

A portrait of Peter Singer, an older man with glasses, wearing a dark suit jacket over a light blue button-down shirt. He is positioned in front of a bookshelf filled with books. The text 'PETER SINGER' is overlaid in large red serif font.

PETER  
SINGER

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PRACTICAL ETHICS

THIRD EDITION

CAMBRIDGE

# Practical Ethics

*Third Edition*

**PETER SINGER**

*Princeton University and the University of Melbourne*



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## Preface

Practical ethics covers a wide area. We can find ethical ramifications in most of our choices, if we look hard enough. This book does not attempt to cover the whole area. The problems it deals with have been selected on two grounds: relevance and the extent to which philosophical reasoning can contribute to discussion of them.

The most relevant ethical issues are those that confront us daily: is it right to spend money on entertaining ourselves when we could use it to help people living in extreme poverty? Are we justified in treating animals as nothing more than machines producing flesh for us to eat? Should we drive a car – thus emitting greenhouse gases that warm the planet – if we could walk, cycle or use public transport? Other problems, like abortion and euthanasia, fortunately are not everyday decisions for most of us; but they are still relevant because they can arise at some time in our lives. They are also issues of current concern about which any active participant in a democratic society should have informed and considered opinions.

The extent to which an issue can be usefully discussed philosophically depends on the kind of issue it is. Some issues are controversial largely because there are facts in dispute. Should we build nuclear power stations to replace the coal-fired ones that are a major cause of global warming? The answer to that question seems to hang largely on whether it is possible to make the nuclear fuel cycle safe, both against accidental release of radioactive materials and against terrorist attacks. Philosophers are unlikely to have the expertise to answer this question. (That does not mean that they can have nothing to say about it – for instance, they may still be able to say something useful about whether it is acceptable to run

a given risk.) In other cases, however, the facts are clear and accepted by both sides, and it is conflicting ethical views that give rise to disagreement over what to do. The important facts about abortion are not really in dispute – as we shall see in Chapter 6, when does a human life begin? is really a question of values rather than of facts – but the ethics of abortion is hotly disputed. With questions of this kind, the methods of reasoning and analysis in which philosophers engage really can make a difference. The issues discussed in this book are ones in which ethical, rather than factual, disagreement plays a major role. Thinking about them philosophically should enable us to reach better-justified conclusions.

*Practical Ethics*, first published in 1980, has been widely read, used in many courses at universities and colleges and translated into fifteen languages. I always expected that many readers would disagree with the conclusions I defend. What I did not expect was that some would try to prevent the book's arguments being discussed. Yet in the late 1980s and early 1990s, in Germany, Austria and Switzerland, opposition to the views on euthanasia contained in this book reached such a peak that conferences or lectures at which I was invited to speak were cancelled, and courses taught by professors at German universities in which the book was to be used were subjected to such repeated disruption that they had to be abandoned. In Zurich in 1991, when I was attempting to lecture, a protester leapt onto the stage, tore my glasses from my face, threw them down on the floor and stamped on them. Less violent protests took place at Princeton University in 1999, when I was appointed to a chair of bioethics. People objecting to my views barred the entrance to the central administrative building of the university, demanding that my appointment be rescinded. Steve Forbes, a trustee of the university and at the time a candidate for the Republican nomination for the President of the United States, announced that as long as I was at the university, he would withhold further donations to it. Both the university president and I received death threats. To its great credit, the university stood firm in its defence of academic freedom.

The protests led me to reflect on whether the views defended in this book really are so erroneous or so dangerous that they would be better left unsaid. Although many of the protesters were simply misinformed about what I am saying, there is an underlying truth to the claim that the book breaks a taboo – or perhaps more than one taboo. In Germany since the Nazi era, for many years it was impossible to discuss openly the question of euthanasia or whether a human life may be so full of misery as not to

be worth living. More fundamental still, and not limited to Germany, is the taboo on comparing the value of human and nonhuman lives. In the commotion that followed the cancellation of a conference in Germany at which I had been invited to speak, the German sponsoring organization, to disassociate itself from my views, passed a series of motions, one of which read: 'The uniqueness of human life forbids any comparison – or more specifically, equation – of human existence with other living beings, with their forms of life or interests.' Comparing, and in some cases equating, the lives of humans and animals is exactly what some chapters of this book are about; in fact, it could be said that if there is any single aspect of this book that distinguishes it from other approaches to such issues as human equality, abortion, euthanasia and the environment, it is the fact that these topics are approached with a conscious disavowal of any assumption that all members of our own species have, merely because they are members of our species, any distinctive worth or inherent value that puts them above members of other species. The belief in human superiority is a very fundamental one, and it underlies our thinking in many sensitive areas. To challenge it is no trivial matter, and that such a challenge should provoke a strong reaction ought not to surprise us. Nevertheless, once we have understood that the breaching of this taboo on comparing humans and animals is partially responsible for the protests, it becomes clear that there is no going back. For reasons that are developed in subsequent chapters, to prohibit any cross-species comparisons would be philosophically indefensible. It would also make it impossible to overcome the wrongs we are now doing to nonhuman animals and would reinforce attitudes that have done irreparable damage to the environment of our planet.

So I have not backed away from the views that have caused so much controversy. If these views have their dangers, the danger of attempting to continue to silence criticism of widely accepted ideas is greater still. Since the days of Plato, philosophy has advanced dialectically as philosophers have offered reasons for disagreeing with the views of other philosophers. Learning from disagreement leads us to a more defensible position and is one reason why, even if the views I hold are mistaken, they should be discussed.

Though I have not changed my views on those topics – euthanasia and abortion – against which most of the protests were directed, this third edition is significantly different from the first and second editions. Every chapter has been reworked, factual material has been updated, and where my position has been misunderstood by my critics, I have tried



to make it clearer. On some issues, new questions and new arguments relevant to old questions have emerged. In the discussion of the moral status of early human life, for instance, scientific advances have led to a new debate about the destruction of human embryos to obtain stem cells. The developing scientific understanding of early human life has not only given rise to hopes of major gains in treating disease; it has also demonstrated that many cells – not only the fertilized egg – contain the potential to start a new human life. We need to ask whether this changes the arguments about the moral status of human embryos and, if so, in what way.

The sections of the book that have left me in the greatest philosophical uncertainty are those parts of Chapters 4 and 5 that discuss whether there is some sense in which bringing into existence a new being – whether a human being or a nonhuman animal – can compensate for the death of a similar being who has been killed. That issue in turn leads to questions about the optimum population size and whether the existence of more sentient beings enjoying their lives would, other things being equal, be a good thing. These questions may seem arcane and far removed from the ‘practical ethics’ promised by the title of this book, but they have important ethical implications. As we shall see, they can serve as an example of how our judgments of what is right and wrong need to be informed by investigations into deep and difficult philosophical issues. In revising these sections for this edition, I have found myself unable to maintain with any confidence that the position I took in the previous edition – based solely on preference utilitarianism – offers a satisfactory answer to these quandaries.

That reconsideration of my earlier position is the most significant philosophical change to this edition. The addition with the greatest practical importance, however, is a new chapter that deals with the great moral challenge of our time – climate change. Too often, we fail to see climate change as an ethical issue. I hope this chapter will show clearly that it is. The number of chapters in this edition remains the same as it was for the second edition because a chapter that I added to that edition, on our obligation to accept refugees, does not appear in this edition. This is not because the issue of admitting refugees has become any less important than it was in 1993. On the contrary, it is probably more significant now and will become more significant still, in coming decades, as we begin to see increasing numbers of ‘climate refugees’ – people who can no longer live where their parents and grandparents lived, because rainfall patterns have changed or sea levels have risen. But I had become dissatisfied with

the chapter as it stood. This is partly because the issue is one to which the facts – for example, about the possibility of a country taking in large numbers of refugees without this leading to a racist backlash that would harm minority groups within the country – are highly relevant. I had also become more aware of differences between countries that are relevant to this issue, and so I reluctantly concluded that any attempt to deal with the issue in a single chapter of a volume such as this, aimed at an international audience, is bound to be superficial. If the issue cannot be treated adequately and in a properly nuanced way, I decided, it would be better not to include it in this book, especially as it is one of those issues on which governments must set policy rather than one on which individuals actions can make a significant difference.

In writing and revising this book, I have made extensive use of my own previously published articles and books. Chapter 3 is based on my book, *Animal Liberation* (2nd edition, New York Review/Random House, 1990), although it also takes account of objections made since the book first appeared in 1975. The sections of Chapter 6 on such topics as in vitro fertilization, the argument from potential, embryo experimentation and the use of fetal tissue, all draw on work I wrote jointly with Karen Dawson, which was published as “IVF and the Argument from Potential”, in *Philosophy and Public Affairs*, vol. 17 (1988) and in Peter Singer, Helga Kuhse and others, *Embryo Experimentation* (Cambridge University Press, 1990). In the third edition, this chapter includes material responding to the arguments of Patrick Lee and Robert George that first appeared in Agata Sagan and Peter Singer, “The Moral Status of Stem Cells”, *Metaphilosophy*, 38 (2007). Chapter 7 contains material from the much fuller treatment of the issue of euthanasia for severely disabled infants that Helga Kuhse and I provided in *Should the Baby Live?* (Oxford University Press, 1985). Chapter 8 restates arguments from “Famine, Affluence and Morality”, *Philosophy and Public Affairs*, vol. 1 (1972), and for this edition, I drew on my much more recent and comprehensive account of the issue in *The Life You Can Save* (Random House, 2009). The new Chapter 9 draws on material first published in *One World* (Yale University Press, 2002) and from “Climate Change as an Ethical Issue”, in Jeremy Moss (ed.), *Climate Change and Social Justice* (Melbourne University Press, 2009). Chapter 10 is based on “Environmental Values”, a chapter I contributed to Ian Marsh (ed.), *The Environmental Challenge* (Longman Cheshire, Melbourne, 1991). Portions of Chapter 11 draw on my first book, *Democracy and Disobedience* (Oxford, Clarendon Press, 1973). The revisions for the third edition also include passages from my responses

to critics in *Peter Singer Under Fire*, edited by Jeff Schaler (Open Court, Chicago, 2009).

H. J. McCloskey, Derek Parfit and Robert Young provided useful comments on a draft version of the first edition of this book. Robert Young's ideas also entered into my thinking at an earlier stage, when we jointly taught a course on these topics at La Trobe University. The chapter on euthanasia, in particular, owes much to his ideas, though he may not agree with everything in it. Going back further still, my interest in ethics was stimulated by H. J. McCloskey, whom I was fortunate to have as a teacher during my undergraduate years; and the mark left by R. M. Hare, who taught me at Oxford, is apparent in the ethical foundations underlying the positions taken in this book. Jeremy Mynott of Cambridge University Press encouraged me to write the book and helped to shape and improve it as it went along. The second edition of the book benefited from work I did with Karen Dawson, Paola Cavalieri, Renata Singer and especially Helga Kuhse. For this third edition, I must give what are, sadly, posthumous thanks to Brent Howard, a gifted thinker who several years ago sent me extensive notes for a possible revision of the second edition. I am also most grateful to Agata Sagan for suggestions and research assistance throughout the revision of the book. Her contribution is most evident in the discussion of the moral status of embryos and stem cells, but her ideas and suggestions have improved the book in several other areas as well.

There are, of course, many others with whom I have discussed the issues that are the subject of this book. Back in 1984, Dale Jamieson made me aware of the significance of climate change as an ethical issue, and I continue to check my thoughts on that topic and on many others with him. I have learned a lot from Jeff McMahan, from personal contact, from a graduate seminar we co-taught on issues of life and death and from his many writings. At Princeton University, I have often benefited from comments on my work from my colleagues, from visiting Fellows at the University Center for Human Values and from students, both graduate and undergraduate. Don Marquis and David Benatar each spent a year at the Center, and those visits provided opportunities for many good discussions. I also thank my colleagues and the graduate students at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne for their comments at occasional lectures and seminars at which I have presented my work.

Harriet McBryde Johnson and I disagreed vehemently about euthanasia for infants with severe disabilities, but there was never any acrimony

between us, and she always presented my views with scrupulous fairness. Sadly, our exchanges ended with her death in 2008, and I miss her critical presence.

The astute reader who compares this edition with the previous one may notice that I am now more ready to entertain – although not yet embrace – the idea that there are objective ethical truths that are independent of what anyone desires. I owe that shift – which could not be adequately explored in a book of this nature – to my reading of a draft of Derek Parfit’s immensely impressive forthcoming book, *On What Matters*. I hope to write more about this question on another occasion.

Peter Singer

Princeton and Melbourne, 2010

*Note to the reader:* To avoid cluttering the text, notes, references and suggested further reading are grouped together at the end of the book.



## About Ethics

This book is about practical ethics, that is, about the application of ethics or morality – I shall use the words interchangeably – to practical issues. Though the reader may be impatient to get to these issues without delay, if we are to have a useful discussion within ethics, it is necessary to say a little *about* ethics so that we have a clear understanding of what we are doing when we discuss ethical questions. This first chapter, therefore, sets the stage for the remainder of the book. To prevent it from growing into an entire volume itself, it is brief and at times dogmatic. I cannot take the space properly to consider all the different conceptions of ethics that might be opposed to the one I shall defend, but this chapter will at least serve to reveal the assumptions on which the remainder of the book is based.

### WHAT ETHICS IS NOT

#### Ethics is not Primarily About Sex

There was a time, around the 1950s, when if you saw a newspaper headline reading **RELIGIOUS LEADER ATTACKS DECLINING MORAL STANDARDS**, you would expect to read yet again about promiscuity, homosexuality and pornography, and not about the puny amounts we give as overseas aid to poorer nations or the damage we are causing to our planet's environment. As a reaction to the dominance of this narrow sense of morality, it became popular to regard morality as a system of nasty puritanical prohibitions, mainly designed to stop people from having fun.

Fortunately, this era has passed. We no longer think that morality, or ethics, is a set of prohibitions particularly concerned with sex. Even religious leaders talk more about global poverty and climate change and less about promiscuity and pornography. Decisions about sex may involve considerations of honesty, concern for others, prudence, avoidance of harm to others and so on, but the same could be said of decisions about driving a car. (In fact, the moral issues raised by driving a car, both from an environmental and from a safety point of view, are much more serious than those raised by safe sex.) Accordingly, this book contains no discussion of sexual morality. There are more important ethical issues to be considered.

### Ethics is not ‘Good in Theory but not in Practice’

The second thing that ethics is not is an ideal system that is all very noble in theory but no good in practice. The reverse of this is closer to the truth: an ethical judgment that is no good in practice must suffer from a theoretical defect as well, for the whole point of ethical judgments is to guide practice.

People sometimes believe that ethics is inapplicable to the real world because they assume that ethics is a system of short and simple rules like ‘Do not lie’, ‘Do not steal’ and ‘Do not kill’. It is not surprising that those who hold this model of ethics should also believe that ethics is not suited to life’s complexities. In unusual situations, simple rules conflict; and even when they do not, following a rule can lead to disaster. It may normally be wrong to lie, but if you were living in Nazi Germany and the Gestapo came to your door looking for Jews, it would surely be right to deny the existence of the Jewish family hiding in your attic.

Like the failure of a morality focused on restricting our sexual behavior, the failure of an ethic of simple rules must not be taken as a failure of ethics as a whole. It is only a failure of one view of ethics, and not even an irremediable failure of that view. Those who think that ethics is a system of rules – the deontologists – can rescue their position by finding more complicated and more specific rules that do not conflict with each other, or by ranking the rules in some hierarchical structure to resolve conflicts between them. Moreover, there is a long-standing approach to ethics that is quite untouched by the complexities that make simple rules difficult to apply. This is the consequentialist view. Consequentialists start not with moral rules but with goals. They assess actions by the extent to which they further these goals. The best-known, though not the only, consequentialist theory is utilitarianism. The classical utilitarian regards

an action as right if it produces more happiness for all affected by it than any alternative action and wrong if it does not. Two qualifications to that statement are necessary: 'more happiness' here means net happiness, after deducting any suffering or misery that may also have been caused by the action; and if two different actions tie for the title of producing the greatest amount of happiness, either of them is right.

The consequences of an action vary according to the circumstances in which it is performed. Hence, a utilitarian can never properly be accused of a lack of realism or of a rigid adherence to ideals in defiance of practical experience. The utilitarian will judge lying as bad in some circumstances and good in others, depending on its consequences.

### **Ethics is not Based on Religion**

The third thing ethics is not is something intelligible only in the context of religion. I shall treat ethics as entirely independent of religion.

Some theists say that ethics cannot do without religion because the very meaning of 'good' is nothing other than 'what God approves'. Plato refuted a similar claim more than two thousand years ago by arguing that if the gods approve of some actions it must be because those actions are good, in which case it cannot be the gods' approval that makes them good. The alternative view makes divine approval entirely arbitrary: if the gods had happened to approve of torture and disapprove of helping our neighbours, torture would have been good and helping our neighbours bad. Some theists have attempted to extricate themselves from this dilemma by maintaining that God is good and so could not possibly approve of torture; but if these theists want to maintain that good means what God approves, they are caught in a trap of their own making, for what can they possibly mean by the assertion that God is good – that God is approved of by God?

Traditionally, the more important link between religion and ethics was that religion was thought to provide a reason for doing what is right, the reason being that those who are virtuous will be rewarded by an eternity of bliss while the rest roast in hell. Not all religious thinkers have accepted this: Immanuel Kant, a most pious Christian, scorned anything that smacked of a self-interested motive for obeying the moral law. We must obey it, he said, for its own sake. Nor do we have to be Kantians to dispense with the motivation offered by traditional religion. There is a long line of thought that finds the source of ethics in our benevolent inclinations and the sympathy most of us have for others. This is, however, a complex topic, and I shall not pursue it here because it is the subject



of the final chapter of this book. It is enough to say that our everyday observation of our fellows clearly shows that ethical behaviour does not require belief in heaven and hell and, conversely, that belief in heaven and hell does not always lead to ethical behaviour.

If morality was not given to us by a divine creator, from where did it come? We know that, like our close relatives the chimpanzees and bonobos, we have evolved from social mammals. It seems that during this long period of evolution, we developed a moral faculty that generates intuitions about right and wrong. Some of these we share with our primate relatives – they too have a strong sense of reciprocity; and in their sometimes outraged responses to a flagrant failure to repay a good turn, we can see the beginnings of our own sense of justice. Observing a group of chimps living together, Frans de Waal noticed that after one chimp, Puist, had supported another, Luit, in fending off an attack from a third, Nikkie, Nikkie subsequently attacked Puist. Puist beckoned to Luit for support, but Luit did nothing. When the attack from Nikkie was over, Puist furiously attacked Luit. De Waal comments: ‘If her fury was in fact the result of Luit’s failure to help her after she had helped him, this would suggest that reciprocity among chimpanzees is governed by the same sense of moral rightness and justice as it is among humans.’

From these intuitive responses, shared with other social mammals, morality has developed under the influence of our acquisition of language. It has taken distinct forms in different human cultures, but there is still a surprisingly large common ground which you, the reader, will most probably share. It is vital for everything that follows in this book that we should understand that these evolved intuitions do not necessarily give us the right answers to moral questions. What was good for our ancestors may not be good for human beings as a whole today, let alone for our planet and all the other beings living on it. No doubt small human communities on a lightly populated planet were more likely to survive if they had an ethic that said ‘Be fruitful and multiply’ and, consistently with this, favoured large families and condemned homosexuality. Today, we can and should critically examine any intuitive reactions we may have to such practices and take account of the consequences of having large families or of homosexuality, for the world in which we live.

Many people assume that anything natural is good. They are likely to think that if our moral intuitions are natural, we ought to follow them, but this would be a mistake. As John Stuart Mill pointed out in his essay *On Nature*, the word ‘nature’ either means everything that exists in the universe, including human beings and all that they create, or it

means the world as it would be, apart from human beings and what humans bring about. In the first sense, nothing that humans do can be 'unnatural.' In the second sense, the claim that something humans do is 'unnatural' is no objection at all to doing it, for everything that we do is an interference with nature, and obviously much of that interference – like treating disease – is highly desirable.

Understanding the origins of morality, therefore, frees us from two putative masters, God and nature. We have inherited a set of moral intuitions from our ancestors. Now we need to work out which of them should be changed.

### **Ethics is not Relative to the Society in which You Live**

The most philosophically challenging view about ethics that I shall deny in this opening chapter is that ethics is relative or subjective. At least, I shall deny this view in some of the senses in which it is often asserted. This point requires a more extended discussion than the other three.

Let us take first the oft-asserted idea that ethics is relative to the society one happens to live in. This is true in one sense and false in another. It is true that, as we have already seen in discussing consequentialism, actions that are right in one situation because of their good consequences may be wrong in another situation because of their bad consequences. Thus, casual sexual intercourse may be wrong when it leads to the existence of children who cannot be adequately cared for and not wrong when, because of the existence of effective contraception, it does not lead to reproduction at all. This is only a superficial form of relativism. It suggests that a specific principle like 'Casual sex is wrong' may be relative to time and place, but it is compatible with such a principle being objectively false when it is stated to apply to all instances of casual sex, no matter what the circumstances. Nor does this form of relativism give us any reason to reject the universal applicability of a more general principle like 'Do what increases happiness and reduces suffering.'

A more fundamental form of relativism became popular in the nineteenth century when data on the moral beliefs and practices of far-flung societies began pouring in. The knowledge that there were places where sexual relations between unmarried people were regarded as perfectly wholesome brought the seeds of a revolution in sexual attitudes to the strict reign of Victorian prudery. It is not surprising that to some the new

of law, or perhaps just another example of our tendency to objectify our personal wants and preferences.

These are plausible accounts of ethics, as long as they are carefully distinguished from the crude form of subjectivism that sees ethical judgments as descriptions of the speaker's attitudes. In their denial of a realm of ethical facts that is part of the real world, existing quite independently of us, they may be correct. Suppose that they are correct: does it follow from this that ethical judgments are immune from criticism, that there is no role for reason or argument in ethics and that, from the standpoint of reason, any ethical judgment is as good as any other? I do not think it does, and advocates of the three positions referred to in the previous paragraph do not deny reason and argument a role in ethics, though they disagree as to the significance of this role.

This issue of the role that reason can play in ethics is the crucial point raised by the claim that ethics is subjective. To put practical ethics on a sound basis, it has to be shown that ethical reasoning is possible. The denial of objective ethical facts does not imply the rejection of ethical reasoning. Here the temptation is to say simply that the proof of the pudding lies in the eating, and the proof that reasoning is possible in ethics is to be found in the remaining chapters of this book; but this is not entirely satisfactory. From a theoretical point of view, it is unsatisfactory because we might find ourselves reasoning about ethics without really understanding how this can happen; and from a practical point of view, it is unsatisfactory because our reasoning is more likely to go astray if we lack a grasp of its foundations. I shall therefore attempt to say something about how we can reason in ethics.

#### WHAT ETHICS IS: ONE VIEW

What follows is a sketch of a view of ethics that allows reason to play an important role in ethical decisions. It is not the only possible view of ethics, but it is a plausible view. Once again, however, I shall have to pass over qualifications and objections worth a chapter to themselves. To those who think there are objections that defeat the position I am advancing, I can only say, again, that this entire chapter may be treated as no more than a statement of the assumptions on which this book is based. In that way, it will at least assist in giving a clear view of what I take ethics to be.

What is it to make a moral judgment, or to argue about an ethical issue, or to live according to ethical standards? How do moral judgments

differ from other practical judgments? What is the difference between a person who lives by ethical standards and one who doesn't?

All these questions are related, so we only need to consider one of them; but to do this, we need to say something about the nature of ethics. Suppose that we have studied the lives of several people, and we know a lot about what they do, what they believe and so on. Can we then decide which of them are living by ethical standards and which are not?

We might think that the way to proceed here is to find out who believes it wrong to lie, cheat, steal and so on, and does not do any of these things, and who has no such beliefs, and shows no such restraint in their actions. Then those in the first group would be living according to ethical standards, and those in the second group would not be. But this procedure runs together two distinctions: the first is the distinction between living according to (what we judge to be) the right ethical standards and living according to (what we judge to be) mistaken ethical standards; the second is the distinction between living according to some ethical standards and living according to no ethical standards at all. Those who lie and cheat, but do not believe what they are doing to be wrong, may be living according to ethical standards. They may believe, for any of a number of possible reasons, that it is right to lie, cheat, steal and so on. They are not living according to conventional ethical standards, but they may be living according to some other ethical standards.

This first attempt to distinguish the ethical from the non-ethical was mistaken, but we can learn from our mistakes. We found that we must concede that those who hold unconventional ethical beliefs are still living according to ethical standards *if they believe, for some reason, that it is right to do as they are doing*. The italicized condition gives us a clue to the answer we are seeking. The notion of living according to ethical standards is tied up with the notion of defending the way one is living, of giving a reason for it, of justifying it. Thus, people may do all kinds of things we regard as wrong, yet still be living according to ethical standards if they are prepared to defend and justify what they do. We may find the justification inadequate and may hold that the actions are wrong, but the attempt at justification, whether successful or not, is sufficient to bring the person's conduct within the domain of the ethical as opposed to the non-ethical. When, on the other hand, people cannot put forward any justification for what they do, we may reject their claim to be living according to ethical standards, even if what they do is in accordance with conventional moral principles.

We can go further. If we are to accept that a person is living according to ethical standards, the justification must be of a certain kind. For instance, a justification in terms of self-interest alone will not do. When Macbeth, contemplating the murder of Duncan, admits that only 'vaulting ambition' drives him to do it, he is admitting that the act cannot be justified ethically. 'So that I can be king in his place' is not a weak attempt at an ethical justification for assassination; it is not the sort of reason that counts as an ethical justification at all. Self-interested acts must be shown to be compatible with more broadly based ethical principles if they are to be ethically defensible, for the notion of ethics carries with it the idea of something bigger than the individual. If I am to defend my conduct on ethical grounds, I cannot point only to the benefits it brings me. I must address myself to a larger audience. 'So that I can end the reign of a cruel tyrant' would at least have been an attempt at an ethical justification of murdering the king, although as Shakespeare portrays the 'gentle Duncan', it would have been false.

From ancient times, philosophers and moralists have expressed the idea that ethical conduct is acceptable from a point of view that is somehow *universal*. The 'Golden Rule' attributed to Moses, to be found in the book of Leviticus and subsequently reiterated by Jesus, tells us to go beyond our own personal interests and 'Do unto others as you would have them do unto you' – in other words, give the same weight to the interests of others as you give to your own interests. The same idea of putting oneself in the position of another is involved in the other Christian formulation, that we love our neighbours as ourselves (at least, if we interpret 'neighbour' sufficiently broadly). It was commonly expressed by ancient Greek philosophers and by the Stoics in the Roman era. The Stoics held that ethics derives from a universal natural law, an idea that Kant developed into his famous formula: 'Act only on that maxim through which you can at the same time will that it should become a universal law.' Kant's theory received further development in the work of R. M. Hare, who saw 'universalizability' as a logical feature of moral judgments. The eighteenth-century British philosophers Hutcheson, Hume and Adam Smith appealed to an imaginary 'impartial spectator' as the test of a moral judgment. Utilitarians, from Jeremy Bentham to the present, take it as axiomatic that in deciding moral issues, 'each counts for one and none for more than one'; and John Rawls incorporated essentially the same axiom into his own theory by deriving basic ethical principles from an imaginary choice behind a 'veil of ignorance' that prevents those choosing from knowing whether they will be the ones

who gain or lose by the principles they select. Even Continental philosophers like the existentialist Jean-Paul Sartre and the critical theorist Jürgen Habermas, who differ in many ways from their English-speaking colleagues – and from one another – agree that ethics is in some sense universal.

One could argue endlessly about the merits of each of these characterizations of the ethical, but what they have in common is more important than their differences. They agree that the justification of an ethical principle cannot be in terms of any partial or sectional group. Ethics takes a universal point of view. This does not mean that a particular ethical judgment must be universally applicable. Circumstances alter cases, as we have seen. What it does mean is that in making ethical judgments, we go beyond our own likes and dislikes. From an ethical perspective, it is irrelevant that it is I who benefit from cheating you and you who lose by it. Ethics goes beyond ‘I’ and ‘you’ to the universal law, the universalizable judgment, the standpoint of the impartial spectator or ideal observer, or whatever we choose to call it.

Can we use this universal aspect of ethics to derive an ethical theory that will give us guidance about right and wrong? Philosophers from the Stoics to Hare and Rawls have attempted this. No attempt has met with general acceptance. The problem is that if we describe the universal aspect of ethics in bare, formal terms, a wide range of ethical theories, including quite irreconcilable ones, are compatible with this notion of universality; if, on the other hand, we build up our description of the universal aspect of ethics so that it leads us ineluctably to one particular ethical theory, we shall be accused of smuggling our own ethical beliefs into our definition of the ethical – and this definition was supposed to be broad enough, and neutral enough, to encompass all serious candidates for the status of ‘ethical theory’. Because so many others have failed to overcome this obstacle to deducing an ethical theory from the universal aspect of ethics, it would be foolish to attempt to do so in a brief introduction to a work with a quite different aim. Instead, I shall propose something less ambitious. The universal aspect of ethics, I suggest, does provide a ground for at least starting with a broadly utilitarian position. If we are going to move beyond utilitarianism, we need to be given good reasons why we should do so.

My reason for suggesting this is as follows. In accepting that ethical judgments must be made from a universal point of view, I am accepting that my own needs, wants and desires cannot, simply because they are my preferences, count more than the wants, needs and desires of anyone else.

Thus, my very natural concern that my own wants, needs and desires – henceforth I shall refer to them as ‘preferences’ – be looked after must, when I think ethically, be extended to the preferences of others. Now, imagine that I am one of a group of people who live by gathering food from the forest in which we live. When I am alone, I find a particularly good fruit tree and face the choice of whether to eat all the fruit myself or to share it with others. Imagine, too, that I am deciding in a complete ethical vacuum and that I know nothing of any ethical considerations – I am, we might say, in a pre-ethical stage of thinking. How would I make up my mind? One thing – perhaps at this pre-ethical stage, the *only* thing – that would be relevant would be how the choice I make will affect my preferences.

Suppose I then begin to think ethically, to the extent of putting myself in the position of others affected by my decision. To know what it is like to be in their position, I must take on their preferences – I must imagine how hungry they are, how much they will enjoy the fruit and so on. Once I have done that, I must recognize that as I am thinking ethically, I cannot give my own preferences greater weight, simply because they are my own, than I give to the preferences of others. Hence, in place of my own preferences, I now have to take account of the preferences of all those affected by my decision. Unless there are some other ethically relevant considerations, this will lead me to weigh all these preferences and adopt the course of action most likely to maximize the preferences of those affected. Thus, at least at some level in my moral reasoning, ethics points towards the course of action that has the best consequences, on balance, for all affected.

In the previous paragraph, I wrote ‘points towards’ because, as we shall see in a moment, there could be other considerations that point in a different direction. I wrote ‘at some level in my moral reasoning’ because, as we shall see later, there are utilitarian reasons for believing that we ought not to try to calculate these consequences for every ethical decision we make in our daily lives, but only in very unusual circumstances or when we are reflecting on our choice of general principles to guide us in the future. In other words, in the specific example given, one might at first think it obvious that sharing the fruits that I have gathered has better consequences for all affected than not sharing them. This may in the end also be the best general principle for us all to adopt, but before we can have grounds for believing this to be the case, we must also consider whether the effect of a general practice of sharing gathered fruits will benefit all those affected or will harm them by reducing the

something is intrinsically morally wrong, or violates a natural right, or is contrary to human dignity invoke less tangible concepts that make their truth more difficult to assess. But because preference utilitarianism may, in the end, prove not to be the best approach to ethical issues, I'll also consider, at various points, how hedonistic utilitarianism, theories of rights, of justice, of absolute moral rules and so on, bear on the problems discussed. In this way, you will be able to come to your own conclusions about the possibility of reason and argument in ethics and about the merits of utilitarian and non-utilitarian approaches to ethics.



## Equality and Its Implications

### THE BASIS OF EQUALITY

The period since the end of World War II has seen dramatic shifts in moral attitudes on issues like abortion, sex outside marriage, same-sex relationships, pornography, euthanasia and suicide. Great as the changes have been, no new consensus has been reached. The issues remain controversial, and the traditional views still have respected defenders.

Equality seems to be different. The change in attitudes towards inequality – especially racial inequality – has been no less sudden and dramatic than the change in attitudes towards sex, but it has been more complete. Racist assumptions shared by most Europeans at the beginning of the twentieth century have become totally unacceptable, at least in public life. A poet could not now write of ‘lesser breeds without the law’, and retain – indeed enhance – his reputation, as Rudyard Kipling did in 1897. This does not mean that there are no longer any racists, but only that they must disguise their racism if their views and policies are to have any chance of general acceptance. The principle that all humans are equal is now part of the prevailing political and ethical orthodoxy. But what, exactly, does it mean and why do we accept it?

Once we go beyond the agreement that blatant forms of racial discrimination are wrong and raise questions about the basis of the principle that all humans are equal, the consensus starts to weaken. It weakens even more if we seek to apply the principle of equality to particular cases. One sign of this was the controversy that occurred during the 1970s over the claims made by Arthur Jensen, professor of Educational Psychology at the University of California, Berkeley, and H. J. Eysenck, professor of

Psychology at the University of London, that genetic differences lie behind variations in intelligence between different races. The issue was revived in 1994 by the publication of *The Bell Curve* by Richard Herrnstein and Charles Murray. Many of the most forceful opponents of Jensen, Eysenck, Herrnstein and Murray assumed that these claims would, if sound, justify racial discrimination. Are they right? A similar question can be asked about the speculation by Lawrence Summers in 2005, when he was president of Harvard University, that biological differences between men and women could be a factor in the difficulty the university was having in appointing more women to chairs in math and science. The ensuing row was widely seen as a factor in Summers' subsequent resignation as Harvard's president. Was he being sexist?

Another issue requiring us to reconsider our understanding of equality is whether members of disadvantaged minorities should be given preferential treatment in employment or university admission. Some philosophers and lawyers argue that equality requires affirmative action, whereas others contend that equality rules out any discrimination on grounds of race, ethnicity or sex, whether for or against members of a disadvantaged group.

To answer these questions, we need to be clear about what it is we can justifiably say when we assert that all humans are equal. We can start by inquiring into the ethical foundations of the principle of equality.

When we say that all humans are equal, irrespective of race or sex, what exactly are we claiming? Racists, sexists and other opponents of equality have often pointed out that, by whatever test we choose, it simply is not true that all humans are equal. Some are tall, some are short; some are brilliant at mathematics, others can barely add; some can run 100 metres in ten seconds, some can't run at all; some would never intentionally hurt another being, others would kill a stranger for \$100 if they could get away with it; some have emotional lives that reach the heights of ecstasy and the depths of despair, whereas others live on a more even plane, relatively untouched by what goes on around them . . . and this list of differences could be continued for many more lines. The plain fact is that humans differ, and the differences apply to so many characteristics that the search for a factual basis on which to erect the principle of equality seems hopeless.

John Rawls suggested, in his influential book *A Theory of Justice*, that equality can be founded on the natural characteristics of human beings, provided we select what he calls a 'range property'. Suppose we draw a circle on a piece of paper. Then all points within the circle – this is the

'range' – have the property of being within the circle, and they have this property equally. Some points may be closer to the centre and others nearer the edge, but all are, equally, points inside the circle. Similarly, Rawls suggests, the property of 'moral personality' is a property that virtually all humans possess, and all humans who possess this property possess it equally. By 'moral personality' Rawls does not mean 'morally good personality'; he is using 'moral' in contrast to 'amoral'. A moral person, Rawls says, must have a sense of justice. More broadly, one might say that to be a moral person is to be the kind of person to whom one can make moral appeals with some prospect that the appeal will be heeded.

Rawls maintains that moral personality is the basis of human equality, a view that derives from his adherence to an approach to justice that stems from the social contract tradition. That tradition sees ethics as a kind of mutually beneficial agreement: 'Don't hit me, and I won't hit you.' (That is far too crude but gives you the general idea.) Hence, only those capable of appreciating that they are not being hit, and of restraining their own hitting accordingly, are within the sphere of ethics.

There are problems with using moral personality as the basis of equality. One objection is that having a moral personality is a matter of degree. Some people are highly sensitive to issues of justice and ethics generally; others, for a variety of reasons, have only a very limited awareness of such principles. The suggestion that being a moral person is the minimum necessary for coming within the scope of the principle of equality still leaves it open as to where this minimal line is to be drawn. Nor is it intuitively obvious why, if moral personality is so important, we should not have grades of moral status, with rights and duties corresponding to the degree of refinement of one's sense of justice.

Still more serious is the objection that not all humans are moral persons, even in the most minimal sense. Infants and small children, along with humans with profound intellectual disabilities, lack the required sense of justice. Shall we then say that all humans are equal, except for very young or intellectually disabled ones? This is certainly not what we ordinarily understand by the principle of equality. If this revised principle implies that we may disregard the interests of very young or intellectually disabled humans in ways that would be wrong if they were older or more intelligent, we would need far stronger arguments to induce us to accept it. (Rawls deals with infants and children by including *potential* moral persons along with actual ones within the scope of the principle of equality. This is an ad hoc device, confessedly designed to square his

theory with our ordinary moral intuitions, rather than something for which independent arguments can be produced. Moreover, although Rawls admits that those with irreparable intellectual disabilities 'may present a difficulty', he offers no suggestions towards the solution of this difficulty.)

So the possession of 'moral personality' does not provide a satisfactory basis for the principle that all humans are equal. I doubt that any natural characteristic, whether a 'range property' or not, can fulfil this function, for I doubt that there is any morally significant property that all humans possess equally.

There is another possible line of defence for the belief that there is a factual basis for a principle of equality that prohibits racism and sexism. We can admit that humans differ as individuals and yet insist that there are no morally significant differences between the races and sexes. Knowing that someone is of African or European descent, female or male, does not enable us to draw conclusions about her or his intelligence, sense of justice, depth of feelings or anything else that would entitle us to treat her or him as less than equal. The racist claim that people of European descent are superior to those of other races in these capacities is false. The differences between individuals in these respects are not captured by racial boundaries. The same is true of the sexist stereotype that sees women as emotionally deeper and more caring, but also less aggressive and less enterprising, than men. Obviously, this is not true of women as a whole. Some women are emotionally shallower, less caring and more aggressive and more enterprising than some men.

The fact that humans differ as individuals, not as races or sexes, is important, and we shall return to it when we come to discuss the implications of the claims made by Jensen, Eysenck and others; yet it provides neither a satisfactory principle of equality nor an adequate defence against a more sophisticated opponent of equality than the blatant racist or sexist. Suppose that someone proposes that people should be given intelligence tests and then classified into higher or lower status categories on the basis of the results. Perhaps those scoring higher than 125 would be a slave-owning class; those scoring between 100 and 125 would be free citizens but lack the right to own slaves; whereas those scoring less than 100 would be the slaves of those scoring higher than 125. A hierarchical society of this sort seems as abhorrent as one based on race or sex; but if we base our support for equality on the factual claim that differences between individuals cut across racial and sexual boundaries, we have no grounds for opposing this kind of

without unnecessary interference from others. Slavery prevents the slaves from satisfying these interests as they would want to, and the benefits it confers on the slave owners are hardly comparable in importance to the harm it does to the slaves.

So the principle of equal consideration of interests is strong enough to rule out an intelligence-based slave society as well as cruder forms of racism and sexism. It also rules out discrimination on the grounds of disability, whether intellectual or physical, insofar as the disability is not relevant to the interests under consideration (as, for example, severe intellectual disability might be if we are considering a person's interest in voting in an election). The principle of equal consideration of interests, therefore, may be a defensible form of the principle that all humans are equal, a form that we can use in discussing more controversial issues about equality. Before we go on to these topics, however, it will be useful to say a little more about the nature of the principle.

Equal consideration of interests is a minimal principle of equality in the sense that it does not dictate equal treatment. Take a relatively straightforward example of an interest, the interest in relief of physical pain. Imagine that after an earthquake I come across two victims: one with a crushed leg, in agony, and one with a gashed thigh, in slight pain. I have only two shots of morphine left. Equal treatment would suggest that I give one to each injured person, but one shot would not do much to relieve the pain of the person with the crushed leg. She would still be in much more pain than the other victim, and even after I have given her one shot, giving her the second shot would achieve a more marked reduction in her pain than giving one shot to the person in slight pain would do for that person. Hence, equal consideration of interests in this situation leads to what some may consider an inegalitarian result: two shots of morphine for one person and none for the other.

There is a still more controversial inegalitarian implication of the principle of equal consideration of interests. In the example involving earthquake victims, although equal consideration of interests leads to unequal treatment, this unequal treatment produces a more egalitarian result. By giving the double dose to the more seriously injured person, we bring about a situation in which there is less difference in the degree of suffering felt by the two victims than there would be if we gave one dose to each. Instead of ending up with one person in considerable pain and one in no pain, we end up with two people in slight pain. This is in line with the principle of declining marginal utility, a principle well-known to economists, which states that the more someone has of something, the

less she will gain from an additional quantity of it. If I am struggling to survive on 200 grams of rice a day, and you provide me with an extra 50 grams per day, you have improved my position significantly; but if I already have a kilo of rice per day, I won't care much about the extra 50 grams. The same is true of money: \$100 means a lot to someone for whom it is equivalent to his weekly income, but it means very little to a billionaire. When marginal utility is taken into account, the principle of equal consideration of interests inclines us towards an equal distribution of income – disincentive effects aside – and to that extent the egalitarian will endorse its conclusions. What is likely to trouble the egalitarian about the principle of equal consideration of interests is that there are circumstances in which the principle of declining marginal utility does not hold or is overridden by countervailing factors.

We can vary the example of the earthquake victims to illustrate this. Let us say, again, that there are two victims, one more severely injured than the other, but this time we shall say that the more severely injured victim, A, has lost a leg and is in danger of losing a toe from her remaining leg; while the less severely injured victim, B, has an injury that threatens her leg. We have medical supplies for only one person. If we use them on A, the more severely injured victim, the most we can do is save her toe; whereas if we use them on B, the less severely injured victim, we can save her leg. In other words, we assume that the situation is: without medical treatment, A loses a leg and a toe, while B loses a leg; if we give the treatment to A, then A loses a leg and B also loses a leg; if we give the treatment to B, A loses a leg and a toe, while B loses nothing.

Assuming that it is much worse to lose a leg than it is to lose a toe (even when that toe is on one's sole remaining foot), the principle of declining marginal utility does not suffice to give us the right answer in this situation. We will do more to further the interests, impartially considered, of those affected by our actions if we use our limited resources on the less seriously injured victim than on the more seriously injured one. Therefore, this is what the principle of equal consideration of interests leads us to do. Thus, equal consideration of interests can, in special cases, widen rather than narrow the gap between two people at different levels of welfare. It is for this reason that the principle is a minimal principle of equality, rather than a thorough-going egalitarian principle. A more thorough-going form of egalitarianism would, however, be difficult to justify, both in general terms and in its application to special cases of the kind just described.

Minimal as it is, the principle of equal consideration of interests can seem too demanding in some cases. Can any of us really give equal consideration to the welfare of our family and that of strangers? This question will be dealt with in Chapter 8, when we consider our obligations to assist those in need in poorer parts of the world. I shall try to show, then, that although the principle of equal consideration of interests may clash with some widely held views about what it is to live ethically, it is these other views we should reject, not the principle of equal consideration of interests. Meanwhile, we shall see how the principle assists us in discussing some of the controversial issues raised by demands for equality.

#### EQUALITY AND GENETIC DIVERSITY

In 1969, Arthur Jensen published a long article in the *Harvard Educational Review* entitled 'How Much Can We Boost IQ and Scholastic Achievement?' One short section of the article discussed the probable causes of the undisputed fact that – on average – African Americans do not score as well as other Americans in standard IQ tests. Jensen summarized the upshot of this section as follows:

all we are left with are various lines of evidence, no one of which is definitive alone, but which, viewed altogether, make it a not unreasonable hypothesis that genetic factors are strongly implicated in the average negro-white intelligence difference. The preponderance of evidence is, in my opinion, less consistent with a strictly environmental hypothesis than with a genetic hypothesis, which, of course, does not exclude the influence of environment or its interaction with genetic factors.

This heavily qualified statement comes in the midst of a detailed review of a complex scientific subject, published in a scholarly journal. It would hardly have been surprising if it passed unnoticed by anyone but scientists working in the area of psychology or genetics. Instead, it was widely reported in the popular press as an attempt to defend racism on scientific grounds. Jensen was accused of spreading racist propaganda and was likened to Hitler. His lectures were shouted down, and students demanded that he be dismissed from his university post. H. J. Eysenck, a British professor of psychology who supported Jensen's theories received similar treatment, in Britain and Australia as well as in the United States. Interestingly, Eysenck did not suggest that those of European descent have the highest average intelligence among Americans; instead, he noted some evidence that Americans of Japanese and Chinese descent

do better on tests of abstract reasoning (despite coming from backgrounds lower on the socioeconomic scale) than Americans of European descent.

The opposition to genetic explanations of alleged racial differences in intelligence is only one manifestation of a more general opposition to genetic explanations in other socially sensitive areas. It closely parallels, for instance, the hostility of 1970s feminists to the idea that there are biological factors behind male dominance in politics and business. (Today's feminists are more willing to entertain the idea that biological differences between the sexes are influential in, for example, greater male aggression and stronger female caring behaviour.) The opposition to genetic explanations also has obvious links with the intensity of feelings aroused by evolutionary explanations of human behaviour. The worry here is that if human social behaviour is seen as having evolved over millions of years and having links with the behaviour of other social mammals, we shall come to think of hierarchy, male dominance and inequality as part of our evolved nature, and thus unchangeable. Nevertheless, evolutionary explanations of human behaviour are now much more widely accepted than they were in the 1970s. The mapping of the human genome, which is part of the larger scientific undertaking of achieving greater understanding of the nature and function of the human genetic code, has also given rise to concern over what such a map might reveal about genetic differences among humans and the uses to which such information might be put.

It would be inappropriate for me to attempt to assess the scientific merits of biological explanations of human behaviour in general, or of racial or sexual differences in particular. My concern is rather with the implications of these theories for the ideal of equality. For this purpose, it is not necessary for us to establish whether the theories are right. All we have to ask is: suppose that one ethnic group does turn out to have a higher average IQ than another, and that part of this difference has a genetic basis; would this mean that racism is defensible and that we have to reject the principle of equality? A similar question can be asked about the impact of theories of biological differences between the sexes. In neither case does the question assume that the theories are sound. Suppose that our scepticism about such theories led us to neglect these questions, and then unexpected evidence turned up giving support to the theories. A confused and unprepared public might then take the theories to have implications for the principle of equality that they do not have.



I shall begin by considering the implications of the view that there is a difference in the average IQ of two different ethnic groups, and that genetic factors are responsible for at least a part of this difference. I shall then consider the impact of alleged differences in temperament and ability between the sexes.

### Racial Differences and Racial Equality

Let us suppose, just for the sake of exploring the consequences, that evidence accumulates supporting the hypothesis that there are differences in intelligence between the different ethnic groups of human beings. (We should not assume that this would mean that Europeans come out on top. As we have already seen, there is some evidence to the contrary.) What significance would this have for our views about racial equality?

First, a word of caution. When people talk of differences in intelligence between ethnic groups, they are usually referring to differences in scores on standard IQ tests. 'IQ' stands for 'Intelligence Quotient', but this does not mean that an IQ test really measures what we mean by 'intelligence' in ordinary contexts. Obviously there is some correlation between the two: if schoolchildren regarded by their teachers as highly intelligent did not generally score better on IQ tests than schoolchildren regarded as below normal intelligence, the tests would have to be changed – as indeed they have been changed in the past. This does not show how close the correlation is, however, and because our ordinary concept of intelligence is vague, there is no way of telling. Some psychologists have attempted to overcome this difficulty by defining 'intelligence' as 'what intelligence tests measure', but this merely introduces a new concept of 'intelligence', which is easier to measure than our ordinary notion but may be quite different in meaning. Because 'intelligence' is a word in everyday use, to use the same word in a different sense is a sure path to confusion. What we should talk about, then, is differences in IQ rather than differences in intelligence, because this is all that the available evidence could support.

The distinction between intelligence and scores on IQ tests has led some to conclude that IQ is of no importance; this is the opposite, but equally erroneous, extreme to the view that IQ is identical with intelligence. IQ is important in our society. One's IQ is a factor in one's prospects of improving one's occupational status, income or social class. If there are genetic factors in racial differences in IQ, there are likely to be genetic factors in racial differences in occupational status, income and social class. So if we are interested in equality, we cannot ignore IQ.

with words. Males, on the other hand, do better on tests involving what is known as 'visual-spatial' ability. Reading a map and using it to navigate involves visual-spatial ability, although the sex differences are most clearly shown on the mental rotation test, in which subjects are shown two three-dimensional shapes and asked whether the shapes are identical but have been rotated or are mirror images of each other.

Girls score higher than boys on tests requiring them to recognize the emotional states of others and to predict other people's behaviour from an awareness of their emotional states. Although it is commonly believed that boys do better than girls in mathematics, the average scores of girls and boys differ little and the difference sometimes favours girls. The boys' scores tend to be more spread out, at both ends of the scale, whereas the girls' scores are clustered around the middle. This means that boys are more likely to finish at both top and bottom of the math class.

We shall discuss the significance of these relatively minor differences in intellectual abilities shortly. There is also one major nonintellectual characteristic in respect of which there is a marked difference between the sexes: aggression. Studies conducted on children in several different cultures have borne out what parents have long suspected: boys are more likely to play roughly, attack each other and fight back when attacked, than girls. Males are readier to hurt others than females, a tendency reflected in the fact that almost all violent criminals are male. It has been suggested that aggression is associated with competitiveness, and the drive to dominate others and get to the top of whatever pyramid one is a part of. In contrast, females are readier to adopt a role that involves caring for others.

These are the major psychological differences that have repeatedly been observed in many studies of females and males. They emerge, of course, only when averages are taken; there is a substantial overlap between the sexes. What is the origin of these differences? Once again, the rival explanations are environmental versus biological. Although this question of origin is important in some special contexts, it was given too much weight by the 1970s feminists who assumed that the case for women's liberation rested on acceptance of the environmentalist view. What is true of racial discrimination holds here too: discrimination can be shown to be wrong whatever the origin of the known psychological differences. First, let us look briefly at the rival explanations.

Anyone who has had anything to do with children will know that in all sorts of ways children learn that the sexes have different roles. Forty years

after the feminist movement of the 1970s, boys are still more likely to get trucks or guns for their birthday presents; girls get dolls or brush-and-comb sets. Girls are put into dresses and told how nice they look; boys are dressed in jeans and praised for their strength and daring. Before the 1970s, children's books almost invariably portrayed fathers going out to work while mothers clean the house and cook the dinner; some still do, although in many countries feminist criticisms of this type of literature – and the fact that more women work – have changed the images presented to children.

Social conditioning exists, certainly, but how well does it explain the existence of differences between the sexes? It is, at best, an incomplete explanation. We still need to know *why* our society – and not just ours, but practically every human society – should shape children in this way. One popular answer is that in earlier, simpler societies, the sexes had different roles because women had to breastfeed their children during the long period before weaning. This meant that the women stayed closer to home while the men went out to hunt. As a result, females evolved a more social and emotional character, while males became tougher and more aggressive. Because physical strength and aggression were the ultimate forms of power in these simple societies, males became dominant. The sex roles that exist today are, on this view, an inheritance from these simpler circumstances, an inheritance that became obsolete once technology made it possible for the weakest person to operate a crane that lifts fifty tons or to fire a missile that kills millions. Nor do women have to be tied to home and children in the way they used to be, because a woman can now combine motherhood and a career.

The alternative view is that although social conditioning plays some role in determining psychological differences between the sexes, biological factors are also at work. This has been supported by a study in which babies just one day old were shown either a live face or a mechanical mobile. Baby girls spent more time looking at the face, and baby boys more time looking at the mobile. In addition, the preferences young females show for playing with dolls, and young males for playing with toy trucks, have even been shown to hold for vervet monkeys! No wonder that parents continue to give their children the toys that they most desire and with which they are most likely to play.

The evidence that the sex difference in aggression has a biological basis is summarized by Eleanor Maccoby and Carol Jacklin in *The Psychology of Sex Differences*:

- (1) Males are more aggressive than females in all human societies in which the difference has been studied.
- (2) Similar differences are found in humans and in apes and other closely related animals.
- (3) The differences are found in very young children, at an age when there is no evidence of any social conditioning in this direction (indeed Maccoby and Jacklin found some evidence that boys are more severely punished for showing aggression than girls).
- (4) Aggression has been shown to vary according to the level of sex hormones and females become more aggressive if they receive male hormones.

The evidence for a biological basis of the differences in visual-spatial ability is a little more complicated, but it consists largely of genetic studies that suggest that this ability is influenced by a recessive sex-linked gene. As a result, it is estimated, approximately 50 percent of males have a genetic advantage in situations demanding visual-spatial ability, but only 25 percent of females have this advantage. On the other hand, environmental factors can significantly reduce the male advantage in this area.

Evidence for and against a biological factor in the superior verbal ability of females and the superior mathematical ability of high-achieving males (a result of the greater spread in mathematical ability among males that we mentioned earlier) is, at present, too weak to suggest a conclusion one way or the other.

Adopting the strategy we used before in discussing race and IQ, I shall not go further into the evidence for and against these biological explanations of differences between males and females. Instead, I shall ask what the implications of the biological hypotheses would be.

The differences in the intellectual strengths and weaknesses of the sexes cannot explain more than a small proportion of the difference in positions that males and females hold in our society. For instance, if superior visual-spatial ability is supposed to explain the male dominance of architecture and engineering, why isn't there equality even in areas where the relevant abilities are ones in which women score as well as or better than men? Professions requiring high verbal abilities are an example. It is true that there are more women journalists than engineers, and many women have achieved lasting fame as novelists; yet female journalists and television commentators continue to be outnumbered by

males. So even if we accept biological explanations for the patterning of these abilities, we can still argue that women do not have the same opportunities as men to make the most of the abilities they have and reach the top of their field.

On the other hand, the fact that there are more males at both extremes of ability in mathematics, whereas females tend to cluster more around the average level, does support Lawrence Summers' ill-fated remark about the relative scarcity of suitable female candidates for Harvard positions in those areas of science and engineering in which mathematical ability plays a key role. Only those with exceptional ability become professors, and even within that select group, only those among the very best have any prospect of becoming a professor at an elite institution like Harvard. It isn't difficult to see that males are likely to be overrepresented among those at the extreme upper end of the scale of mathematical giftedness.

What of differences in aggression? A first reaction to the suggestion that there is a biological basis to greater male aggression might be that feminists should seize this way of showing the ethical superiority of females, for it means that a woman's greater reluctance to hurt others is part of her nature. But the fact that most violent criminals are male may be only one side of greater male aggression. The other side could be greater male competitiveness, ambition and drive to achieve power. This would have different, and for feminists less welcome, implications. Some years ago an American sociologist, Steven Goldberg, built a provocatively entitled book, *The Inevitability of Patriarchy*, around the thesis that the biological basis of greater male aggression will always make it impossible to bring about a society in which women have as much political power as men. From this claim, it is easy to move to the view that women should accept their inferior position in society and not strive to compete with males or to bring up their daughters to compete with males in these respects. Instead, women should return to their traditional sphere of looking after the home and children. This is just the kind of argument that has aroused the hostility of some feminists towards biological explanations of male dominance.

As in the case of race and IQ, the moral conclusions alleged to follow from the biological theories do not really follow from them at all. Similar arguments apply.

First, whatever the origin of psychological differences between the sexes, social conditioning can emphasize or soften these differences. As Maccoby and Jacklin stress, the biological bias towards, say, male

visual-spatial superiority is really a greater natural readiness to learn these skills. Where women are brought up to be independent, their visual-spatial ability is much higher than when they are kept at home and dependent on males. This is no doubt true of other differences as well. Hence, feminists may well be right to attack the way in which we encourage girls and boys to develop in distinct directions, even if this encouragement is not itself responsible for creating psychological differences between the sexes, but only reinforces innate predispositions.

Second, whatever the origin of psychological differences between the sexes, they exist only when averages are taken, and some females are more aggressive and have better visual-spatial ability than some males. We have seen that the genetic hypothesis offered in explanation of male visual-spatial superiority itself suggests that a quarter of all females will have greater natural visual-spatial ability than half of all males. Some females are also among the top one percent of all people in mathematical ability. Our own observations should convince us that there are females who are also more aggressive than some males. So, biological explanations or not, we are never in a position to say: 'You're a woman, so you can't become an engineer or a math professor', or 'Because you are female, you will not have the drive and ambition needed to succeed in politics.' Nor should we assume that no male can possibly have sufficient gentleness and warmth to stay at home with the children while their mother goes out to work. We must assess people as individuals, not merely lump them into 'female' and 'male' if we are to find out what they are really like; and we must keep the roles occupied by females and males flexible if people are to be able to do what they are best suited for.

The third reason is, like the previous two, parallel to the reasons I have given for believing that a biological explanation of racial differences in IQ would not justify racism. The most important human interests are no more affected by differences in aggression than they are by differences in intelligence. Less aggressive people have the same interest in avoiding pain, developing their abilities, having adequate food and shelter, enjoying good personal relationships, and so on, as more aggressive people. There is no reason why more aggressive people ought to be rewarded for their aggression with higher salaries and the ability to provide better for these interests.

Because aggression, unlike intelligence, is not generally regarded as a desirable trait, it is easy to see that greater aggression in itself provides no ethical justification of the greater proportion of men in leading roles in politics, business, the universities and the professions. It may, however, be

at which they are responsible for their actions. From the point of view of justice and utility, there is something wrong here. Both would be better served by a society that adopted the famous Marxist slogan: 'From each according to his ability, to each according to his needs.' If this could be achieved, the differences between the races and sexes would lose their social significance. Only then would we have a society truly based on the principle of equal consideration of interests.

Is it realistic to aspire to a society that rewards people according to their needs rather than their IQ, aggression or other inherited abilities? Don't we have to pay people more to be doctors or lawyers or university professors, or computer programmers, to do the intellectually demanding work essential for our well-being?

There are difficulties in paying people according to their needs rather than their inherited abilities. If one country attempts to introduce such a scheme while others do not, the result is likely to be a brain drain. There are many examples of this already. We can see it, on a small scale, in the number of doctors who have left Canada to work in the United States – not because Canada pays people according to need rather than inherited abilities, but because doctors can earn much more in the United States than in Canada. If any one country were to make a serious attempt to equalize the salaries of doctors and manual workers, there can be no doubt that the number of doctors emigrating would greatly increase. During the communist period in the Soviet Union and its satellite states, emigration had to be severely restricted, for even though there were still steep differentials in income within the communist states, without the restrictions there would have been a crippling outflow of skilled people to the capitalist nations, which rewarded skill more highly. Hence, the East German border guards had orders to shoot to kill people attempting to flee to the West. If bringing about a more just distribution of income in one country requires making the country a giant prison, however, the price of a just distribution may be too high.

To allow these difficulties to lead us to the conclusion that we can do nothing to improve the distribution of income that now exists in capitalist countries would, however, be too pessimistic. There is, in the more affluent Western nations, a good deal of scope for reducing pay differentials before the point is reached at which significant numbers of people begin to think of emigrating. This is, of course, especially true of those countries, like the United States, where pay differentials are presently very great. It is here that pressure for a more equitable distribution can best be applied.

Some might claim that if we did not pay people a lot of money to be doctors or university professors, they would not undertake the studies required to achieve these positions. I do not know what evidence there is in support of this assumption, but it seems to me highly dubious. My own salary is considerably higher than the salaries of the people employed by the university to mow the lawns and keep the grounds clean, but if our salaries were identical I would still not want to swap positions with them – although their jobs are a lot more pleasant than some lowly paid work. Nor do I believe that my doctor would jump at a chance to change places with his receptionist if their salaries did not differ. It is true that my doctor and I have had to study for several years to get where we are, but I at least look back on my student years as among of the most enjoyable of my life.

Although I do not think it is because of the pay that people choose to become doctors rather than receptionists, there is one qualification to be made to the suggestion that payment should be based on need rather than ability. The prospect of earning more money sometimes leads people to make greater efforts to use the abilities they have, and these greater efforts can benefit patients, customers, students or the public as a whole. It might therefore be worth trying to reward *effort*, which would mean paying people more if they worked near the upper limits of their abilities, whatever those abilities might be. This, however, is quite different from paying people for the level of ability they happen to have, which is something they cannot themselves control. As Jeffrey Gray, a British professor of psychology, has written, the evidence for genetic influence on IQ suggests that to pay people differently for ‘upper class’ and ‘lower class’ jobs is ‘a wasteful use of resources in the guise of “incentives” that either tempt people to do what is beyond their powers or reward them more for what they would do anyway’.

We have, up to now, been thinking of people like university professors, who (at least in some countries) are paid by the government, and doctors, whose incomes are determined either by government bodies, where there is some kind of national health service, or by the government protection given to professional associations like a medical association, which enables the profession to exclude those without certain credentials who might seek to offer similar services at a lower cost. These incomes are therefore already subject to government control and could be altered without drastically changing the powers of government. The business sector is a different matter. Those who are smart and possess entrepreneurial talent will, under any private enterprise system, make more money



than their rivals. Taxation can help to redistribute some of this income, but it seems that there are limits to how steeply progressive a tax system can be without leading smart people to spend inordinate amounts of time and energy in finding ingenious new ways to avoid paying tax.

Some would wish to use this argument to argue that justice requires us to abolish private enterprise, worldwide. That may be a nice idea, but it is not going to happen. Private enterprise has a habit of reasserting itself under the most inhospitable conditions. Under communism, as the Russians and East Europeans soon found, black markets emerged, and if you wanted your plumbing fixed swiftly, it was advisable to pay a bit extra on the side. China, though nominally still communist, has become more prosperous only by accepting private enterprise. Only a radical change in human nature – a decline in acquisitive and self-centred desires – could overcome the tendency for people to find a way around any system that suppresses private enterprise. Because no such change in human nature is in sight, we might as well accept that financial rewards will go to those with inherited abilities, rather than those who have the greatest needs.

This doesn't mean that we should forget all about the principle of payment according to needs and effort rather than inherited ability. During the global financial crisis of 2008-09, the huge salaries and bonuses that many senior executives were receiving, even while their companies had their hands out for public funds to ward off insolvency, aroused widespread popular revulsion. At these moments, it is worth remembering that even if their financial judgment had been more astute, these executives would not have deserved those payments. The realistic component of the principle of justice I have been defending is that we should try to create a climate of opinion that will lead to a reduction in excessive payments to senior management and an increase in payments to those whose income barely meets their needs. The problem is how to make this more than a pious wish.

#### AFFIRMATIVE ACTION

The preceding section suggested that moving to a more egalitarian society in which differences of income are reduced is ethically desirable but likely to prove difficult. Short of bringing about greater equality of income, we might attempt to ensure that members of disadvantaged racial and ethnic groups, and women, should not be on the worse end of major differences in income, status and power to an extent that is disproportionate to their numbers in the community as a whole. Inequalities

among members of the same ethnic group may be no more justifiable than those between ethnic groups, or between males and females; but when these inequalities coincide with an obvious difference between people like the differences between African Americans and Americans of European descent, or between males and females, they do more to produce a divided society with a sense of superiority on the one side and a sense of inferiority on the other. Racial and sexual inequality may therefore have a more divisive effect than other forms of inequality. It may also do more to create a feeling of hopelessness among the inferior group, because their sex or their race is not the product of their own actions and there is nothing they can do to change it.

How are racial and sexual equality to be achieved within an inegalitarian society? We have seen that equality of opportunity is practically unrealizable, and if it could be realized might still allow innate differences in aggression or IQ unfairly to determine membership of the upper strata. One way of overcoming these obstacles is to go beyond equality of opportunity and give preferential treatment to members of disadvantaged groups. This is affirmative action (sometimes also called 'reverse discrimination'). It may be the best hope of reducing long-standing inequalities; yet it appears to offend against the principle of equality itself.

Affirmative action is most often used in education and employment. Education is a particularly important area, because it has an important influence on one's prospects of earning a high income, holding a satisfying job and achieving power and status in the community. In the United States, education has been at the centre of the dispute over affirmative action because the Supreme Court has rejected some university admission procedures favouring disadvantaged groups. These cases have arisen because people of European descent were denied admission to courses although their academic records and admission test scores were better than those of some African-American students admitted. The universities did not deny this; they sought to justify it by explaining that they operated admission schemes intended to help disadvantaged students.

For many years, the leading case was *Regents of the University of California v. Bakke*. Alan Bakke applied for admission to the medical school of the University of California at Davis. In an attempt to increase the number of members of minority groups who attended medical school, the university reserved sixteen out of every one hundred places for students belonging to a disadvantaged minority. Because these students would not have won so many places in open competition, fewer students of European descent

were admitted than there would have been without this reservation. Some of these students denied places would certainly have been offered them if, scoring as they did on the admission tests, they had been members of a disadvantaged minority. Bakke was among these rejected European American students, and on being rejected he sued the university. Let us take this case as a standard case of affirmative action. Is it defensible?

I shall start by putting aside one argument sometimes used to justify discrimination in favour of members of disadvantaged groups. It is sometimes said that if, say, 20 percent of the population is a racial minority and yet only 2 percent of doctors are from this minority, this is sufficient evidence that, somewhere along the line, there is discrimination on the basis of race. (Similar arguments have been mounted in support of claims of sex discrimination.) Our discussion of the genetics-versus-environment debate indicates why this argument is inconclusive. It *may* be the case that members of the underrepresented group are, *on average*, less gifted for the kind of study one must do to become a doctor. I am not saying that this explanation is true, or even probable, but it is difficult to rule out entirely, just as the disproportionately large number of African-American athletes on the U.S. Olympic athletic team is not in itself proof of discrimination against Americans of European descent. There might, of course, be other evidence suggesting that the small number of doctors from the minority group really is the result of discrimination, but this would need to be shown. In the absence of positive evidence of discrimination, it is not possible to justify affirmative action on the grounds that it merely redresses the balance of discrimination existing in the community.

Another way of defending a decision to accept a minority student in preference to a student from the majority group who scored higher in admission tests would be to argue that standard tests do not give an accurate indication of ability when one student has been severely disadvantaged. This is in line with the point made in the last section about the impossibility of achieving equal opportunity. Education and home background presumably influence test scores. A student with a background of deprivation who scores 55 percent in an admission test may have better prospects of graduating in minimum time than a more privileged student who scores 70 percent. Adjusting test scores on this basis would not mean admitting disadvantaged minority students in preference to better-qualified students. It would reflect a decision that the disadvantaged students really were better qualified than the others. This is not racial discrimination.

sex are always worse off than members of another race or the other sex, and because severe inequality between races means a divided community with consequent racial tension.

Within the overall goal of social equality, greater minority representation in professions like law and medicine is desirable for several reasons. Members of minority groups are more likely to work among their own people than those who come from the mainstream ethnic groups, and this may help to overcome the scarcity of doctors and lawyers in poor neighbourhoods where most members of disadvantaged minorities live. They may also have a better understanding of the problems disadvantaged people face than any outsider would have. Minority and female doctors and lawyers can serve as role models to other members of minority groups and to women, breaking down the unconscious mental barriers against aspiring to such positions. Finally, the existence of a diverse student group will help members of the majority ethnic group to learn more about the attitudes of members of the minority group, and thus become better able, as doctors and lawyers, to serve the whole community.

Opponents of affirmative action are on stronger ground when they claim that affirmative action will not promote equality. As Justice Powell said, in the *Bakke* case, 'Preferential programs may only reinforce common stereotypes holding that certain groups are unable to achieve success without special protection.' To achieve real equality, it might be said, members of minority groups and women must win their places on their merits. As long as they get into law school more easily than others, law graduates from disadvantaged minority groups – including those who would have been accepted by their law school under open competition – will be regarded as inferior. More recently, some have claimed that affirmative action produces an academic mismatch that places minority students in classes with students who mostly are more academically gifted than they are. As a result, it is said, they tend to be near the bottom of their class, and are less likely to graduate than if they were in a class that better matched their abilities.

These practical objections raise difficult factual issues. Though they were referred to in the *Bakke* case, they have not been central in the American legal battles over affirmative action. Judges are properly reluctant to decide cases on factual grounds on which they have no special expertise. Alan Bakke won his case because a majority of the judges held that either the U.S. Constitution or the Civil Rights Act of 1964 provides that no person shall, on the grounds of colour, race or national origin, be excluded from any activity receiving Federal financial assistance.

The majority opinion written by Justice Powell added, however, that there would be no objection to a university seeking diversity in its student body, and in the pursuit of that objective, it could include race as one among a number of factors, like athletic or artistic ability, work experience, demonstrated compassion, a history of overcoming disadvantage or leadership potential. The court thus effectively allowed universities to choose their student body in accord with their own goals, so long as they did not use quotas.

That view was upheld by the Supreme Court in *Grutter v. Bollinger*, a 2003 decision involving the University of Michigan Law School. Justice O'Connor, writing the majority opinion, considered that the law school's program passed the test of providing a 'highly individualized, holistic review of each applicant's file, giving serious consideration to all the ways an applicant might contribute to a diverse educational environment'. At the same time, in *Gratz v. Bollinger*, the court rejected the University of Michigan's undergraduate affirmative action program which automatically gave every member of an underrepresented minority group a set amount of extra points towards admission, without conducting the kind of individual and flexible assessment of each applicant provided by the law school.

In the United States, then, managing admissions to achieve diversity is permissible, but racial or ethnic quotas are not. In other countries – and in general, when we look at the issue with an eye to ethics, rather than the law – the distinction between quotas and other ways of giving preference to disadvantaged groups may be less significant. The important point is that affirmative action, whether by quotas or some other method, is not contrary to any sound principle of equality and does not violate any rights of those excluded by it. Properly applied, it is in keeping with equal consideration of interests, in its aspirations at least. The only real doubt is how well it works. On that, the evidence is still being collected and assessed.

#### A CONCLUDING NOTE: EQUALITY AND DISABILITY

In this chapter, we have been concerned with the interplay of the moral principle of equality and the differences, real or alleged, between groups of people. Perhaps the clearest way of seeing the irrelevance of IQ, or specific abilities, to the moral principle of equality is to consider the situation of people with disabilities, whether physical or intellectual. When we ask how such people ought to be treated, there is no argument about

whether their abilities are the same as those of people without disabilities. By definition, they are lacking at least some ability that normal people have. Their disabilities will sometimes mean that they should be treated differently from others. If we are looking for firefighters, we can justifiably exclude someone who is confined to a wheelchair; and if we are seeking a proofreader, a blind person need not apply. The fact that a specific disability may rule a person out of consideration for a particular position does not, however, mean that that person's interests should be given less consideration than those of anyone else. Nor does it justify discrimination against disabled people in any situation in which the particular disability a person has is irrelevant to the employment or service offered.

For centuries, people with disabilities have been subjected to prejudice, in some cases no less severe than those under which racial minorities have suffered. Disabled people have been locked up, out of sight of the public, in appalling conditions. Some were virtual slaves, exploited for cheap labour in households or factories. Under a so-called euthanasia program, the Nazis murdered tens of thousands of intellectually disabled people, many of whom were enjoying their lives but were deemed 'useless mouths' and a blot on the Aryan race. Even today, some businesses will not hire a person in a wheelchair for a job that she could do as well as anyone else. Others seeking a salesperson will not hire someone whose appearance is abnormal, for fear that sales will fall. Similar arguments were used against employing members of racial minorities. We can best overcome such prejudices by becoming more familiar with people who are different from us, which won't happen if they are not employed in positions where they meet members of the public.

We are now just starting to think about the injustices that have been done to people with disabilities and to consider them as a disadvantaged group. That we have been slow in doing so may well be due to the confusion between factual equality and moral equality discussed earlier in this chapter. Because disabled people are different in some significant respects, we have not seen it as discriminatory to treat them differently. We have overlooked the fact that, as in the examples given previously, the person's disability has been irrelevant to the different – and disadvantageous – treatment. There is therefore a need to ensure that legislation that prohibits discrimination on grounds of race, ethnicity or gender also prohibits discrimination on the grounds of disability, unless the disability can be shown to be relevant to the employment or service offered.

Nor is that all. Many of the arguments for affirmative action in the case of those disadvantaged by race or gender apply even more strongly to people with disabilities. Mere equality of opportunity will not be enough in situations in which a disability makes it impossible to become an equal member of the community. Giving disabled people equal opportunity to attend university is not much use if the library is accessible only by a flight of stairs that they cannot use. Many disabled children are capable of benefiting from normal schooling but are prevented from taking part because additional resources are required to cope with their special needs. Because such needs are often very central to the lives of people with disabilities, the principle of equal consideration of interests will give them much greater weight than it will give to the more minor needs of others. For this reason, it will generally be justifiable to spend more on behalf of disabled people than we spend on behalf of others. Just how much more is, of course, a difficult question. Where resources are scarce, there must be some limit. By giving equal consideration to the interests of those with disabilities, and empathetically imagining ourselves in their situation, we can get closer to the right answer.

Some will claim to find a contradiction between this recognition of people with disabilities as a group that has been subjected to unjustifiable discrimination and arguments that appear later in this book defending abortion and euthanasia in the case of a fetus or an infant with a severe disability. For these later arguments presuppose that life is better without a disability than with one; and is this not itself a form of prejudice held by people without disabilities and parallel to the prejudice that it is better to be a member of the European race, or a man, than to be of African descent, or a woman?

The error in this argument is not difficult to detect. It is one thing to argue that people with disabilities who want to live their lives to the full should be given every possible assistance in doing so. It is another, and quite different thing, to argue that if we are in a position to choose, for our next child, whether that child shall begin life with or without a disability, it is mere prejudice or bias that leads us to choose to have a child without a disability. If disabled people who must use wheelchairs to get around were suddenly offered a miracle drug that would, with no side effects, give them full use of their legs, how many of them would refuse to take it on the grounds that life with a disability is in no way inferior to life without a disability? In seeking to raise research funds to overcome and prevent disability, people with disabilities themselves show that the preference for a life without disability is no mere prejudice. Some disabled people

might say that they make this choice only because society puts so many obstacles in the way of people with disabilities. They claim that it is social conditions that disable them, not their physical or intellectual condition. This assertion takes the simple truth that social conditions make the lives of the disabled much more difficult than they need be, and twists it into a sweeping falsehood. To be able to walk, to see, to hear, to be relatively free from pain and discomfort, to communicate effectively – all these are, under virtually any social conditions, genuine benefits. To say this is not to deny that people lacking these benefits may triumph over their disabilities and have lives of astonishing richness and diversity. Nevertheless, we show no prejudice against people with disabilities if we prefer, whether for ourselves or for our children, not to be faced with hurdles so great that to surmount them is in itself a triumph.



that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? nor Can they *talk*? but, *Can they suffer*?

In this passage, Bentham points to the capacity for suffering as the vital characteristic that entitles a being to equal consideration. The capacity for suffering – or more strictly, for suffering and/or enjoyment or happiness – is not just another characteristic like the capacity for language or for higher mathematics. Bentham is not saying that those who try to mark ‘the insuperable line’ that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a child. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because mice will suffer if they are treated in this way.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that the suffering be counted equally with the like suffering – in so far as rough comparisons can be made – of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin colour?

Racists violate the principle of equality by giving greater weight to the interests of members of their own race when there is a clash between their interests and the interests of those of another race. The white racists who supported slavery typically did not give the suffering of Africans as much weight as they gave to the suffering of Europeans. Similarly, speciesists give greater weight to the interests of members of their own species when there is a clash between their interests and the interests of those of other