Desert-Adjusted Utilitarianism, People, and Animals

1. Introduction

Recent decades have witnessed a surge in philosophical attention to the moral standing of non-human animals (hereafter just *animals*) and whether many of our practices regarding animals are morally justifiable. Kantians, Neo-Kantians, utilitarians, and radical animal rights theorists have staked their claims in the philosophical literature. Here I want to throw another player into the fray: Fred Feldman’s desert-adjusted utilitarianism. After briefly canvassing the prominent competitors in the dialectic, I'll develop an account of moral standing consonant with, and inspired by, desert-adjusted utilitarianism. Then I’ll explore the account’s implications regarding the moral standing of people and animals. Some of these implications are surprising; others will likely be viewed as something akin to heretical. Ultimately, I'll argue that this new account of moral standing is sensitive to a wider range of morally relevant phenomena than its more prominent competitors and perhaps deserves to be perched atop the rest. So let’s see how it fares throughout the animal kingdom.

2. Some Prominent Competitors

I associate the concept of moral standing with questions like these:

- For whom should we have moral respect?
- To whom do we owe moral respect?
- Who is worthy of moral respect?
- Is it the case that some entities are worthy of more moral respect that some other entities?
- Do we owe more moral respect to some than to others?
Only those entities that enjoy moral standing are worthy of moral respect. Entities enjoying higher moral standing than others are worthy of more moral respect.

Immanuel Kant classified everything in the world into two categories: rational entities and things. On his view, only rational entities (or people) have moral standing. We have moral obligations and owe moral respect only to people.

Beings whose existence depends, not on our will, but on nature, have none the less, if they are non-rational beings, only a relative value as means and are therefore called things. Rational beings, on the other hand, are called persons because their nature already marks them out as ends in themselves—that is, as something which ought not be used merely as a means, and consequently imposes to that extent a limit on all arbitrary treatment of them (and is an object of reverence).  

Despite denying animals any moral standing, Kant believes we have serious moral obligations involving animals, which he views as indirect moral obligations to people.

But since all animals exist only as means, and not for their own sakes, in that they have no self-consciousness, whereas man is the end…it follows that we have no immediate duties to animals; our duties towards them are indirect duties to humanity.

There are at least two ways we might think about these moral duties involving animals. The first is spelled out in Kant’s Lectures on Ethics where he claims we should avoid treating animals cruelly, because treating animals cruelly results in our developing cruel dispositions and inclinations to treat people cruelly. We should treat animals with kindness so that we develop in ourselves kind dispositions.

Lest he extinguish such qualities, he must already practise a similar kindliness towards animals; for a person who already displays such cruelty to animals is also no less hardened towards men.

Kant’s moral prohibition against treating people as mere means suggests other moral obligations involving animals. Kant writes that “attempts on the freedom or property of
others” are instances of treating people as mere means, and Kant regards many animals as the property of people. In his discussion of the charity example, Kant claims that if we are flourishing as well as enjoying leisure time and superfluous resources while others are in serious need—need we could alleviate with our resources—then failing to do so constitutes treating those people as mere means. If we diminish someone’s chances for happiness while we ourselves our prospering with excess resources, we treat that person as a mere means. It’s clear that in a wide range of cases animals reduce suffering or introduce a tremendous amount of happiness into peoples’ lives. Damaging these animals is generally forbidden by the second formulation of the categorical imperative.

Some Neo-Kantians hold less austere positions regarding the moral standing of animals, suggesting that we do in fact have some direct moral obligations to them. Christine Korsgaard maintains that opportunities to relieve pain—regardless of the type of entity suffering—always carry some moral weight. The possibility of relieving pain is always a morally relevant factor. Still, Neo-Kantians—as well as others—hold that the rational, reflective, responsible will possesses a special type of moral value, one that boosts the moral standing of its bearers above those who lack it in important ways.

Utilitarians believe that all sentient beings—those capable of experiencing pleasure or pain—enjoy moral standing. All of their potential pleasures and pains must be included in the utilitarian calculus when attempting to identify the normative status of a line of action, or the possible implementation of a policy. Jeremy Bentham writes: “The question is not, Can they

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6 Korsgaard discusses the requisite properties of beings who face the problem of normativity in her (1996); see, e.g., p. 93. Also see Vallentyne (2005): 406.
Peter Singer argues that many of our institutions and personal policies are morally unjustifiable because they result in part from irrational denials of animals’ moral standing.\(^7\) I’ll discuss factors utilitarians consider relevant to the moral standing of people and animals in an upcoming section.

Some philosophers endorse even more radical positions than the utilitarians. Tom Regan might be included in the category of radical animal rights theorists. Regan believes that all sentient entities (and perhaps even more) are subjects of lives. He maintains that anything that is a subject of a life—something that can experience positive or negative welfare states—is a bearer of inherent value. Inherent value allegedly doesn’t come in degrees; no entity has more inherent value than any other entity that possesses it. On Regan’s view, morality requires us to respect the inherent value of any creature that would be affected by any given action. Regan seems to place people and many animals on equal moral ground, claiming that many of our practices involving animals are thereby absolutely morally unjustifiable.\(^9\)

Now let’s turn our attention to desert-adjusted utilitarianism.

### 3. Desert-Adjusted Utilitarianism

Fred Feldman introduces desert-adjusted utilitarianism in his confrontation with “the most profound moral objection to act utilitarianism—the objection from justice.”\(^10\) Perhaps the most popular objection against classical utilitarianism in the literature, philosophers have been moved to reject the classical view after contemplating upon prominent thought

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\(^7\) Bentham (1789): Ch. XVII.
\(^8\) See Singer’s (1975).
experiments, including the Small Southern Town, the Organ Harvest, the Coliseum, various slavery and trolley scenarios, unequal labor scenarios, etc. Even if arguments based on each of these thought experiments ultimately fail, Feldman has constructed a general version of the objection from justice that’s persuasive, at least by my lights.

Feldman attempts to absorb the objection from justice by producing a new consequentialist theory, a mutation of classical act utilitarianism anchored by a desert-adjusted hedonism, which replaces the classical hedonistic axiology. Desert-adjusted hedonism—the novel axiological component of Feldman’s moral theory—is also used in his response to Derek Parfit’s repugnant conclusion.11 Here I’ll articulate Feldman’s desert-adjusted utilitarianism so that we can apply it to controversies regarding the moral standing of people and animals. Here’s the theory:

**DAU**: An act, $A$, is morally right iff $A$ maximizes **desert-adjusted** utility.

**DAU** is a species of act consequentialism. An act, $A$, maximizes some value just in case no alternative to $A$ has more of that value than $A$ has. **DAU** requires that we do the best we can for the world, where the notion of what’s best for the world is cashed out in terms of desert-adjusted hedonism. The central concept of DAU—desert-adjusted utility—has proven to be fairly difficult to explicate in a satisfying way. Roughly, according to DAU the value of the consequence (or outcome) of an action is the value of a specific function that takes as its arguments (i) the hedono-doloric value of the consequence (how much pleasure minus pain is contained in the consequence) and (ii) the extent to which individuals are getting what they deserve in the consequence. The nature of this function is—as you might imagine—a matter of rich philosophical dispute. It would take me too far afield to describe the function and

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11 See Feldman (1995b). I have also used it in an attempt to resolve some problems generated by the possibility of infinite utility streams in Author (XXXX).
likely won’t be required anyway in efforts to understand many of DAU’s implications regarding people and animals. We just need to keep in mind that according to DAU sometimes traditional utility concerns trump justice concerns, and sometimes justice concerns trump traditional utility concerns. Still, something must be said about Feldman’s conception of moral desert.\(^\text{12}\)

In order to get DAU off the ground, a conception of moral desert is required. Here are some likely (or popularly accepted) sources of desert (or “desert bases”):

1. excessive or deficient receipt of goods or bads
2. innocent suffering
3. conscientious effort towards morally attractive goals
4. moral worthiness\(^\text{13}\)

According to DAU, the extent to which anything morally deserves some good or bad is determined by facts about that thing involving the desert bases above. In some respects, DAU is incomplete or perhaps a genus of moral theories of which there are many species. Just as Feldman writes, a complete theory of moral desert requires much more than a list of some popularly endorsed desert bases.

There are undoubtedly other factors that may influence the extent to which a person deserves some good or evil, and in a full exposition of the theory of desert, each of them would be described in detail. Furthermore, in real-life cases several of the factors may be jointly operative. The ways in which the factors clash and harmonize so as to yield an overall desert-level must also be investigated.\(^\text{14}\)

Different theories of desert can be plugged into DAU’s consequentialist structure to yield specific species of desert-adjusted utilitarianism. I’ll set many of these issues aside here and focus instead upon how DAU’s desert bases might generate desert rankings of people and

\(^{12}\) Those who are interested in Feldman’s thoughts about the nature of the function should study the graphs in his (1995a) and (1995b).
animals. Because it’s clear that desert bases (1) and (2) are relevant both to people and animal cases, I’ll focus on desert bases (3) and (4), particularly (4): moral worthiness. But first, let’s turn to traditional utility considerations and possible ranking schemas grounded in such considerations.

4. Traditional Utility Rankings of People and Animals

I regard moral standing as a central factor justifying whether a benefit or a burden should be bestowed upon one particular individual rather than another. Other things being equal, benefits should be distributed to those with higher moral standing than others; burdens should be distributed to those with lower moral standing than others. Traditional utilitarians believe we are morally required to usher the greatest possible balance of happiness over unhappiness (or positive welfare over negative welfare) into the world, so they must conceive of moral standing in a more particular way than many other theorists. Many—like Kant and perhaps Regan—embrace a threshold conception of moral standing, one that doesn’t come in degrees. Utilitarians must reject such a conception because several phenomena might play a role in determining the moral standing of some entity in some particular context. Furthermore, utilitarians should embrace a relativistic conception of moral standing: moral standing relevant to an action (or a moral alternative) in a moral choice situation.\(^\text{15}\) A utilitarian conception of moral standing imposes a ranking upon all those potentially affected by some act or policy. In one choice scenario some particular person might outrank everyone else, but in another scenario that very same person might be outranked by somebody else. At least a few factors contribute to how this might happen.

\(^\text{15}\) Peter Vallentyne introduces this concept in his (2005): 427. Vallentyne claims that his conception of moral standing relevant to an action is similar in some respects to the conception of moral standing employed by Elizabeth Harman in her (1999).
The capacity for well-being is a central factor relevant to the moral standing of an entity on a classical utilitarian scheme. The greater the capacity for well-being of some entity, the higher the moral standing of that entity, absent competing considerations. When presented with the option of providing a benefit or opportunity to someone (or something) rather than another, we should provide the opportunity to whoever has the highest capacity for well-being, other things being equal. Value can’t be squandered on a utilitarian scheme.

Many believe that people enjoy higher moral standing than animals because we have greater capacities for well-being. I’ll address this soon.

Dispositions to utilize one’s abilities to impact the world in positive ways as well as dispositions to develop and improve many such abilities are also central factors contributing to the moral standing of some entity or other on this scheme. Again: Value cannot be squandered. Those who develop morally worthwhile abilities and dispositions to utilize those abilities to make positive impacts upon the world enjoy higher moral standing than those who lack such abilities and dispositions, and thus ought to be preferred in choice situations on this scheme, other things being equal. Many believe that people outstrip animals in these respects, and thus enjoy higher moral standing than the beasts.

Of course, utilitarians realize that features other than moral standing might demand that someone or something be preferred in some particular context; perhaps a specific skill or attribute relevant to the circumstance might require that someone of lower moral standing be preferred to someone of higher moral standing. Still, moral standing plays a dominant—if not predominant—role in determining when we ought to bestow a benefit or a burden upon one individual rather than another on classical utilitarian schemes.

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General considerations suggest that people enjoy higher traditional utilitarian moral standing than animals. Suppose one were wondering in a general sort of way whether a serious benefit (necessary means for continued life) or burden (death) should be distributed to a person or some other mammal, perhaps a sheep (or a dog). Richard Posner is concerned about utilitarian responses to such pondering.

...there is something amiss in a philosophical system that cannot distinguish between people and sheep. In utilitarian morality, a driver who swerved to avoid two sheep and deliberately killed a child could not be considered a bad man, since his action may have increased the amount of happiness in the world. This result is contrary to every ethical intuition we have.¹⁷

A utilitarian might contest Posner’s charge on empirical grounds. How might Posner defend the claim that killing a small child rather than two sheep will likely increase the overall happiness in the world? Four considerations suggest that it likely won’t. First, people have a much longer average lifespan than the sheep’s mere six to eleven years. Thus, people are capable of experiencing much more happiness than sheep could ever dream of. Second, human intellectual abilities and social institutions enable people to experience vaster, richer, more varied forms of happiness than sheep. We have greater capacities for well-being, higher likely potential for well-being too. Even if sheep’s life spans were comparable to ours, the intellectual, moral, and aesthetic pleasures accessible to us (in addition to the sensual, beastly pleasures we share with animals) make for happier lives on the whole. Third, people’s abilities to better the world are vastly superior to those of sheep. We can reason about problems and cooperate through (at least somewhat clear) communication.¹⁸ And, finally—though this isn’t relevant to the moral standing of these parties—it’s likely that the death of a

¹⁸ Mary Anne Warren makes this point in her (1987).
beloved child would introduce much more pain and suffering into the world than would the
deaths of a couple of sheep. These considerations constitute empirical utilitarian reasons
 grounded in human nature itself) for a general moral preference for people over sheep (as
well as many other animals). Generally, it seems then, people have higher moral standing
than sheep on classical utilitarian schemes.

But general considerations don’t tell the whole story. Classical act utilitarianism is a
species of act consequentialism, and its corresponding account of moral standing is a
relativistic one: The moral standing of an individual is always understood as moral standing
relative to some choice or action. A ranking of moral standing is imposed upon individuals
who can be potentially affected by any particular act relevant to some moral choice situation.
The ranking can shift with different choice contexts, especially because individuals potentially
affected by an act can differ from context to context. And in particular choice contexts,
sometimes animals enjoy higher moral standing than people on this traditional utilitarian
account.

Some people don’t have much of a capacity for positive welfare. Failure to develop
personal potential, pessimistic attitudes, poor physical health, psychological problems,
bitterness—all of these (plus who knows how many other factors) can result in people whose
capacities for positive welfare are far outstripped by millions of members of the (non-human)
animal kingdom. Some horses and dogs beam with happiness throughout most of their lives.
Stumbling upon river otters in the wild is—often times—embracing pure, unadulterated
exuberance. Many such animals enjoy greater capacities for positive welfare than perhaps
even millions of people.

Many people lag far behind their animal counterparts when it comes to developing
dispositions to utilize one’s abilities to impact the world in positive ways. The same can be
said about dispositions to develop and improve abilities that prove fruitful for the world. So many domesticated animals provide such wonderful labor to the world. Service animals are—in many cases—dream beings: happy, hard-working, value generators. And millions of animals in the wild pull their own weight as self-sufficient creatures contributing positively (at least in many cases) to healthy ecosystems.

While many people are greater utilitarian heroes than animals, millions are not. Lazy leeches bathing in petty selfishness abound. Pathetic prodigal punks suck valuable resources from the world, contributing far less—if anything at all—in return. Scores of folk don’t even strive for self-sufficiency. Scores of others are committed to stripping the world of potential value for selfish or otherwise deplorable reasons. A utilitarian tragedy. And others just aren’t competitive with their animal counterparts. Animals outrank such folk in a plethora of choice situations; animals enjoy higher traditional utilitarian moral standing in such scenarios. But this is just half the story on an account of moral standing consonant with desert-adjusted utilitarianism (DAU). Now it’s time for some desert.

6. Desert Rankings of People and Animals

Many will be unsatisfied with the traditional utilitarian account of moral standing. We’ve seen that many believe rationality or reason—whatever is required for moral responsibility—is somehow relevant to the moral standing of whatever possesses it. Don’t bearers of a morally responsible, rational will enjoy (other things being equal) higher moral standing than those who lack such a will? We—or at least many of us—bear the burden of moral normativity; the beasts do not. This is a serious moral difference between (many) people and animals, one that has led philosophers to endorse the view that there is something morally special about those with rational, responsible wills. But to what extent does
possessing such a will bear upon the moral standing of whatever possesses it? An account of moral standing consonant with DAU doesn’t seem to entail that bearers of rational, responsible wills automatically enjoy higher moral standing than those lacking such wills. But—at least given standard, popular assumptions—such an account seems to entail that bearers of such wills are in position to boost their moral standing through the operation of their wills in ways that beasts cannot. Only rational, morally responsible agents are capable of accruing certain kinds of moral desert, or so many seem to believe.

According to DAU, every morally relevant being potentially affected by some action in a moral choice scenario is morally deserving of either benefits or burdens to a certain extent. A moral desert ranking is imposed upon all such individuals, one that serves to establish—at least in part—the moral standing of each of them. Other things being equal, those enjoying higher desert ratings enjoy higher moral standing. Here I want to focus specifically upon desert rankings of people and animals generated via the last two desert bases in DAU: conscientious effort towards morally attractive goals and moral worthiness. The two seem to be conceptually related; perhaps they can’t even be completely conceptually parsed. Leibniz even seems to think that conscientious effort towards morally attractive goals and moral worthiness generated through obtaining virtue are the only desert bases:

> It is impossible in this matter to find a better standard than the very law of justice, which dictates that everyone should take part in the perfection of the universe and in his own happiness in proportion to his own virtue and to the extent that his will has thus contributed to the common good.\(^{19}\)

We can now imagine another route by which an account of moral standing consonant with DAU might generate the implication that people generally enjoy a higher moral standing

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than animals. People are capable of conscientious effort, of reflectively and intentionally engaging in laborious activities in efforts to achieve morally attractive goals. And people are capable of accruing moral worthiness through striving to perform morally praiseworthy acts, through developing moral virtue to the greatest degree possible. Thus, people are capable of being more morally deserving in ways that (many?) animals cannot. On the assumption that animals have a neutral status (neither positive nor negative) with respect to desert generated via conscientious effort and moral worthiness, DAU secures a moral preference for people over many animals in a wide array of scenarios.

Note, however, that just as people are capable of accruing positive moral desert, so are they capable of accruing negative moral desert, unlike most animals. Many people don’t engage in laborious activities to achieve morally attractive goals: Many people are lazy; many pursue morally heinous goals. Millions of people wallow in moral vice: laziness, rashness, intemperance, prodigality, excessive selfishness, cowardice, pettiness, etc. Their desert levels fall far below those of animals with neutral desert status. They accrue no positive moral worthiness, and they (sometimes happily) embody moral vices, no moral virtues. A massive percentage of these people are also tragedies on traditional utilitarian rankings. They contribute nothing (or very little) of positive value, yet they suck up vastly more valuable resources than their animal counterparts. They’re not even worthy of the scarce, valuable resources they consume. Any account of moral standing consonant with DAU seems to imply that most animals (probably) enjoy higher moral standing than such people. Moral preference should be given to animals over such people according to DAU. It seems that several philosophers—people like Posner—have been giving animals short shrift, urging us to prefer the morally vicious and those who contribute less to the world than they consume over animals that contribute to the world in positive ways. Such a position seems indefensible.
But perhaps more can be said about the wretched, ignoble, and—it seems in many cases—ignorant human inhabitants of our planet.

There is a rich tradition in moral philosophy suggesting that moral virtue can be developed—and moral worthiness can be accrued—only by those who possess a bit of philosophical knowledge and commit themselves to acting in ways grounded in such knowledge. Some of the ancient Greeks seemed to think along these lines. In some of his “earlier” dialogues, Plato suggests that virtue is a species of knowledge—knowledge of good and evil—and that the virtuous are restricted to those who can distinguish between good and evil by way of a defensible, rational principle. Aristotle thinks similarly:

Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which a man of practical wisdom would determine it. (Nicomachean Ethics 1106b36)

And so does Kant, who claims that moral worth can be generated only within those who act from the motive of moral duty and act in the ways that they do because they realize that acting in such ways is compatible with the moral law.

So perhaps I was mistaken about DAU’s implications regarding those who live their lives (through no fault of their own) in ignorance of moral knowledge and rational moral motivation. And then there are those who lack the cognitive capacities or educational opportunities to develop minds capable of clear philosophical reflection on moral matters. They simply lack access to a life guided by a defensible, rational moral principle (or principles). Many such people are in dire straits, struggling just to survive, incapable of much

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20 See, for example, Plato’s Laches and Charmides. Knowledge also plays a prominent role in the “later” account of virtue developed in Phaedo and the Republic.
21 See Chapter 1 and the beginning of Chapter 2 of Kant’s Groundwork of the Metaphysic of Morals.
other motivation, driven by instinct and desperation—similar in many respects to millions of
their animal counterparts. Others are (at least occasionally) unwitting ideologues who believe
it’s safer (or at least more comfortable, or something) to adopt (blindly?) some institution’s
positive morality. Mere rule followers (to the extent that they really embrace and follow such
rules). But many animals are good rule followers too.

This puts us in an interesting philosophical predicament. There’s something attractive
about the conception of moral virtue and moral worth employed by some of the ancients and
Kant, among others. If it tracks the truth, then it seems that huge swaths of the human
population occupy the same position as animals when it comes to desert generated through
obtaining moral virtues and accruing moral worthiness. While many people rank well above
animals—and perhaps just as many well below—on this desert ranking, millions will occupy
neutral ground shared with the beasts. DAU might imply that such people are (at least
generally) no more deserving or undeserving than their animal counterparts, and thus do not
enjoy higher moral standing (generated through moral desert) than the beasts. Again, the
beasts have been given short shrift.

But perhaps these conceptions of moral virtue and moral worth endorsed by the
ancients and Kant are simply too stringent. Millions of people have attractive dispositions to
behave in fruitful ways even if they aren’t motivated by a commitment to rationally defensible
moral principles. Perhaps that’s all that’s required for virtue and any moral worthiness
generated via virtue development. (Some virtue consequentialists might embrace this sort of
view.22) After all, many such people are diligently working towards morally attractive goals

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22 See, for example, Driver (2001) and the position presented in Bradley (2005). Plato
distinguishes a “higher” intellectually grounded conception of virtue from a “lesser” non-
intellectual conception of virtue in the Republic, suggesting that only those with some
even if they aren’t justified in believing that such goals are morally attractive. But the same
goes for (probably) millions of animals. On this sort of account, my dogs are more
benevolent, courageous, trustworthy, temperate, and patient than most of the people with
whom I interact. They have attractive dispositions to behave in fruitful ways; they work
towards morally attractive goals despite having no clue as to what makes such goals morally
attractive. They’re well-trained, just like some people are. (*Mutatis Mutandis* about moral
vice.)

Once again we find ourselves in an interesting dialectical situation. If we reject the
account promoted by the ancients and Kant, and instead embrace something like the less
stringent account described above, then people who—through no fault of their own—aren’t
motivated by the rational acceptance of defensible moral principles can still obtain virtue (or
vice) and accrue moral worthiness (or worthlessness). But then why can’t animals? They too
can work hard, make sacrifices, enhance the value of the world through beautiful, fruitful
traits of character. Recall those utilitarian dream beings—the service animals. Nonetheless,
perhaps animals can’t accrue the same amount of worthiness that people can on this account.
People are plagued with a much wider range of temptation. People—not animals—stare into
the face of the problem of normativity, experience existential despair. And millions are—in
some sense—robbed of their (at least potential) philosophical and moral autonomy by
brainwashing ideologues. There is probably a myriad of other relevant factors as well. Still,
if animals are able to accrue any amount of moral worthiness, then that’s a whole lot more
than can be said about a whole lot of people.

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philosophical knowledge can obtain higher virtue. Lesser virtue, though, is capable of being attained by the ignorant.
So either intellectually responsible commitment to rationally defensible moral principles is required for moral virtue and accrual of moral worthiness, or it isn’t. If it is, then millions of people stand the same ground in the desert rankings as the beasts: neutral ground. If such commitment isn’t required, then it appears that animals are capable of accruing positive moral worthiness. Either way, a significant number of philosophers have neglected phenomena relevant to the moral standing of animals (as well as people) and have unjustifiably perched people’s moral standing above animals in a range of scenarios—that is, if this DAU-inspired conception of moral standing is closer to the truth than rest. I’m sympathetic to the idea that it is.

7. Conclusion

According to this DAU-inspired account of moral standing, two classes of phenomena are responsible for generating (or grounding) the moral standing of an individual in the context of some moral choice: (i) many of the features responsible for an individual’s traditional utilitarian ranking in the context and (ii) the individual’s desert ranking in the context. Precisely how the two classes interact to impose a ranking of overall moral standing upon individuals potentially affected in some moral choice scenario is tricky conceptual business. (Again: Inspecting some of Feldman’s graphs might illustrate a way forward.) But this much appears to be true: In a multitude of choice situations, droves of animals outrank people on both rankings. And depending upon the exact nature of moral worthiness and the role that moral worthiness plays in generating desert levels, there probably are numerous choice scenarios in which people share the same desert ranking as animals yet are outranked by them in traditional utilitarian moral standing. This DAU-inspired account implies that in
all such cases, it is the animals that enjoy higher moral standing. Some might be disgusted by this, but I think the new theory gets it right.

I consider Feldman’s DAU to be a serious competitor in the normative ethics of behavior, and its corresponding theory of moral standing seems to enjoy serious theoretical advantages over its prominent competitors regarding its implications for the moral standing of people and animals. Regan’s theory makes use of the mysterious, unexplained concept of inherent value. I’m skeptical that the concept can be understood. It’s impossible for me to grasp what it means for someone to respect the inherent value of all creatures involved. The implications of the theory (if there are any clear ones) evade me. (I hold a similar view regarding the mysterious “moral rights” talk employed by some animal ethicists and seemingly too many other moral philosophers.) Our DAU-inspired theory is sensitive to a much wider range of morally relevant phenomena than those proposed by Kant and the Neo-Kantians. Classical utilitarians provide only half of the story. The new theory is looking good. If it’s closer to the truth than its conceptual competitors, then the common general belief that people are perched upon a privileged moral place above the animals is absolutely unwarranted in a wide range of cases. Those animals should be shown more moral respect.

23 Mary Anne Warren levels this objection against Regan’s theory in her (1987).
24 In his (1983), Regan articulates his notion of inherent value in terms of a cluster of moral rights principles, which I find almost as difficult to grasp as the notion itself. Moore (2002) argues that Regan’s view entails inescapable rights conflicts. See Jamieson (1990) for a robust critique of Regan’s theory of moral rights.
References


