

A Moorean Argument for the Full Moral Status of those with Profound Intellectual Disability

Introduction

This paper is about the moral status of those human beings with profound intellectual disabilities (PIDs). We hold the common sense view that they have equal status to ‘normal’ human beings, and a higher status than any non-human animal.¹ We start with an admission, however: we don’t know how to give a fully satisfying theoretical account of the grounds of moral status that explains this view.² And in fact, not only do we not know how to give such an account, but the most satisfying account of moral status that we know (which we call ‘the standard account’) entails that our view is false. It entails that those with PIDs have a *lower* status than ordinary human beings and an *equal* status to non-human animals. Now, in this paper, we do absolutely nothing to try to show where the standard account goes wrong, and we do absolutely nothing to resolve the difficulties we see in developing an alternative account that supports our view. Indeed, we do not give *any* argument against the standard account or in favour of our own view. Instead, we raise the following question: in order to be justified in continuing to hold our view, are we obliged to give such an account? Our answer will be that we are not.

In section 1 we emphasise just how common our view is, and how deeply held it is, before outlining the difficulties surrounding giving a theoretical account that justifies it. After introducing the Moorean strategy in section 2, in section 3 we argue that despite these

¹ We are fully aware of the culturally specific and normative nature of the notion of normality; normality denotes both a judgment of reality, hence, what is statistically frequent, and a judgment of value, meaning, what is valued. Our usage of the term refers exclusively to the former, descriptive sense of it (see chapter 2 in [1]).

² Elsewhere we have given a defence of what we think to be the most plausible theoretical account that does explain the view, but we admit that the view has shortcomings, and more work needs to be done before it can be said to be fully satisfying. See [WITHELD FOR ANONYMITY]

difficulties, and despite the fact that we do not know how to overcome them, it is not the case that we ought to abandon our view. The Moorean strategy we employ is drawn from a common interpretation of G. E. Moore's famous proof of the external world (due to William Lycan). Our argument is that the strategy that Lycan's Moore applies in that case can be successfully applied in the case of our view too.

1.

The belief that all human beings have a higher moral status than any non-human animal is a deeply held belief, common in all classes and cultures from around the world today. According to this belief it is impermissible to treat humans in ways that it is permissible to treat non-human animals. Quite how deeply held this ordinary belief is can be brought home by considering the reaction most would have to finding human steaks alongside the other meats at the supermarket counter. No empirical study is needed to know that almost everyone would find this to be utterly morally repugnant. Of course, many believe that the methods commonly used in current livestock farming are morally wrong. But no-one would endorse the farming and eating of human flesh, even if the techniques used were humane. (Of course, some believe that it is also morally wrong to farm and eat the flesh of non-human animals. But few would disagree that to farm and eat the flesh of human beings would be *more* morally wrong.) It is also clear that the reaction that most would have to finding human meat at the supermarket would not depend upon the *kind* of human meat offered for sale. It would be found to be utterly morally repugnant no matter whether the meat on sale was that of an 'ordinary' adult human, a new born baby, or a person with PIDs. So the deeply held belief really is one about the moral status of *all* humans.

This raises the question: what does the moral status of human beings consist in? This question, it turns out, is extremely difficult to answer. The fundamental difficulty is that there seems to be no plausible way to give an account that includes all humans within its scope but excludes non-human animals. (Perhaps not all non-human animals need to be excluded – most might learn to live with the belief that higher primates have a moral status equal to that of human beings – but certainly ordinary livestock animals such as pigs and cows need to be excluded.) According to the standard account of moral status, a being's moral status can derive only from its possession of intrinsic properties. (See, e.g. [2] for a defence of this view.) But what intrinsic properties are possessed by all humans and no non-human animal? In fact, there seems to be only one: the property of *being human* itself. But can a purely biological property like this be a morally relevant property? Despite some valiant efforts to defend the view that they can be, it is generally agreed that they cannot. (See, e.g., [3] for one such valiant defence. Again, [2] provides probably the most thorough criticism of this view.)

There are some morally relevant intrinsic properties that are possessed by all normal adult humans. These are the Lockean psychological properties, the possession of which is often thought to constitute a being's personhood. Traditionally these properties have been thought to be those that relate to a being's *cognitive* capacities, i.e. those capacities to do with conceptual abilities, understanding, problem solving, and rational decision-making. Such a focus is perhaps too narrow, as it ignores other psychological properties that are plausibly important properties of persons, e.g. emotional capacities and capacities for aesthetic appreciation. But even if, as we have recommended elsewhere ([WITHELD FOR ANONYMITY]) one includes these latter capacities, we do not get an account that explains our ordinary moral judgements regarding the moral status of humans. The reason is that there exist some humans (e.g. very young children and those with the most severe forms of PIDs) for whom it

is plausibly correct to say that they are psychologically equivalent (in all relevant respects) with non-human animals. So there is simply no way to delimit those psychological properties relevant to personhood that includes these humans and rules out the non-human animals that they are psychologically equivalent with. To say this is not, of course, to deny that the intrinsic Lockean properties are morally relevant properties that confer upon those who possess them a high moral status. So it is not to deny that *some* humans have a higher moral status than non-human animals in virtue of possessing them. It is just to deny that an appeal to such properties can by itself do the job of explaining our ordinary moral beliefs regarding the moral status of human beings. The problem is that it leaves a remainder of human beings unaccounted for.

There have been various other attempts to ground the moral status of humans elsewhere. One popular attempt is to appeal to a being's capacities or potential. (See, e.g. [4]) Very young children, for example, are thought to have the *potential* to develop into possessors of the morally relevant Lockean properties (and so, if they do so develop, are identical with a person who exists at a later time). And this is sometimes thought to be enough to ground their high moral status. But this view faces considerable difficulties too. For one, it is hard to see how the *future* possession of morally relevant properties can confer moral status upon a being at a time at which it does not possess them. But also, this view entails that any child who lacks the potential to become a person also lacks a high moral status, which is at odds with our ordinary moral beliefs. For example, it seems that any child with an incurable terminal illness who will die before developing the Lockean properties lacks the potential to become a person, and so on this account lacks a high moral status. But we would hardly be placated upon being told that the meat in the supermarket counter came from a child with an incurable terminal illness. And at any rate, the difficulties with the attempt to

ground the moral status of very young children in terms of their potential to become persons is even more pronounced in the case of those humans with the most severe PIDs, for it is perhaps even less plausible that such humans have the potential, in any sense of the notion, to become persons.

All of this suggests that any attempt to ground the high moral status of humans in their intrinsic properties or potentials is likely to fail. For our part we have offered an account according to which moral status can be conferred upon individuals in virtue of the relations they stand in to other things – in particular, in virtue of the relations individuals bear to the rest of the human community. According to the view we have offered, those with PIDs have full moral status not because they are persons but because they are taken into the human community and treated as humans. ([WITHELD FOR ANONYMITY]) However, this account too faces severe difficulties, the most pressing of which is that even if it can be made plausible that relations can confer moral status upon an individual with PIDs, this still does not account for possible humans with PIDs who exist outside of the human community.³ So where does this leave us? Should we therefore accept that it is only as wrong to farm and eat the flesh of human beings as it is to farm and eat the flesh of non-human animals, so long as the human beings in question are not possessors of the Lockean properties? We think not. We think that despite the fact that we (as a philosophical community) have not yet found a satisfying account of the full moral status of humans with PIDs, and despite the fact the standard account entails they do not have full moral status, we are nonetheless justified in continuing

³ Jaworska and Tannenbaum [5] have recently offered a similar account, which we have much sympathy with, but although we think they do manage to justify the attribution of a high moral status to ‘normal’ infants, they fail to show that the account can be extended to humans with PIDs. Our reason for thinking this is basically the same as that given by DeGrazia [6] (550-551).

to hold the view that those with PIDs have full moral status. In the next section we explain why, but before this we first wish to stave off a misunderstanding.

According to the standard account of moral status, psychologically similar human and non-human animals have equal moral status. This by itself does not entail that it is permissible to farm and eat the humans that fall into this class, and we do not mean to suggest as much in what we say above. It entails only the conditional proposition that *if* it is permissible to eat non-human animals, *then* it is permissible to eat human beings who are psychologically similar in relevant respects, and defenders of the standard account can, and often do, deny the antecedent of this conditional. McMahan, for example, denies it whilst arguing for what he calls ‘Convergent Assimilation’, viz. the view that ‘we must accept that animals have a higher moral status than we have previously supposed, while also accepting that that moral status of severely retarded human beings is lower than we have assumed.’ [7] (228). However, although defenders of the standard account avoid the conclusion that it is permissible to eat humans with PIDs by adopting this view, they do nothing to avoid the conclusion that it is *as* wrong to eat non-human animals as it is to eat those with PIDs, and it is this clash with our deeply held moral beliefs that we are emphasising here.⁴

2.

In his ‘Proof of an External World’ G E Moore famously claims to prove that things external to the mind exist by using nothing but his bare hands:

⁴ And at any rate, defenders of the standard account often explicitly commit themselves to other views that are odds with our deeply held moral beliefs, e.g. the view that infanticide is permissible. (See, e.g., [8] and [9].)

I can prove now, for instance, that two human hands exist. How? By holding up my two hands, and saying, as I make a certain gesture with the right hand, 'Here is one hand', and adding, as I make a certain gesture with the left, 'and here is another'. And if, by doing this, I have proved *ipso facto* the existence of external things, you will all see that I can also do it now in numbers of other ways: there is no need to multiply examples. [10] (165-166)

In a common interpretation of what Moore is up to here, first championed by William Lycan [11], Moore is making a simple dialectical move against the sceptic. In order to see what this is, consider a typical sceptical argument for the conclusion that we do not know that we have hands:

- Premise 1. If S knows that S has hands, then S knows that all propositions incompatible with S knowing that S has hands are false.
- Premise 2. S does not know that all propositions incompatible with S knowing that S has hands are false, as the proposition *that the external world exists* is such a proposition, and S does not know that this proposition is false.
- Conclusion: S does not know that S has hands.

Now consider: are you more confident that the proposition *that you have hands* is true, or (taking premise 1 as our example) that the conditional proposition *that if S knows that S has hands, then S knows that all propositions incompatible with S knowing that S has hands are*

false is true? On the interpretation we are considering, Moore takes it to be *obvious* that he is more certain of the truth of the former proposition than the latter. And this, Moore thinks, entitles him to simply reject the sceptic's argument out of hand, importantly, *without offering a diagnosis of where the sceptic's argument goes wrong*. The point Moore is making here is that one should only be moved to believe the conclusion of *any* argument if one has a higher degree of confidence in the truth of its premises than the falsity of its conclusion, and in this particular case, Moore argues, he has a higher degree of confidence in the falsity of the conclusion than the truth of the premises. Moore's clear implication is that we are all in the same position in this regard, and so we too can reject the sceptic's argument and continue to believe that we have hands. We can be confident *that* the sceptic's argument fails, and *that* we know that we have hands, even if we offer no diagnosis of where the sceptic's argument goes wrong, and offer no alternative account of how we know this proposition.

In giving his argument Moore has been accused of dogmatism and begging the question against the sceptic, amongst other things. But such charges, we think, are misguided. Moore, on this interpretation, just points out a simple fact about how arguments function. A (valid) argument's premises imply its conclusion, which (as every first year philosophy student knows) means that *if* its premises are true *then* its conclusion is true (or, perhaps more precisely, that there are no possible circumstances in which its premises are true and its conclusion false). But if an argument is to *convince* someone that its conclusion is true, that person must believe that its premises *are* true, and if one has an antecedently held high degree of confidence in the falsity of the conclusion then one has very good reason *not* to believe that the premises are true. This much seems to us to be incontrovertible, and this is all that Moore needs.

One can of course respond to Moore by arguing that his belief that he has hands is held for bad psychological reasons, and so attempt to undercut the confidence he has in that belief. But such an argument would be of a very different sort from the sceptic's in that it would appeal to broad empirical facts about how Moore came to have that belief in the first place. Insofar as Moore's belief is one that is central to his whole belief-system, however, such a response is likely to fail. Here there is a connection with the Wittgensteinian notion of 'hinge propositions', which are propositions that form such an integral part of one's belief system that they are not, for that reason, open to doubt:

[...] the *questions* that we raise and our *doubts* depend upon the fact that some propositions are exempt from doubt, are as it were like hinges on which those turn.

That is to say, it belongs to the logic of our scientific investigations that certain things are *in deed* not doubted.

But it isn't that the situation is like this: We just *can't* investigate everything, and for that reason we are forced to rest content with assumption. If I want the door to turn, the hinges must stay put. [12] (§§341-3)

The idea, roughly, is that the belief that we have hands is so central to our belief system that rational evaluation is only possible if we keep that belief fixed, and so it cannot be brought into doubt by any philosophical argument. In other words, to bring this belief into doubt is to bring into doubt our entire belief system (see [13] for more on this).

3.

It should be clear how we are going to apply Moore's point in the case of our view regarding the moral status of those with PIDs. As we emphasised in section 1, the belief in the following proposition is one that is very deeply held indeed, not only by us, but by the vast majority of the world's population:

H>A: *Humans have an equal moral status that is higher than the moral status of non-human animals*

In short, we do have a higher degree of confidence in the truth of H>A than we do in the truth of the various propositions that constitute the standard account of moral status (e.g. the proposition *that moral status can depend only upon the possession of intrinsic psychological properties*). And so we are entitled to reject that account and to continue to believe that H>A is true without offering a diagnosis of where the standard account goes wrong, and without offering an alternative. This of course does not mean that we have no reason to continue to find an alternative account, but we can be confident *that* the standard account is false, and *that* there is an alternative account available, even if we do not yet know what that alternative account is.

An opponent might try to undercut our belief in H>A in a similar way to which opponents of Moore might attempt to undercut his belief that he has hands, i.e. by claiming that H>A is held for bad psychological reasons (in this case one might, for example, appeal to evolutionary biases). But here again, this would be an argument of an entirely different sort than those usually offered by defenders of the standard account, as it would have to appeal to broad empirical facts about how we came to have this belief in the first place, and not those theoretical claims that constitute the standard account itself. Moreover, insofar as a

belief in H>A is one that is central to our whole *moral* belief-system, such a response is also likely to fail. This is to say, it is plausible that H>A constitutes something like a *moral* hinge proposition. Although we do not have the space to argue fully for this contention here, a few words regarding the direction that such an argument might take is in order. It is implausible that H>A is a *general* hinge proposition, for it is implausible that giving it up would make rational evaluation of all other propositions (such as those involving the existence of hands themselves, for example) impossible. But it is plausible that H>A plays a central part within our system of *moral* beliefs, and so is simply not open to doubt unless we cast *that* whole system into doubt. One argument for this would draw upon the claim that the very concept of a human being is not a purely biological one, but is at least partly a *moral* one too, and one that connects up within our moral thinking to a whole host of other moral concepts, and gives rise to moral reasons that we understand perfectly well, even when we are at a loss to explain their force. For example, on this view one might say that it is in some way constitutive of the concept of a human being that human beings *should not be eaten*. If this is right, then views like McMahan's and Singer's, that attempt to ground such precepts without invoking the concept of a human being at all, fail in some fundamental way to connect up with our moral thinking. Diamond [14] was the first to articulate this kind of thought (although others have followed suit), and in response to the claim that *the* reason we have not to harm humans and animals alike is that they are both beings who have the ability to suffer, she makes the salient point as follows:

The ways in which we mark what human life is belong to the source of moral life, and no appeal to the prevention of suffering which is blind to this can in the end be anything but destructive. [14] (471)⁵

Diamond's point is not that a being's capacity to suffer is irrelevant in our moral thinking, but that such a consideration must be properly situated within a broader moral framework that includes at its core a distinctively moral conception of human beings. The claim, then, is that to give up belief in H>A is to give up that very conception, and from this it follows that one *cannot* properly situate other moral considerations, such as a being's capacity to suffer.

To be clear, what we have said above does not constitute anything more than a gesture towards the *existence* of an alternative account of moral status. It is certainly not to offer a developed alternative account, and we do not claim to know how to develop such an account in a satisfying way. Moreover, it is not the existence of such an account that provides a justification for our adopting the Moorean strategy with regard to H>A, for in the absence of compelling non-theoretical reasons to think our belief in H>A is held for bad reasons, we are entitled to adopt that strategy anyway. What it does provide is a positive reason for thinking that no compelling reasons for rejecting our belief in H>A will be forthcoming, and as such it *bolsters* the Moorean strategy. The Moorean strategy, as we understand it, is not dogmatic precisely because it can be refuted by showing that our belief in H>A is held for bad reasons. We are entitled to adopt it in the absence of this, and can continue to enjoy a certain level of confidence in the truth of H>A as a consequence, but in the presence of an alternative possible account that supports H>A, we can also enjoy a certain level of confidence that our belief in the proposition will not be undermined in the future.

⁵ For the expression of similar views see, e.g. [15], [16], [17], and [18].

Of course McMahan, Singer, and other defenders of the standard account often *do* claim that H>A is held for bad reasons, analogous to the reasons that slavery apologists and other racists have for holding their beliefs (hence their liberal use of the term ‘speciesism’). But there is a slight of hand that goes on when such claims are made. The belief in H>A is painted as the belief that humans have a higher status than animals *simply because they are members of the species homo sapiens*, and this belief is then argued to be analogous to the racist belief that members of one race R1 have a higher status than members of a second race R2 *simply because they are members of the race R1*. Here is LaFollette and Shanks, for example:

Of course [one] could argue that there are differences between speciesism and racism – differences which make speciesism morally justified and racism morally objectionable. But that must be shown. To show that the comparison between racism and speciesism is specious, apologists must argue that although we cannot justify treating blacks and whites differently simply because they are members of different races, we *can* justify treating humans and non-human animals differently simply because we are members of different species. [19] (42)⁶

But believing that H>A is true does *not* commit one to the belief that humans have a higher status than animals *simply because they are members of the species homo sapiens*. What we’re trying to illustrate by invoking the Moorean strategy in this article is that we are justified in maintaining a belief in H>A without committing ourselves to *any* particular account of its truth. All we are committed to is there being *some* account of its truth, and the claim that those who believe H>A are speciesist unless they spell out what that account is, is false. Of

⁶ Similar statements can be found in, e.g., [20], [21], and [22].

course, if the standard account of moral status is *true*, then it is plausible that a belief in H>A is speciesist, but defenders of the standard account cannot appeal to the truth of their view to show that this is so, for, as the Moorean strategy illustrates, this account can be rightly rejected by those who believe H>A. As such, the onus does not lie with believers to show that their belief in H>A is *not* analogous to a racist belief, but still lies with defenders of the standard account to show that it *is*.⁷

An objection that might be made against the Moorean strategy is that it *must* be a bad one because it would allow those who hold views that are generally agreed to be morally repugnant to defend their views too easily. One might point, for example, to the fact that many once held the belief that slavery is morally permissible, and ask: why couldn't those who held this belief adopt the Moorean strategy in the face of philosophical arguments that the belief is not justified? But this objection fails. The belief that slavery was permissible was held by many (with confidence) on the basis of all sorts of reasons that can be shown to be bad reasons independently of any philosophical argument. For example, many held the belief on the basis of the further belief that 'blacks' were inferior to 'whites' in certain respects, e.g. intellectually. When this further belief was shown to be false it was not shown to be false by philosophical argument, but by empirical evidence, and so the belief that slavery is

⁷ There have been some attempts to show that beliefs like H>A are held for bad reasons that do not assume the truth of the standard account. The trouble that such attempts face is that they tend to overstep their mark. Singer [23], for example, argues that *all* of our ordinary moral beliefs (or, as he calls them, "intuitions") derive from 'our common evolutionary heritage' which has 'given us a common set of intuitive ideas of right and wrong' (349). On this basis, he argues that our ordinary moral beliefs should not be given any significant evidential weight when constructing our moral theories. As such, Singer places himself in opposition to the majority in the literature who endorse the method of reflective equilibrium as being the correct method to use in moral theory construction. We do not have the space to discuss this method in detail here, but the general consensus is that unless we afford our ordinary moral beliefs evidential weight, moral theory cannot so much as get started. See, e.g. [24], [25] and [26] for expressions of this common view. (It is also worth noting, as McMahan and others have done, that Singer himself often appeals to our ordinary moral beliefs in arguing for his view – see [27] and [28].) So anyone who wishes to argue that a belief in H>A is held for bad reasons must be careful not to cite reasons that apply more generally and so undermine all of our ordinary moral beliefs. Thus far, no such discerning reasons have been proposed.

permissible held on these grounds was shown to rest upon a factual error. For this reason the Moorean strategy would not have worked in this case.⁸ What we are emphasising here is that McMahan and others have not shown that our belief in H>A rests upon a factual error, or any other error that can be stated independently of their theoretical account. Instead their argument is based upon a set of theoretical claims, such as the claim that moral status can depend only upon the possession of intrinsic properties, and it is these claims that the Moorean strategy enables us to justifiably reject.

Our conclusion, then, is that the Moorean strategy with regard to our belief in H>A is justified, and so we are perfectly justified in continuing to hold our belief in H>A, and so perfectly justified in rejecting the standard account of moral status, even if we offer no diagnosis of where it goes wrong, and offer no alternative account.

⁸ We think the same is true for other moral beliefs that are generally agreed to be morally repugnant but that are still prevalent amongst some communities, e.g. the belief that homosexuality is impermissible, or the belief that female circumcision is permissible. However, they must be dealt with on a case-by-case basis, and we do not have the space here to consider them.

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