

Critiques of “Moral Status”: The Case of People With Disability

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This article provides a justification for whether a human being with a disability should be viewed as a person. Within the discourse of moral and political philosophy, personhood is a serious consideration to determine a person's moral status. This article considers some philosophical debates regarding the moral status of people with disabilities. It investigates the question: Why shouldn't people living with disabilities be treated as normal people? The answer to this question raises another one: Are capacity and personhood the only conditions to have moral status? If so, how should a person with a disability be defined? After searching for the answers to these questions, the article came to the conclusion that only moral status is not a result of having the capacity of moral agency but that it is based more on other things. Finally, I conclude that the capacity of acting virtuously or consciously or sentience is not on its own a sufficient condition to grant moral agency to an entity. There are many other conditions to consider the moral status of People with Disabilities.

Keywords: consciousness, disability, humanhood, moral status, personhood, reason, virtuous capacity

Introduction

Most of our policy and belief systems assume that human beings alone are contracting agents who deserve to receive moral status. Moreover, these systems all consciously exclude those human beings who are not capable of expressing their interest, or who are impaired by mental illness. Impairment brings many problems as people with impairment are treated differently.

If, we are considering a person with a disability in the sense of moral status, as offered by Mary Anne Warren (2007) and Joseph Fletcher (1979), what would the possible consequences be for a person with a nervous or a cognitive disability? In responding to these questions, this article justifies the term “moral status”, and whether it is possible to establish any sort of relationship between a person with a disability and moral status. If we affirm the views of Warren (2007) and Fletcher (1979), we must affirm that the person with a disability is treated either as a full-status human being or as a quasi-human being. This article explores the answers to these questions with a major focus on moral status.

Disability and Moral Status

In the history of mankind, we, as people, are at times concerned about the protection and rights of our own

species. This is despite the fact that we often allocate dignity to people based on their caste and gender, and exclude people on these bases, in addition to slaves, from our humanitarian projects.

Sincere people are, at times, concerned about the protection of whales, while excluding from their areas of interest the protection of humans. My argument here is not that the interest of non-human beings should be despised. The claim of this article is that, in the long history of human deprivation, people with disability have been treated in insulting ways. For centuries, the hatred directed towards people with disability was not morally questioned. Among the Greeks and Romans, deformed or disabled people had no automatic right to life. In addition, these empires had the tradition of killing a deformed or disabled child. In the name of abandonment to natural forces, these children were openly slaughtered on mountain tops.

Our philosophical knowledge also showed disrespect towards people with disability. In the esteemed thinking of the West, especially the political thoughts of Plato and Aristotle, it was a provision that the state should not allow deformed children to live. As found in Plato's *Republic*, "[t]his is the kind of medical provision you should legislate... provide treatment for those of your citizens whose physical constitution is good. As for the others, it will be best to leave the unhealthy to die..." (Goodey, 1992, pp. 26-42; Kiefer, 2014, p. 10). In his book *Laws*, Plato further noted that "no lunatic shall be allowed at large in the community" (Plato, 934c, d, 1961). These children were not given the right to survive, with the state being granted the right to apply force to kill them. The legislative codes drawn up by Lycurgus and Solon contained the same provisions.

The instances mentioned above imply that children with disability did not have moral status or, at least, not full moral status. They were not recognized as (fully) rational and were not seen as being as valuable as "normal" humans. Moreover, this was not seen as a problem, as killing a human with a disability was not considered the same as killing a human being. To justify the differences in our behavior towards human beings with different capacities, we must explain the morally relevant difference between people with disability and normal humans. In other words, if we assume that a significant difference can be found between a normal human and a human with a disability, then another question arises: what is the morally relevant difference between them?

Keeping this question in mind, we explore the discourse among some philosophers on moral status. We proceed with this question: do people with disability have moral status in terms of personhood and capacity? Let us first try to clarify the term "moral status." Some exponents, like Warren, argue that personhood "is indeed a sufficient condition for full moral status" (Warren, 1997). She defines the term "moral status" as follows: "[t]o have moral status is to be an entity toward which moral agents have, or can have, moral obligations" (Warren, 2007, p. 3). Here, the concept expressed as "to have moral status" indicates that someone can do something morally good or morally bad to other people, with this reflecting that a moral agent has the responsibility to consider his/her actions towards them.

From this discussion, when it is claimed that a person has personhood, this means that the person has moral status. This claim substantively implies that personhood ensures that a being has moral considerability (i.e. is worthy of moral concern). Personhood includes some factors, for example, the capacity to have moral agency which entails that a person should be part of the "kingdom of ends." The kingdom of ends means that a person is able to engage himself/herself in self-respect, in decision making (Kant, sec. II 4, p. 428), and in claiming to have an interest (Tooley, 1972). If this is so, how can we consider a person with a cognitive disability or who is mentally retarded as a person in the full sense?

Fletcher's Response to the Issue of Moral Status and Disability

For the above question to be answered, it is much better to seek the answer to the following question. Beyond moral status, some philosophical expositions regarding the concept of personhood may require examination. Before that occurs, a question needs to be asked to make sense of the moral status of the person with a disability: does a person with a disability have humanhood? Many discussions have occurred in the practical ethics discipline on the term "humanhood." In this regard, this study presents the following list of criteria or indicators of "humanhood", as compiled by Fletcher (1979), a religious bioethicist. According to Fletcher, if someone wants to be a real human being, he/she must produce these indicators or qualities: (i) minimum level of intelligence: if any being is without minimal intelligence, he/she is a bare biological life form without personal status; (ii) self-consciousness, the second indicator, is a basic datum of psychology that helps to develop personality; (iii) self-control is a human quality: if someone does not have this quality, they are not a person from a legal or ethical point of view; (iv) a sense of time consciousness is another quality of a person that contains the concept that "life is the allocation of time:" if this sense is minimized from one's life, this means a trait of humanness is eliminated; (v) a truly human being has the realization of "futuraity"; (vi) "a sense of the past" is another trait that marks the difference between human beings and other species in the sense of a cultural aspect instead of one based on instinct; (vii) "[t]he capability to relate to others", as a trait of human beings, implies that human society is based on either consent or opposition, whereas non-human society is based on instinct; (viii) "concern for others" is the capacity to care for others, for example, neighborly concern; (ix) communication is a very psychological phenomenon which enables one person to receive messages from, and send messages to, another person; and (x) the property of the "control of existence" is reflected as "finite knowledge, freedom, and initiative, but what ... is real and effective" (Fletcher, 1979, p. 23). Other relevant properties are: (xi) curiosity; (xii) change and changeability; (xiii) the balance between rationality and feeling; (xiv) idiosyncrasy; and (xv) neocortical function (Fletcher, 1979, pp. 22-26).

Warren's exposition about the moral status of human beings and the essential 15 indicators highlighted by Fletcher as the prerequisite to becoming human beings can be considered together in respect to the person with a disability. This is the first consideration that a person with a disability belongs to the human community. But, in accordance with Fletcher's work, does a person with a disability have these 15 indicators? Fletcher's (1979) indicators are next examined in terms of their application to a person with an intellectual disability. According to the American Association on Intellectual and Developmental Disabilities (AAIDD), the intellectual disability [of children] is characterized by low-grade functioning of intellectual capacity and adaptive behavior. A person with an intellectual disability usually has a problem with language development; in other words, they may not have the capacity for linguistic or any other sort of communication. They may not even have the capacity for cognition to comprehend some abstract thinking. In most cases, a person with an intellectual disability has a lack of self-control: even if self-control is present, it is at a very low level and poor in quality. In the case of people with intellectual disability, at least five of the above indicators (from [x]–[xv]) are not covered. If we follow Fletcher's (1979) indicators for being a human being, it is quite difficult to affirm that a person with an intellectual disability is a fully-fledged human being. If this is so, what are the consequences for, and the impact on, the status of over a million people worldwide who have an intellectual disability? What is unknown is Fletcher's answer to this question.

In responding to Fletcher's (1979) indicators of humanhood, we propose the following two alternatives.

The first alternative is that a person with an intellectual disability should be treated as a member of what we know as human beings. With their lack of human properties present in normal human beings, they cannot claim access to various opportunities that are only available to fully-fledged human beings. The second alternative is that, around the world, many agreements, welfare provision and other activities, and special opportunities have been provided by the state while, at the same time, clinical expertise has been developed for children with intellectual disability. All over the world, states are allocating their efforts and budgets to improve facilities for these children. At times, children with intellectual disability receive special care and benefits from the state that are not received by ordinary citizens.

With the second alternative, it is very important to reconsider the stance of Fletcher's (1979) indicators of humanhood. It would not be unusual to discard Fletcher's indicators as well as Plato and Aristotle's expositions, viewing them as undermining a dangerous philosophy regarding the reality of disability. For example, in the case of women's emancipation, the strategy of discarding sexist language and philosophy has proved a great success. In addition, racism has caused great challenges in different regions of the globe. I would like to mention two statements from Fairclough, the first being that "...language contributes to the domination of some people by others" (Fletcher, 1979, p. 15) while the second is that "consciousness is the first step towards emancipation" (Fairclough, 1989, p. 2). Fairclough explores "non-sexist language reform" to eliminate sexism from our society and mentality. Through analysis, it is emphatically claimed that, in the case of a person with a disability, it is essential to abolish the kinds of linguistic patterns and thoughts which are antagonistic to establishing their rights.

It is important to consider that, while human attitude and language are inseparably connected, we express our attitude towards social events through language. Language influences our plans, thoughts, attitudes and activities. The language of hate can perpetuate an attitude of hate towards a person with a disability. This makes it very difficult to increase the struggle against malicious and unequal behaviour towards people with disability. Therefore, it is crucial to understand that extra efforts need to be made in the relationship between language and thought, and an anti-malicious attitude towards disability to eliminate negative attitudes towards children with disability. Regarding non-malicious attitudes towards people with disability, the present study proposes that:

- (i) it is essential to identify those thoughts, philosophies and uses of language and their propagation that create an adverse and rude attitude towards people with disability;
- (ii) it is a prerequisite that hateful and rude forms be replaced with generic references to epicene thought and language; and
- (iii) the language incorporated into our social life is to be symmetrical, humanitarian and expressed with dignity.

Before considering any other indicators, these three recommendations may strengthen the battle against those who are not supportive of people with disability.

The exploration in the above discussion and the three proposed recommendations do not capture Fletcher's (1979) ideas of the "indicators of 'humanhood'." In taking this into consideration, Fletcher's thoughts could be considered as a barrier to victory in this struggle.

After Fairclough's first step, in the second step, we analyse the concept of moral status. After a thorough review of the literature on moral status, the message from prior studies is that if an individual has moral status, others show them respect. But this leads to the following question: who has the moral status to show them respect? We have already promised to identify the thoughts and ideas that create dangerous risks of damaging

or minimizing the interests and status of a person with a disability. In considering this focus point, I discuss the traits of moral status as explored by the great thinkers. As previously mentioned, the philosophers proclaimed the traits of “consciousness” and “rationality: the capacity to reason” as being the essential prerequisites of moral status. In this line of thought, the names of Aristotle, John Locke and Immanuel Kant are among the pioneering names to be considered.

As we have found in the literature, several philosophers have identified differences between human beings and non-human beings based on the presence of rationality, reason and self-consciousness. We can form a sense of the concept of “reason.” According to Korsgaard’s (2008) interpretation, the terms “reason” and “sanity” are used interchangeably. Reasoning is the activity of working something out by thinking; on the other hand, reasons are the capacity to do something. If the definition of reasoning is an activity done by thinking, it must be said that the behaviors of other non-human beings are “instinctive and automatic” (Fairclough, 1989, p. 2).

If so, how should we consider the activities of a person with an intellectual disability? Korsgaard (2008) or other Kant-influenced philosophers may claim that only human beings can determine: (i) how to achieve their ends; (ii) how to do the thinking; and (iii) how to learn. If this is so, it is also true in the case of children with intellectual disability who may not be able to ensure the possibility of these three conditions as is the case for normal human beings. Scientific evidence also gives us some extraordinary instances, for example, that a chimpanzee can catch a fruit hanging far above him or that a cow can implement learning in the same way to open the latch on her cowshed. However, Kantian humanitarian illustrations have never agreed with the view of the capability of these beings to work out how to implement learning and how to attain a desire, and to have the intentional motivation needed to perform with intelligence. If the capacity for reasoning, the ability to repeat learning, and the effort of food gathering from a distance are present in non-human beings, Kantian philosophers have ignored their presence. The consequences of this attitude towards non-human beings are also reflected in the assessment of a person with a disability (Bhuiyan, 2019).

Therefore, any sort of assessment which could discontinue or thwart the right to life should not be considered prudent whether it is for non-human beings or human beings.

Our value systems, cultures and religions, without any second thought, uphold the view that only rational beings have a rational life, with this considered more valued than a life that is non-rational. This exposition about human beings gives them a very high level of qualitative importance from both social and moral aspects in comparison to any other entity. Therefore, this view might appear to give a new essential relationship to a being with rationality and his/her value specialty. But how is this exposition supposed to advance the case of children with disability? A final consequence of the hierarchy of reason and rationality is to increase, in many ways, the crisis in the level of thought. The sources of these crises are rooted in the depths of our thoughts. Post-colonialism, along with its many drawbacks, has strongly claimed that the invasions of other peoples’ lands were by colonial forces who argued in favor of their higher position in terms of their reason, rationality, and capacity over those of less reasoning and less capable people. Racism and sexism are also based on the same argument in society. Some adverse consequences arise from accepting the conditions of reason and rationality in constructing a view of humanhood and of the moral status of something. Thus, reason alone would not be the only criterion of humanhood. Therefore, we refute the concept of the “reason” account in considering the humanhood of the person with a disability.

Disability and Reason

As we observed in the insightful critical exposition of the Renaissance, the Enlightenment, and Western hierarchy in the post-colonialism and indigenous discourse, the wish has been to discard the dichotomy created based on reason and rationality. “Manichaeism delirium”, according to Frantz Fanon (1963), is the main source of dichotomy. In our social and cultural lives, paired oppositions frequently occur, such as right–wrong, dark–light, reason–emotion, hate–love, true–false, ugly–beautiful and long–short. In this binary opposition, however, one entity has priority over the other, so both together do not receive the same emphasis. For example, we can mention the term “whiteness”: in the paired opposition of black–white, blackness undoubtedly affirms the presence of whiteness, whereas whiteness announces with pride the emptiness of blackness (Fanon, 1963).

In the same consideration, in society, lower-class people acknowledge the presence of the higher class, while the higher class considers them as “*others*.” *Otherness* implies a view of those who never gain entry into the mainstream wave in society. In response to the colonial system, the post-colonial model explored the tension between the oppressed and the oppressor. In those circumstances, the colonizer themselves was the oppressor and the colonized people were the oppressed. The latter were dominated by the former. Thus, binary opposition is a Westernized means of categorization. In the same way, we can show that the indicators, that is, reason, rationality, and self-consciousness, etc., of humanhood attribute special characteristics to human beings over other non-human living creatures. Again, among human beings are those who do not bear these kinds of distinguishing indicators through being a person with a disability. As the basis of inequality, binary opposition also effectively plays a role to alienate people with disability from the different systems of society as “*others*.”

At this point, another problem may emerge from the issue of moral status. We enter the problem of moral status by spelling out the answer to two old questions discussed in moral philosophy. The first is the answer to the question “how should I act?” And, the second, is the answer to the question “why (should I act like that)?” It is not simply that we want an answer to the first question, but we also want a reason for the answer. Simply saying that “it is wrong to hurt others” does not mean that what we are seeking is the answer to the question “why?” If moral philosophy should provide us with answers to these questions, then the concept of *moral status* is there to help us to understand what we ought to do and ought not to do. In explaining why some entities have moral status and others do not, we also obtain our answer to the question “why.” Most people today believe that hatred is morally wicked and should be abolished. On the other hand, the fact is that a person with a disability is not different to a normal person. Nevertheless, the usual way is to reserve the same moral status for a person with a disability, whether they are a normal person or a person with a disability. Of course, exceptions to these opinions are possible, with it being apparent that the human rights of women are violated and that slavery exists in some parts of the world. Questions arise about the moral status of embryos, with fetuses also being discussed. However, as I previously said, by making a judgment on any of these individual matters and deciding about the status of any entity, we are also concerned with the much more fundamental questions in the background.

Most theories hold that one criterion could be used to decide which entities have moral status. Is there moral status for all entities in nature? Or is moral status only for those human beings who have reason, capacity, self-consciousness, and the capacity for communication? Regarding the claim of moral status for human beings, Immanuel Kant made a large and influential contribution claiming that only (rational) moral agents are “ends in themselves,” putting animals, children, and persons with disability out of the domain of moral consideration.

On the other hand, most animal rights protagonists hold that the *capacity to feel pain* is the relevant feature for having moral status. If you can feel pain, you have an interest in not having to be in pain: it is as simple as that. Moral agency is irrelevant to having moral status. Other philosophers do not think that the intrinsic property of an entity is the relevant property for moral status: they investigate the relationships that these entities have, social or otherwise (Kehinde, 2006, pp. 92-122).

In more recent years, by contrasting these uni-criterial theories, Warren (2007) has proposed a more complex approach by combining these criteria with the understanding that there could be more than one valid criterion, which should include relational properties as well as intrinsic ones. With different moral status principles, Warren (2007) also allows for the scale of moral status. This means that some entities have full moral status, while the moral status of others is not as strong. Some types of moral status are stronger than other types, depending not only on intrinsic properties but also on relational properties. For example, a domestic animal would have a stronger moral status than a wild one, as the former has a special relationship with humans. In practice, we act in this way. In looking at moral status, we do not simply look at intrinsic properties, but also usually at their relationships with us. Therefore, it is harder to decide to kill your own dog than it is to kill any wild animal with which we have not had any real contact.

We may not like what is said by Kant: we may feel that he is not right to exclude animals in the same way that we may exclude a person with a disability, and others, from the circle of any moral consideration. We are not satisfied with only indirect duties towards them. In short, he believes that acting badly towards animals damages the humanity of the person and has nothing to do with the animal itself. Besides the limitation of Kant's arguments, his theory's specialty is that it depends on the theory of empathy and direct contact.

The second issue involved in "moral agency" is whether a person with a disability has the agency to obtain moral status. The question may, in fact, be stated as: what does moral status mean? A moral agent is the only one who can act in a morally relevant way. To have moral status means to be respected in a moral sense by a moral agent. Morality would not exist if there were no moral agents. We could ask if a correlation should exist between duties and rights. If human beings are the only moral agents, they would be the only ones with obligations and duties towards other species, and none of these species would have any duties towards them (Warren, 2007). Before I proceed to the problem of non-reciprocity, I would like to explore the possibility of the moral agency of people with disability.

The problem would be understandable if we clarified the term "moral agency": does a person with a disability have moral agency? Before delving deeper into this question, firstly, we must make sense of the term "moral agency." In this regard, it is prudent to consider those philosophers who are attempting to broaden the circle of moral status by claiming that not having moral agency is insufficient reason to deny moral status to an entity. We may respond to this point of view by referring to the exposition of Paul Shapiro (2006, p. 350). In my understanding of his article, his questions regarding this issue are very courageous. For example, he asked: what is the reason for the monopoly of human rights in moral agency? Through this question, he has refused to accept the view of human monopoly in moral agency, instead promoting the view of giving agency to non-human beings. His thesis focuses on these points: (i) attempting to abolish the mastery of moral principles and (ii) admitting varying degrees of moral agency so beings are subject to moral obligations. Finally, he concludes that moral agency is not a necessary condition but rather a sufficient condition for a being's moral status. From these premises and this conclusion, it may simply be concluded that the capacity of communication and the ability to be a moral agency would not be the only factors about which to be concerned

regarding the right to life or the moral status of a person with a disability.

However, Shapiro's stance is different to that of Kant on the point that "Kant would say that [by] being a (rational) moral agent [one] is capable of moral reasoning and acting on moral principle." On this point, Shapiro agrees that the high-level indicator of moral status could not be applicable to non-humans, or even to a person with a disability. Therefore, Shapiro suggests that we start from a lower-degree standard to accept the various levels of moral agency. This claim expresses the same view as "everyone should [be] included, everyone within the least-expectation rather than expelling anyone from the circle." The lower standard, Shapiro suggests, would be "the capacity for virtuous behavior" (Shapiro, 2006, p. 350). A person with a disability would be capable of "virtuous behavior." This kind of reasoning provides us with information about all types of different behavior by non-humans and human beings that could be regarded as moral. If we saw a person, a moral agent, acting in this way, we would approve of his/her conduct in a moral sense: we would say that he/she has done well, and that his/her actions are moral. Even though Shapiro agrees that understanding and following principles is important for moral agency, he reminds us that he already holds that moral agency is a matter of degree. In his mind, acting on principle and acting morally are not one and the same: "[w]ho seems to be more moral: a human who begrudgingly does the right thing only out of [a] sense of duty, or a macaque who chooses to starve for weeks rather than harm another macaque?" (Shapiro, 2006, p. 350). Continuing in this direction, Shapiro says that the lack of language alone, which is necessary for moral theorizing, is not a reason to deny that any beings, whether animals or children with disability, are capable of virtuous actions.

From the above discussion, I could conclude that I believe that the capacity of acting virtuously is not on its own a sufficient condition to grant moral agency to an entity. Shapiro's idea that moral agency is a matter of degree is not very helpful, as I do not understand how it would work in practice. Would a person with mental impairment have moral obligations towards other humans? What kind of obligations would they have? Would this mean that their moral status is still not the full moral status they would have as full moral agents.¹ I therefore propose a thought experiment to help understand moral agency and the obligations of moral agents, as well as the all-important question of reciprocity between having obligations and having rights.

Disability and Virtuous Actions

Regarding the status of a person with a disability, a question could arise here: do the actions of a person with an intellectual disability look like virtuous actions? Could we really condemn a person with an intellectual disability for not acting virtuously? To make sense of this question, we present the following example. Suppose a person with an intellectual disability hits someone, the person with the disability could be seen as responsible for this action. Someone could take a serious view of the person with the intellectual disability and call him/her bad. However, a big difference is evident between holding a person responsible and holding a person with an intellectual disability responsible. Anyone would presume that the person with the intellectual disability hit someone because he/she had a reason. His/her reasons would possibly not be the same as those put forward by normal human beings, and the person with an intellectual disability may even attack humans or other animals without any reason.² Most likely, the person with the intellectual disability was afraid of the other person or

¹ The issue with Shapiro's paper, with its conclusion that having moral agency is by no means a prerequisite for having moral status, is that the whole story is rhetorical.

² I use the word "reason" here quite loosely, with this further discussed later in the paper.

animal and was acting in self defense. The other problem is that of not knowing why the person with an intellectual disability attacked. However, the important thing is that he/she had some kind of a reason and that when a person with an intellectual disability is concerned, there are no good or bad reasons.

The person with an intellectual disability who hit another person does not have the same mental capacities as those of a normal person, in that the former could not understand the situation. Thus, we do not hold them morally responsible for what they did, as it seems they were not able to comprehend the situation. Nevertheless, they did not act in this way just from spite. With moral agents, things are completely different. The reason a moral agent has for acting in this way could be called a bad reason or an insufficient reason, or they could even have acted based simply on pure spite. For me, the reason why only human beings are full moral agents who can be held morally responsible is that their reasons for acting can be questioned. The reasons of people with intellectual disability cannot be questioned in this way. Their reasons for acting are based more on instinct than on anything else.

To the best of our knowledge, human beings are the only moral agents: as I have said before, the reason is that only human beings can be blamed for their actions, in a moral sense. This does not, however, provide a reason for trying to claim reciprocity between our obligations and the obligations of others towards us. From our own sentience, we understand the feeling of other people's suffering as well as that of the suffering of other beings. We probably first understood only the pain of our own species; even now, I can imagine only human pain while I cannot see and understand the suffering of other species. The basis for our compassion towards others is that we can also, in some way, *feel* their pain. Our moral agency is the result of our rationality and our understanding that not only humans are sentient but it does not provide justification for our moral status. In the case of the non-sentient alien, we would wonder if we have obligations towards him/her, but we wouldn't certainly think that he/she has obligations towards us. We would not think about reciprocity.

Disability and Rational Capacity

Regarding people with cognitive disability, it is easy to simply state that they do not have rational capacity and that they do not even have any normal level of social cooperation. As we have found in Rawls' *A Theory of Justice* (1972), only those people who have "native endowments such as strength and intelligence" are considered as "normal and fully cooperative members of society." These endowments exist for those people (i.e. those members) who are "within the normal range." If we adopt this perception of Rawls (1972), we have new problems to face. Firstly, these traits will fail to cover the person with a cognitive disability. For that reason, they will never be "normal and fully cooperating members of society over a complete life" (Rawls, 1972, pp. 20, 21, 183).

Another consideration of Rawls merits our consideration. He classifies the citizens of society into: (i) fully cooperating members of society: human beings who have fully-fledged equal capacities of moral, intellectual, and physical capacities that enable them to be "fully cooperating members" and (ii) possibly some other citizens who have, at least, the essential minimum degree of capacities. People with severe cognitive impairment, however, cannot fulfil either condition (i) or (ii). So, according to Rawls (1972), we could assume that these people will not be treated as citizens. If we keep this in mind, new problems need to be faced in Rawls' notion. Rawls' project on the screening of citizenship has become exclusionary as he fails to incorporate people with disability owing to his theory of justice and his concept of full cooperating members. Rawlsian exponents could possibly claim that the implementation of justice would be workable under the norm

of the veil of ignorance in which no discrimination would be experienced in obtaining justice. Bringing forth members of different sectors of the community would comprise a long list, with the result being that many individuals would not be included and critics could take a stand from the disability perspective.

Concluding Remarks

Even though we, as human beings, are the only moral agents, it is not moral agency that is important for our moral status. As every moral agent is also a sentient being, sentience is the important element for moral status. As we are moral agents, we have obligations, even if no one has obligations towards us. We have this natural feeling of compassion towards others as we are sentient and sufficiently rational to understand the consequences of our behavior. We hold that other humans are responsible and see them as morally bad when they do not show compassion towards our own kind and other beings. We know that other humans understand the effect they have on this pain and we know they are free to do otherwise.³ Consequently, I do not think that moral status is a result of having the capacity of moral agency but that it is based more on sentience. As all moral agents are also (necessarily) sentient, this could be confusing.

The unanswered question now is as follows: is there a difference between the status of a human being and that of, for instance, a person with an intellectual disability? In practice, this difference exists, but it couldn't be explained as a normal feeling towards our own species. This has arisen through evolution and results from the fact that we can only understand human capacities, wishes and goals. Nonetheless, we have an obligation to, at least, consider how our actions affect other beings and, as far as I can see, most of us do. For instance, even though we are not all vegetarians, at least some of us think that perhaps we should become vegetarian. At this point, it seems that Warren (2007) is right when she claims that moral status, given solely based on sentience, is not enough, as possibly more criteria need to be reconsidered. While, it is established that moral agency should not be one of these criteria.

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³ Both claims could be and are disputed especially by those who hold the view that humans have free will.

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