

BETWEEN THE SPECIES

Humans, Elves, and Greenland Sharks: Against Kagan's Distributive Argument for Hierarchical Moral Status

ABSTRACT

Shelly Kagan argues that “unitarianism,” the claim that animals and humans have equal moral status, has intuitively implausible distributive implications. I argue that Kagan’s reasoning can, with certain modifications, be applied equally well to undermine his own view, and that the responses Kagan can make to this modified reasoning are also available to the unitarian responding to Kagan’s original argument. Accordingly, Kagan cannot consistently hold his own view while also endorsing his main argument against unitarianism.

DUSTIN R. CRUMMETT
Ludwig Maximilians Universitaet Muenchen

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1. Introduction

Shelly Kagan (2019) argues that “unitarianism,” the claim that animals and humans have equal moral status, has intuitively implausible implications for how well-being should be distributed. I argue that, if unitarianism has intuitively implausible distributive implications, Kagan’s own view also has intuitively implausible distributive implications. I claim our intuitions about the relevant cases are affected by a tendency to discount distributive considerations when the distributions in question are caused by natural forces rather than the actions of moral agents. If Kagan says this tendency is justified, his own view escapes the counterintuitive implications I raise, but unitarianism also escapes the counterintuitive implications Kagan raises. If Kagan says this tendency is unjustified, he can say that his view has the relevant implications but that we shouldn’t trust our intuitions that these implications are unacceptable. But the unitarian can say that their view has the relevant implications but that we shouldn’t trust our intuitions that these implications are unacceptable. Since the moves available to Kagan are equally available to the unitarian, Kagan cannot consistently endorse both his own view and his main argument against unitarianism.

In section two, I describe Kagan’s position. In section three, I describe a counterintuitive hypothetical implication of Kagan’s position. In section four, I describe a counterintuitive real-world implication of Kagan’s position. In both sections I offer a diagnosis of what’s driving our intuitions and explain why this is a problem for Kagan. In section five, I consider whether endorsing sufficientarianism gives Kagan an alternate way out of the problem I raise.

2. Kagan's Position

Many people think what matters is not just the total amount of well-being, but also how it's distributed. If (to use Kagan's example) men were extremely well-off while women were extremely poorly off, this would be "tremendously troubling" (2019, 59) apart from its impact on the overall amount of well-being. If we could benefit women or provide a slightly larger benefit to men, we might think we should benefit the women for the sake of producing a more desirable distribution. An egalitarian principle says that "an outcome is morally objectionable to the extent that the people in one group are significantly worse off than the members of another group" (ibid.). Benefiting the women would reduce inequality. A sufficientarian view says that it's "problematic... when someone ends up at an unacceptably low level of well-being, with a life that would be acknowledged as inadequate and limited by any objective reckoning." On such a view, it's a "moral priority to bring people up to this baseline level," but "once someone has reached it, there is no longer a pressing moral mandate for the rest of us to try to improve their lives even further" (59-60). If women are below this baseline, it implies we should favor their interests in order to raise them to it. Prioritarianism says that "we do more good (from the moral point of view) the worse off the person is that we choose to aid" (60). This implies that aiding the women does more good, *ceteris paribus*, since they're worse off. A "desert sensitive theory" says we have reason to want to see well-being apportioned to desert. Assuming men and women are equally deserving, the distribution will be "troubling" because women are so much worse-off while being equally deserving. There are other possible distributive principles; Kagan thinks it doesn't matter for purposes of his argument which we prefer (62).

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I'll say a distribution is *objectionable* if it generates some sort of claim on us--if, e.g., the distribution gives us reason to favor benefiting A over benefiting B by an equally large amount for the sake of making well-being more equal, or bringing A up to the sufficientarian baseline, or apportioning well-being in accordance with desert, or because A should have priority due to being worse-off. The term "objectionable" may fit better with some distributive principles than others, but it matches the way Kagan speaks (e.g., "tremendously troubling") and any way can be taken stipulatively.

The problem for unitarianism arises from the fact that "people are normally at a tremendously higher level of well-being than animals are," since there exist "a vast array of goods that people can and typically do have in our lives which animals lack or at best have in lesser amounts (or in less valuable forms)" (63). In fact, Kagan (42-45) thinks the unitarian needs this to avoid the counterintuitive judgment that you have no more reason to save a human than a mouse: while both are (from the unitarian perspective) equal in moral status, we have much stronger reason to save the human because the human, capable of achieving much more well-being, has a stronger interest in continued life.

But consider that, if tremendous numbers of *people* were at the low levels of well-being enjoyed by animals while a small number were at the high levels enjoyed by human beings, we would find this extremely objectionable. So if humans and animals have the same moral status, we should find the actual state of affairs extremely objectionable. Egalitarianism implies that we should heavily favor animal interests over human interests. Prioritarianism implies the same. Since the level of well-being enjoyed by a mouse would be far below the sufficientarian baseline for a human, sufficientarianism implies the same. The des-

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ert theory implies the same as well, perhaps except in cases where humans have done something to make them more deserving (2019, 62-68).

We're supposed to find something about this absurd. I see two ways to interpret exactly what that is. At times, Kagan speaks as though the unitarian is committed to saying that *in practice* we're required to redirect huge effort into addressing the distributive claims of animals. Referring specifically to the egalitarian principle, he writes:

...to the extent that one thinks that equality is a significant moral ideal... then the unitarian will need to find the vast inequality that obtains between people and animals... to be a troubling and morally problematic state of affairs, something that we should strive to redress.

This would seem to mean, for example, that instead of favoring public policies under which we shift resources from those people who need them less to those people who need them more, we should instead favor policies under which we shift resources from people quite generally to mice—and snakes, and birds, and frogs, and perhaps flies—so as to do what we can... to reduce the vast inequality that currently exists between people and animals.

Admittedly, there may not be all that much we can do to improve the level of well-being for mice. But it isn't as though there is nothing at all that we could do. We might, for example, take to leaving expensive cheeses around for the mice to eat. Similarly, we could devote ourselves to putting out seeds for birds, or carrots for rabbits. There are myriad ways in which we could im-

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prove the welfare of animals, even if only modestly. And it seems to follow from the unitarian position that this is what we are in fact required to do.

But that, I think, is an absurd conclusion (64).

The problem with this interpretation is that the claim about what we should do in practice doesn't actually follow from the unitarian position. For one thing, if our psychological capacities greatly increase our ability to flourish, presumably they also greatly increase our ability to suffer, so that the worst-off humans are worse-off than the worst-off animals, and thus more urgent subjects of concern. Second, even when it comes to well-off humans, our ability to benefit them is likely much greater than our ability to benefit animals (partly because of the greatly increased capacity for flourishing that makes humans better-off to begin with). As long as distributive considerations are not *lexically prior* to considerations about the overall amount of well-being--so that providing a much larger benefit to the better-off party can outweigh providing a very small benefit to the worse-off party--it may therefore make more sense to focus on humans (Brouwer and van der Deijl 2020, 353-354). If all we could do to help the worst-off humans was to give them a few pieces of fancy cheese, it seems far from clear that it would make sense for public policy to focus on this.

But at other times, Kagan can be read as suggesting that what's problematic is just the idea that the human/animal distribution is seriously objectionable at all--i.e., the idea that if we *could* equally benefit animals or (comparatively well-off) humans, we'd have a strong reason to benefit the animals for the sake of producing a more desirable distribution--regardless of

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whether this has radical implications in practice. For instance, he says that he finds it “impossible to take seriously the suggestion that this inequality is, in and of itself, morally objectionable—that the mere fact that mice are worse off than us is morally problematic” (2019, 65) and that an advantage of his view is that it allows us to “avoid the implausible position that the current pattern—with mice, say, so much worse off than people—is necessarily itself an unreasonable or unfair one” (78). I agree that it’s intuitively absurd to think the human/mouse distribution is objectionable, whether or not, conveniently for us, we don’t need to do much about this in practice. From here on, I’ll go with this interpretation of Kagan’s argument.

Kagan’s response is to reject unitarianism in favor of the view that animals have a lower moral status than humans. One option would be to say that animals lack distributive claims altogether. Kagan rejects this on the grounds that “If distribution is a legitimate and significant moral concern when it comes to the welfare of people—and I take it that it is—then it is difficult to see why it should suddenly become utterly irrelevant when it comes to the welfare of animals” (2019, 77). Kagan instead suggests that we should endorse distributive principles which are in some appropriate way sensitive to moral status. What this looks like depends on the distributive principle we favor. E.g., we might say that the sufficientarian baseline for an individual with the moral status of a mouse is much lower than that of a human. Accordingly, it may not be objectionable if a mouse is at a level below the baseline for a human, provided the mouse is above the mouse baseline. Further, even if the mouse is below the mouse baseline, it will be below *that* baseline by less than it would be below the human baseline, so its situation will still be *less* objectionable than it would otherwise be (79-82). Kagan offers analogous suggestions (82-87) for other distributive

principles: e.g., perhaps people *deserve* more well-being, just in virtue of being people. By adopting the hierarchical view of moral status, we can get the result that the human/animal welfare distribution is unobjectionable, or at least not very objectionable. We thus avoid the counterintuitive unitarian claim that it's extremely objectionable.

For Kagan, moral status is determined primarily by one's psychological capacities (2019, ch. 5). Since members within a species differ in their capacities, it's thus strictly incorrect to speak of a human moral status, a mouse moral status, etc. What exists instead are the moral statuses *typical* of humans, mice, etc. (ch. 5.2). However, Kagan also holds that what matters is not just one's *actual* capacities, but also one's *potential* (ch. 5.4) and *modal* capacities (ch. 5.5). (Potential capacities are one what *can* develop, while modal capacities are what one *could* develop. E.g., a newborn *is able* to develop the capacity to reason; someone born with irreversible brain damage *could have* developed this capacity, had things gone differently.) Accordingly, even a human whose actual capacities are identical to those of a particular animal will likely have a higher status in virtue of their potential and/or modal capacities. This complication won't come up again, and from now I'll follow Kagan in speaking (loosely) as if there's a single status for members of a species.

3. Humans and Elves

Assuming one's life is going well, it's better for one that it last longer. And life expectancy seems relevant to distributive concerns. People object to, for instance, the gap in life expectancy between Blacks and whites in the US, or between poor people and rich people.

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But consider fantasy or science fiction stories in which members of species with roughly similar psychological capacities have radically different life expectancies. Elves and humans, for instance, have roughly the same psychological capacities, and so (on Kagan's view) have roughly the same moral status. Yet elves live many times longer than human beings. However, people engaging with these stories don't view this as objectionable. They do not think that, say, society's heavily discriminating in favor of humans in order to make up for their shorter life spans would be justified. In fact, when fantasy stories portray such discrimination (as in, say, *The Witcher* or *Dragon Age*) you're generally supposed to react to this in about the way you'd react to real-world racism among humans. Yet at least three of the four distributive principles Kagan discusses apparently imply that it would be acceptable to discriminate in favor of humans. The egalitarian principle implies that, since humans are so much worse off than elves, we should (*ceteris paribus*) heavily favor their interests over those of elves in order to close the gap. The prioritarian principle implies we should give their interests strong priority. Assuming elves and humans are equally deserving, the desert-based principle implies that we should favor humans because they are worse-off than elves despite being equally deserving.

Indeed, an elven philosopher who read part of Kagan's book might argue in the following way:

If humans and elves had the same moral status, we would be obligated to massively prioritize the interests of humans over the interests of elves. (Think of how objectionable we would find it if members of our lower class lived a mere eighty years, instead of the centuries the rest of us enjoy.) But of course we are not obligated

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to do this, as even humans engaging with stories about us on Earth recognize. So humans must have a lower moral status than we do.

This certainly doesn't seem right. Yet neither does the inverse argument (perhaps offered by a human philosopher who read a different part of Kagan's book) that, since humans and elves are both equal in moral status but elves live so much longer, the interests of humans should be very disproportionately favored.

What explains our intuitions here? One possibility (which Kagan (2019, 74-75) imagines being offered by the unitarian about animals and people) is that distributive claims only arise *within* species. Inequality between humans is objectionable, as is inequality between elves, but inequality between elves and humans generates no distributive claims. Kagan rejects this for lacking a clear motivation. Indeed, it doesn't really seem *true* that distributive claims cannot arise between humans and elves. Suppose elves lived so much longer, not because they were naturally more long-lived, but because society arbitrarily privileged elves in such a way that they had the resources needed to achieve long lifespans while humans didn't. That certainly *would* seem objectionable.

I think this last example shows us what's really going on here: we tend to discount distributive considerations when the distributions in question are caused by natural forces rather than the actions of moral agents. (I'm saying we *tend* to do this. I'm not saying we're always consistent about this--just that it's a factor which clearly influences our judgments in certain cases.) The life expectancy gap between Blacks and whites is objectionable because it's caused by systemic racism. There is also

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a life expectancy gap between, say, people with “good genes” and people without them. For all I know, it may be larger. But this gap is not intuitively objectionable, or at least not nearly *as* objectionable. It’s just the good fortune of the people with the good genes. The elf/human gap is relevantly like the bad genes/good genes gap, and we aren’t bothered by either of these. Similarly, the fact that Kagan’s example where men are much better-off than women seems “tremendously troubling” is surely influenced by the fact that real-world instances of such distributions result from sexism.

Whether the tendency I’m discussing is justified is reflected in the debate among egalitarian political philosophers between *luck egalitarianism* and *social egalitarianism*. Luck egalitarians (e.g., Cohen 2008) aim at eliminating the influence of *brute luck*--i.e., factors beyond a person’s control which make them worse off than someone else--on human life. From the luck egalitarian perspective (or at least the *usual* luck egalitarian perspective; cf. Tan 2008), if I’m worse-off than you because (say) you were born with some special talent which I lack, that would generate a distributive claim just as surely as would my being worse-off because I’m a member of an oppressed social group. From a luck egalitarian point of view, the human/elf gap would be extremely concerning, since it arises from natural factors beyond any human’s control. The luck egalitarian rejects the tendency I am discussing.

Social egalitarians, meanwhile, view the aim of egalitarianism as establishing a community of equals, free from oppression (Anderson 1999). On this view, distributions matter “as causes, consequences, or constituents of social relations. In general, a distribution is objectionable from an egalitarian point of view if it causes, embodies, or is a specific consequence of an

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unjust social hierarchy” (Anderson 2012, 53). The racial life expectancy gap is objectionable as the specific consequence of an unjust social hierarchy. But social egalitarians will not object to unequal distributions caused by natural forces, unless they have some sort of pernicious effect: for instance, they won’t care if, say, residents of one isolated planet are better off than those of another (Anderson 2012, 54-55). Elizabeth Anderson illustrates this in the following passage:

When I was in graduate school studying under Rawls, the film *Amadeus* was released. *Amadeus* portrays a rival to Mozart, Antonio Salieri, driven to insanity by resentment at the fact that Mozart vastly exceeded him in natural musical talent, although Mozart’s puerile and vulgar character made him undeserving of his gifts. Salieri’s musical talents had earned him a prestigious position as director of Italian opera for the Habsburg emperor. He was not inferior to Mozart in income or employment. Yet he felt victimized by an injustice in his natural inferiority to Mozart. Rawls told me that he was appalled at the film’s sympathy toward Salieri’s perspective. To regard the superior natural good enjoyed by another as an injury to the self is envious. Envy is malicious, for the envious stake their sense of well-being on another’s deprivation. Malicious claims have no standing before the bar of justice (2010, 8).

Anderson would presumably say the same about the “superior natural good” enjoyed by the elves. On the social egalitarian perspective, the elf/human distribution itself is objectionable. (Of course, it could have pernicious *effects*--e.g., elves use their long lives to amass wealth and power and dominate humans-

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-which needed to be addressed.) The social egalitarian accepts the tendency I am discussing.

For my purposes, it's not important whether or not the tendency I'm discussing is justified. The point is just this. The gap between humans and other animals seems relevantly like the gap between humans and elves. It arises, not from some sort of unfair social process, but as the natural result of each individual's being a member of the species of which they're a part. If our tendency *is* justified and the gap between humans and elves is unobjectionable despite our equal moral status, then the "superior natural good" enjoyed by humans over animals will not be objectionable either, even if we're equal in moral status. Unitarianism doesn't have the implication Kagan claims. On the other hand, suppose our tendency isn't justified. Then Kagan might reject our intuition about the human/elf gap and say that favoring the interests of humans would be justified after all. But in that case, it's hard to see why Kagan should be so confident about our intuition that the ordinary human/animal case is unobjectionable from a distributive perspective. We're already saying that our intuitions about relevantly similar cases are unreliable. If anything, perhaps we should expect our intuitions about the human/animal case to be even *less* trustworthy. Despite his defense of humanity's superior moral status, Kagan (2019, 5) agrees that "Our treatment of animals is a moral horror of unspeakable proportions, staggering the imagination," so presumably he agrees that we have a tendency to discount the importance of animal interests to an unjustifiable degree as compared to those of humans (cf. Kasperbauer 2018). But of course, this intuition is the keystone of Kagan's argument against unitarianism. If Kagan goes this route, he can maintain that unitarianism has the allegedly problematic

implication, the justification for thinking it really is problematic becomes unclear.

4. Mice and Greenland Sharks

As far as I know, elves aren't real. Some people are skeptical of reliance on hypothetical cases. But we can find relevantly similar cases in the real world. These won't involve humans, since, as far as we know, no other species has the kinds of psychological capacities we do. But they could involve other animals.

The longest lived vertebrate species is the Greenland shark. They're estimated to live between three and five hundred years. I have no idea what the psychological capacities of the Greenland shark are. Neither do you, probably. Let's say they're about equivalent to those of a mouse. (If this is false, there's some other animal I could have picked for which the comparison would be accurate, and it wouldn't make any difference.) Mice (or whatever) don't live nearly as long as Greenland sharks do, and so are significantly worse off. In fact, mice live only a year or two, and it seems reasonable to think they might have a lower quality of life at a time, too. (Being a prey animal probably means being scared more often, etc.) So perhaps Greenland sharks are hundreds of times as well-off as mice.

When it comes to egalitarian, prioritarian, and desert-based principles, we can say exactly the same thing here that we said about the elf/human gap in the last section. Popular distributive principles, as interpreted by Kagan, imply that we have strong reasons to prioritize the interests of mice over those of Greenland sharks. But this doesn't seem right. It doesn't seem like we have much reason to go around leaving out fancy cheese for mice to make up for the fact that their lives are so much shorter

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than those of Greenland sharks. Or if a zookeeper could choose to enrich the zoo's habitats for either the mice or the Greenland sharks, and the Greenland sharks would benefit much more, few people think the zookeeper would have strong countervailing reasons to instead enrich the mouse habitat to make up for their shorter lives.

Yet the hierarchical moral status view doesn't help us here. On Kagan's view, Greenland sharks are equal in moral status to mice (or whatever). An alternative would be to say that, while there is *some* distributive claim here, it's extremely weak: since mice and Greenland sharks have lower moral status than we do, their distributive claims are comparatively weak. Maybe we mistakenly think the gap is *unobjectionable* because it isn't *very* objectionable. But it isn't clear that it wouldn't be very objectionable. Even if (due to lesser moral status) the suffering of a mouse is not as serious as the suffering of a human, the intense suffering of a mouse still seems pretty serious. So if such a huge gap in life expectancy would be very objectionable between two human beings, it seems that it ought to be at least *pretty* objectionable for such a large gap to obtain between the mouse and the Greenland shark, unless the significance of distributive claims is much more sensitive to status than is the significance of suffering. But why would that be?

One possible explanation for the judgment that the mouse/shark distribution is unobjectionable is that we intuitively don't think animals make distributive claims at all. If this is right, Kagan should reject the intuition, since he thinks animals can make distributive claims. Otherwise, it seems to me that what's happening here is the same as what's happening in the human/elf case: we don't consider the mouse/shark distribution objectionable because it arises from more or less purely natu-

ral causes. (On the other hand, when a distribution involving animals is the result of human action, it seems intuitively more plausible to think that it could generate strong moral claims (cf. e.g., Donaldson and Kymlicka 2011).) So we can say something exactly analogous to the final paragraph of the previous section: if the tendency to discount distributions caused by natural forces is justified, Kagan can say his view avoids condemning the mouse/shark distribution, but the unitarian can say the same about their view and the human/animal distribution. If it's unjustified, Kagan can error theorize the intuition that the mouse/shark distribution is unobjectionable, but the unitarian can do the same for the intuition about the human/animal distribution.

5. Sufficientarianism

Perhaps sufficientarianism provides Kagan with an alternate way out of these examples. On sufficientarianism, distributive claims don't arise if everyone is above the baseline. Perhaps both humans and elves (in the sorts of stories we're imagining) are above the baseline for creatures of their moral status, and both mice and Greenland sharks are above the baseline for creatures of their moral status. Then there will be nothing objectionable about either of these distributions. Yet the fact that there are two different moral statuses in play, with two different baselines, allows us to say this without committing ourselves to saying that there would be nothing objectionable about a situation where human beings were at the level of well-being enjoyed by the mice.

I see two worries here. First, the claim that sufficientarianism is true is much more controversial than the claim that some distributive principle or other is true. If Kagan must commit himself specifically to sufficientarianism, his argument becomes much less worrisome.

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Second, I suggest that we don't really have good independent reason to accept that the individuals in all these cases are above their respective baselines, and in fact that its being true would require a kind of suspicious coincidence. As before, Kagan suggests that the differing sufficientarian baselines for different individuals is determined by their psychological capacities:

In fixing these baselines, what is it that makes it true that one kind of animal (a rabbit, say, or a fish) has a baseline that is lower than that had by another (a dog, or an elephant)? Why is it that an adequate life for an animal of one sort is different from an adequate life for an animal of another sort? Why is a decent life for a person so much higher in quality than a decent life for an animal? The answer, clearly, has to do with the psychological capacities of the different types of individuals (2019, 81).

This tells us that individuals with the same psychological capacities (including the same potential and modal capacities) have the same baseline, and that individuals with greater capacities have a higher baseline than those with lesser capacities. But it doesn't tell us *what*, in absolute terms, the baseline for individuals with a given set of capacities should be. In discussing the difficulties involved in determining what the baseline for a sufficiently good life is, Kagan plausibly suggests that we cannot "stipulate that the baseline is simply the average life actually lived by people (since it is easy enough to imagine worlds in which everyone has a more than decent life, or a less than decent one)" (80). He suggests it's plausible to say that "a good enough life is one in which the person's basic needs are reasonably met," but correctly notes that this simply relocates the difficulty into determining what it is for someone's "ba-

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sic needs to be reasonably met” (ibid.). He suggests that, for all this, “we do seem capable of judging certain human lives as good enough, others as better than that, and still others as falling short of any level reasonably considered adequate for a person. And it seems clear that comparable judgments can be made about animals as well” (ibid.). Presumably we’re able to make these judgments by consulting our intuitions about various cases.

The problem here is that our intuitions about what constitutes a decent life for an individual are pretty clearly affected in some way by (something like) the life expectancy achievable by an average member of their species under realistic, somewhat favorable conditions, quite apart from any differences in the psychological capacities which are supposed to fix the sufficientarian baselines on Kagan’s view. If we were elves and poor members of our society were dying after a mere eighty years, we’d think they were being denied good enough lives, just like we think in response to the deaths of human children. We don’t think this about humans who die at that eighty years. But if elves and humans have the same moral status, they should have the same baseline. So at most one judgment can be correct. But it’s unclear why we should trust the judgment about humans over the judgment about elves--and if the elf judgment is correct, humans are below the baseline and the distribution is objectionable after all.

In fact, the situation is even worse than this suggests. Suppose we were members of a species with the same psychological capacities as humans but a much *shorter* life span. We’d probably again be inclined to think that our longest-lived conspecifics had “good enough” lives. If *this* judgment is correct, Kagan avoids the problem I’ve been raising: both elves and hu-

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mans will be above the sufficientarian baseline, so the elf/human distribution is unobjectionable (given sufficientarianism). However, it creates another problem for Kagan. The thrust of Kagan's original argument was that we would find distributions between humans and animals unobjectionable which we would find extremely objectionable among humans. But this has force only to the extent that we're at least roughly accurate in our judgments about what's objectionable among humans.

As I've discussed, one option for unitarians is to argue that they can consider inequitable distributions among humans objectionable when caused by unjust social forces while denying that human/animal distributions are objectionable in general. Another is to say that the human/animal distribution is objectionable and error theorize the intuition. But if we're sufficientarians and are open to the possibility that the baseline for humans is much lower than we think, another option becomes available: just deny that the relevant human distributions are objectionable. Kagan could respond that, even if the baseline is very low, some humans and animals will fall below it (e.g., by having net bad lives). We'd probably regard a human's being at the same negative level of welfare as *more* objectionable than an animal's being at that level. If humans and animals have different baselines, this could be explained as the human being below the human baseline by more than the mouse is below the mouse baseline, even though they're both at the same absolute level (cf. Kagan 2019, 82). But this isn't really available if the human baseline is very low. If it is, then assuming the mouse baseline isn't negative, the human and mouse baselines mathematically cannot be *very* different, in absolute terms.

So here's the problem. Kagan needs our actual judgments about the human baseline to be roughly accurate. But these

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judgments would differ depending on how long, given favorable conditions, we actually lived. So it seems we should trust our actual judgments only if we think humans happen, under favorable conditions, to live about as long as the actual baseline for individuals of our moral status requires. But why would that be? Perhaps God benevolently created humans so that, under favorable conditions, we would tend to have sufficiently good lives. But I don't think Kagan wants to say that, and otherwise, it seems like a massive coincidence.

Similar points apply in the mouse/shark case. If a zoo's Greenland sharks were kept in conditions such that they died after only a year or two, we'd think they were being denied good enough lives. But we don't think this about mice who die at that age. Again, at most one of these judgments can be correct. In fact, in order to avoid problematic examples involving non-humans, it needs to be more-or-less true in general that life expectancy and moral status vary in such a way that animals generally have "good enough" lives under favorable conditions, regardless of their moral status. (Otherwise we could make the same point by substituting for mice members of some species that never reaches the baseline, and substituting for Greenland sharks members of some psychologically similar species with a longer lifespan.) But why would *this* be? It's true that we probably can expect some very general correlation between life expectancy and moral status: animals which are K-selected rather than r-selected tend both to have greater psychological capacities and to live longer. (Creatures which are K-selected (e.g., humans) have relatively few, high investment offspring, while creatures which are r-selected (e.g., mice) have relatively many, low-investment offspring.) But this doesn't solve the problem: why couldn't the real baseline just be a very high one that no creatures, K- or r-selected, meet?

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So this makes me wary of the sufficientarian response. It does seem intuitive to say that, e.g., a reasonably well-off mouse is living a good enough life, or that a reasonably well-off human is doing so. Yet, given Kagan's account of moral status and of how it determines the sufficientarian baseline, these intuitions conflict with our intuitions about elves and Greenland sharks, and it seems clear that our intuitions are being affected by factors which seem, on Kagan's view, to be morally irrelevant.

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