

A Puzzle about Moral Status

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Abstract

Any plausible moral theory will account for non-person animals. But do animals have the same moral status as people? Unitarianism – endorsed by Bentham, Singer, and DeGrazia – says ‘Yes.’ Hierarchism – endorsed by Vallentyne, Kazez, and Kagan – says ‘No.’ This paper introduces the following puzzle. Unitarianism and hierarchism seem to be the only possible views of animals’ moral status. But hierarchists argue unitarianism entails absurdly strong distributive reasons to benefit animals. And, I argue, hierarchism entails absurdly strong distributive reasons to benefit higher status superior beings, even those better off than typical people. The inevitable choice between unitarianism and hierarchism is thus a dilemma. Although, I argue, none of the direct responses to the dilemma offer an easy solution, I suggest that my dilemma may be dialectically welcome to unitarians.

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I Two Views of Animals’ Moral Status

Consider two classes of moral subjects: people—roughly, rational, self-conscious creatures, including at least most humans (Kagan 2015)—and the other animals. Do all other animals have the same moral status as people, or do some have a lower one? DeGrazia calls this “the single most important issue in animal ethics.” (DeGrazia 1993: 18) A lower moral status, as I use the term, is constituted by weaker reasons to benefit (or not to harm), all else equal.¹ We can then rephrase this question the following way: given that we can bestow a benefit of a fixed size, do we have weaker reason to benefit an animal than a person, all else equal?

¹My argument does not rely on the contentious interpretive claim that moral status is best understood in terms of reasons to benefit. (Though my usage is not idiosyncratic: Harman 2021 uses “moral status” in this way, and Kagan 2019 uses “moral status” to encompass benefit-based reasons, as well as deontological restrictions.) The reader may prefer to understand moral status in other terms (e.g., in terms of rights or relational obligations). She should then feel free to rephrase all my claims about lower or higher moral status in terms of weaker or stronger reasons to benefit, bypassing the interpretive question.

This is a simple, restricted question that any plausible animal ethics must address. To see how simple the question is, note some complications that answers need not directly address. First, consider so-called “marginal cases” — humans with severe disabilities that place them cognitively on a par with some other animals. (For a useful overview, see Wasserman et al. 2017.) Though our general account of moral status must make verdicts in such cases, I focus on the apparently easy “non-marginal” cases: e.g., a person with typical capacities vs. a mouse with typical capacities.² Second, the other animals make a heterogeneous bunch. A complete account of animal ethics will be sensitive to the differences between cockatoos and cockroaches. But in developing the broad strokes of our animal ethics, we can still helpfully address the abstract question of whether *any* other animals plausibly have a lower moral status than people. Third, there’s a related, difficult question about our reasons given by *aggregate* benefits to many different animals. (Lohmar 2025) But I focus only the reasons to benefit one individual rather than another. Fourth, there’s more to ethics than impartial reasons to benefit: considerations given by different kinds of relationships, by privacy, by paternalism, by deontological restrictions, etc. A complete account of moral status will draw on, and have implications for, each of these domains. But we can set them aside for now (though I return to relationship-based reasons later) to focus on the restricted question of whether we have weaker impartial reasons to benefit other animals, without claiming that *all* of ethics, or even all of animal ethics, reduces to our restricted question.

So, do all creatures have the same moral status, in the sense that like interests give rise to like impartial reasons to benefit? Or do some creatures have a lower status?

Bentham, Singer, and DeGrazia defend the view that all creatures have the same moral status. For Bentham, pleasure is the only moral good and pain the only moral bad, and the goodness of pleasure and the badness of pain are not functions of the kind of creature to whom they belong. (Bentham 1970: 100 and 282n) For Singer, like interests of every creature count the same, morally, no matter what kind of creature they are. (Singer 1975: 5–6) For DeGrazia, discounting animals’ interests would be unfair and, given our tendency to anti-animal bias, highly suspect. (DeGrazia 1996: 51–53) Following Kagan, call this view, on which all creatures have the same moral status, *unitarianism*. (Kagan 2019: 37)

To illustrate, suppose that we can save either a mouse or a person from drowning. If the physical suffering of drowning is similar for each creature, then unitarianism implies we cannot weigh the suffering-based reasons differently. But unitarianism does not imply that we may save either. If people have more at stake in death because of their access to a wider and deeper range of good – appreciating paintings, writing novels, engaging in rich friendships

²Of course, if people and other animals always have the same moral status, that suggests, *a fortiori*, that severely cognitively disabled people have that status as well.

– then the person stands to lose more in death. Even if the person and the mouse have the same moral status, we could, consistent with unitarianism, save the person rather than the mouse to prevent the greater loss. (For versions of this argument, see DeGrazia 1996: 251–4, Harman 2003: 179–82, Kagan 2019: 42–45, Regan 2004: 324.)

Unitarianism is entailed by, but does not presuppose, utilitarianism. For utilitarians like Bentham and Singer, pain is pain and pleasure is pleasure: all pains of a given size give us equally weighty reasons, and similarly for pleasures. It would follow from utilitarianism that, given that we can bestow a benefit of a fixed size, our reasons to benefit animals and people are equally weighty, all else equal. However, you don’t have to be a utilitarian, or even a consequentialist, to accept unitarianism. For example, suppose you reject consequentialism because you believe in agent-relative restrictions against killing. So long as you believe that those restrictions do not apply differently across species, all else equal, you can be a unitarian.

The alternative to unitarianism is *hierarchism*, according to which animals have a lower moral status than people, in the sense that we have weaker reasons to benefit animals than to benefit people at the same welfare level. Vallentyne, Kazez, and Kagan defend hierarchism. (Vallentyne 2005, Kazez 2009, Kagan 2019) Hierarchism says there is reason to relieve a mouse’s toothache, but that reason is not as strong as the reason to relieve a person’s toothache. (Kagan 2019: 52–57, Vallentyne 2005) To be clear, hierarchists need not be *speciesists*. That is, they need not accord people higher moral status merely because of their species membership. Rather, hierarchists can accord people higher status in virtue of, say, their greater intelligence, autonomy, creativity, or skill. These, among other features, are the properties that Kazez says elicit respect. The hierarchist can then say, with Kazez, that we should give all creatures *due* respect, where a creature can be due more respect by virtue of their greater intelligence, etc. (Kazez 2009: 93) The unitarian can take properties like intelligence into account *indirectly*, insofar as greater intelligence makes people more efficient converters of resources into welfare. But the hierarchist takes these properties into account as *direct* amplifiers of the moral weight of interests.

This paper introduces the following puzzle, focused on distributive reasons to benefit. Unitarianism and hierarchism seem to be the only possible views of animals’ moral status: if we can bestow a benefit of a fixed size, our reason to benefit an animal is either weaker than or equal in strength to our reason to benefit a person.³ But, as hierarchists have argued, unitarianism implies that we have absurdly strong distributive reasons to benefit animals. And, as I argue here, hierarchism implies that we would have absurdly strong distributive reasons to benefit higher status superior beings, even those better off than typical people. The inevitable choice between unitarianism and hierarchism is thus a dilemma. I survey possible responses to the dilemma and conclude that none offer an easy

³In theory, we could also have *stronger* reasons to benefit animals, but I know of no one who defends this view.

solution.

Once I've made this point, it may seem obvious. Indeed, it follows almost trivially from the definitions of hierarchism, distributive principles, and superior beings. But, surprisingly, this point has attracted only passing notice and almost no argument in the literature on animal ethics and moral status. Many have noted the troubling implications of applying distributive principles to unitarianism. And some have noted that hierarchism fits naturally with the idea of superior beings, who have morally weightier interests in general. But, to my knowledge, hierarchists have said relatively little to defend the implications of applying distributive principles to hierarchism. They have thus overlooked that distributive principles yield troubling implications for *both* unitarianism and hierarchism: they have prematurely judged that distributive principles are a problem uniquely for unitarianism.

For example, McMahan claims that “no one believes that animals are entitled to special compensation because they are endowed with inferior natural assets,” even if similarly situated people may be entitled to such compensation. (McMahan 1996: 9) And Vallentyne similarly argues that any moral theory that claims we have egalitarian reason to aim for equality of welfare between people and mice would require a problematically massive shift of resources from people to mice. He concludes that we should accept a theory that admits of degrees of moral status, or, as he says, “degrees of moral standing.” (Vallentyne 2005, especially 424) But Vallentyne does not consider the possibility of superior beings: he is focused on the relations between typical people like us and animals. And McMahan, though he considers the possibility of creatures with greater capacities than typical people, does not explicitly consider the possibility of creatures with higher moral status.

Kagan gets the closest to seeing the problem. He argues that we should accept hierarchism because unitarianism implies that animals can raise absurdly strong distributive claims. (Kagan 2019: 62–69) And once he's endorsed hierarchism on those grounds, he's open to the possibility of superior beings with higher moral status. And he acknowledges, in a paragraph, that superior beings would have stronger distributive claims in particular. He says that “I argued (in 3.2) that people have stronger claims in this area than animals do, so that, for example, a person can be at a higher absolute level of well-being than a rabbit, say, and yet still have a stronger prioritarian claim. As far as I can see, nothing stands in the way of positing the possibility of creatures that would have even *stronger* claims in this regard.” (Kagan 2019: 152, emphasis original) But he does not defend the plausibility of this implication in any detail, nor its relative plausibility when compared with the analagous unitarian implication. He focuses instead on objections to the very idea of superior beings, such as the objection, which he convincingly refutes, that such creatures would be permitted to enslave humans. (Kagan 2019: 154–5) And others who discuss superior beings in more detail do not discuss their distributive claims in particular. Buchanan 2009, for example, focuses on the

question of whether superior beings would have greater claims to political representation. And Savulescu 2009, in a general discussion of the ethics of genetic engineering and human enhancement, does not discuss distributive justice in particular.

Thus, because its implications for distributive justice have been cited as one of the primary reasons for rejecting unitarianism, and because relatively little has been said to defend the hierarchical implications for distributive justice, it's worth exploring these hierarchical implications in greater detail and comparing them directly with the analogous implications of unitarianism.

2 The Argument from Sore Losers

Hierarchists have argued against unitarianism by *reductio* as follows.⁴

Suppose, for *reductio*,

- (1) *Unitarianism*: There is only one kind of moral status shared by people and animals.

It's reasonable, the hierarchist says, to adopt a distributive principle. For concreteness, suppose we adopt

- (2) *Egalitarianism*: Agents have strong distributive reason to favor equal distributions of welfare.⁵

But because of their access to a wider and deeper range of goods, people have much better lives than other animals, even the best-off animals. This yields

- (3) Animals have significantly worse lives than people.
- (4) Therefore, agents have strong distributive reason, grounded in egalitarianism, to prioritize benefiting animals.

For example, suppose we must dole out a benefit of a fixed size, say, a week in a warm shelter. And suppose we can benefit either a mouse, Poor Pete (a person with a life no better than a mouse's), or Well-off Will (a person whose life is going very well). Unitarianism and egalitarianism together imply that our distributive reasons to benefit the mouse and to benefit Poor Pete are of the exact same strength. (See Figure 1.)

⁴Versions of this argument appear in McMahan 1996, Kagan 2019, Vallentyne 2005. I follow Kagan's presentation most closely, because I think he is closest to seeing the problem.

⁵Kagan considers four different distributive principles: egalitarian, sufficientarian, prioritarian, and a desert-based principle. He claims, plausibly, that his argument from distribution goes through no matter which one accepts.

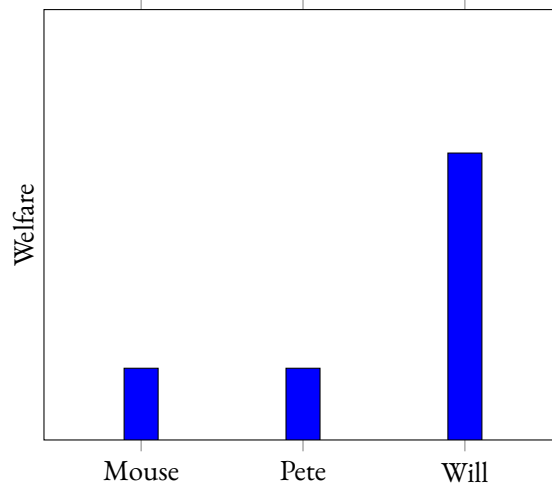


Figure 1: Welfare of a mouse, Poor Pete, and Well-off Will. If we can bestow a benefit of a fixed size, unitarianism and egalitarianism together imply we have equal distributive reason to benefit the mouse as to benefit Poor Pete.

Egalitarianism implies we have a strong reason to prioritize benefiting Poor Pete over Well-off Will. But unitarianism implies that we have a reason *of the exact same strength* to prioritize the mouse. Hierarchists suggest that that this is an absurd conclusion. Kagan admits that we can't educate and socialize the mouse the way we can the similarly situated person, but we might at least ameliorate her situation by "leaving expensive cheeses around for the mice to eat." (Kagan 2019: 64)⁶ A more serious proposal would be to benefit the mouse with modern medicine or shelter from severe weather. (Horta and Teran 2023) In any case, the hierarchist claims that (4) is so absurd that we have strong reason to reject unitarianism in favor of hierarchism, on which the distributive reasons to benefit people are stronger merely because they have the advanced capacities typical of people.

On hierarchism, an animal who tries to raise a strong egalitarian claim merely because she lacks the distinctive goods of human life is a *sore loser*: she is missing out on goods, but her deficit, unlike Poor Pete's similar deficit, fails to give rise to a strong reason to benefit. The hierarchist claims that animals have a lower moral status that manifests in weaker distribution-based reasons.

Following Kagan, we can model the hierarchical approach to distributive principles with *status-adjusted welfares*. Status-adjusted welfares effectively discount the distribution-based reasons to benefit lower status creatures. For a given level of absolute welfare, lower status creatures will have higher status-adjusted welfares. Then Poor Pete

⁶In the same vein, Vallentyne says, "equality of wellbeing requires a massive shift of resources away from most humans to most mice. This view, however, seems crazy." (Vallentyne 2005: 404) This claim, however, only follows from unitarianism and egalitarianism given a further claim about how distributive reasons to benefit *aggregate*. Again, I am focused not on claims about how the reasons to benefit animals aggregate, but claims about distributive reasons to benefit in one-to-one comparisons like that between the mouse and Poor Pete.

has the same absolute welfare as a mouse, but, as a high-status person, he will have lower status-adjusted welfare, corresponding to stronger distribution-based reasons to benefit. (See Figure 2.) Status-adjusted welfares model the hierarchical idea that we have larger distributive reasons to benefit higher status creatures like people.

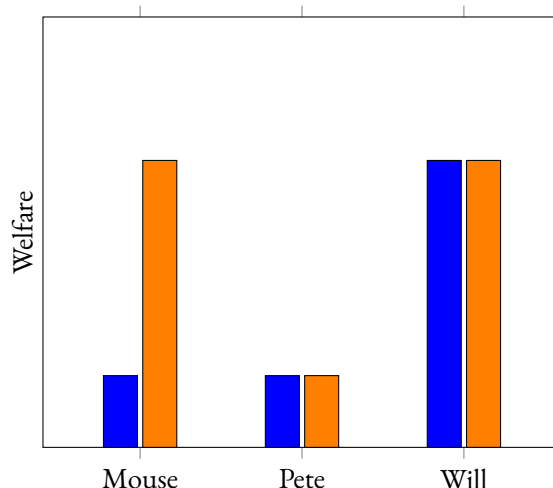


Figure 2: Welfare and status-adjusted welfare of a mouse, Poor Pete, and Well-off Will on hierarchism. The blue bars on the left indicate absolute welfare. The orange bars on the right indicate status-adjusted welfare. For concreteness, I use the method Kagan calls *simple division*: calculate a creature’s status-adjusted welfare by taking her absolute level of welfare and divide by a number representing her status. (Kagan 2019: 85) Kagan expresses worries for this method for animals with very low welfare levels (Kagan 2019: 87–92), but, because I’m not especially concerned with such cases, and because this method is simple to present, it suffices to illustrate my point in this paper.

The hierarchist then reduces the distribution-based reasons to help animals by attaching their strength not to the large absolute difference in welfare between animals and people, but to the difference in status-adjusted welfare. The hierarchist thus rejects egalitarianism in favor of *hierarchical egalitarianism*, which values not equality of welfare across individuals but equality of status-adjusted welfare. On the toy model of Figure 2, we have a strong distribution-based reason to prioritize benefiting Poor Pete, but no distribution-based reason to prioritize benefiting the mouse.

3 The Argument from Sore Winners

Hierarchism is open not only to lower-than-typical-person statuses but to higher-than-typical-person statuses. Call creatures with such statuses, following Kagan, *superior beings*, in contrast with “mere” people like us.⁷ (Kagan 2019: 149–156, see also Buchanan 2009.) The psychological capacities that would ground higher moral statuses for people are, according to hierarchists like Kagan, capacities for complex agency and thought. But the human capacities for complex agency and thought are not the upper bound of those capacities. Further, there may be other morally relevant capacities that don’t resemble our own. The hierarchist is under pressure to conclude that any creatures with these novel capacities or greater capacities for complex agency and thought would have a higher moral status than mere people.

Given the possibility of superior beings, hierarchical theories are vulnerable to a *reductio* much like the Argument from Sore Losers, namely, the Argument from Sore Winners.

Suppose, for *reductio*,

(1*) *Hierarchism*: Moral status comes in degrees.

Suppose too that we accept some hierarchical distributive principle, like

(2*) *Hierarchical Egalitarianism*: Agents have strong distributive reason to favor equal distributions of status-adjusted welfare.

If there could be superior beings, then there could be superior beings with higher absolute welfares but lower status-adjusted welfares than mere people. Call such superior beings *sore winners*.

(3*) *Sore winners* are superior beings with better lives in absolute terms than some well-off people but worse lives in status-adjusted terms than some poorly-off people.

What would life be like for a sore winner? Plausibly, the psychological capacities that ground moral status are the same as those that enable creatures to achieve higher goods, so superior beings will have access to a wider and deeper range of goods than mere people. They could have deeper aesthetic senses, more acute powers of reasoning, more intimate relationships of greater emotional depth, and other welfare-relevant capacities that bear no resemblance to any capacities of mere people. But sore winners, even as they have some access to this wider and deeper range of

⁷Schulman and Bostrom 2021 call such creatures “super patients,” but their focus is not on super patients but on so-called “super beneficiaries” who are “superhumanly efficient at deriving well-being from resources.” (2)

goods, don't have adequate lives for superior beings. The sore winner is analogous to Poor Pete, who has access to only the animalistic goods.

From (1*), (2*), and (3*), we can conclude

(4*) Therefore, agents have strong distributive reason, grounded in hierarchical egalitarianism, to prioritize benefiting sore winners.

But sore winners have lives better than some well-off people! A poorly-off mere person may raise an egalitarian claim if she doesn't have access to art, friendship, etc. But if they have lives better than typical people, sore winners presumably do have access to these goods. Then sore winners can raise an egalitarian claim because they don't have access to the distinctive goods of their kind of life: super-art, super-friendship, etc. (4*) implies that sore winners could permissibly prioritize cultivating their own capacities for super-aesthetic appreciation and super-friendship rather than help the poorly-off mere person.

To see how radical this conclusion is, consider medicine and shelter. Plausibly, we should ensure that people have adequate access to medicine and shelter before securing anyone's access to higher goods, since medicine and shelter give long-range planning creatures like us a minimum level of security from nature within which we can plan our lives and pursue our valuable ends. But this is incompatible with (4*), which implies that we should help superior beings access higher goods before helping poorly-off mere people, who may be poorly-off in virtue of inadequate access to medicine and shelter. I submit that (4*) is so absurd that we have strong reason to reject hierarchism.⁸

4 The Dilemma

The Argument from Sore Losers suggests that unitarianism implies absurdly strong distributive reason to prioritize benefiting other animals, merely because they lack the distinctive goods of person life. The Argument from Sore Winners suggests that hierarchism implies absurdly strong distributive reason to prioritize benefiting sore winners, even though they are better off than some well-off people. But if hierarchism and unitarianism are both vulnerable to *reductios*, and they exhaust the space of possibilities, then we face a dilemma. To the extent that we find both (4) and (4*) absurd, our intuitive judgments are in tension. What should we conclude?

⁸If medicine and shelter play this special role for *all* creatures, not only creatures who make long-range plans, then perhaps (4) is not as absurd as the hierarchists claim.

We could decide to bite one bullet or the other. But this is difficult to do in a non-arbitrary way. To see why, consider one possible response to the the Argument from Sore Winners. The hierarchist could say, “I reject the idea that (4*) is absurd. It is exactly in the spirit of hierarchism, on which greater capacities entail a higher moral status, which entails stronger egalitarian claims. This implies that we should prioritize people over mice and sore winners over people.”

The problem is that the unitarian can reply analogously to the Argument from Sore Losers. She can say, “I reject the idea that (4) is absurd. It is exactly in the spirit of unitarianism. On unitarianism, all creatures have the same moral status. This implies that we should prioritize people over would-be sore winners, but also mice over people.”

The dilemma leaves the unitarian and hierarchist in a standoff. Can we resolve the standoff in favor of one view?

4.1 Rejecting the Argument from Sore Losers

Denying (2) Egalitarianism

The unitarian can avoid the Argument from Sore Losers by denying (2), egalitarianism. Denying (2) deprives the mouse of an egalitarian claim. Doing so also deprives Poor Pete of an egalitarian claim, so this move is costly.

Egalitarianism, as stated in (2), is a distributive principle: a principle that favors more equal distributions of welfare. According to distributive egalitarianism, equality is valuable in itself: outcomes in which welfares are equal across individuals are in one way better than others. The unitarian can try to reduce the cost of rejecting (2) by accepting relational egalitarianism, according to which having egalitarian relationships is in itself valuable. Egalitarian relationships lack certain bads—like domination, manipulation, exploitation, marginalization, humiliation, and violence—and feature certain goods—like open communication, respectful discussion, collective self-determination, and equal social status. On relational egalitarianism, inequality of welfare is regrettable only if that inequality is expressive of or conducive to inegalitarian relationships. (Anderson [1999](#), Scheffler [2003](#))

Can the unitarian plausibly accept relational egalitarianism to reduce the cost of rejecting (2)? The challenge is to recover the verdict that we should prioritize benefiting Poor Pete without implying (4).

Relational egalitarianism requires us to prioritize benefiting Poor Pete insofar as his low-quality life damages his relations with others. If Poor Pete is still a part of human society, then his low-quality life may place him objectionably lower in a social hierarchy and damage his self-esteem, which relational egalitarianism would call on us to

correct. (Schemmel 2021)

The relational egalitarian can say that because mice, for instance, are not a part of human society, the norms of relational egalitarianism do not apply to human-mouse relations. But then, similarly, the norms of relational egalitarianism would not apply to the relations between humans and higher-capacity beings (i.e., the beings classified as superior by hierarchism). This version of relational egalitarianism then runs into a unitarian analogue of (4*): higher-capacity beings can permissibly prioritize helping members of their society over poorly-off people outside their society, even if the former are better off than the latter.

Instead, the relational egalitarian can say that all rational creatures form a community to which egalitarian norms apply, but that non-rational creatures like mice have at most a limited interest in relations of equality with rational creatures.⁹ Animals have an interest that we not treat them violently and, arguably, that we not humiliate and dominate them. So relational egalitarianism implies that we should stop putting them in factory farms and, perhaps, in zoos and circuses. These, I suggest, are reasonable requirements, not absurd conclusions.

But other kinds of relations of equality are, perhaps, not possible between humans and animals. For example, we cannot be collectively self-determined with mice, so we have no reason to modify our relations with them to strive for such a relation.¹⁰

One might worry that this view is against the spirit of unitarianism, because it gives poorly-off humans a claim to be benefited that it does not give similarly situated mice. However, those claims to be benefited are grounded in interests in egalitarian relationships, interests that humans have but animals lack. Unitarianism can treat different creatures differently based on their different interests, so long as we don't treat the same interest differently in different creatures.

Rejecting (2) avoids the Argument from Sore Losers. The unitarian can make their view more plausible by accepting relational egalitarianism, which can recover some implications of distributive egalitarianism and can perhaps avoid absurd conclusions like (4).

Still, we should not undersell the cost of rejecting distributive egalitarianism. Relational egalitarianism only implies that we have reasons to favor equal distributions of welfare when doing so is conducive to egalitarian relationships. So, for example, if a person suffers incurable chronic pain that makes her life worse than others, but, suppose, this in no way affects her relations with others, then relational egalitarianism implies *no reason at all* to

⁹For an argument that some non-human animals have valuable relationships, see Story 2025. For further discussion of extending relational egalitarianism to include animals, see Bengtson 2022 and Magaña and Cass 2026

¹⁰For a competing view on which we can and should strive for collective self-determination with animals, see Donaldson and Kymlicka 2013.

prioritize benefiting her over other people. This is a difficult bullet to bite, so we should look for other options.

Denying (3) that Animals are Worse-Off

The unitarian can instead avoid the Argument from Sore Winners by denying (3), the claim that animals have significantly worse lives than people.

The most obvious way to deny (3) is to endorse a *kind-relative theory of welfare*, on which a creature's welfare is a function of both the goods in her life (i.e., welfare-contributing goods like pleasure and love) and the kind of creature she is.¹¹ The kind-relative idea is that the less access to good your kind of creature has, the less good you need to have a high welfare. In particular, the unitarian can claim that we should rescale welfare so that the amount of good in the life of a typical creature counts as good for that creature. Then the unitarian can claim that the amount of good in a typical mouse's life constitutes a high-welfare life for a mouse, but a low-welfare life for a person.

But the move to a kind-relative welfare theory faces two problems.

First, the kind-relative welfare theorist is in a similar position to the hierarchist and thus has a similar vulnerability. The kind-relative theorist makes a distinction between *amount of good* and *welfare*, where welfare is supposed to be our action-guiding concept. The hierarchist makes a distinction between *welfare* and *status-adjusted welfare*, where status-adjusted welfare is supposed to be our action-guiding concept. The kind-relative welfare theorist is thus vulnerable to a unitarian analogue of (4*).

To spell this out in more detail, the kind-relative welfare theorist says that, because they are a different kind of creature with access to less good, animals are not worse off with respect to welfare than people. She is thus under pressure to say that, because people are a different kind of creature with access to less good, people are not worse off with respect to welfare than higher-capacity beings that are better off with respect to good. If she does so, then she lacks the resources to say, consistent with unitarianism, that we should prioritize benefiting poorly-off (with respect to good) people over better-off (with respect to good) higher-capacity beings, because they would be equally well off with respect to welfare.

Second, even if the kind-relative welfare theory avoids radical implications about our distributive reasons to benefit, she seems committed to even more radical claims about our *welfarist* reasons to benefit. For example, if both the mouse and Poor Pete are drowning, and we can only save one, the kind-relative welfare theory implies that we have greater welfarist reason to save the mouse, since the mouse has more (kind-relative) welfare at stake. Even

¹¹For general discussion of such views in the theory of welfare, see the literature on welfare variabilism, especially Lin 2018, Masny forthcoming, and the citations in those articles.

though welfarist considerations weigh against distributive considerations that speak in favor of saving Poor Pete, the idea that the mouse stands to lose more in death than does Poor Pete is a tough bullet to bite.

4.2 Rejecting the Argument from Sore Winners

Denying (2*) Hierarchical Egalitarianism

The hierarchist can avoid the Argument from Sore Winners by denying (2*), hierarchical egalitarianism. Denying (2*) denies strong egalitarian reason to help the sore winner. But doing so *also* denies strong egalitarian reason to help Poor Pete. So this move, too, is costly.

The hierarchical egalitarianism of (2*) is a distributive principle. The hierarchist might be tempted to, like the unitarian, accept a relational variant to explain how Poor Pete can raise some kind of egalitarian claim. But the resulting view is either vulnerable to the Argument from Sore Winners, vulnerable to a more extreme version of the Argument from Sore Losers, or hierarchical in name only. The question is whether, under hierarchical relational egalitarianism, high and low-status creatures in a relationship should prioritize one creature's welfare on distributive grounds.

Suppose, first, they should prioritize the high-status creature. This could be motivated by the idea that those with higher status deserve better lives. But this directly implies (4*). So substituting distributive egalitarianism for this relational variant does not help the hierarchist avoid the Argument from Sore Winners.

Suppose, instead, they should prioritize the low-status creature. This could be motivated by the idea that those with greater capacities have a greater responsibility to benefit those with weaker capacities. But this directly implies an extreme version of (4), as it would imply that we should benefit low-status animals merely because they are low-status.

Suppose, finally, they should prioritize neither creature. This principle avoids the Argument from Sore Winners, but is hierarchical in name only. On the one hand, it accepts that some creatures have higher and lower statuses than others, but, on the other hand, it denies that the kinds of valuable relationships two creatures can stand in are sensitive to those differences in status. What, then, do differences in status amount to? On this view, differences in status are normatively inert, at least with respect to distributive and relational ethics.

So the hierarchist can avoid the Argument from Sore Winners by rejecting (2*). But denying (2*) deprives Poor Pete of his egalitarian claim, and accepting a relational variant cannot solve this problem without running into others.

Denying (3*) that Sore Winners are Conceptually Possible

The hierarchist can avoid the Argument from Sore Winners by denying that sore winners are possible, in two ways.

First, she could deny that superior beings are possible. I.e., she can say that animals have a lower moral status than mere people like us, but that we have the highest possible moral status. Rawls motivates such a view. For Rawls, the norms of justice only regulate those with *moral personality*, the capacity to have a conception of the good and a sense of justice. Animals lack moral personality, so, for Rawls, the norms of justice don't apply to them. (Rawls 1971: 505) But, moral personality is a *threshold property*, a property that a creature either has or lacks, in contrast with scalar properties that come in degrees.¹² Though creatures can have a greater or lesser sense of justice, they either have the capacity to have some sense of justice or not. (Rawls 1971: 508, Waldron 2017, Chapters 3 and 6)

Given the assumption that there are no further morally relevant range properties that higher-capacity creatures have but we lack, we have the highest moral status. The hierarchist can defend this assumption by insisting that, absent a characterization of what these further morally relevant range properties are, we have only inductive reason to believe that there are such properties.

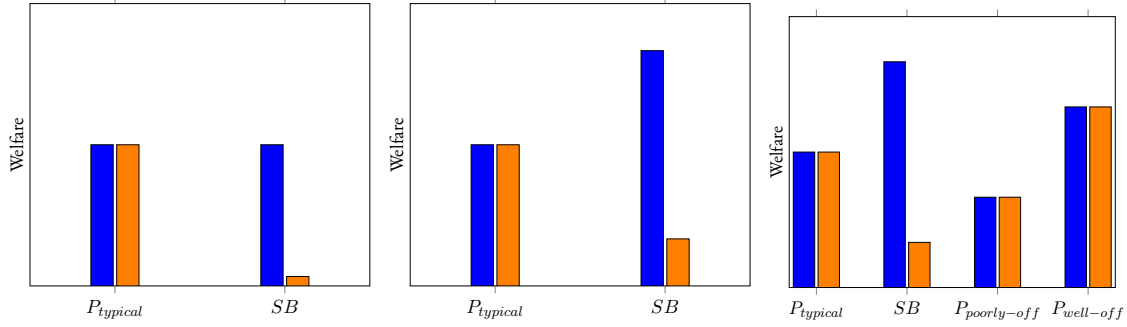
But the assumption seems conveniently anthropocentric. While this is a promising line of defense for the hierarchist, it's unclear whether the crucial assumption is justified. Further, one might wonder if this view is really hierarchical. If the norms of justice apply to those with moral personality in virtue of *interests* that they have but animals lack, then the view looks unitarian. This points to a general problem with hierarchism: I suspect a moral view only looks hierarchical before it has provided an *explanation* of the relevant differences in virtue of which moral norms apply to some creatures but not others.

Second, the hierarchist could deny that sore winners are possible, even if superior beings are.

But the possibility of superior beings entails the possibility of sore winners. (Figure 3.) First, suppose superior beings are possible. Second, take a superior being with the same absolute welfare as a typical person. Because of their higher status, that superior being will have a lower status-adjusted welfare than the mere person. (Figure 3a) Third, raise the superior being's welfare enough that her absolute welfare is higher than the person's, but not so much that her status-adjusted welfare rises above the typical person's.¹³ (Figure 3b) Fourth, consider a person whose absolute welfare is below the typical person's welfare but above the superior being's new status-adjusted welfare. Such a person is poorly-off, in the sense that they are worse off than our typical person. Fifth, consider a person

¹²Rawls uses the term "range property."

¹³This step and the next two require only the plausible assumption that functions from welfare to status-adjusted welfare are continuous.



(a) Welfare and status-adjusted welfare of a typical person and a superior being with the same absolute welfare. (b) Welfare and status-adjusted welfare of a typical person and a superior being with a slightly higher absolute welfare. (c) Welfare and status-adjusted welfare of a typical person, a superior being with a slightly higher absolute welfare, a poorly-off person, and a well-off person.

Figure 3: Illustration of the argument that the possibility of superior beings entails the possibility of sore winners. The blue bars on the left indicate absolute welfare. The orange bars on the right indicate status-adjusted welfare.

whose absolute welfare is above the typical person's absolute welfare but below the superior being's new absolute welfare. Such a person is well-off, in the sense that they are better off than our typical person. (Figure 3c) Now our superior being is a sore winner, because she has a better life in absolute terms than a well-off person but a worse life in status-adjusted terms than a poorly-off person. So the possibility of sore winners follows from the possibility of superior beings.

4.3 Taking Stock

The unitarian can avoid (4) by rejecting (2) distributive egalitarianism. She can lower the cost of this move by accepting relational egalitarianism, but this only recovers distributive demands when those demands affect the quality of relationships. So this is still a costly move. The unitarian can also avoid (4) by adopting a kind-relative theory of welfare and rejecting (3), but this view is vulnerable to a unitarian analogue of (4*).

The hierarchist can avoid (4*) by rejecting (2*) distributive hierarchical egalitarianism, but she cannot lower the cost of this move by accepting a relational variant. She can try to deny (3*) that sore winners are conceptually possible, but the most obvious version of this move, which denies that superior beings are possible by appealing to threshold properties, rests on the undermotivated assumption that there are no further morally relevant range properties that higher-capacity creatures have but humans lack.

Stepping back, the Arguments from Sore Losers and Winners show that the intuitive judgments that we should prioritize people over animals and over high-capacity creatures are in tension with each other. We've been trying to

vindicate just one judgment.

We could instead try to *partially vindicate* both intuitive judgments by appealing to kind-based partiality. Perhaps agents in general have agent-relative reason to help their own kind. (Williams 2008) This would not *fully* vindicate either intuitive judgment, since at most one of (4) or (4*) would be an accurate characterization of agent-neutral reasons. But, on this picture, people would have agent-relative reason to prioritize benefiting other mere people over animals and higher-capacity creatures. Still, this move is only as plausible as species-based partiality.¹⁴

We could instead try to *debunk* the intuitive judgments. If unitarianism is true, and the Argument from Sore Losers is right that unitarianism implies (4), then we need an error theory of why (4) seems absurd. The unitarian can offer two. First, we are simply biased toward our own kind, and we may unjustifiably suppose that agent-neutral reasons favor helping our own kind over animals. Second, we all come from cultures with long histories of mistreatment and devaluation of animals. People who are products of such cultures are apt to have intuitions that are biased against animals. These could explain why we see (4) as absurd, even if (4) is true.

The hierarchist can use the first of these debunking explanations, but not the second. If (4*) is true, our kind-based bias could explain why we unjustifiably suppose that agent-neutral reasons favor helping our own kind over superior beings. But we have no history of interaction with superior beings, so the reasons to believe we have the same kinds of biases against superior beings that we have against animals are more speculative.

The advantages on either side are slight. The unitarian can more effectively appeal to relational egalitarianism, but rejecting distributive egalitarianism is still costly. The hierarchist alone can appeal to threshold properties to help her, but the assumption she needs is undermotivated. The unitarian has one more debunking explanation than does the hierarchist, but we shouldn't oversell that point. These considerations do not obviously resolve the standoff.

To lay my cards on the table, my sympathies are with the unitarian. Unitarianism strikes me as the simpler theory, the null hypothesis. As I suggested in 4.2, hierarchism strikes me as a “stop-gap” theory: we can satisfy ourselves with hierarchism only temporarily, until we can give an *explanation* of the relevant differences in virtue of which moral norms apply to some creatures but not others. But once we have such an explanation, perhaps one that appeals to interests that people have but mice lack, I suspect our view will start to look unitarian.

And I think that this standoff, even if unresolved, should be dialectically welcome to unitarians. Hierarchists (especially Kagan 2019 and Vallentyne 2005) have pressed distributive principles as posing a distinctive problem for unitarianism, a problem that motivates the move to hierarchism. But if distributive principles pose an exactly

¹⁴For skeptical views relevant to our dilemma, see McMahan 2002: 217-232 and Savulescu 2009.

analogous problem for hierarchists, then this move is dialectically ineffective. Perhaps we’ve merely shown that distributive principles have strange results, no matter one’s view of moral status. But if distributive principles don’t pose a distinctive problem for unitarianism, then hierarchism needs an independent motivation.

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