

RESPECT, IDENTIFICATION AND PROFOUND COGNITIVE IMPAIRMENT

INTRODUCTION

It is a familiar idea, that showing respect for someone requires an effort to take account of how she sees the world. There is more than one way we might do this. Williams suggests that each person is owed an effort at identification (Williams 1973), whilst Rawls observes that 'mutual respect is shown . . . in our willingness to see the situation of others from their point of view' (Rawls 1972: 337). I explore these ideas as they apply to people with profound and multiple learning difficulties and disabilities (PMLD), whose condition raises special difficulties in the way of complying with the conduct described here. I examine the ideas of having a point of view, and identifying with the person whose point of view it is, and show how much, and also how little they can contribute to a principle of respect that includes people with PMLD.

A word about profound and multiple learning difficulties and disabilities. I follow the latest edition of the Diagnostic and Statistical Manual of Mental Disorder (DSM -V) in conceiving intellectual disability as impairments of mental abilities that have an impact on adaptive functioning in three domains: conceptual, social and practical. Profound disability in the social domain is such that 'the individual has very limited understanding of symbolic communication . . . express[ing]. . . desires and emotions largely through nonverbal, non-symbolic communication'. And in the practical domain the 'individual is dependent on others for all aspects of daily physical care, health and safety' (DSM-V 2013: 58; 61). Whilst IQ is included in an assessment of the level of cognitive impairment - and for persons with a profound cognitive impairment this will be under 40, and for many it will be under 20 (Tassé 2013: 127, 129) – the emphasis is on the impact of impairment on an individual's functioning and her ability to adapt to and undertake everyday tasks.¹

HAVING A POINT OF VIEW

How is having a point of view related to the idea of showing respect for someone?

Dillon remarks:

Barring certain cases of mental defectiveness, a person is . . . an individual and human 'me': a being who is reflectively conscious of herself and her situation. She lives her life and has certain purposes in living it; and she has a certain understanding of what she does which informs and structures her living . . . She has . . . a particular life of her own that she is interested in living, and she sees herself, and her situation, and the world from the point of view of living that life (Dillon 1992: 126).²

We are conscious beings, with intentions and purposes, and we see what we are doing in a certain light. This is the reason why no one should be regarded merely as 'the surface to which a certain label can be applied', and why we 'should try to see the world (including the label) from [their] point of view' (Williams 1973: 236-7).

¹ For discussion of related conceptual and theoretical questions see Vorhaus 2016.

² Compare with Nozick 1981 (452-457), whose account Dillon refers to.

Some of the capacities referred to here do not apply to all human beings: anencephalic infants do not have minds and are therefore incapable of developing any point of view; whilst there are other human beings who will never become reflectively self-conscious, or develop a plan of life, or engage in efforts to interpret themselves or the world. However we specify the cognitive requirements for possession of these abilities, some persons with profound cognitive impairments will lack a capacity to form a sense of themselves that even loosely corresponds to Dillon's conception of an individual 'me'.

McMahan suggests that 'respect for a person is closely connected with respect for the autonomous determination of that person's will; therefore, autonomy must be a significant element of the basis of the worth that demands respect' (McMahan 2002: 260). The higher psychological capacities characteristic of persons and necessary for autonomy distinguish us not only from most animals but also some humans. This includes some people with PMLD, who lack autonomy in the sense that they cannot direct their lives in accordance with values that they reflectively endorse; they do not have the 'ability to form a picture of [their] whole life (or at least of significant chunks of it) and to act in terms of some overall conception of the life [they wish] to lead' (Nozick 1974: 50). McMahan concludes that the 'congenitally severely retarded' fall below the threshold of respect (McMahan 2002: 260), and if autonomy is the basis of the worth that demands respect then this conclusion looks unavoidable, at least as it applies to some people who fall within this category.³

In keeping with her distinctive conception of autonomy Jaworska suggests that it is the capacity to care that we should concentrate on as a source of respect (Jaworska 2010). Caring in this sense requires that some object can serve as a 'steady focus of emotional attunement' for a person, such that her emotions and desires are '*about* the object, for example, a caring about Mom' (Jaworska 2010: 378). What is required is less than what is required for rational autonomy or the capacity to make evaluative judgements. It is not necessary that a person should weigh up her options, make rational decisions, or expressly evaluate her cares; rather, her emotional states will be responsive to an object or event in ways that reveal both their importance to her and some rational interconnectedness between the psychological elements that these states are composed of.

Many persons with profound learning difficulties have a capacity to care in the sense supplied here. But, then, so do some high functioning non-human animals. If a human and non-human being are alike in their capacities to function, including their capacity to care, then we may owe both respect in the sense that requires an effort at identification. This view may indeed warrant our endorsement, although it will be unwelcome to anyone who considers respect as owed exclusively to human beings. But if this latter view is right, we must find a basis for respect in characteristics that are intrinsic to all and only members of the human species.

The more demanding the cognitive elements included in having a point of view, the less likely it is that these will apply to non-human animals;⁴ but equally, it becomes

³ On some views respect is owed to people in virtue of possessing certain capacities, irrespective of whether these capacities are developed or exercised; see page 14 for discussion of this point.

⁴ Some animals may meet these more demanding conditions, as, perhaps, in the case of Koko, a gorilla who made fluent use of American Sign Language; see Jaworska 2010: 388-389.

less likely that they will apply to all persons with profound cognitive impairments. Even after allowing for under-estimation of capacity, the 'cases of mental defectiveness' that Dillon refers to will be few or many depending on where we set the cognitive bar, and some human beings will fall below it. It appears to follow, either that they are not owed identification respect because there is no point of view to identify with, or, if they are owed respect, possessing a point of view is not a necessary condition of what is owed to them.

WARRANTING RESPECT

Some points of view do not warrant respect, either because they are abhorrent or because they themselves give evidence of lack of self-respect. As to the first, Cranor writes:

We do not value, morally speaking, the mere fact of persons' having intentions, purposes, and their seeing the world in a certain light. Morally speaking, we value their having good intentions and purposes and their seeing the world from the moral point of view (Cranor 1975: 316).

Why respect someone whose point of view is repugnant? We can appeal to a familiar distinction between appraisal respect and recognition respect: appraisal respect consists in a positive appraisal of persons, whilst recognition respect requires that we take someone seriously in the sense that we weigh appropriately the fact that she is a person when we deliberate about what to do (Darwall 1977: 183-4). The recognition referred to here will be included in any effort at identification, in so far as we are required to acknowledge as persons even those whose views we loathe, and this has implications for how we should act.

The question remains why any such acknowledgement is required, and, if it is, whether the explanation comes to rest on first order moral principles which are implicitly presupposed by the demand for recognition. In this case, the work of a principle of recognition respect is confined to identifying the class of agents to whom these first order moral principles apply (Cranor: 1983:108-109). As to the first question, the suggestion offered here is that recognition is owed in virtue of what almost all persons possess, a capacity to develop a point of view that takes the form of seeing the world in a certain light and attaching importance to what she sees there. Now suppose, along with Cranor, that recognition respect is a second order principle; still, as with a principle of identification respect, it serves to pick out the class of human beings to whom respect is owed. This is a valuable function: people with PMLD and other impairments are frequently overlooked, ignored, rendered invisible and treated as less than fully human. A requirement of identification directs us to resist any such temptation, and this does not require a positive appraisal or even the least sympathy with any particular point of view.

Just as we can withhold respect from other people, some people fail to respect themselves; why should we make the effort to see another's point of view, if that view itself gives evidence of a lack of self-respect? It is a mark of oppression that the oppressed do not see their condition for what we take it be; rather, they take it as their oppressors do, or in terms that conform to the norms characteristic of the oppressive system they live under. Some disrespected disabled people remain unaware of their oppressive institutional environment under anything like this description; perhaps they adopt the adaptive and rationalising strategies of people

whose subordination stems from impairment and the institutional impositions to which impairment renders them vulnerable (Silvers 1995; Goffman 1991).

The suggestion is that respect for profoundly disabled people includes the idea of making an effort to see the world from their point of view. But in some cases we are quite uncertain what that view is, and in others we may believe it to be incompatible with what respect for its possessor requires. A common strategy at this point is to emphasise the value of autonomous choice, a strategy that extends to people who struggle to form and communicate preferences of their own. We know that, for people with PMLD, pedagogic and technological assistance can increase the scope for autonomous, self-respecting conduct in environments that encourage informed self-assertion over subordination and obedience (Dee et al 2011). Alternatively, and for people not able to express their own preferences, there is the option of a surrogate or guardian (Silvers and Francis 2009; Nussbaum 2007). We can identify with someone who needs a surrogate to interpret and communicate her point of view to others, so long as we first verify that it is *her* point of view, and not that of the surrogate, and not a view whose authorship it is impossible decisively to attribute to one or the other.

Perhaps we know very well what someone's point of view is, but see, also, that it gives evidence of a lack of self-respect. We might then take account not only of her actual point of view, but also a hypothetical point of view, congruent with what we judge as best for her. The idea is that we act in accordance with what we assume she would want were she appraised of information she is now unaware of, or were she free of desires she is unable to resist and which are causing serious harm. There are familiar questions about how some hypothetical (rational/well-informed) point of view is related to how people actually see the world, and that relation should not be so tenuous as to raise a serious doubt as to whether any such attributed view is theirs (Miller and Wertheimer 2010).

Whilst someone's point of view may give evidence of a lack of self-respect it does not follow that we cannot show respect for that person in virtue of the effort we make to understand how they experience the world. And we can have good grounds for attributing a point of view to someone who is no longer capable of forming a view about anything, if we have reliable evidence of her previous beliefs and orientation. But the question remains whether there are some human beings who fall outside the ambit of identification respect because they have always lacked the capacities necessary to develop any views of their own. If the capacity to have, or previously to have had one's own point of view is a necessary condition of identification respect the answer must be, Yes. There is nothing for the act of identification to take as its object; and any attempt to rely on the imaginative efforts of others is not only delusive but carries the risk of exposing human beings to treatment at the hands of people whose imagination has nothing to do with benevolence.

IDENTIFYING WITH OTHERS

The idea we are exploring is that each person is owed an effort at identification. The effort might be thought of as doomed to failure if success takes the form of knowing what it is like for you to experience the world as you do. I may know that you are in extreme pain, since I can see you writhing in agony, but that is not to say that I know

what it is like for you to suffer like this. Nor do we always know that someone is suffering if they choose to conceal or disguise it, whilst some people with PMLD may not express even significant discomfort after sitting for long periods in an uncomfortable chair or putting their hands in hot water. Perhaps what is required is not that I should know what it is like for you to have some experience but that I should know what it is like for me to have that experience. There may, however, be some distance between these two alternatives. Whilst I may be sure of what it would be like for me to sit in a wheelchair for hours on end, any discrepancy between what I imagine and how it actually is for someone sat in that chair may go uncorrected if the wheelchair user if her means of communicating are severely limited, or her expressions are limited to the point that even those who know her best are left having to make a 'best guess' at what she intends to communicate to them.

People with PMLD present special problems of interpretation, but these are not insuperable. They are related to a general problem, arising for all people with disabilities, that 'our aversion to the very idea of being disabled forestalls our understanding the disabled from their perspective' (Silvers 1995: 37). Profoundly disabled people face the prospect of being overlooked or stigmatised, or they may be regarded as 'defective' or sub-human. This is in stark contrast to how Eva Kittay sees her daughter, Sesha, who has profound cognitive impairments:

to be with Sesha is to enter her orbit, to gain a glimpse of the world as she constructs it . . . A slight upturn of the lip in a profoundly and multiply disabled individual when a favourite caregiver comes along, or a look of joy in response to the scent of a perfume - all these establish personhood (Kittay 2001: 568).

When Kittay sees Sesha's face as joyous she sees it in human terms: her facial expression is not regarded as a muscular spasm, or something indecipherable, but as conveying an emotion, whilst a look in the eye is understood as indicating communicative intent in response to something that gives her pleasure. This is not always as straightforward as Margalit supposes:

When we see a human face we do not first notice that the lips are curved downward, that the eyebrows are lowered . . . and then ask how to interpret this face. We see the face as sad just as we see the lip curved downward: not as a result of hypothesis testing and deduction from evidence, but directly (Margalit 1996: 94–5).

We do not always see human faces directly. It may have taken some time before Kittay learned to see a slight upturn of the lip as her daughter's expression of joy. Having limited or deteriorating muscular control, some people do not possess the range of facial gestures available to most of the rest of us, and an alternative repertoire is developed, one which does not allow for the standard associations between physical expressions and the emotions and thoughts they serve to express. We must then learn to recognise new associations, and in some cases as these apply to people who are not able to provide any explanatory narrative. Seeing a human face may then involve a protracted process comprising the very activities Margalit deems otiose: hypothesis testing and deduction from evidence (Vorhaus 2006: 320).

I am suggesting that, in order to gain some understanding of Sesha's point of view, it is necessary to learn how to interpret her bodily and communicative repertoire. These are examples of what an effort of identification requires on the part of people who care for profoundly disabled people.

The distinction I have referred to, as between imagining what it is like for you to be in your situation and what it is like for me to be in your situation, may be thought to be in danger of collapse: in order to imagine what it is like for me to be in your situation I need to grasp your situation, and that includes how you are likely to respond to that. Still, the two exercises are not identical. When I identify with you, in the sense I intend here, we need not suppose that I experience the world as you do. We can acknowledge that we are not in your situation, and cannot experience the world exactly as you do, but we recognise that your situation includes your experience of the situation and our response includes an effort to take that seriously. And not as a sadist might, when seeking insight for a malevolent purpose, but as something owed to you, for your sake, not as something undertaken merely to further our own ends.

There is the objection that we do not need to know what it is like to lead your life in order to respect the fact that you have your own life to lead. A Head Teacher of a special school may succeed in creating an environment that encourages respect for children with PMLD, not because she makes much of an effort to identify with anyone, but owing to her knowledge that children with PMLD tend to thrive when offered a safe, nurturing and affirming place in which to learn. A prison officer may learn to show respect to inmates following his observations of the effects of (dis)respectful behaviour towards people locked up in prison, without making any special effort to get to know his charges.

Nevertheless, the effort at identification is not superfluous. Frankfurt writes of lack of respect as consisting in:

the circumstance that some important fact about the person is not properly attended to or is not taken appropriately into account . . . The implications of significant features of his life are overlooked or denied. Pertinent aspects of how things are with him are treated as though they had no reality (Frankfurt, 1999: 152-3).⁵

It is one thing to treat someone as Petra, the loud and challenging pupil with PMLD, another to treat Petra as the pupil whose loud and challenging behaviour is a sign of acute anxiety when the level of noise reaches a certain threshold. One thing to treat someone as an inmate who is aggressive and fractious, another to treat him as an inmate who has a name, and whose aggression coincides with a time when he is struggling to come to terms with the fact that his partner has given birth whilst he remains locked away.⁶

Why should it matter if we fail to make the effort to identify with someone? Frankfurt writes that:

when a person is treated as though significant elements of his life count for nothing, it is natural for him to experience this as in a certain way an assault upon his reality. What is at stake for him, when people act as though he is not what he is, is a kind of self-preservation.

⁵ Compare with Blum's emphasis on moral-perceptual capacities, and our capacity to notice or ignore moral features of the persons and situations we confront (Blum 1991).

⁶ Adam Cureton (personal correspondence) makes the point that the effort at identification may not always be welcome, perhaps because it is thought to be intrusive, or invasive of privacy. This is one of several considerations that place limits on how far any act of identification should extend, but it is another and stronger claim that any such consideration might render the effort of identification - however modestly enacted - as entirely inappropriate.

It is not his biological survival that is challenged, of course, when his nature is denied. It is the reality of his existence for others, and hence the solidity of his own sense that he is real (Frankfurt 1999: 153).

This is a powerful statement of the connection between respect and identification. However, not everyone will respond to lack of respect in the ways Frankfurt suggests. Whilst for some people their sense of reality may seem under threat, others have a sufficiently robust sense of themselves to experience only the mildest resentment - if that - and certainly nothing approaching the existential crisis described here. The point that different people respond differently to lack of respect applies to profoundly disabled persons, not only because of their variable response to disrespectful behaviour, but also because some remain largely unaware of what is withheld, and they will not recognise disrespectful behaviour under that description. Of course, by means of their behaviour and expressive repertoire, they may yet provide evidence of growing or failing self-belief and confidence, according to how respectful or otherwise their environment and interactions generally are (Vorhaus 2006; Fitton, 1994; Norris, 1982). But for some human beings with profound cognitive impairments the effort at identification will have no impact on them, whether considered from the inside – how they experience their lives - or from the outside – what we observe of their welfare and development. In such cases as these we cannot claim that we are required to make an effort at identification for any reason that appeals to psychological benefit or harm. Once more, we reach the limit of any appeal to identification as a form of respect.⁷

SPECIAL RELATIONS

Not everyone has a point of view that demands identification; nor, I will now suggest, is everyone required to make the effort. The requirement is agent relative - sensitive to the presence and nature of interpersonal relations. Indeed, a sceptic might put the point more strongly than this: that only someone engaged in a close relationship is able to make the effort at identification I am concerned with:

[P]ulling out all the stops for every individual one comes across is not only not humanly possible but may also be inappropriate for many individuals in many situations . . . But the inappropriateness of always pulling out the stops for everyone does not mean that it would be either inappropriate or impossible to approach others generally with more constrained, context-sensitive expressions of care respect' (Dillon 1992: 130)

This under-estimates the problem. It is not that we can pull out all the stops for some, and only some of the stops for others; but that we cannot pull out any stops for large numbers of persons who we either have no contact with or with whom contact does not admit of respectful attention in any sense that allows for identification. If the reply is that our behaviour is always subject to constraints, no matter who we brush up against, then that is true in the sense that we can be expected to refrain from behaviour that is offensive or contemptuous, and this is not

⁷ Unless, that is, respect is a basic moral requirement that does not require justification in terms of *any* effects, psychological or otherwise. I return to this view in the final section.

a trivial aspect of respect; but it does not amount to making any effort at identification.⁸ Acknowledging this Dillion remarks:

I may not care about an individual; I may be altogether unable to identify with her or to forge and sustain a relationship with her; I may never even encounter her in any non-metaphorical sense. But somebody might care for her: she is someone's daughter, friend, or sister; and so she constrains my actions (Dillon 1992: 130).

It is true that I may have reason to constrain my behaviour towards you because you are someone's daughter, and I should show respect for that relation. But in this case it is not that I identify with you, or your mother, or that I have a reason to identify with either of you; it is the fact of the special tie between you both that acts as a constraint on how I should act.

Margalit draws a distinction between 'thick' and 'thin' human relations: 'thick' relations – what I will call 'special' relations' - are grounded in such attributes as parent and carer, whilst 'thin' relations are backed by the attribute of being human (Margalit 2002: 7). Whilst we have duties towards other human beings just because they are human beings - we should not subject anyone to torture or inhuman treatment – thick or special relations give rise to additional obligations, including a requirement to respect other people in the Frankfurtian sense of paying attention to their individuality.

This is too quick. The effort at identification is not required in virtue of the presence of *any* special relations between people: it does not apply to a prosecuting lawyer, in her cross examination of the accused, or to a surgeon when performing a caesarean operation, or to the leader of a political party when confronting her opponent. In any case, not everyone has the ability to make the effort called for, or to do it successfully: sociopaths are unable to, some people lack the insight, disposition and fellow-feeling to do it well or often, whilst others manage it effortlessly. A variable capacity to succeed in doing something does not imply a variable capacity to make the effort to succeed. But the variability applies to the effort too: it is just much harder for some people to make the effort to identify with others than it is for other people. If 'ought' implies 'can' then any insistence on a requirement to make the effort to identify with others must be seen to be consistent with the facts about the variable human capacity to comply.

Should we allow for a division of labour? If I am one of several people with a responsibility for Chrissie, a child with PMLD, it might be for the best that I, enjoying a close connection with her, should make the effort to identify with her, whilst you attend to other business. But this does not yet show that I am *required* to make the effort; nor that you are not. If someone is owed respect then it is a requirement that it is shown to her; required, not only following an assessment that this is what is best or most convenient, but required, period.⁹ And there remains the familiar problem:

⁸ Adam Cureton suggests the possibility of a negative formulation of identification respect, namely: do not, in principle, exclude the prospect of identifying with anyone. This might allow for some discretion as to when and to what extent we identify with any one person. I am not convinced that there is any such coherent formulation of identification respect which, at the same time, helps to get round the objection levelled in the text.

⁹ This point holds if the requirement to respect someone is a perfect duty – something we are absolutely and always required to perform; but it may be an imperfect duty, in the sense that, whilst we are required to make it one of our goals that we should respect people, we have some discretion

there may be no one who happens to find it easy to relate to Chrissie, or no one to whom she is closely related. Any requirement that is contingent on the presence and details of special relations will leave her unprotected. And this is just one example of how the requirement of identification may lead to omissions on the one hand, and bias and favouritism on the other. We might be tempted to give preferential treatment to someone we happen to get on with over someone else who is more in need; we might give more attention to someone who sheds tears over someone who remains stony faced, although both equally warrant our attention; and we may be inclined to identify with those who look most like us, and not with persons whose distinctive facial features and cognitive impairments are 'foreign' to us.¹⁰

One response is that the morally untoward contingencies noted here are not a necessary consequence of any reliance on identification; they are the product of failures and deficiencies whose source lies elsewhere – in the bias and ignorance that stems from ideology, poor education and social division. In a less divided society, with better education, and a culture that discourages any form of prejudice that has the effect of stigmatising and dehumanizing other people, the requirement of identification would yield effects more aligned with the requirements of morality.

The measured reply will be that we are a long way from what is envisaged; the impatient reply, that what is envisaged is a fantasy. Neither response requires that we give up on identification. We are a long way from a just society, and global justice may never be realised, but that is not a reason to give up on justice as a social ideal. The requirement of identification is one element of what we ought to aim at in relations with other people that are marked by respect. We may often not do what we ought to do, or, when we do, the effects may not be uniformly good, but if we fail to make the effort, we should look at what is wrong with the world, and ourselves, before impugning the requirement.

This is to offer a defence of an ideal in an imperfect world. The question remains whether the imperfections apply only to the world and not to the ideal. We cannot identify with everyone. Our efforts are necessarily confined to a domain that includes a fraction of those to whom we are specially related and other persons we

as to when and how we do this, so long as whatever we do is consistent with being a respectful person. Or respect may include both a perfect negative duty – some forms of conduct are absolutely ruled out – and an imperfect positive duty – there are some forms of conduct that we should try our best to achieve. I owe these points to Adam Cureton, and they require more discussion than I can provide here.

¹⁰ Identifying with someone is not the same as empathising with her, but some of what I have said about identification applies equally to empathy (cf Coplan and Goldie 2011). The core idea of empathy is as a 'kind of vicarious emotion . . . feeling what one takes another person to be feeling' (Prinz 2011: 212). Empathy has a role in caring relations: when caring for someone with PMLD an ability to empathize with her will help us to 'understand her and her world in her own terms (Dillon 1992: 126), to pay 'special regard for the particular person in a particular situation (Noddings 1984: 24) and to show a 'responsiveness to other persons in their wholeness and their particularity (Friedman 1987: 105). However there is evidence pointing to significant limitations with empathy as a basis of moral concern, and the summary charge sheet reads as follows: 'It is not especially motivating, and it is so vulnerable to bias and selectivity that it fails to provide a broad umbrella of moral concern. A morality based on empathy would lead to preferential treatment and grotesque crimes of omission' (Prinz 2011: 227). For scepticism towards empathy and imaginative identification as a resource in ethics see also Holton, R., and Langton, R., 1999: 209-232.

encounter, or have some knowledge of, who have a claim on our attention in a sense that requires us to attend to their individuality. Since any effort at identification is sensitive to the presence and details of our relations with others, we need to identify those amongst our relations that bring with them a requirement of identification, and explain how they function so as to activate the requirement. And we still have to explain why the requirement belongs to the domain of morality and not only to the demands of personal life; that is, why it is not only a good thing to identify with someone, but something that is required of us, and owed to other people.

IDENTIFYING WITH FELLOW HUMAN BEINGS

The appeal to identification as an element of respect does not extend to all human beings. Some humans have no point of view to identify with; and they and others may register nothing when we fail to show the respect we owe people in virtue of their individuality. Perhaps McMahan is right to conclude that these people fall below the threshold of respect (McMahan 2002: 260). We should, of course, respect those to whom they are specially related, including how they choose to care for their dependent charges, who may be well loved and cared for irrespective of any threshold. In this case, the practical implications of McMahan's conclusion may prove to be slight. On the other hand, they might not, and anyway, is this the right conclusion?

To begin with the practical implications: there are consequentialist reasons for retaining the principle that we ought always to make the effort to treat people with respect even if they lack the capacities that provide the basis for the worth that warrants respect. Should we decide as a matter of policy not to grant the respect to these people that we owe to others, they may become vulnerable to forms of neglect or ill treatment that fall foul of the requirements owed to people whether or not they have the capacity we deem them to lack. Or there may be less political urgency behind any effort to provide the assistance required to sustain or improve the prospects of their enjoying a good life. A decision in principle to regard a small number of people as falling below the threshold of respect may in practice yield consequences that the principle of itself would not admit, but which we are politically powerless to prevent (Nussbaum 2006: 190). This may yet be a decisive consideration, but it makes no special mention of identification, unless we can sustain the argument that requirements of respect are more likely to be met under a prevailing expectation that we ought always to make the effort to identify with others, even whilst we know there are some human beings in relation to whom the effort is unlikely or certain not to prove fruitful.

What about the principle itself; is there an interpretation of identification respect that applies to all human beings? Not if we insist on an interpretation under which respect is owed in virtue of having a point of view on the world. Not everyone has the requisite point of view; and not everyone is required to make the effort. If we are required to respect all human beings, in the sense of making an effort to identify with someone, then it is the fact that she is a human being that provides the source of the reason for respect, and what we are identifying with is her, in a sense that does not require that we look at the world as we assume she does. Mulhall writes of severely disabled people as 'our fellow human beings, embodied creatures who will come to share, or have already shared, in our common life, or whose inability to do so is a

result of the shocks and ills to which all human flesh and blood is heir – because there but for the grace of God go I' (Mulhall, 2002: 18). This is to suggest that we can identify with another human being in so far as we share a common human fate, and in so far as her life includes shocks and ills that we have so far evaded we identify with her by means of the thought that 'her fate could have been mine'. However, the coherence of this last thought is questionable (McMahan 2005: 361-369), and should it prove unavailable as a ground of respect we are left with the significance of the fact that someone is a human being, belonging to the same species as we do. These thoughts have received prominent endorsements (Nozick 1997: 308; Scanlon 2000: 185), although they come up against the charge of speciesism if used as a basis for asserting that human beings have a higher moral status than non-human animals irrespective of individual capability and levels of functioning (Singer 2001; McMahan 2005).

Williams writes of an ethical concept which includes the idea of a basic loyalty towards and identification with other human beings (Williams 2006: 150), and Wiggins refers to a disposition to 'solidarity' amongst human beings, a disposition that lies, as he puts it, at the 'root of the ethical' (Wiggins 2008). The idea is that we are disposed to identify with other human beings, not as a result of assessing each individual on their merits, but in virtue of recognising someone as one of our own kind, and the disposition to identify with our own kind conditions our ethical orientation towards human and other creatures. A lot rests here on how we understand the idea of 'our own kind'. It might be taken to refer to those beings who are 'one of us', but this same idea is used by racists when asserting of members of some group that they do not 'belong' and their ways and lives are 'foreign', usually meaning to imply that they are owed less, and usually a lot less, than members of the 'in' group. It therefore needs to be shown how we can appeal to the fact that someone is one of us, as a basis for respect, without leaving room for the same idea to function so as to legitimise prejudice. And there is any case a residual question whether a human being is one of our own kind merely in virtue of belonging to the human species and irrespective of capacity and levels of functioning (McMahan 2005).

On a related view we might deny that any human being falls below some threshold of respect, not because we deny that there are individuals who do not possess the capacities that provide the basis for respect, but because respect is owed to people in virtue of belonging to a human community, irrespective of their capacity to see the world from one point of view or another. Members of a school for children with PMLD may determine that all children are owed equal respect, regardless of the level of impairment, because that is what helps to define the school as the kind of community it aspires to be. This is the point that respect may be the product of a decision that characterises the values and life of a community. Of course, in some communities, the decision might be rather different: to exclude or otherwise mistreat people with disabilities, and this is a serious objection.¹¹ In any case, there is no appeal to

¹¹ Including someone in our community may not be the optional decision I imply that it is, but, rather, something required or suggested by the norms characteristic of a moral orientation we consider as authoritative. This is related to the view that any assessment of the worth of human beings reflects both moral and empirical judgments, and that the first are not simply a function of, but are in significant ways independent of the second (Crary 2016; Boddington and Podpakek 1999). However, even were something like this view correct it would not show that we can dispense with empirical

'identification'; rather, in appealing to some conception of 'one of us' we are implicitly appealing to the importance of belonging to a human community. It is not clear whether any such appeal is defensible. If it is defensible, we should ask whether it is a consideration of this kind, after all, that is doing the explanatory work; that the fundamental reason why we should make an effort to identify with others is that they are our fellow human beings, or that they belong to our community. The question then arises whether anything remains for the idea of identifying with someone's point of view, as contributing to a principle of respect, and, if so, what the status of someone as having a point of view requires, in the way of respect, that is different from what is required in virtue of their status as an autonomous agent.

Perhaps, and after all, we should say that the effort at identification belongs to another subject: the subject of love (Gaita 1998: 17-28), or loving attention (Bagnoli 2003) - what Murdoch calls the 'just and loving gaze', 'seeing the other as she really is' (Murdoch 1970: 34; 40). Even supposing that love is included in an account of morality, we might be reluctant to think of it as any part of the subject of respect.¹² There is a connection, nevertheless: human beings are more likely to enter into loving relations in an environment in which respect is owed to everyone, without exception, as compared to environments in which some persons fall below a threshold of respect, and are consequently vulnerable to indifference and worse. It remains another matter, however, whether this calls for any effort to identify with other people.

EXTENDING THE ARGUMENT

I have discussed a number of problems that remain to be solved in any account of identification as integral to respect for persons. Where does this leave us?

Amongst the possible solutions canvassed here is a response that appeals to the consequences of excluding persons with profound impairments from the demands of respect, leaving them vulnerable to treatment that we have a duty to prevent, a duty we are liable to conform to only if required to show respect to this group of people in just the same way as we are required to show respect to anyone else. The consequentialist argument has force, particularly once we take account of the heavy-handedness of policy and the vicissitudes of politics. But the argument also implicitly concedes that some people with profound cognitive impairments do not have the characteristics that would otherwise warrant respect, and we may not want to make any such concession. One alternative is suggested by Kant's view of autonomy of the will, as a capacity that may not be fully developed and realized, as with infants and young children, but which, nevertheless, suffices for dignity and the respect owed to any being who possesses it (Kant 2001: 670-1; 2007: 127-8; 268-9; 328-30). In keeping with an emphasis on the existence of a capacity, as distinct from its exercise, we might then advance the non-consequentialist claim that respect is owed to people who have the potential for developing a point of view but whose capacity remains latent or underdeveloped. A Kantian approach to respect for persons with PMLD warrants a long discussion in its own right.

judgement altogether, nor therefore that we can exclude facts associated with profound impairment as having a bearing on the moral status of human beings, even if these facts do not alone provide the basis for determining that status.

¹² But see Bagnoli 2003 for an alternative view.

There are people who lack any capacity for acquiring a view on the world, in the sense that they do not and never will have the level of cognitive functioning that would support the requisite levels of consciousness. If respect is owed to these people too, we might consider the claim that it is owed to them because, as human beings, they are members of a species whose characteristic levels of functioning *will* support the requisite levels of consciousness; or that we are warranted in treating such people as if they have the requisite capacity, although they do not, because that is what is entailed by other duties owed to all persons – treating people humanely and with dignity for example. These are examples of non-consequentialist attempts to encompass people who lack any point of view on the world within the community of persons who possess a moral status that includes the requirements of respect.

It is by no means certain that the approaches mentioned here can succeed in conferring on all human beings without exception a moral status that demands respect. There are more alternatives, and I will end by mentioning two; these allow that identification is related to respect without supposing that this is accounted for by the capacity to form a point of view, at least in anything like the terms in which this capacity has been considered here.

The first alternative is consistent with the view that self-awareness is a ground of respect, but it denies that what matters for the moral status associated with personhood is *reflective* self-awareness; what matters, rather, is pre-reflective awareness. Reflective self-awareness treats awareness as something added to an act of experience, whilst pre-reflective awareness is built into the act of experience itself so that ‘in any conscious experience there is a pre-reflective awareness of the ‘I’ who has the experience’ (Rowlands 2016: 15) This draws attention to the fact that there are conceptual as well as epistemic questions about how we should construe a point of view, and it raises the possibility that there is a state of being aware of oneself which does not entail having a point of view but which at the same time suffices to command an attitude of respect.

The second approach refuses to accept an assumption at work throughout much of this paper, and which is also characteristic of moral individualism, that we should look to any one or more of the capacities intrinsic to individuals as the basis of respect. Rather, in keeping with a Wittgensteinian tradition that includes Mulhall (2002) and Crary (2010), the recognition that a creature is a human being is thought of as having moral significance in its own right; at least, it does so in the context of a non-biological understanding of ‘human being’, and an ethical orientation internal to many ordinary modes of thought about the human species. The central claim is that when we bring human beings into focus in pursuit of an ethical understanding this is *already* to see them as meriting certain attitudes and forms of treatment (Crary 2010: 23; 34).¹³ On this approach we can concede that some human beings lack a point of view with which we identify, but we deny that this has any bearing on their fundamental moral status, including as to whether they are owed respect. This rather suggests that the whole approach adopted in this paper is wrong-headed, and it might be; but if it is, we would have to give up both one very ordinary mode of talking

¹³ Crary 2010; see also Diamond 1978 and Mulhall 2002.

about respect for human beings, in the sense of making an effort to see the world from their point of view, and a long tradition of ethical enquiry that considers as fundamentally important the fact that human beings are creatures with their own understanding of the world and their place in it.¹⁴

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