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# The Moral Significance of Being Human



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## I

Consider the following reactions by those who have faced outrageous injustices:

Albert Kurihara, a Japanese-American who was interned after the attack on Pearl Harbor, writes: "I remember having to stay at the dirty horse stables at Santa Anita. I remember thinking, 'Am I a *human being*? Why are we being treated like this?'"<sup>1</sup>

Abdel, a twenty-year-old from Afghanistan living in the "Jungle" of Calais, the makeshift camp in France, says to his interviewer: "They treat us like animals," he continues. "*We are human. They should treat us like humans.* Imagine instead of me, it was your son who was here. How would you feel? What could you do? These people are someone's son. They're someone's brother."<sup>2</sup>

A reporter speaks with a woman protesting the police shooting of Keith Lamont Scott in the streets of Charleston, South Carolina. Scott, who is black and had a traumatic brain injury, was killed when he failed to obey police commands. The reporter asks the woman why she is protesting. She shouts out in undisguised anger, "if I cross [the street on which Scott was shot] I could still be shot there by the police." Then she asks

the reporter, “Do you see me? We are not the same. We are *human*, but I am black and you are white.” And in those statements she effectively says that her blackness is treated as if it somehow occludes her humanity.<sup>3</sup>

What do we learn from these responses to moral outrages? The early Karl Marx provides some illumination when he writes:

Man is a species-being, not only because in practice and in theory he adopts the species (his own as well as those of other things) as his object, but—and this is only another way of expressing it—also because he treats himself as the actual, living species; because he treats himself as a universal and therefore a free being.<sup>4</sup>

In each of these situations, we learn of instances where the treatment of human beings makes them feel that their own instantiation as a universal and free being is under threat. They face the possibility of no longer feeling human.

Humans cannot feel human without the encultured ways they understand living as a human: having means by which to eat, sleep, excrete, congregate, engage productively as human beings. Humans cannot live as free humans when they daily face the existential threat of being gunned down because they are black. (Indeed, the woman at the demonstration protesting the killing of Keith Scott echoes the words of Patrisse Cullors, the person responsible for turning “black lives matter” into a hashtag: “Black Lives Matter reminds people that black people are *human*, but more importantly, it reminds black people that we are *human*.”)<sup>5</sup>

Now imagine a philosopher who answers each—with much sympathy since this is not an unsympathetic philosopher:

*Of course, it is true that you are human. But this fact, in itself, is not a reason for you to make moral claims of any sort, much less moral claims on me. “Human” is only a biological category, the species, homo sapiens. As it is a natural, not a normative, concept, being human has no moral or, at best, only weak moral significance. If it could make demands, the fact that you are human, by itself, could make demands no different from what any nonhuman animal may make on me. To acknowledge your claim to make any stringent moral demand on*

*me, I need to know your intrinsic properties (and those on whose behalf you speak), irrespective of species membership. If these are morally relevant **intrinsic** properties, then, it is only by virtue of possessing them that you can make claims on me or on any other moral agent.*

At best, such a response would be greeted with bewilderment. Most all people, whether or not they are philosophers, understand the implicature of invocations of the human to protest one's treatment: Being human, I am owed obligations that are stringent, and in these situations I am deprived of what I am owed. As philosophers we are **supposed** to confound the obvious. Nonetheless, as Freud said, sometimes a cigar is just a cigar. Sometimes the obvious is just that, obviously true. Perhaps the assertion that one is human has the moral impact it does just because the idea of the human is morally thick.

While it is hard to imagine any philosopher questioning the moral import of invoking one's humanity in contexts like those above, a philosopher once asked me during a Q&A why the humanity of my daughter gives her a moral claim to better treatment than that of an intelligent animal such as a pig. The question has arisen on more than one occasion.

This is because my daughter (whose picture you see here), a beautiful woman of forty-seven, with lively brown eyes and a winning smile, has very significant cognitive disabilities. She has no measurable IQ and can do nothing for herself by herself. She defies philosophical



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characterizations of what is human, namely, the possession of certain essential attributes assumed to be definitive of the human. She is often written out of our moral treatises, though human she surely is. If a theory that makes arguments and proclamations about what *all* humans are due, then proceeds to exclude some humans, it seems fair to ask about the adequacy of that theory. Where people with her disabilities are included, the portrayals are rarely empirically adequate.

When the distorted representations of women, sexual minorities, and people of color creep into philosophical texts, not only do they perpetuate harmful stereotypes, they also give a false picture of human life as such. The same holds true for disability. Respectable contemporary philosophers have, for instance, spoken of the radically or severely mentally impaired as unable to recognize familiar people in their lives, as having cognitive abilities comparable to those of a dog, as always remaining at the mental age of an infant, although it is often unclear whether they are speaking of actual people or a hypothetical case.

My daughter was classified as “profoundly mentally retarded” (a medical classification no longer used), yet she fits none of the descriptions we find in this philosophical literature. Neither do they describe the children and adults who live in my daughter’s community, nor the children of the many parents of disabled children whom I have come to know. Some medical materials do speak of a “mental age,” but professional organizations that work with people with intellectual and developmental disabilities have urged that this language be dropped, as it is terribly misleading.<sup>6</sup> My daughter, for instance, may not be able to do much more than a very young child and, in some regards, cannot even do what an infant of six months can do—roll over, for example. Her understanding, however, outstrips her manifest physical abilities. For example, she spends her weekends with us listening and thrilling to music ranging from Bach to Mahler and from Louis Armstrong to Bob Dylan. When favorite Schubert and Beethoven pieces play, she tries to catch my eye so I will hum along. And engaging her ability to choose between two options, she has indicated to me, as best as I can tell, that she prefers to be regarded as a young woman, not a child. Again, let me be clear, my daughter has no measurable IQ. While there are surely those who are still more disabled, she is already in the category of those most disabled.

If philosophy is to be true to itself, and help us understand both who we are and what it means to be human beings living in a world with other creatures, then theories that leave out some human lives are unlikely to fully grasp the human condition. As I have lived my life with one so excluded, I have become increasingly convinced that by ignoring her truth, we distort our own. If we mean to understand the voices I invoked at the start of this talk, we need to get clear on what, if anything, is morally important about being human—being human in *all* its different forms.

## II

The received view holds that moral status depends on the possession of morally important intrinsic properties. There are many such properties—the capacity for practical reasoning, the ability to form a life’s narrative, the capacity to care and be empathetic, to have a subjective understanding of the self, among others—but these are neither shared universally nor possessed only by human beings. On the one hand, pegging the moral significance we give to being human on any such intrinsic properties has the negative effect of excluding some who are otherwise evidently human. On the other, a more positive effect is to compel to consider some animals the moral equals (or near equal) of humans. While raising the moral status of animals is an important moral challenge for our age, viewing moral status as tied solely to intrinsic properties fails to give us an understanding of why the claim to humanity has the *particular* moral importance it has for *us humans*.

Intrinsic properties, however, are not the only sort of properties an individual may possess. As human beings, we also possess properties that we have only in virtue of the relationships we are in with other human beings. These are relational properties. I propose that we turn to these relational properties to understand the moral significance of being human. That significance lies in being able to live our lives among other human beings as equals. Living life as a *human being and in the recognition that one is a human being like all other human beings* is what moral parity with our fellow humans demands. The intrinsic properties that a human being possesses are not determinative of whether that human possesses an equal moral status; more definitive are our relational properties. That is the position I hope to defend.

In the name of assigning a special moral status for humans, what has come down to us through the ages is the specification of familiar capacities and properties—all the usual suspects. Aristotle calls man “the political animal.” Giovanni Pico della Mirandola tells us, “you are the proud shaper of your being, free to fashion yourself in the form you may prefer.”<sup>7</sup> Ben Franklin said, “man is a tool-making animal.”<sup>8</sup> Jonas Huizinga characterizes us *homo ludens*.<sup>9</sup> And Noam Chomsky insists that humans are the only animal equipped with a universal grammar that generates a true language.<sup>10</sup> However, two canonical figures stand out for their influence and their paradigmatic formulations of the capacities of human beings as moral beings: Locke and Kant.

## LOCKE AND KANT

For Locke, what counted as the distinctively moral nature of a human was expressed in his definition of the *person*, which then became the touchstone for future discussions of personhood. *Man*, he wrote, is “nothing but a participation of the same continued life . . . united to the same organized Body.” In contrast, a *person* is “a thinking intelligent Being, that has reason and reflection, and can consider it self as itself, the same thinking thing in different times and place;”<sup>11</sup> Locke, in proclaiming the equality of man, meant not the equality of all humans, but of all those who instantiate “moral Man,” or the *person*. Disability—whether physical or cognitive—was thought to render a human a monster, but for Locke it was the condition of the idiot, the impairment of mind that truly excluded these humans from personhood. Locke places the “idiot” at the margins of humanity by identifying the idiot with the mythic *changeling*, a child of the devil, human in form only, who was swapped for the human baby shortly after birth. By identifying “Idiots” with changelings, Locke’s rendering has the mentally disabled individual share the fate of slaves, blacks, natives, Jews, and even women, who all, at some time, have been relegated to the category of the partial human, the subhuman, and denied personhood.

While the seventeenth-century notion of the changeling sounds quaint to the modern ear, Locke strikes a more modern chord in the following passage:

“[W]ere there a Monkey or any other Creature, to be found that had the use of Reason, to such a degree as to be able to understand general Signs, and to deduce Consequences about general *Ideas*, he would no doubt be subject to Law, and in that Sense be a Man, how much soever he differ’d in Shape from others of that Name.”<sup>12</sup>

Locke’s turns of phrase were likely just an emphatic way of expressing what he took to be essential for a human to be a “Moral Man” or a Person. But the sentence cited here might well have been uttered by contemporary philosophers who wish both to open the category of persons to non-human animals if they display the appropriate abilities, and simultaneously to deny personhood to some who are born human but unable to display evidence of rational capacity. In that move, they deny the importance of species as a factor in determining moral standing, as well as narrowing the scope of which human beings have moral parity. They deny the notion that *all* human beings are equal. We

will turn to them in a moment. For now, we should note the irony that the philosopher who is the *locus classicus* of the liberal ideal of equality did not mean that *all human beings* were equal, any more than Thomas Jefferson, the slave owner, meant *all men*, when he declared that *all men were created equal*.

For Kant—like Locke—rationality constitutes moral personhood. Kant maintains that only rational human nature supplies the ability to act benevolently on principle, and adds that nothing else in nature can supply this. This makes man alone in the natural world worthy of a special moral place and a special moral status. This special moral status, conferred by dignity, belongs to all human beings, *even those who*, at the time, lack the capacity for rational deliberation.

### **CONTRACT THEORY AND UTILITARIANISM**

However, a Kantian such as Rawls takes up the question of disability only to set it aside. “[T]he case of disability, whether temporary or permanent and other costly medical interventions,”<sup>13</sup> he believed, could be postponed until justice under ideal conditions was decided upon. Accepting that equality is a range concept, which, as Rawls remarked, puts everyone inside a circle within which they are all equals no matter how close or distant from the center, he wondered whether those who are either too medically costly or who cannot exercise the two moral powers can be accommodated within it.

Some in the Kantian tradition have suggested a form of derivative membership, placing people who are mentally disabled under the trusteeship or guardianship of another. But just as they can be easily added in this manner so can they be easily removed. It becomes easy to ask, since they fail to have the relevant intrinsic capacities, why society at large should have any investment at all in assuring them a guardian or trustee. And why should any resources be put forward for their education, development, or protection? Whether we adopt a Lockian social contract theory or a Rawlsian one, chances are that my daughter is locked out, either as a moral person or as a citizen.

My daughter gives no clear evidence of having the two moral powers or acting benevolently from principle. Even if she does, her inability to communicate such things through language would mean that this ability could not be gleaned. The Kantian autonomy of the will may forever be beyond her grasp. Yet human she is. You know her humanity in every movement, every look, every response. You know it when you see her thrill to music, giggle at something she finds funny, or reach

out her arms to embrace you; when she puts down her head shyly or beams when complimented. She has the feel and touch and smell of a human being. And above all, she is my daughter. Fortunately, we have abandoned the cruel myths of mothers who give birth to disabled children as having consorted with the devil. There is no interspecies reproduction here. There is simply a human child who was born with some impairments, who has some inabilities given the norm of the typically functioning human being.

Among proponents of utilitarianism, she fares no better than with contract theorists. A prominent group of philosophers—James Rachels, Peter Singer, Jeff McMahan, among others—adopt a position they call “moral individualism.”<sup>14</sup> They argue against the proposition that being human is morally significant and take the stance that any universal (agent-neutral) obligations we have is to individuals with morally relevant properties.

If it is difficult to find any common morally salient properties that *all* humans possess, it is also difficult to find any such properties that humans alone possess or might possess. As we discover more and more about nonhuman animals, it becomes increasingly clear that we have seriously underestimated the cognitive capacities of many species—in part because we hadn’t understood how to assess them. We also learn that other psychological capacities we think relevant for moral status (such as being social or having self-awareness and concern about others) are features that can be found in animal life. Morally consequential properties—such as higher cognitive and psychological characteristics, and the ability to form a narrative structure of one’s life, to have a conception of one’s own death, and to be able to imagine and attempt to carry out a life’s project for oneself—properties that humans have assumed they alone possess, may also be present in attenuated forms in other species. Those humans who lack these moral salient properties are (morally speaking) only marginal cases. In one recounting these include “human embryos and fetuses, newborn infants, anencephalic infants, congenitally severely cognitively impaired human beings, human beings who have suffered severe brain damage or dementia, and human beings who have become irreversibly comatose.”<sup>15</sup>

### III

These marginal cases are used to pose the following question: If we provide special protections to them, then why not include within the protected class of beings members of other species with comparable or higher functioning, that is, those we should not eat, do medical

experiments upon unless they benefit those beings, test cosmetic products upon, kill for the use of their organs, put on exhibition, and, in general, abuse in ways now viewed as under only the rubric of “human” rights violations? Although it is right that we should expand the circle of morally protected beings, and see many of the uses, as well as abuses, of animals as morally objectionable, I reject the use of such so-called human marginals to make the argument. The objectionable nature of the argument from marginal cases becomes more apparent in another version. This one claims not only that nonhuman animals with the requisite intrinsic properties should have some of the rights and protections enjoyed by human beings, but also that we should adjust downward the status of these so-called marginal humans to the level of the raised status of those nonhuman animals possessing such putatively comparable intrinsic properties.<sup>16</sup> I will refer to this proposition as “Leveling by Intrinsic Properties” (LIP).

I want to voice five reasons to reject such a proposition. First, the terminology of “marginal cases” is morally irresponsible. Second, the idea that we should abandon moral parity for all human beings is morally hazardous. Third, the idea that one can compare intrinsic properties across species without regard to the species compared is flawed and unsupported. Fourth, the idea that giving preference to our own kind (in this case, our species) is inherently pernicious is an overgeneralization. And lastly, the focus on intrinsic properties to the neglect of relational ones ought to be replaced by an account that avoids the objectionable, false, or misleading features of LIP.

***First: The terminology.***

“Marginal cases” is an unfortunate term when applied to those who have an existence outside the womb where, unlike the fetus, a person other than the mother can care for them. There is nothing marginally human about people such as my daughter. We know from our history that legitimizing such a category—providing a slot—can be justification enough for those with the power to deprive, neglect, enslave, and even murder those who are only marginal. As moral philosophers, we need to do ethics in a morally responsible fashion.

***Second: The rejection of moral parity for all human beings.***

Peter Singer has proposed that we “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.” That we

ought to “abandon the idea of the equal value of all humans” is the sort of moral shocker that Singer sometimes resorts to in order to shake us out of moral complacency. But the idea is accepted by many moral individualists. This position of moral parity for human beings is one that I believe we must hold fast to. It is morally perilous to abandon it—especially now, when in our own country we see a resurgence of overt and unabashed white supremacy and neo-Nazism.

Furthermore, I believe we can hold on to it without either devaluing other animals or adopting a view toward nonhuman animals that is akin to racism. It is true that in Western religious and philosophical traditions, the *scala naturae* situates man lower than gods and superior to beasts. But the objection to human’s special place should be lodged at the claim of superiority and its concomitant right to dominate those lower on the scale, not at moral parity.

The claim that humans are not equal threatens to plunge us backward. The idea that “all men were created equal” was hard won and it has taken centuries to make all “men” include women, racial, ethnic, and sexual minorities, and people with disabilities. To claim that any humans are of unequal value is to let the camel’s nose inside the tent. The Nazi’s first victims were those with mental disabilities: the idiots and lunatics, as Locke would have characterized them. These were “empty husks,” “lives not worthy of life.”<sup>17</sup>

The first to be killed were German children and adults who were deemed worthy of being euthanized in a program known as T-4 after the street address where the plans were launched: 4 Tiergartenstrasse. The methods developed in this program were used in the mass exterminations of Jews and other despised minorities. The same design of showers, the same gas, even the same equipment and personnel were shipped east and deployed to eliminate another group whose lives were thought “unworthy of life.”

But surely, you might respond, the program to kill the inhabitants of sanatoria for the mentally ill and the cognitively impaired, on the one hand, and, on the other, the genocide that followed were two horrendous, but unrelated, excesses of a tyrannical regime. However, the words of the perpetrators of both tell us something different. Dr. Mennecke, one of the physicians engaged in both T-4 and the gassing of Jews and other despised groups, was examined by Herr Anthony, the defense attorney of Karl Brandt, a major architect of Project T4. Here is a bit of the dialogue:

**The attorney:** *So, you had two kinds of cases: the mentally ill, which had to be evaluated according to medical criteria, and those which had to be evaluated according to political and racial criteria?*

**Mennecke:** *One simply cannot distinguish the two, Herr Anthony. The two cases were simply not divided and clearly separated one from another.*<sup>18</sup>

Peter Singer, when asked at a conference whether he was not concerned about such slippage today, replied that the circumstances that gave rise to the Nazis were unique and unlikely to be reproduced. As the nationalist populism that was stirred up during the election of 2016 and its aftermath have effectively given permission to the demons who previously refrained from the open avowal of antisemitism, the dehumanization of Muslims, anti-immigrant sentiment, and the most overt forms of white supremacy, complete with swastikas and images of lynchings, that certainty should be shaken. Only by championing equality for *all human beings* can we silence the demons.

We need to defend the equality of people with cognitive disabilities, however, not only because failing to do so can create dangers for “the rest of us,” but because the people with cognitive disabilities are the people we love, our neighbors and fellow citizens, and us in other circumstances. For all the reasons that we have a right to exist and flourish, so *they* have the right to be in the world in all the fullness of their being.

**Third: Moral individualism—replacing the moral conception of human equality with the moral significance of the comparability of intrinsic properties across species.**

It has become a matter of course in some philosophical circles to say that the capacities of a severely cognitively disabled human being are comparable to those of a dog. I confess to being perplexed and puzzled by such statements. I am not sure I understand what this means. One writer suggests that it is a comparison of what a dog and what the human can do on its own. If this is what is meant, then I fall short of what a dog can do on its own. The dog can hunt for its food, survive outdoors, does not need to dress itself—not to mention that a dog’s sense of smell and hearing are so much more acute than my own. But, one can object, *these* are not morally relevant capacities. My response is this: Surely they are. That I cannot procure food on my own means I need social networks the dog doesn’t need. The same applies to the ways a

dog can survive on its own in ways that are impossible for me. And the fact that a dog has over 220 million olfactory receptors compared my mere 5 million means that my perception of the world is significantly different, and warrants different treatment for both me and the dog. Both dogs and humans desire affection. But if my dog, whom I named Spinoza because of the curious physical resemblance of the canine and the philosopher (see below), is denied his rich olfactory environment, I have most likely treated him with less moral consideration than had I deprived him of some petting.



That my daughter is even less self-sufficient than me hardly makes her capabilities comparable to a dog's. It's true that a dog can't manage an IQ test, and neither can my daughter—but most likely this is for different reasons. A human IQ test for a dog would be ludicrous. In the case of my daughter, we don't know exactly which of her disabilities prevents her from performing on one. It's also true that my daughter is without human speech and so is my dog. Both do manage to get many of their needs and desires communicated to me, but my daughter is many times better at this than my dog—in part because as a fellow human I can more easily understand what she wants since a dog has wants I can scarcely imagine. What does one want if one has a sense of smell forty times as powerful as our own? More important still, *the ability to do things* is not a necessary expression of *what one understands*. So, it's not clear to me what is being compared.

The fact of the matter is that each species has developed unique ways of cognizing the world, and these have developed in tandem with the sorts of things that matter to that species. As Frans de Waal has said, "every species is uniquely adapted to its own ecology."<sup>19</sup> If that is the case, then we can make at best only analogical comparisons, not direct comparisons across species. There is not one scale of intelligence any

more than there is one *scala naturae*. At the same time, Waal also reminds us, “no trait, not even our beloved linguistic ability, ever comes about de novo. . . . Every new trait taps into existing structures and processes.”<sup>20</sup> Thus, we have good moral reasons to attend to such continuities.

***Fourth: The concern that rejecting moral individualism allows a pernicious and morally arbitrary speciesism.***

If, as seems to be the case, we need a *good reason* to prefer one individual rather than another, then giving preference to an individual because she belongs to my own species simply seems not a good moral reason for this preference. This is like nepotism rather than fair competition in hirings. However, in the ordinary course of things, the favor we extend to members of our own family is compatible with neither harming nor dominating those of another family, and gives us no license to do either.

Indeed, racism (and like noxious ism’s) is not merely preference for one’s own kind. We can make a distinction between a *primal group*—by which I mean a group based only on relational properties as criteria for membership—on the one hand, and a *constituted group*—that is, a group based on the members all possessing certain qualifying traits—on the other. A family, for example, is a primal group. One’s membership in a family doesn’t hinge on possessing a fashionable hair color or an IQ above 130. One belongs to a family only because one is born, married, or adopted into a family.

Race is only mistakenly identified with primal groups. Scientists have made clear that biologically speaking there is no such thing as a race, just clusters of features that tend to be inherited together.<sup>21</sup> Those features are superficial, and a study of DNA reveals that a black and a white person are as likely to have as much DNA in common as two white people, and just as likely to differ in genetic material from each other as two members of the same race. Furthermore, conventions often determine race: a light-skinned person with an African ancestor was classified as white, and given the privileges associated with whiteness in French-owned New Orleans. Once the US purchased Louisiana, the same person became black according to American law that stipulated that one drop of “Negro” blood was sufficient for the person to be considered a Negro. Examples of such arbitrariness abound. What is steadfast is that a subordinated race is characterized by the dominant race as possessing those traits regarded as undesirable, while members of the dominant race view themselves as those who possess desirable traits.

Now, I submit that racism is less about preference for one's own race than we presume.<sup>22</sup> Instead it is largely about the dominant group's appropriation of traits that they deem desirable, and the attribution of undesirable traits to the subordinated group. We see that racists will expel individuals from their own *primal* group if those individuals manifest undesirable traits. The Nazis' first ventures in creating the *Übermensch* were to rid themselves of fellow Germans who exhibited or carried undesirable attributes. T-4 originally executed only German children and adults, not Jewish ones, who were thought unworthy of the kind mercies of euthanasia. Early on, and in rapid succession, the regime passed and implemented the Sterilization (of inferiors) Laws and the Law for the Prevention of Progeny of Hereditary Diseases. These were aimed at Germans with the end of ridding the future population of "feeble-mindedness," epilepsy, and schizophrenia.

Miscegenation laws are vital to this variety of racism. In Germany, it came in the form of The Nuremberg Laws, passed two years after Hitler's rise. In our own country, miscegenation laws remained in place after *Brown v. the Board of Education*, after the Civil Rights Act, and after other laws aimed at ending legal discrimination were passed. Why was miscegenation such a late holdout? Miscegenation threatens to break down the barriers holding the prized attributes in, and keeping the devalued ones out of constituted groups. As long as racial purity is guaranteed, members of the constituted group are in sole possession of the intrinsic properties definitive of their privilege.

When we define a category such as personhood, we create a constituted group based on the possession of cognitive capacities which are thought to be morally superior traits. The argument above suggests that such a category may be less compatible with a healthy respect for those without these cognitive capacities, be they human or not. Groups based solely on relational properties, on the other hand, can be compatible with both a preference for one's own kind and with respect for other kinds, since the definition of who belongs is not tied to their own possession of the superior traits.

What I hope to have established by now is that we should stop talking about marginal humans, that moral parity among all humans is a moral requirement for a decent world, that intrinsic properties are properties that are species-specific even when they are similar across species, and that preference for one's own kind, by itself, need not be pernicious.

## IV

To refute the LIP hypothesis, it remains for me to offer an alternate conception. The view that moral status depends on intrinsic rather than relational properties has long been the received view, not only among moral individualists with a utilitarian bent, but by Kantians and contractarians of various sorts. The difficulty for those who hold this view and who want to say that being human is morally significant is that one cannot specify morally relevant intrinsic properties possessed by all and only human beings.

It seems that the only definition of the human that will stand up to scrutiny is one that seems woefully inadequate to serve as the basis for a morally thick concept. The only property that is, without question, distinctive of human beings and common to every human being is being of woman born, that is, being the offspring of a human mother and a human father.

This deflationary definition directs us to no morally intrinsic properties that justify any moral treatment, much less moral preference (benign or injurious). Not only is it a biological definition, it is a relational definition. The relational property of being human binds all humans, as all humans stand in this relation. This relationality is prior—morally and conceptually—to any intrinsic properties. *We have moral obligations to other human beings for the simple reason that we find ourselves in relation to them.* We cannot be the sorts of creatures we are except by being in relationship to other human beings.

A terminological note is in order: I speak of relation, when I mean an association that is marked with fairly specific social, legal, political, and moral demands. I speak of relationships when the roles in the relation are occupied by specific individuals.

How are relations normative? Let us start by considering the parent-child relation. The fact that my daughter is *MY* daughter creates a set of moral obligations to her that others do not have, and that I cannot forego without well-warranted reproach. These obligations are temporally and ontologically prior to my knowing anything about her, other than that she is dependent on me, where dependency is again a relational property. The dependency of a child on a parent means that it is the parent's responsibility to assure the child's welfare as best as one is able. Even external constraints may not limit one's obligation if it is possible for the parent to fight against such obstacles in order to care for his or her child. Being in the relation obliges one.

I start with this relation not only because it is the most familiar, but also because it is the most universal—that is, when “mother” is understood as any person, male or female, who takes on the responsibility of caring for a child. Aside from species membership, if there is any property that all humans who survive birth have in common, it is that they are “some mother’s child.” That is, each of us, if we are to survive, much less thrive, must be in a relationship of care to one or more mothering persons. That relationship leaves indelible marks on the human psyche. Among these are the significance of the human form itself. One passage I cited earlier from Locke is an example of how philosophers, while acknowledging our corporeality, regard the casing of our cognitive capacities as rather inconsequential. Yet we develop our connections with others *in a specific sort of body*. We are cared for by a mother with a *specifically human body*. It is inevitable that we then incorporate a human form in any sense of self that we develop.

Not all relations are as demanding as parenthood. The obligations of friendship dissolve when the relationship ends. Aristotle, in books 8 and 9 of the *Nicomachean Ethics*, details different sorts of friendship with their various expectations and demands. Contractual relations are more structured than friendships, with explicit entry and exit options and public laws and conventions. Obligations hold for *all* who occupy the relational roles, but they *bind* those who actually occupy them, that is, they remain agent-relative. *I, as a parent*, have strong moral obligations to my child. *I, as a friend*, commit myself to certain obligations while we remain friends. *I, as a citizen*, have obligations to my fellow citizens. Notice, however, that there are constraints with respect to who can enter these relations: only another human being can be your child, or your fellow citizen, though it seems false that only humans can be your friends. As Stephen Kuusisto, a disability scholar who is blind, said upon the death of his beloved dog, “When your service dog dies, there simply aren’t enough antidepressants.”<sup>23</sup> However, friendships with grizzly bears, lions, and even human-raised adult chimpanzees are ill-advised.

The relation we have to *any* other human being, not any *particular* human being, however, is not simply the outermost ring of the set of relations that are possible with other humans. Were that the case, then the obligations that we have would get weaker as the rings become larger. Instead, the relations which we have to all other human beings begin with the relationship we have to ourselves. As much as we experience ourselves as singular entities, an important insight developed by feminist philosophers is that this self is both effectively and constitutively relational. It is a self-nurtured, defined, and constructed relationship with others.

Both the relations I am engaged in and the circumstances shaping who I am are contingent; they could have been otherwise. The scope of those conditions that could have been otherwise are the possibilities of *any* other, and *only* another, human being. We can represent this universe of possibilities as the set of all near possible worlds in which my situation is different than it is—perhaps only slightly different, perhaps very different. The actual *I* stands in a modal relation with all the *I*'s in all the near possible worlds to the actual world. The reversibility of perspectives that gives us moral law, such as the categorical imperative, in which I attempt to understand the other's situation from other's own vantage point, are based on such possible imaginings.

There need be no causal line that would connect my current fate to another's for me to stand in this modal relation to another *I*. The *I* that I am now could have been born with a congenital disability that made me incapable of being taught to read or write. Yet I can imagine some near possible world in which that would have been me. There is even some near possible world where I might have been an anencephalic infant who failed to survive beyond a few months. (And perhaps there is a possible world in which I could have been a swimmer as accomplished as Michael Phelps. That would be a very distant possible world indeed.) Yet, with apologies to Kafka, there is no possible world—certainly no near possible world—in which *I* would have been born a large bug or a dog or even as close an evolutionary cousin as a chimp.

When we do engage with our modal selves, what we can gain is **moral access**, that is, an opening, a conduit to having moral regard for another. Moral access is a concept that I think we are missing when we try to assess the moral status and the moral demands of the other. So let me explain what I mean by moral access. It is access to something that is morally significant in the world. There are times when such significance is entirely transparent to us, when our moral principles guide us in a reliable fashion or when our empathy is already active and we understand how we are to respond. But in situations where another's plight, struggle, or needs go unnoticed, when we are indifferent or unaware of the impact of our actions on those whom we don't recognize as moral equals, we need something—a narrative, a tap on the shoulder—to shake us out of our indifference and to gain something that is more than epistemic access to the other. This is access to what the other cares about and her entitlement or right to have these cares taken into account.

Thus, moral access is important if we are to care about another's suffering and understand the moral claim another has on us. The refugee in Calais waiting to make a stowaway journey to the United Kingdom was asking

us to access his sense of distress, to share his indignation, to have us glimpse and maybe even share the pain of losing moral significance in the eyes of the world: “How could they treat us this way? We are human beings.” As a human being, I can place myself in what for me is a possible world but for her is her actual world, and so I gain a measure of moral access to that world. The common humanity that the black protestor invoked was to give the interlocutor access to the moral drama as she saw it in her different skin, and, in so doing, she hoped to evoke the needed response. When I introduced my daughter and told you that she is the sort of individual who is written out of much moral theory, I was looking for a way to give you not just epistemic access to who she is, important as that is, but moral access, access to her moral worth: I bring forth for your consideration an actual someone—someone who happens to be my daughter. I am a philosopher, like you, standing here speaking with you. You might be a daughter or have a child. You have some understanding of how vital it is for you that your child should be respected as a moral equal; I am inviting you to consider if your son or daughter were like my own, would you consider her as morally the equal of a pig, much as you might like and respect pigs? This is an exhortation to the hearer or reader to do the work needed to gain moral access: to look at another human being as a “possible /” whom we could take an interest in, express a concern for, knowing that by virtue of this relation, the other exerts a moral authority over us.

Don’t we also need moral access into the plight of animals who are made to suffer on account of humans’ desires? I have argued that in the case of humans, we stand in morally significant relations prior to knowing anything of the morally salient traits of the other human being. Yet the knowledge of how we ought to fulfill *particular* obligations to a *particular* other is dependent on his or her morally salient capacities or potentialities. We need to know these to know what an appropriate action would be. But we do not need this knowledge to know that we stand in a morally significant relationship to that individual. The other’s humanity is sufficient for that knowledge.

Although we can have important relationships with some animals, the main route to our moral obligations to animals is not through relations but through knowledge of the intrinsic traits a particular animal or species of animal. When an animal exhibits what we take to be morally significant traits, behaviors, or relationships, we ought to respond in a morally responsible fashion. Being human is a sufficient condition for the stringent moral obligations we have to humans, but it needn’t be a necessary condition.

As we learn about the lives of animals, we recognize in them features that we respond to in human beings: their sociality, their cleverness, their reaction to pain, and their need for an environment in which to live out *their* species being. We learn that the orphaned juvenile elephants rampage villages and kill humans either because they were improperly socialized, or because they are avenging the killing of their mothers; we see the mother of Nim Chimpsky trying to hide her infant from the researchers who will snatch him away; I watch my dog join in the celebration of my birthday by bringing me his favorite toy as others sing "Happy Birthday." In all these cases, we can deduce from the animal behaviors what they care about, in ways that are discernible to us. These animal behaviors are evidence of morally important intrinsic properties that give us reason to respond to them in species-appropriate ways, just as intrinsic properties inform us of how to fulfill obligations to humans in species specific ways. The moral access we gain to nonhuman animals comes primarily through the behaviors that we recognize from our interactions with other human beings. It will be more difficult, and sometimes impossible, to recognize morally relevant properties of beings as different from us as the octopus. The epistemic limitations imposed by our different bodies and our different ways of life also impose limits to our moral access to nonhumans. With animals other than humans, we cannot project an *I* into another possible universe where *I* am that being.

But I can see myself in a Japanese internment camp, in the "jungle" in Calais, as the mother of a young black son lost to police brutality, or the child of a police officer killed while on patrol. And I can see myself in the disabled person who, like my daughter, needs someone to speak for her. Each is a facet of myself refracted in the prism of possibility. It is the real as well as the possible relations to other human beings, not any set of intrinsic properties belonging exclusively to humans, that ensure that being human will always remain morally significant.

## NOTES

1. Albert Kurihara, Santa Anita Assembly Center, Los Angeles and Poston Relocation Center, Arizona. Cited in "Dorothea Lange's Censored Photographs of FDR's Japanese Concentration Camps," Anchor Editions blog, edited by Tim Chambers, December 7, 2016, <https://anchoreditions.com/blog/dorothea-lange-censored-photographs>. Accessed on July 31, 2017.
2. "For One French Woman, An Eye-Opening Visit To Calais' Refugee 'Jungle'," NPR Morning Edition WNYC, September 13, 2016, <http://www.npr.org/programs/morning-edition/2016/09/13/493715240/morning-edition-for-september-13-2016>.
3. Bob Garfield, "What Happened in Charlotte" September 23, 2016, On the Media WNYC. The reporter was from Fox News. Garfield writes: "One Fox reporter on the street in Charlotte was schooled by a protester whose very presence at such a chaotic scene reporter Steve Harrigan was at a loss to understand."

4. Marx, *Economic and Philosophic Manuscripts of 1844*, 75.
  5. "The #BlackLivesMatter Movement: Marches and Tweets for Healing," NPR Morning Edition, June 9, 2015, <http://www.npr.org/programs/morning-edition/2015/06/09/413066919/morning-edition-for-june-9-2015>.
  6. The Board of the American Association for Intellectual and Developmental Disabilities writes: "The abundant evidence [is] that all children are able to learn and that the cognitive capabilities of children with severe motor impairments can be grossly underestimated . . ." AAIDD. 2007. Board Position Statement: Growth Attenuation Issue, [http://www.aamr.org/content\\_173.cfm?navID=31](http://www.aamr.org/content_173.cfm?navID=31), last accessed on August 1, 2017.
  7. Pico della Mirandola, *Oration on the Dignity of the Human Being (Oratio De Hominis Dignitate)*, 7.
  8. Quoted in Boswell, Croker, and Wright, *The Life of Samuel Johnson. Including a Journal of His Tour to the Hebrides*. Johnson replies to Boswell citing this definition of man (sic): "But many a man (sic) never made a tool: and suppose a man without arms, he could not make a tool," 75. Would that more people respond in an analogous fashion to definitions of the human being as "a rational animal."
  9. Huizinga, *Homo Ludens: A Study of the Play Element in Culture*.
  10. Chomsky makes or implies similar statements in many places. See, for example, Chomsky, *Language and Thought*.
  11. Locke, *An Essay Concerning Human Understanding*, (2.xxvii.9).
  12. Locke, *Essay* (3.ii.16).
  13. Rawls, *Political Liberalism*, 18–20.
  14. Rachels, *Created from Animals: The Moral Implications of Darwinism*; *ibid.*, 5. He introduces the notion as follows:
 

To replace the doctrine of human dignity, I offer a different conception, moral individualism, which I argue is more in keeping with an evolutionary outlook. According to moral individualism, the bare fact that one is human entitles one to no special consideration. How an individual should be treated depends on his or her own particular characteristics, rather than on whether he or she is a member of some preferred group—even the "group" of human beings.
- More on this in the following section.
15. McMahan, *The Ethics of Killing: Problems at the Margins of Life*, vii.
  16. This view is most fully articulated and argued for by McMahan in *The Ethics of Killing*.
  17. See Proctor, *Racial Hygiene: Medicine under the Nazis*.
  18. Proctor, *Racial Hygiene*, 209.
  19. De Waal, *Are We Smart Enough to Know How Smart Animals Are?*, 27.
  20. De Waal, *Are We Smart Enough to Know How Smart Animals Are?*, 109.
  21. Jorde and Wooding, "Genetic Variation, Classification and 'Race'."
  22. In the political science literature, the issue I am addressing is often addressed as the question of whether ingroup favoritism is psychologically distinct from outgroup prejudice. See Brewer, "The Psychology of Prejudice: Ingroup Love or

Outgroup Hate?," 429–44. Another view is that ethnocentrism in modern society combines ingroup favoritism with outgroup prejudice. See Kinder and Kam, *Us Against Them: Ethnocentric Foundations of American Opinion*. This is to say that under certain conditions, where ingroup superiority is institutionalized, it gives way to outgroup prejudice. I thank Elizabeth Anderson for this amplification.

23. This was posted on the Facebook page of Stephen Kuusisto, days after his guide dog died. Kuusisto has created a blog, "Planet of the Blind: It's Not As Dark As You Think," where he posts his poetry and prose reflections on being blind.

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