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Kasper Lippert-Rasmussen

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What Is It For Us To Be Moral Equals? And Does It Matter Much If We're Not?

KASPER LIPPERT-RASMUSSEN*

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I. INTRODUCTION¹

Article 1 of the Universal Declaration of Human Rights says that “all human beings are born free and equal in dignity and rights.” Similarly, the American Declaration of Independence affirms: “We hold these truths to be self-evident, that all men are created equal. . . .” Other legal, including constitutional, documents similarly treat the moral equality of all human

* © 2022 Kasper-Lippert-Rasmussen. Professor of Political Science, CEPDISC, Aarhus University (Denmark).

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beings as a basic, unarguable feature of morality.² Many of us assume that denying moral equality and affirming obnoxious hierarchical (e.g., feudal, racist, or sexist) ideas are one and the same thing. We think that the affirmation of human equality is, in this sense, consequential. Richard Arneson attests to the popularity of this view in a way that echoes the motivating spirit of the Declaration of Independence: “All persons share a fundamental equal moral status. All persons simply by virtue of being persons have equal basic dignity and worth. These claims about basic human equality are profound and widely shared. They appear to mark a divide in moral thinking between (1) a premodern world in which nobles are regarded as having greater worth than peasants and humans outside one’s own tribe or clan have little or no moral standing and (2) a modern world that repudiates these crude prejudices.”³ For that reason, and others, it is unsurprising that a certain opprobrium attaches to the denial that all people are moral equals.⁴ Call the assumption that getting the basic moral equality question right is vital because whether we accept moral equality makes a huge difference to what morality requires across a wide range of first-order normative issues *the importance assumption*.⁵

The importance assumption is one reason why Jeremy Waldron spends the first of his six insightful Gifford Lectures on moral equality dissecting the racist views of Hastings Rashdall.⁶ It can also be detected in Elizabeth Anderson’s contention that “[Relational] egalitarians base claims to social and political equality on the fact of universal moral equality,”⁷ with its implication that if we reject moral equality, we reject what relational

2. JEREMY WALDRON, ONE ANOTHER’S EQUALS 209 (2017).

3. Richard J. Arneson, *Basic Equality: Neither Acceptable Nor Rejectable*, in DO ALL PERSONS HAVE EQUAL MORAL WORTH? 30, 33–37 (Uwe Steinhoff ed., 2015); see also Richard J. Arneson, *What, if Anything, Renders All Humans Morally Equal?*, in PETER SINGER AND HIS CRITICS 103, 103–28 (Dale Jamieson ed. 1999); Christopher Nathan, *What is Basic Equality?*, in DO ALL PERSONS HAVE EQUAL MORAL WORTH? 1–2, 14 (Uwe Steinhoff ed., 2015); Tom Parr & Adam Slavny, *Rescuing Basic Equality*, 100 PAC. PHIL. Q. 837, 837–38 (2019). While Arneson offers a number of skeptical objections to (defenses of) moral equality, he also finds rejecting moral equality profoundly unappealing.

4. On most accounts of what it is to be a person, some human beings are not (actual) persons (e.g., they lack self-consciousness and higher cognitive and emotional capacities) and some persons are not human beings (e.g., higher primates). While this distinction raises important questions, these are largely irrelevant given my concerns here, and thus I shall simply discuss the moral equality of persons. See generally Arneson, *Basic Equality*, *supra* note 3; Arneson, *What, if Anything, Renders All Humans Morally Equal?*, *supra* note 3; PETER SINGER, ANIMAL LIBERATION (2d ed. 1999).

5. This assumption concerns normative implications. It is neutral on the question whether it is important from the point of view of *moral theory* that all persons are moral equals.

6. WALDRON, *supra* note 2, at 1–40.

7. Elizabeth Anderson, *What is the Point of Equality?*, 109 ETHICS 287, 313 (1999).

egalitarianism is based on, and thus, by implication, what Anderson believes to be justice, properly conceived. For a third illustration of the ubiquity of the importance assumption, we can turn to the recent book on why inequality matters by Thomas Scanlon. Here Scanlon says that, in the book, he will “presuppose not argue for. . . moral equality—the idea that everyone counts morally, regardless of differences such as their race, their gender, and where they live.^[8] The increased acceptance of [this idea] . . . has been perhaps the most important form of moral progress over the centuries.”⁹ Presumably in describing basic moral equality as a presupposition of his book, Scanlon is suggesting that if one rejects basic moral equality, one must reject his arguments for the claim that inequality is (often) morally objectionable, and possibly our concerns about inequality as well (although, of course, the possibility remains of justifying those concerns on grounds other than those offered by Scanlon).

If the importance assumption is correct, it is vital to explain what grounds moral equality. Candidates here include self-consciousness, free will, and the possession of cognitive and emotional capacities surpassing some minimum threshold. Most theorists who have offered such accounts have worked under the additional constraint that the relevant capacities are such that all, or almost all, persons have them and hence are morally equal.¹⁰ Much of the literature on moral equality addresses these questions.¹¹

8. This quotation does not accurately convey what Scanlon wants to convey. After all, “the idea that everyone counts morally, regardless of differences such as their race, their gender, and where they live” is consistent with some counting for more than others because of the relevant differences.

9. T.M. SCANLON, *WHY DOES EQUALITY MATTER?* 4 (2018).

10. The *grounding* question is the one we address when we ask what makes us moral equals, i.e., when we ask: What are the subvening, non-moral status properties from which our moral status results? The *justification* question is the one we address when we ask what entitles us to believe that we are (not) moral equals. WALDRON, *supra* note 2, at 83–127. One could answer the grounding question without answering the justification question. Thus one might say what grounds our high moral status, but without being entitled as a consequence to any views about whether all human beings have the properties that ground the moral status of persons. Similarly, the question I address in this article is different from, although it bears on, the *content* question: What moral injunctions (loosely speaking) flow from moral equality? E.g., do they include universal prohibition of non-consensual torture?

11. E.g., Ian Carter, *Respect and the Basis of Equality*, 121 *ETHICS* 538 (2011); Jeff McMahan, *Killing and Equality*, 7 *UTILITAS* 1 (1995); JEFF MCMAHAN, *THE ETHICS OF KILLING* (2002); JOHN RAWLS, *A THEORY OF JUSTICE* (1971); WALDRON, *supra* note 2; Bernard Williams, *The Idea of Equality*, in *PROBLEMS OF THE SELF* (Bernard Williams ed., 1973).

In this paper, my aim is to question—or, perhaps it would be better to say, nuance—the importance assumption. The issue of what grounds equality is not my concern in this paper.

The main concern here will be to clarify what it *means* for us to be moral equals (and thus what it means for us not to be so). Specifically, I want to address two questions about the nature and significance of basic moral equality. First, what is the difference between what I shall call epiphenomenal moral equality and non-epiphenomenal moral equality? This distinction is often ignored, or overlooked, and this is unfortunate because it hides from view a decision that many will seem a dilemma. If, in affirming the moral equality of all persons, we mean the non-epiphenomenal kind, moral equality is quite controversial.¹² But if we mean the epiphenomenal kind, moral equality is derivative, i.e., it is simply a summation of the moral significance of other morally relevant factors—suggesting that the notion of moral equality does not play the role of moral bedrock generally ascribed to it. Since moral equality in this sense is not moral equality in the sense that is most crucial to philosophical disagreements about basic moral equality, I shall have less to say about this notion than about non-epiphenomenal moral equality. Second, what are the close alternatives to moral equality?¹³ In response to this question, I defend the deflationary view that several ways of denying that all persons are moral equals leave most of our other moral beliefs largely unaffected, in terms of their justification. This casts further doubt on the importance assumption in addition to that induced by my first question. Ultimately, these deflationary implications should be welcomed—even by typical egalitarian assumers and defenders of the importance assumption—because it means that their cherished assumed implications of basic moral equality have a greater robustness, i.e., they could be justified even in the absence of basic moral equality.

Section 2 addresses the first question. Section 3 presents a general challenge to the idea that non-epiphenomenal moral status has across-the-board moral significance. Section 4 explores two non-egalitarian ideas of moral status. I suggest that these have moral implications for a wide range of first-order normative issues, and that these implications do not differ in any important respects from the implications normally taken to follow from non-epiphenomenal moral equality. Section 5 concludes.

12. For an example of a theorist whose appeal to equality is non-epiphenomenal, see DEBORAH HELLMAN, *WHEN IS DISCRIMINATION WRONG* 6, 30 (2008).

13. In Section 4, I explain what I mean by a close alternative to basic moral equality.

II. WHAT IS IT TO BE MORAL EQUALS?

Here is how I understand the claim the two persons are moral equals in a non-epiphenomenal sense (the difference between this and the epiphenomenal sense will become apparent shortly):

X and Y are equals if, and only if:
X has a certain moral status, S_1 , and Y has a certain moral status, S_2 ,
and S_1 's and S_2 's moral statuses are exactly equal (and similar).¹⁴

Moral status is a tricky concept, but I take it to involve at least this:

Having a certain moral status means belonging to a morally relevant category of individuals or things such that moral norms determining what one can do as, and what can be done to, one of these members is identical in certain ways to what other members of the category can do and what can be done to them and different in certain ways from what members of other categories can do and what can be done to them.

On this analysis of what it is to be moral equals, there are two ways to repudiate moral equality. You can deny that there is such a thing as moral status (hold that 1) is false). Or you can allow moral status but insist that people do not have it in equal degrees (hold that 2) is false).¹⁵

These two ways of repudiating moral equality differ significantly. Roughly speaking (see the complications pertaining to the distinction between being equals in an epiphenomenal and in a non-epiphenomenal sense below), the second way requires one to affirm the unequal (or incommensurable—more on this in Section 4) moral status of persons. The first way does not. Indeed, opting for the first way, one would claim that the statements “All persons have equal moral status” and “Some persons have greater moral status than others” are both false, because *no*

14. S_1 and S_2 could be exactly equal and yet qualitatively different. We could imagine less malevolent (not: benevolent) forms of sexism that take this form. That is, it is not that men have higher moral status than women. The moral status of the members of the two sexes—if you subscribe to this view, you are very likely to think there are *only* two sexes—is the same. Men are not superior to women. But the moral statuses are in some way qualitatively different, so that there are things men should do and are entitled to do that women should not do and are not entitled to do, and vice versa.

15. Compare Stan Husi, *Why We (Almost Certainly) are Not Moral Equals*, 21 J. ETHICS 375, 385–86 (2017). Could one say that if moral status does not exist, then 2) is trivially true (as opposed to saying that it has no truth value), because we all have it to an equal degree, i.e., not at all? If so, 1) would still be false, and thus on my analysis it would still be false to say that X and Y have equal moral status.

person—or, for that matter, nothing—has moral status in the relevant sense.

It might be objected that denying that any person has moral status is foolish. Everything has a moral status in the sense that, for any given thing, there will be a set of true statements about what it is morally permissible or impermissible to do to it. A rock has a moral status in this sense. Provided that it is an ordinary piece of rock, it is morally permissible to do virtually anything to it.¹⁶ Consequently, rocks have a very low moral status relative to that of persons. But, like human beings, cockroaches, prime numbers, and even logical connectives (assuming you can do things to them, such as represent them), they nevertheless have a moral status.

What this brings out is that philosophers who defend, or attack, the moral equality of persons can be concerned with two quite different things. Usually they have in mind the kind of moral status we readily ascribe to people but not rocks.¹⁷ To bring this out, I propose the following distinction:¹⁸

Moral status is *non-epiphenomenal* if, and only if, the fact that a thing, or individual, has it is one factor—possibly among others—that ultimately determines how that thing or individual should be treated, and what that thing or individual can do, morally speaking.

Moral status is *epiphenomenal* if, and only if, the fact that a thing, or individual, has a certain moral status simply sums up how factors other than moral status ultimately determine how that thing or individual should be treated, and what that thing or individual can do, morally speaking.¹⁹

16. Of course, this needs to be made more precise. It is not permissible to throw a piece of rock in the direction of another person. However, the impermissibility here derives not from concern for the rock but concern for the person. See FRANCES KAMM, *INTRICATE ETHICS* 227–32 (2003). Also, there are a lot of things that one can do to a person which, conceptually speaking, one cannot do to a rock, and it is unclear how such a difference in the sets of possible “doings to” bears on comparative judgements of moral status. Finally, we could say of extreme cases, like the ordinary piece of rock, where it is permissible to do anything to thing X (and any impermissible action would need to be grounded in an intrinsic concern for X), that X has no moral status (rather than a moral status that is the lowest possible—but see below).

17. Elsewhere in this article, I refer only to the moral status of persons. However, the main arguments of the article proceed independently of any assumptions about which items are capable of moral status.

18. Compare Nathan’s distinction between “equality as a premise of a theory” and “equality as a way of describing a theory’s prescriptions”. Nathan, *supra* note 3, at 2. According to the triviality charge “The claim that individuals have ‘equal status’ appears only to be a way of abbreviating a set of ideas about what we ought to do in a very wide range of cases.” *Id.* at 7. This charge is unwarranted when moral equality is understood in the non-epiphenomenal sense, since on that view the moral status of an individual is one factor that ultimately determines morally how an individual should be treated. This last claim not trivial. It is denied by several moral theories (see below).

19. An example of an epiphenomenal notion of moral status: “Suppose that an entity possesses moral status if and only if some of its properties provide categorical and

The fact that one can permissibly do anything to a rock shows that it has (a very low) moral status in the epiphenomenal sense.²⁰ However, it does not show that the rock has moral status in a non-epiphenomenal sense. What makes it permissible to do almost anything to the rock might not be any fact about its moral status resulting from its being the sort of thing that it is. Even if you say “You can do anything to a rock, because it has no interests,” you are not ascribing the rock non-epiphenomenal moral status, because you are not saying that its (low) moral status is what makes it morally permissible to do anything to it—it is just that, say, for anything you choose to do to the rock, it has no interests that can be set back. What explains the permissibility of doing anything to the rock, then, is not that it belongs to a category of things whose members have, and can have, no interests, but simply the fact that whatever you do to it, it has no interest which is set back.²¹

I believe that the non-epiphenomenal notion of moral equality is at stake when people argue that people’s interests count for more than those of non-human animals. Suppose we can prevent either a person or a non-human animal from suffering an intense pain for a protracted period of time. Suppose also that all of the potentially morally relevant factors that are not moral-status-related are equal—e.g., it is not the case that the pain will introduce fear that the pain will return in the former, but not the latter case. In such a case, we might well say that it is morally impermissible to save the non-human animal from the pain and ignore the plight of the person. The most likely justification for this view is that we think persons have a higher status than animals, and that this is one factor, among others, that

sufficiently stringent reasons for action”. Williams, *supra* note 11, at 1. As I have defined them, epiphenomenal and non-epiphenomenal moral status are contradictories—something simply sums up how factors other than itself ultimately determine how that thing or individual should be treated etc. if, and only if, it is not itself one factor—possibly among others—that ultimately determines how that thing or individual should be treated etc.

20. The lowest possible? I am not sure. Compare the rock’s status with that of someone one is required to punish by destroying that person. Perhaps there is a sense in which the rocks’ moral standing is higher than that of this person. I am not committed to this view, however. All I am pointing out here is that the metric of moral status (even in the epiphenomenal sense) is unclear.

21. Accordingly, I can allow that if X has a certain moral status in virtue of having certain empirical features, E, then the fact that there is a sense in which you can explain what you can do morally to X by appealing to E does not imply that X has no moral status in a non-epiphenomenal sense.

bears on what we should do in this case.²² After all, by hypothesis, all of the morally relevant factors that are not moral-status-related are equal, so they cannot explain our differing attitudes to the person and the non-human animal, and presumably *something* must explain this difference. In the case, as described, the only available explanation seems to be one citing moral status.

I also believe the non-epiphenomenal notion of moral equality is at stake when people argue that we are required to treat people equally even when morally relevant factors that are not moral-status-related would favor treating them unequally. Take McMahan's view about moral equality of persons and killing.²³ Obviously, crucial to our interest in not being killed is how much we lose by being killed. Since, generally, older people lose less than young people, and since, generally, the wrongness of actions is affected by the amount of harm the victim suffers, one might think that it is more seriously wrong to kill young people than it is to kill older people. Perhaps, for that reason, it might even, in some cases, be morally permissible to kill an innocent old person to save an innocent young person from being killed. McMahan notes that this and similar views are strongly counterintuitive. He resists them on grounds of the moral equality of young and old persons.²⁴ It is very natural to interpret him as holding that the fact that both young and old persons have the moral status of persons is what, in this kind of case, decisively determines what it is impermissible to do to them.

While many philosophers have defended the view that persons have equal moral status in the non-epiphenomenal sense, it is also true that a large number of philosophers deny there is any such thing as moral status in this sense in the first place. There are more philosophers of this second kind than one might suppose. Probably, the most abundant are utilitarians. Yes, somewhat surprisingly perhaps, utilitarians deny that human beings are moral equals. Philosophers often appeal to Bentham's dictum that "Everybody to count for one; nobody to count for more than one" when explaining that a very wide range of moral theories, utilitarianism included, are committed to moral equality of persons.²⁵ However, on the definitions

22. See Arneson, *Basic Equality*, *supra* note 3, at 40; Parr & Slavny, *Rescuing Basic Equality*, *supra* note 3, at 853. To say that moral status is one factor is not to say that it is the *only* factor that determines what we should do. If the pain which the non-human animal would suffer is sufficiently greater than that which the person would suffer, we should prevent the animal from suffering the pain despite its lower moral status.

23. McMahan, *Killing and Equality*, *supra* note 11; MCMAHAN, *THE ETHICS OF KILLING*, *supra* note 11. Cf. Kasper Lippert-Rasmussen, *Why Killing Some People is More Seriously Wrong Than Killing Others*, 117 *ETHICS* 716 (2008).

24. MCMAHAN, *THE ETHICS OF KILLING*, *supra* note 11, at 235.

25. See Waldron, *supra* note 2, at 68–71. Here I set aside the fact that Bentham thinks persons have no special moral status, i.e., they are no different from other sentient beings

introduced above, utilitarians deny that we are moral equals in the non-epiphenomenal sense because they do not ascribe us moral status in that sense at all. In other words, they do not merely interpret the non-epiphenomenal moral equality of persons differently from non-utilitarians.²⁶ Of course, none of this prevents us from recognizing that utilitarians affirm the equality of human beings in an epiphenomenal sense.²⁷

Bentham does not affirm—indeed, he rejects the idea—that human beings have *unequal* moral status in the non-epiphenomenal sense, but that is because he thinks there is no such thing as moral status that is one factor among others ultimately determining moral permissibility. It is not because he thinks there is such a thing as non-epiphenomenal moral status, and that this is equally distributed across all human beings. On Bentham's view what matters, and the only thing that matters, is the maximization of happiness, hedonistically understood. What moral status the bearers of happiness have is not a factor that ultimately determines what we ought to do morally speaking. On Bentham's view, if *per impossibile* there could be bearerless cases of happiness, those cases would be as morally significant as the more familiar cases in which happiness has a bearer. This, I think, shows that moral status in the non-epiphenomenal sense plays absolutely no role in Bentham's thinking.

This last claim is consistent with saying that Bentham is committed to the moral equality of persons in the following epiphenomenal sense: if we have two options, and one human being will gain a certain amount of well-being if we choose the first and another human being will gain the same amount if we choose the second, then, all other things being equal, there is no reason to prefer one of these options to the other, whoever the human beings are. In the moral equality here, however, no work is being done by

in this regard, and if indeed it is possible to be a person without sentience, some persons will have a much lower status than some non-human animals, on Bentham's view.

26. This is one reason why I think it is confusing to say that utilitarians, Rawlsians, Nozickeans, and all other minimally plausible ethical theories, share a commitment to the value of the moral equality of all persons that they then go on to interpret differently. RONALD DWORKIN, *TAKING RIGHTS SERIOUSLY* 179–83 (1977); WILL KYMLICKA, *CONTEMPORARY POLITICAL PHILOSOPHY* 3 (2d ed. 2002).

27. Also, it is not to deny that the view that we should maximize the sum of well-being of persons, where it is morally indifferent to whom the well-being accrues, affirms moral equality of persons in a non-epiphenomenal sense—i.e., moral status explains why only the well-being of persons, and not that of animals who are non-persons, matters morally. While this view is in a sense utilitarianism with a narrow scope, it also differs from utilitarianism as standardly construed. Again, in terms of its motivation, it is very different from utilitarianism.

the concept of moral status. Rather, the equality results directly from another moral factor—the fact that the amount of well-being gained in the two scenarios by different persons is the same. So: we have (epiphenomenal) moral equality of persons in some sense, yes, but not because of anything about their moral status, but simply because they are equal in terms of other morally relevant factors and for that reason enjoy similar moral entitlements and can be subjected to the same treatment.²⁸

If utilitarians are the most prominent deniers of non-epiphenomenal moral equality, they are not the only ones. Consider prioritarists who extend their theory beyond persons and see it as a monistic view which, like utilitarianism, is supposed to explain morality in its entirety, without the addition of any deontological constraints. These moral theorists may represent a minority among prioritarists, and many of us would consider their view implausible, with its implications regarding how we should weigh, morally, the interests of persons and non-persons. However, they too deny that moral status is a moral factor that determines the moral permissibility of what we do to a given entity. They do this even if they also affirm the epiphenomenal moral equality of persons, or indeed all sentient beings, insisting that the value of a benefit to a person or sentient being does not alter with the moral status of that being and is affected only by how well off that being is.

Quite generally, I think, standard consequentialist theories deny that we have moral status, non-epiphenomenally speaking. In the consequentialist framework, moral (im)permissibility is fixed, by definition, simply by what produces the most value, or good. In standard versions of consequentialism, whether that good falls to persons or non-persons makes no difference to the goodness of the outcome.²⁹ However, to deny equal moral status in the

28. Compare Raz's critique of distributive equality and Frankfurt's wider-scope critique of equality in general. JOSEPH RAZ, *THE MORALITY OF FREEDOM* 217–44 (1986); HARRY FRANKFURT, *INEQUALITY* 65–89 (2015). According to these two theorists many moral demands that are believed to derive from an ideal of equality simply derive from other morally relevant factors. Arneson submits that, from a rights-based nonconsequentialist point of view, moral equality “amounts to the claim that everyone has the same basic moral rights, specified by a list, and everyone has the rights in the same full-blooded way, so that respecting the moral rights of Smith does not have greater or lesser moral weight in determining what to do all things considered than the constraint of respecting the identical moral rights of anyone else” Arneson, *Basic Equality*, *supra* note 3, at 31. Moral equality so construed is compatible with what I have called moral equality in the epiphenomenal sense.

29. For what might be a conflicting view, see Arneson, *Basic Equality*, *supra* note 3, at 30–32. Unlike Arneson, I think that the acceptance of basic equality in a non-epiphenomenal sense gives us one reason to reject (standard) consequentialism (even if some forms of nonconsequentialism might not need basic moral equality in that sense either). However, as I have already indicated in note 27, there are non-standard forms of consequentialism that rest on the moral equality of persons in a non-epiphenomenal sense.

non-epiphenomenal sense, one does not have to be a consequentialist. Particularists who take moral requirements to be determined by particular features of situations, where these requirements often forbid bringing about the best outcome and where the relevant particulars never concern the moral status of the parties involved, deny the equal moral status of persons, too.

Does the idea that a distinction can be drawn between persons being moral equals in the epiphenomenal sense and persons being moral equals in the non-epiphenomenal sense matter? It does, for two reasons. First, it highlights the fact that it is quite controversial whether all persons have equal moral status in a non-epiphenomenal sense. Non-epiphenomenal moral equality is not a basic feature of morality, or “bedrock,” that different moral theorists interpret differently. Second, it allows us to see that a certain conception of the way in which moral equality, in the non-epiphenomenal sense, works is problematic, as I shall now explain.

III. A CHALLENGE TO NON-EPIPHENOMENAL MORAL STATUS

I will now describe a challenge which I shall call the challenge from irrelevant interests to the idea that moral status determines what we are morally permitted to do *to* the bearer of the status. Of course, the other side of this relationship concerns what the bearer is permitted to do, but for simplicity I shall set this aside. The determining relationship I focus on is the relatively straightforward one that friends and critics of moral equality alike tend to work with (see the Principle of Relevant Connection below).

The challenge, as I articulate it here, targets the idea that *equal* moral status determines what we can do, morally, to the bearer of the status, but by parity of reasoning it applies equally to the view that unequal moral status determines what we are entitled, morally, to do to the bearer. Essentially, the challenge forces us to think harder about the significance of moral status and its bearing on what morality requires us to do.

To construct the challenge, we need to think of an interest which is unrelated to the capacities that we take to ground the moral status of the individual in question. My contention is that, in such a case, higher moral status does not convert into greater moral weight. Let us suppose, preliminarily, that what grounds the special moral status of persons are the two Rawlsian powers to form a conception of the good and to have a sense of justice.³⁰

30. RAWLS, *supra* note 11, at 505.

We will also assume that once people's capacities exceed a certain threshold, variation in the degree to which they are capable of forming a nuanced and detailed conception of the good and sense of justice is irrelevant to their moral status. In other words, what matters is that their relevant capacities fall within a certain range (or, perhaps more precisely, exceed a certain threshold). Now consider the following situation:

Jill is a person with a conception of the good and a sense of justice. Rover is a dog with neither a conception of the good, nor a sense of justice. Both have consumed a powerful tranquilizer, which has caused both of them to become paralyzed. In Jill's case, this has blocked her ability to exercise her two moral powers. She remains sentient, like Rover, and retains various simple memories (like Rover), but she is unable to reflect on her plan of life or on the requirements of justice, etc. Jill and Rover will remain in this stage for a while, after which they will return to normal, albeit with no memories whatever of what happened to them while paralyzed. As it happens, it would be very advantageous—to the millions of people whose lives depend on this—to conduct a painful medical experiment on one of them. They will suffer the same degree of pain, and because of their peculiar circumstances they will also experience the same setback to their interests (of course, Jill's would normally be set back much more than Rover's).

My contention is that in this case moral status makes no moral difference to what we should do, and thus that we have no moral-status-derived reason to experiment on one of Jill and Rover rather than the other.³¹ Indeed, if the dog would suffer more pain in the experiment than the person, we should experiment on Jill rather than Rover. After all, in the specific case at hand the capacities in virtue of which Jill has the higher moral status, and their exercise, are not relevantly connected with Jill's interest in not being tortured, e.g., their exercise is unaffected by the torture and Jill's interest in not being tortured has nothing to do with her moral status-generating capacities.³² Given this fact it is difficult to see why her higher moral status should affect the moral weight we should give to her interest in not being subjected to the experiment. Consider an analogy with the way we think about differences in social status. An Olympic champion in wrestling demands that he be allowed to jump the queue at a ticket office because he has higher social status, as an Olympic champion, than the other queuers. A natural response (if you resent yielding to him) would be to

31. This is compatible with the existence of reasons with nothing to do with differences in moral status why we should experiment on one rather than the other. Some might object to my use of the example of Jill and Rover on the ground that Jill loses her higher moral status when under the influence of the tranquilizer—after all, she is unable to exercise her two moral powers during that time. However, we can see why this objection quickly runs into problems by reflecting on the fact that we do not think that persons lose their higher moral status when sleeping even if, clearly, they cannot exercise those powers while asleep.

32. The latter is true because her prudential interest in not being tortured would have been no greater, had she not had the relevant moral powers.

concede that the Olympian has a higher social status than you have but deny that the basis of this status is relevantly connected with his interest in not wasting time queuing.³³ In short, the challenge presupposes:

The Principle of Relevant Connection: For a higher moral status to result in the status holder's interests of particular kind having greater weight than the similar interests of others with a lower status, the basis of that higher status must be relevantly connected with those interests, and the "relevant connection" will not obtain simply in virtue of the status holder's higher status.³⁴

Obviously, "relevant connection" here requires further explanation. One plausible sufficient condition of this connection is that the satisfaction of the relevant interests promotes, hinders, or otherwise conditions the exercise of the relevant status-generating capacities. In the case at hand, Jill is temporarily in such a reduced state that her being tortured makes no difference to her exercise of her Rawlsian powers. Accordingly, her not being tortured during that short interval does not condition (the exercise of) those capacities, which Rover lacks and as a result of the possession of which she has a higher moral status than Rover.

Another plausible sufficient condition is that the relevant interests somehow reflect the fact that the interest holder has the relevant status-generating capacities—e.g., because these interests would be modified or non-existent if the status holder did not have the relevant capacities. In the Jill and Rover case, as I have described it, neither of these conditions is satisfied—Jill's interest in not being tortured, while under the influence of the tranquilizer, would have been no stronger had she not had the two Rawlsian powers.

33. Compare Niko Kolodny, *Rule Over None II: Social Equality and the Justification of Democracy*, 42 PHIL. & PUB. AFFS. 287, 298 (2014) on the difference in our reaction to Herr Geldsack (where because of his "high net worth, one is particularly courteous to him and solicitous to his wishes") and the talented sprinter (where high opinion of him as an athlete does not bleed "into our responses toward him or his claims as a whole").

34. Consider a version of the Jill and Rover case, where pain is relevantly connected to Jill's (exercise of her) higher moral status-grounding capacities. Plausibly, in such a case Jill has more interests at stake in avoiding the torture than Rover has, e.g., the interest in not having her exercise of her Rawlsian powers thwarted in addition to the interest in avoiding pain. Accordingly, we cannot infer from the view that in this case we should experiment on Rover rather than Jill that Jill's higher moral status ultimately determines what we should do. It might be the difference in interests involved that determines what we ought to do. It is considerably harder to demonstrate the intuitive appeal of the notion of non-epiphenomenal moral status than we might think initially. I thank Kolodny for helpful reflections on this point.

Moreover, I see no other plausible sufficient condition that might be satisfied in this case.

Obviously, the Principle of Relevant Connection is compatible with conceding that if the possession of the relevant capacities, or their exercise, *were* affected by being subjected to the experiment, then the moral status, the possession of which these capacities gives rise to, would determine, among other factors, how much moral weight we should give to Jill's interest in not being experimented on. Hence, the present challenge is not to the idea that moral status is a factor that determines moral norms.

This, however, does not mean the challenge is unimportant. It is significant, because it destabilizes the widespread assumption that if an individual has higher moral status than another—perhaps because the former individual is a person (Jill) and the latter is a non-human animal (Rover)—then the person's interests carry greater moral weight than the latter's irrespective of how these interests are connected with the capacities giving the former higher moral status than the latter. Even setting aside the soundness of standard objections to the significance of moral status, e.g., that there are no non-moral properties, which can both plausibly constitute the supervenience basis of moral status and whose possession is distributed in such a way that all (normal, adult) human beings have that property to an equal degree as other (normal, adult) human beings and have it to a higher degree than all non-human animals, it is simply wrong to think that just because—as we can assume for a moment—human beings have a higher moral status than non-human animals, we can explain why the interests of the former carry greater moral weight than the latter across the board.³⁵

In articulating the challenge from irrelevant interests, I assumed moral status was not gradated, and that (at least, above a certain threshold) scalar differences in the capacities that ground moral status do not matter to moral status itself.³⁶ In the remainder of this section, I shall explain that an even more radical challenge can be formulated if we assume that non-epiphenomenal moral status is scalar, and that scalar differences make a difference to moral status.³⁷ Consider the following case:

35. This is one reason why the present argument does not simply presuppose Singer's position on moral equality (i.e., that moral equality is a matter of moral weight being given to every interest bearer's interests in proportion to these interests' prudential significance). The present challenge is consistent with saying, in a clearly anti-Singerian way, that interests that are intertwined (in a sense to be specified further) with those capacities that ground the higher moral status of an individual count for more, morally speaking, than the similar interests of an individual with a lower moral status.

36. *E.g.*, RAWLS, *supra* note 11, at 504–12.

37. The present challenge might also support the previous challenge in that it adds further support to the core intuition in both cases, to wit, that the moral weight given to

John and Jill both have a conception of the good and sense of justice. However, John's conception of the good and his life-plan based on it are extremely well worked out. In part, this reflects the fact that his capacities for forming a well-thought-out conception of the good, and life-plan, are considerable and greater than Jill's. The same is true of his conception of justice. Neither Jill's conception of the good life, nor her life-plan, nor her sense of justice is thought-through (or, perhaps more accurately, reflects beliefs about justice which are thought-through), and in part this reflects her more modest capacities. For some reason, you can either promote a particular component of John's conception of the good and the particular aspect of his life-plan most directly based on it, or do the same for Jill. The relevant component in John's conception of the good is something he has only thought cursorily about, if at all. Likewise, he has only thought about how to live his life to respect, or realize, this particular aspect of his conception of the good in a sloppy way. Jill, however, atypically for her, has been highly reflective and careful in the relation to this particular aspect of her conception of the good, and how she should lead her life in the light of it. A similar difference between them obtains in relation to the way the particular component relates to the content of their sense of justice.

If you embrace a scalar moral status view, and if you think the special moral status of persons derives from persons having the two Rawlsian powers and the degree to which they are realized, you might think that, generally, you should give greater weight to John's interests than to Jill's comparable interests.³⁸ After all, in the dimensions on which moral status supervenes, John has a higher score than Jill. Intuitively, however, greater weight should be given to Jill's interests in the particular case at hand. She may have lower moral status than John, but here the particular interest in focus is more securely rooted in her conscientious exercise of capacities (to form and reflect on her conception of the good and lead her life accordingly, etc.) which *ex hypothesi* determine moral status than are John's comparable interests.³⁹

interests unconnected with the capacities which ground the bearer's higher moral status should be unaffected by the mere fact that the bearer has higher moral status overall.

38. Compare Arneson, *What, if Anything, Renders All Humans Morally Equal?*, *supra* note 3, at 111 on the relevance of the distinction between capacities and exercise of capacities. There is another aspect to this argument which, for present purposes, I do not need to pursue. I have stipulated that John's capacities are higher than Jill's. This is a challenge to the view that capacities, as opposed to exercised capacities, determine moral status. Notice also that if persons have different agential capacities, then a capacity-focused view will not justify moral equality—at least, not outside a threshold view.

39. Many believe that it is a basic problem with moral equality that any plausible basis for moral equality which might explain why human beings have higher moral status than non-human animals is bound to be possessed by human beings in differing degrees, making it extremely difficult to insist that there is no variation in the moral status of different human beings. See Arneson, *supra* note 3, at 36. The case I develop here shows that,

It might be replied that even if we share this intuitive view, all this shows is that we have two reasons of different sorts pointing in opposite directions. One reason derives from John's, globally speaking, greater (exercised) capacity to form a conception of the good and a sense of justice. This favors giving greater weight to John's interests. The other reason derives from the fact that the particular interest of Jill's in question is more intimately connected to parts of her conception of the good and sense of justice in a way that, locally speaking, reflects her fuller exercise of the relevant capacities. That reason favors Jill's interests and, if you share my intuitions, does so to such a degree that it outweighs the first reason. However, an outweighed reason is still a reason that does normative work, and thus the case of John and Jill does not entail that we should reject the non-epiphenomenal view of the across-the-board-significance of moral equality.

One way to test this reply is to imagine a variant of the case of John and Jill in which we further boost John's superiority, globally speaking, in the (exercised) capacity to form a conception of the good and a sense of justice, and ask whether our assessment of the two cases then differs. For what it is worth, I think this makes no difference. Accordingly, while I would concede that the explanation of our intuitions proposed in this paragraph is a possible one, I do not think it is the right one.

In sum, while non-epiphenomenal moral status might play a role in determining what we ought to do to people, the challenge from irrelevant interests—in either of the variants above—shows that it cannot play the across-the-board role it is often assumed to play: sometimes we should not give greater moral weight to the interests of those with a higher moral status. Perhaps in some cases we should even give less moral weight to the interests of persons with superior moral status.

IV. WHAT ARE THE CLOSE ALTERNATIVES TO MORAL EQUALITY?

One way of posing the question whether it matters much that we have equal moral status is by asking what the alternative to moral equality is. One can do this whether the equality is epiphenomenal or non-epiphenomenal, but I shall focus on the latter.

There are many alternatives to moral equality. You can deny it because you think there are salient groups of people with higher moral status than

even if we could develop a convincing response to this challenge, we would still need to explain why variation in the way the different interests of person are connected with the relevant properties which form the basis of moral status do not result in differences in the moral weightiness of these interests.

others. The racist views of Hastings Rashdall fall in this category.⁴⁰ Call views like this *radical, anti-egalitarian moral status views*.

Alternatively, you can deny moral equality and deny that people from different socially salient groups that vary systematically in terms of moral status. For instance, you might be a “modest, nonegalitarian” because you hold the view that there are a few geniuses or moral exemplars (e.g., Gandhi, Hypatia, and Michelangelo), who, without forming any recognizably socially salient groups, have a slightly higher moral status than the rest of us, and that there are a few outliers at the other end with lower moral status (e.g., anencephalics and Hitler).⁴¹ Call views like this *modest, non-egalitarian moral status views*.

What is at stake when you deny moral equality depends hugely on whether the alternative you accept is a radical, anti-egalitarian moral status view or a modest, non-egalitarian status view.

I will defend two claims. First, some modest, nonegalitarian views imply that it does not matter greatly whether we accept them or moral equality. This is because, with these views, it is not the case that a significant number of plausible moral claims that many people take to be grounded in human equality must be rejected if we accept the relevant modest, inegalitarian alternative instead. This is so, I contend, even if we hold other moral commitments of ours constant. This is important, since, plausibly, if we can show that the importance assumption is false by showing that one can deny moral equality and still subscribe to most of our views about what morality requires across a wide range of first-order normative issues without such-constancy-friendly revisions elsewhere in our moral theory, then the importance assumption will begin to seem implausibly strong.⁴² Correspondingly, its rebuttal will appear unsurprising and relatively insignificant.

Second, it matters a great deal whether we accept moral equality or some radical, anti-egalitarian views. This is because, with these views, a significant number of plausible moral claims about what morality requires across a wide range of first-order normative issues that many take to be grounded in human equality must be rejected if we accept the relevant

40. WALDRON, *supra* note 2, at 31.

41. Nothing hangs on the particular people I refer to here for illustrative purposes. I do see that some readers may not agree that all are outliers in the relevant sense.

42. I am grateful to Richard Arneson for pointing out the need for the “revisions elsewhere” condition.

radical, anti-egalitarian alternative instead.⁴³ However, with equal plausibility these claims can also be ground in modest, nonegalitarian views of moral status. The most significant of these claims is that the moral weight of people's interests do not depend on their ascriptive properties—e.g., whether they belong to a particular race, whether they are men or women, or where they come from, as Scanlon puts it.

I want to explore two modest, nonegalitarian views of moral status. The first is:

The incommensurability view: For any pair of human beings, X and Y, it is:

1. false that X and Y have the same moral status;
2. and false that one of X and Y has higher moral status than the other.⁴⁴

On this view, moral statuses among human beings are incommensurable. To see the motivation for this view, consider two masterpieces scoring equally in all relevant evaluative measures. Here it may seem that the two paintings (let us assume) are of exactly the same value, aesthetically speaking. Suppose, however, that we improve the quality of one of them marginally in one dimension. Plausibly, that would not make this masterpiece better than the other. This, so the reasoning goes, shows that it is wrong to say that they are exact equals in their aesthetic value, for if they were, then, if one were to become slightly better than it is presently, it would be better than the other. In this sense, the aesthetic values, or statuses, of the two paintings are incommensurable.

We might say something similar about the moral status of human beings. In fact, this is not something we *might* say—it is something people do say, or at any rate hint at, when they submit, as they often do, that human worth, or dignity, is in some sense enjoyed in full and always by all. Now, consider two people who score equally on all those parameters which ground moral status (or the range property which grounds moral status). Plausibly, their moral status must be the same. Suppose then that we boost the score of one of these individuals marginally in one of the

43. Again, in making this claim I am assuming the absence of counterbalancing revisions of other parts of our moral theories.

44. See RAZ, *supra* note 28, at 342. One question to ask here is whether the incommensurability view (and the sufficiency view introduced below) is vulnerable to what Arneson dubs the Singer problem. I think it is. One still needs to explain why persons have a higher moral status than non-human animals. That explanation will appeal to empirical features that human beings possess in markedly differing degrees. As I have formulated the incommensurability view, Bentham subscribes to it. He thinks 1) and 2) are false, because there is no such thing as (non-epiphenomenal) moral standing. To avoid this, we could add: 3) and true that both X and Y have non-epiphenomenal moral standing.

parameters. Intuitively, this would not make the moral status of this individual a little higher than that of the other.⁴⁵ As with the aesthetic value of paintings, this may be taken to suggest that the moral statuses of different individuals are incommensurable.

Would acceptance of the incommensurability view of moral status oblige us to repudiate a lot of the attractive moral claims people normally subscribe to and take to be based on moral equality? I do not think so.⁴⁶ Take Scanlon's reasons for thinking that some forms of inequality are bad. As far as I can tell, all of these would apply even if the incommensurability view were true. Obviously, I cannot discuss all the considerations Scanlon presents here, but consider his view that equality of opportunity matters because people have "reason to want to be taken seriously as candidates for [the position for which they have applied], and considered on their own (institutionally determined) merits."⁴⁷ I see no reason why moral incommensurables would have any less reason to want to be so treated than moral equals.⁴⁸ Similarly, and *pace* Elizabeth Anderson, could not incommensurables each accept "the obligation to justify their actions by principles acceptable to the other" and "take mutual consultation, reciprocation, and recognition for granted"?⁴⁹ After all, no incommensurable is morally superior to another, so any absence of the obligation to justify one's actions to others cannot be grounded in

45. This kind of reasoning is part of the motivation for Rawls' range property view.

46. My focus here is on the "horizontal" question of what denying the moral equality of persons implies, not the "vertical" question of what denying that human beings have a higher moral status than non-human animals implies. Taking the moral statuses of human beings to be incommensurable (or sufficient: see below) is consistent with holding that their statuses are all higher than non-human animals' statuses. (Of course, one might worry that the differences that allow us to establish that the moral status of (most) human beings is commensurable with, and higher than, that of most non-human animals might also show that the moral status of some human beings is commensurable with, and higher than, that of other human beings.) More generally, it seems that any view, held by those who think all human beings are moral equals, about the relative moral statuses of human beings and non-human animals is going to be one that friends of the view that all the statuses of human beings are incommensurable can hold too. Hence, the vertical question is irrelevant to an assessment of the importance thesis.

47. SCANLON, *supra* note 9, at 51.

48. I use the nouns "incommensurables" and (later) "sufficients" in the way we use the noun "equals."

49. Anderson, *supra* note 7, at 313–14. More generally, I do not see why those who think persons are incommensurables would be less well placed to object to the inequalities in social status than relational-egalitarian friends of the moral equality thesis like Elizabeth Anderson. I take it that, unlike moral status, social status obtains in virtue of the existence of relevant social norms and values.

the existence of a need-for-justification-defeating hierarchy of moral statuses. Again, it is unclear why we cannot accept the substance of McMahan's equal wrongness of killing thesis if we accept the incommensurability view. Acceptance of that view certainly does not imply that killing old people is less wrong than killing young people if we assume, say, that ignoring the killing of old persons in the interest of saving young persons would be justified only if (or express the view that) young people have a higher moral status than old people.⁵⁰

The incommensurability view may not possess the rhetorical force that the equality view does ("We hold these truths to be self-evident, that all people are created incommensurables. . ."). Nor, however, can it serve the purposes of those with hierarchical views. For instance, it is inconsistent with racist and sexist views, where these are understood as views according to which the members of certain socially salient (gender and race-defined) groups have a higher moral status than that associated with other socially salient groups. On the incommensurability view, all human beings, whatever their gender or race, possess incommensurable moral status—a status enjoyed, as we might say, in full and always by all. What follows normatively from dropping equality is less than is normally assumed. This has been missed because the dropping tends to be considered either: a) with no explicit alternative in mind, or b) against the background of a steep hierarchical alternative (which really does make equality look attractive). Once one introduces incommensurability (or sufficiency: see below) as a competitor, the equality view looks much more rejectable.⁵¹

50. Some will say the incommensurability view suggests that, faced with a choice between killing either an old or a young person, one should flip a coin if all things other than their interest in surviving the present threat and how much they have benefited from their life so far are equal. They might add that this is implausible. However, the view that persons are morally equal suggests a similar response (if the incommensurability view does), and thus the present consideration does not speak to whether the moral equality view is more plausible than the incommensurability view. Others might worry that the incommensurability view implies permission to give greater weight to some individuals' interests than those of others. I suspect that supporters of the incommensurability view could successfully appeal to a presumption of equality in response to this objection: a presumption to the effect, that is, that if we treat individuals differently there should be a justification for that. I suspect further that, given that individuals are incommensurables, there is no such justification that derives from considerations about moral status.

51. Historically speaking, the alternative to moral equality has been a steep moral hierarchy, not incommensurability (nor sufficiency of the sort I explore in the next paragraph). Obviously, accepting or rejecting moral equality given *that* alternative is a momentous question.

Consider next:

The sufficientarian view: For any pair of human beings, X and Y, it is true that whether or not one of them has a higher moral standing than the other, both have sufficient moral status. An individual's "possession of sufficient moral standing" means that there is, in some sense, a sufficient number of sufficiently important things that one cannot do, morally speaking, to that individual and which this individual is permitted to do.⁵²

Obviously, sufficientarian views of moral status come in different variants. The stronger versions are those in which, say, there is a quite extensive set of significant things one cannot do to an individual with the moral status of a sufficient, even if, when all individuals' interests are satisfied to a very high degree, it is morally permissible to give less moral weight to that individual's interests than one gives to the interests of individuals with a higher moral status. For a wide range of sufficientarian views, the stronger the sufficientarian view is, the closer it comes in a way to the moral equality view.

Would acceptance of the sufficientarian view of moral status oblige us to repudiate many of the moral claims people normally subscribe to and take to be based on moral equality? As with the incommensurability view, I think the answer is negative.⁵³ Again, consider Scanlon's reasons for thinking that some forms of equality are bad. As far as I can tell all of them would apply even if a strong variant of the sufficientarian view of moral status were true. Specifically, with regard to equality of opportunity, which I mentioned above, sufficientarians, too, can have reason to "want to be taken seriously as candidates for [the position for which they have applied]."⁵⁴ Similarly, *pace* Elizabeth Anderson, perhaps one of the things we cannot do to a sufficient (or indeed someone with a higher moral status than that of a sufficient) is reject "the obligation to justify [our] actions by principles acceptable to the other" and dismiss "mutual consultation, reciprocation,

52. One complicating factor, which I ignore here, is the possibility of trade-offs between the number of forbidden acts and the significance of these acts.

53. As was also the case with the incommensurability view, in suggesting this I am not seeking to promote sufficientarianism. Indeed elsewhere I have argued against a sufficientarian view of relational justice, and some of my arguments there apply *mutatis mutandis* to a sufficientarian view of moral status, too. Kasper Lippert-Rasmussen, *Relational Sufficientarianism and Frankfurt's Objections to Equality*, 25 J. ETHICS 81 (2020). One can deny the importance assumption without holding that there are *no* first-order normative issues where it makes a difference whether one affirms moral equality or not.

54. We can assume here that "being taken seriously" is a range property.

and recognition”?”⁵⁵ Perhaps sufficientists have the right to a sufficient justification of what is done to them by others which appeals to principles that are acceptable to them. Nor is it at all clear that we cannot accommodate the substance of McMahan’s equal wrongness of killing thesis if we accept the sufficientarian view of moral status. After all, even 57-year-olds can rightly say that their interest in living longer is so strong that they are not yet above the sufficiency threshold such that treating this interest of theirs as being morally less weighty than that of a 27-year-old is incompatible with their status as sufficientists.⁵⁶

Like the incommensurability view, strong sufficientarian views cannot be combined with (at least) the standard hierarchical moral status views often mentioned as alternatives to moral equality. They are, in other words, inconsistent with the sort of social hierarchies favored by racists and sexists (which imply that people of particular races or women have a lesser moral status than that of sufficiency), and they would remain so even if, extremely implausibly, it were to turn out that those with a moral status superior to sufficiency were to form socially salient groups. Of course, nothing in sufficiency per se suggests that such people actually do form socially salient groups, let alone that anyone has a moral status which is higher than that implied by the sufficientarian view.⁵⁷

I conclude that the importance assumption is incorrect to this extent: modest, non-egalitarian accounts of moral status, such as the incommensurability view and the sufficientarian view, do not oblige us give up many of the plausible first-order moral claims that most of us subscribe to and many equality theorists take to be grounded in the equal moral status of persons. Nor is it necessary to embrace an implausible, unattractive hierarchical view if one gives up moral equality. My view is that the significance of the moral equality of persons is exaggerated in much of the literature and in the thinking of the non-specialist. Moral equality may be something we wish to commit to for other reasons, but we do not need it to defeat views of the sort taken by Hastings Rashdall.

55. Anderson, *supra* note 7, at 313–14.

56. It might, however, imply that, say, it is less wrong to kill an octogenarian ten minutes before he or she would have died anyway than it is to kill a 27-year-old. However, perhaps our intuitions about such cases are mixed, uncertain, in a way suggesting this implication would not be a serious defect of the sufficientarian view.

57. If everyone has the moral status of sufficientists, we all have a claim to having our interests satisfied up to a certain point. However, above this point any differential treatment of us (sex discrimination among super-rich Hollywood actors, perhaps) would not be incompatible with our basic moral status (which does not rule out its being undesirable for other reasons). Arguably, the differential treatment would clash with our basic moral status as equals, and some may see this as a reason to favor the equality over the sufficiency view of moral status. See Lippert-Rasmussen, *supra* note 53.

V. CONCLUSION

In this paper, I have explored the familiar principle that all persons have equal moral status, looking particularly at what is involved in the rejection of this principle. I began by elaborating a distinction between epiphenomenal and non-epiphenomenal conceptions of moral status. I then argued, in the light of interests that are unrelated to the capacities that ground moral status, that moral status cannot justify any across-the-board priority being given to the interests of individuals with a higher moral status. Finally, I asked what the alternatives to equal moral status are. I distinguished between radical, anti-egalitarian alternatives, on the one hand, and modest, non-egalitarian alternatives, on the other hand. Theorists of moral equality tend to be preoccupied with alternatives of the first of these kinds. This encourages them to see the moral equality of all human beings as a basic, unarguable feature of morality. But the existence of alternatives of the second kind, and in particular incommensurability and sufficientarian views, shows that the issue of moral equality is more open to discussion than is normally assumed.

The elevated importance accorded to the moral equality of persons has resulted in two mistakes often being made.⁵⁸ The first mistake concerns the epistemic status of moral equality. Often human moral equality is theorized, and represented, as some kind of moral bedrock that can be used to justify other moral claim but cannot itself be justified. Whatever evidence we may give in favor of human equality will, on this view, be something we are less certain of than the thesis of human equality itself.⁵⁹ I see this an error. We should think of the principle of moral equality as a plausible, but debatable, thesis which requires justification in the light of powerful challenges, and in particular alternatives that are not obviously intuitively weaker than the moral equality thesis itself.⁶⁰

The second mistake is that moral philosophers over-rely on moral equality, making certain assumptions on the basis of it that, so these philosophers believe, would, if rejected, require revisions of their views across a wide

58. Part of my aim in writing this paper was to set the issues out in a way that makes these mistakes less likely in future.

59. SOPHIA MOREAU, *FACES OF INEQUALITY: A THEORY OF WRONGFUL DISCRIMINATION* 223 (2020); DEBORAH HELLMAN, *WHAT IS DISCRIMINATION?* 6 (2008).

60. To avoid misunderstanding: there are other claims I would be much more inclined to regard as moral bedrock, or at any rate overwhelmingly justified, and which are often thought to be intimately connected with human equality. An example: it is not the case that members of one race or gender have a superior moral standing to members of others.

range of first-order normative issues. No doubt the principle of moral equality has hallowed status for many philosophers and political theorists. However, it is a mistake to think that the more specific views often connected with moral equality could not be defended on the basis of other moral status views. In at least some cases, they could. In my view, this—i.e., the falsity of what I called the importance assumption—should be welcome. It means that some of the specific views on first-order issues, e.g., the wrongness of discrimination, oppression, or excessive distributive inequality, are more robust than is usually assumed.