

## **New Philosophical Basis for Animal Policy**

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### **1. Human dignity and animal value**

What is at stake in the debate on the alleged rights of animals is clear in a recent book by Adela Cortina: *Las fronteras de la persona. El valor de los animales, la dignidad de los humanos* [The boundaries of person. Animal Value and Human Dignity]. After critically reviewing the different positions about animal rights, the author describes his own views. Human beings, she argues, have a dignity prior to any social agreement. Mutual recognition of it will eventually be translated into rights. However, this mutual recognition of human dignity should not be understood in terms of mutual benefit or simple selfishness. It goes further and can benefit others. It should even do. It should benefit all those beings who, like animals, have inherent value. The avoidance of animal suffering can be achieved without attribution of uncertain rights. "There is no dignity -Adela Cortina says- but in the case of human beings"<sup>1</sup>.

Have we achieved in this way the safeguard of animal value and human dignity? It seems for me unquestionable this idea: the recognition of an inherent value of animals generates duties to people, and the fulfilment of these duties should be sufficient to safeguard animal interests. I agree that in order to avoid animal suffering is not necessary or even desirable, to undermine the role of rights. However, we have still the other side of the issue. On the edge of the argument still remain the weakest human beings, because of age, illness or disability. Do they have dignity? Adela Cortina's response is unambiguously positive.

In my view, Adela Cortina's position is very sensible: animals have value, and human beings have also dignity and rights. But the thinkers that we can call anti-speciesists differ from this position. They intend to grant rights to animals, but they

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<sup>1</sup> CORTINA, A., *Las fronteras de la persona. El valor de los animales, la dignidad de los humanos*, Taurus, Madrid, 2009, p. 225.

question at the same time the human dignity of the weakest. So, let's consider now their arguments.

Speciesism would be, according to such authors as Peter Singer, a form of discrimination analogous to racism or sexism, and therefore unfair. The anti-speciesists demands that no living being should be discriminated against because of the species that it belongs to. However, if we abandon the criterion of species, we have to look for another one in order to value beings and adapt our behaviour to their value, for we have, of necessity, to discriminate in practice. Now, that criterion will be fixed by some concrete characteristic of living beings, not by their mere belonging to a species. For example, we can establish the value as a function of the capacities of each being, the capacity to suffer or enjoy, the presence of mind, the linguistic or social capabilities, autonomy, etc.

However, if we act thus, we would be putting at risk the basic equality between human beings, as far as their dignity is concerned. That is to say, the anti-speciesist, who is against any discrimination on the grounds of species, either does not discriminate at all between living beings, which is not a viable course in practice, or puts at risk the equality between humans, which is not to be desired.

If we do not wish to use the species as a criterion of discrimination, we shall need a theory of the value of living beings that fulfil three desiderata: (i) it should recognize the inherent value of living beings, which is an important point, for if we only recognize their instrumental value and do not discriminate on grounds of species, then it would follow that some human beings would simply be means of serving others; (ii) it should bring in some non-species-based gradation of the value of living beings; and (iii) it should not violate the equal dignity of all human beings.

We must accept that such a theory presents a challenge for the ethics of our times. Singer's ideas, for example, do not fulfil the third desideratum. According to Singer's ethics, it is in fact the weakest humans that are left unprotected. One can only view with trepidation the fact that the same hand writes in favour of animal liberation and infanticide: "The life of a newborn baby is of less value to it than the life of a pig, a dog or a chimpanzee."<sup>2</sup> After this statement, one might expect Singer to undertake a defence of all of them, but what follows is not that, but an attempt to justify infanticide:

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<sup>2</sup> The quotes from P. Singer are taken from SINGER, P., *Practical Ethics*, 2<sup>nd</sup> edition, Cambridge University Press, Cambridge, 1993, pp. 169-173.

“I do not regard the conflict between the position I have taken and widely accepted views about the sanctity of infant life as a grounds for abandoning my position. These widely accepted views need to be challenged [...] None of it shows, however, that the killing of an infant is as bad as the killing of an (innocent) adult [...] The grounds for not killing persons do not apply to newborn infants.”

This, obviously, violates the minimal equality among human beings. Further anxiety may be caused by Singer’s lack of clarity on the age of children who, in his view, do not deserve especial protection. He mentions such ages as “a week”, “a month”, “two years” and even “three years”. Singer even sets out the circumstances in which “killing an infant” would be acceptable. Obviously, “we should certainly put very strict conditions on permissible infanticide”. But, in fact, the only condition that Singer sets for infanticide is that “those closest to the child do not want it to live”.

Perhaps the best way to discuss these sordid Singer claims would be to put it next to a text by Hans Jonas: "The classic archetype of all responsibility is that of the parent for the child [...], the newborn, whose mere breath runs a incontestable "you ought" to the world around him: welcome me into your midst. Look at and you'll know”<sup>3</sup>.

Interestingly, Singer himself, when he plays not as a philosopher but as an activist in the *Great Ape Project*, simply returns into speciesist positions. The GAP relapses into the anthropocentric speciesism as it segregates by species and makes the cut on the basis of similarity to the humans<sup>4</sup>. GAP explicitly advocates for including the members of the species *Homo sapiens*, *Pan troglodytes*, *Pan paniscus*, *Gorilla gorilla* and *Pongo pygmaeus* within the "circle of equals"<sup>5</sup>. Thus, the anti-speciesist philosophy of Singer eventually leads to an obviously speciesist political project, which grants rights to all members of certain species and only to them, although many of them may have a lower degree of sensitivity to pain, intelligence, sociability, emotional life than other individuals of different species such as elephants, dogs, whales or other primates.

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<sup>3</sup> Quoting from the Spanish version, my translation: JONAS, H., *El principio de responsabilidad*, Herder, Barcelona, 1995, pp. 215-216. [original title: *Das Prinzip Verantwortung*, Insel Verlag, Francfort del Meno, 8<sup>a</sup> ed. 1988]

<sup>4</sup> Sometimes anthropocentrism is avoided only by resorting to anthropomorphism. The human being is displaced from the center of the moral life placing there the whole of nature, ecosystems, or other living beings. But this is accomplished only by conferring human characteristics to them.

<sup>5</sup> Quoting from the Spanish version, my translation: CAVALIERI, P. y SINGER, P (eds.), *El proyecto gran simio. La igualdad más allá de la humanidad*, Trotta, Madrid, 1998, pp. 12-13 [original title: *The Great Ape Project. Equality beyond Humanity*, 1993].

The question is whether it is possible to support respect for animals and their correct treatment, avoiding their rough consideration as machines or objects, avoiding the behaviourist stance that denies them a mind or emotions, without leading to the antihumanist – and antihumanitarian as well- consequences of Singer. I believe that it is possible to find a different basis, which does not lead to disregard for the lives of the weakest human beings.

Perhaps one of the problems of anti-speciesism lies in the fact that the very concept of species is not the most suitable for moral or political contexts. It already has its problems in biological contexts. In ethical contexts, it is mainly individuals and populations that count, as they are concrete entities. When we wish to make reference to humanity as a whole, it is preferable to use an expression with obvious moral connotations and a reference to concrete entities, such as “the human family”, as in the preamble of the *Universal Declaration of Human Rights*. Cospecificity is not a relationship that necessarily entails emotional, social, affective or moral bonds, while belonging to the same family is.

Bonds of this type should be gradually extended to other animals and living beings. If we manage to recognize signs of familiarity in other humans – in all of them – and if we manage to expand, from the closest to the most distant those bonds of respect and affect that unite us – or should unite us – with our family, then we shall be ready to go on to a new extension, then we shall be able to have our compassion reach other living beings, as the primatologist Frans de Waal sustains<sup>6</sup>. It is not therefore a question of abstract reasoning on criteria of discrimination of classes or sets, but to extend the bonds that unite us (or which should) to the other members of our human family.

The root of the problem lies in the characterization of speciesism. Once Singer builds such an unacceptable figure as speciesism, anti-speciesism and the dilemma it produces necessarily arrive. However, speciesism only affects to those who set the moral discrimination on the basis of the species. So I argue that the direct transposition of a concept, such as “species”, from biology into moral and political arena is not an adequate move.

Current biology requires a plural concept of species, for it has to be useful in a number of disciplines, each with its own interests and points of view. The notion of

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<sup>6</sup> Quoting from the Spanish version, my translation: Frans de WAAL: *Bien natural*. Herder, Barcelona, 1997, pp. 273-278 [original title: *Good Natured*, Harvard University Press, 1996]

species that may be useful in paleontology is not so applicable in zoology or botany, while these do not have to fit the interests of a biologist dealing with asexual organisms. And each of them will give rise to its own organization of the living world.

Many different functions are also required of the species. It will be a group of similar organisms that are also inter-fertile, with a common near origin, with their own phylogenetic trajectory and a differentiated ecological niche – it is the unit of evolution and also for some the unit of biodiversity. It is not odd that, depending on which function of the notion of species we are dealing with, somewhat different cut-off points will appear. And, in any event, the tension between the morphological and genealogical aspects will always be there. Could the species concept bear also with ethical, legal and political functions?

Neither Saint Thomas Aquinas nor Immanuel Kant –both criticized by Singer– thought his moral philosophy for an entity such as the species *Homo Sapiens*. Nor the bill of rights was thought for a species in the biological sense of the word. There are simply no rights of *Homo Sapiens*, but the rights of man and citizen, or human rights. The biological species concept introduces in moral contexts more confusion than anything else. The notion of species is taken here from biology, but it is already considerably complex and controversial within this science<sup>7</sup>.

The relevant entities in ethical domains are individuals, populations and communities, which are concrete entities. When we want to refer to human beings as a whole is preferable to use an expression with clear moral connotations and reference to a concrete entity, such as "human family", as does the *Universal Declaration of Human Rights* (1948) in its preamble.

This expression (which has nothing to do with the taxonomic notion of "family") does not bring all the technical complexity of the controversial notion of species. The human family is a concrete entity, located in time and space, while the species *Homo sapiens* is an abstract idea. The so-called problem of speciesism has its roots in this categorical confusion.

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<sup>7</sup> A. MARCOS, "The Species Concept in Evolutionary Biology: Current Polemics", in Wenceslao J. González (ed.): *Evolutionism: present approaches*, Netbiblo, La Coruña, 2008, pp. 121-142; A. MARCOS, "Filosofía de la naturaleza humana", *Eikasia, Revista de Filosofía*, VI/35, 2010, pp. 181-208 [[www.revistadefilosofia.com/35-10.pdf](http://www.revistadefilosofia.com/35-10.pdf)]; A. MARCOS, "Política animal: El Proyecto Gran Simio y los fundamentos filosóficos de la biopolítica", *Revista Latinoamericana de Bioética*, 7/ 12, 2007, pp. 60-75; A. MARCOS, "Hacia una filosofía práctica de la ciencia: Especie biológica y deliberación ética", *Revista Latinoamericana de Bioética*, 10/2, 2010, pp. 108-123.

## 2. Looking for new philosophical basis for animal policy

The question is whether we can found the respect for animals, avoid them to be awkwardly considered as machines or objects, avoid also the behavioural perspective that denies them mind and emotions, and all this without the anti-humanist –even anti-humanitarian- consequences that accompany anti-speciesism. I think so. We can and we must find another basis to advocate against cruelty, a foundation that does not lead us to disregard the weakest humans. In addition, the philosophical basis that I am going to sketch now do not deny the inherent value of natural beings other than sensitive animals, as Singer's utilitarianism does. The philosophical basis I am suggesting here comes from Aristotle and also from some contemporary neo-Aristotelian thinkers, especially Hans Jonas and Alasdair MacIntyre.

First, let me recall that Aristotle devoted his time to both the philosophy and biology. He is universally considered one of the founders of this science, and especially of zoology, as well as philosophical ethics. Furthermore, the Aristotelian approach to the study of living beings was never just an exercise in the cold and abstract reason, but he used to observe animal behaviour with sympathetic dedication all throughout his life. I will bring a single reference by way of illustration, but you could bring many others in the same sense: "We can cite a multitude of facts which show the sweetness and familiarity of the dolphins, and in particular their manifestations of love and passion for their children [...] it was observed a day that a group of dolphins, large and small ones, were followed at a short distance by two dolphins that kept afloat a small dolphin died. They raised him with his back, as full of compassion, to prevent it from being prey of a voracious animal"<sup>8</sup>.

This is Aristotle, not a modern rationalist philosopher who believe, from a distant abstraction, that animals are mere machines, but a zoologist who appreciates finely the characteristics of animals, who attributed them soul, emotions and even some kind of *phronesis*. It thus appears that the Aristotelian works are a promising source of inspiration for addressing the issues that concern us here.

Secondly we are interested in Aristotle as an integrative philosopher, not as a hierarchical one, as a philosopher of the golden mean. I mean, Aristotelian ethics and anthropology seek an integration of reason and tradition, i.e. rational critical thinking,

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<sup>8</sup> ARISTOTLE, *Historia Animalium* 631a 8 y ss..

on one hand, and the practices, customs and values of a given society, on the other one. Aristotle showed always respect to the perspective of the common sense. He used to take it as a starting point for philosophical reflection, as a contrast to his findings, but he was also capable of a critical distance from tradition and common sense. To put it in contemporary terminology, Aristotle aims at a sort of integration of tradition and criticism, or at a sort of reflective equilibrium. Aristotle's ethics was written from golden mean and moderation. And his politics generates a reformist spirit, never a revolutionary one. Aristotle would surely take as an alarm signal that which Singer does not care about, namely, the clash with the "so widely accepted views on the sanctity of infant life." Aristotle perhaps would stop before making proposals that directly conflict with the legal and ethical foundations of Western Civilization. Any Aristotelian thinker would aim at a better treatment for animals through sensible reforms rather than through revolutionary changes.

Another teaching from Aristotle, which will be valuable in our current context, refers to the human nature. On the one hand, it is well known the Aristotelian characterization of human being as a rational and social animal (*zoon logon politikon*). Our animal condition must be taken with all its implications. The other two notes must also, of course. They are the specific way in which we differ from the other animals. Therefore, there is not a mere juxtaposition, but an integration of the three dimensions of human being in the unity of each person. I think that this view of human nature can promote the proper treatment of the animals without degrading the human being, without equating what is actually marked by a difference.

On the other hand, Aristotle describes man as "intelligent desire or desirous intelligence"<sup>9</sup>. This characterization of the human being would be also of utility for today's debate, when we need to integrate, and not oppose or juxtapose, our rational and emotional aspects. To give humans and other living beings the dealing that in justice deserve, the cold reason will be not enough, nor mere compassion, especially if they are disconnected from each other.

From Hans Jonas we can get a valuable philosophical tool that avoids uncontrolled proliferation of new subjects of rights, giving protection at the same time to human and nonhuman animals, as well as to the other living beings. In his book *The principle of responsibility*, he develops a theory of the inherent value of all living

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<sup>9</sup> ARISTOTLE, *Nicomachean Ethics*, 1139b 5.

beings. He proposes going to the metaphysical root of the issue, i.e. to the question of the primacy of being over non-being. He wonders why being has value, why is it better than the non-being. The answer is that only what *is* can have value, so that the mere possibility of value is already a value that makes being preferable to nothingness: "It should be noted that the mere possibility of ascribing value to what is, regardless of how much or how little is actually present, determines the superiority of being over nothingness"<sup>10</sup>.

But this value of being is not given equally in all natural substances. They vary in value by varying its ability to sustain values. Jonas ideas intellectually justify the gradual inherent value of the living beings without resorting to the concept of species. By recognizing the intrinsic value of living beings, we realize that our duties immediately follow. Of course, these duties are only for humans. And basing upon these duties, we can endow human beings with the appropriate rights to fulfil these duties. In summary, we have followed this path: (i) recognition of the inherent value of all living beings, (ii) recognition of the duties derived therefrom, and (iii) recognition of the rights that facilitate us the fulfilment of these duties. In this approach the subject of rights is always the human being.

Further to this, there are very valuable ideas put forward by Alasdair MacIntyre in his book *Dependent Rational Animals*. As in the case of Aristotle and that of Jonas, also for MacIntyre would be worth remembering that we are not facing at "a dangerous anthropocentric thinker." He credited even practical reason to the dolphins, and he devotes an entire chapter to ponder their intelligence<sup>11</sup>.

But my main objective here by quoting MacIntyre is looking for a solid philosophical basis for respect for human rights in all its extension, that is, respect for the rights of all human beings, and especially for the disabled and dependent people.

MacIntyre's book thus represents an important development because it is a work of moral philosophy written not from the condescension toward dependent people, but from the recognition that all of us are, has been, or will be, one day or another, dependent people. MacIntyre conceptualize the human being as an animal, with all the consequences of the term, rational and autonomous but also dependent by nature. The

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<sup>10</sup> Quoting from the Spanish version, my translation: JONAS, H, *El principio de responsabilidad*. Herder. Barcelona, 1995, pp. 95-6 (italics in the original) [original title: *Das Prinzip Verantwortung*, Insel Verlag, Francfort del Meno, 8ª ed. 1988].

<sup>11</sup> MACINTYRE, A., *Dependent Rational Animals*, Carus Publishing Company, 1999, chapter 3.



"we" that is often used in moral philosophy no longer will be the exclusive "we" of the completely autonomous people. That "we" of the moral subject will also include people not perfectly independent, because dependent people, at some point in life, are all of us. Including people with disabilities in "the circle of equals" is a proper way of drawing this circle, for the disabled people, in a sense, are all of us. Here there is no trace of speciesism. In other words, we should think on disability not only from an individualistic perspective, but also from the perspective of the human community in which we live.

Now we can see clearly that speciesism and anti-speciesism, and all the unpleasant consequences of both, ensue only by the confusion of biological categories, like species, with moral categories such as community or family -from the nuclear family to the entire human family-. Working with moral categories, MacIntyre properly established a basis for a fair equality among all humans. Let me state here some quotes by MacIntyre: "Before a child is born, parents usually want he to fit more or less to an ideal whose specifics details vary from one culture to another [...] However, to provide the security and recognition that the child needs, every good parent has to be devoted to the childcare, no matter the child would be ugly, ill or disabled. This applies also to parents who have children with normal development and are healthy, intelligent and handsome, and as well to those who have children with a disfigurement or brain injury. A good parental care is defined in part by reference to the possibility that the children will suffer the affliction of severe disability. Of course, parents with severely disabled children have to exercise the corresponding virtues in a heroic way [...] they are the model of good parenthood, offering the example to follow and the key of the task for all parents"<sup>12</sup>.

(By the way, let's reflect a little: the protection of the disabled humans is normally exercised by their parents or relatives. In a natural way they are inserted into a community by means of other people who look after their interests. In fact, they are born already embedded in a human community. Treating the great apes or other animals as if they were humans with disabilities would be nonsense. In this way, we would be forced to unnaturally introduce animals in a political community that is not their community, by arbitrarily assigning them a legal tutor.)

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<sup>12</sup> Quoting from the Spanish version, my translation: MACINTYRE, A., *Animales racionales y dependientes*. Paidós, Barcelona, 2001, pp. 109-10 [original title: *Dependent Rational Animals*, Carus Publishing Company, 1999]

"There are individuals - MacIntyre writes - with a severe disability. They can only be passive members of a community [...] But this thought should lead us to a kind of special consideration. The care they require demands a devotion and consideration that should be not conditioned by the contingencies of injury, illness or any another affliction"<sup>13</sup>.

We can easily recognize "another self" in the disabled person, to use the same terms that Aristotle reserved to define friendship. This is because anyone can fall in disability due to an illness or an accident. So, we are obliged to equal consideration to all human beings, regardless of their abilities or disabilities. "But to this consideration -MacIntyre continues- should be added the recognition that each community member can teach something to the others, both on the common and individual good. Disabled people can teach the others something that can not be learned otherwise [...] Even when one is disabled so that one can not undertake worthwhile projects, also deserves an attentive care"<sup>14</sup>.

MacIntyre's ideas allow us to safeguard equality among members of the human family, without having to scale the value of each individual on the grounds of his intelligence or sensitivity. They are the family bonds, the fact that all of us belong by nature to a certain community, that give each and every one of us the same rights and that places us into the circle of the equals. This does not imply a disdain for the rest of the animals. On the contrary, from a healthy human community, which respects human rights and human dignity, it will be easier to devise protective measures to prevent the destruction and suffering of other natural beings.

### **3. Conclusive Summary**

1 - The debate on animal rights today arises from a certain philosophical perspective that can be described as anti-speciesist and utilitarian-hedonistic. From this perspective, some thinkers and activists are clamming for not to discriminate against individuals on the base of species, but according to their capacity for suffering. According to anti-speciesists, many animals can suffer like us, so they have to be included within the circle of the equals, and we should recognize them or giving them certain rights.

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<sup>13</sup> *Ibid*, pp. 150.1.

<sup>14</sup> *Ibid*, pp. 159-60.

2 - This view is mainly based on the thinking of Peter Singer. In his philosophical works we can see the last consequences of this line of thought. These consequences are anti-humanist and even anti-humanitarian. Singer arrives even to the justification of infanticide.

3 - The question for us is this: Can we avoid animal abuse without adopt anti-humanist positions? I would say here: Yes we can! To do this we must replace the philosophical underpinnings of the debate. The notion of species is to be replaced by that of *human family*, and the utilitarian hedonism by a different conception of human nature, in my opinion, by one of Aristotelian inspiration.

4 - What happens then to the animals? The animals have inherent value. The recognition of this value generates duties for us. The accomplishment of these duties will prove sufficient to prevent cruelty to animals. The philosophy of Hans Jonas provides a sound philosophical ground for these conclusions.

5 - Therefore, I think that no recognition (or granting) of rights to animals will be required. The pathway of the animal rights generates more problems than it solves. In the political and legal areas there exists another more suitable course of action, already taken by many states and the EU. This is a reformist policy of new laws on animal treatment. This policy should appeal, not to the alleged animal rights, but to the direct and indirect duties we have as humans.

6 - What about humans? We must recognize their rights and dignity, along the lines set out by Adela Cortina. Such recognition is based on our human nature as well as on the fact that all of us are by nature members of the human family. And all humans are equal in dignity and rights, including the weakest and disabled, as MacIntyre has argued.

## Résumé et conclusions

1 - Aujourd'hui, le débat sur les droits des animaux part d'un certain point de vue philosophique, qui peut être décrit comme anti-spéciste et utilitariste-hédoniste. Dans cette perspective, certains penseurs et des militants de mouvements "animalistes" cherchent à ne pas discriminer les individus sur les bases de l'espèce, mais en fonction de leur capacité de souffrir. Selon les anti-spécistes, de nombreux animaux peuvent souffrir comme nous, de sorte qu'ils doivent être inclus dans le cercle des égaux, et nous devrions les reconnaître ou leur donner certains droits.

2 - Cette opinion qui se base principalement sur la pensée de Peter Singer et se manifeste clairement dans ses oeuvres philosophiques, permette d'entrevoir les conséquences finales de cette ligne de pensée. Ces conséquences sont anti-humanistes et même anti-humanitaires. Singer arrive même à la justification de l'infanticide.

3 - La question pour nous est la suivante: Peut-on éviter de maltraiter les animaux sans adopter des positions anti-humanistes? Je voudrais dire ici: Yes we can! Pour ce faire, nous devrions remplacer les fondements philosophiques du débat. La notion d'espèce doit être remplacée par celle de *famille humaine*, et l'hédonisme utilitariste par une conception différente de la nature humaine, à mon avis, par une conception de la nature humaine d'inspiration aristotélicienne.

4 - Quelle considération, alors, pour les animaux? Les animaux ont une valeur intrinsèque. La reconnaissance de cette valeur génère devoirs pour nous. L'accomplissement de ces devoirs se révélera, je pense, suffisante pour prévenir la cruauté envers les animaux. La philosophie de Hans Jonas fournit un bon terrain philosophique pour fonder ces conclusions.

5 - Par conséquent, à mon avis, il ne sera pas nécessaire une reconnaissance ou une concession de droits aux animaux. Le concept des droits des animaux génère plus de problèmes qu'elle n'en résout. Dans les domaines politique et juridique, il existe une autre voie d'action plus appropriée, déjà prise par de nombreux Etats et par l'UE. C'est une politique réformatrice de nouvelles lois sur le traitement des animaux, comme il est déjà suggéré par le spécialiste en primatologie Frans de Waal. Cette politique devrait faire appel aux devoirs directs et indirects que nous avons en tant qu'êtres humains, et non pas aux présumés droits des animaux.

6 - Qu'en est-il des humains? Nous devons reconnaître leurs droits et leur dignité, dans la ligne énoncée par Adela Cortina. Une telle reconnaissance est fondée sur notre nature humaine, ainsi que sur le fait que nous sommes tous membres naturels de la famille humaine. Et tous les êtres humains sont égaux en dignité et en droits, y compris les plus faibles et les handicapés, comme soutient MacIntyre.