

SPECIESISM AND MORAL STATUS

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Abstract: Many people believe that all human life is of equal value. Most of them also believe that all human beings have a moral status superior to that of nonhuman animals. But how are these beliefs to be defended? The mere difference of species cannot in itself determine moral status. The most obvious candidate for regarding human beings as having a higher moral status than animals is the superior cognitive capacity of humans. People with profound mental retardation pose a problem for this set of beliefs, because their cognitive capacities are not superior to those of many animals. I argue that we should drop the belief in the equal value of human life, replacing it with a graduated view that applies to animals as well as to humans.

Keywords: speciesism, animals, disability, ethics, moral status.

Introduction

This essay derives from a talk presented at the conference “Cognitive Disability: A Challenge to Moral Philosophy.”¹ As that title suggests, cognitive disability does present a challenge to moral philosophy. I focus here on the challenge it presents to views about moral status that are widespread both among moral philosophers and in the wider community. However, the reverse is also true: moral philosophy can and ought to challenge how we think about people with cognitive disabilities and about the value of human life. I want to enlarge the sphere of discussion, so that we are looking not just at people with cognitive disabilities but also at the way in which our thoughts about moral status relate to beings who do not have the cognitive abilities that normal humans have. Although there is among some who write on cognitive disability a strong aversion to

¹ The conference was held at Stony Brook University in New York City in September 2008. I dedicate these thoughts to Harriet McBryde Johnson because my presentation at the conference was the first time since she died that I spoke on issues of intellectual disability. In recent years, while she lived, whenever I spoke or wrote about intellectual disability, I could expect an e-mail from her telling me where I was wrong. Knowing that my work would receive her sharp scrutiny was a spur to defending my views as well as I could. Sadly I’m not going to hear from her this time.

comparing humans with nonhuman animals, these comparisons are unavoidable if we are to clarify the basis of moral status.

Hence I begin with some examples of cognitive abilities that show significant overlap between some nonhuman animals and some human beings. I then discuss the widely accepted ethic of “the equal value and dignity of all human life,” and the various grounds—religious, speciesist, cognitive-ability-based, and “slippery slope”—on which people have attempted to support this ethic. I argue that this view of universal and equal human dignity cannot be supported without a drastic revision to aspects of our morality, which most people do not want to make. As an alternative, I present a graduated view of the moral status of humans and nonhuman animals.

Cognitive Abilities in Humans and Animals

Let us consider a few examples of the capacities and cognitive abilities of nonhuman beings, with regard to IQ and language comprehension. I specifically want to consider research done on great apes, border collies, and grey parrots.

Great apes: Francine Patterson of the Gorilla Foundation claims that the gorilla Koko scored between 70 and 95 on human IQ tests and understands about a thousand signs. Though this finding is controversial, there is a substantial amount of uncontroversial research suggesting that many of the great apes, including gorillas, chimpanzees, bonobos, and orangutans, can use human sign language and can develop a fair range of comprehension.² At least, it is clear that they understand a number of signs, and they use a kind of structured syntax. The question of whether or not we should call this “language” is not my concern here. What is relevant for this discussion is comparisons with humans with cognitive disabilities; the point being that if we raise the standard for language to exclude the signs used by Koko, Kanzi, Washoe, Chantek, or some of the other signing apes, then we would have to say that some humans at profound and severe levels of cognitive disability don’t have language either. We must keep a level playing field for comparisons between species—in this case between some humans with cognitive disabilities and great apes.

Dogs: There’s been some interesting recent work on dogs’ abilities to recognize human spoken language. Border collies, when presented with a collection of hundreds of different toys with different names, are able to respond and fetch a particular named object. Tests have demonstrated that they can comprehend two hundred to three hundred human words.³

² See, for example, the essays in part 2 of Paola Cavalieri and Peter Singer, eds., *The Great Ape Project: Equality Beyond Humanity* (New York: St. Martin’s Press, 1994).

³ See the research by Juliane Kamiski and Sebastian Tempelmann, cited by Virginia Morell in “Minds of Their Own,” *National Geographic*, March 2008.

Grey parrots: Remarkable work was done by Irene Pepperberg with Alex, an African grey parrot, who died recently. Alex grasped about a hundred words; of course, parrots are actually grasping spoken human language and responding to it in the same spoken language—no sign language here. Alex—and this also goes for other grey parrots that are being studied—was shown to be not just “parroting,” because he could answer novel questions. Furthermore, his answers to the questions showed a grasp of concepts. For example, if Alex was shown a yellow sphere and a yellow cube and was then asked, “What’s the same?” he would answer, “Color.” When shown a red sphere and a yellow sphere and asked, “What’s the same?” Alex would say, “Shape.” So it seems clear that Alex understood what was going on with these basic concepts, and he had modest numerical ability as well, being able to count up to seven.⁴

Having considered these examples of nonhuman animal cognitive ability, let’s look at some human beings with cognitive disabilities. I’m focusing here on the very bottom of the range: those with profound mental retardation, and I acknowledge that this is a very small percentage of people with intellectual disabilities. In fact, the American Association for Intellectual and Developmental Disabilities says it’s 1 percent. Other statistics are available that vary slightly on this, but the point is not so much how many human beings there are in this category but rather the fact that there are some, for they form the basis on which I will later raise arguments about claims that *all* human beings have a certain kind of moral status. I recognize that for those with a particular concern for people with cognitive disabilities, this may make what I’m saying less interesting because I am going to make an argument that concerns the moral status of human beings in general, as compared to nonhuman animals. There may also be some who are working with people with disabilities or who are caregivers or relatives of people with cognitive disabilities who will look at my examples of severe and profound cognitive disability and say to themselves that I am not discussing people who are like the people that they work with or care for. I acknowledge, of course, that people with cognitive disabilities are not easy to categorize. Obviously the issues are different depending on the severity of the cognitive disabilities. But let me reiterate that for the moment I have in mind those with profound mental retardation as defined below, and the definition is not mine.

According to the American Association on Intellectual and Developmental Disabilities, people with profound mental retardation

- have an IQ range below 25;
- will always require much supervision, though they may acquire some self-help skills;

⁴ See Irene Pepperberg, *The Alex Studies: Cognitive and Communicative Abilities of Grey Parrots* (Cambridge, Mass.: Harvard University Press, 1999).

- have an ability to understand that exceeds their ability to speak;
- may have little or no speech;
- may be capable of following simple directions;
- have no academic skills;
- may be unable to perform any useful work, though with training may be able to achieve a work-activity level of productivity;
- may appear socially isolated and pay little attention to others except as it relates to their own needs.⁵

Now let us think about nonhuman animals in terms of these capacities.

- IQ: Some nonhuman animals, such as the gorilla Koko, have IQ ranges significantly above 25.
- Supervision: Animals don't require much supervision—many of them get on and always have got on with their lives perfectly well—often better—without human interference.
- Speech: It is generally true that nonhuman animals have little or no speech, or what we would call speech, although, as we have seen, there are exceptions.
- Following simple directions: Many animals, including dogs, can follow simple directions. Can they acquire skills? Dogs, horses, dolphins, pigeons, and several other animals can be trained to perform useful work. In fact, one of the reasons why it is thought that border collies are good at following human commands is that traditionally they have been bred to work with sheep and to respond to commands to separate some sheep from others.
- Social isolation: We are not the only social animals; there is clearly a wide range of social mammals for whom sociability is very important. All of the great apes, primates generally, dogs, and many other nonhuman animals are social beings and develop in society, respond to the needs of other beings in their group, communicate with them, reciprocate certain kinds of behavior, and so on.

Given that there are some humans who are profoundly mentally retarded and have the characteristics listed above, it is clearly not the case that *all* humans have cognitive ability above *all* nonhuman animals. On the contrary, we have many nonhuman animals who are significantly above some human beings in their level of cognitive ability: in particular, they are above those with profound mental retardation. Our question is: What ethical significance can we draw from this?

⁵ Quoted from Taskforce Independence, "Supported Accommodation for All Who Need It: A Reality, Not a Dream," available at www.nds.org.au/nsw/Conferences/2007annual/papers/3.1b_Discussion%20Paper_Australia.doc. I have been unable to trace the original source.

The Equal Value of All Human Life?

Consider this statement by Pope John Paul II: “As far as the right to life is concerned, every innocent human being is absolutely equal to all others. . . . Before the moral norm which prohibits the direct taking of the life of an innocent human being there are no privileges or exceptions for anyone. It makes no difference whether one is the master of the world or the ‘poorest of the poor’ on the face of the earth. Before the demands of morality we are all absolutely equal.”⁶ This represents a widely held ethical position, not merely the position of a religious leader or of someone with a Christian or, more specifically, a Roman Catholic viewpoint. It expresses a kind of “official morality” that is often applied in statements about people with cognitive disabilities. Most people pay lip service to it, though I’m not sure how many really hold it when it comes to the crunch. I will argue that this doctrine cannot be sustained in the light of the facts that I have been referring to—or at least not without a very drastic revision to aspects of our morality, which most people don’t want to make.

Here is the problem: Can we justify attributing equal value to all human lives, while at the same time attributing to human life a value that is superior to all animal life? Of course Pope John Paul II’s statement does not say, “All human life is absolutely equal but all humans are superior to animals,” but obviously that is implied by the statement, and by the fact that while popes very frequently denounce abortion and euthanasia, no pope has yet denounced the unnecessary killing of animals for food, although such killing takes place on a vastly larger scale than abortion and euthanasia. (The number of animals killed for food each year is in the tens of billions, vastly greater than the entire human population of the planet, and that does not include fish and other marine creatures.) Clearly, Pope John Paul II and those who accept his position on this issue think not only that all humans are equal to each other but also that they are far superior to nonhuman animals. The philosophical problem is whether we can justify that view.

In what follows, I briefly discuss three general attempts to ground such a view, dividing them into three categories: religious, speciesist, and those that depend on cognitive abilities.

Religious Grounds

As Pope John Paul II’s statement indicates, obviously there is a variety of religious grounds upon which people might attempt to justify the doctrine of both the equal worth of all human life and human superiority over

⁶ John Paul II, *Evangelium Vitae*, 1995.

nonhuman animals. For example, religious grounds might include the following:

1. We are made in the image of God, and animals are not.
2. God gave us dominion over animals.
3. We have immortal souls, and animals do not.

I do not think there is any good evidence for any of these claims. I regard them all as false. Some people may believe that these are true claims. I would argue, however, that even if they are true, such claims should not be the basis of law or public policy in a society that is not based on a religious creed or religious profession. The desirability of keeping church and state separate is sufficient basis for saying that even those who accept these religious claims should agree that in a pluralist society they should not suffice for making laws that regulate how we treat human beings and nonhuman animals.

Speciesist Grounds

I use the term “speciesism” deliberately, to make a parallel with other “isms” that we are familiar with, particularly racism and sexism. There are a number of arguments that fall into this general category. Sometimes they are made by quite respectable philosophers—for example, Bernard Williams, who defends the view that since we humans are doing the judging, we are entitled to prefer our own kind.⁷ In response to an example in his article about an imaginary situation in which humans are being conquered by aliens, and the aliens defend their conquest by claiming, truthfully, that they are intellectually superior to us and have better, richer, and fuller lives than we do, Williams replies that if any human accepted such an argument, we could respond by saying simply, “Whose side are you on?” Williams then applies this to the case of animals, arguing that we are entitled simply to say, “We’re humans here, we’re the ones doing the judging; you can’t really expect anything else but a bias or prejudice in favor of human beings.” This seems to me to be a very dangerous way to argue, precisely because of the parallel to which I adverted above. I do not see that the argument is really different from a white racist saying, when it comes to a question about how one should treat people of different races, “Well, whose side are you on? We’re the ones doing the judging here, why don’t we simply prefer our kind because it is our kind?”

We cannot claim that biological commonality entitles us to superior status over those who are not members of our species. In the case of

⁷ Bernard Williams, “The Human Prejudice,” which appears, along with a response from me, in *Peter Singer Under Fire*, edited by Jeffrey Schaler (Chicago: Open Court, forthcoming).

applying this to people with severe and profound cognitive disabilities, there is also a problem about saying who the “we” are. What is really important about saying “us?” Is it that we are all capable of understanding language, and perhaps even rational argument? In that case, I am not addressing those who are profoundly mentally retarded. Or is it that I am addressing all those who are members of my species? I think it is much more important that the “we” of this statement are beings of at least a certain level of cognitive ability. So, if it happens that one of you is an alien who has cleverly disguised yourself in a human shape, but you are capable of understanding this argument, I am talking to you just as I am talking to members of my own species. In important respects, I have much more in common with you than I do with someone who is of my species but, because he or she is profoundly mentally retarded, has no capacity for verbal communication with me at all. In other words, if we take Williams’s question “Whose side are you on?” to refer to being on the side of those who share our species membership (as he presumably intended it), it is a bad argument. If on the other hand we take it to refer to being on the side of those capable of sharing in discussions of right and wrong, it clearly does not support the claim that all humans are equal.

There is another claim that one often hears: that humans and no others have intrinsic worth and dignity, and that is why humans have superior status. This is really just a piece of rhetoric unless it is given some support. What is it about human beings that gives them moral worth and dignity? If there is no good answer forthcoming, this talk of intrinsic worth and dignity is just speciesism in nicer terms. I do not see any argument in the claim that merely being a member of the species *Homo sapiens* gives you moral worth and dignity, whereas being a member of the species *Pan troglodytes* (chimpanzees) does not give you worth and dignity. Something more would need to be said.

Superior Cognitive Abilities

Some have attempted to justify superior moral status for humans on the basis that humans have superior cognitive abilities. Many people refer to Immanuel Kant’s moral philosophy as providing justification for the claims that human beings are ends in themselves, and that humans have both worth and dignity, while animals do not. In Kant’s view, “Animals are not self-conscious and are there merely as a means to an end. That end is man.”⁸ Kant’s argument for why human beings are ends-in-themselves is that they are autonomous beings, which, in terms of Kantian philosophy, means that they are capable of reasoning. Note that Kant goes from defending the value of autonomy or self-consciousness to maintaining

⁸ Immanuel Kant, *Lectures on Ethics*, translated by Louis Infield (New York: Harper Torchbooks, 1963), p. 239.

that “man” is the end. If we really take his argument seriously it means that human beings who are not self-conscious—because perhaps they are so profoundly mentally retarded that they lack self-consciousness or self-awareness—are also merely means to an end, that end being autonomous or self-conscious beings. So the Kantian approach is not going to help those whose objective is to demonstrate that all human beings have superior status to nonhuman animals.

Those who see morality as a social contract are also likely to link moral status to higher cognitive capacities. According to this view, the core of morality is that I agree not to harm you, in return for your agreement not to harm me.⁹ Some cognitive abilities are required to be capable of forming and adhering to an agreement of this kind. If you are profoundly mentally retarded, you may not have those abilities. You certainly are not likely to have them to an extent that is superior to that of some nonhuman animals, who have been shown to be capable of reciprocity. As with the Kantian argument, therefore, a contractarian account of morality is unable to justify granting all humans a moral status superior to that of any nonhuman animal, though it may justify granting some humans a moral status superior to that of some humans and of any nonhuman animal.

So to reiterate: because of the overlap in cognitive ability between some humans and some nonhuman animals, attempts to draw a moral line on the basis of cognitive ability, as Kant and the contractarians try to do, will require either that we exclude some humans—for example, those who are profoundly mentally retarded—or that we include some nonhuman animals—those whose levels of cognitive ability are equal or superior to the lowest level found in human beings. Hence we have to conclude that the standard ethical view that we find expressed in the statement by John Paul II—the view that all human beings, irrespective of their cognitive abilities, have equal moral status, and that this status is superior to the moral status of the most intelligent nonhuman animals—cannot be defended. We find ourselves in need of an alternative to the status quo.

An Alternative View

There are a number of possible alternatives to the view that all human life is of equal value, and this value is superior to that of any nonhuman animals. We could:

1. preserve equality by raising the status of animals, granting them the same status we now grant to humans; or

⁹ The social contract view can be found in ancient Greece, for example in the position of Glaucon, as represented in Plato’s *Republic*. Its most famous exponents are Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, and in our own era, John Rawls and David Gauthier.

2. preserve equality by lowering the status of humans to that which we now grant to animals; or
3. abandon the idea of the equal value of all humans, replacing that with a more graduated view in which moral status depends on some aspects of cognitive ability, and that graduated view is applied both to humans and nonhumans.

I assume that we can all agree in rejecting (2). I am to some extent sympathetic to (1) but not in every respect. Alternative (3) remains a possibility; let us consider how we might go in that direction.

Long before most people were contemplating any serious degree of concern for animals, Jeremy Bentham, the founding father of the English school of Utilitarianism, wrote, “The question is not, ‘Can they reason?’ nor, ‘Can they talk?’ but, ‘Can they suffer?’”¹⁰ That is indeed a crucial question to ask whenever we are talking about beings who are capable of suffering and one that is clearly relevant to how we should treat both humans and nonhuman animals. Can they suffer? Can they enjoy life? If so, they have interests that we should take into account, and we should give those interests equal weight with the interests of all other beings with similar interests. We should not discount their interests in not suffering because they cannot talk or because they are incapable of reasoning; and we should not discount their interests in enjoying life, in having things that are fulfilling and rewarding for them, either. The principle of equal consideration of interests should apply to both humans and animals. That’s the sense in which I want to elevate animals to the moral status of humans.

I imagine that many people who care for profoundly mentally retarded humans would support Bentham’s idea that the ability to talk or to reason is irrelevant to the importance of avoiding suffering and facilitating an enjoyable life. But Bentham’s principle may not apply to all aspects of human or animal life. Consider a comment from Roger Scruton, a conservative British philosopher who defends the killing and eating of animals, although only if they are well treated during their life and not, for example, reared on modern intensive farms. Killing animals is not, Scruton says, wrong in itself, because “there is a real distinction, for a human being, between timely and untimely death. To be ‘cut short’ before one’s time is a waste—even a tragedy. . . . No such thoughts apply to domestic cattle. To be killed at thirty months is not intrinsically more tragic than to be killed at forty, fifty, or sixty.”¹¹

One of the reasons Scruton thinks that “untimely death” is a tragedy for a human being is that if a human being is killed before his or her time

¹⁰ Jeremy Bentham, *Introduction to the Principles of Morals and Legislation* (1789), chap. 17.

¹¹ Roger Scruton, “The Conscientious Carnivore,” in *Food for Thought*, edited by Steve Sapntzis (Amherst, N.Y.: Prometheus, 2004), pp. 81–91; the passage quoted is on p. 88.

there are likely to be achievements that this human being may have accomplished which he or she will not accomplish. So, if you like, there is a failure to carry out plans that had been made, and to achieve what the person wanted to achieve. Cattle, on Scruton's view, have no plans for the future, and no accomplishments that they would have achieved, had they been able to live long longer. We could debate this factual claim, but I accept the normative view that there is greater significance in killing a being who has plans for the future—who wishes to accomplish things—than there is in killing a being who is incapable of thinking about the future at all but exists either moment to moment or within a very short-time horizon (for example, a time horizon limited to thinking about eating something in the near future). It is, other things being equal, much less a tragedy to kill that sort of being than to kill someone who wants to live long enough to do the sorts of things that humans typically want to achieve over the course of their lives. But, of course, if this reason is invoked to justify killing well-treated animals for food, then this has implications for the question of whether one can justify ending the life of a profoundly cognitively disabled human being. One could, after all, rewrite Scruton's statement as follows: "There is a real distinction, for a cognitively normal human being, between timely and untimely death. To be 'cut short' before one's time is a waste—even a tragedy. . . . No such thoughts apply to a being unable to make plans for the future. For such a being, to be killed at an early age is not intrinsically more tragic than to die in old age." Of course, this challenges a widely accepted human ethic. So if you thought that Scruton provided you with a sound justification for continuing to enjoy steak for dinner (as long as you get humanely raised, grass-bred beef), you need to think whether you are prepared to accept the argument in a nonspeciesist way and apply it to all beings who are unable to make plans for the future.

That there is *some* significance, as far as the wrongness of killing is concerned, in whether the being killed can think about the future, seems to me defensible. *How much* significance there is in this is a more difficult question, to which I have no clear answer. But I think we can conclude that pain and suffering are equally bad—and pleasure and happiness equally good—whether the being experiencing them is human or nonhuman, rational or nonrational, capable of discourse or not. On the other hand, death is a greater or lesser loss depending on factors like the extent to which the being was aware of his or her existence over time, and of course the quality of life the being was likely to have, had it continued to live.

The Views of Parents

The parents of children with cognitive disabilities differ greatly in their attitudes to their children. Consider some comments parents have made

about children born with disabilities considerably less severe than those I have been considering. Here is a highly positive view:

Those of us with a Down's Syndrome child (our son, Robert, is almost 24) often wish that all our children had this extraordinary syndrome which defeats anger and malice, replacing them with humor, thoughtfulness and devotion to friends and family.¹²

And here is one of the contrary opinions that I've had expressed to me:

My son, John [not his real name] was born almost 2½ years ago 11 weeks premature and weighing only 1 lb. 14 oz. . . . John has spastic diplegia cerebral palsy with underlying right hemiplegia. . . , has sensory problems, and has speech delays. . . . My husband and I love our son (middle of three), but had someone told me, "Mrs B. your son will have numerous disabilities down the road. Do you still want us to intubate him?," my answer would have been no. It would have been a gut wrenching decision, but it would have been for the best. It would have been in the best interest for John, for us, and for our children. I am saddened beyond words to think of all he will have to cope with as he grows older.¹³

I don't have enough data to venture a conclusion as to which view is the more prevalent among parents of children with disabilities, and even if I did, that would not resolve the ethical question one way or another. Rather, we should consider parental choice as a factor in its own right, and one that ought to have an important role in decisions about whether to prolong life or whether to end it. (I would add here that if the parents of John would have been justified in refusing life-prolonging treatment shortly after his birth, then in my view they would also have been justified in taking active steps to end his life at a later stage, if they still believed that that was in his best interests, and he was incapable of expressing any view on such a matter.)

Who Has Dignity?

Before closing, I will comment briefly on a case that received extensive publicity in 2007. At the time of the procedure I am about to describe, Ashley was a nine-year-old girl living with her family in Seattle. There was some dispute about how profound her disabilities were. It was reported that she was unable to walk or talk, keep her head up, roll over, or sit up by herself; that she was fed with a tube, and that she could not swallow. After discussion with her parents, doctors administered hormones to prevent normal growth. The aim of this growth attenuation was to keep

¹² Quoted from Ann Bradley, "Why Shouldn't Women Abort Disabled Fetuses?" *Living Marxism* 82 (Sept. 1995).

¹³ From a letter sent to me in 1999 after publicity about my views on euthanasia for severely disabled infants (name withheld).

Ashley small and make her easier to care for. The parents said that this was in Ashley's interests, as it would make it possible for her to continue to travel with the family on vacation. Ashley's doctors also, again in accordance with her parents' wishes, performed a hysterectomy and removed her breast buds—the hysterectomy so that she would not have problems with menstruation, and the breast bud removal, they said, once again to keep her lighter and easier to care for, but also to reduce the likelihood that if she had to be placed in an institution, she would be a victim of sexual assault.

During the controversy that arose after Ashley's treatment was publicized, an article in the *Los Angeles Times* said: "This is about Ashley's dignity. Everybody examining her case seems to agree about that."¹⁴ But "dignity" is a vague term. We are prepared to use the term "best interests" for animals without too much hesitation; we know what that means. We are less willing to speak of an animal's dignity, because it is not clear what cognitive capacities might be required for a being to have dignity. The same problem arises for someone as developmentally disabled as Ashley. It isn't clear how she could possess dignity. If we say that she does, are we also prepared to grant dignity to nonhuman animals at a similar cognitive level?

In my view, whether the treatment to which Ashley was subjected was justifiable depends primarily on whether it was in her best interests, rather than whether it befitted her dignity.

"Slippery Slope" Arguments

Some people may object that even if the position I am taking is completely logical, in the abstract, it is nevertheless dangerous in the real world, because it leads to a slippery slope. We should, these people are likely to say, affirm the dignity and worth of the human person precisely because in the past century we've come through the scourge of wars and genocides that have been based on failure to respect human dignity and worth. So the question arises: Even if it is not philosophically defensible by any other means, is it still sound policy to maintain that all human beings have dignity and worth, in order to avoid a recurrence of the tragedies that occurred during the Nazi era and afterward?

This so-called slippery slope argument is often made specifically with regard to the need to protect the status of those with intellectual disabilities. For example, a fact sheet from the American Association on Intellectual and Developmental Disabilities refers to the "long history of oppression and the callous disregard for the lives of individuals with mental retardation" and offers this as a reason why we "must be

¹⁴ Sam Verhovek, "Parents Defend Decision to Keep Disabled Girl Small," *Los Angeles Times* January 3, 2007.

especially vigilant to protect the autonomy and the right to equal protection under the law of individuals with mental retardation." I agree that there has been a long history of oppression and callous disregard for the lives of individuals with mental retardation.¹⁵ I also agree that we should do our best to avoid such oppression and callous disregard.

But should we accept the slippery slope argument as a reason for not making any changes in the ethic that we currently have? Here we need to ask some questions. First, in terms of the danger of a repeat of the Holocaust, how significant are the particular historical circumstances in which those events took place? That is a question we can debate, a historical question as to whether we are likely to go down that slope again, given very different historical circumstances. But second and very important, if it is only the slippery slope argument that justifies our talk about the equal value of all human life, what is the cost of maintaining this fiction?

One cost of adhering to the slippery slope argument is the cost to nonhuman animals of the continuation of the view that they are inferior in moral status to all human beings. If we are moved by pictures of institutionalized and physically confined children with intellectual disabilities, as we should be,¹⁶ then surely we should be equally moved by photographs of animals on factory farms, kept in even closer confinement—especially when we know that the latter situation, but not the former, is still the rule in the United States. For example, the breeding sows that produce almost all of the pork, bacon, and ham sold in this country are so tightly confined in metal crates that they cannot walk a single step or turn around. And yet, pigs are animals who compare quite well in terms of cognitive abilities with human beings who are profoundly mentally retarded. I doubt that it would be possible for people to treat pigs in this way, if they did not put them in a moral category that is far inferior to that in which they would place any human being. For hundreds of millions of sentient beings, the cost of the barrier that we draw between human and nonhuman animals is immense.

The other cost involved in maintaining the belief in the equal value of all human life falls on those parents who feel like John's mother, whom I quoted above. If some parents believe that it is in the best interests of their profoundly mentally retarded child and of their family that their child should not live, then they should not be compelled, because it is important for us all to maintain the fiction that every human life is of equal value, to accept medical treatment for their child in order to make that child live, and in some circumstances—especially if the child is

¹⁵ This was amply documented in Douglas Biklen's presentation at the conference at which the original version of this essay was presented.

¹⁶ I am referring here to a photograph that Dr. Biklen showed of a child confined in a cot that looked more like a cage.

suffering—they should have the option of euthanasia to end the child's life. To force the parents to bring up the child, neither for their own benefit nor for the benefit of the child but so that we do not slide down an allegedly possible slippery slope into a repetition of the Holocaust, is, ironically, to do just what Kantians normally object to doing: treating the child (and the parents) as merely a means to an end. The cost, financial, physical, and emotional, of bringing up a profoundly mentally retarded child is great even when parents positively want to bring up their child. It will clearly be much harder to bear if the parents never wanted to bring up the child but were not able to make that choice.

In any case, is it even possible, in the long run, to maintain the ethical stance that is supposed to prevent us sliding down the slippery slope? I mentioned above that this idea of the equal value of all human life is part of “official” morality. Then I added a qualification: *it's the morality we pay lip service to*. If we look at what people *do*, when they have a choice, as distinct from what they say, we can see that the idea that all life is of equal value is not the morality that people in fact act on. Consider pregnant women who are told their child will have a cognitive disability—and of course the cognitive disability that most pregnant women are told about is a relatively mild one, Down syndrome. And yet we know that 85 percent of the women who are told that their fetus carries the extra chromosome that causes Down syndrome elect to terminate the pregnancy. Presumably for women who are told that the child would have a more severe form of mental retardation, that number is, if anything, still higher. So when it comes to making choices for what kind of child we want to have, very few among us believe that all human lives are equally worth having, and that it doesn't really matter what level of cognitive ability your child will have. Most of us prefer to have a child with normal cognitive abilities when we have that choice. When it comes to the crunch, the fiction that we believe in the equal value of all human life breaks down, here as in other areas of life-and-death decision making.¹⁷

There is also the question of allowing severely disabled infants to die. In many hospitals—perhaps most hospitals today—this is, in certain cases, a part of normal practice. I sometimes take my Princeton students to the nearest neonatal intensive care unit, which happens to be a Catholic hospital—Saint Peter's Hospital in New Brunswick, New Jersey. When we are there, the director of that neonatal intensive unit is prepared to tell my students quite openly—he has done it with a video camera rolling in front of him, and in front of the hospital's Catholic chaplain as well—that there are some cases where he withdraws treatment and allows a baby to die. If an extremely premature baby is on a respirator and has had a massive bleeding in the brain, and the physicians agree that the child is

¹⁷ For discussion of other areas, see Peter Singer, *Rethinking Life and Death* (New York: St. Martin's Press, 1995).

going to be so cognitively disabled as to be unable to do anything but lie in bed without responding to his or her parents, the director will suggest to the parents that treatment be withdrawn. The parents almost always accept that suggestion, and the baby dies. So even in a Catholic hospital decisions about life and death are not really based on the equal value of all human life.

Conclusion

In closing, let me say that I am aware that this is a large topic, and I make no claim to be expert on all aspects of it. I hope I have nevertheless said enough to challenge two closely related views: that species membership is crucial to moral status, and that all human life is of equal value. If I am right, this makes a difference to the ethical options available to us when we consider decisions we are called upon to make for those who are profoundly mentally retarded.

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