

THE BOUNDARIES OF THE MORAL (AND LEGAL) COMMUNITY

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THE EXPANDING MORAL COMMUNITY

Let me invite you to step back from the parochial political disputes that dominate public life in America and most other modern democracies, as well as from the internecine academic quarrels characteristic of so much professionalized scholarship in the modern academy, and reflect, instead, on the broader sweep of moral and political thought, in both the philosophical and practical realm, over the past two or three hundred years. What must immediately strike any observer of this period is the remarkable expansion it has witnessed of what I will henceforth call “the moral community,” that is, the community of creatures that are thought entitled to equal moral consideration, whatever the precise details of what such consideration involves—that is, whether it is a matter of showing “respect,” recognizing the “dignity” of each, or “maximizing the utility or well-being” of each, or some other formulation.¹ I am speaking here about our official ideologies and discourse, not necessarily all our actual practices and laws, though they gradually follow suit over the course of a century or so. But at the level of ideology, reflected in both ordinary moral opinion and in the work of philosophers, we in the West—ignorance of the relevant philosophical and legal traditions requires me to remain agnostic on the proverbial “East,” though the trends seem to be similar—have largely abandoned the ideas that gender, race, ethnicity, religion, class, and now even sexual orientation are *morally relevant* attributes in the sense that they are attributes that determine the basic moral consideration to which one is entitled. To be sure, *in particular contexts*, these characteristics may matter

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1. To be sure, it is equally notable the extent to which the community of creatures entitled to *some*—if not necessarily *equal*—moral consideration has also expanded. But the press on many fronts has been towards *equality* of moral consideration, a fact particularly important in the case of non-human animals, to which we will return.

because of the context. So, for example, I take it most would still think it morally unproblematic to consider race in casting the lead role in Shakespeare's *Othello*, and most of us would still think it morally unproblematic that a man contemplating marriage gives some consideration to the gender or religion of his potential mate.

Where the remarkable modern consensus emerges is with respect to what I will refer to henceforth as *basic moral consideration*. To say that everyone is now thought equal in terms of their entitlement to *basic moral consideration* means that no one can be treated differently based on their gender, race, ethnicity, religion, class, and, increasingly, sexual orientation *unless* there is a *further* reason beyond simply the fact of having those characteristics for doing so, and that additional reason itself does not offend against our sense of what is morally right and wrong. In the case of casting *Othello*, for example, there is an *artistic* reason, related to the conditions for a successful staging of the play given its setting and the description of its characters, for taking race into account. And in the case of choosing a mate, there are reasons related to the value of individual autonomy in private affairs for thinking it appropriate that in intimate relationships persons may weigh gender, religion, and race. But it will no longer suffice to say that the reasons for treating Jews differently than Christians *is that they are Jews*, or that the reason for treating Blacks differently than Whites *is that they are Blacks*. *Being a human being is now enough to trigger basic moral consideration*. That sentiment is, of course, enshrined in the Universal Declaration of Human Rights adopted after World War II.² It is one of the cruel ironies of history that we quite clearly have Hitler and his atrocities to thank for producing this most recent, stunning shift in moral consciousness—that is, the one reflected in the Universal Declaration—even though it is one that he himself certainly did not intend.

With regard to this equality of basic moral consideration among human beings, it bears emphasizing that almost all the major moral and political theorists of modernity converge, though they have very different reasons for doing so and very different ideas about what *basic moral consideration* requires. But with respect to the entitlement to basic moral consideration, Bentham and Kant, Marx and Hayek, Rawls and Nozick all agree.³ Bentham's slogan, recall, was that each counts for one, and not more than

2. See generally Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 GA. J. INT'L & COMP. L. 287 (1995–1996).

3. To be sure, philosophers like Kant often endorsed the parochial prejudices of their day, especially about non-whites, but that was almost always due to their endorsement of false factual claims about racial differences. I should add that my list of juxtaposed philosophers in the text is only meant to be representative of thinkers from different ends of the ideological spectrum, and not to imply that they are philosophical peers: Hayek is obviously not a thinker on a par with Marx, nor Nozick on a par with Rawls.

one, in the utilitarian calculus.⁴ Kant's formalization of the Golden Rule eschewed consequential calculations, but still issued in the same edict about moral consideration: no one was to be treated merely as a *means*, but rather as an end, a standard even more demanding than Bentham's, but one that accepts the entitlement to basic moral consideration—at least among rational persons, a caveat to which we will need to return. Marx's famous formulation—"from each according to his ability, to each according to his needs"⁵ made no reference to race or gender, just to human abilities and needs.⁶ What Hayek calls the moral ideal of "individualism" involves "the respect for the individual man *qua* man, that is, the recognition of his own views and tastes as supreme in his own sphere, . . . and the belief that it is desirable that men should develop their own individual gifts and bents."⁶ Nothing in Hayek's argument suggests that the reference to "man" should be taken semantically rather than syntactically.

In this pantheon of well-known moral and political theorists of modernity, the case of Bentham is particularly instructive, because the increasing moral importance assigned to the experience of pain and suffering (which was his great innovation in Western moral thinking) is also one of the stunning changes in the moral sensibility of modernity. One need only recall the Homeric epics to realize that there were eras of humanity in which pain was not deemed an overriding practical consideration compared to, say, honor or glory. And as Nietzsche emphasizes, there are large swaths of human history in which the cruel infliction of pain on others was an occasion for festivities and celebration.⁷ But Benthamite hedonism—though it has few explicit adherents these days—has in one very important respect now carried the day in ordinary and even philosophical thought, so that even non-utilitarians and non-Benthamites avert to, indeed take for granted, the moral salience of suffering. The "intuitive" moral salience of suffering is certainly central to the rise of vegetarianism on so-called "moral" grounds in the affluent capitalist societies over the last generation. We shall return to that astonishing phenomenon and the efforts to add "species" to the list of morally irrelevant attributes later in this lecture.

I should emphasize again that my thesis about the expansion of the moral community—the community in which equal basic moral

4. See JOHN STUART MILL, UTILITARIANISM (1861), *reprinted in* 10 THE COLLECTED WORKS OF JOHN STUART MILL: ESSAYS ON ETHICS, RELIGION AND SOCIETY 203, 257 (J.M. Robson ed., 1969).

5. KARL MARX, CRITIQUE OF THE GOTHA PROGRAMME 10 (Int'l Publishers Co. 1938) (1891).

6. FRIEDRICH HAYEK, THE ROAD TO SERFDOM 68 (Bruce Caldwell, ed., Univ. of Chi. Press 2007) (1944).

7. FRIEDRICH NIETZSCHE, ON THE GENEALOGY OF MORALITY 40–45 (Maudemarie Clark & Alan J. Swensen, trans., 1998); *cf.* MICHEL FOUCAULT, DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON (Alan Sheridan, trans., 1977).

consideration is due—does not involve denying that there remains pernicious hostility based on gender, race, ethnicity, and class. The striking fact, however, is that such hostility must now generally travel in disguise, since only Klansmen and Nazis and misogynistic sociopaths talk *openly* any longer about moral status depending on one's race or religion or gender. Opponents of gay marriage are now under enormous moral pressure for precisely this reason. Once marriage among elites, especially over the course of the nineteenth century, ceased to be arranged for social and economic advantage, and became instead a relationship based on such mercurial considerations as "love" and "compatibility," then the explanation for why two men, or two women, or one woman and three men, should not be "married" ceased to make any sense. More than a century later, this development now draws its obvious consequence. More generally, laws have gradually come to reflect these changes in the conception of the moral community, from the Universal Declaration of Human Rights (already mentioned) to the Civil Rights Act of 1964, to the Americans with Disabilities Act, to the constitutions of all the Western countries that emerged from the horrors of WWII.

This kind of emerging moral consensus poses a stark challenge to a meta-ethical view that was dominant for much of the twentieth century, and one that I will be defending in this lecture: what is called, in contemporary philosophical terminology, "moral anti-realism." Moral anti-realists deny that there are any objective facts about what is morally right and wrong, that judgments about such facts are either mistaken *in toto* or really devices for doing something else, for example, expressing feelings and non-cognitive attitudes, perhaps as a way of cajoling our compatriots to feel similarly.⁸ Our world, says the moral anti-realist, contains many different things: rivers and mountains, chairs and tables, oxygen and quarks, human minds and human bodies, gold and other metals. But one thing it does not contain is any objective fact about what is morally right and wrong. Just as the scientific revolution and its legacy purged the world of gods and ghosts, of the ether and of phlogiston, so too it has rendered explanatorily otiose the idea that the world contains any objective moral facts that explain our moral attitudes.⁹ To be sure, events in the world induce powerful, emotive, and affective responses in humans, and at least some of those responses are then reified as "moral truths," rather than being recognized as the psychological and anthropological artifacts they are—artifacts that are of theoretical interest to observers, to be sure, as well as of practical

8. BRIAN LEITER, NIETZSCHE ON MORALITY 137, 148 (2002).

9. See Brian Leiter, *Moral Facts and Best Explanations*, 18 SOC. PHIL. & POL'Y 79 (2001), reprinted in BRIAN LEITER, NATURALIZING JURISPRUDENCE 203 (2007).

importance to “insiders,” but which do not pick out any independently existing features of our world.

But how, then, is such moral anti-realism to be squared with the apparently remarkable consensus about the contours of our expanding moral community? Why not think this convergence in moral (and gradually, legal) opinion over the past two centuries is really just convergence on an objective fact, just like the massive scientific convergence on the laws of Newtonian mechanics regarding observable physical objects, or on the evolution of species by the mechanism of natural selection? That is the central philosophical question about the expanding boundaries of the moral and legal community that will be my focus here.

EXPLAINING THE EXPANDING MORAL COMMUNITY: THE WHIG HISTORIES

One attractive—and decidedly anti- anti-realist—way to explain this quite extraordinary development in human consciousness—namely, our expanding conception of who counts *morally*—is by appeal to what I will call “Whig Histories,” according to which these changes really are just a story of expanding moral *knowledge*. Just as we discovered that the movement of mid-size physical objects is governed by the laws of Newtonian mechanics, and that those same laws do not describe the behavior of quantum particles, so too we have discovered that chattel slavery is a grave moral wrong and that women have as much moral claim on the electoral vote as men.

But we have not “discovered” all these claims in quite the same way, and that requires some notice. The justification of (most) scientific propositions turns on their predictive, empirical success and when they are, in fact, deemed successful they are thought to have illuminated some aspect of the causal structure of the world.¹⁰ But the *justification* of moral beliefs turns neither on their empirical predictive success, nor their illuminating the causal structure of the world.¹¹ One justifies, for example, the belief that eating meat is morally wrong by appeal to a principle thought to be intuitively (not empirically!) plausible like, “unnecessary suffering is morally wrong,” conjoined with empirical beliefs like, “animals are sentient creatures capable of suffering” and “the way animals are raised and killed in preparing meat causes them unnecessary suffering.” This kind of argument licenses no empirical predictions and illuminates nought about

10. On the centrality of causation to understanding what it is scientific theories do in explaining phenomena, see Nancy Cartwright, *From Causation to Explanation and Back*, in *THE FUTURE FOR PHILOSOPHY* 230 (Brian Leiter ed., 2004).

11. Even moral realists who think moral facts are part of the best causal explanation of experience do not believe that this fact is part of the *justification* of their being morally true. See, e.g., Peter Railton, *Moral Realism*, 95 *PHIL. REV.* 163 (1986).

the causal structure of the world. By contrast, we now accept that a scientific proposition like $e=mc^2$ is true not for the kinds of reasons offered against the morality of eating meat, but because the mass-energy equivalence Einstein proposed was experimentally confirmed (the first time was in 1932 by J.D. Cockcroft and E.T. Walton).

It would be too quick, however, to draw a line between empirical and moral propositions so cleanly. The striking fact about the history of inequality is that it has regularly traded on empirical claims that are amenable to investigation in accord with the canons of epistemic warrant (i.e., the standards of evidence and justification) we deploy in the sciences. Aristotle is only the most notorious case—he thought, for example, that women and slaves were cognitively incapable of managing their lives, so were actually *better off* ceding control to free men so capable¹²—but Aristotelian reasoning was also invoked to justify the treatment of African slaves in the modern era, who were variously deemed to “suppl[y] the missing link between human beings and chimpanzees”¹³ and, according to some scientists “were a separate species,” with more in common with monkeys than Europeans.¹⁴ As the historian Annette Gordon-Reed notes, in discussing the profound impact of Harriet Beecher Stowe’s 1852 novel *Uncle Tom’s Cabin*, “[H]er story was effective because it directly assaulted Southern pretensions. Pro-slavery Southerners had been propagating a narrative of their own: slavery was a benevolent institution in which mentally inferior slaves were watched over by owners who treated them as part of their family.”¹⁵ Stowe’s novel exploded that ludicrous narrative. The Nazi characterization of the Jews was similar to the characterizations of Africans by slavery apologists. Heinrich Himmler produced an entire magazine, in 1942, about “The Subhuman,” warning Germans against being deceived by appearances, by—as he put it—“beasts in human form.”¹⁶ Jews were his prime examples, of course, but failures to pinpoint the “blood” differences between Jews and “real” humans led Hitler to recruit “literary and legal scholars, linguists, historians,

12. Aristotle’s view exerted influence well beyond his own time. As David Livingstone Smith writes in his gripping book, *LESS THAN HUMAN: WHY WE Demean, ENslave, AND EXTERMINATE OTHERS* (2011), even in the sixteenth century, Spanish scholars were arguing “that there is almost as great a difference between Indians [in the New World] and Spaniards as between monkeys and men,” and that “although the natives are not ‘monkeys and bears,’ their mental abilities are like those of ‘bees and spiders.’” *Id.* at 77–78. “Why bees and spiders?” As Professor Smith notes, Aristotle thought some animals were capable of “purposive behavior” that still was irrational, since it did not involve practical reason and thought. “Aristotle believed that only humans can think. So, in comparing the behavior of Indians to that of spiders and ants, [one] implicitly denied that they are rational—and therefore human—beings.” *Id.* at 78.

13. *Id.* at 114.

14. *Id.* at 119.

15. Annette Gordon-Reed, *The Persuader*, *THE NEW YORKER*, June 13, 2011, at 120, 123.

16. See SMITH, *supra* note 12, at 155.

geographers, and anthropologists” to make the case for the “subhuman” character of Jews.¹⁷ Though biology did not deliver the alleged “factual” component for Nazi racism, the social sciences complied.

Moral anti-realists like me of course recognize that moral attitudes tend to be responsive to non-moral facts—even the most subjective evaluative attitudes are so responsive, after all. The judgment, “We shouldn’t eat at *La Bistro Francais Pretense*,” will typically give way before a satisfying gustatory experience there. More importantly, the evaluative judgment, “Don’t eat the pork dishes at *Szechuan West*, they’re made from cat,” is quite plainly defeated by the revelation that this is a slander on the restaurant’s proprietor. Changes in our understanding of the facts have surely played some role in changes in our moral attitudes, yet this just pushes the explanatory question back one step: namely, why were people so slow to correctly cognize the non-moral facts, why were they so ready to accept factual claims that could not, in fact, withstand scrutiny in light of the canons of epistemic warrant otherwise operative in contemporaneous scientific investigations? Canons of epistemic warrant and justification are, after all, themselves norms or values, and yet they were rendered inert in certain domains by countervailing inegalitarian moral attitudes. Some other evaluative attitude—disgust with, contempt for, antipathy towards, e.g., Africans or Jews—was itself an obstacle to responsible investigation of the non-moral facts. That phenomenon should hardly be surprising in light of recent work in social psychology. In an influential paper ten years ago that synthesized a wide body of empirical research,¹⁸ Jonathan Haidt argued that moral judgments in most ordinary contexts arise from powerful emotional responses, not rational reflection, and that while reasons and evidence are often supplied post-hoc, commitment to the evaluative judgment typically survived the failure of the reasons and evidence to support them! Haidt suggested that “the mere fact that friends, allies, and acquaintances have made a moral judgment” was more important to understanding someone’s commitment to it than the actual rational support for the judgment.¹⁹ That suggests the best explanation for the prevalence of a moral judgment will be psycho-social in character—whatever it is that explains the community convergence—rather than something epistemic or cognitive.

17. *Id.* at 161.

18. Jonathan Haidt, *The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment*, 108 *PSYCHOL. REV.* 814 (2001).

19. *Id.* at 819. A moral intuitionist, who thought correct moral judgment was just a matter of “intuiting” the moral properties of a situation, might think that the judgments of “friends, allies, and acquaintances” constitute testimony that does *justify* making the same judgment. I assume throughout that moral intuitionism is false, for the kinds of reasons P.F. Strawson adduced a half-century ago in *Ethical Intuitionism*, 24 *PHIL.* 23 (1949).

In light of these findings, then, we may still wonder: why did the racist evaluative attitudes yield at the time they did, such that reliable empirical knowledge about racial or ethnic differences could come to light and the moral community begin to expand accordingly? If, on the Whig history, “moral knowledge” flowed from a correct appreciation of non-moral factual knowledge, we still need to know why such non-moral factual knowledge became possible when it did, that is, why it became possible to overcome the inegalitarian evaluative attitudes of “friends, allies, and acquaintances” and discover the facts about different races, different ethnic groups and so on when we did? “Factual knowledge” is, to repeat, a value-laden notion, one dependent on the acceptance of certain epistemic values that license judgments about what the facts are. Yet one striking feature of the changing conceptions of the moral community is that there was widespread agreement on the relevant epistemic values long before there was widespread agreement, for example, on the fact that African-Americans were not, in fact, cognitively or biologically different from European-Americans, and were equally capable of governing their affairs autonomously. The key challenge for the Whig Histories is to explain the delay in recognizing the “facts” that shared epistemic values should have revealed. If the expanding moral community was really just a case of expanding *knowledge*, then why was such knowledge retarded by inegalitarian moral attitudes?²⁰

Someone might object: surely the fact that the Catholic Church once rejected Galileo’s heliocentrism on religious grounds does not show that it is not an objective fact that the sun is the center of our solar system? And, indeed, even a moral anti-realist like me must agree it does not. But remember that in the dispute between Galileo and the Church the dispute was between different *epistemic* criteria, with Galileo appealing to systematic observational evidence and the Church appealing to scripture. The puzzle about the persistence of inegalitarian moral attitudes is that many, perhaps most, of those who embraced them accepted the *exact same standards of evidence* as their opponents. What is the Whig Historian to say about this?

We must, of course, be sensitive to the possibility that in some cases the inegalitarian attitudes were just, as it were, *brute*, i.e., they did not depend upon non-moral factual claims that might themselves be amenable

20. To put the point differently: if you think that increasing knowledge about moral facts is like increasing knowledge of physical facts, then you have to explain why epistemic values wholly adequate to knowledge of certain physical (or psycho-physical) facts are not wholly adequate to knowledge of the moral facts that depend on those physical facts. That is, convergence on epistemic values (those that license conclusions about what we know in the physical or psycho-physical realm) has turned out to be insufficient to guarantee convergence on moral values. So something else must explain that, something non-epistemic.

to empirical refutation in the ordinary course of scientific investigation. One can accept, as most philosophers do, the supervenience of evaluative facts on descriptive ones (in other words: no difference in the value of X is possible without some difference in the underlying descriptive facts about X), and still think it possible that many evaluative judgments are *brute*, i.e., they depend on no claims beyond the judgment that certain descriptive characteristics obtain. Think of the evaluative judgment, “I will not eat the tofu pizza, it is awful.” This judgment is *brute* in the sense that we demand no more from the judger than that he be correct that it is tofu pizza he is asked to eat *and* that he sincerely reports his response to that. He needn’t supply any additional justifications to explain the judgment, that is, he need not make any further descriptive claims about tofu pizza: his evaluative response is just brute. We must, alas, countenance the possibility that some inegalitarian evaluative attitudes are like that too, that is, that they are brute.

Among contemporary philosophers, Jeremy Waldron is unique in giving explicit attention to something like the last phenomenon: namely, someone who, in “brute” fashion, tries to deny what Waldron calls “basic equality.”²¹ How can we respond to such an inegalitarian, someone who simply denies that Jews or Blacks or women are of equal moral worth, deserving of equal basic moral consideration? The conclusion of Waldron’s argument should give the Whig historian of moral knowledge pause. Waldron correctly notes that contemporary bourgeois philosophers²² in the capitalist societies (like Ronald Dworkin, John Rawls, and Bernard Williams) take for granted that *all human beings* are entitled to equal moral consideration,²³ but that they offer no account of why this is so.²⁴ Waldron turns to John Locke, who does have an account of why human beings are all entitled to equal moral consideration, however that moral consideration is construed. But on Waldron’s reading—a *very* plausible reading of Locke, I want to emphasize—the defense of “basic equality” is “an axiom of theology, understood as perhaps the most important truth about God’s way with the world in regard to the social and political implications of His creation of the human person.”²⁵ Or as Waldron puts it later: “Lockean [basic] equality . . . is a conception of equality that makes no sense except

21. JEREMY WALDRON, *GOD, LOCKE, AND EQUALITY: CHRISTIAN FOUNDATIONS OF JOHN LOCKE’S POLITICAL THOUGHT* (2002).

22. I use the term “bourgeois” in the traditional Marxian sense, to connote both the class position of these philosophers, and the scope and character of their moral concern and moral advocacy. It is not meant to prejudge the merits of their views.

23. They are not, I hasten to add, all moral realists—indeed, Williams is explicitly an anti-realist.

24. WALDRON, *supra* note 21, at 2–4.

25. *Id.* at 6. The key argument for this reading comes in Chapter 3.

in the light of a particular account of the relation between man and God.²⁶ But if the only explanation in the offing as to why human beings are entitled to equal moral consideration depends on religious premises, including a belief in a certain kind of God, then defenders of moral equality in the twenty-first century should, perhaps, be worried, at least if they think their egalitarianism requires a true or at least rational foundation.

So where does that leave the Whig Histories of the expanding moral community? They can appeal to discoveries about the facts that underlie the egalitarian evaluative judgments, but they can not explain that process in solely epistemic terms, that is, solely in terms of greater sensitivity to considerations relevant to the truth or warrant of particular claims about what the world is like.²⁷ That, by itself, does not defeat the Whig Histories, since we have examples, even in the history of science, of the way in which non-epistemic interests (that is, interests unrelated to truth or knowledge) yield epistemically sound results. As Marxists like to point out, the capitalist class has a strong interest in figuring out the *actual* causal structure of the world, since without such knowledge, profit can not be extracted from nature.²⁸ But in the case of the Marxian explanation of scientific progress, we can see why non-epistemic considerations would have yielded epistemically privileged outcomes: if you do not know the actual causal mechanisms by which oil can be removed from the earth, then you can not realize your non-epistemic interest in profit from the recovery and sale of oil. Can we tell such a story in the case of the expanding moral community? Can we explain why *human* suffering matters morally, regardless of what kind of human it is that suffers? More problematically, the Whig historian, if Waldron is right, can only justify the abandonment of brute inegalitarian attitudes by relying on theological premises that are now wholly incredible in light of the canons of epistemic warrant otherwise operative in scientific investigations.²⁹ In that case, one would expect a massive rise in inegalitarian attitudes and a contraction of the moral community in parts of the world, like Europe, increasingly dubious of theological premises. But what we see, in fact, in most of Europe is just the opposite.

26. *Id.* at 82.

27. Once again, I assume that moral intuitionism is not a serious position. Admittedly, there has been a revival of intuitionism in academic philosophy, but this is, it seems to me, more an embarrassment for the discipline than a serious intellectual development.

28. See Peter Railton, *Marx and the Objectivity of Science*, 1984 PHIL. SCI. ASS'N 813 (1984), reprinted in *THE PHILOSOPHY OF SCIENCE* 763 (Richard Boyd et al. eds., 1991).

29. Of course, one might abandon a brute inegalitarian attitude because of a competing brute egalitarian attitude, but that is wholly compatible with the moral anti-realist account, since there are no objective facts about the world that command one attitude or the other: it is just the clash of brute attitudes.

EXPLAINING THE EXPANDING MORAL COMMUNITY:
THE NON-WHIG HISTORIES

There must, of course, be non-Whig explanations possible for the phenomenon of the expanding moral community, and it is to those that I want to turn my attention. These explanations have in common that they do not need to suppose that our sense of the expanding moral community is a matter of *knowledge* or *discovery* of some objective facts. Let me start with the most familiar form of non-Whig, or debunking explanation, namely evolutionary explanations, which are all the rage these days in philosophy and the social sciences.³⁰ By evolutionary explanations, I mean explanations that appeal to evolution by natural selection, as opposed to all the other evolutionary mechanisms (e.g., genetic hitchhiking or genetic drift) that affect the evolution of species. Such explanations are of somewhat limited help to the non-Whig stories about the expanding moral communities, though they certainly contribute to them. First, the explanatory stories on offer concern only the evolutionary explanation of *altruism*, that is, concern for others, a kind of concern that can, of course, be far more tepid than considering the “other” to be a full-fledged member of the moral community, whose suffering, for example, has as much moral salience as the suffering of anyone else. Second, the only well-confirmed and generally accepted evolutionary hypothesis in the literature—deriving from the work of W.D. Hamilton—involves altruistic concern for *kin*, that is, for organisms that share some of the genetic make-up of the altruist. From a selectionist point of view, so the Hamiltonian argument goes, altruistic concern for kin can be highly effective in passing on genetic material to the next generation as long as that concern is directed towards kin, such as sisters or cousins or aunts who have some of the same genetic material. Thus, natural selection will select for a genetic predisposition to nurture and sustain kin, since they too can pass the genetic inheritance on. Yet that is, of course, a very far cry from viewing non-kin, indeed utter strangers, regardless of race or religion, as entitled to basic moral consideration. Third, even the more ambitious selectionist arguments for “group selectionism,” associated with Elliott Sober and David Sloan Wilson, would still fail to explain the elastic boundaries of the moral community in the contemporary era, since, at best, these arguments tell us why individuals might develop altruistic concern for *members of their group* who are not kin; they do not explain why communities might come to adopt laws that give equal moral consideration to persons outside the

30. Evolutionary explanations are not necessarily debunking, and some writers have thought, quite mistakenly in my view, that an evolutionary account lends support to the objectivity of morality. For a recent, contrary view, see Sharon Street, *A Darwinian Dilemma for Realist Theories of Value*, 127 PHIL. STUD. 109 (2006).

group. In the end, then, evolutionary explanations inspired by Darwin do not fully explain the actual phenomenon at issue, namely, the expansion of the boundaries of the moral community beyond kin and group members over the past two centuries.

If Darwin can not fully discharge the task, then perhaps we should turn our attention to those other two giants of nineteenth century thought, Marx and Nietzsche. Let us call the first family of explanations we will consider “Marxish,” in the hopes of being accorded some textual latitude about Marx interpretation. On these Marxish accounts, very crudely, our expanding moral sympathies are explicable in terms of economic developments. So, for example, even as the nations in the vanguard of capitalist development, like much of Europe and the United States, ravaged other parts of the globe in the nineteenth and twentieth centuries, in pursuit of capitalist profit, it is striking that their moral sensibilities rose to new heights: genocide, gruesome executions, the suffering of the poor, even the suffering of non-human animals, gradually became either *verboden* or objects of moral concern. Such new moral attitudes served an obvious ideological function, obscuring the actual practices of the capitalist ruling classes behind a veneer of high-minded moral concern. Yet one imagines something more was at work as well. Capitalism, as it expands the productive capacity of humanity to heretofore unimagined heights, increasingly ameliorates the base needs of our bodily existence: for food, for shelter, for protection from physical harm. As the sensitivity of the capitalist class to pain, even discomfort becomes more refined—a fact familiar to anyone who spends time in the company of representatives of the ruling class—it should hardly be surprising that a moral distaste for the infliction of suffering becomes prevalent. We quite naturally project our own sensitivities on to those we recognize as similar to us. Of course, the key notion is “similar to us,” and the capacity for the capitalist class to deceive itself about relevant similarities has been as great as that of most other ruling classes in history. Yet the gradual rise in living standards that follows upon most successful cases of capitalist development typically insures the spread of such sensitivity in the population at large, making it harder for social orders to remain stable without becoming more responsive to the increasingly refined needs of the broader population.

Perhaps more important is that in capitalist societies all persons are evaluated first and foremost along a single dimension—namely, their economic or productive value. Thus, corporate executives are ranked by compensation, art works make the news based on the price they command at auction, and even university professors carefully scrutinize their compensation relative to their perceived peers. Notice, however, that if every person’s worth is ultimately resolvable into an economic value, then almost all other possible bases of worth and consideration (for example,

race or gender) should really be foreclosed as relevant data points. The logic of value in capitalist societies is quite plainly one in which the moral community ought to expand to include anyone who can establish his or her value in the marketplace. This is obviously not to deny that capitalist societies have been rife with invidious prejudice—the United States is an obvious example³¹—or that the logic of the market will yield the ideally inclusive moral community. It is, however, to claim that capitalism itself puts pressure on attempts to limit the moral community (as Marx himself recognized, and as historical experience has repeatedly borne out).³²

Our other family of non-Whig explanations is associated with another German philosopher, Friedrich Nietzsche, though it finds some obvious echoes in the work of Freud. Nietzsche is, in one sense, a materialist: he thinks the moral attitudes of individuals often admit of a physiological explanation. But he is not a materialist in the Marxist sense of appealing to the economic circumstances of social life as explanatory factors; Nietzschean explanations operate at the level of individual psychology, not socio-economics, though their targets are often large-scale cultural transformations, such as the triumph of Christianity in the Roman Empire. Nietzsche thinks that *ideas and values*, once let loose in the world, have the potential to take advantage of the pre-existing dispositions of individuals and wreak world-historic changes. In *On the Genealogy of Morality*, Nietzsche suggests that three profound psychological events laid the foundation for modern moral consciousness.

First, there was the envy and resentment of the oppressed classes in the late Roman Empire (the “slave revolt in values” as Nietzsche calls it), the period when Christianity was born, which led to a reevaluation of existing Roman values, such that “the aristocratic value equation (good = noble = powerful = beautiful = happy = beloved of God)” was inverted into a very different valuation, according to which “the miserable alone are the good; the poor, powerless, lowly alone are the good; the suffering, deprived, sick, ugly are also the only pious, the only blessed in God.”³³ Second, there was

31. In both the United States and South Africa, it was of course white communists who were the early organizers of opposition to racial segregation. But communism was, of course, also predicated on an expansive idea of the moral community, of all human beings *qua* members of a species with certain distinctive characteristics conducive to their flourishing.

32. Essentially Marxian explanations—ones that treat technological progress as the primary driving force—can be cashed out in the language of contemporary economics as well, as my colleague Anup Malani reminds me. Humans have certain basic needs—food, clothing, shelter, some basic forms of culture—and technological improvements (that are partly exogenous, though can be influenced endogenously by factors like intellectual property regimes) enable us to meet those needs in new ways, e.g., without the need for slaves, for example, or without the need for women to work only in the home. To the extent such Neoclassical economic explanations can be filled out, they just strengthen the case for the non-Whig histories.

33. NIETZSCHE, *supra* note 7, at 16. Obviously the triumph of Christianity can be explained by reference to a variety of causes, but Nietzsche is primarily interested in facts about individual

the primordial fact that creatures like us, once forced into civilization, had to find new outlets for our instinctive cruelty, and found those outlets in *self-cruelty*, namely, the strictures of conscience and guilt. (Freud made this idea famous in *Civilization and Its Discontents*.³⁴) Third, and finally, there was the existential need to make sense of suffering, of the fact that suffering is an inescapable feature of human existence, yet one that can only be tolerated if it *makes sense, if it has a meaning*—that is, if it is understood as punishment for sin, for transgressing moral ideals of self-denial that no *actual* individual can live up to for long.³⁵ Out of this complicated psychological and historical brew of envy, cruelty, and existential need emerged our modern moral consciousness characterized most distinctively by its hyper-sensitivity to suffering, as reflected in both Christianity, and its concern to reconcile its followers to suffering, and, as a later consequence, Benthamite utilitarianism, with its reduction of all normative questions to questions of pleasure and pain.³⁶ Since on Nietzsche's rather plausible view, there was no way, given the existential facts about the human situation, that pleasure could prevail in such a competition, it seemed to him clear that a utilitarian perspective on life would yield the conclusion that life was not in fact worth living. Nietzsche's way of resisting that conclusion was to resist the idea that suffering was *prima facie* objectionable from a moral point of view.³⁷ It is worth noting that this was not idle posturing on his part, since he himself endured extraordinary physical maladies throughout his productive life, yet never gave up on life or work during his years of hardship. But from a Nietzschean perspective, the modern conception of the expanding moral community, which has its roots in the Christian idea of the equality of all who suffer, is fundamentally an artifact of the historical and psychological forces that have elevated suffering to its overriding importance in practical thought.

I suspect that the best explanation for the emerging consensus about basic moral consideration among Western theorists involves the kinds of

psychology, which better suit his polemical aims. Of course, if one accepts the demand of methodological individualism in historical explanation, then any candidate explanation had better be explicable at bottom in terms of the motives individuals would have had for taking certain actions.

34. SIGMUND FREUD, *CIVILIZATION AND ITS DISCONTENTS* (Joan Riviere trans., 1994).

35. See generally LEITER, *NIETZSCHE ON MORALITY*, *supra* note 8. For a systematic account, see especially *id.* at 193–288.

36. Even contemporary moral philosophers who are not hedonists, like Derek Parfit, assign a central role to the moral significance of *suffering*. See, e.g., 1 DEREK PARFIT, *ON WHAT MATTERS* (Samuel Scheffler ed., 2011). Ironically, Parfit thinks the kind of systematic moral theory he and his followers pursue is one that somehow purges ethical thinking of its religious prejudices.

37. I do not want to ascribe the view in the text to Tamsin Shaw, but some of her (unpublished) work helped me in thinking about these issues in Nietzsche this way. (Note that while Benthamite hedonism entails that suffering is *prima facie* objectionable, one might reject the former and still embrace the latter on some other grounds.)

considerations adduced by non-Whig histories, of which I have given only a truncated survey. One can not claim, of course, that there is overwhelming empirical evidence in support of the evolutionary, Marxian or Nietzschean explanations, though each has plenty of evidence in its favor, even if not decisive. The holistic character of all justification requires us, of course, to consider the costs of alternatives, and here I think it is crucial that the costs to a plausible metaphysics and epistemology that admits the existence of objective moral facts into our overall picture of what the world is like are too great, on a par with admitting the objective reality of gods and spirits. I do not intend the preceding considerations to be convincing to the arch moral realist (someone committed to the objectivity of moral truths), but grant me, for the sake of the remainder of the argument, that the non-Whig histories tell us quite a lot, perhaps all, about our expanding sense of the moral community.³⁸

HOW FAR WILL (SHOULD?) THE COMMUNITY EXPAND?

If we may be permitted some simplification, we can say that in roughly the last 250 years in the West, the moral community has expanded from propertied Christian white men to include women, people of all races, and people of all religions. We are now, presently, engaged in the concluding stages of a struggle—symbolized by the battle over gay marriage—between those who would expand the moral community to include gay men and lesbians, and those who would resist, though it now seems certain that the community will expand to include them, even in the United States. No one is in doubt any longer about either their sentience or their economic value in capitalist societies; in many respects gay men and lesbians are already full members of the legal community. Since marriage, in capitalist societies, is now purely an affair of individual desire, it is almost inconceivable that legal restrictions on marriage to (professed) heterosexuals of opposite sexes will survive much longer.

But how far will the expansion of the moral community go? Will it come to include trees and plant life? Insects? The earth itself? You may think those cases far-fetched, and perhaps they are, but what has seemed “far-fetched” in moral matters at one time is often a poor guide to what comes to seem important at a later date. Right now, one of the central battles over the contours of the moral and legal community in the advanced capitalist societies concerns non-human animals, and it is to their status I

38. Whig and non-Whig histories aren't the only possibilities: it could also just be “luck.” Suppose Hitler had won World War II: it seems very likely that our conception of the moral community might have been very different than it is, unless we are confident that other historical forces would have pressed even a Nazified Europe in the same direction. (Thanks to Anup Malani for pressing a version of this worry.)

would like to turn. The Western moral community may increasingly renounce discrimination among religions, genders, class, and race, but it still takes species differences quite seriously, as the menu of almost any restaurant immediately reveals.

We may ask two kinds of questions about the moral status of non-human animals: a predictive one about whether the moral community will expand to include them; and a moral question about whether it should. As a moral anti-realist, I think the latter question has no rational answer, once we clear up any disagreements about the non-moral facts. We can agree that non-human animals are sentient, and that they suffer, and still “reasonably” believe that their suffering is justifiable or defensible, given our other moral attitudes. That this is so is brought out clearly by the work of the moral philosopher Peter Singer, our leading contemporary heir of Bentham and advocate for vegetarianism. He has argued, on the one hand, that our treatment of non-human animals is morally indefensible, since the suffering of a sentient creature is what is morally salient,³⁹ not the species of the sufferer. Yet, on the other hand, he has argued that it can be morally justifiable to kill human infants afflicted with various kinds of cognitive and physical defects, since to allow them to live would, over the long term, produce more suffering than happiness.⁴⁰ If one thought infanticide was morally abhorrent—as a matter of brute moral attitude—then one might take Singer’s position as a simple *reductio* of the idea that *suffering per se* is the only thing that is morally relevant, since it leads to an absurd and heinous conclusion. Singer has no actual argument against such a response, since his entire position rests simply on an equally brute, and unexplained, attitude, namely, that *suffering per se is abhorrent*.⁴¹ But if the consequence of believing that *suffering per se (regardless of species)* is the only thing that is morally salient leads to the conclusion that it is permissible to kill human babies with defects, it is equally reasonable to take that to show that species membership (namely, being human) is morally salient, since it explains why killing human babies is wrong, even when their cognitive and physical defects will impose burdens on others.

It should hardly be surprising that it is not rationally obligatory to think the suffering of non-human animals is on a par with that of humans, given more general lessons of twentieth-century philosophy, which show that no belief about *any* subject-matter is rationally obligatory for all agents

39. There are nuances of Singer’s views I am ignoring here: e.g., he talks in terms of desire-satisfaction, rather than pleasure and pain, though this comes to the same thing in the case of non-human animals. Singer also thinks *sapience* can be morally salient, insofar as it affects the experience of pleasure and pain (or the satisfaction of desires).

40. See PETER SINGER, PRACTICAL ETHICS 158–76 (3d ed. 2011).

41. He sometimes derides responses like this as failures to follow through a principled and rational argument, but such responses are obviously question-begging.

regardless of their ends. First, from the famous Duhem–Quine thesis⁴² about the under-determination of scientific theories by evidence, we know that there are not even any scientific hypotheses that are rationally obligatory, in the sense of required by logic and evidence. This is because any recalcitrant evidence elicited in a test of a hypothesis is compatible with the hypothesis as long as we are willing to give up the background assumptions such a test requires. In choosing among competing hypotheses and background assumptions, we must always fall back on non-rational considerations, such as theoretical simplicity, methodological conservatism, and consilience.⁴³ Second, unless there were a plausible *substantive* conception of rationality (there does not appear to be one, alas), then rationality itself is instrumental, imposing normative constraints only on the means chosen to realize our ends, whatever they may happen to be. Thus, even norms for belief are hostage to ultimate ends, and so particular beliefs are “irrational” only relative to the believer’s ends.⁴⁴ Neither Singer nor anyone else can show that one is rationally required to rule out ends (like forbidding infanticide) which require as a matter of instrumental reasoning the repudiation of the moral salience of suffering without regard to species.

Given our general epistemological predicament—namely, that no belief is rationally obligatory—it becomes even more interesting to ask the causal-predictive question, namely, whether it seems likely that the moral community *will* expand to include non-human animals? The answer to this question turns, in significant part, on the question of what *features* of living things will come to seem morally significant. Even Peter Singer has acknowledged⁴⁵ that one of the most influential parts of his 1975 book, *Animal Liberation*, was not the Benthamite argument mentioned already, but rather the emotionally evocative description of factory-farming practices in Chapter 3 of his book. These descriptions evoked the *suffering* of sentient creatures, and so elicited feelings of compassion from readers quite effectively. But from Singer’s perspective, the moral salience of suffering also entails the moral permissibility of infanticide, and it is easy enough to see that even a rather discreet description of infanticide factories or hospices (call them what you want) would immediately elicit a very different set of moral intuitions and feelings. Clearly our emotional responses to vivid descriptions of *factory-farmed chickens* and *the painless*

42. Named after French chemist Pierre Duhem and American philosopher W.V.O. Quine.

43. See, e.g., W.V. QUINE & J.S. ULLIAN, *THE WEB OF BELIEF* (1970).

44. See, e.g., Peter Railton, *Facts and Values*, 14 *PHIL. TOPICS* 5 (1986).

45. See his reply to Judge Richard Posner at Peter Singer, *Animal Rights*, *Entry 5*, *SLATE* (June 13, 2001, 11:30 PM), http://www.slate.com/articles/news_and_politics/dialogues/features/2001/animal_rights/_6.html.

killing of defective human babies are not going to yield a rational verdict about the moral propriety of either practice.⁴⁶

Despite the best efforts of Bentham and Singer, sentience can hardly claim pride of place in our moral thinking these days. Let me ask you to recall, for a moment, the old *Planet of the Apes* movie and its successors—not the 2001 remake,⁴⁷ but the original 1968 movie and progeny—which illustrate very clearly that it is not sentience, but the *ability to speak and reason* that is thought to be the morally significant feature of persons. In this story, American astronauts travel into earth's future, only to discover that speaking and intelligent apes now rule, while mute humans are treated essentially as slaves. The creators of the movie assume, quite safely, that viewers will find the treatment of the mute humans shocking, but that at the same time they will be forced to recognize that it is not really different from current treatment of non-human animals, including apes. The movie, then, might be thought to raise the question: is the only morally relevant difference between humans and non-human animals the capacity for speech and reason? Is that really enough to justify differential treatment?

Let us appreciate for a moment the emotional force of this position. Imagine if all of a sudden the pigs and cows and chickens on factory farms began to speak cogently and intelligibly to us: to complain of their discomfort, to express their aspirations, to query after the fate of their offspring, and so on. Is it not inconceivable that factory farming could survive in such circumstances? Recall that in a later episode of *Planet of the Apes*, when non-speaking apes have been turned into slaves, the great fear of their human masters is that the last remaining, speaking ape will reproduce. The immediate concern of the slave owners is a prudential one, namely, that a speaking ape could organize effective resistance to ape slavery. But surely another consideration is at play too. For it is one thing to treat living creatures as mere slaves and instruments if they can not articulate in language their reasons, if they are “mere brutes,” fit to serve. But if your ape slave talks and reasons *just like you*, and if the object of your carnivorous desire also talks and reasons *just like you*, then the situation changes. No one listening to this lecture, I may safely assume, would gladly consume the person next to him for dinner. But if the creature to your left or right were a chicken or sheep similarly engaged cognitively and discursively in my lecture, would you feel differently?

46. The anti-abortion forces in the United States have always employed a Singerian strategy of describing the disgusting particulars of abortion to motivate “moral” opposition to it. It strikes me as curious that philosophers skeptical of the latter fail to notice the similarity to the most successful bits of rhetoric in support of the rights of non-human animals.

47. The remake essentially misunderstands the deep moral message of the original 1963 novel by Pierre Boulle, most centrally by presenting the human slaves as capable of speech.

To be sure, even the moral significance we now instinctively and affectively accord to being able to speak and reason is of very recent vintage, as the history of chattel slavery of humans shows all too clearly. As the philosopher David Livingstone Smith points out, the treatment of European slaves was generally akin to the treatment of non-human animals, like sheep and cattle, and the fact that these slaves could not speak the language of their master “made them appear less than fully human”⁴⁸ and thus was crucial to rationalizing their servitude.

Perhaps most remarkable is the story recounted by Smith about Ota Benga, a nineteenth century African pygmy and resident of the Congo Free State, who was sold into slavery by the Belgians after his family was murdered. He was then acquired in the early 1900s by an American zoo proprietor, who befriended him and then brought him to the United States. Professor Smith recounts what happened next:

After a brief stint in New York’s Museum of Natural History, Ota Benga was given a home at the newly opened Bronx Zoo [circa 1906], where he soon became an exhibit, sharing a cage with an orangutan. “Few expressed audible objection to the sight of a human being in a cage with monkeys as companions,” *The New York Times* wrote the next day, “and there could be no doubt that to the majority the joint man-and-monkey exhibition was the most interesting sight in Bronx Park.”⁴⁹

This no doubt seems utterly shocking to us *because a human being was put in a cage with an ape as an exhibit*. It does not shock most of us, I suspect, in the first instance that an ape was also in a cage for the amusement of humans. That it is the former, and not the latter, that is so disturbing is, of course, testament to our deeply engrained moral speciesism, our continuing sense that the boundaries of the moral community do stop at the species line.

Should we take comfort in the fact that Kantians can give us a purportedly principled justification for such a stopping point? After all, moral standing, for Kantians, turns on rational capacity, on the ability to respond to reasons and thus to conform one’s conduct in accordance with the demands of practical reason, that is, reasoning about what one ought to do. Non-human animals can not do that, and so have no real moral standing at all. Kant’s best argument against their mistreatment is that it might

48. SMITH, *supra* note 12, at 107 (quoting historian Karl Jacoby). Smith goes on to argue that the European slave-owners must have realized, at some level, that their slaves simply spoke *other* languages, *id.* at 108, which seems plausible but is probably irrelevant to their ability to rationalize away the humanity of the slaves.

49. *Id.* at 122.

encourage immoral behavior in rational agents, not that mistreatment of non-human animals is intrinsically offensive to morality.⁵⁰ But, of course, Kant's position, like the Benthamite Singer's position, entails morally shocking conclusions about the moral status of those with severe cognitive deficiencies, the comatose, and so on.⁵¹ It will come as no surprise to social psychologists, but it seems clear that rational reflection does not track very well our actual, or even imaginable, moral attitudes.

I thus shift back to predictive mode: will the moral, and ultimately legal, community expand to include non-human animals as full members? As a colleague of mine quipped,⁵² if soy or tofu could be made as tasty as prime rib, then it seems easier to imagine that our negative emotional response to the suffering of sentient beings would carry the day, notwithstanding their lack of reason and language, and notwithstanding the fact that the moral judgment implicit in the prioritization of such sentience would entail results that strike most of us as morally abhorrent. That tofu might actually taste good (and thus be integrated into all the cultural and religious traditions in which food figures) is far more likely, of course, than that cows and chickens will talk and reason. That this seems relevant to predicting human attitudes is itself instructive: for it means that sentience matters practically along many dimensions beyond suffering, that the multifold pleasures attendant upon our consumption of non-human animals occupies an important place in our thinking about how to live.

In predicting the evolution of moral attitudes, however, we must also take into account the "materialist" lesson of much history and anthropology,⁵³ namely, that moral attitudes are shaped by the economic and material circumstances in which people find themselves. Advanced capitalist societies, for example, continue to employ moral notions of "desert" that, in practice, justify the denial of basic moral consideration along class lines, though without saying as much: consider the role that notions of "individual responsibility" and "hard work" continue to play in moral discourse. Economically undeveloped societies, by contrast, in which the struggle for daily survival is the basic fact are plainly not societies which will generally find at all cogent the moral impropriety of eating the non-human animals that are available for basic sustenance. Because the

50. Some contemporary Kantians, being fond of non-human animals like cats and dogs, have tried to resist that conclusion. Their efforts are a bit tortured, and would, I suspect, be unrecognizable to Kant. An instructive example is the work of Christine Korsgaard. *See, e.g.*, Christine M. Korsgaard, *Interacting with Animals: A Kantian Account*, in *THE OXFORD HANDBOOK OF ANIMAL ETHICS* 91 (Tom L. Beauchamp & R.G. Frey eds., 2011).

51. Kantians often adduce *ad hoc* considerations to block these conclusions, such as appealing to *potential* rationality and so on. These efforts do not really warrant sustained attention.

52. My thanks to Anup Malani for the quip.

53. *See, e.g.*, MARVIN HARRIS, *COWS, PIGS, WARS & WITCHES: THE RIDDLES OF CULTURE* (1974).

advanced capitalist societies are ones in which the option of *not* consuming non-human animals is, for the first time in human history, a live option for large numbers of people, it is now possible to treat this question as one of moral concern. Whigs regard this as a discovery of a morally salient fact, non-Whigs regard it as an artifact of socio-economic circumstances. My own, non-Whig prediction is that *sentience per se* is unlikely to ever become an overriding moral consideration in wealthy societies (which are all basically capitalist societies at present) for a variety of reasons, some causal or explanatory, and some rationalizing or justificatory. First, on the explanatory side, the market value of non-human animals is realized primarily in their availability for consumption in one form or another by humans, and thus the kind of pressure markets can exert on intra-species prejudice are largely absent in the inter-species case. Second, and again on the causal/explanatory side, part of the “improved” standards of living that capitalist societies deliver everywhere, albeit in fits and starts, includes the availability of the nutritional and gustatory rewards of consuming non-human animals; that these are often tied up with cultural and religious tradition makes them especially resilient, though such traditions have often yielded, over time, before the demands of the global market, a fact we should not forget. Third, and finally, there is a justifying reason—not simply causal—for thinking that the species boundary is unlikely to be fully crossed when it comes to basic moral consideration. For the theoretical reasons, like Bentham’s or Singer’s, for doing so entail shocking conclusions—the permissibility of infanticide, for example—conclusions that reveal the ethical peculiarity of the perspective of thinkers like Bentham or Singer. There is more to life than the avoidance of suffering, and there is also more to life than the pursuit of pleasure, but we can agree that if one were as morally blinkered as Singer is, then eating hamburger could be worse than infanticide, at least some of the time. All the world’s cultures and literatures reject the Benthamite/Singerian calculus, and it is a reasonable abductive inference over this vast mountain of evidence that it reveals something important about human moral attitudes, including the fact that they appear to be deeply anthropocentric. And since there is nothing more to ethics than these attitudes, there seems little reason to expect that the moral community will expand to include non-human animals as fully equal members.