norms must be rejected, we cannot simply take intuitions as given.

### 3. ON BELL AND PEI'S UNDERSTANDING OF CRUELTY

The broad position defended by Bell and Pei is that although animals are the moral subordinates of humans, this does not give us a licence to treat animals cruelly. We have already seen why Bell and Pei reject the claim that animals have equal negative rights. In this section, we want to consider what counts as cruelty on their view and why they think cruelty towards animals is morally prohibited. We will argue that their view is woefully underdeveloped, and that their understanding of cruelty is underpinned by the undefended assumption that it is permissible to make animals suffer if it suits human ends.

After surveying some religious traditions that affirm a moral hierarchy of species with humans at the top—Christianity, Confucianism, and Buddhism—Bell and Pei argue that none of these traditions permits humans to do as they please with animals (p. 152–53). Indeed, according to each of these worldviews, humans must extend some compassion to other animals and refrain from abusing them. Bell and Pei's central motivation for invoking these traditions is to illustrate that a commitment to subordination is not a commitment to cruelty. This prepares the ground for their own view, which is that while animals do not have the same rights as humans, we nonetheless have “a duty to avoid cruelty to animals, both because animals can suffer and because those who are cruel to animals are more likely to be cruel to humans” (p. 153). In short, Bell and Pei endorse both a direct duty argument against cruelty (we owe it to the animals not to make them suffer) and an indirect duty argument against cruelty (we owe to ourselves and other humans not to make animals suffer).

So far, so good. The idea that it is wrong to be cruel to animals is one that will be accepted by almost all. The trouble comes when we try to specify precisely what counts as cruel. Bell and Pei offer no concrete definition of cruelty, nor do they give us much by way of examples, except to point out that there is a lot of cruelty in intensive animal farming. In general, their view seems to be “You’ll know cruelty when you see it.” However, this lack of precision is deeply problematic when taken in conjunction with what they deem to be compassionate (or at least not cruel) treatment. Let us look at some examples.

Many animal advocates argue that it is “immeasurably cruel” (Korsgaard, 2018, p. 228) to induce illness in animals and test noxious substances on them for the purpose of medical research. Yet Bell and Pei suggest that this is morally acceptable (although we should try to use animals who have less in common with humans, such as rats<sup>5</sup>) (p. 154). Similarly, many would argue that “whacking” animals to discipline them, which is what Daniel does to the family cat Didi (p. 158), is also cruel. Yet, while Daniel feels “somewhat guilty” about the incident, he notes that he succeeded in getting Didi to refrain from acting out again (p. 158). Bell and Pei also describe how Didi was in “terrible pain for the last couple of weeks of his life and...remained immobile on the staircase, without any appetite” (p. 158). In this case, one wonders why Didi was not provided with adequate pain relief or granted the benefit of a good death, and one might plausibly argue that allowing an animal to suffer needlessly for two weeks cannot be anything but cruel. Lastly, and perhaps most disturbingly, Bell and Pei describe how Xiao Bao (a cat not much liked by the family) leapt to his death from an unsecured, twenty-second-floor window after being sprayed with water—a punishment for scratching the furniture (p. 157). While Bell and Pei find this incident regrettable, they do not think Xiao Bao was treated cruelly. Since no one intended for Xiao Bao to be harmed, we might agree with Bell and Pei, but that would depend on us accepting the controversial thesis that cruelty is always intentional and never a result of negligence.

At this point, Bell and Pei could (though note that they themselves do not) respond by making a familiar argumentative move: cruelty is bad because it involves *unnecessary* suffering, but some suffering can be justified when it is necessary to achieve important or reasonable human ends. On this view, while necessary suffering is regrettable, it is not cruel, and it is permissible because the costs to humans of refraining from imposing suffering on animals are deemed to be too high. So, while torturing animals for fun will be ruled out as cruel, making animals suffer in the name of science may be considered necessary when the cost to human health of abstaining from experiments on animals would be too great.<sup>6</sup>

Importantly, most of the suffering that Bell and Pei seem to endorse cannot be justified by the appeal to the idea that it is necessary. Was it necessary for Daniel to whack Didi as punishment for biting him? Most compassionate animal guardians will argue that it was not. There are many ways to discipline animals (and children), and one need not resort to physical violence. What human end

was served by not securing adequate pain relief or euthanasia for Didi? It presumably saved Daniel and his family money, but unless they were destitute this could hardly serve as a justification. Similarly, it was not necessary to spray Xiao Bao with water. This act cost Xiao Bao his life. What was the cost to Daniel and his family of not spraying Xiao Bao? Scratched furniture. Could they have tried to change Xiao Bao's behaviour without terrifying him? Certainly. Since all of these instances of making animals suffer are arguably unnecessary, it is difficult to see why they are not acts of cruelty.

Ultimately, on Bell and Pei's account, cruelty is determined not by how much suffering an animal experiences, but rather by whether suffering is necessary for what *they* judge to be reasonable human ends. In defence of Bell and Pei, one might argue that they explicitly reject the idea that animals are *mere* means for human ends, when, for example, they argue that animals "are ends in themselves who have their own goals and can suffer, and we have a duty to minimize their suffering" (p. 165). But it is difficult to square this thought with their view that it is permissible to eat animals, use them for medical research, physically punish them, confine them, leave them to die painfully, terrify them, or cull them (p. 176). What makes these actions permissible, on Bell and Pei's view, is precisely that we are permitted to treat animals as mere means to human ends. Few, if any, of these harms are strictly speaking *necessary*—we need not farm animals, eat animals, keep them as companions, or use them for medical research. They occur precisely because animals are regarded as mere means to our ends.

In sum, while Bell and Pei pay lip service to the familiar idea that cruelty is immoral, their judgment that Daniel's behaviour is permissible, as well as their endorsement of practices that inevitably involve harm to animals, indicates that their understanding of cruelty does little to protect animals against the worst of humanity. Bell and Pei are right to note that attributing a subordinate moral status to animals does not give us a licence to treat them cruelly, but their own view seems to assume that subordination does in fact allow us to treat animals as we please and that we are permitted to cause animal suffering even when it is not necessary to satisfy *important* human ends.

#### 4. HEIGHTENED DUTIES IN RELATION TO INTELLIGENT, DOMESTICATED, AND CUTE ANIMALS

For Bell and Pei, human beings are morally superior to members of other species. This, they think, entitles human beings to use nonhuman animals for various purposes (as long as cruelty is avoided). However, while all nonhuman animals are subordinate to humans, Bell and Pei suggest that there is a hierarchy among nonhuman animals. The authors argue that we have more—and more stringent—duties to those animals who meet one (or more) of these three conditions: they have certain "human" capacities (in particular, intelligence); they are under our care rather than independent; they are "cute." Some of these are direct duties; others are indirect duties and are ultimately grounded in a concern for human interests. Let us take a closer look at how Bell and Pei justify these duties.



Bell and Pei argue that it is “intuitively obvious” (p. 154) that we owe more to animals with “human-like traits such as intelligence, empathy, self-consciousness, and the ability to be aware of themselves as distinct entities with a past and a future” (p. 154). Other things being equal, animals endowed with sophisticated cognitive capacities would therefore be placed higher on the scale of moral value than others. For example, when it comes to using animals to test medical treatments that can cure human illness, “obviously we should choose a rat over an ape” (p. 154–5).

The question of what role, if any, cognitive capacities should play in determining individuals’ moral status has been examined in the literature on animal ethics, in the debate on basic equality in the human context, and in disability studies scholarship, none of which Bell and Pei draw on.<sup>7</sup> Many animal ethicists<sup>8</sup> argue that species membership is just as morally arbitrary as many of the other categories we use to draw distinctions between individuals, such as gender or race. On the face of it, cognitive capacities might seem a more promising way to justify differences in moral status between members of different species. However, this position clearly has troubling implications: if intelligence or other superior cognitive capacities ground higher moral status among nonhuman animals, it seems that this would also commit us to drawing similar distinctions among *human* beings who differ in relation to these capacities (see Dombrowski, 1997; Pluhar, 1995). In light of all the work that has been done on this question in animal ethics and in disability studies, we cannot simply take for granted that less intelligent beings have less moral value or that their like interests need not be considered equally.

The second consideration that Bell and Pei identify when it comes to the relative status of different nonhuman animals is relational: they argue that we have positive duties towards the animals we keep and for whom we are responsible (although they reject Donaldson and Kymlicka’s argument that these duties would include making them our fellow citizens). Bell and Pei, it seems, see these special duties as both direct and indirect: they are grounded in the fact that “they depend on us for their well-being,” but they are also based on the fact that “our relations with them enhance human well-being” (p. 159).

In response, note that Bell and Pei’s discussion equivocates between the wider category of domesticated animals and the narrower one of companion animals: the duties they consider are owed to our “pets,” such as cats and dogs, and not, say, turkeys—the latter, Bell and Pei suggest, can continue to be served at Thanksgiving dinners (p. 173). In fact, Bell and Pei consider *only* companion animals when discussing our duties towards animals in our care. This is no coincidence, since their primary concern is not animals or their interests, but rather the way in which our treatment of animals affects human well-being (p. 159). Our special duties “to” companion animals are really duties toward our fellow humans. Indeed, Bell and Pei take up the Kantian argument that cruelty to animals should be avoided because people who behave violently toward animals tend to behave violently toward humans as well.

A similar, indirect duty argument is at play when Bell and Pei argue that we have greater obligations to the animals we find cute (cuteness is typically the reason we welcome some domesticated animals into our homes but eat others) because expressing compassion for them has the potential to increase social harmony and to encourage us to be kinder towards members of the most vulnerable human groups (p. 161). For Bell and Pei, the reason that we owe less to, at one end of the spectrum, ugly and harmful insects than to the family dog, at the other end of the spectrum, is not only that the different types of relations we have with each entail different duties, but also that the mistreatment of the former is not as detrimental to humans as the mistreatment of the latter (p. 144).

Note that Bell and Pei's reference to insects is misleading because animal-rights theorists focus on *sentient* animals; to what extent insects meet this requirement is a contested question, so it is unclear what role they can play in the argument (Elwood, 2011; DeGrazia, 2020). Bell and Pei's rhetoric also seems to suggest that "ugliness" and harmfulness go hand in hand (p. 144, 175), which is certainly not always the case. Furthermore, whether indirect benefits for human beings can indeed be obtained from protecting certain animals, and whether and to what extent these benefits are greater when the animals in question are "cute," depend on empirical claims that, as Bell and Pei themselves acknowledge, are not settled. Most importantly, they offer no support for the idea that animals' moral status and their fundamental rights should depend on the value—including the aesthetic value—that others place on them. We would clearly not accept this claim in the human context without further argument. The burden of proof is on Bell and Pei to demonstrate why such criteria should be relevant when it comes to nonhuman animals.

## 5. BACK TO THE BROADER PICTURE: ALTERNATIVE ACCOUNTS AND PROFESSIONAL ETHICS

For the longest time, philosophers have paid very little attention to the moral status of nonhuman animals. If they mentioned animals at all, they did so mostly just to contrast them with humans and to make the point that only humans are appropriate objects of ultimate moral concern. Rarely did philosophers extend serious ethical consideration to other animals, and when they did so, they were at best perceived as eccentric or sentimental.

In recent decades, this situation has changed drastically, especially since the publication of the seminal books by Peter Singer and Tom Regan, respectively, *Animal Liberation*, in 1975, and *The Case for Animal Rights*, in 1983. Today, nonhuman animals and their moral status are the subject of a lively academic debate. There is a continuous stream of conferences and workshops dedicated, sometimes exclusively, to the moral status of nonhuman animals, and there are various journals that specialize in publishing work on the human-animal relationship. The number of books and articles that deal with issues in animal ethics has exponentially increased:

The most comprehensive bibliography of writings on the moral status of animals lists only ninety-four works in the first 1970 years of the Christian era, and 240 works between 1970 and 1988, when the bibliography was completed. The tally now would probably be in the thousands (Singer, 2003).

Similarly, political theorist Robert Garner observes that “more has been written on animal ethics in the past three decades or so than in the previous 2000 years” (Garner, 2005, p. 4).<sup>9</sup>

Within this debate, egalitarianism, in various forms, occupies a central position and has been argued for with great philosophical care and in great detail. Bell and Pei focus on the influential theory of animal rights defended by Donaldson and Kymlicka, just to dismiss it rather flippantly. Other key theories, such as Regan’s, are not even mentioned. Bell and Pei suggest that defenders of the idea of moral equality between humans and other animals, such as Donaldson and Kymlicka, “write as though they feel the same sense of outrage when the basic rights of animals are violated” (p. 150) as when the basic rights of humans are violated, implying that Donaldson and Kymlicka really do *not*. Bell and Pei do not stop at effectively accusing their philosophical opponents of being disingenuous. They further suggest that Donaldson and Kymlicka have not thought through their position. Had Donaldson and Kymlicka “pushed their argument to its logical conclusion” (p. 151), they would have to “call for life-long imprisonment of animal meat eaters or people who kill insects” (p. 150). Regardless of the validity of this inference, over which we have already expressed our doubts, the suggestion that egalitarians do not fully understand or appreciate the implications of their respective views is rather presumptuous, arguably offensive, and certainly uncharitable. It is safe to assume that Donaldson and Kymlicka—as well as Regan and others for that matter—are genuine about their feelings and have a solid grasp of what the egalitarian position implies, and that they are prepared to accept those implications.

To be sure, Bell and Pei are not alone in their rejection of egalitarianism when it comes to nonhuman animals. In thinking that the egalitarian position has implications that are “absurd,” they are in good company, and they are right to draw attention, in particular, to life-or-death situations:

Should electric cars be programmed to swerve away from animals even if it endangers the life of the driver? Should scientists be forced to end all animal experimentation even if...almost all the medicine we use has been tested on animals? (p. 151)

The possibility that the egalitarian response to such questions might prevent us from valuing human over nonhuman life has troubled philosophers, some enough to be convinced that egalitarianism has no plausible answers. Among them are Jeff McMahan and Shelly Kagan who, like Bell and Pei, have consequently rejected egalitarianism in favour of hierarchy.<sup>10</sup>

In *The Ethics of Killing* (2002), McMahan writes that “Radical Egalitarianism must imply that, if other things are equal, the killing of a fish is as seriously wrong as the killing of a person—which is absurd” (p. 208). He then goes on to propose a hierarchical moral theory that has two tiers, an egalitarian tier for persons and a consequentialist one for nonpersons (a more sophisticated version of Robert Nozick’s “utilitarianism for animals, Kantianism for people”). Kagan instead proposes a gradual account of moral status. His motivation, though, is largely the same. In his recent book, *How to Count Animals, More or Less* (2019), which rightly receives much attention, he argues that egalitarians cannot avoid “the unacceptable conclusion that it is immoral for Tom to kill fish, rabbits, or deer to keep himself alive” (p. 184). This, according to Kagan, is a strong reason to reject the view that all animals with moral status have the very same moral status.

Quite unlike Bell and Pei, however, both McMahan and Kagan are very much in agreement with egalitarians in condemning the way in which we currently treat nonhuman animals, specifically when we use them for food. For example, McMahan argues that

if one is to be justified in killing an animal, one must, *at a minimum*, have a purpose that is sufficiently serious to outweigh the animal’s time-relative interest in continuing to live. While I accept that there are certain purposes that can meet this burden of justification—for example, certain medical experiments—there are other widespread human practices, such as the social practice of eating meat, that I believe cannot (McMahan, 2002, p. 203).

Similarly, Kagan writes:

Our treatment of animals is a moral horror of unspeakable proportions, staggering the imagination. Absolutely nothing that I say here is intended to offer any sort of justification for the myriad appalling and utterly unacceptable ways in which we mistreat, abuse, and torture animals (Kagan, 2019, p. 5).

This, he makes clear, also includes meat eating, which is “tremendously...difficult to justify—typically, perhaps, impossible” (Kagan, 2019, p. 228).

Reasonable people may agree that “if it’s a question of life and death, humans should have priority” (p. 154), but it is a long way from there to justifying eating cats and turkeys for social or cultural reasons (p. 168-173). It is telling that philosophers other than Bell and Pei who hold hierarchical views, such as McMahan and Kagan, have not made that leap—and not at all surprising. The extensive animal-ethics literature contains a wealth of arguments against the practice of eating meat and the industry it sustains. At this point, anybody seeking to defend the production and consumption of meat has a heavy burden to meet. The immense harm to sentient beings that is involved makes acknowl-

edging that burden a moral imperative, rather than just an academic requirement. It should no longer be acceptable for professional philosophers to nonchalantly give their stamp of approval to the practice of meat eating (even if done rarely and only on socially or culturally significant occasions) without *substantially* engaging with the existing arguments against that practice. To suggest to the reader, who may be unsuspecting and unfamiliar with the relevant literature, that it is enough to note that “some people really do love meat” (p. 172) and that meat eating promotes a sense of community (p. 173) is not just a distortion of where we are in animal ethics, but irresponsible.

In fact, there may be a general lesson for philosophers here. When writing as experts, philosophers, like any other experts, have a certain responsibility and should be acutely aware of the potential harm their words may do. The more harm that may come from a particular claim and its communication to a wide audience, the higher the burden of proof, and the more important it is for philosophers to make sure, *in good faith*, that they have given due and charitable consideration to relevant arguments in the literature.

## NOTES

- <sup>1</sup> Page numbers that are not preceded by additional bibliographical information refer to Bell & Pei (2020).
- <sup>2</sup> There are of course cross-cultural differences, and different cultures have different norms when it comes to the treatment of *specific* animals, such as cats or cows.
- <sup>3</sup> What is more, moving from moral to legal rights requires a complex deliberative process that takes into account different democratic considerations, such as security, public health, public order, feasibility, and the effect of the proposed law on other important rights and liberties.
- <sup>4</sup> See also Fricker's (2007, p. 107) discussion of the role moral knowledge plays in judgments about blameworthiness.
- <sup>5</sup> It should go without saying, but sadly it needs to be said, that rats are intelligent sentient beings with the capacity to feel pain and to suffer. It is difficult to see why they might suffer or be harmed less by medical research than primates would. From the rat's point of view, being poisoned, operated on, and made ill are terrible things to have happen to them. And though rats may differ from gorillas, rats have just as much of an interest in not having these harms imposed on them.
- <sup>6</sup> We do not accept the claim that making nonhuman animals suffer for medical research is a case of necessary suffering. This example serves only to illustrate how the logic of this line of argument is supposed to work.
- <sup>7</sup> For discussion in the animal-ethics literature, see DeGrazia (1996); Ebert (2018); Kagan (2019); Korsgaard (2018); Rachels (1990); and Singer (1975). In the basic-equality literature, see Arneson (1999, 2015). For discussion in disability theory, see Carlson (2020); Crary (2020); Kittay (2005); Silvers (2012); and Wasserman et al. (2017).
- <sup>8</sup> See, for example, Cavalieri (2001, chapter 4); Francione (2000, chapter 4); Horta (2018); Jaquet (2022); McMahan (2002, chapter 3); and Singer (1975, chapter 2; 2009; 2011, chapter 3).
- <sup>9</sup> This growing debate notwithstanding, some philosophers still simply assume that animals have a lesser moral status than humans (e.g., Waldron, 2017), and some still use comparisons to animals as *reductiones ad absurdum* (e.g., Arneson, 2015).
- <sup>10</sup> This is, if one understands egalitarianism to be the view that all individuals with any moral standing at all have the very same moral status. In another sense, McMahan is an egalitarian. His egalitarianism, however, is restricted to persons.

## REFERENCES

Arneson, Richard J., “What, If Anything, Renders All Humans Morally Equal?”, in Dale Jamieson (ed.), *Peter Singer and His Critics*, Oxford, Blackwell, 1999, p. 103-129.

———, “Basic Equality: Neither Acceptable nor Rejectable”, in Uwe Steinhoff (ed.), *Do All Persons Have Equal Moral Worth? On “Basic Equality” and Equal Respect and Concern*, New York, Oxford University Press, 2015, p. 30-52.

Bell, Daniel A. and Wang Pei, *Just Hierarchy: Why Social Hierarchies Matter in China and the Rest of the World*, Princeton, Princeton University Press, 2020.

Carlson, Licia, “On Moral Status and Intellectual Disability: Challenging and Expanding the Debates”, in Adam Cureton and David Wasserman (eds.), *The Oxford Handbook of Philosophy and Disability*, Oxford, Oxford University Press, 2020, p. 482-497.

Cavalieri, Paola, *The Animal Question: Why Nonhuman Animals Deserve Human Rights*, Oxford, Oxford University Press, 2001.

Crary, Alice, “Cognitive Disability and Moral Status”, in Adam Cureton and David Wasserman (eds.), *The Oxford Handbook of Philosophy and Disability*, Oxford, Oxford University Press, 2020, p. 451-466.

DeGrazia, David, *Taking Animals Seriously: Mental Life and Moral Status*, Cambridge, Cambridge University Press, 1996.

———, “Sentience and Consciousness as Bases for Attributing Interests and Moral Status: Considering the Evidence and Speculating Slightly Beyond”, in L. Syd M. Johnson, Andrew Fenton and Adam Shriver (eds.), *Neuroethics and Nonhuman Animals*, Cham, Springer International Publishing, 2020, p. 17-31.

Dombrowski, Daniel A., *Babies and Beasts: The Argument from Marginal Cases*, Urbana, University of Illinois Press, 1997.

Donaldson, Sue, and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights*, New York, Oxford University Press, 2011.

Ebert, Rainer, “Mental-Threshold Egalitarianism: How Not to Ground Full Moral Status”, *Social Theory and Practice*, vol. 44, no. 1, 2018, p. 75-93.

Elwood, Robert W., “Pain and Suffering in Invertebrates?”, *ILAR*, vol. 52, no. 2, 2011, p. 175-184.

Francione, Gary, *Introduction to Animal Rights: Your Child or the Dog?*, Philadelphia, Temple University Press, 2000.

Fricker, Miranda, *Epistemic Injustice: Power and the Ethics of Knowing*, Oxford, Oxford University Press, 2007.

Garner, Robert, *Animal Ethics*, Cambridge, Polity, 2005.

Horta, Oscar, “Moral Considerability and the Argument from Relevance”, *Journal of Agricultural and Environmental Ethics*, vol. 31, no. 3, 2018, p. 369-388.

Jaquet, François, “What’s Wrong with Speciesism”, *The Journal of Value Inquiry*, vol. 56, no. 3, 2022, p. 395-408.

Kagan, Shelly, *How to Count Animals, More or Less*, New York, Oxford University Press, 2019.

Kittay, Eva, “At the Margins of Moral Personhood”, *Ethics*, vol. 116, no. 1, 2005, p. 100-131.

Korsgaard, Christine, *Fellow Creatures: Our Obligations to the Other Animals*, New York, Oxford University Press, 2018.

McMahan, Jeff, *The Ethics of Killing*, New York, Oxford University Press, 2002.

Pluhar, Evelyn B., *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals*, Durham, Duke University Press, 1995.

Rachels, James, *Created from Animals: The Moral Implications of Darwinism*, New York, Oxford University Press, 1990.

Regan, Tom, *The Case for Animal Rights*, Berkeley, University of California Press, 1983.

Silvers, Anita, “Moral Status: What a Bad Idea!”, *Journal of Intellectual Disability Research*, vol. 56, no. 11, 2012, p. 1014-1025.

Singer, Peter, *Animal Liberation*, New York, New York Review/Random House, 1975.

———, “Animal Liberation at 30”, *The New York Review of Books*, vol. 1, no. 8, (May 15, 2003), <http://www.nybooks.com/articles/archives/2003/may/15/animal-liberation-at-30/> [accessed on March 24, 2021].

———, “Speciesism and Moral Status”, *Metaphilosophy*, vol. 40, no. 3-4, 2009, p. 567-581.

———, *Practical Ethics*, third edition, Cambridge, Cambridge University Press, 2011.

Taylor, Sunaura, *Beasts of Burden: Animal and Disability Liberation*, New York, The New Press, 2017.

Waldron, Jeremy, *One Another’s Equals: The Basis of Human Equality*, Cambridge, MA, The Belknap Press, 2017.

Wasserman, David, Adrienne Asch, Jeffrey Blustein and Daniel Putman, “Cognitive Disability and Moral Status”, in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy*, Fall 2017.