The Dissertation Committee for Caroline Elizabeth Christoff Certifies that this is the approved version of the following Dissertation;

Learning How to Care: An Ethics that Includes the Cognitively Disabled

Committee:

Kathleen Higgins, Supervisor

Galen Strawson

Paul Woodruff

William Winslade

Learning How to Care: An Ethics that Includes the Cognitively Disabled

by

Caroline Elizabeth Christoff

Dissertation

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Doctor of Philosophy

The University of Texas at Austin

August 2019

Dedication

For the thirty-five percent of disabled students who never graduate high school and for every single disabled student that fought to despite the odds. To any disabled student that ever defied expectations and wouldn't accept 'no' as answer. To any student that spent months fighting with disability services. To any student that had their disability revealed to the entire class without their knowledge or consent. To any student that took years to master skills that seem to take others mere days. I know your struggle. I know that education needs to change. My hope is that this work is a small step in the right direction.

Acknowledgements

Abstract

Learning How to Care: An Ethics that Includes the Cognitively Disabled

Caroline Elizabeth Christoff, Ph.D.

The University of Texas at Austin, 2019

Supervisor: Kathleen Higgins

My dissertation addresses the question of how we ought to care for and engage with people with cognitive disabilities. The project has two main goals: the first is to develop a more robust account of care ethics, and the second is to use this newly developed account to theorize about current conceptions of how we ought to treat individuals with cognitive disabilities. First, I address the theoretical problem of how to make 'care' a robust enough concept to govern our ethical treatment of others. I address the primary problem care ethicists have traditionally had with conceiving of care as a virtue: virtues are egoistically focused on eudaimonia or self-happiness. I suggest this concern can be avoided if the aim of virtues was to develop flourishing relationships rather than individual character. With a conception of care established, I proceed to consider whether we have developed the right moral and epistemic virtues to properly care for people with cognitive disabilities. I argue that individuals with cognitive disabilities, regardless of the severity of their disability, face a variety of epistemic injustices that negatively impacts the care they receive and the relationships that they are able to form. Then, I consider whether

individuals with cognitive disabilities are able to care for others as others can care for them. While caring for others is obviously not beyond the capability of those with disabilities that are traditionally classified as 'mild' or 'moderate,' I suggest that even those with what we would consider 'severe' impairments are able to care. Finally, I consider one specific practical implication of a system of ethics that appropriately recognizes the epistemic and moral contributions of individuals with cognitive disabilities. I consider how college instructors can use their position of authority to better care for students with learning disabilities in their classrooms.

Table of Contents

Learning How to Care: An Ethics that Includes the Cognitively Disabled

Any philosopher knows that the study of moral theory often tells us very little about how we ought to act in everyday life. Having a theory of the good does not often provide much insight on how to best achieve such good. For instance, knowing that one ought to aim at the best consequences only provides a limited understanding of how to best achieve them. The project of showing that a certain action, in fact, produce the best consequences remains even if one's preference in ethical theory is settled. Perhaps in part due to this frustrating gap between theoretical and practical ethics, virtue ethics reemerged as a third competing ethical school to deontology and consequentialism during the latter half of the 20th century. Virtue theory provides an account of practical knowledge that deontology and consequentialism have historically ignored. However, the late twentieth century also saw the rise of another ethical school that attempted to bridge the theoretical/practical gap, known as care ethics. For a variety of reasons, care ethics has never received quite as much attention as the 'big three' ethical schools.

In keeping with care ethics tradition, this dissertation attempts to provide both theoretical and practical insights into both what it is to care and how one best ought to care. The first chapter attempts to challenge one of the biggest criticisms of care ethics - that it is overly vague. Unlike previous attempts to give care ethics more definition, my

account neither tries to make the definition of care too narrow to apply to a wide variety of situations or so broad that it is impossible to avoid the vagueness criticism. Instead, I recognize that care, which I characterize as a type of moral concern, plays a guiding but limited role in a system of ethics that prioritizes relationships. I argue that care ethics is best conceived as a system of virtues that aims at flourishing relationships. Moral concern is merely one of a series of virtues that one needs to maintain flourishing relationships. By recognizing this limited role of moral concern, this account avoids over-exhausting the concept as well as provides care ethics with more definition, by highlighting various virtues needed to help relationships flourish. While this account utilizes virtue theory, I argue that is still distinctly an account of care ethics because it relies on a different theory of the good than traditional accounts of virtue ethics, namely that the good is flourishing relationships. As a result of this shift in focus, this account can avoid the concerns that many care ethicists have about employing virtue language when describing care as well as provide nuanced responses to many of the other criticisms directed at care ethics.

The second half of this dissertation considers the practical implications of the theory presented in chapter one. As the account stipulates that those in positions of power are often required to contribute more to a relationship in order for the relationship to flourish, chapters two through four of this dissertation are devoted to exploring how to manage this power disparity in a particular case. Specifically, I consider how people in positions of power can better maintain flourishing relationships with individuals with mental disabilities. While individuals with cognitive disabilities do not always lack power

in a relationship and sometimes might even have power over others, failure on the part of caregivers to recognize both the moral and epistemic positions of individuals with cognitive disabilities often leads to an underestimation of their abilities and, thereby, can lead to poor care.

Chapter two looks at the often-overlooked moral contributions that individuals with cognitive disabilities make in flourishing relationships. While many people assume that individuals with "mild" cognitive impairments have at least limited moral agency, individuals with "severe" cognitive impairments are nearly always considered to be only moral patients. However, I argue that even those with "severe" cognitive disabilities have an important type of moral agency that, although limited in scope, should still be recognized, as it allows individuals with cognitive disabilities to make active contributions to flourishing relationships. By recognizing this contribution, caregivers as well the rest of the moral community can come to recognize the value that even those with potentially more severe cognitive impairments can add to the world. As such, it encourages other members of the moral community to not simply assume that individuals with cognitive disabilities are passive participants in relationships and realize that the contributions that the cognitively disabled make to these relationships should be recognized if the relationship is to flourish.

Chapter three considers the epistemic contributions that individuals with cognitive disabilities make to relationships. I attempt to provide an explanation for why individuals with cognitive disabilities are often not allowed a voice in decisions made about their

care and medical treatment despite the fact that they often are the better position to know what type of care they need. I argue that individuals with cognitive disabilities are subject to both testimonial and hermeneutical epistemic injustice. Individuals underestimate the testimony of people with cognitive disabilities due to underestimation of ability, rigid assumptions about diagnosis, incorrect evaluations of the awareness of the cognitively disabled, and misplacement of the burden of proof onto the cognitively disabled. These testimonial injustices create hermeneutical archetypes that create a powerful feedback loop that devalues the perspectives of the cognitively disabled. I argue that this devaluation prevents the cognitively disabled from advocating for their own care and has a long history of justifying abusive practices. As a result, in order for caring relationships with the cognitively disabled to flourish, caregivers need to be more aware of how they ignore the epistemic contributions of individuals with cognitive disabilities and work to fight the impulse to devalue their perspectives.

The final chapter of my dissertation considers one specific practical implication of a system of ethics that appropriately recognizes the epistemic and moral contributions of individuals with cognitive disabilities. I consider how college instructors can use their position of authority to better care for students with learning disabilities in their classrooms. Some suggest that learning disabilities should be considered distinct from cognitive disabilities, but both can be broadly classified as mental disabilities. Moreover, while few would doubt that somebody with a learning disability is capable of moral agency, individuals with learning disabilities still experience similar phenomena of others

4

doubting their moral intentions (i.e. many do not believe that their requests for access are legitimate) as well as epistemic silencing. As such, an instructor's awareness of a student with a learning disability's moral and epistemic position can vastly improve the education that student receives. Once an instructor understands why a student with a learning disability both thinks that they ought to have accommodation as well as why they might be hesitant to ask for accommodation, they can better provide for a student. On a practical level, I argue that this recognition translates to a model of education that encourages the instructor to make the course material accessible to students such that there is a reduced need for a student to ask for special accommodations. As such, I suggest a number of practical changes that instructors can make to their classrooms in order to create greater access including modifying accessibility statements, presenting the material in multiple formats, and providing students with many low-stakes assignments.

The overall goal of this project is to provide a better understanding of care both at the theoretical and practical level. At the level of theory, I attempt to develop a detailed account of care ethics. On the practical level, I attempt to provide insight into how we can better care for a particular group with the hope both that it will improve the treatment of individuals with mental disabilities and that some of these considerations might be applied to improve treatment of a different group at a later date. While this is meant to be a holistic project and some the chapters refer to each other, each chapter can be read in isolation without causing the reader much confusion. In order to accommodate both

holistic and isolationist reading styles, some key terms and definitions, such as various

definitions of disability, are defined in some degree of detail in multiple chapters.

Chapter 1: Care Ethics as a System of Virtues

After the publishing of Carol Gilligan's *In A Different Voice*,[i] care ethics has been developed as a fourth framework for ethical evaluation and is considered by many to be distinct from consequentialism, deontology, and virtue ethics. However, care ethics still occupies a marginal position in ethical theory. To the extent that it is discussed, it is often quickly dismissed due to its perceived lack of robustness. Moreover, the refusal of many care ethicists to provide exact definitions and clear-cut implications of their theory makes it difficult for other theorists to comment on the framework. In a review of Michael Slote's book "the ethics of care and empathy",[ii] Maurice Hamigton states the problem as follows:

> I recently had the pleasure of attending a colleague's graduate seminar on political theory where care ethics was assessed for its ability to confront oppressive political systems. The students in the course had previously explored political theorists such as John Rawls and Michael Walzer. Not unexpectedly, care ethics fared poorly. The students wanted care to provide the definitive moral answers that the other theories offered. Many of the students suggested that care ethics be subsumed by rules or virtues because care could be accounted for by other means.[iii]

In this paper, my goal is to develop a robust system for care ethics that will offer a complete framework for dealing with ethical issues. Specifically, I argue that care ethics should be understood as a system of virtues that aims at flourishing relationships. I begin by looking at a central ambiguity in accounts of care ethics; it is unclear whether care ethics aims to be a theory of right action or a theory of good character. I argue that care ethics must be a theory of good character if it is to avoid making the concept of care so

7

broad that it becomes uninformative. However, I note that unlike traditional virtue ethics, care ethics aims directly at developing flourishing relationships rather than flourishing individuals. Then, I proceed to highlight why relationships require more than 'care' in order to flourish. I argue that maintaining flourishing relationships requires an individual to develop epistemic virtues as well as two different types of virtues - pathocentric virtue and praxocentric virtues. Once this is established, I proceed to demonstrate how an account that relies on the language of virtue is still considered an account of care ethics and is still considered distinct from most accounts of virtue ethics. Finally, I unpack the details of my account and explain how it can handle criticisms care ethics traditionally faces.

While I provide some insights on how care ethics can handle certain problems better than other ethical frameworks, my goal is not to prove that care ethics is superior to consequentialism, deontology, or virtue ethics. I simply wish to argue that care ethics offers unique ethical insights while still being robust enough to be considered its own ethical framework that does not require additional supplementation beyond the use of virtues at the level of application. The view that care ethics does not require supplementation from other theories is notably in contrast with the views of many major care ethicists including Noddings,[iv] Gilligan,[v] and Engster.[vi] However, it is in keeping with the views of other care ethicists including Slote,[vii] Held,[viii] and Sander-Staudt.[ix] As a note, I will be using the term 'relationship' to refer to any continued interaction between two or more people including friendships, parent-child relationships, student-teacher

relationships, etc. While I will discuss romantic relationships, the term relationship itself is not meant to imply that two individuals have a romantic partnership.

1)   Caring Actions, Caring Agents, or Caring Relationships?

While deontological and consequentialist ethics traditionally evaluate whether actions are right or wrong and virtue ethics traditionally evaluates whether agents are morally good or morally bad, care ethicists often struggle to define an exact subject of moral evaluation. Most care ethicists view relationships as morally significant,[x, xi, xii, xiii, xiv] yet the exact role of relationships in moral evaluation remains undefined. Likewise, the term 'care' remains ambiguous and often shifts between theorists. Some scholars distinguish between care as a disposition and care as practice: to have a caring disposition is to 'care about something' and to care in practice is to 'care for something'. Virginia Held notes, however, that the distinction is ambiguous because the two often occur concurrently.[xv] Most care ethicists consider both caring as a disposition and caring as practice to be important.

However, I do think that we can distinguish between theorists who develop care ethics as a theory of right action and theorists who develop care ethics with a different subject of moral evaluation in mind. The former often focus on care as an action and adopt a definition of care that describes caring actions. For instance, Diemut Bubeck defines care as "Caring for is the meeting of the needs of one person by another person, where face-to-face interaction between carer and cared-for is a crucial element of the

overall activity and where the need is of such a nature that it cannot possibly be met by the person in need herself."[xvi]

Below, I consider the theories of care as right action developed by Michael Slote[xvii] and Daniel Engster[xviii] in order to demonstrate the limitations of conceptualizing care ethics as a theory of right action. Then, I proceed to consider the alternatives for subjects of moral evaluation present in the accounts of Held,[xix] Tronto,[xx] and Noddings,[xxi] as well as consider the importance of a caring disposition in addition to caring action.

Most of modern ethics has focused on theories of right action. It is easy to understand why; there is something intuitively appealing about a theory that can tell one what is right or what is wrong in any given situation. Accounts that embrace a different standard for ethical evaluation, such as virtue ethics, lack 'completeness' in the eyes of some critics because, frustratingly, they cannot always provide a simple answer for what one ought to do in a given situation.[1] This lack of completeness might be what motivates Slote and Engster to develop care as a theory of right action. If care ethics is a theory of right action, it will not require any type of supplement from another ethical framework in order to provide an answer as to how one ought to act in a given situation. The right action will always be the one that care ethics prescribes.

However, I argue that the limitations in Slote's and Engster's accounts show that care as a concept is not robust enough to provide a theory of right action. Moreover, their attempts to make care the central measure of evaluation for action without considering

---

[1] The suggestion here is merely that deontology and consequentialism aim to tell us what actions are right. Practically speaking, both views can face calculation problems, but the aim of both is to give us a theory of right action.

relationships and broader context leads to parochial moral thinking, as such accounts tend

to make the intuitive leap that whom we naturally care about is who we ought to care

about. This leads to an ethical system that justifies potentially problematic norms such as

caring for a particular group over others. More importantly, these accounts do not

appropriately conceptualize care.

Slote views care as a kind of empathy and develops a theory of right action

focused on empathic concern. [xxii] Slote defines empathy as "having the feelings of

another (involuntarily) aroused in ourselves, as when we see another person in pain."[xxiii]

He claims, "actions are morally wrong, and contrary to moral obligation if, and only if,

they reflect or exhibit or express an absence (or lack) of fully developed empathic

concern for (or caring about) others on the part of the agent."[xxiv] Slote points out that this

noticeably does not require one to act out care. However, it does require us to "not act in

ways that express a lack of empathic concern for others."[xxv] Thus, for Slote, one does not

need to actually be empathic in order to perform right actions. We can perform right

actions simply by not acting in ways that demonstrate a lack of empathic concern. For

instance, somebody could still be considered morally right for choosing not to harm

somebody even if they only chose not to harm them so they would not go to prison[2].

However, Slote fails to provide a clear requirement for what sorts of actions

express a lack of empathic concern. Since he does not think an individual's emotional

response is necessary for right action, he needs some external explanation of which

---

[2] This is notably not unusual for theories of right action since many do not focus on motivation.

actions demonstrate lack of concern. Otherwise, his account would lack any sort of explanation as to what sorts of actions express a lack of empathic concern. While he never provides a clear external explanation, he seems to suggest that actions demonstrate a lack of concern when they demonstrate an ignorance of others' emotions that people would naturally find morally relevant. For instance, most people would consider torturing another to express a lack of empathic concern for another's well-being. The standard he uses is largely an intuitionist moral standard. Actions are wrong when we assume that the actor failed to consider the emotions of others and we determine when they fail to consider the emotions of others by reflecting on when they naturally ought to feel such emotions.

However, this is a dangerous standard that can lead to a type of moral parochialism that automatically justifies instances of natural caring without critically examining what we consider natural. Consider how Slote evaluates the problem of physical distance. Slote considers distance to be morally relevant. He notes, "both perceptual and temporal immediacy make one empathize more strongly with someone's plight."[xxvi] He then goes onto claim that because we naturally emphasize with others nearest to us, those nearest to us ought to count for more (pg21-22). Thus, our current inclinations for empathy set the moral standard. This seems problematic as natural inclinations to empathize are not always morally correct even from an intuitionist perspective. For instance, one could argue that we do not naturally empathize with members of other races. In fact, there are many sociological studies that suggest we have

a bias against those with a different skin tone. Yet, even most moral intuitionists would argue that we should work to circumvent this bias rather than suggest that people of different races deserve less empathy. Thus, it seems that considering when we naturally feel empathy may be a flawed starting point. While Slote tries to provide an intuitionist account of empathy, his appeal to naturalized assumptions of empathy fail even by intuitionist standards.

Slote tries to circumvent this concern by drawing distinctions between our current bias and our natural disposition. However, he still does not provide a clear definition of what he means by 'natural'. While he does mention that he thinks people who have racial biases are not able to transcend their current feelings in order to adequately take the feelings of people with a different skin color into account, he does not provide a clear explanation of how this case is different from cases of distance. Isn't a person also unable to transcend their current feeling when they lack empathy for people far away? It is not clear how these cases are distinct and offering one as 'natural' does not help matters. Thus, suggesting that people ought to act empathetically in situations that naturally warrant empathy begs the question. We need some further explanation of what naturally warrants empathy. Without one, we are just left with our current moral intuitions about what seems naturally empathic. This leaves us with a morally conservative and parochial moral system in which our current intuitions about moral empathy seem justified.

Further, nothing in the concept of empathy itself provides this explanation of when empathy is justified. It is at least theoretically possible for an individual to have an

empathic response yet act against it. Thus, action sets could derive their 'empathic' status from the state of the agents performing them. For instance, breaking a promise might be considered malicious when an agent lacks empathy yet pitiable when he has it. Thus, it is unclear how any particular action as such could lack 'empathy'. If the actor had the appropriate response, any action type could be justified as long as their motivation was in keeping with having empathic concern.

Obviously, this runs the danger of making too many actions morally justified. In the last chapter of *Of Mice and Men,*[xxvii] George Milton makes the decision to shoot Lennie Smalls after Lennie accidently kills Curley's wife. The reader is meant to believe that George's decision was an act of empathy. George believe that Lennie, who has a mental disability, would suffer more if he faced the consequences of his action. Thus, George acted with empathy and would be justified if empathy were the only criteria for right action.

However, for most of us, this does not fully settle the question of whether George acted rightly. We need to know more than whether George was empathic. We also need to consider whether George properly considered Lennie's autonomy or other potentially less harsh outcomes[3]. Likewise, George needs more than mere empathy for Lennie to understand how he ought to act. If Lennie did not have a mental disability, it is unlikely that George would have made the decision to end Lennie's life for him. The questions of

---

[3] This is notably an ethical criticism of George's decision. It is not meant to be an aesthetic criticism of the novel. Steinbeck likely knew that providing a detailed account of George's decision making would rob the novel of some of its narrative impact.

whether this sort of paternalism is appropriate are complicated, and empathy for Lennie's situation is merely one consideration.[4]

While other moral theories of right action sometimes face problems with moral dilemmas, both deontology and consequentialism at least point the agent to various moral reasons that they can consider - either various moral rules or best outcome. Empathy, as Slote suggests, cannot provide as much guidance because it is undirected and not specific. A system of ethics needs to explain what one ought to care about as well as explaining how one ought to care. Empathy, as Slote has defined it, only explains the later.

Empathy does not provide an answer to the former question because, while recognizing the emotions of another can be important for motivating action, it is not the only relevant moral consideration. Emotions alone are not enough to explain the connection between 'she is suffering' and 'I ought to relieve that suffering.' If we empathize with somebody in pain, there remains a further question 'would she want me to relieve her pain?'. Both deontology and consequentialism have the means to answer this. The former can answer with 'yes, if I maintain respect for her personhood' and the latter can answer 'yes, if it would produce the best consequences.'[5] However, empathy merely tells us that another is suffering. While it is a useful epistemic starting point for moral theory, it does not itself provide moral answers. Having empathy with Lennie does

[4] While complicated, it is worth nothing that, outside of works for fiction, most people would probably not condone illegally killing people with mental disabilities even if they committed a crime.

[5] Obviously, these are straw characterizations of these views and meant to be toy examples.

not yet settle the question of what George ought to do. Empathy still needs some type of moral framework to provide guidance. Were George a different sort of literary character, he might empathize with Lennie's suffering, yet believe that Lennie deserves to suffer as just punishment for killing Curley's wife. His action to shoot Lennie instead, while motivated by empathy, cannot appeal to empathy for its moral justification. If care ethics wants such a justification, it must look elsewhere.[6]

Because it will be relevant later, it is worth noting one final problem with Slote's account. He draws a distinction between personal interest and empathic concern. Slote claims that it is impossible to have empathy for yourself. Empathy involves transcending your personal interests to understand the feeling of another. We do not reflect on our own self-interests in this manner because it is not necessary. Our own wants and needs are immediately available to us and setting aside our personal interest to understand our own wants and needs seems counterintuitive. Thus, for Slote, there are two forces motivating our action, empathic concern for others and our own self-interest. While Slote considers the former to carry moral weight, he thinks that the latter does not. Self-interest provides us with a practical guide for how we ought to act, but the 'ought' in this case is not a moral one.

---

[6] Slote does provide a very narrow definition of empathy. Other scholars (Shoemaker 2009) do notably think that empathy must also involve caring for another. However, I worry that these definitions broaden the concept of empathy to the point where it is no longer compatible with most people's folk understanding of the concept.

However, excluding self-interest from the moral realm seems odd. Many

philosophers have historically thought of obligations to the self as moral obligations.[7]

Moreover, this seems to make self-interest a less important concern. Moral claims

normally carry more weight than other types of concerns. On this account, empathic

concern will often outweigh self-interest. This promotes an ethical system that endorses

self-sacrifice.

While this may seem noble, it does not always seem to be the case that the wants

of others outweigh personal needs. We may rightly say 'no' when others ask too much.

For instance, while we sometimes happily volunteer to help friends move, if friends kept

asking us every weekend, at some point we might rightly not offer to help anymore.

While most people care about their friends and want them to have stress free moves, one

also has an obligation to take care of themselves and their own projects. In these cases,

we are not only pragmatically justified but morally right to decline. Thus, we need a

moral system that accounts for both our interests and the interests of others. Unlike

Slote's system, I believe my account of care ethics can properly address this issue as I

will explain in the next section.

If empathy is too thin a concept to provide a theory of right action, perhaps

another concept from care ethics is able to provide this theory. The next candidate for this

concept that I wish to consider is care itself. Care is the basis for Engster's argument for

care ethics as a theory of right action.[xxviii] Engster is less direct than Slote in his claims

---

[7] The most classic example is Kant's (1797) suggestion that everybody, including the agent, has equal moral worth in the kingdom of ends. He believes suicide to be immoral because one should not use themselves as mere means to their own end.

about care ethics as a theory of moral action. Engster's aim is to demonstrate how an ethic of care, which typically focuses on personal relationships, can be applied to the political sphere. Although he does consider the roles of various political institutions, his account intends to emphasize correct political action over good political intuitions[8]. While he does think institutions should endorse compassionate and sympathetic policies in order to provide care, his central thesis is that "we should consistently recognize as morally valid the claims that others make upon us for care when they need it, and should endeavor to provide care to them when we are capable of doing so without significant danger to ourselves, seriously compromising our long term-term functioning, or undermining our ability to care for others."[xxix] This claim provides the basis for his argument that political institutions ought to develop caring policies. As such, his account still views correct action as the basis for correct policy.

However, perhaps due to its focus on action, Engster's account seems to lack the relational complexity needed to evaluate when and how best to implement our responses to 'the claims others make on us for care.' There are circumstances where we may not want others to care for us, and the explanation for why it would be wrong to care for somebody in this situation cannot come from the concept of care itself as the claim others make is precisely for us to not care or not respond to their needs. Engster claims that

---

[8] He does emphasize that institutions need to be organized in such a way that they do not limit care. For instance, if a company does not offer maternity leave for parents than it would be limiting parents' ability to care for their children. His conception of care does lead toward viewing care more as action than an emotional response. Not all care ethicists share this conception. As I will suggest later, I view care or virtuous concern as a motivating disposition rather than action itself.

"adults have a right to refuse care"[xxx] even when they may need it, yet he fails to provide a convincing argument for why this is the case.

For instance, he argues that adults have a right to refuse medical treatment and that it would be unethical to forcibly provide medical care.[xxxi] If whether or not we provide care is the sole factor in determining whether or not an action is ethical, then it does seem as though care ethics cannot provide an argument for why it is morally right to respect others' requests to not be cared for, at least in instances where the care is obviously needed. Indeed, Engster seems to hint at this problem himself when he notes that "care theory does not aim to promote individual autonomy"[xxxii]and tends to offer fewer protections than deontological frameworks for free speech and religious freedom.[xxxiii]

While Engster accepts these weaknesses as a mere difference in perspective between care ethics and neo-liberalism, they showcase the limitations of care ethics as a theory of right action. 'Care' as a concept is simply too thin to provide a complete account of when an action is morally right. Our obligation to care for others does not guarantee that we will grant them respect or autonomy - after all, most parents provide care for their infants well before they are capable of autonomy. If we want care ethics to avoid the common criticism that it fails to respect individual autonomy, it seems that we need appeal to something other than care. Thus, it seems that there needs to be at least one value other than care that helps us determine the rightness of an action. Some care ethicists embrace the suggestion that care ethics is only a partial theory of right action

19

that needs supplementation from deontology,[xxxiv, xxxv] . However, if one wants, as I do, care ethics to be a moral theory that does not require supplementation then it seems that using the concept of care to fully motivate a theory of right action is not the correct starting point.

Moreover, like empathy, mere concern with others does not provide an explanation for how one ought to act and as such cannot distinguish good care from bad care. I wish to argue that the difference is contextual. The blind obligation to care ignores the fact that the relationship between two individuals is often ethically relevant for determine what actions each ought to perform. For instance, most of us would likely prefer care from our spouse over care from a stranger. If a stranger became overly concerned with our welfare, most of us would begin to feel uncomfortable. This would be considered to be an instance of bad care because, despite the stranger being concerned with our well-being, they would not recognize that they are over-stepping the boundaries of their relationship with us.

One can argue that proper care should reflect one's relationship to another. However, if care is conceived of as a theory of right action, it is much harder to account for relational obligations because theories that say an action is right iff is expresses concern ignore the fact that when if it appropriate to express concern often depends on one's relationship to others. Engster seems to suggest that care ethics allows for special obligations to family members but does not provide sufficient support for his claim. If

20

care is merely concern for another, then he struggles to explain why this concern is sometimes inappropriate.[9]

Further, emphasizing care as a value without considering relationships often prioritizes the satiation of basic needs over the process through which the satiation is achieved. This can be seen when we consider Engster's analysis of the Wisconsin vs Yoder supreme court case.[xxxvi] In Wisconsin vs Yoder, the supreme court famously considered whether Amish children should be allowed to stop attending school after 8th grade. Engster uses the case to point out a key difference between care ethics and neo-liberalism. Since neo-liberalism values freedom of religion, Engster claims that framework would favor allowing Amish children to stop attending school as it would be keeping with their parent's religious beliefs. In contrast, he argues that care ethics views it as unethical to remove Amish children from school as it would make them less well-cared for due to their lack of education. On his view, caring for others seems to require that one provide the cared for with a list of things that would improve their well-being.

However, viewing the case as a mere clash of ethical values ignores the particular individuals involved. While the government should care for all its citizens and provide them with similar opportunities, it should also consider how individuals would prefer their needs to be satisfied. Otherwise, the same standard of treatment may lead to unequal flourishing and thereby unequal opportunity. For instance, the thoughts and concerns of Amish children themselves are noticeably absent from Engster's discussion. While still

---

[9] This notably is not a problem for the two other theories of right action. Both have methods within their frameworks to consider relationships at some point in theorizing. The concept of blind care does not provide such a method.

minors, at age 14, Amish children are old enough to at least have a voice in the decision

to continue attending school. As such, the government must consider its relationship to

both the children and their parents as well as the relationship between the children and

the parents. The government typically grants parents a large amount of control over the

children out of respect for the parent/child relationship. However, the government also

has to consider its own relationship with the children, including its duty to ensure that

children are able to achieve the education level that they desire. While these

considerations may not yield an obvious answer, they help the government think about

how to provide a flexible policy that allows it to provide for the needs of all the

individuals involved[10].

Since Engster views care as merely supporting an individuals' needs, the

children's answer to whether they would like to attend school seems irrelevant to his

account. However, it is relevant if we think that the cared for should have a voice in how

they are cared for.[11] The government has a duty to care for children and whether or not

they would be prefer to education their education is relevant to that discussion. Granting

this, I think the example actually highlights the importance of relationships in ethical

discussion. In this particular case, lawmakers need to consider how best to provide the

type of care that the Amish children both need and desire. This moves policy

---

[10] While Amish children do often choose to stay with their community, studies show that about 10% eventually decide to leave the community and will likely require additional education to support that choice.

[11] There is the question of at what age somebody can be considered old enough to have a voice in their own care. While beyond the scope of this particular project, I argue elsewhere that, if an individual has a capacity to voice a concern about their own treatment, that concern must be taken seriously.

considerations from a debate between religious freedom versus right to an education to a more focused consideration of individual situations. Once this debate becomes more contextualized, lawmakers might weight the wants of the children and their parents involved against the general duty they feel to provide all children with a good education.

As an alternative, they may suggest policies that can more easily be tailored to allow individuals to make their own decisions about the type of care they received. For instance, in this particular case, they might suggest that each Amish child may elect to apply to stop attending school after completion of 8th grade. In the application, they might ask each child to include a statement about how they think this decision will impact them and why they think that it is the best option for them and their family. The family might also give a statement on whether or not they support the child's decision with the possibility of some type of meditation in the event of conflict. These contextual solutions become less obvious in accounts that view care ethics as a theory of right action because the focus remains on providing individuals with the proper type of support rather than requiring the actor to reflect on the relational complexities involved in the situation.

2) Against a Theory of Right Action

While this analysis is not meant to fully disprove Slote's or Engster's account, it is meant to show that accounts of care ethics that simply use a concept like care or empathy as a standard of right action lack robustness. This is perhaps why much of the care ethics literature does not conceive of care ethics as a theory of right action. While

there are many issues with conceiving care ethics as a 'woman's ethics', it was originally developed in order to account for the different response some women had in comparison to men when faced with a moral dilemma. In Carol Gilligan's initial experiments with children of various ages, she presents them with a now famous ethical dilemma: 'Heinz's wife has a disease. He cannot afford to buy the drug that would save her life. The pharmacist refuses to lower the price. It is okay for Heinz to steal the drug?'[xxxvii] When faced with this dilemma, most boys provided an ethical principle that made stealing the drug morally acceptable. However, some of the girls gave answers that appeared more evasive[12]. Gilligan provides the example of an eleven-year-old named Amy who in response to the dilemma claims, " Well, I don't think [Heinz should steal the drug]. I think there might be other ways besides stealing it, like if he could borrow the money or make a loan or something, but he really shouldn't steal the drug—but his wife shouldn't die either." She goes on to note "If he stole the drug, he might save his wife then, but if he did, he might have to go to jail, and then his wife might get sicker again, and he couldn't get more of the drug, and it might not be good. So, they [Heinz and his wife] should really just talk it out and find some other way to make the money (pg 28")[xxxviii]

In unpacking Amy's statements, we can certainly read her as providing a different, perhaps broader, standard for ethical action that considers the possibly that . As Gilligan notes, Amy sees the dilemma not as a math problem but as a narrative that extends over time. Although asked to evaluate a particular action, Amy's responses

---

[12] She later noted a simple pattern of responses in adult women. However, her results have not be able to be replicated (see footnote 13).

throughout her interview probe various actors and their relations to others. I do not wish to claim that Gillian proves there is a definitive difference in how men and woman consider ethics.[13] However, I do think Amy's frustration points out the difficulties many have with evaluating discrete ethical actions; it narrows the scope of what counts as 'ethical' too much and often does not provide enough context. This refusal to view moral dilemmas as a choice between two actions may suggest that we need to develop ethical systems with a different standard of evaluation that considers relationships.

Once we see that relationships are important for care ethics, it becomes clearer that care ethics does not aim at evaluating moral actions in isolation. Unless we define care quite thinly, the process of caring for another person somehow involves a relationship with that person. Further, the goodness or badness of this relationship cannot be solely in terms of caring actions. As Noddings notes, good carers sometimes treat the individuals they care for poorly, yet this does not always make them worse carers.[xxxix] Although most parents care deeply for their children, many often do yell at them or occasionally fail to provide them with proper support. A strong theory of care ethics needs to provide an explanation of why most parents can still be considered effective carers while still ruling out abusive parents as effective carers.

---

[13] Gilligan notably does not provide enough data to fully to support her claim that girls conceive of morality differently than boys. Other studies, such as Rest et al. (2010) have found as low as a 1% sex variance between male and females using a neo-Kohlbergian model of moral consideration. They note that the main cause of variance in moral understanding is education level with those with a higher education level demonstrating a higher level of moral understanding. As such, it may be possible that girls scored lower in Kohlberg's initial study because they had less opportunities for education rather than because they developed different understanding of morality.

Somebody might argue that is possible to resolve the issue by appealing to some type of threshold for a number of appropriately caring actions. However, I do not think that this approach is very promising. First, in many cases, it is not clear that effective carers actually perform more caring actions. For instance, some studies suggest that happy and unhappy couples have the same number of fights.[xl] There is notably a difference in how the fights are resolved, but it is unclear whether this could count as a separate act of caring. Likewise, it is not clear when one act of caring ends and another begins. If the act of putting your child to bed involves both reading them a story and tucking them into bed, some might count the process as two acts of care while others would argue that it's only one. Most of us do not evaluate the extent to which our relationships are flourishing by counting. We do not think that our relationships need to meet a set threshold of 'caring acts' in order be good or successful. In fact, we would view anybody who did this type of counting would be unlikely to be involved in many successful relationships. This seems to suggest that 'care' might be a term better suited to describe something other than discrete unrelated actions[14].

Viewing care ethics as a theory of right action provides at best a partial account of correct action and problematically narrows ethical focus. While this may have led some scholars to characterize care ethics as a 'weak' or 'limited' ethical framework, it is important to note that most care ethicists do not, at least explicitly, focus on correctness

---

[14] While other ethical frameworks might face problems with atomizing actions, it poses a special issue for the ethics of care. Deontology and consequentialism do not need to answer the question of how many moral actions are required to be a good person. However, care ethics does need to explain the relationship between healthy relations and caring actions.

of action. However, if action is not the subject of ethical evaluation for care ethics, it needs to provide an alternative. While most care ethicists do not attempt to provide a detailed account of ethical evaluation, they do discuss two potential alternatives: Care ethics evaluates individuals, or care ethics evaluates relationships. In the former case, care ethics considers the extent to which individuals are able to provide care and morally evaluates them on this basis. In the latter case, care ethics evaluates whether or not relationships are flourishing and holds individuals morally responsible for maintaining flourishing relationships.

It is important to note that this is not a distinction between consequentialist and non-consequentialist standards of moral evaluation. Both methods of evaluation can have consequentialist components. While the former method obviously requires that relationships actually do flourish in order to be considered good, some care ethicists, such as Noddings[xli] and Kittay and Feder,[xlii] have argued that one cannot truly care for another unless the other recognizes the act of care. Any attempts to care for another where that care is not recognized do not count as legitimate acts of care.

For instance, Noddings argues that one can only be considered to be caring for another if their caring is completed in the other person; the one cared for accepts care and responds positively.[15][xliii] According to Noddings, the process of trying to care for the other is not always ethical purely on the basis of intentions. Thus, both a standard that

---

[15] Nodding's requirement is not meant to imply that anybody receiving care is obligated to acknowledge the care. She seems to think that acknowledging care is merely a natural reaction to receiving good care. Notably, her analysis might overlook the fact the acknowledging care itself might be a form of emotional labor.

evaluates an individual on the basis of their contributions to relationships and a standard that evaluates an individual on the basis of how well their relationships are flourishing can have consequentialist considerations.

However, care ethicists generally want to avoid making care ethics fully consequentialist. If care ethics were fully consequentialist, it would be unclear how care ethics could be considered distinct from consequentialism[16]. Moreover, while care ethicists sometimes claim that consequences matter, they do not claim that care ethics aims at maximizing consequences. In the following sections, I will consider the role consequences play in care ethics. I will suggest later that care ethics need not commit itself to consequentialism, as well as argue that intentions remain quite relevant for evaluating care.

3) Moral evaluation: Agents or Relationships?

Considered individually, either standard of evaluation faces problems. If an individual's character is considered in isolation of flourishing relationships, we run into worries about the kinds of care that occurs in bad relationship dynamics. As Claudia Card notes, if we value any type of caring over none at all, we do not provide any ethical incentive for individuals to leave relationships that are unhealthy.[xliv] As long as an individual provides 'care' for another, they are considered good and as such we have no basis for suggesting that they ought to terminate the relationship. Thus, this standard does

---

[16] One could argue that care consequentialism could be considered a form of consequentialism similar to how virtue consequentialism can be considered a form of consequentialism. However, most care ethicists are unlikely to be happy with this solution because they view care ethics as a fundamentally distinct way of evaluating ethical considerations.

not allow us any basis for saying that is unethical to care for morally bad people rather than morally good people. Likewise, this standard still faces the earlier problem. We do not want blind care. We want certain people to care for us in specific ways.

However, the claim that care ethics should evaluate relationships is also problematic. There are many cases in which a relationship may fail to flourish through no fault of any of the individuals involved. For instance, sometimes couples decide to break up simply due to incompatibility. Consider the couple of Dean and Cindy from the movie *Blue Valentine*.[xlv] After falling in love quite quickly, the couple decides to get married after finding out that Cindy is pregnant with another man's child. Five year later, the couple faces problems. Dean struggles with alcoholism. Cindy works long hours at the clinic. They feel further strained by caring for their child. Dean tries to rekindle their relationship by booking a romantic getaway at a motel, but he proceeds to get jealous when he sees Cindy talking to her ex-boyfriend. This eventually leads to Cindy deciding to end their romantic weekend together. Dean eventually shows up at Cindy's work drunk and attacks Cindy's boss for flirting with her. Afterward, Dean and Cindy agree to get divorced because they do not want their daughter growing up with two parents who hate each other.

Both Dean and Cindy obviously make mistakes in their relationship. However, while not excusable, some of this behavior is a result of the frustration that they both experience with their relationship. Cindy's job and Dean's addiction place a strain on them and their personalities are not compatible for this sort of strain. While the characters

are at some fault for their behavior, their break-up is as much a result of bad circumstances. Even if they could have handled the situation better, they are not at fault because their relationship failed to flourish. We can also imagine a couple that behaves much better that still finds the circumstances to be too much. In such a case, the most caring thing might just be to terminate the relationship. This would improve well-being for both Cindy and Dean as well as their daughter. Thus, there can be circumstances where individuals are not morally responsible for the fact that their relationship failed to flourish. Likewise, there may be times where the most caring thing to do is to stop.

Likewise, it is also possible that relationships flourish by accident or with little effort on the part of either individual. Consider the case of Bill and Sam. Bill and Sam both love golf and play games together every Friday. Out of respect for the game, they remain polite and cordial to one another even if one is winning by a significant amount. While playing, they have nice albeit not very intensive conversation. As the years ago by, they grow to consider each other good friends. However, as those who know them in other contexts would confirm, Bill and Sam are both actually very self-centered individuals who lack concern for others. They remain kind to each other merely out their own enjoyment of the game. However, if any sort of minor conflict were to occur such as one of them arriving late, their relationship would deteriorate. In this case, Bill and Sam's good relationship seems to be mostly a result of luck as it remains contingent on nothing going wrong. Neither Bill nor Sam do enough to maintain a relationship that can survive

adversity. As such, most people would likely not find either of them particularly morally praiseworthy even though they have a flourishing relationship.

Thus, flourishing relationships are neither a necessary nor sufficient condition for agents acting out of care. However, merely focusing on individual attributes such as care or empathy ignores the context in which they occur. As Card[xlvi] points out, there are instances where empathy is inappropriate, and it seems like emphasizing the importance of a flourishing relationship can help us see why care is not morally admirable in some circumstances. Thus, both standards of evaluation are likely important for care ethics, although most theorists still have not quite unpacked a way of explaining the connection between the two. Without such an explanation, how to balance these two competing ethical criteria is unclear.

Joan Tronto makes at least an implicit attempt to link the two considerations in *Moral Boundaries*.[xlvii] She suggests "that caring be viewed as a species activity that includes everything that we do to maintain, continue and repair our 'world' so that we can live in it as well as possible. That world includes our bodies, ourselves and our environment, all of which we seek to interweave in a complex, life sustaining web."[xlviii] While she remains ambiguous on the extent to which care ethics is a theory of right action, her definition at least provides care ethics with an aim that is beyond simply to

care and to care effectively. Tronto sees the goal of care ethics as improving our world so that we may live as well as possible.[17]

In any case, Tronto's version of care ethics does not promote instances of apparent care that are counter to her aim. For instance, providing dinner for a Nazi every night so that they can more easily carry out their destructive aims would be an instance of bad care. It would harm the carer's relationship with others who did not support Nazi aims or might be the target of Nazi attacks.[18] By contrast, it might be a good instance of caring to help a Nazi who is currently in prison from bleeding out. In this case, the aid provided to the Nazi would not harm the carer's web of relationships because the Nazi cannot spread Nazi propaganda from prison.

Thus, considering a web of relationships can provide care ethics with an aim can help avoid the blind praise of any type of care. Likewise, Tronto's framework allows care ethics to aim at good relationships while also not ignoring how individuals contribute to those relations. Sustaining good relationships is surely important for maintaining a good world and therefore individuals' contribution to should relationships should be recognized.

However, while having an aim beyond simply caring for others may help explain instances of bad care, Tronto's aim of maintaining the world might not be the best

---

[17] I am not at this point considering whether individuals must consciously hold this aim in mind in order to properly care for somebody as Tronto remains ambiguous on it. I will consider it later when I suggest an alternative aim for care ethics.

[18] One might wonder about a person who happened to only have friends that were Nazis. However, as I note later, individuals do have a general obligation to care for everybody and your ability to care for others is greatly harmed if you are only friends with Nazis.

alternative. Held objects that Tronto's definition is too broad. She argues that vast amounts of economic activity including retail sales, house construction, and commercial cleaning would meet Tronto's definition.[xlix] Held does not consider those activities to be instances of care. Whether or not she is correct in her assessment, it does seem clear that these actions are not ones that we intuitively consider to be morally good, at least beyond fulfilling the general moral obligation we have to do our job.

Likewise, Held notes that Tronto considers her definition of care to exclude activities like play and creative activity.[l] Held thinks these are important parts of caring and maintaining relationships. Moreover, Held's criticisms hint at a larger issue with Tronto's definition. It seems too consequentialist. Much of our activity that does not directly aim at maintaining our world still remains ethically important, especially under a care ethics framework. Caring does not always have a defined aim yet actions like play remain ethically important. However, if we must aim at maintaining our world, such partiality does not look sustainable. A father can better help maintain the world by building houses than he can play catch with his son, yet care ethicists would, at least some of the time, claim that the latter choice is preferable.

While Tronto could claim that we can better maintain the world through maintaining relationships, the lack of emphasis on relationships in her account makes it hard to understand when personal relationships should take priority over broader social goods. The phrase 'maintaining the world' itself is quite vague. It is unclear whether

Tronto intends it to mean that we must maximize the consequences of all our actions or to simply imply that any consistent attempt to improve our world is enough.

Both interpretations face problems. The former makes care ethics into a form of consequentialism and, as result, makes act of care that do not maximize good results impermissible. While it is open to somebody to argue that spending time with one's child is more likely to maximize care than building houses, most care ethicists will find this weighing of consequences to be fundamentally the wrong way to decide how to care for others. However, the latter interpretation also faces problems. If any attempt to maintain our world is considered ethical, then it seems as though nearly everybody could be considered good carers. Even people who are quite evil arguably make some attempt to maintain the world. Without any consequentialist considerations, Tronto's account does not offer any explanation as to why the minimal attempts made by otherwise unethical people to maintain the world is not sufficient to make them good carers.

Likewise, it does not provide us with a framework for understanding the self in relation to others. There are many circumstances where there is more one could do to maintain the world, yet not be the best person to do it. For instance, consider the case of Mel and Sue. One day Mel realizes that she is sick and needs an operation. She decides to ask her friend Sue, who is a world-renowned surgeon, to perform the operation. However, Sue knows this operation will be quite painful and worries that Mel will grow to resent her for causing her so much pain. Not wanting to harm her relationship with

Mel, Sue instead explains her concerns and recommends another world-renowned specialist to perform the operation.

In this case, if Sue had performed the operation she would have 'repaired the world' by making Mel better, yet she might have harmed her relationship with her friend. While one might argue that Sue does not actually repair the world in this case because she is in fact doing more harm than good by unnecessarily hurting her relationship with Sue, this explanation still runs the risk of making care ethics too consequentialist. Care ethics wishes caring agents to focus on how to best provide care rather than focus on consequences. Because Tronto's account emphasizes 'repairing the world' without providing context for who and how, it fails to establish the salience of past and future relationships in our understanding of care.

4) Care as Creating and Maintaining Flourishing Relationships

Thus, I think a better aim for care ethics is to 'create and maintain flourishing relationships.' This is distinct from simply caring about others. The concern is not only with what improves the other individual, but with what improves the relationship. This allows individuals to better consider themselves in relation to others and consider when and how they are best able to provide care. Obviously, in most cases, relationships are most likely to flourish if both individuals are contributing to each other's flourishing.[19]

---

[19] Notably, individuals would also have to be contributing to their own flourishing. One cannot be a good relationship partner if they do not also take care of themselves.

It also generally requires the individual involved to care about the well-being of another in addition to caring about the relationship with the other. In fact, it would be nearly impossible for an individual to have flourishing relationships if they only cared about the relationship and not the other individual in the relationship. Stalkers often care deeply about the relationship they have with their victims, but they care very little for the victims themselves[20]. Few would say that stalkers have flourishing relationships with their victims as a result. Thus, the aim to create and maintain flourishing relationship nearly always includes the aim to care for others. However, the aim to create and maintain flourishing relationships also includes aims that help the relationship itself.

Individual flourishing is important for maintaining good relationships However, individual flourishing is neither necessary nor sufficient for flourishing relationships. Two individuals with a long-standing rivalry may be otherwise happy in their lives even though they fail to have a flourishing relationship with each other. By contrast, people who have undergone an extensive amount of trauma together often have close bonds even though they may still be struggling with the trauma. In this case, individuals may have a flourishing relationship even if they are not fully flourishing as individuals.

Likewise, it is possible for individuals to contribute to the flourishing of a relationship without contributing to the flourishing of either individual. For instance, many families have holiday traditions that nobody enjoys, but that they feel are important because they allow them to bond as a family. While the circumstances do not help

---

[20] It is possible that some stalkers are making a cognitive mistake or experience a form of erotomania, but nonetheless they are still not actually concerned with their victims flourishing.

anyone's individual flourishing, they arguably contribute to the flourishing of the family unit. Thus, it is possible for an agent to take as their aim actions which benefit the relationship even if these actions do not provide any additional benefit to the individuals in the relationship.[21]

I think this aim can still keep Tronto's idea of a 'web of relationships'. Since our aim is to create and maintain relationships, none of these relationships should be considered in isolation from one another. For instance, if an individual was considering whether or not to pursue a relationship with a Nazi, he or she ought to consider the extent to which such a relationship would impact her relationships with her friends and family as well as the broader impacts such an action might have on her fellow citizens and community. As such, this account can still allow for instances of bad care to be considered unethical. When one attempts to care for somebody who undermines their relationships with others, they are not always acting as good carers.

Further, considering the different types of relationships we can form can make this account more robust. Care ethicists tend to disagree quite a bit about what sort of relationships are important for care ethics. They suggest that not all relationships should be considered caring relationships. Some care ethicists think that caring itself grounds ethically important relationships. For instance, Nel Noddings thinks that care requires a type of personal engrossment that requires the carer to displace their own needs and become occupied with the feelings of the other.[li]

---

[21] The individuals are benefited by doing something that befits their relationship. However, it is important to note the causal direction of this effect. The individuals involved are benefited because they made their relationship better. They do not experience a benefit and then see their relationship improve as a result.

Noddings suggests that we experience this engrossment when we stand in a certain natural relation to the other. She implies that this natural relation is found in family relations. We naturally feel an obligation to care for others. From this natural obligation, we can emotionally link or connect with others through 'formal chains' of caring and hence become engrossed with more people. However, it is only those we have the capacity to experience engrossment with that we are obligated to care for.[lii] While this is not a problem if care ethics is considered a partial ethical theory that should only be applied to personal relationships, it requires us to appeal a different system of ethics to explain our obligations to individuals that fall outside our circle of engrossment.

Obviously, Nodding's standard for ethical care faces a similar problem to Slote's empathic ethics. It promotes a type of moral conservatism by looking at those we already care for and arguing that just those people are who we should care for. If the emotional experience of engrossment to ground the ethical importance of relationships looks unpromising, there are alternative options. Engster considers our obligation to care to be a product of our shared dependence. He notes,

> Since all human beings depend upon the care of others for our survival, development, and basic functioning and at least implicitly claim that capable individuals should care for individuals in need when they can do so, we should consistently recognize as morally valid the claims that others make upon us for care when they need it, and should endeavor to provide care to them when we are capable of doing so without significant danger to ourselves, seriously compromising our long term-term functioning, or undermining our ability to care for others.[liii]

However, grounding either the obligation to care or the ethical importance of relationships on shared dependency faces problems. Not all of our relationships with

38

others are a product of shared dependence. Many of the relationships we maintain in adulthood are the product of mutual enjoyment. As Held notes, much of caring does aim at simply meeting another's need, but it can also include activities of play or creation.[liv] Hence, it seems inappropriate to claim that the ethical importance of relationships requires one party to be dependent on another.

If neither dependence nor emotions are good candidates for grounding the ethical importance of relationships, another explanation is needed. This explanation needs to avoid worries of moral conservativism and also ensure ethical relationships do not include too many relations. if we expand the circle of relational importance too far, we face the problem of looking as though we have an obligation to make our relationship with everything flourish. One might question whether we truly have a moral obligation to stand in a flourishing relation to our coffee table.

However, I think both worries can be avoided by simplifying the criteria for ethically important relationships to be relationships that can flourish. It might be true, as Tronto suggests, that we can be in relation to everything else in the world.[lv] Yet, not all of these relations are of a sort that can flourish. I can stand in relation to my coffee table, yet it would not make sense to say that I have a flourishing relationship with my coffee table. Like with individuals, in order to be part of the scope of moral consideration, relationships must be of the sort where is possible for things to go better or worse for them. It is possible for us to have a better or worse relationship with individuals. It is also true that we can better or worse relationships with a society or group of people.

39

Further, the flourishing of your relationship with such a group could be considered distinct from the flourishing of any of its members. If you volunteer at a soup kitchen every weekend, it is possible that you have a good relationship with the homeless even if the homeless themselves are not flourishing. Conversely, we can recognize that we as members of Western society have benefited from the historical exploitation of the labor in the Global South and thereby realize that we do not have a flourishing relationships with the Global South even if some members of the Global South happen to be flourishing.[22] In both cases, group identity is important because the group stands in an ethically relevant relation to us because there are ethically considerations that specifically a pick out by group memberships. For instance, 'Global South' picks a site of exploitation and those that benefit from for that exploitation may have certain duties to those that are exploited[23].

However, it seems incoherent to speak of having a flourishing relationship with objects. It is unlikely that things can go better or worse for the relation between an agent and a rock. There is no contribution an agent can make to such a relation that would make the relation either better or worse. The problem is not that the rock lacks consciousness. This is also true of groups of people.[24] The problem is that neither the rock or the agent

---

[22] Of course, this is not meant to imply that the majority of the Global South is flourishing.

[23] This an ethical claim and not an ontological one. Whether or not groups should be considered ontologically distinct from individuals is beyond the scope of this paper.

[24] The extent to which group consciousness is similar to individual consciousness is well beyond the scope of this paper.

can add anything to the relationship that would make it flourish. Neither can enrich each other or the relationships between them.

One might be tempted to argue that one could be enriched by rocks if they happened to find rocks particularly interesting. Thus, some might suggest that it is possible for a rock collector to have a relationship with rocks because they find rocks to be particularly interesting. However, I wish to suggest that the rock collector's love of rocks actually helps him maintain a healthy relationship with himself. While rocks have an importance in his life, it is only because they contribute to a flourishing relationship that the rock collector has with himself and indirectly others. However, in order to make this claim, I first need to explain how an agent can have a relationship with themselves.

The view that individuals can have a relationship with themselves is not in keeping with most of care ethics literature. Notably, some care ethicists have suggested that such a relationship or even merely caring for yourself is impossible.[lvi, lvii, lviii, lix] For instance, Noddings suggests that caring essentially involves the displacement of your own needs in order to provide for the needs of another. Since providing for your own needs obviously will never require this displacement, it is not properly considered an instance of care. At best, Noddings claims, the carer may have an ethical duty to provide for themselves in order to provide the best for others, but this still is not an instance of care in and of itself.[lx] Likewise, Slote argues that it is impossible to have a relationship with yourself because relationships are based in empathic concern for another.[lxi] He claims that we cannot have empathic concern for the self because empathy essentially

involves 'placing yourself in another's shoes'. He claims, in my opinion quite questionably, that we do not need to be empathic towards our self because our needs are readily apparent to us.[lxii] However, I do not find either of these accounts terribly convincing.

The idea that we cannot have a relationship with ourselves seems to rest on the idea that there is an ethically relevant distinction between providing for ourselves and providing for others. Notably, this distinction is not unique to care ethics. Slote in particular seems to utilize the long-held distinction between the moral and the prudential in his analysis.[lxiii] We can see this distinction both in theories of right action and in theories of virtue. For instance, when considering the relationship between virtue and flourishing, Driver notes, "The connection between virtue and flourishing, on my view, is that moral virtue contributes to the flourishing of others by helping ease social interactions."[lxiv] She claims that virtues that contribute to self-improvement should be considered prudential virtues rather than moral virtues. Driver bases much of her analysis on Foot's claim that virtue should be used to correct human impulses.[lxv] Thus, much of the motivation for this distinction comes from a certain assumption about human nature: humans are naturally self-interested and motivated to seek out things that benefit themselves even at the expense of others. It is the job of morality to provide an alternative motivational structure and compel people to act in an unselfish manner.

However, I see two problems with this distinction. First, it seems odd to describe an action or character trait differently depending on who benefits. For instance, one could

characterize Driver's view as follows, "X is a moral virtue if and only if it is a character trait that contributes to Y's flourishing unless Y is the individual who possesses the character trait." The final clause feels ad hoc especially considering Driver's account is one of consequentialist virtue ethics. For her, the intent of the agent does not matter and it is perfectly acceptable for them to be motivated by selfishness. Thus, there does not seem to be any real moral reason why your flourishing should be considered morally different from another person's flourishing. All other things being equal, it is good to contribute to a person's flourishing, yet it is unclear why the person contributing makes a difference. As I have argued earlier, some people are sometimes in a better position to contribute to certain individuals' flourishing than others, but this in no way makes it impossible for individuals to contribute to their own good. If anything, individuals have a better understanding of their own needs and thus will sometimes be in a better position to contribute to their own flourishing than others.

Even if we consider intent to be morally relevant, we can treat selfishness and self-concern as distinct. This difference is sometimes considered a difference in degree rather than a difference in kind. For example, in his work on virtue, Adams notes that self-love is "the desire for one's own long-term happiness or good on the whole,"[lxvi] whereas selfishness is "letting oneself be governed inappropriately or too strongly by such interests."[lxvii] Thus, for Adams, selfishness is when one becomes overly concerned with the desire for one's own happiness and, as such, has too much self-love.

Similarly, if we wanted to apply this consideration to a theory of action, we might say that agents are right to take their own desires as reasons for acting, but only to a certain degree. When applying this consideration to relationships, we might say that it would be good to practice self-love, but it would not be good to become self-interested to the point that you harmed your relationships with others. However, while Adams labels the appropriate level of desire for your own happiness as self-love, I think it is better to label it as self-concern. Self-love implies that an agent loves themselves if they desire their own happiness and this is often not the case. Many agents might not love themselves as people even if they have a good amount of interest in their own desires. Hence, I think it is better to label this interest in one's own desires as self-concern.

While some might still worry that it does not makes sense to view self-concern as a relationship with yourself, I think that referring to self-concern as a relationship actually better explains the complex connection that we have with ourselves. There are many circumstances where we are too self-focused. For instance, most people could probably afford to spend less money on coffee in order to donate to charity more often. However, there are also many circumstances where we are too hard on ourselves or even become distant from our own wants and desires. When this happens, reflecting on our understanding of ourselves and our values can be helpful and even admirable.

In contrast to Slote[lxviii], I think it may even be possible to feel empathy towards yourself. Consider the case of Maya. Maya suffers from severe depression and is often quite hard on herself. Most days she finds getting herself to do the most basic tasks such

as eating and showing up difficult. One day, in an effort to convince herself to get out of the house, Maya tries to imagine herself from her friend's perceptive. Although briefly, Maya sees herself as a bright and caring person and this motivates her to shower and meet her friends for coffee. In this case, Maya's depression gives her an inaccurate picture of herself. By considering how others see her, Maya is able to gain a more accurate perspective. Further, her envisioning herself through the eyes of her friends can be considered a form of empathy as it involves her trying to gain a new perspective about herself.

In any case, through considering our relationship with ourselves, we can better understand when we are being too hard on ourselves and when we are taking too much self-interest. Hence, it is sensical to talk about one's relationship with one's self as flourishing. Individuals can have a better or worse connection to themselves. Those with a large degree of hatred for themselves have a worse relationship with themselves and those with a healthy amount of self-respect have a better relationship with themselves. By getting the care she needs, Maya can help her relationship with herself flourish.

Often the attachments we form with objects are a product of projects that help us flourish. One's hobbies and interests are often quite important for one's sense of self. For instance, consider the rock collector discussed earlier. A rock collector might enjoy collecting rocks in part because it gives them self-purpose. Collecting rocks both brings them joy and help contribute to their identity formation. The rocks can be considered important to the collector's sense of self and hence help his relationship with himself

45

flourish. While our relationships with other people can also contribute to our sense of self, the investment we put into our relationships are for the sake both of the relationship and others as well as ourselves. By contrast, the collector's concern with rocks is really a concern with his hobbies which he considers important to his own happiness. If we were to speak of a flourishing relationship between the collector and their rock, we would be really be referring to the relationship that the collector has with himself as the collector cannot perform any action to make his relationship with the rock itself more meaningful.[25]

One might question if there is a clear limit at which it is no longer possible to form a meaningful relationship with an entity. One might question whether it is possible to form a flourishing relationship with animals, the environment, or even works of art. While my view does not offer any easy answers to this problem and it is far too big a topic to be discussed here, it is worth noting that care ethics is not the only ethical theory that struggles to define the scope of moral consideration. While the answers they provided are varied, by framing the discussion around flourishing relationships, care ethics is able to avoid basing an answer to this question on an entity's mental state and instead consider whether it is possible for one's relationship to 'go better or worse' for

---

[25] This isn't to say that objects may have only instrumental value. As O'Neill (1992) notes, it is possible for objects to have intrinsic value simply because people want them to have intrinsic value. It is entire possibly that the rock collector thinks their rocks have intrinsic value. However, even if we grant that they are right in this assessment, this does not imply that rocks are the sorts of things that we can form meaningful relationships with.

something that lacks consciousness such as the environment. It is at least possible to conceive of having a flourishing relationship with an entity that lacks the ability to feel pleasure or pain, although care ethics need not commit itself to this and would need to explain how the relationship with environment is distinct from one's relationship with rocks. While care ethics might not be able to fully answer the question of who counts morally, as long as care ethics is able to distinguish between entities that clearly do not count and those that clearly do count, it is in no worse a position than other ethical frameworks.

This view does imply that we are in a relationship with most other humans[26] as it is coherent to speak of a flourishing relationship between ourselves and most other humans. Some might be concerned that if our aim is to 'create and maintain flourishing relationships', it implies that we have some obligation to form and improve relationships with as many people as possible. However, this seems overly demanding. We cannot form close, personal, flourishing relationships with everything and everybody. Once we consider the web of relationships, we can see that a frantic approach to relationships would undermine the ones we have and would leave us without enough resources to contribute to the relationships we do have. This the reason why our relationships with those far away may already be a flourishing albeit extremely distant relationship. Sometimes, both ourselves and those a great distance away are generally happy and are

---

[26] We might rule out cases of babies born without brains or other cases where it is impossible for a relationship to flourish. As I argue in the next chapter, this does not rule out the possibility of having a flourishing relationship with an individual with a cognitive disability.

getting along fine without knowing somebody on the other side of the world[27]. That said, such obligations would need to be considered on a case by case basis[28].

Some might worry that such a view still requires us to form new relationships whenever it would not harm our current ones. If somebody wants to be our friend and we do not have any other obligations, we might be required to be another person's friend and this still seems like an overly demanding standard. After all, most people do not think that we are required to be friends with somebody if we do not want their company. However, it should be kept in mind that the aim of care ethics as I define it here is to 'create and maintain *flourishing* relationships' as opposed to any relationship. If we force ourselves to be friends with individuals whose company we do not enjoy, we are not likely to form a flourishing relationship. The attempted friendship would likely lead to a lot of irritation and bitterness for both parties.

Moreover, even if something is an obligation, it does not entail that it is not also a want or desire. We just tend to pay less attention to obligations in cases where the ethical thing is also the thing that we want to do. Further, although most care ethicists seem to think that the language of obligation is not an appropriate way to describe the care we provide in relationship, most people do sometimes provide care for others out of a sense of obligation. For instance, while most parents certainly care for their children, in the

---

[27] This is assuming that there is no history of oppression or exploitation between any groups that the individuals might be a part of.

[28] When in a society with global interdependence, you may have some small obligation to find a pen pal if you are lonely.

rush of everyday life, many are motivated to do things like stay up all night sewing a

Halloween costume out of a sense of obligation rather than desire.

There may be also be circumstances where we begin to form new friendships out

of a sense of obligation. We may recognize that somebody needs a friend and offer to

provide support out of a sense of obligation. Eventually, this sense of obligation may turn

into a desire to care for the other.[29] The connection between obligation and love can work

in many directions and the two states are not mutually exclusive. One can have a general

feeling of love for another, yet still feel a sense of obligation to perform particular acts to

help them out. One can also care for somebody out of a sense of obligation to help and

then eventually grow to love them. It may even be possible to experience both the sense

of obligation that one must perform an action at the same time as experiencing a desire to

perform that action.

5) But What Should We Evaluate?

To return to the evaluation question, I want to make it clear that, while care ethics

aims at flourishing relationships, it does not judge agents solely on the basis of whether

their relationships are flourishing. There may be circumstances where an agent does not

have flourishing relationships due to reasons beyond their control. Similar to how

consequentialism does not hold agents responsible for consequences that they cannot

---

[29] The point when two people in this situation would become friends may vary depending on one's
definition of friendship. Aristotle (Nicomachean Ethics Book 8 Section 3) suggests that there are
friendships of goodwill where the friends love each other for their own sake. He also suggests that there are
friendships of pleasure or utility where one loves another in virtue of the pleasure or utility that they get out
of the relationship. We might say that is possible for a friendship to grow from a mere friendship of utility
to a friendship of love.

control, care ethics does not hold agents responsible for relationships failing to flourish

for reasons beyond their control.

Similar to how pure consequentialism might encourage moral agents to consider

potential consequences when deciding the best course of action, care ethics can claim that

moral agents should certainly evaluate the extent to which their relationships are

flourishing in order to understand if they need to approach any of them differently.

However, we should not assign moral praise or blame simply based on the extent to

which relationships are flourishing, as flourishing relationships are subject to moral luck.

In cases where families are undergoing a severe amount of stress due to illness or

poverty, familial relationships may not be flourishing, but that lack of flourishing may

not be the fault of any of the individuals involved. Instead, we should look at the extent to

which agents use their abilities to contribute to these relationships rather than consider

the extent to which the relationship is flourishing. This still leaves open the question of

actual contribution versus potential contribution.

This is a very old debate both in care ethics and in theoretical ethics generally:

Should the psychological state of the agent matter or should the actual contribution

matter? Julia Driver characterizes the debate as a difference between evaluational

internalism and evaluational externalism: actions being right because they were thought

by the agent to produce the best consequences and actions being right because the

actually do produce the best consequences.[lxix] While deontology and consequentialism

often uphold opposing sides of this debate, Driver notes that virtue ethics seems to

suggest that both are important. She notes that "certain psychological states are necessary for virtue but not sufficient, since a virtue trait must show some connection to actual human flourishing."[30][lxx]

Care ethics also seems to suggest this. There must be some connection between actual relationship flourishing and the intentions of the agent. For instance, Noddings notes that in order to care, the carer must both be properly engrossed in the other and that the other must actually 'uptake' the care provided .[31, lxxi] However, each side of this debate has issues that are not solved when the two sides are combined. If we focus on actual contribution to relationships, our view is still subject to moral luck. For instance, it is possible that a mother might misunderstand how to properly comfort her child, yet we might find her intention to do so morally admirable. If we focus on psychological states, we run the risk of overlooking clearly unethical situations simply because the agent involved had good intentions. For instance, abusive parents often intend to and truly believe that they are caring for their child. However, despite their intention, they often fail to understand what is important for their child's well-being. Since parents are responsible for learning how to care for their child, for instance they would be responsible if they did not research how to feed a baby, they are culpable for this ignorance.[32]

---

[30] As others, most notably Lisa Tessman (2005), have noted this conception of Aristotelian virtue rules out the possibly of individuals who are extremely poor circumstances form being virtuous.

[31] As noted earlier, as with virtue ethics, the goal for Noddings is not to maximize consequences. She simply thinks that consequences matter.

[32] This is assuming that the parents were in an environment where such information is accessible.

Driver's solution to this two-pronged problem is to simply declare that virtue ethics must really be consequentialist and then attempt to provide a solution to the problem of moral luck.[lxxii] I think a better solution for care ethics would be to make a distinction between feeling the right emotion and performing the correct actions. Since, like virtue ethics, care ethics evaluates something other than individual actions in isolation, in this case an individual's contribution to relationships through actions over time, care ethics can claim that both the emotions behind actions and the actions themselves are important for flourishing relationships. This can avoid the moral luck worry by recognizing that an agent may still have admirable emotions even if the moral result was not what they intended. It can avoid problems with moral ignorance by claiming that the individuals involved were not acting as well as they reasonably could have.

Such an account does have the implication that individuals who are victims of bad moral luck are sometimes responsible and suggests that those acting out of moral ignorance may be somewhat morally admirable. However, this somewhat complicated response allows for a more contextual understanding of many circumstances and keeps much of what is appealing about both evaluational internalism and evaluational externalism insofar as it holds agents to both standards, but makes them less blameworthy if they fail at only one. While somebody who unintentionally abuses their children is certainly not morally admirable, they are possibly more morally admirable than those who intentionally abuse their children. Likewise, individuals whose relationships fall

apart due to poor decisions made while one party is ill may not be blameworthy insofar as the degree of care required to maintain the relationship would be beyond what we could reasonably expect of any individual. However, they might still be considered less morally admirable than those who are able to persevere through illness without making decisions that harm their relationship.[33]

Obviously, an account that accepts both would require two different types of virtues. Below I will explain how both of these types of virtues are compatible with care ethics. However, I want to begin developing my account of care ethics as a theory of caring virtues aimed at flourishing relationships by looking at the role care itself plays in this account. I argue that care serves a similar role to practical wisdom and acts as a guiding virtue. However, it is important that, although its role is similar to practical wisdom, the capacity to care should not be defined in such a way that makes caring impossible for children or individuals with disabilities. This groups do contribute meaningful to relationships and therefore can be agents. If my definition of care had requirements that were impossible for children or people with disabilities to reach, it would cause problems for my account of care ethics.

Shoemaker defines claims that caring for X "consists in the disposition to experience mature, complex emotions corresponding to the up-and-down fortunes of X."[lxxiii] He claims caring requires us to be concerned with another's well-being. One feels corresponding negative emotions when things go poorly for the object of concern and

---

[33] Keep in mind that circumstances where a relationship fails to flourish that are not a result of actions of members of the relationship would still leave an agent blameless.

corresponding positive emotions when things go well for the object of concern. Notably, these corresponding emotions might not be identical to the emotions of the object of concern. Those who have lost a loved one often find it frustrating when friends remark that they 'really know what [the griever] is going through'. While friends may recognize that the griever is suffering, they are not experiencing grief themselves. They are experiencing a negative emotion as a result of the other's suffering, but that emotion is not grief.[lxxiv]

However, some might worry that characterizing care as an emotional response rules out too many as potential carers. For instance, individuals on the autism spectrum often struggle with empathizing with others. However, they may care for others in different ways. Kennett argues that individuals with autism do not recognize moral considerations through empathy, but rather through reason. She notes a response to another person described by Jim Sinclair:

> The first time I ever realized someone needed to be touched was during an encounter with a grief-stricken, hysterically sobbing person who was in no condition to respond to my questions about what I should do to help. I could certainly tell he was upset. I could even figure out that there was something I could do that would be better than nothing. But I didn't know what that something was.[lxxv]

Sinclair seems to show concern for the other, but it is non-emotional concern. Shoemaker attempts to counter Kennett's claims by claiming that individuals with autism do experience negative emotions when they learn that others are suffering. He claims that individuals with autism simply come to discover that others are suffering through non-

traditional routes as they cannot recognize other's emotions through standard

methods.[lxxvi]

Shoemaker's view is keeping with Fritz's view on the subject. She provides a

rather compelling thought experiment:

> When you arrive on their planet, you are greeted with a pinch that sends a painful
> electric shock through your entire body. This is the aliens' form of greeting. Soon
> the aliens begin slapping each other, before slapping you, sending more shocks
> through your body. The aliens claim that this is a sign of joy. When you ask them
> to stop slapping you, you are greeted with either confusion or hostility. More
> problems arise when you discover that the aliens communicate nonverbally
> through ultraviolet waves a human cannot see. Some aliens are accommodating
> and make a genuine effort to understand your human condition. Most however,
> are much less accepting. These less accepting aliens begin proposing that humans
> do not have empathy.[lxxvii]

She claims that people tend to view individuals with autism in a similar way as these

hypothetical aliens would view humans generally. While individuals with autism may

have more trouble understanding why non-autistic people enjoy the things they do, this

does not imply that individuals with autism are incapable of empathy. They just may

struggle to understand particular customs.

While Shoemaker and Fritz's views may present a more accurate picture of

autism, it is still possible that Shoemaker's emotional requirement is too restrictive. As

the famous phrase in the autism community goes, 'if you've met one person with autism,

then you've met one person with autism'. It might be true that most autistic people do

experience concern for others as an emotion. However, it is possible that some still have

experiences like Jim Sinclair's encounter. Some people with autism might still experience

concern for the other as a cognitive experience that lacks emotional components.

55

This also may be true for individuals without autism. In certain situations, people may have concern about another's well-being even though they do not have an emotional response. For instance, doctors often have concern for their patient's well-being, but experience this concern through mere thought rather than emotion as such emotions might make it more difficult for the doctor to do her job. By insisting that individuals can only care through one particular mechanism such as empathy or engrossment, care ethicists ignore the wide variety of ways individuals can show concern for others.

Thus, I think it is better to keep Shoemaker's definition of care as concern for another's well-being but claim that this concern can be cognitive or emotional.[lxxviii] Shoemaker worries that mere cognitive concern for others is not necessarily motivating. He notes that psychopaths can be concerned with another's wellbeing.[lxxix] They can recognize suffering in their victims. However, conscious recognition of another's suffering does not entail that one will be motivated to stop it. For Shoemaker, the difference between a moral agent and the psychopath is that only the moral agent experiences the emotions needed to be motivated to stop suffering.[lxxx]

Shoemaker is right that motivation is an important component of virtuous concern, but this motivation does not require any complex emotional upheaval. Virtuous concern requires an individual to take enough interest in another to want to care for them properly. However, there is no reason why such a motivation always requires complex

emotions as Shoemaker suggests.[34] One is often motivated to do tasks that they do not feel any strong emotion towards. We are largely compelled by prudential reasons to do most of our daily activities. It is possible that sometimes we also do not feel complex emotions when we are motivated by our concern for another. By contrast, the psychopath is not motivated to act out of interest in another's well-being.

Virtuous care is a type of concern that motivates somebody to act out of interest in the well-being of the object of their concern. While Shoemaker considers the objects of virtuous concern to be other individuals,[lxxxi] I want to suggest that virtuous concern is actually 'concern for the self in relation to the other'. Following Darwall,[lxxxii] Shoemaker suggests that we understand morality through second-personal reasons. Darwall considers a second-personal reason to be "one consisting in or deriving from some valid claim or demand of someone having practical authority with respect to the agent and with which the agent is thereby accountable for complying" (2006b, 7, this is a different unpublished document).[lxxxiii] He further notes that "Second-personal reasons are distinguished from reasons of other kinds by their conceptual relations to authoritative claims and demands that must be able to be addressed to those to whom they apply" (1).[lxxxiv]

Darwall considers second-personal reasons to be agent relative. He uses an example of the different ways we might compel somebody to stop stepping on one's foot to demonstrate the difference between second-personal and agent-neutral reasons. One

---

[34] One might argue that if concern requires motivation then concern requires desire. Some might consider desire to be an emotion. I am fine with granting that the capacity to desire is needed to care for somebody. If one wishes to consider desire an emotion, I will concede that some emotions might be needed to care. My point is simply that concern for another does not have to be a primarily emotional experience or require complex emotions.

might point out that any agent who is in a position to do so has an obligation to lessen somebody else's pain or one might point out that it is the foot-stepper's fault that they are in pain in the first place and therefore he has an obligation to get off.[lxxxv] The former provides an agent-neutral reason while the later provides a second-personal reason. The latter provides a reason to a specific agent which cannot be asked of every agent. Shoemaker is right to consider concern for others as an interest in the second-personal reasons that others can provide us.[lxxxvi] If one has concern for another, they are not interested in neutral reasons that guide action, but the specific wants of the object of concern. If one cares for an another, they do not wish to stop stepping another's foot because it violates some general moral principle to not harm others. They wish to stop stepping on their foot because they as an individual do not wish to harm another specific human being.

Darwall goes on to note that second-personal reasons require the right connection between practical authority and responsibility. He notes "someone has practical authority with respect to another if, and only if, the latter has a second-personal reason to comply with the former's valid claims and demands and is responsible to the former for so doing."[lxxxvii] Likewise, he claims that "someone is responsible to another if, and only if the latter has the authority to make some valid claim or demand of the former that the former is thereby given a second-personal reason to comply with."[lxxxviii]

However, one can only recognize the practical authority of the other if one considers the self in relation to the other. For instance, one cannot recognize the practical

58

authority another has to ask that they get off their foot unless they understand that they are the person who stepped on their foot. In order to establish practical authority, one needs to be concerned with relative reasons and one can only be motivated by these relative reasons if they recognize the relationship between themselves and the other person. The knowledge of the connection between oneself as an actor and the harm caused in another is needed to understand the relationship of demand of 'you specifically need to stop hurting me.' Thus, in order to recognize the second personal demands of the other, one must show some interest or concern in their relationship with the other.

Primary concern for your relationship with the other need not imply that you only care about the relationship and not specifically about the others involved in the relationship. If one is truly concerned about the well-being of their relationship with another, they also concerned about the well-being of the other, as not caring about the well-being of the other harms the relationship. Our virtuous concern for our relationship with others comes about specifically because we care about others and want to know how to best help them. However, it should be emphasized that concern for the relationship itself is not what grounds concern for the other.

To modify an example from Shoemaker,[35][lxxxix] we can imagine a relationship fetishist. A relationship fetishist wants to act in ways that make their relationship flourish because they value flourishing relationships. However, they have no concern for the individuals involved in these relationships. They may treat these individuals quite well as

---

[35] In his example, he imagines a moral fetishist who wants to do the right thing because it is the right thing. He does not consider relationships in his account.

a result of the fact that it contributes to relationship flourishing, but they never act out of concern for the other. This type of relationship fetishistism does not seem to be an instance of good care as it ignores the other as a source of moral motivation. Such a hypothetical person might even be considered self-undermining as some might argue that it would be impossible for a relationship to flourish if one person did not have any direct concern for another.

Thomas makes a similar argument in his critique of care ethics.[xc] He finds the priority of relationships to be implausible and argues that care ethicists should give it up. After noting that Held[xci] considers differences in the priority of relationships to be the main difference between care and virtue, he claims that her argument would have to run as follows: "what is good is not that a person A cares for person B, or the virtue from which A acts in so caring for B. What is valuable is the relationship itself. So an ethic of care is grounded on a certain conception of value: there is a value to the existence of a caring relationship between A and B of which A and B and the relation are merely components."[xcii] To be clear, Held's book only highlights the importance of relationships in care ethics. She does not claim that we care about relationships rather than individuals and certainly does not make the above argument.

However, Thomas, in response to his characterization of Held, claims that it "seems to me at worst a metaphysical mistake, or at best a mere figure of speech, when care ethicists claim that it is the relation between care giver and the object of care that is valuable. It is the object that is valuable to the caregiver; if I love my wife, it is my wife I

love and not the relation in which I stand to her. I don't love my wife in virtue of loving love."[xciii] However, nothing in Held's claims about the priority of relationships entail that relationships are the *sole* source of ethical concern, merely an important source.

While ontologically defining a relationship would be a long and difficult project, it is reasonable to assume that the flourishing of a relationship is not always identical to the general flourishing of either individual or aggregated flourishing of the two people in the relationship. Two co-workers who barely speak to each other may have flourishing lives without having a flourishing relationship. It is at least coherent to voice concern about the relationship itself separate from concern about the individual. Thus, it Is possible to consider the relationship itself as a third source of ethical concern - the other two being the self and the other. Rather than A caring for B and B caring for A, a good relationship also has both and A and B caring for the relationship itself although not to the point of ignoring each other.

The mistake the relationship fetishist makes is seeing the relationship itself as the only source of virtuous concern. Shoemaker suggests that in order to be a moral agent one must "be capable of being motivated by those second-personal moral reasons because one is capable of caring about their source."[xciv] I argue that concern for second-personal moral reasons often demonstrate a concern for the relationship. Specifically, we often understand another's authority to make second personal demands on us by understanding how we stand in relation to them. For instance, we are not only concerned with making

reparations for slavery because we recognize that others disadvantaged but also because we recognize how we unfairly benefited from the harms done.

However, this does not imply that relationships are the only source of moral consideration. The other individuals in the relationships are also sources of moral consideration. They are just sources that can only be understood from a second-personal perspective if one cares about relationships. Notably, concern with the relationship need not take the form of concern with relationship flourishing itself. It is likely that most agents do not consciously think about relationship flourishing. However, they do need to consider their relation to the other to understand second-personal demands in order to understand why they in particular ought to perform certain tasks. An agent's interest in how they stand in relation to another may subside once a wrong has been accounted for. However, this is generally because the relation between the two has returned to comfortable stasis. If any agent accidently steps on a stranger's foot, apologizing would likely return their relationship to its previous level of flourishing. If the two strangers were otherwise happy living separate lives, no further interest in the relationship would be required on either of their parts.

As Darwall notes, individuals have the personal authority to make moral demands due to the wrong-making features of an action.[xcv] These wrong-making features might not themselves be second-personal, but they still ground the second-personal claim that others can make on us.[xcvi] For instance, the fact that stepping on one's foot causes avoidable pain grounds the authority a member of the moral community has to ask that

62

one stop. Yet, one has to recognize the pain itself as a wrong-making feature in order to understand that a member of the moral community has the authority to make such a claim.

Similarly, although concern for relationships helps us understand second-personal authority, we still need to be concerned about an individual's well-being itself to understand the claims they can make upon us. Further, the two work in relation to help motivate the agent. The relationship is similar to how the aesthetics of individual objects relate to the aesthetics of an organized space. An interior designer wants to create a beautiful space. In order to do so, she knows that she must fill the space with objects that are aesthetically pleasing. However, she cannot choose any random objects that she finds aesthetically pleasing. Some objects might clash with each other, ruining the aesthetic value of the space. She must also consider how the objects relate to each other. Thus, to create an aesthetically pleasing space, she must consider both the aesthetic value of each object as well as how the objects relate to each other. Likewise, proper virtuous concern requires us to both consider the relationship and the individuals involved especially in cases where moral agents maintain close relationships over time.

Sometimes the type of relationship we have with others encourages us to take more interest in the relationship itself rather than the individual. While Darwall considers membership in the moral community to be the basis for the practical authority to make moral demands,[xcvii] social roles can also ground such authority. Social roles are often recognized through our concern in our relationship to other. We recognize that we stand

in a certain relationship to the other and this relationship grounds certain obligations, such as those that parents have to children. These duties often extend beyond the duties we have to other members of the moral community. In addition to not harming our family members, we have an obligation to provide them support.

While Western philosophical tradition has traditionally overlooked roles in favor of more general philosophical frameworks like the one Darwall provides, the importance of roles has been more emphasized in Eastern philosophical traditions. Specifically, Confucian philosophy has a long history of considering the specific relations to another as essential for ethics. As Henry Rosemont Jr. notes in his analysis of Confucian role ethics, Confucian philosophy considered roles to be highly important to the formation of the individual.[xcviii] For instance, he considers how Confucius would describe his own identity:

> If I could ask the shade of Confucius "who am I?" his reply, I believe, would run roughly as follows: given that you are Henry Rosemont, Jr., you are obviously the son of Henry, Sr. and Sally Rosemont. You are thus first, foremost, and most basically a son; you stand in a relationship to your parents that began at birth, has had a profound influence on your later development, has had a profound effect on their later lives as well, and it is a relationship that is diminished only in part at their death.[xcix]

Rosemont goes on to suggest that, for early Confucians, an individual is just the sum of the roles that they occupy. While one typically begins life as somebody's son or daughter, they come to occupy many different roles over their lifetime. Further, similar to how care ethics emphasizes a web of relationships, early Confucian ethics emphasizes the inter-dependency of roles. As Rosemont notes when he considers his own family:

64

My role as father, for example, is not merely one-to-one with my daughters. In the first place, it has a significant bearing on my role as husband, just as the role of mother bears significantly on my wife's role as wife. Second, I am "Samantha's father" not only to Samantha, but to her friends, her teachers, someday her husband, and her husband's parents as well. And Samantha's role as sister is determined in part by my role as father.[c]

Confucians and care ethicists agree that virtuous concern requires a concern for one's relationship to others in the context of other relationships. This concern can allow individuals to see how one role can impact another and possibly change the obligations associated with that role.[36]

While roles can give individuals the moral authority to ask something of another, these requests may not always take the form of a demand, contrary to Darwall's description. Once we recognize that roles help us understand our ethical relation to others, we can see that others might ask us a far wider range of things than simply that we keep our obligations to them as members of a moral community.[37] Often, our relations to others give us permission to take special interest in them and ask the same from them. We want those close to us to take interest in our lives and projects. Thus, our relation to our friends and family members encourages this type of interest. We both feel obligated and want to know about their daily victories and struggles. However, we do not give everybody the permission to take this interest. We would feel unease if a stranger wanted

---

[36] There is an interesting question about the extent to which early Confucians consider personal identity to just be the interlocking roles an individual occupies. However, that discussion is beyond the scope of this paper.

[37] There is the question of when caring acts might move from being a moral obligation to a supererogatory action. However, it is important to note that care ethics aims at flourishing relationship and is thus less concerned with the question of which actions are moral obligations than they are how actions impact relationships.

to take such an interest in our lives and would likely only give them permission to do so after our relation to them changed. Thus, virtuous concern itself is contextual. How much interest we ought to take in another is a product of our relation to that other.

Virtuous care, as I am defining it, is concern-for-the-other-in-relation-to-the-self. It requires concern for oneself, the other, and the relationship between the two. It also requires some awareness of the web of relationships in which the relation occurs. Concern as I'm defining it is not itself an action, although it can often lead us to act. It is a dispositional state that has a particular referent. This referent can be an individual or group. That individual can be the self as in cases of self-concern. It might also be possible to have concern for objects or ideas, although it should be noted that often concern for objects is a version of self-concern.

While individuals ought to have virtuous concern for everybody with whom they have a relationship, the degree of concern varies depending on the context of the relationship. This is not meant to rule out the possibility that somebody can be overly concerned with another. We can have too much concern or too little concern for individuals based on our relationship to them. Aristotle notes in Nicomachean Ethics not all excesses or deficiencies have distinct names. In his analysis of Aristotle, Crisp notes, "Virtue is concerned with feelings and actions, in which excess and deficiency constitute misses of the mark, while the mean is praised and on target, both [the mean and the excess/deficiency] of which are characteristics of virtue…"[ci] In the case of concern, the fact that our language does not have a specific word for being overly concerned does not

66

mean that being overly concerned is not genuinely seen as an excess. Thus, it is still acceptable for us to criticize overly involved mothers and possessive partners. Similarly, we might say that selfish people are overly concerned with themselves. Virtuous care aims at the right balance between this excess and deficiency.

Some might worry that a complex notion of virtuous concern is impossible for an individual to achieve. It would be impossible for any individual to consider how all of their relationships impact each other at once. However, this level of consideration is not needed for virtuous care. When an individual is morally concerned with another, they need only consider the relations that are relevant to their concern for that person at that given time as well as possibly how to balance these relations[38]. One need not be concerned with the fight that they had earlier with a colleague in order to have proper concern for their child. It might be argued that any relation has the potential to be relevant to another relationship. For instance, if a parent does not resolve the fight with their co-worker, they may be too angry to appropriately care for their child. However, while virtuous care requires some consideration of relationships, it does not imply that this understanding has to be perfect. It just has to be enough to not push one into an excess or deficiency of concern. Generally, failing to consider one's co-worker in relation to one's child will not cause one to be overly or insufficiently concerned with the child. Thus, one only need consider that relation in circumstances where it might.

---

[38] In many cases, the solution may be so obvious that it requires very little cognitive work. For instance, keeping your promise to your spouse when you have nothing better to do.

While this project of considering every relationship that we have in the context of other relationships seems quite complicated, it does not require a great degree of cognitive sophistication. As I point out in the next chapter, relational understanding might not require propositional understanding. Likewise, many are able to understand the purpose of one's role even if they lack a clear understanding of the role itself. Studies show that preschool aged children demonstrate a desire to help their younger sibling complete tasks, even if they lack a full understanding of their social role.[cii] Even in adulthood, our understanding of role relations does not need any sort of elaborate cognitive skill. It simply requires us to recognize our connection to the other as a reason for acting. This recognition can be propositional or non-propositional and may or may not include emotional components. While it requires an understanding of the other in relation to the self, it need not require a robust understanding of the self.

Following Confucian role ethics, one may conceive of the other and the self as not completely separate and still realize the important ethical relation between the two. If one conceives of the family unit as whole, it is still possible for a person to understand their individual relation to the unit. As such, the requirements for virtuous concern are quite flexible and not beyond the capabilities of most humans.[39] Moreover, as care ethicists frequently emphasize, virtuous concern is a natural impulse that comes out of living in close relations with others. Most of us grow up with the desire to help others around us and understand how to act on those desires through roles. While we should avoid using

---

[39] Obviously, this standard would rule out any humans who lacked consciousness. The question of whether some animals are capable of this type of concern is beyond the scope of this project.

these natural responses to justify virtuous concern as they can frequently overlook those at a distance or of different groups, these natural responses do speak to how easy it can be to meet the requirements for virtuous care.

Virtuous care is morally good regardless of whether it contributes to relationships. Even if individuals fail to actually help their relationships flourish, it is still morally admirable that they showed the other concern. As such, it avoids the problems of moral luck that plague external accounts of goodness. If two individuals show appropriate virtuous concern for each other, but their relationship fails to flourish due to external factors, they are still morally admirable for the concern that they showed each other.

Further, considering care in the context of a web of relationships, we can avoid ascribing too much to toxic caring relations, as Card is concerned about.[ciii] While one might be minimally morally admirable for caring for a Nazi, they would still be still be criticizable if such an action showed a lack of concern for others in their web of relationships. Providing a Nazi with medical care in prison would likely not conflict with any other caring relations, while providing a Nazi with dinner so that they may attend their next Nazi meeting would very likely conflict with other caring roles. Since virtuous care is always morally good, both actions would be considered minimally morally admirable if the actor acted out of proper virtuous concern for the Nazi. However, the latter action could also be subject to much moral criticism as the actor likely does not feel proper virtuous concern for many others in her web of relationships. One might object that being concerned with individuals who have horrible ideologies should not be

69

considered morally good. However, I think it is actually in keeping with how we are in the real world. Many people have racist relatives that they are still concerned about, despite not supporting their ideologies. While those situations are often uncomfortable, most people still feel it is important to care for their relative and attempt to simply avoid discussing issues of race. While some might, perhaps rightly, argue that we have a moral duty to correct racist ideologies, cutting families members completely out of one's life due to their racist ideologies is unlikely to increase relationship flourishing.

6) Care Ethics as a System of Virtues

Obviously, this definition of virtuous care or virtuous concern is a very minimal moral standard. Every individual is concerned with something or someone. Thus, nearly every individual is capable of a minimal level of virtuous care and everybody who is capable of virtuous care very likely feels or experiences it at least some of the time.[40] While we might find nearly everybody at least minimally morally admirable, virtuous concern, by itself, is obviously not meant to be a complete moral system.[41] As noted in the earlier analysis of care, care ethics frameworks that focus on a single source of moral value tend to be limited in scope.

In this case, minimal concern is often not enough to ensure that our relationships are flourishing. Minimal concern does not provide any information on how to care for a

---

[40] One might argue as Shoemaker (2007) does that psychopaths are incapable of virtuous concern.

[41] To be fair, any moral system that evaluates character and does not endorse the unity of virtues would likely find everybody met some very minimal standard of goodness. Even very horrible people have some good character trait or another.

person or maintain a relationship with them. Given that virtuous concern is a disposition rather than a way of acting, it is at least theoretically possible to have virtuous concern for another and never act on it.[42] Thus, virtuous concern certainly does not guarantee that we will be a good friend, partner, parent, or any other role. Likewise, it fails to fully account for instances of culpable ignorance. It is possible for a parent to show virtuous concern for their child, and yet fail to seek out any information they might need in order to properly care for them. This lack of care is not the result of moral luck and hence the parent seems worthy of moral criticism.

Thus, care ethics needs more than virtuous concern to be able to properly evaluate the extent to which individuals contribute to flourishing relationships. Specifically, I wish to argue that care ethics is best conceived as a moral framework that promotes cultivating virtues that aim at flourishing relationship. However, I think having minimal concern is an important starting point for building flourishing relationships. Specifically, I think it serves a role similar to practical wisdom in Aristotle's account of virtue.

To be clear, the role virtuous concern serves in my account is not identical to the role practical wisdom serves in Aristotle's account of virtue. In Aristotle's account, practical wisdom helps us understand exactly how to act virtuously in a given situation.[civ] While concern helps us maintain an interest in another, it does not in itself under this de-intellectualized definition offer any insight on what might be needed to form a flourishing relationship with a particular person. However, like practical wisdom in Aristotle's

---

[42] It is unlikely that such a case could ever actually occur since virtuous concern does motivate one to act. However, one can at least imagine a hypothetical case where an agent felt appropriate motivation to act, yet happened to be extremely lazy.

account, concern plays a *guiding* role in this account of care ethics. It is through concern that we maintain our interest in another's well-being as well as interest in our relationship with them. This interest motivates us to acquire other relationship virtues.

For instance, through maintaining interest in another over an extended period of time, somebody might develop the ability to empathize with them. Similarly, when a new situation arises or a relationship dynamic changes, concern can help guide changes in how we treat others. For instance, consider the case of Clint and Austin. Clint and Austin have been married for ten years. They are also co-workers at a very high demand job. Austin has always appreciated Clint's brutal honesty when Austin is slacking. It motivates him to perform better. However, after they decide to have a child, Austin's attitude changes. It is harder to maintain work-life balance now that they have a daughter and Clint's comments make him feel overwhelmed. While Clint is not a particularly empathetic person, he has always been concerned with Austin and their relationship. This concern helps him realize that Austin is feeling overwhelmed and motivates him to figure out the reason why this is the case. He eventually asks Austin how he can help and they agree that Clint should still be honest when Austin is not doing enough at work, but he should be gentler when delivering such messages. Thus, concern helps Clint make adjustments to help maintain a flourishing relationship with Austin.

Thus, virtuous concern can help guide an agent to acquire other virtues, such as gentleness in the above case, and serves a role similar to practical wisdom in Aristotelian virtue ethics. One might worry whether it is possible to replace practical wisdom with

72

virtuous concern if virtue ethics is interested in developing character traits. However, once we understand the relationship between practical wisdom and other virtues, we can see that the two are compatible. In much of his work, Roger Crisp notes that virtues can be understood at both formal level and a substantive level. He notes,

> At the formal level, we have the doctrine of the mean. At the substantive level, we have some concrete theory about what makes feelings and actions right in different cases. Aristotle himself was quite aware of this distinction, remarking that offering the doctrine of the mean as substantive ethical advice would be like telling someone who is ill that they should obtain the treatment required by medicine."[cv]

For the most part, virtues work on the substantive level. To have a particular virtue is just to display that virtue in the appropriate setting. Actions are right in so far as they display these virtues. Like with practical wisdom, virtuous concern helps agents determine which setting is appropriate for acting at the substantive level. However, a theory of virtues also requires some explanation of why certain virtues are morally good at the formal level.

At the formal level, both Crisp[cvi] and Annas[cvii] have noted that the doctrine of the mean does not get us very far. Knowing that something is lies between an excess and a defiance does not determine whether it is appropriately aimed at the good. For instance, the average student is typically considered a C student, yet aiming to be a C student seems to misunderstand the concept of the good. According to Annas, Aristotle seems to hold an intuitionist view of morality. Practical wisdom helps us determine which means we intuitively think aim at excellence.[cviii] As such, it is possible to replace Aristotle's formal claims with different formal claims while still keeping the concept of virtues at the

substantive level. Since Aristotle's account is grounded in moral intuition, it is possible to replace that intuition with any other theory of the good without otherwise changing our description of virtue at the substantive level. This leads Crisp to note, "But at the formal level there is nothing to prevent a utilitarian or a Kantian advocating Aristotelian virtue ethics as a framework for ethical theory."[cix] For instance, one can argue that, by acquiring certain virtues, we will act in such a way as to produce the most good for the greatest number of people. Likewise, it is possible for a care ethicist to advocate for virtues replacing practical wisdom with virtuous concern and arguing that virtuous concern aims at relationship flourishing.

My view of care ethics argues that flourishing relationships are morally good and that we create and maintain flourishing relationships by acquiring certain virtues. At the formal level, virtuous concern guides agents to maintain a web of flourishing relationships with each individual including their relationship with themselves. This is not a linear process as one, hopefully, enters the world with several flourishing relationships already in place. The process is closer to a circle in which flourishing relationships encourage virtue and virtue encourages flourishing relationships. It is worth noting that, as this account is concerned with flourishing relationships rather than flourishing individuals, the standard for flourishing is not provided by species norms. Relationships do not flourish qua human the way individuals flourish qua human. Rather, this standard remains somewhat intuitionist insofar as our intuitions do often determine when we consider a relationship to be flourishing.

74

The term 'flourishing' is likely too ambiguous to be subject to direct scientific research. However, our views on relationship flourishing can certainly be informed by studies on relationship happiness or on studies of individual happiness that emphasize the importance of relationships. In addition, some care ethicists might consider that most flourishing relationships have certain characteristics as a result of flourishing. For instance, flourishing relationships might be characterized by mutual honesty or mutual trust. These characteristics are not themselves virtues as they define features of the relationships rather than character traits, but individual virtues can create a relationship that has these features. At the substantive level, individuals develop virtues that help relationships flourish. For instance, if both individuals develop the virtue of honesty, their relationship can be considered mutually honest.

Now that we have established care or concern as interest-in-the-other-in-relation-to-the-self as a guiding virtue and explained its relation to a system of other virtues, we can finally turn to the two different types of substantive virtues. In his work on compassion, Crisp notes that it is possible to distinguish between two types of virtue. He claims that there are pathocentric virtues that are concerned with feeling the right response to a situation and praxocentric virtues that are concerned with performing the correct action for the right reason consistently.[cx] For instance, compassion could be considered a pathocentric virtue since it is concerned with correctly feeling the plight of another while courage could be considered a praxocentric virtue since it is concerned with acting bravely in different situations.

My account considers both types of virtue necessary for maintaining flourishing relationships. Pathocentric virtues like compassion and empathy help us understand the needs of others as well as form social bonds over our shared understanding of each other. Praxocentric virtues like bravery help us make active contributions to our relationships. Notably, our language does not always have separate words for every pathocentric and praxocentric virtue. For instance, some people consider having compassion to be both feeling compassionate and acting compassionately. However, the distinction still works at the theoretical level even if it does not always work at the linguistic level.

Under this picture, praxocentric virtues are concern with acting rightly, and, thus, can only be considered virtues if they actually contribute to the flourishing relationship.[43] While praxocentric virtues are concerned with correct action over time, pathocentric virtues are not necessarily consequentialist. It is possible for somebody to have the correct feeling in a situation without acting on it. They can be considered admirable as they have the feeling yet not admirable insofar as they fail to act on it. While we might not evaluate them as fully virtuous, we could at least say that they had some virtue. For instance, we might consider a person who felt compassion as their spouse struggled with household chores but failed to help out to be admirable insofar as they felt compassion, but not fully virtuous as they failed to help out.

While pathocentric virtues obviously cannot on their own guarantee that relationships will flourish, they are still morally admirable particularly when agents are

---

[43] There may be contexts where an agent is not blameworthy even if they did not act virtuously. For instance, we would not say that somebody locked in a bathroom during a crisis acted virtuously, but we would not blame them for the inability to act virtuously.

76

faced with conflicts between different relationships, as will be discussed later. Moreover, pathocentric virtues help our understanding of others. Virtuous concern with the other, a central feature of my account as noted earlier, is a pathocentric virtue.[44] It helps to understand the other's feeling even in circumstances where we cannot help them directly. As with virtuous concern, pathocentric virtues do not always have to be emotional responses. If two similar mental states serve the same function, they can be considered interchangeable virtues in contexts where they serve the same function. For instance, some people experience empathy by actually feeling the experience of another while others experience empathy as thinking about another's emotion. Since either of these states is helpful for understanding the emotions of others, they can be considered interchangeable virtues.[45] Thus, despite not always contributing to the actual flourishing of relationships, pathocentric virtues play an important role in my account.

Thus, my account can avoid some of the problems associated with evaluational internalism such as making culpable ignorance appear morally permissible. While virtuous concern is always admirable, virtuous concern does not guarantee that an individual will have the appropriate praxocentric virtues. This allows us to still hold agents responsible in cases of culpable ignorance. Likewise, it helps us better evaluate more complex ethical cases.

---

[44] While virtuous concern has a motivational component, this may not be true with all pathocentric virtues. For instance, sadness is some circumstance might be considered a pathocentric virtue as grieving when things go wrong is a healthy part of any relationship. However, sadness does not always motivate one to act. Sometimes one simply wishes to grieve.

[45] Whether or not interchangeable virtues should share a common name seems to be more of linguistic dispute than an ethical dispute. Some think that empathy requires feeling what another is feeling while others do not. Answers will likely vary depending on the particular term used to describe a mental state.

To reconsider the film *Blue Valentine,* it is obvious that Cindy and Dean do care for each other, although it is perhaps debatable whether this care always amounts to virtuous concern. Both often act in ways that undermine the relationship flourishing. One might argue that Dean does more to undermine the relationship than Cindy, as he shows up drunk to her clinic and proceeds to get in a fight with her boss. However, both fail to communicate as well as they could have throughout the film.

To ethically assess such a relationship, one would need to consider both its circumstances as well as the actions and feelings of those involved. To some extent, Cindy and Dean are not responsible for their relationship failing to flourish. Their circumstances would make it difficult even if they were able to perfectly handle the situation. Their work and home lives place strain on them. Some might also point out that Dean's alcohol addiction is largely a circumstance beyond his control.

However, even though their circumstances are not the best, they also do not handle their situation well. Despite some genuine concern for each other, Dean often acts out of jealousy and Cindy fails to properly communicate her wants and needs. Thus, morally the situation is complex. Dean and Cindy are not blameworthy for their circumstances and there is something admirable about their concern for one another. However, they are still somewhat to blame for their relationship falling apart because they could have acted in ways more conductive to relationship flourishing. Thus, the audience comes to recognize their situation as both avoidably and unavoidably tragic. They can recognize good qualities in Dean and Cindy, yet still believe that they could

have done better. This realization is why this film often leaves its audience with a mixture of frustration and sadness.

While my account's concept of moral responsibility is quite complicated because it claims that different features of an agent can make them both more and less blameworthy for the same action, this account is in keeping with the complexity of our everyday moral assessments. Most of our moral assessments are not of completely vicious people. Most of the people we know in day to day life are otherwise well-meaning people who sometimes do not act quite as well as they reasonably could have. We may hold a friend somewhat responsible for canceling plans at the last minute, but recognize that they still care for us and might need a night to themselves. We may slightly blame our partner when they fail to take out the trash as they promised, but recognize that they also provided a lot of emotional labor that week and may be overwhelmed at work. Thus, this type of complex virtue assessment can accurately describe our evaluations of individuals. It also allows us to properly evaluate the emotional responses of agents when they might be morally required to perform actions that harm others. For instance, a doctor may need to cause a patient pain to in order to properly provide treatment. While we recognize this action might be necessary, we would find a doctor who took pleasure in causing such pain morally admonishable and a doctor who felt appropriate empathy morally admirable. By recognizing pathocentric virtues, we can properly account for the importance of mental states even when they do not change action.

An account of care ethics as a system of virtues aimed at flourishing relationships can provide solutions to problems faced by both internal and external methods of moral evaluation. In addition, it avoids many of the problems of several previous accounts of care ethics. It avoids over-extending the term 'care,' allowing for instances of bad care, and over-intellectualizing care while appropriately contextualizing how we can evaluate individuals' contribution to flourishing relationships.

While this account uses the language of virtue ethics, I believe it is still properly considered an account of care ethics. As Crisp notes, the language of virtue has been used to supplement other ethical systems before. Virtue consequentialism is a well-known ethical framework that, despite using virtue language, is still considered to be a type of consequentialism rather than a type of virtue ethics. The primary reason for this is that it replaces Aristotle's intuitionist approach to virtues that aim at human flourishing with the claim that virtues must aim at best consequences. Thus, at the foundational level, it remains consequentialist. Likewise, this system of care ethics has virtues aiming at relationships rather than individual flourishing. It also replaces the role of practical wisdom with virtuous concern. As such, it creates a new foundational system that is the underlying basis for virtue. Further, this is a system that is in keeping with the types of ethical considerations that care ethics had traditionally wished to emphasize - care and relationships. Thus, the system is best considered to be, at its foundation, an account of care ethics that uses virtues to achieve its aims.

7) Objections from Care Ethicists

  Care ethicists have been hesitant to adopt virtue language as they think that prioritizing virtues is incompatible with ethical caring. Thomas notes that one of the biggest issues care ethicists have with virtues is that prioritizing virtues typically promote self-improvement over concern for others. However, he claims that this should no longer be a concern once we realize the correct conception of Aristotelian eudaimonia - i.e. the idea that the aim of the virtues is an individual's own flourishing. He goes on to suggest that this definition does not create a selfish ethical system or imply that relationships do not matter. Regarding the first claim, he notes that Aristotle does think that people need special relationships in order to be happy and further remarks, "Aristotle believes that the virtuous take pleasure in acting for the good of others but this is not hedonism or egoism: the object of your concern is the good of the other, not your own pleasure."[cxi] He is certainly right that it is possible to take pleasure in helping others without helping others solely in order to feel pleasure.

  The issue I think most care ethicists have with egoism in eudaimonistic virtue ethics is a broader one: under eudaimonistic virtue ethics, reasons for an agent's actions and the underlying reason why their actions were moral are often completely different. In order to be virtuous, at the substantive level, one must act at the right time, in the right way, and for the right reason. Thus, if admirable traits like generosity or courage are to be considered virtues, an agent could only exemplify them by acting out of concern for the other assuming that acting out of concern of the other is considered the right reason. If one gives another money in the hopes that they will return the favor or because it makes

them feel good, one is not truly acting generous because they are not acting for the right reason.

Yet, if virtues aim at eudaimonia, this implies that the reason why traits like generosity are moral at the formal level is because they promote individual flourishing. It seems odd that an individual's reasons for acting are not the same as the reasons why the action was moral. For one, it makes agents quite alienated from morality. It also does not seem to describe our moral intuitions very well. This leads care ethicists to suggest that a different moral system than virtue ethics could better account for our intuitions. Obviously, if the aim of individual flourishing is replaced at the formal level with an aim that better accounts for our interest in others, the alienation worry is no longer an issue. If, at the formal level, virtues aim at flourishing relationships, this makes the moral reasons for acting much more in keeping with an individual's motives.

While this account can avoid objections to the use of virtue language because of this formal level concern, care ethicists have also offered less theoretical objects to virtue language. For instance, Held has three major objections to characterizing care ethics as a form of virtue ethics: 1. Virtue honors traditions while care ethics is wary of them; 2. Care ethics focuses on relationships while virtue ethics focuses on individuals; 3. Care ethics focuses on social relations rather than dispositions.[cxii] Her second concern is obviously not an issue for my account as flourishing relationships explain the morality of virtues.

Regarding her first concern, Held notes that, "the traditional Man of Virtue may be almost as haunted by his patriarchal past as the Man of Reason."[cxiii] She thinks that virtue is the wrong place to begin ethical theorizing because it is tainted with incorrect assumptions about the importance of rationality. Since virtue ethics is a philosophical framework that was developed at a time when rationality was perhaps over-emphasized in its ethical importance, Held worries that all accounts of virtue with over over-emphasize rationality.

While there is no reason why virtues must emphasize rationality, Held seems to be implying a concern similar to Driver's objection to Aristotle[cxiv]. Aristotle's account of virtues is at its core an intuitionist account of morality. Action may look more or less reasonable depending on one's social environment. This leads to a type of moral conservatism. The traits we assume are virtues are just the traits that our society already happens to find morally admirable and any dissenters are often looked upon an unvirtuous[46]. While this is problematic, it is worth noting that care ethics has also traditionally had problems with both gender essentialism and moral conservatism. By viewing the caring relationship as most essentially occurring between mothers and their children, care ethics has historically limited perspectives on caring to a small group of women. For instance, Nodding's sole focus on the mother/child relationship has often led her to overlook the possibly of other types of caring relationships. Likewise, as noted

---

[46] We can perhaps see this today with some people's strong moral backlash to vegetarianism.

83

earlier, care ethics often tends to conflate intuitions about caring with good caring instead of providing a theory of good care.

While it would be impossible to write about either a care or virtue ethical framework without invoking at least some gender assumptions in the reader, my account avoids over-emphasizing either emotion or reason and as result avoids any implicit assumptions that one gender is naturally better at ethics in virtue of being naturally more rational or emotion. While reason may help us achieve flourishing relationships, my account does not suggest that reason is the only way in which we can develop flourishing relationships. Likewise, emotions contribute to flourishing relationships, but are not the only way that we can understand how we can improve our relationships with others. Since both emotion and reason play a role, my view pushes the reader further away from the unconscious assumption that a certain gender is better at caring than the other.

Moreover, while still an intuitionist account of ethics, it avoids problems with moral conservativism by giving care ethics an external source of ethical evaluation. Since the account aims at flourishing relationships, one can evaluate the extent to which action or policy actually makes them flourish. Of course, this aim does not rule out the possibility of us being wrong about what makes a relationship flourish. After all, it is possible that slave owners felt that they had a flourishing relationship with their slaves. However, it provides a better method of critical evaluation than blind intuitions about care or one's own happiness. For instance, if slave owners wanted to make sure that they

84

were in flourishing relationships, this would imply that at some point they would think to ask the slaves how they felt about the arrangement.

Held's concerns about disposition are mitigated once the definition of virtue is expanded. Care ethics is not only concerned with relationships. It is also concerned with the attitudes of the individuals within those relationships. Noddings considers the distinction in terms of caring about somebody and caring for them. She notes: "Caring-for describes an encounter or set of encounters characterized by direct attention and response. It requires the establishment of a caring relation, person-to-person contact of some sort. Caring-about expresses some concern but does not guarantee a response to one who needs care."[cxv]

While caring as practice only occurs when one cares-for another, caring-about another is how one experiences virtuous concern. On my account, this distinction is recognized through the utilization of praxocentric and pathocentric virtues. Praxocentric virtues are how one cares for another while pathocentric virtues are how one cares about another. This account simply replaces a distinction that tries to overcomplicate the term 'care' by claiming it is both a feeling and practice involving a series of more specific virtues that better describe both actions and emotions. Thus, I think most of care ethicists' worries about virtue can be overcome once we have a correct understanding of virtue, provided that relationships still have a prominent role in the system.

Before considering in detail what virtues are needed for flourishing relationships, it is worth considering this account's similarity to and differences from the other two

major schools of ethical theory: consequentialism and deontology. I do not consider my version of care ethics to be fully consequentialist, although consequences do sometimes play a role in the development of caring virtues. An agent can only have a praxocentric virtue if the consequences of their actions purposefully help the relationship flourish. However, agents can have pathocentric virtues by feeling the appropriate way even if this does not always lead to relationship flourishing.

Of course, it is open to the consequentialist to argue that pathocentric virtues do indirectly lead to the best consequences. As Brown notes, many consequentialists have a temptation to consequentialize any moral theory.[cxvi] In this case, the consequentialist might argue that maintaining flourishing relationships is really what produces the most good in the world. However, Brown notes that consequentialist theories do make certain commitments that may not be compatible with other ethical theories. The most obvious is that consequentialist ethics aims to maximize the good. Brown characterizes this as follows: "To maximize the good, then, is to make the world, the sum of all things, as good as it can be; it is to act so as to bring about the best possible world, of those which can be brought about."[cxvii] Thus, if care ethics is a consequentialist ethic, then it seems as though it would want to maximize flourishing relationships. However, it does not seem as though flourishing relationships are something that can be maximized. Relationships with others are certainly something that can be better or worse. Yet, relationship healthiness seems to be akin to physical healthiness. People can be more or less healthy, but at some

point, one becomes healthy enough to flourish. Past this point, small differences in health quality only make a slight difference in quality of life.

Relationship flourishing seems to have a similar threshold[47]. Past a certain point, relationships are able to flourish, and small differences in individual actions only make a small difference in the quality of life for the individuals involved. Thus, it seems that our aim to maintain flourishing relationships does not have to imply that we need to make every action maximize relationship flourishing. Despite not maximizing one's contribution to relationship flourishing, one can still meaningfully contribute to a flourishing relationship. At a certain point, we may find individuals, if not equally, then at least comparably morally admirable for their contributions to these relationships because they have all reached a point where their relationships are thriving. This is why so many fathers are awarded the title of 'Greatest Dad' every June.

Brown also notes that consequentialist theories of ethics are typically agent neutral. The moral reason why an action is wrong is not indexed to any particular individual. By contrast, care ethics provides second-personal reasons why actions are wrong. As Brown notes, there is not a way to make indexical reasons into to a neutral reasons to maximize the good without the implication that there is more than one neutral good to maximize.[48, cxviii] Of course, other scholars[cxix, cxx] have noted that it is possible for consequentialism to be agent relative. One can claim that an individual ought to

---

[47] In contrast to the problems with using relationship threshold to develop a theory of right action, relationship thresholds for evaluating the flourishing of a relationship itself do not face problems with how to count individual actions as it is not their focus.

[48] See Brown PG 762 for discussion.

maximize the consequences relative to the individual. The most well-known form of this is ethical egoism, although it is certainly not the only formulation of neutral relative reasons. Dreier claims that any system of ethics may be consequentialized once we accept that consequentialism can be agent relative.[cxxi] Thus, he claims that the true difference between consequentialism and other ethical theories is that consequentialist theories are teleological and aim at maximization. A care ethics that aims at flourishing relationships is certainly teleological. However, it aims at achieving a threshold of flourishing rather than maximizing it.

This account is also distinct from a deontological account. While care ethics gives agents agent-relative reasons for moral action as is also typically considered the case with deontological accounts, care ethics does not rest on any deontological principles. As Scheffler notes, deontology's rule-based commitment to agent relative reasons, such as 'I ought not break my promise to John', makes such an account appear almost paradoxical.[cxxii] He notes that these restrictions make it morally impossible to violate a rule even when doing so would prevent more violations of the same rule. For instance, it claims that one cannot justifiably cause the death of another even when it would prevent the death of thousands. He claims that a deontologist must either accept this limitation or accept that agents also have agent neutral reasons to minimize the number of rule violations. They must either accept that they cannot break a promise to prevent more

promising breaking to appeal to an agent neutral rule about what to do in such paradoxical case.[49]

Since care ethics does not utilize universal moral rules, it need not appeal to agent neutral reasons to get out of this problem. A good carer considers how an action affects their web of relationships. In some cases, she may have a relative reason to harm somebody in her web in order to prevent greater harm to others. While such an approach may seem calculating, unlike traditional consequentialist ethics, this account also recognizes the importance of pathocentric virtues. An individual may recognize the need to harm another for the greater good, but they still ought to feel sorrow for doing so.[50]

While my account does not rest on any deontological principles, it still recognizes the importance of individual persons and their personal freedom. Since care ethics focuses on relationships rather than individuals, many scholars worry that it cannot ensure that individuals have basic rights such as the freedom of speech or properly recognize individual autonomy. [cxxiii, cxxiv, cxxv] While care ethics does not typically use right-based language, it can easily recognize that certain freedoms are often necessary for relationships and communities to flourish. Critics of care ethics tend to conflate the idea that relationships matter with the idea that individuals do not matter. However, flourishing relationships are obviously dependent on the flourishing of the individuals in those relationships. If individuals are not flourishing, then it is unlikely that relationships

---

[49] No doubt that a deontologist could pursue much more sophisticated solutions than those posed by Scheffler. My point is simply that care ethics does not face this problem.

[50] Whether or not moral guilt is appropriate in such a circumstance is a question that would warrant much more discussion.

will flourish. Further, recognition of individuals as individuals is an important part of

maintaining good relationships. Most relationships are unlikely to flourish if we fail to

respect another's autonomy. The idea that flourishing relationships have some type of

ethical priority does not necessarily imply that individuals do not matter. By being

concerned about relationships, we can better learn how to act ethical towards individuals.

For instance, to use Thomas' example, when considering how to care for his wife, a

husband needs to consider his particular relationship to her.[cxxvi] She might require a

different kind of support from him than she requires from somebody else.

In addition, this conception of relationship priority also mitigates a concern that

Nussbaum has about care ethics. She thinks that care ethics assumes that relationships

risk making the individuals involved non-existent. She notes:

> My first sharp impression of Rachel Nussbaum [her daughter] was as a pair of
> feet drumming on my diaphragm with a certain distinct separateness, a pair of
> arms flexing their muscles against my bladder. Before even her hair got into the
> world a separate voice could be heard inside, proclaiming its individuality or even
> individualism, and it has not stopped arguing yet, 24 years later. I am sure RN
> would be quite outraged by the suggestion that her own well being was at any
> time merged with that of her mother, and her mother would never dare to make
> such an overweening suggestion.[cxxvii]

While Nussbaum provides a good criticism of Noddings' early work that tended to view

relationships as the fusion of two individuals, the idea of relationship priority would

actually be in keeping with Nussbaum's understanding that her daughter is a separate

individual. In considering her daughter as standing in opposition to herself, she considers

her daughter in relation to herself. The relationship recognizes the separation between two individuals, but the relationship nonetheless exists.[51]

Further, by considering herself in relation to the unique entity that is now inside her, Nussbaum is able to start thinking about how to provide for somebody whose preferences are different from her own. Care ethics does offer unique insights on the importance of relationships that are not easily found in most modern accounts of virtue ethics. Likewise, when considering the web of relationships that make up society, it becomes obvious that a certain respect for the individual person is needed in order for relationships to flourish. This respect can still be considered a virtue since it contribute to relationship flourishing and must be done at the right time, in the right way, and for the right reason[52]. For instance, we want to respect individuals' independence enough that we do not act paternalistically, but not so much so that we fail to offer help when they ask for it.

Contrary to what some have argued, this respect is not identical to deontological respect for persons. Respect for persons in caring relationships proceeds from a particular claim about respect for a certain individual to a general claim about respect for all individuals. By contrast, deontological respect begins with a general rule about respect for everybody and then considers how to apply it to particular cases. However, caring

---

[51] There a broader question of whether relationships ontologically must be between entities that are in some way separate. However, I want to leave questions about relationship ontology as open as possible so that many different ontological theories may be compatible with it.

[52] Notably, respect can be both a praxocentric or pathocentric virtue as respect can be both considered a depositional state and a way an agent can act.

respect for persons does mitigate some deontological concerns with care ethics while still allowing care ethics to consider individual differences at the theoretical level.

8) The Virtues of Care

Now I can finally address what virtues should be developed to gain and maintain flourishing relationships. Some of these virtues will concern feeling the right way and others will concern acting in the right manner, although the two are closely linked. As with virtues of action in other accounts, when to act on praxocentric virtues is contextual. Sometimes providing another with aid is virtuous and other time it is paternalistic. Further, the types of traits count as praxocentric virtues will for this account will also depend on context. Empathy and compassion may be more central to some relationships flourishing than others. Determining when one is virtuous depends on both the particular relationship as well as how it fits into an individual's web of relationships. Further, by focusing on flourishing relationships, this account emphasizes three considerations that help contextualize virtues: the importance of roles, the recognition of epistemic virtues, and the place of power in relationships. These considerations are often overlooked by care ethicists but remain essential for good care. I will briefly describe the importance of each for my account as well as how they help shape both praxocentric and pathocentric virtues.

Social roles help ground second-personal reasons. We often recognize that we have different types of relations with different people and hence might have different levels of authority to make moral demands. For instance, we might have the moral

authority to ask our teachers to help us with homework but not our auto mechanics. Given this, the ways we ought to exercise praxocentric virtues will depend on how our role determines which individuals we care for and what they expect of us. It may be virtuous for a teacher to help improve a student's writing, but not virtuous for her to offer them unsolicited medical advice, because the latter is not expected of her and may undermine her respect for the student's privacy.

While roles should not be considered a rigid structure dictating all emotions and behavior (for instance there may be some circumstances in which a teacher is the only person available to provide medical support), they do offer good guidelines for how to contribute to a particular relationship[53]. Further, these guidelines are also useful for the development of pathocentric virtues and helps to ease the worry that care ethics relies too heavily on emotion. Certain roles may require some individuals to not feel compassion at certain times. For instance, while it is likely appropriate for a doctor to feel compassion before and after surgery if he causes a patient unavoidable pain, it may be inappropriate for a doctor to feel compassion during the surgery as it may hinder his ability to perform the operation.

Likewise, some worry that care ethics hinders an individual's ability to be unbiased in situations that require an unbiased perspective. However, while care ethics does allow for partiality in certain relationships - we expect mothers to favor their own children - partiality is not expected for every role. For instance, a teacher can recognize

---

[53] This is assuming that the role relations are conducive to flourishing. A master/slave relationship can never flourish for instance, so in such circumstance one's role could not provide one with anything ethical insight on how they ought to act.

that all his students expect to be treated fairly and equally and realize that the best way to maintain a flourishing relationship with his students is to remain impartial when teaching. Thus, if they feel emotions that too strongly favored one student, they might either work to change them or work to ensure that they do not affect the teacher's treatment. Similarly, a judge can recognize that her role is to ensure a just result for all parties and may weigh each party's concerns equally while remaining compassionate towards all involved.

Of course, there may be cases where two roles might have conflicting expectations. For instance, if somebody is their own son's 5th grade teacher, they may feel conflicted between being partial to their child because they are the child's father and remaining impartial because they are the child's teacher. In these cases, by considering our position in our web of relationships, it may become clear that one role should take precedence over another in a given context. For instance, the father-teacher could reflect on how his actions and emotions will affect his son as well as his other students. He may come to realize that partiality toward his son in his classroom would undermine his ability to teach effectively while impartiality towards his son at home would cause his son to feel alienated from him. Thus, the father-teacher may realize that his role as teacher should take precedence while he is at work while his role as father should take precedence while he is at home.

Of course, both recognizing and maintaining the priority of roles in certain circumstances is often difficult. While the father-teacher may want to remain impartial at

94

work, he still may struggle with the temptation to show his son favoritism. For this reason, it is often best to try to avoid conflicts between roles and for individuals to recognize their inability to perform conflicting roles at the same time. For instance, a judge faced with sentencing his brother is arguably obligated to declare a conflict of interest. This is likely why societies have rules in place to avoid such conflicts such as school districts not allowing parents to instruct their own child and hospitals having policies against doctors operating on family members. Of course, there may be cases where some conflicts in care are unavoidable. I will return to this after discussing the other two important concepts for contextualizing care.

Some care ethicists also fail to consider the importance of epistemic virtues for providing good care and maintaining flourishing relationships. Knowledge of both the other and one's position in relation to the other is needed in order to build a good relationship. Given the highly contextual and particular nature of each of our various relationships with others, epistemic virtues are essential for helping us acquire this knowledge. The epistemic virtues I am referring to here are typically classified as responsibilist epistemic virtues or virtues that promote greater understanding in the virtue epistemology literature.

Responsibilist epistemic virtues are typically contrasted with reliabilist epistemic virtues or virtues that establish whether a belief should be counted as knowledge. Reliabilist virtue epistemology is often considered a descendant of process reliabilism. Virtue reliabilists claim that a given belief counts as knowledge iff it is true and formed

by virtuous (i.e. reliable) mechanisms such a persecution. A belief should not count as true if it is formed by an unreliable mechanism such as hallucination [cxxviii, cxxix] Thus, for them, intellectual virtues include faculties such as perception and intuition. By contrast, virtue responsibilists such as Zagzebski are not concerned with the question of when a particular belief counts as an instance of knowledge.[cxxx] They are interested in the question of how one achieves intellectual flourishing or deep understanding.

While intellectual flourishing presupposes knowledge, the requirements of intellectual flourishing might be different than the requirements of belief justification. For instance, open-mindedness might be important for intellectual flourishing as it helps us maximize true beliefs and minimize false ones, but the fact that one was open-minded in forming a belief may not have anything to do with what justifies the belief. One can argue that similar virtues might answer both the justification question and the flourishing question, but the two types of virtue still aim to answer a different question. Since virtue responsibilists are concerned with intellectual flourishing, their accounts may be compatible with many different theories of knowledge. In this case, responsibilist epistemic virtues for care ethics are virtues that help us better understand others and our relation to others.[54] While they are meant to aid in this understanding, they are not themselves meant to be justifications for knowledge.

---

[54] This is compatible with there being other resposibilist virtues that contribute to intellectual flourishing apart from our relationships, although it is worth noting that there might not be a clear dividing line between virtues that contribute knowledge in relationship and virtues that contribute to intellectual flourishing. Given that we have a relationship with ourselves and we often have a wide variety of intellectual interests, intellectual flourishing may contribute to our care for ourselves.

I want to remain neutral on the specific conditions required for knowledge, but I do wish to claim that virtues such as open-mindedness and understanding help us relate to others and better maintain our relationships with them. Notably, under my account of care ethics, there is not a firm distinction between epistemic virtues and pathocentric virtues as often virtues such as compassion both appropriately direct our emotions and help add to our knowledge base. As Alison Jaggar notes, emotions and evaluation remain intertwined. [cxxxi] She claims "Just as observation directs, shapes, and partially defines emotion, so too emotion directs, shapes, and even partially defines observation. Observation is not simply a passive process of absorbing impressions or recording stimuli; instead, it is an activity of selection and interpretation. What is selected and how it is interpreted are influenced by emotional attitudes."[cxxxii] However, despite the fact that there is no hard distinction between pathocentric and epistemic virtues, it is still worth noting the importance of epistemic virtues because mere concern for another does not guarantee that an agent will be effective at understanding another's wants and needs. Right emotion is not enough if it not directed by some sort of knowledge. This knowledge might not always be perceptually distinct from emotional experiences, but it nonetheless remains theoretically important for good care.

This idea of claiming that knowledge is theoretically distinct from concern challenges Nodding's traditional understanding of care.[cxxxiii] She considers care to be an experience of emotional upheaval. She notes, "Caring involves stepping out of one's own personal frame of reference into the other's. When we care, we consider the other's point

97

of view, his objective needs, and what he expects of us. Our attention, our mental engrossment is on the cared-for, not on ourselves. Our reasons for acting, then, have to do both with the other's wants and desires and with the objective elements of his problematic situation."[cxxxiv] This engrossment is an emotional experience through which one places themselves in the other's perspective.

While such empathy exercises can help one understand the needs of the others, the suggestion that all caring just is engrossment is worrisome because it asks the carer to make too many epistemic leaps. We cannot always guarantee that our assumptions about how another is feeling about their current situation are accurate. As Shoemaker notes, we are not always disposed to evaluate what another is going through in the same fashion.[cxxxv] For instance, many non-disabled individuals are able to correctly imagine some the struggles of having disabilities and then proceed to imagine that individuals with disabilities would want their condition cured. However, despite admitting that they face many of the struggles non-disabled people imagine them to have, most disabled individuals do not evaluate their lives to be as bad as non-disabled individuals assume it to be. Hence, while engrossment might lead non-disabled individuals to assume that people with disabilities would want to find cures for their condition, this response would not be an accurate understanding of the wants of most people with disabilities[55]. Part of caring for others requires recognizing one's own ignorance about their experience as well as understanding that others might evaluate things differently than one's self.

---

[55] See chapter 3 for more discussion.

Further, even if somebody is correctly able to recognize the needs another, one makes another inappropriate leap in logic if they automatically assume that the other wants help. Consider the case of Meddlesome Marvin. Marvin is very concerned about his children's lives to the point where he intervenes every time he notices a problem. However, despite his constant diligence in helping his children, he fails to notice that his aid is unappreciated and that his children would prefer to solve their problems on their own. In this case, Marvin might actually be displaying an inappropriate amount of concern. Depending on the age of the child, we do sometimes expect parents to be aware of most problems in a child's life even if we do not expect them to always intervene. However, Marvin lacks an awareness of his child's preferences. If Marvin develops some epistemic virtues such as curiosity or understanding and is able to apply that understanding to his children, it likely would occur to him to ask his children if they would like his help before acting. In this way, epistemic virtues can be useful for flourishing relationships.

In addition to improving relationships, epistemic virtues can help caregivers avoid committing epistemic injustice. Epistemic injustice occurs when somebody is harmed in their capacity as a knower.[cxxxvi] One of the clearest types of epistemic injustice is testimonial injustice. Testimonial injustice occurs when bias or prejudice causes a speaker of a minority group to receive less credibility than they otherwise would have received. While Fricker and others originally use the term epistemic injustice to describe the experiences of women and people of color, the term has more recently been used to

99

describe the experiences of individuals highly dependent on caregivers, including

children and those with long-term illness.[cxxxvii, cxxxviii]

While I describe the specific epistemic errors of caregivers that lead to such

injustice in chapter 3 when I consider how individuals with cognitive disabilities are

subject to epistemic injustice, here I wish to briefly highlight how epistemic virtues can

combat the epistemic devaluation of the testimony of the cared-for. Epistemic virtues,

including curiosity about the other's perspective or awareness of one's own ignorance to

the other's feeling, help carers take the testimony of those they are caring for more

seriously. Rather than assuming that they are in a better epistemic position than their

patient to know what treatment is best, an epistemically virtuous healthcare provider will

recognize that, although they might have better knowledge of different treatment plans,

they might not evaluate the effects of such treatment plans in the same way as their

patient. Hence, an epistemically virtuous doctor will take their patient seriously when

they say that want to avoid a treatment with a certain side effect even if the doctor

considers that side effect minor. As a result, the doctor and other epistemically virtuous

agents can provide better care than non-epistemically virtuous agents.

Finally, many accounts of ethics overlook the importance of recognizing power in

relationships. Under Noddings' original analysis, most caring relationships were

inherently unequal.[cxxxix] They took place between a carer (typically a parent) and a cared

for (typically a child). She viewed it as the parent's job to give care to the child and the

child's job to receive it. Obviously, accounts of care have since been expanded to include

relationships between individuals who are both providing care such as in the case of adult partnerships. However, not enough has been said about how relationships can flourish in instances of unequal power.

Even in the case of adult couples, one partner may sometimes have a greater amount of power than the other on at least one axis. In the case of adult relationships, these power disparities are often situational. The partner who is the breadwinner may have more purchasing power than the partner who stays at home. There are contexts in an adult relationship where purchasing power is important and others where it is not. Some relationships have more circumstances where there is a power differential than others. Relationships like teacher/student, boss/employee, or guard/prisoner all have power differences to some degree although both the degree of difference and the context in which such a difference matters varies by relationship.

By power here, I mean that when individual A relies on B for some type of good or the absence of some type of bad that she needs in order to flourish and individual A cannot provide the resource to themselves or reciprocate a similar good, individual B has power over them.[56] The person in power controls a resource and thereby controls some of the person lacking power's flourishing. The good or resource can be revoked easily and

---

[56] There are cases where two individuals might be dependent on each other for similar resources. For instance, two partners in a relationship are dependent on each other for 'the love of another person'. However, since the dependence is equal, there is no power disparity even if there is a shared vulnerability. In cases where one party must rely on another for far more of a given resource than the other party, then the two can no longer be said to be exchanging a similar resource. For instance, in abuse relationships, the abusive partner often tries to isolate the abused partner so that the abused partner is far more dependent on abusive partner's affection than the abusive partner is dependent on the abused partner's affection. This circumstance should be considered a case of unequal power.

this makes the person who is not in control of the good/resource vulnerable to the whims of the person who is in control. Capital is an obvious example of one such resource. Since the boss controls her employees' paycheck, she has power over him. Notably, since there are many types of goods and services needed in order to flourish, there are many different types of power relations. It is possible for somebody to be in control along one power axis and vulnerable along another axis. For instance, a boss might be in control of her employee's paycheck, but still at the mercy of his physical strength in the event of an altercation. Likewise, not all resources are physical. We may be dependent on another for emotional support.

In many cases, relationships are more likely to flourish when power disparities are kept to a minimum. Most partnerships work best when each partner has equal control over the relationship. However, in some cases, not all power disparities can or should mitigated. For instance, in parent and child relationships, young children are both physically and mentally unable to provide their parents with the same level of support that their parents provide them. In the case of unequal relationships, the individual in power needs to have a higher threshold of virtue in order for the relationship to flourish. As noted earlier, individual contributions to a relationship can meet a certain threshold beyond which the relationship flourishes. Once this threshold is met, we can consider the individuals making such contributions comparably virtuous. However, in the case of relationships with power disparities, the contribution the party in power needs to make is greater since they are the only party in the relationship that can provide a resource the

other needs to flourish. For instance, a parent likely does not need to provide their friend with food every day in order to their friendship to flourish. Most adults can acquire their own food and are not dependent on their friends to feed them However, a parent likely would need to provide their child with food in order for their relationship to flourish as children are very often dependent on their parents for food.

Of course, this does not mean the person in power is automatically more virtuous due to their role. Both parties might be very able to contribute to the relationship. However, the person in power is responsible for ensuring some of the well-being of the person who is vulnerable. Thus, they need to be especially careful in caring for the vulnerable party. Since a parent is responsible for ensuring a young child's basic needs, he will need to have empathy and compassion in order for the relationship to flourish while the young child might not need to master these virtues in order to have a good relationship. Likewise, it is likely that all personal relationships involve some disparity in resources. As such, certain people might need to master different virtues in order for the relationship to flourish. In contexts where power disparities are less likely to solely place one party in a position of power, this is often thought of as something closer to relationship compatibility. Two people are compatible if they can provide each other with resources that they has difficulty providing themselves. As a result, relatively equal partners in a relationship might have different obligations to help the relationship flourish. Hence, one person might express care by always cooking dinner if the other is a terrible cook.

Further, proper acceptance of power in relationships itself can be a virtue. In relationships with power inequality, the person in power needs to be aware of why they hold power and accept their role as one of responsibility rather than relish their control over others. For instance, consider the differences between the prison guards in the Stanford prison experiment and Tom Hanks' character in *Green Mile*. In the Stanford Prison Experiment, college students were randomly assigned roles as guards and prisoners. The 'guards' in the experiment soon began to brutalize the prisoners. They relished their sense of power over the prisoners and fought to keep that power rather than ensuring the safety of the prisoners. By contrast, Tom Hanks' character Paul in *Green Mile* viewed his job working as a guard for inmates on death row as like "working in an intensive care unit."[cxl] Paul realized that it was his job to care for prisoners and used his power to ensure that they are well treated. He does not view his power as a way of controlling others or ensuring his personal happiness. Instead, he recognizes that he has that power so he can aid others. Thus, his recognition and acceptance of power as a responsibility makes him able to maintain a more ethical relationship with his prisoners than the guards in the Stanford prison experiment.

Thus, recognition of power, understanding the importance of epistemic virtues, and understanding the proper function of roles are all important for my account of care ethics. Under my view, proper understanding of each of these components along with proper development of both pathocentric and praxocentric virtues enable individuals to contribute to flourishing relationships. The flourishing of each relationship should be

104

considered within the web of relationships that comprise our relations to the world including our relationship with ourselves. This notably does not rule out instances of conflict. While Aristotle did suggest that all of the virtues could be unified, caring virtues can conflict as sometimes there can be conflicts in caring obligations.

For instance, it might be unclear to somebody whether they should save money so that their children can go to college or donate that portion of their income to aid children in much worse off situations. While they are in the best position to provide for their children financially as nobody else is likely to contribute to their education, providing basic aid to others may allow other communities to grow and flourish as well as improve their relationship with broader world. Care ethics, as I have defined it, considers both particular relationships to individuals and more general relationships to the world to be ethically important. Care ethics recognizes that we have second-personal reasons to provide greater support to those in close relationships to us as those closest to us have authority through their role to make such a demand. As a result, only we can often give the particular kind of care they need. However, communities or groups also have authority to demand restoration for past injustices from which others benefit. This can sometimes cause conflict given that everybody has a finite amount of both emotional and physical resources needed for care.

Cases like these often do not have simple answers or algorithms that can be applied. However, that does not mean that care ethics is silent in cases of conflict. In some cases, considering the web of relationships is helpful. By not considering any

105

relationship in isolation, new solutions might become apparent. For instance, a parent

may come to realize that the brief amount of joy her child might get from yet another new

toy will not contribute to the growth and development of her relationship with the world

half as much as other people might benefit if she donated the cost of the toy to charity.

However, there is not an obvious mathematical solution to the extent to which one ought

to prioritize personal relationships over more global ones or vice versa. In an ideal world,

one should strive to achieve flourishing in both types of relationships. Since care ethics

considers how individuals act over time, it is a standard that produces fewer dilemmas

than theories of action that consider discreet acts in isolation. Just as one can divide their

time between their two children so that their relationship with each flourish, one can at

least theoretically divide their time between personal and global relationships so that both

flourish.[57]

　　　　While considering how a person acts over time helps mitigate role strain, it does

not eliminate role strain. In some cases, like choosing whether to pay for your child's

college tuition or provide large amounts of aid to other communities, simply considering

the web of relationships in all its messiness will not provide a clear answer. However, it

still gives us important insight. It allows us to understand how we are connected to all the

parties involved as well as how each potential decision we make will impact them. This

---

[57] In either case, the amount of contribution require for each relationship to flourish might not be equal. Even when parents do care for their children equally, sometimes one child requires more attention than another. Similarly, our personal or global relationships might require different levels of involvement in order to flourish.

reflection allows us to exercise some pathocentric virtues and hence properly consider the issue even if we do not come up with an easy solution to the problem.

For instance, in the case of considering whether to donate a particular sum of money to charity or save for a child's college fund, the decision maker can at least feel compassion for all parties and would be considered morally admirable for displaying such compassion. While this does not provide an easy to answer to the dilemma, it does offer a starting place to begin analyzing the problem. Finding the deliberation itself morally admirable is in keeping with some basic intuitions about how we approach such dilemmas. For instance, we would take issue with a parent who gave away their children's college savings without a second thought. However, we might find a parent who carefully considered the extent to which their child could rely on loans as well as how that sum of money might benefit others to at least have made some reasoned moral choice.

While this amount of reflection may initially seem like a lot of work, it is a fairly natural extension of how we express concern and consider the needs of others. As noted earlier, one does not need to consider everybody in their web of relationships at once. They only need to consider those relevant to the question at hand. While it may take practice to become concerned with every individual in your web of relationships, it is quite natural to consider how your decisions will impact others if you are concerned about them. This is the type of deliberating most of us engage in every day, when we consider questions such as how much time we should spend at work, whether we should

indulge ourselves by buying a luxury item, or if we should take the time to learn about a historical tragedy.

Conclusion

The system of caring virtues that I have proposed is reflective of natural caring relationships while still avoiding concerns about moral conservatism and general lack of insight that trouble other theories of care ethics. By developing caring virtues that aim at the flourishing of interconnected of relationships, this account provides care ethics with a criterion for ethical caring that extends beyond mere intuition. This account recognizes that individuals are in a personal and global web of relationships and as such must contribute to all of those relationships regardless of whether the relationships are perceived by the carer as natural. As such, this approach is progressive because it does not assume that instances in which we do care happen to be the instances in which we ought to care. Insofar as we gain more epistemic and moral insight as a society, we can come to understand our relationships with others better as well as the demands others have the authority to make on us.

This account also provides insight into a wide variety of ethical claims while still maintaining some of care ethics' sui generis features. This account still keeps relationships and emotions as central features. While it employs the language of virtue, virtues are only important insofar as they explain our contributions to flourishing relationships. Further, by allowing care ethics to be a system of virtues, this account avoids over-exhausting the term 'care' to the point where it either lacks definition or

108

makes it impossible to distinguish between ethical and non-ethical care. As such, this

account can provide robust understanding of the moral reasons for caring as well as some

insight on how to best care through the use of praxocentric and pathocentric virtues.

Defined this way, care ethics ought to be considered a unique ethical theory that can

compete with the other three major ethical theories in terms of explanatory power and

ability to match our everyday ethical intuitions.

[i] Gilligan, *In a Different Voice.*
[ii] Slote, *The Ethics of Care and Empathy.*
[iii] Hamington, "The Ethics of Care and Empathy," 196.
[iv] Noddings, *Caring: A Feminine Approach to Ethics & Moral Education.*
[v] Gilligan, *In a Different Voice.*
[vi] Engster, *The Heart of Justice.*
[vii] Slote, *The Ethics of Care and Empathy.*
[viii] Held, *The Ethics of Care: Personal, Political, and Global.*
[ix] Sander-Staudt, "The Unhappy Marriage of Care Ethics and Virtue Ethics"
[x] Held, *The Ethics of Care.*
[xi] Noddings, *Caring.*
[xii] Sander-Staudt, "The Unhappy Marriage."
[xiii] Tronto, *Moral Boundaries.*
[xiv] Kittay and Feder, *Love's Labor.*
[xv] Held, *The Ethics of Care*, 440.
[xvi] Bubeck, *Care, Gender, and Justice*, 129.
[xvii] Slote, *The Ethics of Care and Empathy.*
[xviii] Engster, *The Heart of Justice.*
[xix] Held, *The Ethics of Care.*
[xx] Tronto, *Moral Boundaries.*
[xxi] Noddings, *Caring.*
[xxii] Slote, *The Ethics of Care and Empathy.*
[xxiii] Ibid., 13.
[xxiv] Ibid., 31.
[xxv] Ibid., 33.
[xxvi] Ibid., 27.
[xxvii] Steinbeck, *Of Mice and Men.*
[xxviii] Engster, *The Heart of Justice.*
[xxix] Ibid., 40.
[xxx] Ibid., 105.
[xxxi] Ibid.
[xxxii] Ibid., 152.
[xxxiii] Ibid., 174,
[xxxiv] Gilligan, *In a Different Voice.*
[xxxv] Noddings, *Caring.*

xxxvi Engster, *The Heart of Justice*, 106.
xxxvii Gilligan, *In a Different Voice.*
xxxviii Ibid, 28.
xxxix Noddings, *Caring*, 50.
xl Gottman and Krokoff, "Marital Interaction and Satisfaction."
xli Noddings, *Caring*.
xlii Kittay and Feder, *Love's Labor.*
xliii Noddings, *Caring*, 59.
xliv Card, "Caring and Evil."
xlv Cianfrance, dir. *Blue Valentine*.
xlvi Card, "Caring and Evil."
xlvii Tronto, *Moral Boundaries*.
xlviii Ibid., 103.
xlix Held, *The Ethics of Care*, 465-466.
l Ibid., 464.
li Noddings, *Caring*, 73.
lii Ibid., 84.
liii Engster, *The Heart of Justice*, 40.
liv Held, *The Ethics of Care*.
lv Tronto, *Moral Boundaries*.
lvi Noddings, *Caring*.
lvii Held, *The Ethics of Care*.
lviii Slote, *The Ethics of Care and Empathy*.
lix Engster, *The Heart of Justice*.
lx Noddings, *Caring*, 96.
lxi Slote, *The Ethics of Care and Empathy*, 112-114.
lxii Ibid.
lxiii Ibid., 112-120.
lxiv Driver, *Uneasy Virtue*, 38.
lxv Ibid., 43.
lxvi Adams, *A Theory of Virtue*, 97.
lxvii Ibid., 99.
lxviii Slote, *The Ethics of Care and Empathy.*
lxix Driver, *Uneasy Virtue*, xv.
lxx Ibid.
lxxi Noddings, *Caring*, 59.
lxxii Driver, *Uneasy Virtue*.
lxxiii Shoemaker, "Moral Address," 83.
lxxiv Shoemaker, "Caring, Identification, and Agency," 88-118.
lxxv Kennett, "Autism, Empathy, and Moral Agency," 300.
lxxvi Shoemaker, "Moral Address," 96-97.
lxxvii Fritz, "The Crisis of Autism," 3.
lxxviii Shoemaker, "Caring, Identification, and Agency."
lxxix Shoemaker, "Moral Address."
lxxx Ibid., 77-85.
lxxxi Ibid.
lxxxii Darwall "The Second Person Standpoint."
lxxxiii Darwall, "Authority and Second-Personal Reasons," 7.
lxxxiv Ibid., 1.

lxxxv Ibid., 1-2.

lxxxvi Shoemaker, "Moral Address."

lxxxvii Ibid., 7.

lxxxviii Ibid.

lxxxix Ibid, 86.

xc Thomas, "Virtue Ethics and an Ethics of Care."

xci Held, *The Ethics of Care.*

xcii Thomas, "Virtue Ethics and an Ethics of Care," 147.

xciii Ibid., 148.

xciv Shoemaker, "Moral Address," 92.

xcv Darwall, "Authority and Second-Personal Reasons."

xcvi Ibid., 7.

xcvii Ibid.

xcviii Rosemont, "Rights-Bearing Individuals and Role-Bearing Persons."

xcix Ibid., 52.

c Ibid., 53.

ci Crisp, "Compassion and Beyond," 1894.

cii Howe et al., "'Because If You Don't Put the Top On, It Will Spill.'"

ciii Card, "Caring and Evil."

civ Aristotle, *Nicomachean Ethics*, Book 6 S12, line 1106b21=7.

cv Crisp, "Compassion and Beyond," 244.

cvi Ibid.

cvii Annas, "The Morality of Happiness."

cviii Ibid., 109-110.

cix Crisp, "Compassion and Beyond," 244-245.

cx Ibid., 242-243.

cxi Thomas, "Virtue Ethics and an Ethics of Care."

cxii Held, *The Ethics of Care.*

cxiii Ibid., 20.

cxiv Driver, *Uneasy Virtue.*

cxv Noddings, *Caring*, XIV.

cxvi Brown, "Consequentialize This*."

cxvii Ibid., 752.

cxviii Ibid., 762-763.

cxix Louise, "Relativity of Value."

cxx Dreier, "Accepting Agent Centred Norms."

cxxi Ibid.

cxxii Scheffler, "Agent-Centered Restrictions, Rationality, and the Virtues."

cxxiii Card, "Caring and Evil."

cxxiv Greenswag, "The Problem with 'Caring' Human Rights."

cxxv Bramer, "The Importance of Personal Relationships in Kantian Moral Theory."

cxxvi Thomas, "Virtue Ethics and an Ethics of Care," 148.

cxxvii Nussbaum, "Capabilities and Human Rights," 44.

cxxviii Greco and Turri, *Virtue Epistemology.*

cxxix Sosa, *A Virtue Epistemology.*

cxxx Zagzebski, "Virtues of the Mind."

cxxxi Jaggar, "Love and Knowledge."

cxxxii Ibid, 160.

cxxxiii Noddings, *Caring.*

[cxxxiv] Ibid., 24.

[cxxxv] Shoemaker, "Moral Address." 96.

[cxxxvi] Fricker, *Epistemic Injustice*, 20.

[cxxxvii] Burroughs and Tollefsen, "Learning to Listen."

[cxxxviii] Kidd and Carel, "Epistemic Injustice and Illness."

[cxxxix] Noddings, *Caring*.

[cxl] Frank Darabont, dir. *The Green Mile*.

Chapter 2: Expanding Moral Agency

Most of western philosophy has accepted the distinction between moral agents and moral patients. Moral agents are individuals who are capable of performing moral actions and moral patients are individuals who are worthy of moral consideration. While most adult humans fall into both groups, most scholars have argued that the latter group is bigger than the former. Some individuals (most notably animals, children, and the cognitively disabled) who are considered incapable of moral agency, are nonetheless worthy of moral consideration. However, some suggest that the category of 'moral agent' should be expanded. By critically examining the term, I argue that the category of 'moral agent' includes a much wider range of individuals than previously thought.

I begin by examining the term 'agency'. I argue that many moral patients can still be considered agents under traditional philosophical conceptions of agency. Thus, if some moral patients are incapable of moral agency, there must be some distinguishing feature of moral agency that accounts of mere agency lack. I consider two options for this distinguishing feature. First, I consider the possibility that some humans have a unique type of agency and only creatures with this type of agency can properly perform moral actions. I argue that this is impossible because it fails to account for the wide variety of ways that humans decide to act as well as note that some of our methods for acting are not unique to human beings. Second, I consider the possibility that moral agency requires a specific mental state that mere agency does not require. I argue that while moral agency

may require recognition of moral considerations, this recognition does not require a robust intellectual understanding of moral reasons. Thus, I argue that moral agency only requires an agent to intentionally act with some recognition of moral considerations. I proceed to highlight how individuals with cognitive disabilities can meet this definition of moral agency.[58]

Before giving my account, I should note that this paper attempts to broadly sketch what moral agency looks like and how individuals with cognitive disabilities can be moral agents. While I do not make any strong claims about what sorts of entities cannot achieve moral agency, many entities will obviously fall below the agency threshold. I do not think it is controversial to claim that rocks, for instance, cannot be moral agents; nor likely can human beings in persistent vegetative states. This might lead one to question whether some humans with cognitive disabilities might fall outside the scope as well. However, my goal is not to find a precise dividing line between who counts and does not count as a moral agent. As we will shortly see, the concept itself is complicated and multifaceted. If the reader considers it a useful project, I will leave it to them to determine the range of organisms that do not have moral agency.

In light of these considerations, I am not using the term 'cognitive disability' to pick out a particular subset of individuals. While I will use the terms 'mild', 'moderate', and 'severe' as defined by the American Association on Intellectual and Developmental Disability to distinguish between levels of disability, I do not intend for these levels to

---

[58] This account leaves open the possibility that other entities that are typically only considered moral patients (such as animals) might also have some form of moral agency. However, full analysis of such a view is beyond the scope of this paper.

pick out any particular developmental disorder or group of individuals.[cxli] As Licia Carlson maintains, individuals with cognitive disabilities tend to be far more varied than their sub-classifications.[cxlii] As such, I will not make any hard claims about how severe an individual's disability would have to be in order to fall below the level of moral agency. Instead of attempting to discover the limits of moral agency, I will try to broaden our conception of it in order to demonstrate how people with moderate to severe cognitive disabilities are able to meet the requirements for moral agency. This account of moral agency will still avoid the implication that any entity that obviously lacks agency, as such as rock, will count as moral agent. However, it may cause the reader to reevaluate more fringe cases such whether animals or individuals with severe dementia can be considered moral agents.

1) Agency

Traditional accounts of agency consider it to be the capacity to perform intentional actions.[cxliii, cxliv] Under the earliest attempts of traditional accounts of agency, an action is considered intentional if the agent acts for a reason. Thus, under traditional accounts, intentional action is the result of a combination of beliefs and desires. An agent recognizes a reason for action if a certain consequence is desired.[59] Later scholars have argued that intention is not reducible to desire/belief pairings. However, most still

---

[59] Dancy (2000) has convincingly argued that reasons themselves are external to agents. Hence, a desire/belief mental state is not itself a reason for action. Desire/belief mental states merely represent an agent's internal response to an external reason.

recognize a strong connection between desire/belief parings and intentional action.

Defending any particular account of agency would be too large a project for this paper.

My goal is simply to show that some entities typically considered to be only moral

patients can have desires, beliefs, and intentions arranged in such a way that it would

meet the criteria for agency.[60] Thus, if there is any reason why some moral patients

cannot be moral agents, it must be due to some difference between moral agency and

mere agency.

While he was silent on the cognitively disabled, Davidson considered young

children and animals to be incapable of intentional action. He claims that "Intentional

action is action that can be explained in terms of beliefs and desires whose propositional

contents rationalize the action.[61, cxlv] For Davidson, intentional action required

propositional beliefs. In order to have propositional beliefs, Davidson argued that an

entity needed to have a language, otherwise they had no way of fixing the identity of an

object in a given proposition. For instance, a dog could not have the belief that 'a cat ran

up that tree' unless they had some way of distinguishing 'that tree' from other objects.

The same can be said for 'cat' as well as the action of running. Hence, an animal without

a language would not be able to grasp any of the terms needed for propositional

knowledge. Davidson's view, known as lingualism, holds that non-linguistic entities

---

[60] Such view excludes any moral patient that lacks a mind such as the environment.

[61] There is a long and troubled history of comparing individuals with cognitive disabilities to animals. I am only claiming that the two are similar insofar as both may lack the capacity for language.

cannot hold beliefs and therefore cannot act with intentionality in a strong sense since they cannot recognize any reasons for action.

While lingualism is not a terribly well-regarded philosophical position these days, Glock notes that some of the arguments for lingualism, while ultimately unsuccessful, provide insight as to what capacities are needed for intentional action and are worth considering here.[cxlvi] Additionally, although the vast majority of individuals with cognitive disabilities are able to communicate linguistically, some individuals with disabilities that are traditionally labeled as severe may lack linguistic capacity even if, as I will argue, they are capable of agency.[62]

One claim that lingualists tend to make is that entities need concepts in order to have thoughts and that concepts require language. It is true that creatures with linguistic capacities have a broader understanding of a given concept than a non-linguistic creature does. A Linguistic creature can take objects' descriptions and recognize them as picking out an object that the creature could somehow pick out.[cxlvii] However, non-linguistic creatures seem to lack a robust a description for objects: As Davidson notes:

> But what kind of description would suit the dog? For example, can the dog believe of an object that it is a tree? This would seem impossible unless we suppose the dog has many general beliefs about trees: that they are growing things, that they need soil and water, that they have leaves or needles, that they burn. There is no fixed list of things someone with the concept of a tree must believe, but without many general beliefs there would be no reason to identify a belief as a belief about a tree, much less an oak tree.[cxlviii]

---

[62] I am not claiming to know with certainty whether or not any individuals with cognitive disabilities actually lack linguistic thought. We have a long history of underestimating the ability levels of individuals of cognitive disabilities. It is entirely possible that individuals with cognitive disabilities that are traditionally considered severe have linguistic thoughts and we simply have overlooked attempts at commination.

In response, an opponent can either argue that it is still possible to have thoughts without concepts or that creatures have concepts in a weaker sense and this weaker sense of concept is all that is needed for thoughts[63]. Regarding the former, Glock suggests that it is possible to have thoughts without concepts because not all noun phrases pick out objects with definite descriptions.[cxlix] Terms like 'everything' or 'the past' may not have definite content, yet it is possible to have thoughts and beliefs about them. Glock goes on to argue that, if concepts are not always the building blocks of thoughts, it is possible that creatures acquire thoughts in a more holistic manner. We grant that the dog has a mind and therefore has thoughts that can either be correct or mistaken. Glock notes:

> We simply note the dog's reaction to its environment. We regard these reactions as directed towards particular objects, creatures and events, because we assume that dogs have certain perceptual capacities and wants, assumptions which require rudimentary knowledge of the way dogs live (what they can recognize, what they tend to dislike, etc.)."[cl]

There is the further question of whether thought without representational content is considered a belief, and some scholars argue the inverse. For instance, Dummett suggests that animals can only have beliefs, but thoughts require content.[cli] However, the distinction appears to be largely semantic. While there may be pragmatic reasons for distinguishing thought with content and contentless thought, thought including content does not appear necessary for intentionality.

---

[63] There is a third view that creatures actually have the capacity for complex object descriptions without language. However, discussion of such a view would not be terribly useful for showing that non-linguistic creatures have agency as one would still have to prove that various non-linguistic creatures in fact had complex object descriptions without language.

As such, it seems at least theoretically possible to act with intention even if one's beliefs are non-propositional. For instance, Hurley claims that intentional action can be a part of what she terms 'perspectival self-consciousness.' She claims

> Part of what it is to be in conscious states, including perceptual states, is to have a unified perspective, from which what you perceive depends systematically on what you do and vice versa, and such that you keep track, at the personal level, of this interdependence of perception and action. When I intentionally turn my head to the right, I expect the stationary object in front of me to swing toward the left of my visual field. If I intentionally turn my head and the object remains in the same place in my visual field, I perceive the object as moving. If my eye muscles are paralyzed and I try to move them but fail, the world around me, surprisingly, appears to move. [clii]

She goes on to note that

> Perspectival self-consciousness can be conceptual, but it does not have to be. As an animal moves through its environment, its intentional motor actions dynamically control its perceptual experience against exogenous environmental disturbances, simultaneously with its perceptions providing reasons for action.[cliii]

Likewise, it's possible that non-linguistic creatures do have concepts at least to the extent that concepts are needed for intentional action. Most evidence for concepts in non-linguistic creatures comes from their behavior. Animals and small children are able to make distinctions between objects and therefore must at least have some rudimentary understanding of what comprises some objects. However, Davidson notes that the mere ability to discriminate is not enough. He claims that "unless we want to attribute concepts to butterflies and olive trees, we should not count mere ability to discriminate between red and green or moist and dry as having a concept, not even if such selective behavior is learned."[cliv]

119

If we claim that some non-linguistic creatures have concepts based on their behavior, we need some way of explaining why we make this attribution only in certain cases. Notably, the problem is not solved by only attributing concepts to only entities with minds. We still need some way of explaining why a dog has the concept of the bone it is searching for while a butterfly does not have a concept of the flower it seeks. Likewise, we need some way to explain why a severely cognitively disabled person's ability to distinguish pleasure and pain is different than a person in a coma's ability to respond to pleasure and pain.

Glock considers the distinction to be as follows:

> To be capable of classifying or misclassifying things, a creature a must not just have a disposition to behave in accordance with a rule – as butterflies do when they land only on red petals – but of following a rule. That is to say, the principle which distinguishes Fs from non-Fs must be part of a's reason for differentiating between Fs and non-Fs, not just a law to which its discriminating behavior conforms.[clv]

A creature must be able to recognize a rule and actively apply it to new phenomena to have a concept. Notably, a creature can be wrong in its application of a rule while creatures without a concept are simply failing to conform to a standard of behavior that benefits them. As Glock puts it:

> A butterfly that fails to discriminate between red and green may reduce its biological fitness, but it does not violate a principle to which it has committed itself. There are of course types of mistakes that do not require this possibility, e.g., failures to perform in line with evolutionary design. But without an intention to perform in this way, such failures are not misapplications of a rule.[clvi]

Simply, in order for a behavior to be considered evidence of a creature having a concept, the creature must exercise an ability rather than act mechanically.

Many animals, small children, and individuals with severe cognitive disabilities show evidence of being able to exercise these sorts of abilities while insects and people in comas do not. While a person in a coma is only able to have reflexive responses to pain, a person with a severe cognitive disability is able to discriminate in response to novel stimuli. For instance, children around the age of 18 months asked to match a novel word (such as 'dux') with an item from a series of familiar and unfamiliar items will consistently choose unfamiliar items.[clvii] When the study was replicated with children with profound cognitive disabilities and no language skills, the children still consistently match the unfamiliar word with the unfamiliar item.[64, clviii, clix, clx]

Further, individuals with severe cognitive disabilities and limited linguistic abilities are able to recognize symmetrical and transitive relations between novel words, novel items and symbols. For instance, when taught to associate the word 'roke' with both a funnel-like object and a square object, individuals with severe cognitive disabilities will be able to pick out the funnel-like object when presented with the square object with near perfect accuracy and no practice in some cases.[clxi] Thus, individuals with cognitive disabilities appear to have the ability to apply rules to novel stimuli[65]. Further,

---

[64] Some might argue that this shows that individuals with profound cognitive abilities do have some understanding of language. However, if this is the case, it can simply be assumed that they the linguistic standard for agency. My goal is not to prove that individuals with cognitive disabilities have or lack a particular level of language capacity. I am simply arguing that, even if some individuals did lack language, they could still have agency.

[65] An argument can also be made for small children and animals. However, they are not this paper's focus.

these studies imply that individuals with severe cognitive disabilities are not only capable of acting in accordance with reason, they are considering reasons for acting. In Wilkinson's experiment, they desired to associate the objects correctly in order to receive a reward (typically food) and recognize that two things identified as a 'roke' share a commonality in order to arrive at the correct response.[clxii] While participants in the study could not vocalize why they were able to associate the two objects and may not have full propositional knowledge of the commonality, they still are reasoning.

Of course, a lingualist can argue that non-cognitively disabled adults can understand the logical implications of a concept much better than all the potential agents I am discussing here. If a non-cognitively disabled adult human believes 'there is a cat in the tree', she also likely believes 'there is a cat in the oldest tree in the yard' assuming is it known that the aforementioned tree is in fact the oldest in the yard. However, a dog can only believe the former. Thus, the dog's concept of 'the tree' is much less robust then an adult human's, and when we say 'the dog believes there is a cat in the tree', we are not attributing to the dog the same ascription we would give an adult human. While this does not undermine non-linguistic entities' ability to form beliefs or thoughts, the lingualist can still either argue: 1. A robust logical understanding is needed to form beliefs or 2. Thoughts are impossible without the ability to fully differentiate between concepts. However, the latter claim is false and it is possible for non-linguistic creatures to meet the former requirement.

The argument for the claim that full differentiation is needed for concepts seems to run as follows: Without a good understanding of what X entails, one cannot have the concept of X. For instance, if a dog does not understand that a tree 'has leaves', 'is tall', 'grows', he cannot have the ability to form a concept of a tree. However, as Davidson notes, a good understanding does not have be a complete understanding. Most adult humans do not fully understand the necessary and sufficient conditions for most objects. Rather, Davidson claims there is no fixed

list of things someone with the concept of a tree must believe.[clxiii] Yet, as Glock notes, the claim that 'Without **some** understanding of what X entails, one cannot have the concept of X' lowers the bar enough that some non-linguistic entities pass.[clxiv] A dog has some understanding of a tree as an object at least insofar as it entails an object impeding its progress to the cat. While this understanding is less robust, there is no non-arbitrary way of deciding the appropriate threshold needed to have enough of an understanding to have a concept.

Moreover, sometimes our own understanding of a concept is not much more robust than that of some non-linguistic creatures. As Glock notes, we have a tendency to think that beliefs require robust concepts because there is no better way of describing the failure of illogical humans than that they are unable to grasp the consequences of their own beliefs. However, he claims that very formulation presupposes that we can distinguish between having a belief and being able to grasp its consequences. A human that has a belief but fails to grasp the belief's consequences still has a belief. As such, we

do often require proof of fully understanding consequences before ascribing intentionality to human behavioral responses. As Glock notes, when Mowgli flees from Shere Khan, we are not worried about what consequences of "A tiger is chasing me" he is capable of appreciating.[clxv] In such a dire circumstance, it is unlikely that Mowgli is considering any attribute of the tiger beyond 'thing that might eat me', yet this level of concept is enough for us to think that he has intentional action. As result, it seems as though other creatures with this level of concept would still also qualify as being able to act intentionally.

However, accepting Davidson's standard of 'some understanding' does imply that thoughts cannot occur in isolation. To have some understanding of a concept, one needs to form some link between basic ideas. However, these simplistic networks of consistent beliefs do not seem beyond non-linguistic creatures. Given many creatures' ability to respond to novel stimuli, we would expect them to make far more mistakes if they did not have a consistent belief network. Notably, even granting Davidson's standard, a belief network only needs to be broad enough to make the thoughts it contains consistent. For a dog to get to the conclusion that he should bark, he needs some understanding of 'small animal went up tree', 'tree is solid', and 'higher parts of the tree are out of reach'. However, he does not need the thought 'this tree is the oldest tree in the park'.

Thus, it is possible to have concepts and therefore beliefs without language. The ability to desire can be fairly easily assumed once it is granted that non-linguistic creatures have beliefs and the ability to act freely. In the case of individuals with cognitive disabilities, several studies note that individuals with cognitive disabilities are

far more likely to be attentive when food is presented as a reward.[clxvi] Given the consistency in behavior, something clearly drives individuals with cognitive disabilities beyond mere whim. It is also worth noting that desire as a motivator for action does not require a self-reflective awareness of the desire. It is not necessary to have the self-reflective thought 'I want X' in order to act on a desire. It is possible to understand a desire and act on it just as it is possible to have a belief and act on it. Since a desire requires the same level of cognition as a belief, the recognition and understanding of it can be non-propositional and limited as shown above.

Notably, the structure of this argument is behaviorist in nature. If some propositional or non-propositional set of desires or beliefs is needed for intentional action, a behaviorist observes that some creatures clearly display intentional action and therefore have whatever belief/desire set is necessary for intentional action. While this is an argument from intuition about our environment, it remains an intuition that most non-philosophers share. Most non-philosophers assume that toddlers and some animals do act with intention on the basis of their being able to respond to novel stimuli. In the case of non-cognitively disabled adults, the question of whether other minds are able to perform intentional action is one that also must be answered through observation and assumption. This in itself does not offer any reason to call such a method into question for other creatures as, in the case of non-linguistic creatures, the only evidence we have often comes from behavior.

Moreover, the argument given above still allows us to make distinctions between how robust various belief/desire sets can be. It is possible to coherently claim that a dog has enough of a concept to have a desire and still claim that the dog's concepts are not as robust as those of most humans. This suggest that many creatures have the intentionality that we traditionally assume they have while avoiding the lingualist concern of hastily attributing mental states to creatures. To fully accept the lingualist argument requires us to arguably give up too much of our understanding of other creatures. Consider the following quote from Davidson:

> But the point remains: we improve the road, from our point of view, by spreading sand
> or salt; we improve the child, from our point of view, by causing pleasure or pain. In
> neither case does this process, by itself, teach road or child the distinction
> between correct and incorrect behavior. To correct behavior is not, in itself, to
> teach that the behavior is incorrect. Toilet training a child is like fixing a bathtub
> so it will not overflow; neither apparatus nor organism masters a concept in the
> process.[clxvii]

Although toddlers may not always act with complete rationality, most people assume that toddlers are able to act with intention. To claim otherwise should give us pause, especially when there are other ways of explaining the differences between a child's mental state and the mental state of an adult.

Of course, the Anscombe/Davidson view of agency is not the only view of agency. Many scholars have since argued that it possible to act intentionally without holding beliefs or desires.[clxviii] Others hold that is it possible to have agency even if one does not form an intention to act.[clxix, clxx, clxxi] However, the Anscombe/Davidson picture

126

presupposes more stringent mental requirements for agency than others. Even if other accounts of agency are more convincing, accounts that lack the belief requirement are easier for non-linguistic creatures to meet. For instance, Barandiaran et al. describe a form of minimal agency which an entity can achieve as long as the entity is acting of its own accord to complete a goal.[clxxii] This description of agency would be able to include not only animals, but also computers and plants. As such, they do not pose as much of threat to the agency of non-linguistic creatures and do not need to be discussed in detail here. If the considerations above are compelling, I have shown that the non-linguistic creatures can meet the belief requirement for agency despite lacking language. Since this is the requirement most likely to rule out individuals with cognitive disabilities, the above considerations should allow individuals with cognitive disabilities to qualify as agents under most accounts. For some, this might also qualify them as moral agents since they are able to act for moral reasons and do, as well I show later, perform actions that are moral.

Of course, one might wish to make a distinction between agency and moral agency. Otherwise, this picture would be enough to qualify very many creatures as having moral agency as well. If moral agency was simply doing moral actions with any kind of intention, the above account would be enough to show individuals with cognitive disabilities as well as many animals have moral agency. Most creatures would likely do things that happen to be moral even if by accident. For instance, a dog's action of licking his owner's face may increase his owner's happiness. If increasing his owner's happiness

met some moral goal and the dog intended the action, the dog acted morally. Under this extremely deflated conception of moral action, it does not make a difference if the dog only chooses to lick his owner's face because he happened to like the taste. It is enough for moral agency that the dog performed an action with some type of intention even if that intention does not aim at morality.

Obviously, it is possible that more is needed for moral agency than the account described above. The above account suggests that creatures have agency even if they lack robust concepts and self-awareness. While this might be enough to ascribe them agency insofar as the can act intentionally, moral agency requires more than mere intentional action. Generally, scholars think that acting for a moral reason requires there to be some connection between a creature's motivation and the correct moral reason to act.[clxxiii, clxxiv] Specifically, a creature must be able to grasp moral reasons and act for those reasons specifically. While what is required to grasp and act for moral reasons varies between theories, below I consider three additional cognitive abilities that may be needed for moral agency in addition to intentional action.

First, one can claim that, to act for a moral reason, one must be able to recognize moral reasons. The dog in the preceding paragraph would not count as a moral agent because he does not recognize any moral reason to lick his owner's face. He merely chooses to do so because it pleases him. Second, moral agency requires that a moral agent be motivated by moral reasons. Even if the dog did recognize his owner's distress, if he lacked the capacity to be motivated by that consideration and only acted because he

liked the taste of tears, he would not count as a moral agent. Third, one might argue that

moral agency requires self-governance. As Jay Wallace argues, in order to truly be a

moral agent, a creature must have "the power to control or regulate his behavior by the

light of such reasons."[clxxv] To count as a moral agent, a creature must have the capacity to

choose moral reasons over other reasons for acting. Mere motivation is not enough if the

creature lacks the capacity to choose between competing desires.

It is, of course, open for scholars to reject these requirements for moral agency

and some do.[66] However, I wish to show that individuals with cognitive disabilities can

meet even these additional requirements. . In the following sections, I argue that

individuals with cognitive disabilities are able to understand and act for moral reasons as

well as argue that no more robust requirements than what has been considered above are

needed to understand moral claims. Considering the latter worry first, I look at three

different criteria that might be considered necessary to understand or endorse moral

claims: 1. Second order desires 2. Second order beliefs 3. Ability to provide an

explanation. I argue that none of these are needed for an individual to act for a moral

reason or take ownership of their action. Further, I argue that, although some of these

criteria might be helpful for grasping additional moral truths, they do not undermine a

moral agent's ability to act consistently. After arguing against the need for additional

criteria, I proceed to highlight the ways in which individuals with cognitive disabilities

are able to grasp moral truths. As with language in the above section, I am not claiming

---

[66] See Sapontzis (1987) and Clark (1984) for more discussion.

that individuals with cognitive disabilities actually lack second order desires or any other potential criteria for moral agency. I am simply claiming that whether or not they have the capacities is not relevant for determining their moral agency.

Some views of agency, such as those considered by Harry Frankfurt, focus on what makes human action distinct from the action of other animals. Frankfurt claims that, unlike other creatures, humans are able to reflect on and care about their motivations for action.[clxxvi] He considered this ability to reflect and care about actions to be a manifestation of a human's will. By contrast, animals and young children cannot will anything. Under this view, agency requires some type of higher-level endorsement of first level action motivation or, more simply, an agent must want to want their desire.[clxxvii, clxxviii] Actions are considered to be instances of agency only if an agent endorses the actions at some 'higher' level.

Frankfurt, for instance, believes that agents need to have a second-order desire to will their first-order desire. He makes a further distinction between the types of second order desires an agent might have: "Someone has a desire of the second order either when he wants simply to have a certain desire or when he wants a certain desire to be his will."[clxxix] For Frankfurt, it is the latter that is needed for human agency. In order to be a human agent, a creature needs to able to desire the desire that wills them to act. He argues that it possible for creatures to have first-order desires yet not care which first order desires they happen to have. Consider how Frankfurt describes creatures who lack second-order desires that will first-order desires, whom he refers to as wantons: "The

essential characteristic of a wanton is that he does not care about his will. His desires move him to do certain things, without it being true of him either that he wants to be moved by those desires or that he prefers to be moved by other desires."[clxxx] According to Frankfurt, wantons are still able to reason and they may recognize that they ought to want other things given their current set of desires. However, they do not care which desire-set happens to win out. In another example, Frankfurt contrasts an unwilling addict to a wanton. He claims that an unwilling addict still wants to will actions that do not support his addiction even if it is impossible for the addict to do so. By contrast, a wanton addict may have both the desire to continue taking drugs and the desire to not continue taking drugs, yet he does not care which of these two desires wins out.

Frankfurt himself implies that his account of agency does not rule out creatures without second-order desires being able to perform intentional actions and therefore meet some weaker standard for agency. He considers his account to be the distinction between human and non-human agency and considers any creature who lacks the capacity to will desires to lack human agency[67]. Whether he is correct in that conclusion is not relevant to this paper's interests, beyond noting that many humans might fail to meet Frankfurt's standard for human agency. However, it is still possible to consider whether Frankfurt's conception of human agency is needed for moral actions.

This view is often criticized because it seems to require an infinite regress of higher order desires. If a second-order desire is required for a first-order desire action set

[67] It is unclear from his example where he thinks wantons lack the capacity to form second-order desires or simply do not care enough to form them.

(i.e. the paired set of the first order desire to perform a certain action and the action itself) to count as an act of agency, one can still openly question whenever the potential agency would endorse the second order desire. Frankfurt attempts to circumvent this worry by claiming that this series can end once the agent has reached a 'decisive commitment.'[clxxxi] However, this cut-off point seems arbitrary. Frankfurt claims that an agent reaches a decisive commitment when he or she no longer feels any reason to continue the deliberating.[clxxxii] This solution is, given the rest of Frankfurt's account, oddly subjective and does not offer any real solution to the problem of infinite regress. If an agent wants to ensure that her decision is an autonomous one, she always has reason to keep deliberating in order ensure that her Nth level desire is endorsed by her Nth+1 level desire. Moreover, this solution seems to make the rest of Frankfurt's account superfluous. If 'decisive commitment' is all that is required for autonomous action, it is unclear why this cannot be reached with a first order desire. There does not seems to be any reason why an individual cannot commit to a desire without any further reflection.

Frankfurt's suggestion that moral agency requires more than merely acting on a desire may be correct. His suggestion that agency requires us to be motivated by something beyond impulse has been reflected in the work of other scholars. Famously, Kant considers autonomy to be central to our moral worth.[clxxxiii] All of our actions must be performed autonomously in order to be considered moral. This helps rule out cases where an individual accidentally performs an action that would be considered moral if done for the right reasons. Individuals who act out of mere inclination cannot be

132

consistently moral because there is always a chance circumstances will make it such that they will not have the inclination to perform actions that accord with moral law. Only those that consistently use their autonomy to pick out and abide by the moral law will be consistently moral.   However, it has been pointed out repeatedly that such a standard is too high for most ordinary non-cognitively disabled adults to meet it.[clxxxiv]

Shoemaker attempts to answer the Kant's concern in another manner. He claims that moral agency requires that: "One is a member of the moral community, a moral agent eligible for moral responsibility and interpersonal relationships, if and only if (a) one has the capacity to recognize and apply moral reasons, and (b) one is capable of being motivated by those

moral reasons because one is capable of caring about their source, namely, the moral agents affected by one's actions."[68] [69, clxxxv] If an agent is able to recognize and is able to be motivated by moral reasons, then they are capable of acting morally. This motivation can prevent a creature from always acting on impulse because such a motivation can temper one's impulse. Creatures that lack this motivation cannot be considered morally responsible. For instance, Shoemaker notes that psychopaths, while they understand moral rules, lack the motivation to care about others and thus they cannot be considered responsible for their actions. By contrast, non-cognitively disabled adults have the

---

[68] Shoemaker gives four definitions of moral agency in this paper. This is not his final and most complex definition. However, three definitions include a motivational component. I am citing the simplest version here for sake of brievity.

[69] Shoemaker considers morality to be limited to interpersonal affairs. I do not fully endorse this conception of morality, but refuting it here is beyond the scope of this paper.

capacity to care for others and thus should be held morally responsible when they fail to

do so[70].

However, I argue that this motivation doesn't have to take the form of a second

order desire. One can have a general desire to be moral without reflectively endorsing

individual actions as moral. Further, the desire to be moral may itself be an impulse.

Consider a case of a moral wanton:

> Gallant is always motivated to perform moral acts for the right reasons. When
> faced with competing desires, he always impulsively chooses his desire to be
> moral. However, he lacks the ability to reflect on his choices and does not have
> the ability to care whether he is a moral person.

Notably, the 'for the right reasons' clause should rule out any mere Pavlovian impulse to

be moral. Since Gallant acts for moral reasons, should Gallant be considered a moral

agent? One might argue no because his counterpart the immoral wanton would not be.

Consider the case of Goofus:

> Goofus is always motivated to perform immoral acts for an immoral reason.
> When faced with competing desires, he always impulsively chooses his desire to
> be immoral. However, he lacks the ability to reflect on his choices and does not
> have the ability to care whether he is a moral person.

Most people would consider Goofus to be similar to the case of the psychopath. He

doesn't have the capacity to care about morality and thus cannot be considered morally

responsible. But if this is the case, then it seems that one cannot hold Gallant responsible

---

[70] One might argue that psychopathy itself is a form of cognitive disability. In chapter 3, I make a distinction between cognitive disabilities and mental disabilities of which cognitive disabilities are a subset. Tentatively, I would suggest that psychopathy is a mental disability but not a cognitive disability. However, given the muddied the current muddied literature on psychopaths, I do not wish to endorse Shoemaker's claims that psychopaths cannot be morally responsible. I think that Shoemaker may be correct is claiming that psychopaths as he describes them cannot be morally responsible, but this may not be reflective of that actual mental life of psychopaths.

either. His mental state is the same as Goofus' mental state. Gallant just happens to have a different set of initial motivations.

However, it is also possible that such an asymmetry should be expected. It is possible that a moral agent only needs the capacity for motivation at either the first order or second order level but cannot lack the capacity for both as Goofus and the psychopath do. Frankfurt considers his account of agency to be an important tool for free-will compatibilists because he claims that it doesn't make a difference whether or not an agent could act otherwise. According to Frankfurt, what matters for moral responsibility is whether an agent has a second order endorsement of their action. Thus, the willing addict is responsible according to Frankfurt while the unwilling addict is not. However, there is no reason why an endorsement of moral concern at any level cannot be sufficient for moral responsibility. While somebody like Gallant would have a difficult time acting immorally, the fact he cannot should not exclude him from the realm of moral agency. He still understands moral reasons and acts on them.

Further, while Gallant may seem like an extreme example, it is also possible that a great many non-cognitively disabled adults do not often reflect on themselves as moral agents. Outside of philosophy classrooms, most moral conversations are not overly reflective, and individuals are do not reflect much on their reasons for acting unless they are face with competing desire. It is unlikely that many people have the further thought 'and endorse this action' when pulling somebody from a burning building. As such, we can question whether it is even possible for our moral motivation to always be a second

level desire. Below I consider three options: hypothetical endorsement (i.e. the agent would endorse the action if they reflected), subconscious endorsement (i.e. the agent is endorsing this action, but not consciously), and tacit endorsement (i.e. the agent still 'wills' this action even if they are not able to recognize that they will it). I argue that first two fail to properly explain everyday accounts of moral action. Then, I go on argue, that while tacit endorsement may appropriately capture Frankfurt's view, tacit endorsement doesn't require higher order reflection.

If endorsement were hypothetical, we would need to consider when this hypothetical endorsement would occur. If it must occur at the time of action, this seems to rule out too many cases, at least if we assume that actions that we typically consider moral should count as moral. This seems especially true when we lack the desire do something immoral such as unnecessarily harming another person. Most people recognize that such an action is wrong and do not even desire to do it. Their choice to act otherwise is moral, yet even when prompted, it is unlikely that many non-philosophers will have the thought "this action is mine because I endorse it" or "this is something I endorse." They probably would not be able to get to this conclusion without reading copious amounts of philosophy. If hypothetical endorsement can occur at a later date or merely reflects an agent's potential ability to endorse an action, we run into potentiality concerns. 'Active potential', or the agent's ability to hypothetically endorse an action at the time it occurs, seems like an unrealistic standard. Many people, including ones that

are quite bright, may not have the active capacity to grasp abstract concepts. Thus, this standard would also rule out too many people as actors.

Non-active potential runs into definitional problems. Considering the vast range of human capability, there is not a clear set of criteria to distinguish those who have non-active potential from those who do not. Moreover, non-active potential seems an odd standard for autonomy as there seems to be no way to verify it's presence. Suppose two agents both take ownership for a respective action. One is deemed by philosophical standards to have the potential ability to endorse his actions while the other is deemed not to have this ability. To deem the latter as not an agent seems inappropriate. There does not seem to be any good reason why non-active potential should take precedence over the agent's own perspective. To deny an agent's view of their own action not only seems arbitrary, but epistemically irresponsible. While sometimes agents fail to fully understand why they act, it remains problematic to assume that they lack this understanding in the majority of cases. Doing so ignores the testimony of the agent and assumes that philosophers have a better understanding of an agent's actions than the agent themselves.

Characterizing moral actions as actions that are subconsciously endorsed has the same issue. It is possible that an agent who, at the time of action, neither consciously nor subconsciously endorses her action will nonetheless still feel the action is hers at a later time, and there does not seem to be any reason to count the action as amoral simply because she failed to have a subconscious thought. Further, it is unclear if there is any way of knowing whether such a subconscious thought occurred. This example is not

137

meant to describe some hypothetical 'zombie' who is unable to have any subconscious thoughts. Although it may be possible to subconsciously endorse an action, I think it is probable that many real individuals sometimes fail to subconsciously endorse their actions.

Given the number of minor moral choices we make every day, requiring that we have subconscious thoughts toward all of them seems like a high standard if we want all of our everyday action that would meet the other requirements to count as moral. For this view to be viable, our subconscious would need to be in a state of constant endorsement and we have no way of knowing whether this is occurring assuming that it's even possible for the mind to be in a state of constant subconscious endorsement. While it would be difficult to prove constant endorsement is impossible, such a strict requirement should give us pause, especially when a different conception of autonomy could avoid this upshot.

On the third view, ordinary agents tacitly endorse their actions. As long as the agent 'wills themselves' to act, they qualify as moral agents even if they are unaware of this willing and cannot express it due to this unawareness. While, as I argue in the next section, some type of 'willing' may be important for moral action, there is no reason why tacit endorsement has to either (1) endorse reasons which the agent does not consciously endorse herself (2) be a second-order endorsement. Frankfurt considers second-order endorsement to reflect an 'true self' or at least capture their true underlying desire at a given moment. He notes that, when making a particular decision, an agent "seeks thereby

to overcome or to supersede a condition of inner division and to make himself into an integrated whole."[clxxxvi]

However, if moral agency is a reflection of an agent's 'true self', it seems odd to regard somebody's own testimony for why they acted as mere rationalization. While agents may sometimes be uncertain as to why they acted, they likely have enough self-understanding to at least partially grasp their 'true' reasons for acting the majority of the time. Moreover, it is unclear why this willed expression of selfhood has to be a second order volition especially if it does not have to be consciously understood. Actions can be 'willed' without there being a second order self-reflective thought along the lines of 'I will this action'. Further, as Marilyn Friedman notes, it is unclear why second order self-reflective thoughts are more of an expression of one's 'true self' than first order thoughts especially in cases where there is a mismatch between the two.[clxxxvii] Thus, while 'willing' may be important for autonomous action, we should not consider 'willing' to always be a recognition of a second order endorsements or be a second order endorsement itself.

Moral motivation is relevant for moral agency. However, this motivation can occur without self-reflection. One can still act morally if they recognize moral reasons and they are appropriately motivated. Some might argue that if second-order endorsement is not required for moral agency then it makes it merely a matter of luck that some people appear to be capable of such motivation while others, such as psychopaths, do not. However, an account of moral agency that does not require second-order desires is no

139

more luck-based than a standard that relies on second order desires. It allows that creatures can be motivated by second order desires and also allows that some creatures might find motivation without appealing to second order desires. As such, it includes more creatures than Frankfurt's account and does not rule out any creature that his account does not also rule out. In the next section, I will argue that individuals with cognitive disabilities can care about their desires in the way needed to perform moral actions even if some individuals with cognitive disabilities may be in capable of second order endorsement. However, before turning to that issue, we must consider what abilities a creature needs to be able to grasp moral reasons.

Some might argue that a creature needs to be able to have propositional beliefs in order to understand morality and non-linguistic creatures lack the ability to form propositional beliefs. While the belief 'X is moral' or 'X is the right thing to do' might not be needed for self-governance, some might claim that one cannot understand the morality of X without having the belief that X is moral. The strongest case for this claim may stem from the idea that your belief that 'X is moral' is itself the only possible moral reason for acting. If this is the case, anybody who lacks the capacity to form propositional beliefs will not be capable of moral reasoning as propositional beliefs themselves are the only kind of reasons for moral action.

However, such a view of moral reasons is not a very promising account. As others have noted, the belief that something is moral cannot itself be the reason for moral action because it leads to problems with moral fetishism. As Shoemaker notes, it is possible to

act on one's belief that an action is moral without acting for a moral reason. He asks us to image a moral fetishist or "a person who cares about morality, who wants to do the right thing, but only in virtue of its being the right thing to do."[clxxxviii] Such a person, he argues, would have no true concern for others. They would merely be fetishizing moral concerns. Such a person would likely have beliefs about what is or is not moral and those beliefs would likely guide his actions, but those beliefs cannot be moral reasons. The moral fetishist appears to be not acting for moral reasons to us precisely because whatever underlying concern that allows us to generate a claim like 'X is moral' is the true reason for moral action.[71]

Further, these reasons for moral action may be non-propositional in nature. A motivating reason or a reason a creature takes for action can be non-propositional. As we have shown above, animals are able to act for reasons even if they lack propositional beliefs. However, this might not be enough to make animal moral agents as Jonathan Dancy argues that there must be a connection between normative reasons and motivating reasons.[clxxxix] Normative reasons must be the sort of thing that are capable of motivating an agent. If they were not, moral agency would be impossible as no potential agent would ever feel the motivating force of morality and thereby could not be motivated to act

---

[71] One might still argue that the capacity to form beliefs such as 'X is moral' would be useful for a moral agent to have because it would help with moral understanding. However, it is enough for my purposes that this capacity is not necessary for moral action. Outside of academic settings, it is entirely possible that some agents are motivated by reasons such 'I promised' or 'they seem really upset' or 'if not me, then who else?' rather than 'X is moral'.

specifically for those reasons[72]. Dancy characterizes this with an explanatory and

normative constraint:

> Explanatory: Necessarily, all normative reasons must be the sorts of things that
> are capable of being motivating reasons.
> Normative: Necessarily, all motivating reasons must be the sorts of things that are
> capable of being normative reasons.[cxc]

Notably, Dancy also believes propositions cannot be normative reasons because he

believes that normative reasons cannot be mental states, and it is the standard view

amongst philosophers that propositions are the contents of beliefs (Lord 2008). This leads

him to describe both motivating and normative reasons in non-psychological terms, as

Dancy was notably not trying to answer the question of who counts as a moral agent.

However, this view is not without its detractors.[cxci, cxcii] For instance, Wallace

points out that the normative condition may be too strong as it seems to imply that it is

impossible to act for the wrong reason. I wish to make the weaker claim that we must be

able to motivate by normative reasons if we want agents to be able to connect their

reasons for action to normative reasons. If this is the case, then as Wallace describes it:

"psychological facts or (mental states) can count as motivating reasons only because they

connect in the right way to the normative considerations."[cxciii] If this is the case and

animals have the ability to at least do the prudential right thing for motivating reasons

(i.e. the dog is motivated to drink water to quench its thirst), then more work would need

to be done to show why moral understanding must have uniquely propositional content. If

---

[72] It is possible that an agent could act because some additional reason such as an interest in morality
motivates them to be interested in moral reasons, but this just pushes us back into the moral fetish problem.

a dog moves toward her food bowl because she has a non-propositional understanding that there is food in the bowl, and we acknowledge that the dog has a prudential reason to move toward her bowl, then it seems that the dog's non-propositional understanding connects with a normative reason in the right way. Thus, if this is true in the prudential case, it must also be true in the moral case unless we can provide some non-ad hoc reason why moral reasons should be different.

Such a justification could not come from the meta-ethical claim that grasping moral truths implies knowing that they are. because the ability to grasp moral truths does not necessarily imply anything about what sorts of things moral truths are. However, the cognitivist might still be concerned that considering creatures with only non-propositional understanding to have moral agency is dangerous. There may be a worry that creatures incapable of forming propositional beliefs will be unable to make logical inferences and that these are important for morality. However, I have already shown that non-linguistic creatures can make these inferences. Whether this implies that it is possible to have logical inferences without propositional beliefs or instead suggests that some non-linguistic creatures, including some individuals with cognitive disabilities, possess propositional knowledge is a question of not of much interest to the matter at hand. Either granting that individuals with severe cognitive disabilities have propositional knowledge or granting that propositional knowledge is not needed for logical inference provides an answer to the cognitivist worry. The former simply accepts that cognitivist picture and later lessens any worry about non-propositional knowledge making logical inference

143

impossible. The reader may choose whichever option they prefer although most cognitivist would likely wish to argue the former.

A related worry is P.F Strawson's suggestion that we typically consider only those that we can reason with to be members of our moral community.[cxciv] It would be quite difficult to reason with a non-linguistic creature. If a creature cannot understand our reasoned appeals that something is wrong, they would fail to qualify as a moral agent. Notably, Strawson must mean that a creature has the potential to respond to our reasoned appeals, because otherwise it would rule out individuals who merely happened to speak another language. Yet, he seems to be right insofar as moral understanding requires us to recognize the moral demands that others can make on us. However, I wish to argue that creatures can recognize and respond to these demands even if they lack the capacity to fully understand the moral explanations that underlie them.

We often understand phenomena well enough to properly act even if we do not have a full explanation. For instance, most preschool aged children have some understanding of the difference between triangles and other shapes. If asked to pick out all triangles out of a box of shaped figures, a child of this age would very likely be able to complete the task. However, a child of this age would not likely be able to provide a clear definition of a triangle. While they understand the concept well enough to pick this shape, they do not understand enough to fully explain its necessary and sufficient conditions. Similarly, it is likely that any moral agent without an extensive interest in ethics lacks a full explanation for his moral actions. Moral agents are often motivated by reasons such

as 'I promised' even though many cannot explain why such a reason has merit. Further, some less academically inclined agents may lack the capacity to even achieve a robust understanding of why keeping a promise has moral worth.

The character Huckleberry Finn has been used in philosophical literature to demonstrate that one can still act for morally right reasons even if they believe that they are acting for morally wrong reasons.[cxcv] Arpaly argues that, while Huck believes that it would be morally right to turn in runaway slave Jim to his owner, he also recognizes Jim's humanity and this motivates Huck to act against what he believes is the morally correct thing to do. Arpaly considers Huck's actions to be praiseworthy despite the fact that Huck went against his moral beliefs.

However, Huck's actions can also speak to how Huck understands morality. Despite Huck insisting otherwise, the reader is meant to recognize Huck's intelligence. He shows an almost uncanny ability to think quickly throughout the novel. Yet, Huck also struggles with abstract reasoning and quite pointedly rejects his society's religious morality because he is incapable of understanding its appeal. When confronted with the threat of going to hell If he doesn't obey the word of God, Huck proclaims that he would like to go. He does not see the point of trying to get into the 'good place' and resolves at the very beginning of the novel to not make this the basis for his actions. Thus, any attempt to use Christian religion to explain to Huck that he was right to let Jim go would likely fail. Huck does not see the point in acting in a way that God wants. While it is not explored in the novel, we could also imagine a character like Huck refusing to accept

145

philosophical explanations for morality. Huck likely does not view lofty questions about morality as something that concern him. While he obviously cares for others, he has neither the patience nor the abstract ability to learn some overarching philosophical ideas about human dignity.

Most academics have had students like Huck who, despite being good individuals, seemed to either lack the capacity or interest to understand moral theory. Yet, anybody like this would still qualify as a moral agent because they still have the capacity to have a connection between their motivating reasons and the normative reasons for action. Huck is able to recognize that Jim has moral worth despite not being able to explain why on any moral framework and this recognition motivates Huck to act. Given how common cases like Huck's are, requiring creatures to have a full explanation of their actions to qualify as moral agents would rule out many non-cognitively disabled adults, including some that would have a high degree of intelligence. Thus, merely having the capacity to pick up on some of the moral considerations involved should be enough for moral agency.

On this account, it is clear that, assuming human concerns are a relevant target of moral consideration, a moral agent would still need to be able to pick up on these concerns and modify their behavior if warranted. However, the ability to modify one's behavior in response to another's suffering needn't require the other to give an explanation or even require a shared language. An agent can recognize the suffering through facial expressions, logical reasoning, empathy, or any number of other measures.

146

Some might still worry that individuals without language will not be unable to understand certain types of moral truths. For instance, the idea that lying is morally wrong might require linguistic understanding. I will return to this point after I highlight how individuals with cognitive disabilities can meet the criteria for moral agency developed thus far.

2) A De-intellectualized Account of Agency

The account of moral agency given above is in keeping with many traditional assumptions about moral agency. It grants that a moral agent must have the capacity to act intentionally and be motivated by some partial understanding of moral considerations. However, it rules out any requirements that would exclude too many non-cognitively disabled adults from being moral agents, including the expectations that moral agency requires any sort of second order desire, a full understanding of morality, or possible propositional beliefs. This account of moral agency is notably silent on what sorts of things are the appropriate target of moral consideration and would be compatible with many different ethical theories. However, in keeping with both Shoemaker's work on the subject as well as my own, it seems best to characterize the type of understanding that moral agents often experience as a type of concern for something morally relevant. The most ordinary case of this is concern for the welfare of another. Thus, moral agency sometimes only requires ability to experience this concern and act on it.

To be an agent, a creature should have the ability to care about either the action itself or the consequences of the action and intentionally take the steps to ensure the

action is performed. 'Care', as I am defining it, is a conscious concern for the object of care.[73] 'Care' can have both emotional and cognitive components. However, I do not want to restrict the definition by claiming 'care' has necessary or sufficient conditions. The ways people care vary vastly and not everybody always experiences either the cognitive or the emotional aspect of caring. Likewise, a caring attitude may not be a strong one. We may have only a weak interest in the action or the result. For instance, we may only care slightly about moving our chair closer to the table. Given the various ways we care, caring need not require the thought 'this action is my own'. Nor do I think it should have to require an intellectualized sense of self (i.e. a constant second order awareness of one's person) as we can easily adopt a caring attitude without these additional thoughts.

My view suggests that a creature should count as a moral agent if they possess the capacity to care in such a way that it motivates them to act on behalf of the interest of the object of concern[74]. They are moved by the others wants or needs are act in such a way as to meet them[75]. This rules out cases like the psychopath who may be concerned with another's wellbeing, but only specifically because he wishes to know how best to harm them. This version of agency does assume that a creature must have the capacity to intentionally act on the basis of concern. While this intentionality need not take the form

---

[73] Following Darwall, Shoemaker considers moral concern to be an exclusively second-person emotion. Only other people can make moral demands on us and, therefore, only people can count as objects of moral concern. However, as I argued in the previous chapter, care need not be only be considered moral in this sort of relation.

[74] The object of concern is typically a moral patient. However, I don't wish to rule out the possibility that one might have moral concern for the environment or perhaps works of art.

[75] See Chapter 1 for a longer discussion of this.

of propositional belief, a creature needs to have the capacity to be aware of a given state of affairs and direct their action appropriately in order to count as an agent. This intention does not require a robust self-awareness, but it does require the agent to use some type of willed force on the external world to produce a result.

This does not mean that the result the agent cares about is always the immediate result of their action. Often, we care about the indirect results of our actions. Further, the 'results' we care about are not always physical results. Sometimes we take action to convey information simply so another person can understand. However, provided the agent has the capacity cares enough to intentionally will an action, she has the capacity for agency. This 'willing' is distinct from a type of higher-level endorsement. It does require an awareness of the world around oneself, but its focus need not be on a higher order conception of the 'true self' nor even on the self at all. It also requires a recognition of oneself in the world, but the lines between subject and object may become blurred. While an agent does need to recognize her ability to act, her willing can be solely focused on ensuring some result in another or in the world rather than on *herself* as ensuring that result.

Some might worry that making the capacity to have concern for others the main criteria for moral agency would make creatures who were not capable of moral consistency responsible. Much of Kant's work is aimed at creating a consistent system of moral rules that everybody can recognize and follow.[cxcvi] Hence, his account of moral action is meant to rule out cases where agents perform good actions merely due to

contingent reasons. However, the account of moral agency I have just sketched allows

that individuals can be moral agents when they have a certain emotional response and

choose to act on it. The Kantian might worry that, since individuals may not have control

over their emotional responses, they may not consistently have an action-motivating

emotional response when confronted with a moral obligation.

There are a number of things to say here. First, I am not claiming that concern is

always an emotion. Sometimes, as is often the case with individuals on the autism

spectrum, it is merely cognitive.[76] However, even if one experiences concern as an

emotion, I do not think this is a reason to discount them as moral agents. Having a strong

cognitive grasp on the reasons for one's concern does not necessarily lead a creature to be

more morally responsible than with a less strong cognitive grasp on the right reasons. An

individual's ability to grasp a moral reason does not guarantee that he will respond to it.

Multiple studies have confirmed that we are notoriously bad at responding to moral

concerns in everyday life.

John Darley and Daniel Batson's famous Good Samaritan study provides a good

example.[cxcvii] In their study, few people chose to stop and help a man slumped in an

alleyway while on their way to give a talk about the Good Samaritan parable. Even when

prompted with a story demonstrating moral reasons for acting, most participants either

chose to ignore moral reasons, did not recognize them as reasons at all, or incorrectly

weighed the importance of other moral considerations. Thus, the active potential ability

---

[76] For a more detailed account, see chapter one.

to recognize moral reasons does not practically result in more consistent moral behavior. Assuming we want to consider the majority of people moral agents, we should not rely too much on actual consistent moral responses as a standard for this ascription. Moreover, there is still a fair amount of philosophical disagreement about what the right moral reasons are. Thus, it seems that ability to grasp moral reasons might not generate a consistent set of responses among perfectly rational and responsive agents. As a result, we should not expect differences in response in in the same person or across individuals to always show a lack of moral agency.

A view of agency that requires agents to care about normative reasons also explains why, as P.F. Strawson suggests, we do not consider people who are hypnotized, brainwashed or insane to be moral agents. Somebody who is hypnotized to do something immoral also has been hypnotized to be unable to act out of moral concern for another even if they felt motivated. It is impossible for them to connect their motivating reason to a normative reason because they are not in a state in which it is possible for them to recognize normative reasons. As such, they would likely fail the necessary conditions to qualify as moral agents under many systems of moral agency. However, Strawson is incorrect to classify those with mental disabilities in this same category because they still meet the standards for moral agency as their mental disability does not make it impossible for them to make this connection.

3) The Cognitively Disabled as Moral Agents

On this account, the cognitively disabled are capable of moral agency. While they may not have as broad a range of action as a non-cognitively disabled adult, even the severely cognitively disabled can act intentionally and do so out of concern for others. This point becomes especially vivid when we consider the testimony of the caregivers and teachers of the cognitively disabled. While some might argue that caregivers are too involved to accurately assess the ability of the cognitively impaired, multiple studies have shown that caregivers are in the best position to know the abilities of the cognitively disabled as they are able to witness their charges' abilities over an extended period of time.[cxcviii, cxcix, cc]

In recent years, parents and other caregivers have been given a chance to comment on the broad range of actions exhibited by their severely cognitively disabled charges. For instance, caregivers have noted their charges' preferences for certain stimuli. Individuals with severe cognitive disabilities are particularly attentive to certain people, generally those whom they know well. Further, caregivers have noted that individuals with severe cognitive disability are able to perform actions that are intended to produce a certain effect. Most are able to take actions to ensure their basic needs are met. For instance, they may take their bowl to their caregiver to show that they are hungry. Their intentions extend beyond basic needs as well. Some individuals with severe cognitive disabilities have been observed crying, not merely out of sadness, but as a means for

indicating they are not getting something they care about such as attention or a toy.[77, cci] This is enough for them to count as autonomous under my de-intellectualized concept of autonomy. They have ends that they act with intention toward. They have some investment in these ends as seen by their disappointment or frustration when they do not achieve their desired results.[ccii]

Further, the actions of the cognitively disabled are not always amoral. They are capable of demonstrating some grasp of moral concerns and acting upon them. For instance, one study noted that children with Down Syndrome may actually be more sensitive to others' needs than non-disabled children of the same mental age.[cciii] In the study, children with Down Syndrome were more likely to respond to the distress of others and attempt to provide them with comfort. Cognitively, emotionally, or perhaps in both, ways they recognize the moral weight of the others' distress and take ownership of efforts to fix it. Thus, they can exhibit intentional responses to moral considerations. Their limited cognitive abilities do not impact their ability to respond to at least some moral concerns. In fact, their personal struggles may make it easier for them to spot when others are in pain.

However, I think a personal anecdote will do a better job than statistics in demonstrating this point to the reader as well as show that ability to act on moral concerns is not wholly determined by a certain level of cognitive ability, one that is

---

[77] This study does not provide any information on the objects the cognitively disabled were desiring. However, they did suggest they wanted something more than their basic needs met.

perhaps beyond the reach of those with cognitive impairment. James Harris describes the

response of the cognitively disabled at the Seattle Special Olympics:

> Nine children, all with physical or mental disability, stood at the starting line for the hundred-yard dash. When the gun sounded, all started out with the intention of winning the race. However, one boy stumbled and fell on the asphalt, turned over several times, and began crying. The other eight children heard him cry, slowed down, and looked back toward him. One child, a girl with Down syndrome, turned around and walked back to him. Bending down she kissed him and told him that should make it better. Soon the other children came to check on him too. Then all nine linked arms with him and walked together to the finish line as everyone in the stadium stood up and cheered.[cciv]

In this case, the child with Down Syndrome is able to put her own goals aside to respond

to the needs of another. She takes ownership of the situation and intentionally responds to

the boy's suffering. This demonstrates a type of moral agency and, under my view, it

does not make a difference whether the girl's understanding of the situation was

cognitive, emotional, or both. Thus, under my view, cognitively disabled individuals

should be considered moral agents.

Somebody might object that this view holds the cognitively disabled to too high a

standard. If the cognitively disabled are moral agents, they should be held responsible

when they fail to act morally. In most circumstances, we are less likely to ascribe blame

to a person who is cognitively disabled than a person who is not. If the cognitively

disabled are moral agents, we have no way of explaining this disparity. Thus, my view

may have the dangerous implication that we ought to hold the cognitively disabled

responsible for a much wider range of actions. However, I think this worry can be

avoided. Moral agency does not make an agent blameworthy for circumstances beyond their control. It is possible for an individual to recognize and act on moral considerations and still not warrant blame for failing to act. Arpaly gives the example of a moral agent who is locked in a bathroom.[ccv] Such a person is still a moral agent. They can recognize the calls of a person outside of the bathroom to help and form a plan to help them. The fact that some external factor limits their ability to help does not make them incapable of moral agency.

For similar reasons, a person with a cognitive disability might not be blameworthy in circumstances due to an inability to understand other relevant epistemic information. However, as they often recognize the moral considerations involved, they still should be considered moral agents. For instance, somebody with a cognitive disability may have the ability to care about taking items from others, yet not understand that somebody else owns the item they wish to have. In this case, the cognitively disabled person has the capacity to be moral and hence is a moral agent but requires more information to perform the right action. We often hold non-cognitively disabled adults to this same standard. A person new to the United States might not be aware that burping is considered rude here and, thus, this person would not be considered blameworthy if they mistakenly burped at the wrong moment. However, they would still be considered a moral agent. In both cases, the information that the agent lacks has nothing to do with the capacity to recognize moral reasons and hence shouldn't be considered the type of ignorance that rules somebody out as a moral agent.

The question of when somebody should be considered culpable for this sort of ignorance is too large to be fully addressed here. However, here is a very brief point related to the issue at hand. There is an extent to which we do expect those who have concern for others to spend time learning the things that might harm them. However, we tend to intuitively hold people to the standard of what they could be reasonably expected to learn given the context. A person new to the United States could not have been reasonably expected to learn all of the United States' customs in a short time period. By contrast, this is knowledge we might reasonably expect of somebody who grew up in the United States. While the extent to which the latter is blameworthy would warrant more discussion, most people would intuitively agree that the former in not blameworthy. Individuals with cognitive disabilities often require more time and practice to learn certain things. As a result, the amount of knowledge that we might reasonably expect an individual with a cognitive disability to have might be smaller than a non-cognitively disabled adult.[78] As such, there might be some circumstances where a non-cognitively disabled adult is culpable for their ignorance where a cognitively disabled adult is not.

Likewise, some might argue that there are certain circumstances where individuals with cognitive disabilities are unable to grasp or act on moral concerns. For instance, Shoemaker notes that people with cognitive disabilities have difficulties picking up on more than a couple aspects of a complex situation and this may lead them to miss

---

[78] This is not to say that a cognitively disabled person cannot know as much or even more than a non-cognitively disabled person on a given topic. Individuals with cognitively disabilities can still become experts on many topics. The point is simply that learning at a slower rate can make individuals with cognitive disabilities less culpable for their ignorance depending on the circumstances.

moral concerns that occur in complex situations.[ccvi] While it is true that individuals with cognitive disabilities may be less blameworthy for failing to recognize moral consideration in complex cases, this does not mean that they lack the ability to recognize moral concerns. As Shoemaker points out, individuals with cognitive disabilities can recognize moral concerns in these situations once a caregiver provides an explanation. Thus, they still have the capacity for agency even if they lack the ability to act on it at a particular moment. This is the same standard to which we hold most non-cognitively disabled adults. If a situation occurred too quickly for a non-cognitively disabled adult to consider all of the moral considerations involved, we could not blame them even if we still considered them moral agents.

Similarly, people with cognitive disabilities often struggle to defer gratification. In this way, they can be considered similar to addicts. As noted earlier, addicts can be considered moral agents insofar as they can recognize and are motivated by moral reasons for action. There may be some circumstances where their addiction is so strong that they cannot act against it. In those circumstances, they would not be considered blameworthy because it was impossible for them to act on moral reasons. However, we would still consider addicts to have agency in circumstances where their addiction is not relevant. The same can be said of individuals with cognitive disabilities. There may be some circumstances where they cannot fight their need for instant gratification and therefore are not blameworthy for their actions. However, this does not mean that individuals with cognitive disabilities lack agency in other circumstances.

Both in the case of a person acting quickly and the case of the addict, one might wonder whether the agent's circumstances and psychological state mitigated their moral responsibility or simply made them incapable of agency in that moment. The answer to this will vary depending on the theorist. However, either answer is compatible with the current project. Individuals without cognitive disabilities sometimes experience circumstances that either mitigate blameworthiness or deny them agency entirely. For instance, somebody might be less blameworthy for failing to help somebody in the next room if they are extremely tired. In either case, the individual is still considered a moral agent in other contexts. Individuals with cognitive disabilities also experience circumstances that either mitigate blameworthiness or deny them agency entirely. In virtue of having a cognitive disability, they may experience more of these circumstances than a non-cognitively disabled person. However, regardless of our ruling on what is happening in these cases, individuals with cognitive disabilities can still be considered moral agents in other circumstances.

Finally, it might be argued that there are certain moral claims that individuals with cognitive disabilities cannot understand. Some moral claims might be too complex in nature for an individual with a cognitive impairment to even have a partial understanding. While I do not think such a statement is true for many individuals with cognitive disabilities, it is likely true for individuals with impairments that are traditionally classified as severe or profound. However, the inability to recognize some moral claims does not automatically rule out somebody as a moral agent. Philosophical literature has a

158

tendency to view moral agency as an on/off switch -either a creature has a capacity to grasp moral reasons or they do not. However, there is no reason to think that, just because a creature can grasp some moral reasons, they will then have the capacity to grasp all of them. Some creatures may have the capacity to have concern for others, yet they may be unable to recognize suffering in particular cases even when the suffering is explained to them.

Shoemaker rightly notes that individuals with cognitive disabilities are not the same as children. Individuals with cognitive disabilities that are traditionally considered to be mild have the ability to live on their own whereas children do not, and cognitively disabled adults have a wider emotional range than children.[ccvii] However, both children and individuals with cognitive disabilities that are traditionally considered more severe lack the ability to grasp certain moral reasons. Hence, considering how we treat children may shed some light on how we ought to evaluate individuals with more severe cognitive impairments. The question of why we punish children in a different way than we punish adults is complicated. Shoemaker considers the difference to be this:

> When it comes to expression of the personal reactive attitudes toward unimpaired children of this age, they are expressed with one eye clearly fixed on the children's future development. So while the children may not fully appreciate what is being demanded of them or the lessons their caregivers are attempting to teach them via expression of resentment now, the children will understand and be "grateful" one day, they are told, once their full cognitive capacities have been actualized. In the meantime, they are treated as if they were responsible to prepare them for actually being held responsible once they have grown into their more cognitively developed future selves.[ccviii]

Thus, while children are not full moral agents, they are treated partially as such to prepare them for adulthood. However, I think this picture is too simplistic. The extent to which we hold children responsible for their actions depends on the child's understanding of the specific act. A parent would likely punish a five-year-old child for hitting another person. A child of the age has the capacity for moral concern and a decent understanding of why the action of hitting another is wrong. However, a parent would be less likely to punish a five-year-old for pointing out that a man is bald. While a child of that age has the capacity for moral concern, they are likely still too young to fully understand the adult emotion of embarrassment. Even if their parent attempted to explain this concept to them, many five-year-old children are still too young to have ever experienced self-consciousness about their appearance and thus would be unable to empathize enough to recognize a moral rule.[79]

A child of this age does have partial moral agency. They have the capacity to recognize certain moral claims and respond to them. In circumstances where those claims apply, they should be held morally responsible even if they are not in other circumstances. Of course, there are a myriad of other reasons why, even in cases where a child is morally responsible, punishments for children should be less severe than an adult punishment. Children are dependent on caregivers and taking them away from those caregivers would likely classify as cruel and unusual punishment. Likewise, children have less of an understanding of the long-term consequences of their actions and this may

---

[79] One can recognize a moral rule without empathy as many individuals with autism do. However, the process of learning moral rules this way takes longer and children of that age would likely need many more examples in order to be able grasp it.

mitigate some of their responsibility even if they still have the capacity to correctly recognize and act for moral reasons. Notably, these circumstances also hold true for individuals with more severe cognitive disabilities. They often are dependent on caregivers and are unable to recognize the long-term consequences of their actions. However, like children, they may still experience moral concern for others and have the ability to act on in certain circumstances.

Some might argue that individuals with severe cognitive disabilities could still not meet the standard that I have set because even basic concern for others is beyond them. I have two responses. First, I think there is evidence that people with severe cognitive impairment do sometimes recognize moral considerations. Although their responses to moral concerns might sometimes seem atypical, many caregivers have noted that their charges seem to have the capacity to love and be concerned for others. For instance, one mother noticed that her profoundly disabled and deaf son signed words such as 'hurt' and 'fall' upon seeing another person crying.[ccix] Likewise, Eva Kittay has noted her daughter Sesha's capacity to engage in relationships.[ccx]

As I know only a few people with cognitive disabilities and I am not intimately connected with any of them, I have only a limited understanding of their motivations for actions. Moreover, even those close to the cognitively disabled often struggle to understand their motivations. Kittay readily admits she cannot be certain as to some of the ways Sesha conceptualizes.[ccxi] Thus, there is a limit to which I can theorize about what these examples indicate. However, I will note that they at least serve as *possible*

161

indication that people with severe cognitive disabilities have some moral understanding.

It is possible that the woman's cognitively disabled son recognized that another person was in pain and was attempting to alert somebody or empathize with that person. It is possible the Sesha understands her mother's desire to have her affection reciprocated and acts to ensure that her mother knows her love. While we cannot know their motivations to act with certainty, it worth noting that the same is true when we observe the actions of most non-cognitively disabled adults. Without speaking to them, we have no insight as to why others act, yet if they are not cognitively disabled, we assume they act for moral reasons. We also often even lack insight into our own motivations for acting, as we often act for multiple reasons and do not always know which of those reasons are moral. Yet, with non-cognitively disabled adults, it is often assumed without question that they perform moral actions for moral reasons. Thus, the cases of individuals with cognitive disabilities performing moral actions described above should be considered on par with cases of people who lack cognitive disabilities.

While I cannot be certain on this point, I do think that there are political and epistemic reasons to view such cases charitably. As Licia Carlson notes, our assumptions about the capacities of the cognitively disabled have historically been wrong.[ccxii] For instance, fifty years ago it was commonly assumed that children with Down Syndrome could never learn to read or drive a car. However, now that they are provided with better opportunities, the vast majority of individuals with Down Syndrome are able to learn these skills. Thus, if we assume that the cognitively disabled are not moral agents until

162

they provide us with definitive proof of their moral agency, we would be ignoring our history of ignorance in our treatment of them.

Second, if we expand the realm of moral action, we can create more opportunities for the severely cognitively disabled to be moral agents. Not all of our moral actions are directly focused on helping others. We also contribute to humanity in broader ways. Notably, this sort of moral agency has weaker connections to moral responsibility, but it remains an important conception of agency. In order to demonstrate what I mean by this, I am going to rely on an account of meaning in life provided by Susan Wolf.[ccxiii] My reasons for focusing on her account are twofold. First, her account requires that a life have both subjective fulfillment and objective value in order to be considered meaningful. Many accounts of meaning only require one of these elements. By considering her hybrid view, I can show that the lives of the cognitively disabled meet both subjective and objective standards for meaning and thus make my account more powerful. Second, in developing her accounts, Wolf rules out engagements in projects such as memorizing pi to the Nth digit or counting ceiling tiles as objectively valuable. However, I think she is mistaken in assuming this. As people with cognitive disabilities are more likely to engage in such activities, it worth explaining why these pursuits have objective value at least when performed by people with cognitive disabilities.

Susan Wolf claims that "in order for a life to be meaningful both an objective and a subjective condition must be met: 'A meaningful life' is a life that a.) the subject finds fulfilling, and b.) contributes to or connects positively with something the value of which

has its source outside the subject."[80, ccxiv] Further, Wolf considers these two conditions to be linked. She emphasizes that subjective fulfillment is not equivalent to hedonistic pleasure. Instead, she argues "what is valuable is that one's life be actively (and lovingly) engaged in projects that give rise to this feeling, when the projects in question can be seen to have a certain kind of objective worth."[ccxv]

However, Wolf is careful to make sure that this connection between subjective fulfillment and objective contribution is not over-intellectualized. Many people may happily live lives that contribute to humanity without reflecting on it too much. Wolf notes, "for a person whose life is meaningful, the need to think about it might never come up. If a person is actively engaged in valuable projects, he may be getting feedback from these projects that enhance his life even if he is unaware of it."[ccxvi] Thus, while many individuals do not reflect on meaning, they do invest themselves in engagements that exist outside themselves and become fulfilled when these engagements go well. This is enough to make their lives count as meaningful under Wolf's view.

Further, while Wolf focuses much of her discussion on meaningful 'projects,' I think the term 'engagement' is more appropriate. Not all of the things we love and care about are the type of things we 'work on' in the way we do projects. For instance, many people care about the music of their favorite band or whether or not their favorite sports team wins. While engaged as fans, they do not actively work to produce a certain outcome. Nonetheless, this engagement can provide their lives with fulfillment. When

---

[80] Many people take issue with this second requirement. For instance, Richard Taylor claims that meaning in life is entirely subjective (2008). While I consider Wolf's view to be the most useful for my purposes, I do not claim it is the correct account of life's meaning.

somebody engages with a particular topic out of personal interest, they often become fulfilled when interacting with it. Due to this continued choice to love and care about an object or individual over time, individuals become fulfilled when engaging with it. Such an investment becomes an important part of their lives even if they do not control the results.

This sort of engagement is not beyond the ability of the cognitively disabled. Even those with severe cognitive disabilities have interests outside the fulfillment of their basic needs. Further, their interests often extend over long periods of time. Kittay, for instance, continuously remarks on her daughter's lifelong love of music. She notes

> My own Sesha, 'severely-profoundly' mentally retarded though she is, music is her life and Beethoven her best friend. At our home, listening to the Emperor's Concerto, she gazes out the window enthralled, occasionally turning to us with a twinkle in her eye when she anticipates some really good parts.[ccxvii]

While their exact experience may not be the same as that of people without cognitive disabilities, it looks wrong to claim that people with cognitive disabilities are incapable of having fulfilling lives. They still have engagements that they invest in and care deeply about.

Some might argue that the type of investment I've just sketched is too passive. Since people do not aid their favorite sports team in winning or help their favorite band write music, they are not contributing to the value of an object outside themselves and hence fail to meet Wolf's objective criteria for a meaningful engagement. However, Wolf notes that many people want to engage in projects that extend beyond themselves. They

165

require some type of validation outside of themselves. In short, they need somebody to observe and enjoy their work. Hence, audience members, so to speak, can help contribute to a project or engagement. Audience members give the creator(s) a sense of worth and encourage them to continue their pursuits. Further, in the case of many aesthetic projects, their engagement helps provide the project with meaning. Many artists want viewers to add their own experience to the artwork and hence 'complete' the piece. Hence, passive investors do contribute to the engagements' value.

The point should be further stressed when considering the cognitively disabled. Through their engagement with the world, people with cognitive disabilities provide others' engagements with new depth and meaning. For instance, they show classical musicians that people do not need certain cognitive capacity to enjoy their work. This may influence how the musician views his own projects and the types of projects he does in the future. In fact, a number of artists have been so inspired by the engagement of people with cognitive disabilities with their work that they created work inspired by them and even involve them in their works. For instance, Jane Jessep founded a theater that currently employs individuals with Down Syndrome. In 2012, the guild performed a re-imagined Hamlet with all cognitively disabled actors in various theaters in England.[ccxviii]

The severely cognitively disabled do not merely engage with the world passively. They are also actively involved in creating meaning. In addition to sometimes creating their own art or piece of music, they are actively engaged in relationships with people they love. Consider this vivid account given by Kittay:

166

This morning, Sesha's caretaker has prepared small pieces of the toast and jam for finger-feeding-Sesha cannot use a spoon, fork, or knife effectively. She holds a piece of the toast and jam in her hand, and her mouth is a lovely raspberry red. I sneak up behind her and kiss the still-pristine cheek. Sesha, as always, is delighted to see me. Anxious to give me one of her distinctive kisses, she tries to grab my hair to pull me to her mouth. Yet at the same time my kisses tickle her and make her giggle too hard to concentrate on dropping the jam covered toast before going after my hair. I negotiate, as best I can, the sticky toast, the hair pulling and the raspberry jam covered mouth. In this charming dance, Sesha and I experience some of our most joyful moments-laughing, ducking, grabbing, kissing.[ccxix]

While I do not want to assume too much about Kittay's relationship with her daughter, Sesha seems actively engaged with her mother. Further, Sesha's level of engagement is not atypical for people with severe cognitive disabilities. Kittay notes some members of Sesha's group home have shown signs of affection for their loved ones.[ccxx] For instance, she notes Tony, a severely cognitively disabled man, often calls out for his own mother when Kittay visits her daughter.[ccxxi] Thus, individuals with cognitive disabilities actively contribute to their relationships with others. This helps give their relationships meaning. In *Caring,* Nel Noddings notes that acts of care are only completed when they are 'uptaken' by the cared for.[ccxxii] Seeing this uptake enriches the life of the carer. It allows the carer to feel fulfilled because their active investment in the cared one has helped. This creates a value that is not solely dependent on the subjective happiness of the cared for. Thus, the cognitively disabled can both achieve subjective fulfillment and add value to the world beyond themselves.

Further, their contributions to these relationships help explain why the engagement of cognitively disabled people in other activities is particularly valuable. A

167

non-cognitively disabled person may harm their relationships when they acquire an odd obsession. It limits their ability to engage with others and causes people to become disinterested in maintaining a relationship with them. However, the engagements of the cognitively disabled offer their loved ones a new *way* of engaging with them. As traditional routes of communication are often not open to the cognitively disabled, unique interests offer loved ones new ways of understanding and bonding with the cognitively disabled. For instance, Kittay (1999) notes that she is often able to relate to her daughter Sesha through their shared love of classical music. Thus, the cognitively disabled can use their engagements and relationships in conjunction to add value to the world.

Of course, this type of moral agency is limited in scope. While individuals with severe cognitive disabilities can intentionally act to add value to the world, they might not understand more complex moral considerations. As such, they could not be held morally responsible in most situations and should certainly not be punished in a similar manner to non-cognitively disabled adults. Further, the kind of agency that individuals with severe cognitive disabilities have is not the sort that has a strong connection to moral responsibility at all. While contributing to the world is a noble pursuit, it is not something that we typically think of us a strict moral requirement. Whether or not it should be philosophically characterized as such will likely depend on your view on the possibility of supererogatory actions. However, even if one does view such engagement as morally necessary, the fact that individuals with severe cognitive disabilities sometimes fail to engage with the world is more likely a product of them being placed in institutional

168

environments where it is nearly impossible for them to even have the opportunity to engage than a result of lack of interest on their part. As such, broader structural changes would need to take place before we could begin to address the question of whether individuals with severe cognitive disabilities are responsible if world engagement is a moral duty. In the meantime, it is enough to note that engagement with the world is morally important for both individuals with and without cognitive disabilities and as such should be recognized as a type of moral agency.

I take the contribution the cognitively disabled make to relationships and engagements to be a moral one. Susan Wolf claims that the meaningful pursuits are neither moral (which she seems to define as purely altruistic) nor egoistic due the fact that our reasons for acting are neither purely selfish nor purely selfless. When we contribute to the world, we care both about an object outside of ourselves and feel subjectively fulfilled by our contribution. Hence, these projects have both selfish and selfless elements. However, I do not think this is enough to make our life engagements amoral. Performing moral actions may make us feel good. However, this does not change the status of the action. As long as we recognize and act on moral considerations, it is acceptable for us to also act for more selfish reasons and, as I suggested in chapter 1, this may be part of caring for the self. For instance, somebody may choose to keep a promise to a friend both because they do not wish to harm their friend and because it makes them feel good. However, as long as they still recognize and act due to the former consideration, I do not think the latter one changes our evaluation of their action. Since

169

they acted for some moral considerations, their actions can be considered moral, even if this is not their only concern.

Likewise, we can pursue our life engagements both for personal pleasure and in order to invest in something outside ourselves. These engagements can still be moral ones. Although our lifelong engagements may not be the type of thing that can be delineated into a strict list of moral obligations, these engagements do add value to the world. Hence, they are moral contributions and those who autonomously perform them should be considered moral agents.

Further, for reasons I've suggested above, this investment does not need to be a cognitive one. It can be an emotional one. Likewise, one does not need to fully comprehend the fact that they are adding to the value of the world in order to autonomously act out of concern for something outside themselves. As Kittay notes, the cognitively disabled are as capable of love as people without cognitive disabilities. While they may not have the same cognitive understanding of the world as individuals without cognitive disabilities, they are able to emotionally engage with it. Their love for persons and objects is an important, albeit not always cognitive, recognition of something beyond themselves. Through this recognition, they contribute value to the world by transforming the meaning of objects and their relationships with others. This loving reaction is a type of moral agency: when they act out of love, they autonomously act based on broad moral concerns. Their actions demonstrate ability to contribute to something beyond themselves. This is enough to ascribe them agency.

170

[cxli] Schalock et al., *Intellectual Disability*.

[cxlii] Carlson, *The Faces of Intellectual Disability*.

[cxliii] Anscombe, *Intention.*

[cxliv] Davidson, "Actions, Reasons, and Causes."

[cxlv] Ibid., 321.

[cxlvi] Glock, "Animals, Thoughts, and Concepts."

[cxlvii] Davidson, "Actions, Reasons, and Causes."

[cxlviii] Ibid., 474.

[cxlix] Glock, "Philosophy, Thought, and Language."

[cl] Glock, "Animals, Thoughts, and Concepts," 43.

[cli] Dummett, *The Seas of Language*.

[clii] Hurley, "Making Sense of Animals" in *Rational Animals?*, 234.

[cliii] Ibid., 235.

[cliv] Davidson, "Seeing Through Language," 25

[clv] Glock, "Animals, Thoughts, and Concepts," 46.

[clvi] Ibid.

[clvii] Carey and Bartlett, "Acquiring a Single New Word."

[clviii] Chapman et al., "Fast Mapping of Words."

[clix] Mervis and Bertrand, "Acquisition of the Novel Name-Nameless Category (N3C) Principle."

[clx] Romski et al., "Mapping the Meanings of Novel Visual Symbols."

[clxi] Wilkinson et al., "Exclusion Learning and Emergent Symbolic Category Formation."

[clxii] Ibid.

[clxiii] Davidson, "Rational Animals," 477.

[clxiv] Glock, "Animals, Thoughts, and Concepts."

[clxv] Ibid, 52.

[clxvi] Carey and Bartlett, "Acquiring a Single New Word."

[clxvii] Davidson, "Seeing Through Language," 25.

[clxviii] Hurley, "Making Sense of Animals."

[clxix] Ginet, *On Action*.

[clxx] O'Connor, *Persons and Causes*.

[clxxi] Lowe, *Personal Agency*.

[clxxii] Barandiaran et al., "Defining Agency."

[clxxiii] Arpaly, "Moral Worth and Normative Ethics."

[clxxiv] Darwall, "The Second Person Standpoint."

[clxxv] Wallace, *Responsibility and the Moral Sentiments*, 157.

[clxxvi] Frankfurt, "Freedom of the Will."

[clxxvii] Dworkin, "Acting Freely."

[clxxviii] Frankfurt, "Freedom of the Will."

[clxxix] Ibid., 10.

[clxxx] Ibid., 11.

[clxxxi] Frankfurt, *The Importance of What We Care About*, 21.

[clxxxii] Ibid., 168-169.

[clxxxiii] Kant, *Groundwork for the Metaphysics of Morals*.

[clxxxiv] Aparly, "Moral Worth and Normative Ethics."

[clxxxv] Shoemaker, "Moral Address," 85.

[clxxxvi] Frankfurt, *The Importance of What We Care About*, 174.

[clxxxvii] Friedman, "Autonomy and the Split-Level Self."

[clxxxviii] Shoemaker, "Moral Address," 88.

[clxxxix] Dancy, *Practical Reality*.

cxc Ibid., 103.

cxci Lord, "Dancy on Acting for the Right Reason."

cxcii Wallace, "Explanation, Deliberation, and Reasons."

cxciii Ibid., 433.

cxciv Strawson, "Freedom and Resentment."

cxcv Arpaly, *Unprincipled Virtue*.

cxcvi Kant, *Groundwork for the Metaphysics of Morals.*

cxcvii Darley and Batson, "'From Jerusalem to Jericho.'"

cxcviii Gradel et al., "Parental and Professional Agreement in Early Childhood Assessment."

cxcix Geiger, et al. "Parent and Professional Agreement."

cc Glascoe, "It's Not What It Seems."

cci Narayan and Bruce, "Perceptions of Teachers and Parents."

ccii Andrews and Rossiter, "Emotion Management for People with Severe Learning Disabilities."

cciii Kasari et al., "Empathy and Response to Distress."

cciv Harris, "Development Perspective on the Emergence of Moral Personhood," 64.

ccv Arpaly, *Unprincipled Virtue*.

ccvi Shoemaker, "Moral Address."

ccvii Ibid., 104.

ccviii Ibid., 102.

ccix Narayan and Bruce, "Perceptions of Teachers and Parents."

ccx Kittay, "At the Margins of Moral Personhood."

ccxi Ibid.

ccxii Carlson, *The Faces of Intellectual Disability.*

ccxiii Wolf, *Freedom Within Reason*.

ccxiv Ibid., 20.

ccxv Ibid., 27.

ccxvi Ibid., 31.

ccxvii Kittay, "At the Margins of Moral Personhood," 127.

ccxviii Emma, "Actors with Learning Disabilities Perform Shakespeare's Hamlet."

ccxix Kittay, "At Home with my Daughter," 64.

ccxx Kittay, "At the Margins of Moral Personhood."

ccxxi Ibid., 127.

ccxxii Noddings, *Caring.*

Chapter 3: You are Too Stupid to Know Anything: Epistemic Injustice and Cognitive Disability

Epistemic injustice has been a popular topic in epistemology in recent years, but most of the current research has focused on the marginalization of views based on race and gender.[81] While Elizabeth Barnes has begun the important work of unpacking the ways in which individuals with physical disabilities are subject to epistemic injustices, there has been little work done on mental disability and epistemic injustice.[82] By contrast, a fair amount has been written about the ethical treatment of individuals with cognitive disabilities.[83] Underpinning many of the arguments for the moral inclusion of individuals with cognitive disabilities are suggestions for why they were excluded in the first place. While, as many have argued, this exclusion is sometimes the result of a poor understanding of moral personhood, it may also be a result of our failure to properly

---

[81] To provide an example, the *Stanford Encyclopedia of Philosophy* (2013) article on Feminist Social Epistemology references over fifty articles on aspects of how social relations shape knowledge. While the article mentions gender, race, class, and sexuality as sites of social knowledge and epistemic injustice, the article does not mention disability and none of the referenced papers have a primary focus on epistemic injustice for people with disabilities.

[82] At the time of writing, the only published piece specifically on this topic was Josh Dohmen's "'A Little of Her Language': Epistemic Injustice and Mental Disability" (2016). While Dohmen does an excellent job describing particular occurrences of epistemic injustice, he does not consider the specific reasons why people with cognitive disabilities experience epistemic injustice. This paper is meant to describe the sui generis process of epistemic silencing that people with cognitive disabilities experience.

[83] The volume *Cognitive Disability and Its Challenge to Moral Philosophy* (2010) provides articles from twenty-two different philosophers on moral questions surrounding the treatment of people with cognitive disabilities. Many of these authors have written separate articles or books on the subject. See also *The Faces of Intellectual Disability: Philosophical Reflections* (2009) and *Love's Labor: Essays on Women, Equality, and Dependency* (1999).

consider the contributions of people with cognitive disabilities. Typically, individuals with cognitive disabilities are not considered to be epistemically 'on par' with non-cognitively disabled individuals and this may lead some to view the cognitively disabled as less epistemically important, which often leads to them seeming less morally important.

The epistemic devaluation of people with cognitive disabilities can have a profound impact on the medical treatment they receive, as well as how we frame current debates about public policy for people with cognitive disabilities. People with cognitive disabilities are often left out of the conversation about how to improve their treatment. When philosopher Stacy Clifford Simplican[84] attends her first cognitive disabilities self-advocacy meeting, she notes "I found nondisabled staff members and advisers orchestrating a meeting that mainly consisted of taking the roll and reading last month's minutes. When people with intellectual and developmental disabilities actually participated in the meeting, they often parroted lines told to them by staff. If they managed to raise an objection, nondisabled advisers and staff easily shut them down."[ccxxiii] This lack of participation results in more epistemic and social exclusion. Most teachers still advocate for students with cognitive disabilities to be placed in separate classrooms,[ccxxiv] and most philosophical theorists and policy makers still

---

[84] Since many of the texts I am referencing are co-written autobiographies by a person with a cognitive disability and their parent with the same last name, I have elected to refer to all authors by their full name the first time they are mentioned to avoid confusion over authorship.

advocate for surrogates to make political decisions for people with cognitive

disabilities[85].[ccxxv, ccxxvi, ccxxvii]

Many people assume that individuals with cognitive disabilities are too unaware

to care about their treatment, even if it is unfair. However, this could not be further from

the truth. Naoki Higashida, a young man with severe autism, remarks:

> Many people with disabilities are, I think, kept isolated and insulated from society. Please give those of us with special needs opportunities to learn what's happening in the wider world without deciding on our behalves—by assuming 'They won't understand anyway', or 'Well, they don't look that interested'. On the surface, a sheltered life spent on your favorite activities might look like paradise, but I believe that unless you come into contact with some of the hardships other people endure, your own personal development will be impaired.[ccxxviii]

Higashida recognizes that he and many other people with cognitive disabilities are

excluded from public life. Moreover, he notes that denying people with cognitive

disabilities the opportunity to decide not only unfairly limits their choices, it also

constrains possibilities for epistemic development. While many people with cognitive

disabilities advocate for greater participation in social activity, they also remain aware

that their perspective is not taken seriously. Mitchell Levitz, a political advocate with

Down syndrome, notes:

> Sometimes I think that in a certain category [people with Down syndrome are] considered as experts. Sometimes I think that even though I know a lot of things, sometimes I feel that I can take control over certain situations. When someone tells me you're not in position to state your view about it or state your solution to the problem. Sometimes, with my reputation, the way I built it, that I use my rights as an issue.[ccxxix]

---

[85] Notably, these scholars think that surrogates are warranted only in cases of profound disability. However, medical professionals and surrogates have the authority to decide whose cognitive disability is profound in the first place. People with cognitive disabilities do not get to decide for themselves when and if they need help with certain cognitive tasks.

Although Mitchell does not use the term 'epistemic injustice', he recognizes that he has a right to have his voice heard and notes that his testimony is not valued as much as he thinks is warranted.

My goal in this paper is to explain why and how the perspectives of advocates like Higashida and Levitz are devalued. I argue that people with cognitive disabilities experience a specific feedback loop of testimonial and hermeneutical injustices. By feedback loop, I mean that the cognitively disabled experience a set of connected epistemic injustices where each injustice serves to justify and reinforce the other injustices. These injustices preclude the possibility of individuals with cognitive disabilities ever being considered an expert, even on themselves, despite Levitz's claim. The process of silencing people with cognitive disabilities also causes them to be excluded from epistemic activity as Higashida describes. First, I provide a definition of the term cognitive disability. Then, I briefly explain the concept of epistemic injustice. Next, I proceed to highlight the specific feedback loop of hermeneutical and testimonial injustices faced by individuals with cognitive disabilities. Finally, I note how this feedback loop has resulted in media stereotypes that serve to further reinforce it.

1) Terms and Definitions

As Elizabeth Barnes notes, disability is not a category that has an easy definition. There are many disabilities, and symptoms and struggles can vary greatly between individuals. Barnes claims "Any such account of disability—that is, any account that says that what

disabilities have in common is some specific feature of disabled bodies—will fail."[ccxxx] This remains true when theorizing about cognitive disabilities. Although there is not a firm agreement on the term in the literature, I consider cognitive disability to be a subset of a broader category of mental disability. Margaret Price considers mental disability to be a broad category of disabilities that somehow involve the mind, including mental illness, learning disabilities, cognitive disabilities, and possibly the mental effect of physical disabilities such as chronic fatigue syndrome.[ccxxxi]

While it may be tempting to define cognitive disability as cognitive impairment or a lack of ability to perform as well mentally as a non-cognitively disabled person, this does not distinguish cognitive disability from any of other type of mental disability, all of which can limit cognitive performance. Moreover, in many cases, a person with a cognitive disability can perform just as well as a person without a cognitive disability. Some might argue that, since what sort of cognitive differences matter are at least partially a result of what sort of skills society happens to value, cognitive disability should be seen as a socially constructed category. However, this framing is problematic for the same reason viewing physical disabilities as socially constructed is problematic. As Barnes notes, physical differences still exist even if the social significance of those differences changes.[ccxxxii] Similarly, differences in cognitive function still exist even if the social significance of certain cognitive skills changes. Somebody with autism will still notice different features of the world than somebody without it even if non-neurotypical perspectives are more valued.

I have hesitations about applying Barnes' specific definition of physical disability to cognitive disability.[86] However, her remark that "having a physical disability is a matter of having a physical feature that has a specific type of social significance" can be modified to describe cognitive disability.[ccxxxiii] A cognitive disability can be considered a difference in cognitive function that has a specific type of social significance. What separates cognitive disability from other types of mental disability is a result of social categorization. While the process for determining these divisions is far too complex to be discussed here, each of these labels carry a different set of social assumptions and stigmas. While these assumptions and stigmas are not themselves mental disabilities, they do impact the epistemic treatment each group receives. As such, this paper focuses on individuals with conditions that are popularly labeled cognitive disabilities in order to describe the specific epistemic discrimination currently associated with this label[87].

Specifically, I will be examining two conditions that are currently considered cognitive disabilities: autism and Down syndrome. These conditions are among some of

---

[86] Barnes (2016) considers somebody to be physically disabled iff "(i) S is in some bodily state x (ii) The rules for making judgements about solidarity employed by the disability rights movement classify x in context C as among the physical conditions that they are seeking to promote justice for" (46). As I note in this paper, there is much less overlap between the group of people advocating for cognitive disability and the group of people who identify as having a cognitive disability than there is in the case of physical disability. Due to this disparity, 'higher functioning' individuals who are able to self-advocate are often told by the community that they do not really have a cognitive disability.

[87] While there is no hard distinction in the literature, some do consider intellectual disabilities to be a further subset of cognitive disabilities. While cognitive disabilities are thought to impair general understanding, intellectual disabilities result in lower traditional intelligence. For instance, somebody with autism might have a cognitive disability but not an intellectual disability as many people with autism have average or above average IQs. However, those with severe cognitive disabilities such as autism often require the same high level of care and are often placed in similar programs as a person with an intellectual disability.

the most well-known cognitive disabilities and therefore will be best-suited for challenging reader assumptions. Both conditions are popularly characterized, at least partially, as a 'lack' of a certain type of cognitive function[88]. Down syndrome is considered a lack of intelligence and autism is considered to partially be a lack of empathy[89]. I wish to challenge the perspective that cognitive disability should be considered a lack and argue that this assumption contributes to the epistemic injustice that people with cognitive disabilities face. Finally, both are conditions with a substantial self-advocacy community. This allows me to utilize the narratives of actual people with these conditions rather than relying solely on third party information.

Since I'll be using narratives of individuals with cognitive disabilities, some might wonder about the extent to which my claims can be applied to individuals with cognitive disabilities that cannot provide narratives, either because they are unable to speak or cannot fully process the world around them. If somebody is unable to speak, there are a number of other ways a person can communicate, as I will note later. Further, as Josh Dohmen notes, even individuals who might be considered to be largely unaware of the world around them are still able to experience and convey the basic sensations of pleasure and pain.[ccxxxiv] As this is still information that can be and often is devalued, concerns about epistemic injustice remain relevant questions. Although most of this paper will focus on the treatment of people with cognitive disabilities that are traditionally

---

[88] By 'popularly characterized', I mean characterized as such by people outside of the medical community.

[89] It should be noted that some people with autism have average or above average intelligence as it is traditionally measured. Although cognitive disability is sometimes associated with lower than average intelligence, not all cognitive differences currently classified as disabilities have this feature.

classified as mild or moderate, I think some of the claims I make about improper

assumptions and negative stereotypes can be applied in cases that are traditionally

considered more severe[90].

2) Epistemic Injustice

Epistemic injustice is a concept developed to describe the systemic devaluation of the

experiences of women and minorities. Miranda Fricker notes that epistemic injustice is an

"injustice in which someone is wronged specifically in her capacity as a knower."[ccxxxv] In

her book, she identifies two main types of epistemic injustice: testimonial injustice and

hermeneutical injustice. Testimonial injustice occurs when bias or prejudice causes a

speaker of a minority group to receive less credibility than they otherwise would have

received. Fricker claims that we have an epistemological obligation to "match the level of

credibility she attributes to her interlocutor to the evidence that he is offering the

truth."[ccxxxvi] However, due to preconceived and often unconscious ideas about our

interlocutor, we often attribute a lower level of credibility than we should to members of

minority groups. Building on Fricker's ideas, Christopher Hookway makes a distinction

between informational testimonial injustice and participatory testimonial injustice.[ccxxxvii]

Informational testimonial injustice occurs when an interlocutor is not appropriately

considered a reliable source of information. For instance, somebody might devalue an

interlocutor's solution to a math problem because the interlocutor is a woman.

---

[90] As Dohmen notes, the standard classification of cognitive disability is vague and doesn't apply very well
to individuals. The severity of an individual's disability can vary widely depending on criteria used,
context, and even time of day.

Participatory testimonial injustice occurs when an interlocutor is not appropriately considered to be a participant in an intellectual activity. For instance, somebody might fail to ask a woman for help on a math problem at all because they assume that women are incompetent at math. In both cases, the interlocutor suffers epistemic harm as a result of this treatment.[ccxxxviii] Fricker argues that they suffer the primary harm of not having their perspective valued as well as a variety of secondary epistemic harms[91].[ccxxxix] Due to the systemic nature of epistemic injustice against minorities, the continued devaluation of their perspective can lead to secondary harms that might cause those who experience it to "actually lose knowledge, epistemic confidence, or virtues like epistemic courage."[ccxl]

In addition to testimonial injustice, Fricker also notes a more difficult to identify form of epistemic injustice known as hermeneutical injustice. She defines hermeneutical injustice as "having some significant area of one's social experience obscured from collective understanding owing to a structural identity prejudice in the collective hermeneutical resource."[ccxli] Fricker cites early instances of sexual harassment in the workplace to illustrate this type of injustice. While women who were sexually harassed knew that the behavior was problematic, society did not have any frameworks at the time to help them name and define their experience. Fricker argues that minority groups are

---

[91] Fricker considers secondary harms to include both the practical effects of devaluing somebody's beliefs as well as any secondary epistemic effects the believer suffers. For instance, she considers finding a victim of epistemic injustice guilty instead of innocent to be a secondary practical harm of epistemic injustice and considers the self-doubt a victim of epistemic injustice may experience after they have their perspective devalued to be a secondary epistemic effect.

disproportionately given less epistemic resources due to discrimination and lack of representation.

This concept of hermeneutical injustice is further expanded on in Ian James Kidd and Havi Carel's work on epistemic injustice and illness.[ccxlii] They note that, in addition to lacking global epistemic resources to describe their experience, marginalized knowers may lack particular epistemic resources to describe their experience. Although they have the language to describe their experiences, their method of description is not accepted as a legitimate method of understanding. A person who is ill may have the language to describe their pain, but that pain might not be accepted as evidence that their treatment is ineffective because doctors consider themselves to be experts. Either type of hermeneutical injustice can systematically cause epistemic harms to minority groups in the same way that systematic testimonial injustice can cause harm to minority groups. It can effectively silence their testimony and deny them access to epistemic resources.

While testimonial and hermeneutical injustice are theoretically distinct, they often co-occur and reinforce each other to the point of being indistinguishable in practice. As Dohmen notes:

> In cases where a person is subject to hermeneutical injustices based on a negative identity prejudice, that person is also likely to be subject to testimonial injustices resulting from the same prejudice. In other words, when one is a member of a group whose experiences are unintelligible either to all (including themselves) or to those in the dominant social identity or identities, she will probably also be viewed as less credible in her testimony because of her social identity. She does not have the words to explain her experiences, and when she tries, she is unlikely to be believed anyway.[ccxliii]

Improper epistemic assumptions can lead to negative stereotypes and also lead us to devalue the testimony of members of the stereotyped group. The connection between the two is not strictly causal as one does not always occur with the other and either can theoretically occur without the other. However, when they do simultaneously occur, these injustices create a powerful feedback loop that silences the perspective of minority groups.

3) Epistemic Injustice and Cognitive Disability

My goal in the following sections is to illustrate how individuals with cognitive disabilities are caught in a specific negative feedback loop of epistemic injustice that is different from the feedback loop that occurs for other minority groups. First, I claim that rigid assumptions about diagnosis are a form of hermeneutical injustice. Then, I argue that these assumptions can lead to a variety of informational and participatory testimonial injustices. Finally, I discuss how these testimonial injustices reinforce the two popular stereotypes of cognitive disability: 'The Fool' and 'The Savant'. Since I am describing a feedback loop, I am not claiming that any of these varieties of epistemic injustice cause one another. They merely reinforce each other in a way that further justifies the process of repeatedly silencing the voices of people with cognitive disabilities. While I am choosing to describe this loop in a way that makes it easiest for the reader to digest, in practice any point in the loop can be considered a starting point and often various negative epistemic assumptions occur concurrently.

The public tends to have very rigid assumptions about cognitive disability. By rigid, I mean that the public tends to view the diagnosis as defining the abilities of a disabled person[92]. Under the rigid view, a person with a certain diagnosis must necessarily exhibit all symptoms of that diagnosis. For example, a person with a third copy of chromosome 21 necessarily must exhibit a lack of intelligence. Similarly, a person diagnosed with severe autism necessarily must be unaware of other minds. While it might seem like our understanding of cognitive disabilities has become less 'rigid' in recent years as our general knowledge about cognitive disabilities has grown, most of the general public still make incorrect negative assumptions about the ability levels of people with cognitive disability. A study conducted in 2016 found that individuals without children who have cognitive disabilities tend to underrate the ability levels of people with Down syndrome, particularly in the category of social skills and rules[93].[ccxliv] This category includes assessments such as "He/She participates with competence in the conversation, involving the interlocutors" and "He/She is able to build and maintain appropriate relationships (friendship, love)". Although many individuals with Down syndrome are able to develop and even master these skills, the public tends to

---

[92] My focus in this paper will largely be with the general public rather than the medical community. I am not claiming that medical professionals are exempt from making these types of assumption. However, their perspective on disabilities tends to be different given their knowledge base and is best considered separately. Kidd and Carel (2017) provide some interesting insights on this in their work.

[93] This study was conducted in Italy. However, it was the most recent study available at the time of writing and a recent meta-analysis of attitudes on intellectual disability does suggest that they remain similar across Western cultures (Scior 2011).

underestimate their ability due to assumptions about their diagnosis[94].[ccxlv] Many people

assume that anybody diagnosed with Down syndrome must have low intelligence and

therefore must be incapable of understanding complex social interactions.

There has a been a push in recent years to view cognitive disabilities on different

spectrums of severity. Autism is considered to be a spectrum disorder with milder and

more severe forms. Similarly, cognitive disabilities that cause intellectual impairment are

considered to be on a scale from mild to profound. According to the DSV-V, those with

mild intellectual disabilities are able to perform most daily functions on their own while

those with more severe disabilities require constant supervision[95].[ccxlvi] While such

distinctions were likely intended to make diagnoses such as Down syndrome and autism

less deterministic, it really only established different levels of determined ability. The

general public now has the compulsion to fit people with intellectual disabilities neatly to

boxes marked 'mild', 'moderate', or 'severe'. However, the criteria for the distinctions

tends to be vague. As with non-cognitively disabled people, cognitively disabled people's

ability to function on their own can vary widely depending their specific strengths and

weaknesses across on context. David Mitchell writes about the frustration of trying to

describe the severity of his son's autism:

I wished that autistic severity and mildness could be calibrated in terms of ink-
cartridge colors, with yellow at the Asperger's end, magenta at the harder-core pole and

---

[94] Several authors have noted the severe lack of research studies about what causes negative stereotypes of individuals with cognitive disabilities (Scior 2011, Werner 2015). However, those that exist do mention lack of knowledge about variation in function level that occurs despite similar diagnoses (Gilmore et al. 2003).

[95] This is not meant to be a complete set of the criteria listed.

cyan in the middle, as in: 'Well, his autism's functionally fairly cyan, but If people are telling him *No!* all the time it can get splotchy magenta. Mind you, when he's writing words on his Magna-Doodle or kicking ass at *Temple Run* on his iPad his autism glows canary yellow.[ccxlvii]

While Mitchell's son cannot fit neatly into a place on the spectrum, Mitchell notes that there is a general insistence the he be categorized.

Categorization leads people to see those with cognitive disabilities as only capable of what fits their diagnosed disorder and diagnosed severity level. Labeling automatically reduces the epistemic resources available for people with cognitive disabilities because it comes with the assumption that cognitive disability necessarily prevents access to certain epistemic resources. It is deemed impossible for a person who is severely autistic to describe any experience of empathy as, by definition, a severely autistic person cannot experience empathy. A severely autistic person does not even have the epistemic resources available to combat this assumption because rigid thinking requires them to either remain silent or give up their diagnosis. If an individual with severe autism claims to experience empathy, they are deemed to be either lying or not really severely autistic. While Naoki Higashida is a well-known advocate with severe autism, the severity of his condition is constantly questioned due to his ability to do things such as experiencing empathy, telling jokes, or even communicating through text. As his English translator David Mitchell notes, "While [Higashida's first book] enjoyed a positive reception, an accusation was leveled that nobody with 'genuine' severe autism could possibly have authored such articulate prose: never mind the YouTube clips showing Naoki authoring this same articulate prose. Therefore, Naoki must have been

misdiagnosed and doesn't have autism at all."[ccxlviii] Instead of being taken as proof that it is possible for autistic people to understand social nuance, Higashida's testimony is considered to be evidence that he is not really autistic.

Rigid assumptions about diagnosis also lead to testimonial injustice. A common way of delegitimizing the testimony of the cognitively disabled is through informational prejudice. Hookway claims informational prejudice occurs "when a person or group is prejudicially judged to lack the ability to provide information relevant in a given context".[ccxlix] People with cognitive disabilities (are assumed to) lack the intelligence to be able to provide insight. If a cognitively disabled person makes a claim that would challenge their interlocutor's concept of cognitive disability, it is met with skepticism. If the interlocutor feels that they cannot question the cognitively disabled person's diagnosis, they will often question the ability of the cognitively disabled person to make such a claim. For instance, if people believe a high level of intelligence is needed to "build and maintain an appropriate relationship (friendship, love)" and view people with cognitive disabilities as incapable of that level of intelligence, they feel justified in assuming that any attempts from a person with a cognitive disability to communicate affection are not real attempts or lack any true content.[ccl]

Due to biased assumptions, we do not simply underestimate the testimony of people with cognitive disabilities; we often fail to even acknowledge them as knowers. Knowledge is commonly considered to require justification.[ccli] However, the testimony of the cognitively disabled is often considered to be unjustified. Although a cognitively

187

disabled person may occasionally say something profound or appear to know how to tell a joke, it is not because she formed a true belief on the basis of her observation and analysis, at least in the opinion of people with biased assumptions. Many people wrongly think that she simply muttered something random and people who aren't cognitively disabled have the capacity to interpret it as profound or funny. For instance, the response of writer Paul Daugherty's daughter Jillian when the pair are in the middle of a heated disagreement: "'You do want a piece of me?', she asked. 'I beg your pardon?' 'Do you want a piece of Daddy-O?'."[ccli] While some might view this exchange as Jillian simply misunderstanding what response the circumstances required, Daugherty recognizes it as a deliberate attempt to diffuse the situation. He notes "I love Jillian's sense of humor, and I know you can't be funny without being smart. She may not be smart in the IQ sense. No one's suggesting Jillian will be building reactors anytime soon. But she's plenty smart in knowing what resonates. She understands what prompts a chuckle, what makes the synapses gather and fire."[cclii] Further, this understanding of humor is not uncommon despite the common misconception that people with Down syndrome lack social skills.[ccliv]

Thus, although people with cognitive disabilities can add to our knowledge, they are not viewed as knowers themselves. For instance, although they teach us jokes, people wrongly assume that they do not understand the jokes themselves. For Fricker, this is a form of epistemic objectification. She notes that people can either be informants or sources of information, noting the difference between somebody informing you that is it

188

raining outside and inferring that it is raining outside by looking at a guest's umbrella.[cclv] While we often use people as sources of information, viewing them solely as sources of information denies them agency for their epistemic contributions and closes off any possibility of potential discourse. Individuals with cognitive disabilities are also treated as though they have a truncated subjectivity – instances where they are recognized as subjects but fail to add original contributions to our collective knowledge.[cclvi] While I will return to concept of truncated subjectivity when discussing media stereotypes, it is worth noting that often individuals with cognitive disabilities are even denied recognition as knowing subjects. Much like how a dog entertains us when they unknowingly do something cute, when the cognitively disabled make humorous remarks it often amuses specifically because we assume, wrongly, that the statement was simply a random string of words without intent.

The assumption that people with cognitive disabilities lack knowledge also leads to their being excluded from many epistemic activities. Hookway defines this exclusion as participatory injustice. Since people with cognitive disabilities are not considered legitimate knowers, few will see any need to include them in conversations about politics, art, ethics, or even their own treatment or life choices.[cclvii] Once viewed as illegitimate knowers, the burden of proof is placed upon people with cognitive disabilities to prove that this is not the case. They must prove that they really know anything that they claim or anything that is beyond what people assume that they can know based on their

diagnosis. If the cognitively disabled fail to prove this (assuming that the hearers' bias will even allow them to do so), they will not be invited to join the conversation.

This is notably in contrast with the rather generous assumptions we often make about people without cognitive disabilities[96]. We typically assume people without cognitive disabilities have a wider knowledge base than they display. For instance, I've never had a conversation with my father about photosynthesis (mom was always the one to help with homework), but I assume he knows that plants make their own food. Most of us likely wouldn't think this is an unreasonable assumption to make given that 'plants make their own food' is fairly common knowledge for educated adults. Yet, many people would be far less likely to grant that it would be justified to assume that a person with Down syndrome knew that plants make their own food even if they received a similar education.

This difference in presumed competence also applies to knowledge domains. My father has never gardened nor I have ever spoken with him about gardening, yet I assume that he has picked up enough knowledge about plants over the years that he could at least carry on a conversation about the topic. While I certainly wouldn't assume he is an expert on the topic given his interests, I would not hesitate to speak with him about it or take for granted that he would need basic concepts like photosynthesis explained before he could contribute to the conversation. However, people with cognitive disabilities often face the assumption that they cannot know anything about a given domain. For instance, it is often

---

[96] Excluding any other biased assumptions about other marginalized statuses such as race and gender.

190

assumed that people with autism cannot know anything about other minds. This exclusion happens with other marginalized groups too (i.e. women don't know anything about video games), but for people with cognitive disabilities, assumptions about lack of knowledge often apply to nearly every domain. Hence, many people's assumption that individuals with Down syndrome cannot understand basic rules.[cclviii]

Since this assumption is so widespread, it allows us to exclude people with cognitive disabilities from nearly every part of public discourse. As a result, we historically have dramatically underestimated the abilities of people with cognitive disabilities and will likely continue to do so. For instance, up until the past twenty years, it has been assumed that people with Down syndrome would be unable to attend a mainstream school let alone graduate from high school.[cclix] Thus, the burden of proof fell on people with Down syndrome to prove that they belong in such a setting. Emily Kingsley and Barbara Levitz remark on the struggle of enrolling their sons in mainstream education, "Over the years, we have struggled against the prevailing philosophy that children with Down syndrome were, by definition, not educatable.".[cclx] In response to this challenge, they state:

> Our attitude was 'Just give it a try and see if it works; if not, we'll understand and try something different.' We were fortunate to encounter some more progressive teachers and school administrators who were willing to try an experimental approach. Ultimately Mitchell and Jason themselves were able to prove that they could handle educational and social challenges that had previously been thought impossible for them.[cclxi]

The responsibility falls on Mitchell and Jason to prove that they have the epistemic competency to participate in mainstream schooling. By contrast, non-cognitively disabled

191

children are automatically placed in mainstream schooling and must actively demonstrate learning difficulties or behavioral problems before alternative schooling is suggested.

People with cognitive disabilities are excluded from many epistemic activities by default. Segregation can occur at the macro-level through denial of educational opportunities, but can also occur at the micro-level through simple refusal to include people with cognitive disabilities in everyday conversations. Few people would assume that individuals with Down syndrome would be able to converse about politics. Yet, both Mitchell Levitz and Jason Kingsley display fairly nuanced views in their interviews and writing. For instance, Levitz remarks on the 1992 election "I believe that Bill Clinton is not telling the truth. If he raised taxes in Arkansas, he may raise taxes on American taxpayers. To me it's a flip-flop. Clinton will say one thing, then he'll say another. He'll make promises, but he will not follow the promises."[cclxii] This remark, as well as the much longer speech it is a part of, do not give us any reason to doubt Mitchell's cognitive ability to assess political issues. Out of context, nobody would even suspect that such a remark came from somebody with a cognitive disability. Yet, because it did, it is much more likely to be dismissed, and that's assuming anybody would think to ask Levitz in the first place.

In addition to having to provide proof of competence for epistemic participation that is not required for people without cognitive disabilities, individuals with cognitive disabilities also face a higher standard for proof than required of a non-cognitively disabled person. While the above comment might be enough to prove a non-cognitively

disabled person's competency in early 90s politics, some might not find it enough to prove Levitz's competency[97]. Similarly, Arthur Fleischmann is skeptical when told that his autistic daughter is quite good at *Connect Four*: "Connect Four requires the players to focus and strategize. It's like tic-tac-toe on steroids. This was not something I believed Carly could do readily."[cclxiii] While a teacher's testimony would normally be enough to satisfy a parent about their child's skill level, Carly needs to do more to prove her competency (in this case beating her father in several games).

The bar for proof becomes especially high when challenging anything that goes against assumptions about the diagnosis. Like with other minority statuses, cognitive disability is often assumed be to an individual's entire personality and therefore challenging assumptions about their disability can require challenging deep facts about their identity. For instance, Arthur Fleischmann also remarks

> When Howard explained that Dina was hurt, Carly spontaneously typed "sorry" with no help. We had been told that children with autism don't exhibit empathy…. Was it possible there was more to Carly's personality than we had thought? After all, Carly was autism. Autism, tantrums, and neediness. When you raise a severely disabled child, you begin to see the flaws above all else.[cclxiv]

At the time, Fleischmann viewed his daughter simply as her diagnosis: 'Carly just is autism and autism is her personality'. When Carly gave evidence to the contrary, Arthur had to challenge his understanding of his daughter's character. In order to do so, he needs far more evidence than he would if Carly was not simply autism in his mind.

---

[97] I am assuming 'competency' here to imply a level of understanding that would allow an individual to engage in an everyday conversation with non-experts on a given issue.

Even when people with cognitive disabilities do manage to prove their competency in a domain, this competency may not be considered 'the right sort' to participate in epistemic or social activity. For instance, after Carly places in the 98th percentile for her age group in linguistic understanding, she wants to start attending mainstream school. In response, her father remarks "It doesn't matter how smart you are if you can't control your outbursts. The other kids find it too distracting."[cclxv] While Carly has proven she has linguistic intelligence, this is not seen as the proper type of intelligence needed to attend school. Her parents and teachers try to convince her to take more tests to prove she can handle a mainstream school, but Carly insists that her lack of motor function and control over her behaviors should not be the deciding factor: "I want to be able to go to a school with normal kids but not have to worry about them getting upset or scared if I can't help myself and I hit a table or scream."[cclxvi] She knows that she can handle mainstream school if accommodations are made and insist that her skills be considered as good enough for participations.

In contrast, many people with Down syndrome are told they cannot participate in mainstream schooling because they cannot learn fast enough despite their ability to control any outburst. While most teachers describe people with Down syndrome as 'happy' and 'agreeable; they worry about any potential student with Down syndrome's ability to keep up in a mainstream classroom.[cclxvii] Thus, the standard for the 'right sort' of intelligence can and often is discriminatorily modified to exclude any type of

intelligence a cognitively disabled person displays and nearly always deny epistemic access for people with cognitive disabilities.[98]

The practice of always demanding more proof effectively silences people with cognitive disability. Even in cases where a people with cognitive disabilities are able to meet the overly demanding burden proof, many grow too frustrated to want to continue discourse. Carly remarks on the frustration: "I hate when people ask me to do things that they already know I can or can't do Like ask me to spell 'chips' for a chip It makes me feel like I am stupid 'spell your name.' Good have a chip 'spell your name.'' You did not get it right I guess you are not smart How does that make you feel?"[cclxviii] Given how infantilizing and irritating it must be to continually try to prove you deserve to be a part of a conversation or event, it is no wonder many people with cognitive disabilities keep silent. However, this silence itself is assumed to be a lack of knowledge, since the burden is always on the cognitively disabled person to prove that they know.

The assumption that the cognitively disabled lack any knowledge that they do not make explicit also leads to the assumption that people with cognitive disabilities are unaware of the fact that they have a disability. Elizabeth Grace once noted that a researcher told her "By

definition, a person with autism does not know what it means 'for life to be like something for someone,' so she cannot possibly get the concept of what it is like to be

---

[98] It might be argued that you need both an agreeable attitude and the ability to absorb information quickly in order to be a student in a mainstream classroom. However, if our criteria for every potential student was 'non-disruptive, engaged, and learns quickly', I suspect many non-cognitively disabled students would also fail to meet it even at the college level.

herself."[99, cclxix] Most people, even some researchers, assume that people with cognitive disabilities lack self-knowledge and remain unaware of their disability. However, many people with Down syndrome express awareness of their condition.[cclxx] They are also capable of recognizing the stigma surrounding their condition. For instance, Mitchell remarks "You're an individual, an adult with disability, who can handle any issue, tackle any issue. It's part of being an adult, knowing who you are, understanding who you are. Because we are people who understand, knowing about our disability."[cclxxi] The neurodiversity movement has also produced many advocates over the years who are very much aware of their disability and stigmas associated with it. Naoki Higashida remarks: "I refuse to accept it when people view us as incomplete or partial human beings; I prefer to believe that people with autism are every bit as whole as anyone else. We might be different from the majority in diverse ways, but why are these differences negative things?"[cclxxii]

The assumption that people with cognitive disabilities are unaware of their condition has long been used to justify their exclusion from any decision about their treatment. Before Carly was fully able to vocalize, it was assumed that her silence meant that she did not know what was going on around her and certainly did not know that she was disabled. She later remarks on that time period "You know how people talk behind people's back? With me, they talk in front of my back."[cclxxiii] Since people with cognitive disabilities are often assumed to be unaware of their condition, any attempt at self-

---

[99] Although I'm using it in a different context, thank you Dohmen (2016) for highlighting this quote.

advocacy is met with resistance. The staff and carers are the true experts. Hence, Naoki Higashida, Mitchell Levitz, and many other advocates' perspectives are devalued. Their diagnosis makes it impossible for them to know anything about their condition and therefore it is impossible for people with cognitive disabilities to know what is truly in their own best interests.

Due to this disparity, even well-meaning caregivers or healthcare providers tend to conflate their own interests with the interests of those they are meant to serve. For instance, Arthur justifies his decision to place his daughter Carly in an institution so he and his wife can have a break by noting: "This was triage, and neither Tammy nor I wanted to probe too deeply into how Carly might feel about this living arrangement, as there were no alternatives we could come up with."[cclxxiv] Despite the fact Carly have previously mentioned hating such programs and would later be sexually assaulted at the program he chose, Arthur manages to convince himself that her silence was enough to justify his belief that she will benefit from the program. He has no basis for this belief other than wanting it to be true. While institutionalization may help families who cannot care for children with cognitive disabilities, there is very little evidence that individuals with cognitive disabilities actually enjoy assisted living faculties. As Naoki Higashida poignantly notes, "Who would actually want to be sectioned off and receive particular treatment, just because they have special needs?"[cclxxv]

Thus, the feedback of various epistemic injustices effectively silences individuals with cognitive disabilities. The process is highlighted in the graphic below:
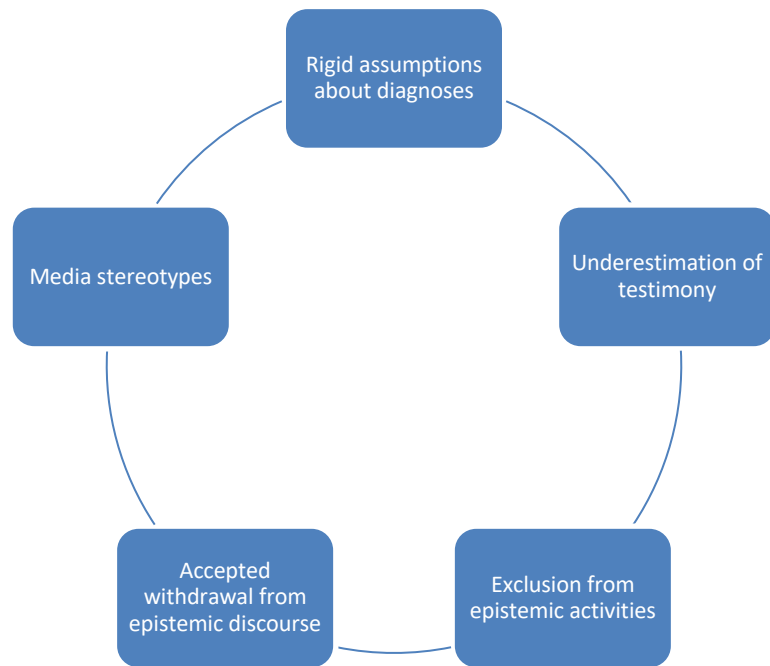
197

Figure 1: The self-reinforcing feedback cycle of epistemic injustices.

Each of these injustices are justified by the other injustices in the chain. For instance, people expect the cognitively disabled to withdraw from epistemic discourse because they are not considered to be capable of participating in epistemic activities. Likewise, as I discuss below, the withdrawal of the cognitively disabled from epistemic discourse as well as the rigid assumptions about individuals with particular diagnoses often result in media stereotypes.

4) Cognitive Disability and Media Stereotypes

The combination of tactics and assumptions used to silence the cognitively disabled often form into stereotypes that then seep into popular culture. As Fricker notes, stereotypes can further reduce the credibility of marginalized groups and thereby contribute to

testimonial injustice.[cclxxvi] The stigma associated with stereotypes often marks the bodies of the stigmatized as sites of moral, social, and epistemic failure. In the case of cognitive disability, studies have shown that individuals who are not frequently around individuals with cognitive disabilities tend to have worse perceptions of disability.[cclxxvii] While more research is needed to fully understand the cause of these perceptions, it is likely that media portrayals of cognitive disability play a role in most people's understanding of how people with cognitive disabilities act and should be treated.

Below I name and describe two stereotypes of cognitive disability commonly portrayed in media: The Fool and The Savant. These stereotypes are a conglomeration of the processes used to justify silencing the cognitively disabled that then further serve to reinforce these processes. While they are not the only stereotypes associated with cognitive disability, they are fairly common in media and popular culture. In order to describe these stereotypes, I'll be focusing on two texts. To describe The Fool, I'll be using the 1994 film *Forrest Gump*. To describe The Savant, I'll be using Mark Haddon's 2003 novel *The Curious Incident of the Dog in the Night-Time.* These texts are two of the most well-known texts that portray the experience of somebody with a cognitive disability. *Forrest Gump* is the highest grossing movie ever made with a cognitively disabled protagonist and *The Curious Incident of the Dog in the Night-Time* has for years been a common classroom aid for understanding autism. Although I do not have the space here to do a full analysis of the portrayals of the cognitively disabled in media,

199

these works alone have influenced public perception enough to help highlight the negative impact of these stereotypes.

The Fool is an archetype that has been around for centuries. They are a dimwitted character whose main purpose is to entertain us. The Fool is often insightful, but merely by accident and without any real understanding of what they are saying. They appeared as jokes in old tales as well as attractions in freak shows. Their role was mainly spectacle and humor. In freak shows, the fool mainly served to satisfy the public's craving for the bizarre and exotic.[cclxxviii] The fool's role in tales was mainly to make the audience laugh. In this context, tales involving a fool nearly always embraced the superiority theory of humor[100]. We laugh at the fool because we know and they do not. Obviously, the instances of this type of humor in old tales is countless, but consider one of the classic Simple Simon nursery rhymes as an example:

"Simple Simon went a-fishing
For to catch a whale,
But all the water he had got
Was in his mother's pail?"
While humorous, these stories rarely treat their protagonist as somebody who is intentionally trying to be funny. As Scruton notes, this type of humor "devalues its object in the subject's eyes."[cclxxix] It stands in stark contrast to the actual jokes made by people with cognitive disabilities. For instance, consider Carly's response to being asked to

---

[100] The superiority theory of humor suggest that we become amused when we see others act inferior to us. As Thomas Hobbes notes in Human Nature, "that the passion of laughter is nothing else but sudden glory arising from some sudden conception of some eminency in ourselves, by comparison with the infirmity of others, or with our own formerly" (chapter 8)

200

practice her typing: "'Carly, type five words and I'll give you the chips', promised Barb. A small, sly smile seemed to cross Carly's face. 'Five words', she typed. Barb and Howard burst out."[cclxxx] While such a remark could easily be a tale of a simpleton misunderstanding direction, once we add Carly's intention, she is no longer the object of humor. She is a subject making humorous remarks.

Of course, modern representations of fools have shifted away from such a simplistic form of entertainment. Although this representation still certainly exists, some of the focus has shifted to using these representations to gain insight about the cognitively disabled and they world they inhabit. While we have since come to view freak shows as cruel, Ian Hacking notes that we still have a certain fascination with the odd and different that prompts us to seek out narratives about cognitive disability.[cclxxxi] The focus has shifted to narratives that attempt to establish the fool's humanity rather than mock them, but the underlying curiosity still remains. Despite perhaps better intentions, most media portrayals treat the cognitively disabled as an object of knowledge rather than a subject. While the goal of films like *Forrest Gump*, *I Am Sam*, or *Radio* might, partially, be to provide a more nuanced understanding of disability, this is rarely the goal of the disabled characters themselves.

Forrest accomplishes a lot through his film, but he is never motivated to combat other's perceptions of him. For the most part, he is unaware that others mock him and never feels the need to stand up for himself. Jenny often has to warn him when something dangerous is happening hence the famous line 'run, Forrest, run'. Thus, his

201

accomplishments are not meant to be a form of self-advocacy. He just goes about his life generally ignorant of the broader implications of any of his representations. After his mother's death, Forrest starts running across the country because he 'felt like running'. Although many find his action inspirational, Forrest never intends it to be this way and seems fairly unaware of the fact. He gives us a positive view of disability, but never intends to create this positive view.

Most modern portrayals of fools do work hard to give these characters a subjectivity. Forrest has a personality and most of the time the viewer is encouraged to root for him. However, this subjectivity remains truncated. Gaile Pohlhaus considers somebody to have a truncated subjectivity if "she is treated as if her own lived experience from which she draws in order to add to the communal knowledge pool is simply a mirror (or perhaps shadow) of his own, but certainly not capable of contributing to our understanding of the world beyond (and in ways that might change the shape of) the scope of the [observer's] experienced world"[101].[cclxxxii] Forrest gives the viewer knowledge, but the knowledge does not come from Forrest's expertise. He never knows as much as the viewer although he teaches the viewer through his limited knowledge and, sometimes, ignorance. For instance, Forrest states the film's central thesis when he famously states 'my mama always said life was like a box of chocolates. You never know what you're going to get'. Notably, this claim is attributed to Forrest's mother rather than

---

[101] Pohlhaus thinks that 'truncated subjectivity' should replace Fricker's conception of 'epistemic objectification' as in most cases we still recognize that a testifier is a subject even if we delegitimate their knowledge claims. However, as noted earlier, there are many cases where we fail to even recognize that testimony of the cognitively disabled as testimony. Thus, I think both terms are appropriate for my analysis.

Forrest himself. Forrest embodies the idea of accepting the trial of life through the film. However, it is generally suggested that he does this because he is ignorant of any alternatives. He never actually voices the perspective that it is best not to dwell on problems. When confronted with sad events, he simply utters 'and that's all I have to say about that' as though he cannot think of anything else to add about the sadness or difficulty of the situation.

The Fool's ignorance is also used to advocate for political ideologies regardless of whether the character actually holds them. Forrest Gump is considered by many critics to be a film which upholds conservative values.[cclxxxiii] Jenny, Forrest's love interest and lifelong friend, embraces the counter-culture of the 1960s and 1970s and suffers for doing so. By contrast, Forrest manages to avoid any temptation to be immoral. This is more a matter of luck than a matter of values. For instance, he cannot grasp why Jenny might need to strip for money. He only grasps that others touching her is wrong. His ignorance gets him to what some conservatives will deem the 'right' conclusion - he drags her off stage to prevent anybody from touching her. However, he does not have enough understanding to know why this is the 'right' thing to do. Similarly, when Forrest is asked to a give a speech at a Vietnam protest, the mic cuts off right before it begins his speech. It conveniently turns back on as Forrest utters his final sentence of 'and that's all I have to say about that'. In addition to being a clear example of silencing the perspective of somebody with a cognitive disability, this framing uses Forrest to set up an ideological claim that it is best to simply move on from the war in Vietnam rather than acknowledge

government failings. However, this ideological claim further truncates and ignores Forrest as a subject. Forrest actually does have beliefs about the war, but those beliefs do not matter. His importance as an epistemic object overrides any (even truncated) subjectivity that we recognize. He is a symbol for moving on even if that was never his intent[102].

Even in modern portrayals, a fool's ignorance is still sometimes played for laughs[103]. When Forrest meets the president, he ignorantly drinks too much soda and rushes to the bathroom right when he is about to shake the president's hand. The gag is funny for the same reason old tales about fools are funny: we know better. Forrest makes the audience laugh quite a bit through the film, but he is never depicted telling a joke. While the fool is a more sympathetic stereotype than it once was, the comedy fools provide is still largely feeding the audience's sense of superiority and, occasionally, sense of pity. Further, this sense of superiority is a lens through which the audience is meant to understand the fool. It's really the audience's insight that allows for Forrest to be viewed as a hero and the audience remains well aware of that fact. Even today, the fool is still characterized more as a site of knowledge for others rather a knowledgeable character in their own right. The viewer understands the fool better than they understand themselves. Fools provide us with knowledge and entertainment not a result of their expertise, but as

---

[102] This use of the fool to embrace simplistic but correct ideologies is not limited to conservative frameworks. For instance, Tolstoy's "Ivan the Fool" promotes communism.

[103] In these cases, I view the fool as representing the epistemic objectivity faced by individuals with cognitive disability rather than truncated subjectivity. When played for laughs, the fool is the object of our entertainment, but the fool does not have knowledge of this humor.

a result of us seeing past their ignorance. As such, these characters still remain more like tools than persons.

Similar to the fool, the savant is a media stereotype that emphasizes a character's specialized knowledge rather than their ignorance. The primary purpose of the character is still to inform and entertain the audience, and the character still does not do this intentionally. The knowledge the character has is either in a highly specialized domain or occurs too sporadically to be reliable. It is not considered to be an important type of knowledge for everyday functioning or socialization. Although it likely draws from the historical characterization of the wise fool, the savant is a more recent characterization of cognitive disability.[cclxxxiv] Recent portrayals include *Rain Man* (1990), *The Wizard* (1989), *Monk* (2002-2009), and *The Curious Incident of the Dog in the Night-time*.

The savant stereotype often implicitly embraces the ideology that in order to be highly skilled at certain cognitive tasks you must give up other cognitive or social skills. As protagonist Christopher remarks in *The Curious Incident of a Dog in the Night-Time*, "And that is why I am good at chess and maths and logic, because most people are almost blind and they don't see most things and there is lots of spare capacity in their heads and it is filled with things which aren't connected and are silly, like, 'I'm worried that I might have left the gas cooker on'."[cclxxxv] It is true that having a disability can make you better at certain tasks. However, cognitively disabled savants are quite rare.[cclxxxvi] Further, the assumption that if a person with a cognitive disability has a certain skill, they thereby cannot have other skills, continually causes us to underestimate the ability levels of

somebody with a cognitive disability. For many autistic children, interest or skill in a certain area can actually promote and develop skill or interest in another area.[cclxxxvii]

Unlike fools, savants tend to be egotistical to the point of not taking interest in others. While, in contrast to some other savant portrayals, Christopher does display emotions, he generally remains unaware of the emotions of others. The book opens with Christopher's neighbor shouting at him because she thinks he killed her dog. He remarks "I do not like people shouting at me. It makes me scared that they are going to hit me or touch me and I do not know what is going to happen."[cclxxxviii] While the author makes a point to mention that Christopher is aware of other minds,[cclxxxix] Christopher never displays true empathy at any point during the novel. He describes his parent's struggles in raising him, but does not grasp the emotional difficulty either faces. After finally reuniting with his mother at the end of the novel, he still fails to understand how important touch might be to her: "'Christopher, let me hold your hand. Just for once. Just for me. Will you? I won't hold it hard,' and she held out her hand. And I said, 'I don't like people holding my hand'". While Christopher wants care from others, he cannot return that care.

Social knowledge is often beyond the savant. While they can inform our social awareness by getting us to recognize that their minds are different from ours, this recognition comes from their inability to communicate rather than a conscious attempt on their part to relate to others. Savants are often seen as 'aliens' or outsiders. Hacking notes that these alien narratives are especially common for describing people with autism.[ccxc]

206

He highlights a rather disturbing example: "A nasty variant was used in a disturbing autism awareness soundbite given wide distribution a couple of years ago by the advocacy organization CAN: Cure Autism Now. After a bit of ominous music, an intensely concerned young father intones, 'Imagine that aliens were stealing one in every two hundred children... That is what is happening in America today. It is called autism.'" Modern savant portrayals are fortunately more sympathetic. However, savant portrayals tend to demand blind acceptance over recognition of humanity. Savants do not understand our social customs and it is our job to welcome them to our social landscape even though they are incapable of ever fully understanding it. While Hacking does not find the following distinction problematic, he does note, "what distinguishes us from aliens (as we depict our contraries) is notoriously not rationality, but our emotional lives. We are fellow humans in that we grasp each other's intentions, feelings, wants.... They are the bedrock of our humanity."[ccxci]

Savants fundamentally lack the ability to be full members of a community. Although they may be accepted, they do not truly participate in true social exchange. For instance, Haddon's Christopher remarks on his plans for the future: "Then, when I've got a degree in maths, or physics, or maths and physics, I will be able to get a job and earn lots of money and I will be able to pay someone who can look after me and cook my meals and wash my clothes, or I will get a lady to marry me and be my wife and she can look after me so I can have company and not be on my own."[ccxcii] The text leaves the reader with a mixture of worry and hope. Although the reader wants to root for

Christopher, they also know the obstacles he will face in trying to achieve this. There is an impulse to protect him from the possibility that his disability might limit his accomplishments - a possibility of which Christopher remains unaware. If he is to achieve his goals, the world must change to accommodate him. Beyond his savant expertise in math, he cannot adjust to the social standard expected by others.

The savant is often portrayed as embracing this alienation. They do not truly wish to be part of this world, so there is no need to be concerned about the fact that so much of the world excludes them. For instance, Christopher's favorite daydream is imagining that all the people except 'people like him' are dead. He notes that people like him:

> like being on their own and I hardly ever see them because they are like okapi in the jungle in the Congo, which are a kind of antelope and very shy and rare. And I can go anywhere in the world and I know that no one is going to talk to me or touch me or ask me a question. But if I don't want to go anywhere I don't have to, and I can stay at home and eat broccoli and oranges and licorice laces all the time, or I can play computer games for a whole week, or I can just sit in the corner of the room and rub a £1 coin back and forward over the ripple shapes on the surface of the radiator.[ccxciii]

Christopher does not feel the urge to relate to others and suggests that most people like him would not enjoy it either. People and the relationships he has with them simply hold no interest.

Many modern portrayals of cognitive disability are meant to describe various disabilities that the viewer might not understand. As such, as Hacking points out, concepts like an autistic alien can be a useful heuristic tool.[ccxciv] The problem is these perspectives adopt an outsider's approach to understanding cognitive disability. Haddon does a good job of describing the symptoms of autism, but he fails to provide the rich

208

perspective that a person with the condition could provide. The inner life of Christopher is basically a checklist of autistic tropes rather than a life of a person who also has autism. Other portrayals such as *Forrest Gump* are less didactic, but cognitive disability then often becomes a metaphor for some simplistic ideology that the character does not actually know they are embracing.

While the fool is more commonly used in portrayals of Down syndrome and the savant is more commonly used in portrayals of autism, either stereotype can be used to portray a wide variety of cognitive disabilities. Both stereotypes can be used to promote a didactic or metaphorical message to the audience and both share features that often truncate the epistemic authority of people with cognitive disability. The fool and the savant are not characters with any intentionality. They are not aware that they have a disability or even of the implications of most of their actions. The audience is always in a position of knowing more. While the general goal of these portrayals is to provide the audience with insight, this insight is never meant to produce emulation. The audience understands and possibly even admires Forrest and Christopher. However, the audience does not wish to become like them or adopt similar virtues in way they might with a non-cognitively disabled film character[104]. The outsider's perspective provides them with the insight they need. The inner life of the cognitively disabled still appears impoverished. As such, the audience walks away thinking that they know more about cognitive disability after a two-hour movie than a person who has one.

---

[104] Consider for example how many teachers try to model their approach of Robin William's character in *Dead Poets Society*.

Conclusion

The stereotypes of the fool and the savant play a role in a feedback loop of epistemic injustice. People assume that a diagnosis necessarily defines the capability level of a person with a cognitive disability. The assumed capability level of a person with a cognitive disability is too low for them to know more about any given topic, including their own disability, than a person without a disability. As a result, the non-cognitively disabled always assume that they are in a better epistemic position than a cognitively disabled person. Media portrayals of cognitive disability reflect these assumptions as most cognitively disabled characters are written as lacking any real understanding of the ideals they are meant to represent. The media representation of cognitive disability then reinforces the assumption that individuals with cognitive disability necessarily must be ignorant due to their disability. This epistemic feedback loop has many starting points. For instance, since media portrayals are often many people's first exposure to cognitive disability, they are often the basis for improper assumptions about capability level. However, regardless of starting point, this system of epistemic injustices effectively silences individuals with cognitive disabilities. Assumptions about their disabilities are used to justify denying them epistemic resources as well as respect in epistemic communities. As a result, most of the advocacy work and individual treatment decisions are left largely in the hand of family members and psychologists.

[ccxxiii] Simplican, *The Capacity Contract*, 1.

ccxxiv Gilmore et al., "Developmental Expectations."

ccxxv Nussbaum, "The Capabilities of People with Cognitive Disabilities."

ccxxvi Bérubé, "Equality, Freedom, and/or Justice."

ccxxvii Carlson, *The Faces of Intellectual Disability.*

ccxxviii Higashida, *Fall Down 7 Times Get Up 8,* 78-79.

ccxxix Kingsley and Levitz, *Count Us In*, 2325-2327.

ccxxx Barnes, *The Minority Body*, 21.

ccxxxi Price, *Mad at School*.

ccxxxii Barnes, *The Minority Body*.

ccxxxiii Barnes, interview by Chilton.

ccxxxiv Dohmen, "A Little of Her Language."

ccxxxv Fricker, *Epistemic Injustice*. 20.

ccxxxvi Ibid., 19.

ccxxxvii Hookway, "Some Varieties of Epistemic Injustice."

ccxxxviii Ibid.

ccxxxix Fricker, *Epistemic Injustice.*

ccxl Dohmen, "A Little of Her Language," 672.

ccxli Fricker, *Epistemic Injustice*, 155.

ccxlii Kidd and Carel, "Epistemic Injustice and Illness."

ccxliii Dohmen, "A Little of Her Language," 174.

ccxliv Marcone et al., "Beliefs Toward Social and Cognitive Competences in People with Down Syndrome."

ccxlv Knott et al., "Sibling Interaction of Children with Learning Disabilities."

ccxlvi American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (5th ed.)

ccxlvii Higashida, *Fall Down 7 Times*, 30.

ccxlviii Ibid.

ccxlix Kidd and Carel, "Epistemic Injustice and Illness," 181.

ccl Marcone et al., "Beliefs toward Social and Cognitive Competences."

ccli Ichikawa and Steup, "The Analysis of Knowledge."

cclii Daugherty, *An Uncomplicated Life*, 94-95.

ccliii Ibid., 96.

ccliv Reddy et al., "Engaging with the Self."

cclv Fricker, *Epistemic Injustice*, 132-133.

cclvi Pohlhaus, "Discerning the Primary Epistemic Harm."

cclvii Hookway, "Some Varieties of Epistemic Injustice."

cclviii Marcone et al., "Beliefs toward Social and Cognitive Competences."

cclix Gilmore et al., "Developmental Expectations."

cclx Kingsley and Levitz, *Count Us In*, 164-165.

cclxi Ibid., 168-171.

cclxii Ibid., 2029.

cclxiii Fleischmann and Fleischmann, *Carly's Voice*, 138.

cclxiv Ibid., 116.

cclxv Ibid., 294.

cclxvi Ibid., 300-301.

cclxvii Gilmore et al., "Developmental Expectations."

cclxviii Fleischmann and Fleischmann, *Carly's Voice*, 300.

cclxix Dohmen, "A Little of Her Language."

cclxx Cunningham and Glenn, "Self-Awareness in Young Adults with Down Syndrome."

cclxxi Kingsley and Levitz, *Count Us In*, 280-282.

cclxxii Higashida, *Fall Down 7 Times,* 176.

[cclxxiii] Fleischmann and Fleischmann, *Carly's Voice*, 125.

[cclxxiv] Ibid., 151.

[cclxxv] Higashida, *Fall Down 7 Times*, 80.

[cclxxvi] Fricker, *Epistemic Injustice*.

[cclxxvii] Pace et al., "Understanding Attitudes toward People with Down Syndrome."

[cclxxviii] Whittington-Walsh, "From Freaks to Savants," 697.

[cclxxix] Scruton, "Laughter," 168.

[cclxxx] Fleischmann and Fleischmann, *Carly's Voice*, 118.

[cclxxxi] Hacking, "Humans, Aliens, and Autism."

[cclxxxii] Pohlhaus, "Discerning the Primary Epistemic Harm."

[cclxxxiii] Wang, "A Struggle of Contending Stories."

[cclxxxiv] Otto, *Fools are Everywhere*.

[cclxxxv] Haddon, *Curious Incident*, ch. 179.

[cclxxxvi] Hacking, "How We have been Learning to Talk about Autism."

[cclxxxvii] Clair et al. "Growth of Reading Skills."

[cclxxxviii] Haddon, *Curious Incident*, ch. 5.

[cclxxxix] Ibid., ch. 163.

[ccxc] Hacking, "Humans, Aliens, and Autism."

[ccxciccxci] Ibid.

[ccxcii] Haddon, *Curious Incident*, ch. 71.

[ccxciii] Ibid., ch. 229.

[ccxciv] Hacking, "Humans, Aliens, and Autism."

Chapter 4: Beyond Providing Accommodations: How to be an Effective Instructor and Ally to Students with Learning Disabilities

Few will find it controversial to claim that all students, regardless of race, class, gender, sexual orientation, or disability, should have equal access to education. However, the lack of individuals with disabilities both in philosophy and in higher education more generally suggests that many students with disabilities may struggle to obtain the same educational outcomes as their peers. While individuals with disabilities make up roughly 19% of the general population,[ccxcv] only an estimated 11% of college students have some type of disability.[ccxcvi] The number of philosophers who identify as disabled is even lower, with only 3.8% of respondents in the latest American Philosophical Association poll classifying themselves as such.[ccxcvii,105] This lack of representation remains problematic for a number of reasons. First, it suggests there is a disparity in the quality of philosophical education students receive.[106] For a variety of reasons, non-disabled students are able to excel while students with disabilities struggle. Second, this disparity in access to philosophical education denies students with disabilities important resources. Studying philosophy helps students develop their ability to analyze arguments and think

---

[105]Obviously, the actual figures in all cases cited are difficult to know as underreporting may occur.

[106]I am assuming here that students with disabilities would be as likely to pursue philosophy as students without disabilities if they had equal access. I recognize that this might not be the case. Given that the philosophical canon has traditionally excluded the perspectives of minorities, it may appeal less to students who are members of minority groups. Thus, we might also work to include more diverse perspectives in our courses.

critically about a wide variety of issues.[107] These are useful skill sets for college students to develop regardless of their future careers. Thus, if students with disabilities are not given equal access to a philosophical education, they risk having both unequal educational opportunities and worse practical outcomes. Third, this lack of representation limits philosophical scholarship. The works of philosophers with disabilities have added many new and unique insights to the field.[ccxcviii] However, the number of disabled philosophers remains small and, if students with disabilities are continually denied access to a philosophical education, fewer disabled individuals will be able to contribute their own unique insights to the field. Therefore, as philosophy instructors, we ought to work to ensure equal access for students with disabilities. While effective classroom instruction is not always enough to ensure that students with disabilities will have equal access to educational resources, learning how to effectively instruct students with disabilities may help improve parity within our discipline by encouraging more students to pursue advanced degrees in philosophy, as well as ensure that more students have access to skill sets that will be useful to them, regardless of their future career ambitions.

Obviously, "disability" is a broad category and it would be impossible to consider all the various ways we could work to create equal access in the space provided here. My focus here will be primarily on learning disabilities, as I believe my personal experience

---

[107]For instance, it is well known that philosophy majors typically have higher overall scores on the GRE. See the ETS Guide to Use of Scores for more information. https://www.ets.org/s/gre/pdf/gre_guide.pdf.

as a philosophy student with a learning disability may provide some unique insights.[108]

While "learning disability" itself is a fairly large and diverse category, I think that most

of the insights I provide here will be applicable in a broad range of cases and may also

provide some clarity on how to better educate students with other types of disability.

Moreover, as I explain in greater detail in the following sections, students with learning

disabilities are also more likely to have other invisible disabilities such as anxiety or

depression.[ccxcix,] Thus, some of my recommendations are meant to address this

connection and may also be applicable when instructing other students who have these

conditions. While I will be using quantitative research to provide support for my

suggestions, I am also including personal anecdotes researchers have collected from

students and instructors. I believe that concrete and particular examples will make some

of my points more salient. While it is worth noting that many studies have shown that

students with disabilities are statistically discriminated against, sometimes personal

anecdotes do a better job of showing the overtness and severity of this discrimination.

Inaccessibility in Philosophy Courses

What does it mean to provide students equal access in a philosophy course? As Zara Bain

notes, "*Access* is a word that is frequently associated with disability . . . Paying attention

to how access works orients us towards how disability exists in academic institutions. It

---

[108]I recognize that my own experiences are not universal. Students with different learning disabilities and different educational backgrounds will have their own unique insights. As such, I hope much more is written about making philosophy more accessible to students with learning disabilities. For additional discussion, I highly recommend visiting Kevin Timpe and Shelley Tremain's blog on disability and disadvantage in philosophy: http://philosophycommons.typepad.com/disability_and_disadvanta/.

also provokes questions: access to what, for whom, where, when, and predicated upon which conditions."[ccc] In short, the access question does not come up unless something remains inaccessible. While I recognize some limitations with the social model of disability,[ccci] it is at least worth emphasizing that learning disabilities only become a salient issue when they prevent students from accessing the same educational resources as their non-disabled peers. However, this lack of access is not something that is always readily apparent to philosophy instructors. As Ray Aldred notes in a dialogue with Shelley Tremain on disability:

> Inaccessibility arises in part because people are generally unaware of it in their institution and throughout the profession. Inaccessibility isn't something that many people easily spot and recognize or about which most people make efforts to obtain knowledge and understanding. Many people don't seek out experiences with embodiments that are different from their own. But unless people actively do that, they are unlikely to spot, identify, and grasp inaccessibility toward disabled people and the impact it can have.[cccii]

Arguably, inaccessibility and what in particular remains inaccessible is even harder to spot without some physical reminder of difference. While noticing a student in a wheelchair may immediately prompt an instructor to ensure that a classroom has ramps, most learning disabilities do not have physical indicators that remind instructors of the degree of difference in student ability.[109] Thus, a well-reoriented instructor will need to consider these differences prior to entering the classroom. By being aware of these differences, instructors can be better prepared when they need to accommodate specific

---

[109]This is not to say that students with physical disabilities have a better experience. Students with physical disabilities still struggle with access and may face additional discrimination given the salience of their impairment.

student needs as well, and have the opportunity to design courses that are more generally accessible to both disabled and non-disabled to students.

How do students with learning disabilities lack access in a philosophy course? While I recognize that students with learning disabilities may also be denied access in many other ways not mentioned here, some of the most common learning disabilities affect students' ability to read, spell, do math calculations, process information quickly, express their ideas in writing, pay attention for long periods of time, and create long-term memories. [110][ccciii] There are some fairly obvious ways these issues can affect a student's progress in philosophy. As a discipline, philosophy has traditionally required its students to read and understand dense pieces of text and analyze complex argument structures. These tasks can be especially difficult for students with learning disabilities. For instance, some students with learning disabilities may spend hours trying to understand *The Metaphysics of Morals*, yet still be unable to grasp it as well as non-disabled students.[111] Likewise, many students who struggle to perform mathematical calculations may have difficulties with symbolic logic. Additionally, since few students are asked to write

---

[110]I recognize that students with learning disabilities may also be denied access in many other ways not mentioned here.

[111]While I was unable to find any formal research on the inaccessibility of philosophy texts for students with learning disabilities, Tali Heiman and Karen Precel do note that many students with learning disabilities prefer visual or auditory methods of representation. See: Tali Heiman and Karen Precel, "Students with Learning Disabilities in Higher Education: Academic Strategies Profile," *Journal of Learning Disabilities* 36:3 (2003): 248-258.

philosophy papers prior to college, it may take some students with learning disabilities longer to grasp the discipline's unique writing style.[112]

However, students with learning disabilities do not simply struggle to access course material; instructors, as well as philosophy more broadly as discipline, can also be inaccessible. Philosophy instructors may fail to give students with learning disabilities as much positive attention as they give students without learning disabilities, possibly due to implicit or even overt bias. Across disciplines, some instructors, either consciously or unconsciously, render learning disabilities as less legitimate than physical disabilities and hence react negatively to students with learning disabilities who ask for accommodations.[ccciv] Many instructors may even consciously view students with learning disabilities as incapable of performing college level work.[cccv] While reports conflict as to how prevalent these attitudes are among university instructors, some studies indicate that male faculty are more likely to have negative attitudes towards students with disabilities than female faculty, and that negative attitudes are more common in the hard sciences than they are in the soft sciences.[cccvi] While there have not been many studies on the attitudes of philosophy faculty towards disabled students, given that philosophy is a male dominated discipline and has a tendency to view itself more as a science than a humanity, it is likely that these negative attitudes are more common in philosophy than they might be in other disciplines.[cccvii] Further, these negative attitudes can affect how professors

---

[112]For instance, Gary Troia notes that many students with learning disabilities sometimes struggle with employing domain specific knowledge. See: Gary Troia, "Writing Instruction for Students with Learning Disabilities," *Handbook of Writing Research* (2006): 324-336.

evaluate students. For instance, Jayne Beilke and Nina Yssel note two types of assessment errors that instructors may make due to bias against students with disabilities.[cccviii] First, instructors may "devalue" students with disabilities by making an implicit assumption that they are somehow less important than non-disabled students. For instance, instructors who devalue students with disabilities may not think of them as potential philosophy majors, provide them with less feedback on assignments, or adopt a condescending tone of voice when speaking with them. Second, instructors may have a different evaluative attitude towards students with disabilities and hold them to a different evaluative standard than non-disabled students. This standard may be higher or lower. Some instructors might expect disabled students to do more into order to "prove" themselves as philosophers, while others instructors might lower grading standards for disabled students under the assumption that they would be unable to meet the standard level of rigor required in a philosophy course.

Philosophy instructors may also place undue emphasis on a student's perceived natural ability in a way that disadvantages students with learning disabilities. Many philosophy instructors view innate brilliance as essential for success,[cccix] which places students who may require longer to develop philosophical prowess at a disadvantage. They will not be perceived as "naturally" talented as their peers and as such instructors will be less likely to encourage them to continue to pursue philosophy. Since students with learning disabilities disproportionately take longer to grasp material, such attitudes contribute to the discrimination against them.

This kind of discrimination can further be seen in philosophy's problematic concept of the "boy-wonder." A "boy-wonder" is defined by Eric Schliesser as "a male, aged 20-28, who is quick on his feet, precocious, often with gifts in formal areas of philosophy, and anointed as 'the next big thing' by Some Important Philosopher."[cccx] In addition to the obvious gender bias, this privileging of quick thinking and urge to recognize early philosophical brilliance can cause resources to be misallocated in a way that disadvantages students with learning disabilities. While this is commonly thought to be a problem in graduate programs, it can be a problem in undergraduate classrooms as well. For instance, instructors may be more likely to encourage undergraduates who have early semester success to major in philosophy or allow students who are quick-witted to speak more in class. As a result, both instructors and the discipline itself can be harder for students with disabilities to access.

Accessibility and Disability Law

Despite the lack of access for some students, many philosophy instructors may remain hesitant to develop more inclusive course design. Some might worry that certain learning disabilities will make particular educational outcomes inherently unachievable for some students, so in order to create an inclusive course philosophy instructors will either have to develop alternative learning outcomes for students with learning disabilities or entirely abandon certain learning outcomes in favor of more inclusive ones. Some might argue, if instructors were forced to alter important learning outcomes, academic freedom could be

limited or students with learning disabilities could be given unfair advantages.[113] As one instructor remarked, "I know that we are legally obligated to provide accommodation 'within reason.' I think it is the 'within reason' that is ambiguous. For some of us in the math department, should we be waiving all math requirements for someone who has a math handicap?"[cccxi] Given this worry, it is worth pausing here to briefly consider disability law. I do so for two reasons: (1) most instructors are not familiar with disability law,[cccxii] and (2) understanding the legal definition of accommodation can help instructors better develop more inclusive courses without altering important learning outcomes.

With regard to education, *reasonable accommodations* are defined in the Americans with Disabilities Act (ADA) as "modifications or adjustments to the tasks, environment or to the way things are usually done that enable individuals with disabilities to have an equal opportunity to participate in an academic program or a job."[cccxiii] By definition, reasonable accommodations are designed not to give any student an unfair advantage; they are meant to create equal access. Hence, instructors should not worry that they may be required to waive requirements. Waiving requirements would not typically be considered a reasonable accommodation because it would allow a certain group of students do to significantly less work. Moreover, it would deny students access to an important educational opportunity and hence would not improve access or equality. Likewise, instructors have a certain amount of academic freedom in implementing

---

[113]Across disciplines, many faculty members do have this attitude toward providing accommodation. See: Jane Jensen, et al., "Trying to Do the Right Thing: Faculty Attitudes toward Accommodating Students with Learning Disabilities," *Journal of Postsecondary Education and Disability* 17:2 (2004): 81-90.

changes. Instructors are allowed to petition that a certain accommodation would either place an "undue burden" upon them or would "fundamentally alter" the nature of the course.[cccxiv] While individual instructors may still believe certain accommodations offer unfair advantages, once instructors come to understand that reasonable accommodations, by definition, are designed to generate parity and that they have a certain amount of freedom in implementing them, instructors can consider how to design a course in a way that both allows for the same level of philosophical rigor and better meets individual students' needs.

Thus, the language of accommodation law pushes instructors to consider questions of access. In attempting to create equally accessible courses, instructors should consider the learning outcomes of the course and how they can help all students reach them. Although the learning outcomes for philosophy courses are likely to differ by course and by instructor, none of these outcomes are likely inherently inaccessible to students with learning disabilities. There are two ways in which learning outcomes may be less accessible to a student with a learning disability: (1) the way in which course content is presented may make it harder for students with a certain learning disability to achieve a certain outcome, and (2) differences in learning style may make it harder for some students with learning disabilities to achieve certain learning outcomes regardless of presentation format. Both of these barriers in access can be overcome with inclusive course design. Notably, the majority of philosophical learning outcomes fall into the former category. Most learning disabilities do not prevent students from being able to

222

"effectively analyze arguments" or "engage in philosophical discussion" for instance.[114]

However, different modes of engagement may make it easier for students with learning disabilities to develop these skills.[cccxv] Regarding the latter barrier to access, while there might be some philosophical skill sets that are harder for students with certain learning disabilities to cultivate due to learning differences, instructors do not need to waive requirements for these students. For instance, as noted earlier, students who struggle with performing mathematical calculations may also struggle with symbolic logic proofs. However, "able to do complex logic proofs" is likely to be an important learning outcome in many logic courses. Thus, like with the math example, the solution is not to come up with an alternative outcome, as that would deny students with learning disabilities access to a key educational opportunity. Instead, instructors ought to consider the ways in which they can help students who have this type of learning difference succeed in the course. In the later sections of this essay, I offer some concrete suggestions for making course material more accessible to students with learning disabilities. However, I now turn to discussing why it is important to move "beyond accommodation." While the language of accommodation law is useful for helping instructors understand the definition of equal access, instructors need to do more than merely provide accommodations on an *ad hoc* basis to ensure equally accessible courses.

---

[114]Inability to develop these skill sets is not typically associated with common learning difficulties. However, it should be kept in mind that many students could have unique conditions that could affect these skill sets.

The Accommodation Model vs. the Accessibility Model

As several scholars have noted, there are two models for creating equality within the classroom: the accommodation model and the accessibility model.[cccxvi] The accommodation model assumes that the majority of courses will be inaccessible to students with learning disabilities and asks students who require special accommodations to register their disability with their student disability office. Officials at student disability offices will then decide what accommodations students are eligible to receive as a result of their impairments. By contrast, the accessibility model focuses on making courses accessible for all students. Thus, in most circumstances, there is no need for students to request accommodations; the course is already accessible to them. As Katie Rose Guest Pryal remarks in *Disability Stories*, "If a space is accessible, that space is always, 100% of the time, welcoming to people with disabilities. People with disabilities do not have to ask for anything. They do not have to prove they have disabilities. They do not have to interact with gatekeepers."[cccxvii]

There are a number of reasons for preferring the accessibility model over the accommodation model. As Pryal notes, university officials act as "gatekeepers." They decide which students get accommodations and what types of accommodation a student can receive, which is problematic for a number of reasons. First, the staff members of student disability offices can vary widely in their ability to properly assess and assist students.[cccxviii] Further, the types of accommodations a university typically offers may not meet a particular student's needs.[cccxix] Second, many students have undiagnosed learning disabilities and these students will lack access under the accommodations model. As

students from poorer communities are more likely to have undiagnosed conditions, this model may also further disadvantage other marginalized groups.[cccxx] Third, even students with learning disabilities who are granted accommodations may elect not use them. When a student requests accommodations, they often have to "come out" about having a learning disability to a professor.[115] Many students fear instructors might judge them harshly or deny their accommodation requests.[cccxxi] Further, some studies suggest that these fears are not unfounded.[cccxxii] Likewise, some students might fear the judgment of their fellow classmates. Some instructors are not good at respecting students' legal right to privacy about their learning disability and some studies suggest that many students are likely to view disability accommodations as unfair.[cccxxiii] Finally, the accommodations model itself generates inaccessibility. As Joseph Stramondo notes, the accommodation model can reproduce "exactly the sort of concrete disadvantage the ADA is meant to relieve. Amidst the chaotic processes of setting up your email account and getting your University ID, adding doctor visits to the list of tasks that need to be achieved before you can even request access to your office or dormitory is a significant disadvantage indeed."[cccxxiv]

Moreover, the accessibility model also has additional advantages beyond avoiding the problems associated with the accommodation model. Many students with learning disabilities have high-level anxiety when entering higher education. Some feel as though

---

[115]Much has been written about the similarities and differences of "coming out" about having a disability and "coming out" about one's sexual identity. I do not wish to claim that the two are analogous. See: Ellen Jean Samuels, "My Body, My Closet: Invisible Disability and the Limits of Coming-out Discourse," *GLQ: A Journal of Lesbian and Gay Studies* 9:1 (2003): 233-255.

they are incapable of performing college-level work due to their learning disability.[cccxxv] Others worry about their ability to perform specific tasks that their learning disability makes difficult, such as writing or performing mathematical calculations.[cccxxvi] Creating an accessible classroom environment can help students to no longer view their learning disability as an immovable barrier stopping them from achieving their educational goals. Since, in an accessible classroom, students will not need to request special accommodations, they will be less likely to view their different style of learning as problematic. Hence, an accessibility model is preferable to an accommodation model. In the following sections, I consider some specific pedagogical techniques that can make philosophy courses more accessible to students with learning disabilities.

Syllabus Accessibility Statements

While creating accessible courses makes it less likely that students will require special accommodations, it is still possible that, even in a well-designed course, some course content may remain inaccessible to some students. Sometimes accommodations may still be needed.[116] Thus, a clear accessibly statement about course access can be useful to students with learning disabilities who may still need to request additional support. Moreover, providing a statement on disability and access offers instructors an opportunity to make themselves more accessible to their students. As one student noted during an interview, "At the beginning of some of my modules, I think one of the lecturers did say

---

[116]Although, when students do request additional accommodations, instructors should reflect on how they can make their courses more accessible so such accommodation is not needed in the future.

'if there are any problems, please tell me about them.' I still didn't take that opportunity! I think that would be helpful. If they put us at ease as well, and made them approachable about our disability."[cccxxvii] The disability statement provides instructors with a chance to create this ease by demonstrating they have at least some understanding of disability policy and are willing to work with disabled students in order to ensure that they have the best opportunity to meet their educational goals.

While universities require that instructors place a statement about disability accommodations on their syllabi, the typical syllabus often fails to reassure students that their disabilities will be reasonably accommodated. The typical syllabus disability statement looks like this:

> The University provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact the Office of Disability Services at XXX-XXXX.

This statement does not give students any information on the instructor's own policies and practices about implementing accommodations or creating an accessible classroom. Nor does it show that the instructor has any awareness of disability law, which will likely leave many disabled students concerned that they will experience the same prejudices and lack of awareness that they face in other classes.[cccxxviii] Thus, students with learning disabilities will be less likely to come forward if they are facing difficulties with the course.

By contrast, an ideal accessibility statement can address the various concerns that students may have about their professor's potential ignorance of or lack of empathy for

the specific needs of students with disabilities. Using some of the work of some philosophers and other scholars of disability,[cccxxix] as well as my own experience as a student with a learning disability, I have developed a list of six key pieces of information I believe a good syllabus statement should contain. While I am cognizant that there may be additional potential concerns about accessibility that a course statement should address, I hope that the following list may still aid instructors developing better policy statements:

1. A good policy statement should give the instructor's personal view about disability and the importance of creating an accessible classroom. Here, the instructor might mention key features of the course that make it universally accessible. Likewise, instructors should emphasize that they view any additional accommodations that may be needed as equalizers rather than as unfair advantages, and they should mention this in the disability policy statement.
2. It should list any specific additional accommodations that the instructor typically grants to students and emphasize an instructor's willingness to go beyond simply providing the accommodations recommended by student disability offices.
3. It should emphasize the instructor's commitment to using as much discretion as possible when providing additional accommodation to a student with a disability.
4. It should state the instructor's awareness of the legal and ethical rights of students with a disability. These include, but are not limited to, a student's right to receive equal educational opportunities, right to refrain from providing the instructor any specific information about their disability, and right to file a complaint if they feel discrimination is occurring.
5. It should include information about what the instructor's expectations are for disabled students. While instructors have a responsibility to create accessible classrooms, they can still provide recommendations for how to help students achieve this goal. For instance, if an instructor has elected to use timed testing as an assessment method, an instructor might use this portion of the disability statement to make clear whether students will be expected to remind the professor that they are eligible for extended time prior to each exam.
6. It should recognize the instructor's willingness to be flexible in implementing policies and their desire to create a dialogue about course accessibility.

While a policy that includes all this information may seem elaborate, the information it provides is useful to students and gives instructors an opportunity to reflect on their understanding of the importance of accessibility, as well as creatively consider how they can best provide accommodation in their courses. I have provided an example of a disability policy statement in Appendix A; however, I encourage instructors to develop statements that are reflective of their personal understanding of accessibility.[117] Likewise, I also encourage instructors to go over the accessibility statement during class. In addition to being beneficial to students whose disability makes it difficult for them to read or comprehend a written statement, verbally providing this information to students allows instructors to have an opportunity to demonstrate their welcoming attitude towards students with disabilities and provide students with a chance to ask questions about the statement.

Presentation of Course Content

While accessibility statements are useful for opening a dialogue with students, it is also essential to incorporate accessibility into course design. The key to creating universally approachable course content is ensuring multiple methods of access. Rather than assuming all students will be able to grasp the material in the same way, instructors should provide a variety of methods to accommodate different learning styles. Organizations like the National Center on Universal Design for Learning provide far

---

[117]For instance, I recognize that some instructors might disagree with my willingness to provide accommodations for students not registered with the university's students with disabilities office.

more strategies for inclusive course content than it is possible to go over here. However, it is worth briefly considering the tenets of universal design and how they might be applied in a philosophy courses. The Higher Education Opportunity Act defines universal design for learning as:

> a scientifically valid framework for guiding educational practice that- (A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.[cccxxx]

In order to achieve this, universal design emphasizes three basic tenets: multiple means of representation, multiple means of strategic engagement, and multiple means of expression.[cccxxxi]

The first tenet encourages instructors to present information in a variety of ways. It suggests that students be given the opportunity to engage with course material through audio, visual, and textual means. For instance, an instructor might suggest students watch a performance of one of Plato's dialogues on *YouTube* or use optical illusions to demonstrate problems with color realism. Alternatively, if an instructor views reading a certain difficult text as essential to achieving an important learning outcome, providing a visual or audio supplement might aid students in accessing the text. For instance, the *PhilosophyTube* video series on YouTube is useful for providing summaries of texts.[cccxxxii] Likewise, the YouTube series *Crash Course* recently did a series of

philosophy videos covering topics ranging from induction to moral luck that may help provide summaries of complex philosophical topics.[cccxxxiii]

The second tenet asks instructors to think critically about how they can engage their students in the material. It urges them to avoid giving long lectures and to invent more novel methods of engagement. Many philosophy instructors have already suggested more creative models of engagement within a philosophy classroom. To provide a few examples, Brett Gaul advocates for hands-on learning activities such as using toy trolleys to help students understand the trolley problem.[cccxxxiv] Theodore Bach has students pick out stories in the newspaper and apply philosophy theory to current events.[cccxxxv] Likewise, while almost cliché by this point, the old activity of demonstrating Plato's allegory of the cave by suddenly moving the class outside still gets students engaged and most remember it vividly years later. I also find it useful to engage students by relating materials to topics with which they are already familiar. For instance, sometimes I use internet memes when introducing certain philosophy topics. I have also compared logic symbols to emojis. In addition to amusing students, I have found that drawing these parallels encourages students to think creatively about the material and eases some of the anxiety students sometimes have when confronted with new material.

The third tenet asks instructors to ensure that students have multiple means of expressing their opinions and understanding of the course content. While I will consider assessment methods in the next section, it is just as important to ensure that students with disabilities do not feel silenced in the classroom as it is to ensure that they have an

opportunity to demonstrate their knowledge of the material. Class discussion may not always be formally graded, but it is vital to student engagement both in the class and in university life more generally.[cccxxxvi] However, students with disabilities frequently struggle to contribute, often either due to low self-confidence or because it generally takes them longer to grasp the material.[cccxxxvii] In order to mitigate this, instructors should ensure that students have a variety of means with which to express their opinions. For instance, some instructors take anonymous clicker polls about controversial topics. This can allow students with disabilities to insert their opinions without having to worry about how they might sound to their classmates. Informal in-class or out-of-class writing assignments serve a similar function. However, instructors should still work to ensure that students with disabilities have equal opportunity to participate in classroom discussion if they so choose. Many students with learning disabilities will require more time to comprehend the course material. Professors can help provide this opportunity for more time through strategies like: supplying students with the class agenda in advance, allowing students an opportunity to write down their thoughts prior to opening discussion, and ensuring that all students have ample time to familiarize themselves with the material prior to discussion.

Obviously, different philosophy courses will vary in terms of the ways they can successfully implement universal design in learning, and instructors will likely continue to come up with creative ways to teach philosophy. While I cannot consider every potential innovation here, it is worth emphasizing that universal design in learning has

been proven to be a successful method of achieving desired learning outcomes for both disabled and non-disabled students.[cccxxxviii] Although they do not consider students with disabilities, both Gaul and Bach report success with their methods within a philosophy classroom.[cccxxxix] While no classroom can be designed to perfectly accommodate all students' needs, providing environments that give all students an opportunity to engage with the course material can get many students with disabilities more engaged and excited about philosophy.

Classroom Technology

Obviously, classroom technology can aid instructors in implementing universal design. Professors can use classroom technology to stream videos, take clicker polls, project comics, and so on. However, there has been a recent backlash against using technology in philosophy classrooms that warrants some brief remarks.[cccxl] Some instructors are starting to move away from using PowerPoint presentations, and many instructors ban the use of laptops and other electronic devices in their courses. While some instructors do allow students who are registered with Student Disability Services to use their laptops, this policy effectively "outs" students who have disabilities to the rest of the class. Moreover, such a policy goes against the tenets of universal design. Instructors who ban laptops and refuse to use PowerPoint are limiting methods of access rather than trying to create new methods of access.

Instructors are often motivated to implement such bans after reading studies that suggest the ineffectiveness of PowerPoint presentations or the detriments of allowing

233

laptops. However, as Rick Godden and Anne-Marie Womack note in a *Digital Pedagogy Lab* article "mandating a universal use of tools does not plan for diversity in the classroom but rather treats it as an afterthought. There are several normalizing leaps involved in moving from '65% of students succeed with this tool' to 'all students must use this tool to succeed.'"[cccxli] Thus, while banning laptops or not using PowerPoint and may create a more effective learning environment for some students, they can make courses less accessible to others and thereby unfairly discriminate against students who learn better through alternative methods.

Moreover, there are other ways for instructors to better engage their students without banning any methods of access. If instructors are concerned students may become distracted if they are allowed to use laptops, they can incorporate daily assignments designed to assess lecture comprehension, such as a short writing assignment or a daily quiz. Likewise, if an instructor is concerned that a PowerPoint presentation will bore students, the instructor can work to develop a more engaging PowerPoint design or elect to break-up the presentation with in-class activities. Rather than assuming we always know the best way to engage all students, it is important to offer them a variety of methods of engagement. As Godden and Womack note, accessible spaces are spaces that "our students need to be invited into, rather than be treated as the recipients of, 'best practice' authoritative models of teaching practice."[cccxlii] If we limit technology, we assume that we always know the best method of access for all of our students. As such,

we run the risk of ignoring the amount of diversity within the student population and may alienate many students with learning disabilities.

Learning Assessments

As noted above, inclusive design encourages instructors to provide students with multiple means of demonstrating their competency in the subject matter. As with other areas of course design, overall assessment methods that do not require students with disabilities to ask for special accommodations offer some advantages. In addition to building the confidence of disabled students and ensuring students who elect not to disclose their disability still receive an equal assessment measure, inclusive assessment design can provide the professor with an opportunity to reflect on the course's desired learning outcomes and perhaps come up with better methods for assessing whether students have met them. Some alternative methods of assessment that have been suggested for philosophy courses have included group work, oral debates, keeping philosophical journals, encouraging students to pursue artistic projects, and even sometimes allowing students to grade their own work.[118] While all of the methods of assessment can be effective, their effectiveness can vary depending on context. A student with dyslexia may excel in an oral debate, whereas a student with a speech pathology likely will not. Hence, in order to give all students a chance to be fairly assessed, instructors should employ more than one type of assessment method and remain flexible about how assessments are

---

[118]See the *American Association of Philosophy Teachers Studies in Pedagogy* and *Teaching Philosophy* for many excellent examples.

implemented. In some cases, if a learning outcome could be assessed in a number of ways, the instructor might suggest that all students, both with and without learning disabilities, pick the method of assessment that they feel would give them the best opportunity to demonstrate their competency.

However, instructors do not always need to employ unorthodox methods of assessment to ensure that students with disabilities have a chance to succeed. Making slight modifications to the two most traditional methods of assessment, exams and essays, can also create equal opportunity. Moreover, these methods help students develop important career skills such as the ability to synthesize information, organize their thoughts, and write at a professional level. Hence, we might deny students with disabilities important educational opportunities if we always present them with alternative methods of assessment.

One of the most common accommodations for students with disabilities is extended time on exams. However, at least in philosophy courses, there does not seem to be any pedagogical benefit to limiting the time a student is allowed for an exam. Most exams in philosophy are designed to measure a student's comprehension of a philosophical idea (e.g., "how does Aristotle define 'virtue?'"), ability to critically analyze one or more philosophical perspectives (e.g., "provide two criticisms of utilitarianism"), or some combination of the two. However, without access to an outside source, a student's comprehension of a piece of a philosophy is not likely to change over any duration of exam time. Likewise, there is no clear educational benefit to asking

236

students to perform critical analysis within a given time frame. Outside of introductory level undergraduate courses, quick thinking is not a skill philosophers value, nor does it seem to be reflective of the skill set that we feel it important to teach students who do not go on to major in philosophy.[119] Most of us take months, sometimes years, to write our best pieces of philosophical work. Likewise, most instructors encourage their students to carefully consider all perspectives of a philosophical issue before forming their own conclusion. Moreover, when we grade the standard blue book, the student who finishes the fastest rarely receives the highest grade. This seems to suggest that when we evaluate student responses, we are not evaluating their ability to think quickly, but rather the depth of their analysis. Hence, since we are looking for well-considered responses, we should provide students with as much time as they need to develop their answers. Untimed exams would allow students with disabilities to test in a normal classroom setting and allow students who felt uncomfortable disclosing their disability with the additional time that they require without fundamentally altering what the exam was intended to assess.[120]

---

[119]While sometimes "quick thinking" is a useful skill at philosophical conferences, I think most of us will admit conference discussion is not representative of our best work.

[120]Some might argue that timed exams teach students important time management skills. However, untimed exams still offer this benefit. Students still face consequences for taking too long on untimed exams. If they take too long, students may become fatigued and may produce worse results. Likewise, most students likely have after-class activities or obligations that they will miss if they take too long on their exam. Thus, most students will still be motivated to manage their time effectively. Likewise, some might worry that providing their students with unlimited time places too much of a burden on the instructor. Instructors have obligations outside of work and cannot sit around forever while students complete their exams. However, at least in my own experience, I have found that the vast majority of students are able to finish untimed exams within a reasonable time frame. Moreover, on the rare cases when it presents problem, an instructor can always enlist a backup exam proctor.

While students with disabilities are not generally granted special accommodations for essay assignments, writing is a source of anxiety for many students with disabilities.[cccxliii] Moreover, many learning disabilities such as dysgraphia, dyslexia, and attention deficit disorder can affect a student's ability to write. Common problems for students with disabilities include difficulty transferring thoughts into written word, inability to write quickly, poor understanding of grammar, and general frustration with the writing process.[cccxliv] While the ability to produce strong philosophical writing is a desired outcome of most philosophy courses, well-oriented instructors should be aware that students with disabilities may struggle to express their philosophical abilities on paper.

There are a number of ways to mitigate these concerns. When explaining how to write philosophical papers, I always remark on how much students already know about composition. Most college students are active on several social media platforms and many rely on texting as their primary form of long distance communication. Hence, they compose every day. Moreover, each of the platforms they use has different rules (e.g., Twitter has a character limit, whereas Facebook does not; emoticons are used to convey tone; "chat speak" is only acceptable in certain contexts, etc.). Then, I go on to point out that learning how to properly write academic philosophy is simply learning a new set of composition rules. They have already learned how to write in other contexts, so they can learn to write a college level paper. I find this helps students come to view formal writing as more accessible and ease the writing anxiety some students may have.

Another way to mitigate the additional burden some disabled students face when writing is to require multiple drafts. For instance, some instructors require that students turn in a rough draft of a paper and then rewrite a final version based on the instructor's comments. Only the final draft is graded. This allows instructors an opportunity to aid students who struggle with academic writing by providing additional feedback. Likewise, it gives instructors opportunities to direct students to additional campus resources, such as a writing center. Moreover, requiring multiple drafts can provide benefits to all students.[cccxlv] As a technique, process writing, or requiring students to rewrite, is likely to be incredibly effective at improving student writing for students both with and without disabilities. Personally, I have also found that requiring multiple drafts gets my students to produce better pieces of philosophy. Asking for revisions requires students to critically evaluate their arguments, consider potential flaws in thinking, grapple with additional counter examples, and more precisely express their point of view. Thus, it should not only be considered a good inclusive pedagogical technique, but also an essential tool for teaching philosophy.

Instructor/Student Relations

Studies have suggested developing a good relationship with instructors is essential for student success in higher education.[cccxlvi] While instructors should work to develop an inclusive classroom environment, given the complexity of the lived experiences of disabled students, it is likely that many of them will have specific concerns and academic needs that they will want to discuss with instructors. Hence, it is important for instructors

to work to cultivate good academic relationships with their students. By both remaining aware of the additional difficulties students with disabilities face and admitting the limitations of their understanding as an educator, instructors can more effectively communicate with disabled students and better allow students to trust that they are supportive of their success.

In order to build trust with individual students, it is important for instructors to demonstrate their empathy and awareness of the difficulties students might face. For instance, I often make a point of mentioning my own disabilities to students who come forth with accommodation concerns. This helps them to view me as a potential ally rather than a barrier.[121] Likewise, I try to remind students that I am aware of struggles that occur in a philosophy classroom. I acknowledge that tasks such an examining argument structure, engaging with old texts, or writing a persuasive essay can be difficult and sometimes frustrating. Then, I remind the students of the purpose of the assignment and propose potential strategies that might aid the students in fulfilling it. This allows students to understand that I am not trying to stand in the way of their success and may encourage students with disabilities to come forward if they are facing additional problems completing an assignment. Other ways of demonstrating empathic concern might include asking students whether they think an assessment measure is fair, being

---

[121]The decision to "come out" to students about having a disability is a personal choice. I do not mean to suggest that any instructor is obligated to inform students of their disability.

240

understanding when a student asks for an extension on an assignment, and offering to help students outside of class if they need additional support.

In addition to being empathic, instructors should also acknowledge that they are ignorant about many aspects of disabled students' lives and avoid any type of overly paternalistic intervention. While many new university students with disabilities are still learning how to negotiate their disability within a college classroom, they still often have more insight into the nature of their disability and how to accommodate it than the instructor.[122] Instructors should be cognizant of this when discussing potential accommodations with students. While instructors have a right to refuse accommodation proposals that would fundamentally alter the nature of the course, they should not insist that students have certain accommodations or remain inflexible about the type of accommodation that they are willing to provide. Likewise, instructors should recognize that, no matter how inclusive a classroom environment they create, some students will still fail to seek additional support for their learning difference. While this can be frustrating, instructors should work to accept that there are still a wide variety of understandable reasons why a student may elect not to disclose a disability which have nothing to do with the design of the course. Regardless of classroom environment, students with disabilities still face enormous amounts of social stigma and may lack additional university support. Additionally, it may be important to many students to at

---

[122]For further discussion, see Patricia Dunn's *Learning Re-Abled: The Learning Disability Controversy and Composition Studies* Boynton/Cook Publishers (1995).

least attempt to navigate university as a "normal" student without requiring any special support.[cccxlvii] In order to maintain a good working relationship with disabled students, instructors should respect their right to not disclose their condition and provide them with the same respect and assistance they provide to non-disabled students.

Conclusion

Philosophy courses teach important critical thinking skills which are useful to all students. To deny a minority group access to a philosophical education would thus be unethical. Moreover, the potential contributions individuals with disabilities could make to the field of philosophy should not be overlooked. Many of us were inspired to become professional professors because we found a particular undergraduate philosophy course engaging. By providing and employing more inclusive pedagogical techniques, we can encourage more people with learning disabilities to become a part of the philosophical community and thereby help ensure that philosophy continues to grow as a discipline. While I recognize the recommendations I have provided here are not enough to eradicate discrimination against students with learning disabilities, I hope that the above analysis will increase awareness and encourage instructors to critically examine their teaching practices and work to create more accessible classrooms.

ccxcv"Nearly 1 in 5 People Have a Disability in the U.S., Census Bureau Reports," last modified July 25th 2012, https://www.census.gov/newsroom/releases/archives/miscellaneous/cb12-134.html.

ccxcviAllison Lombardi, Christopher Murray, and Bryan Dallas, "University Faculty Attitudes toward Disability and Inclusive Instruction: Comparing Two Institutions," *Journal of Postsecondary Education and Disability* 26, no. 3 (2013): 221-232.

ccxcviiAmerican Philosophical Association, "Member Demographics," http://www.apaonline.org/?demographics.

ccxcviiiSee, for example, Shelley Tremain, ed., "Improving Feminist Philosophy and Theory By Taking Account of Disability," Special Issue, *Disability Studies Quarterly*, 33, no. 4 (2013), http://dsq-sds.org/issue/view/108.

ccxcixSee, for example, John W. Maag and Robert Reid, "Depression among Students with Learning Disabilities: Assessing the Risk," *Journal of Learning Disabilities* 39:1 (2006): 3-10, and Julia M. Carroll and Jane E. Iles, "An Assessment of Anxiety Levels in Dyslexic Students in Higher Education," *British Journal of Educational Psychology*, 76:3 (2006): 651-662.

cccZara Bain, "Accessing Philosophy: On Disability and Academic Philosophy," *Discrimination and Disadvantage,* http://philosophycommons.typepad.com/disability_and_disadvanta/2016/03/accessing-philosophy-on-disability-and-academic-philosophy.html.

ccciTom Shakespeare and Nicholas Watson, "The Social Model of Disability: An Outdated Ideology?", In *Exploring Theories and Expanding Methodologies: Where We Are and Where We Need to Go* (Emerald Group Publishing Limited, 2001), 9-28.

ccciiRay Aldred, "Dialogues on Disability: Shelley Tremain interviews Ray Aldred," *Discrimination and Disadvantage,* http://philosophycommons.typepad.com/disability_and_disadvanta/2015/09/dialogues-on-disability-shelley-tremain-interviews-ray-aldred.html.

ccc/iiiSally M. Reis and Terry W. Neu, "Factors Involved in the Academic Success of High Ability University Students with Learning Disabilities," *Journal of Secondary Gifted Education* 5:3 (1994): 60-74.

ccci vShakespeare and Watson, "The Social Model of Disability."

cccvMary Fuller, Andrew Bradley, and Mick Healey, "Incorporating disabled students within an inclusive higher education environment," *Disability & Society* 19:5 (2004): 455-468.

cccviShalia Rao, "Faculty attitudes and students with disabilities in higher education: A literature review," *College Student Journal* 38:2 (2004): 191-199. Note: Rao's review also reported that some studies showed no differences between the attitude of male and female faculty. Likewise, some reports suggested less attitude variation across disciplines. However, a greater number of studies show gender and field disparities.

cccviiIbid.

cccviiiJayne Beilke and Nina Yssel, "The chilly climate for students with disabilities in higher education," *College Student Journal* 33:3 (1999): 364-364. Note: They did not apply their analysis to philosophy instructors.

cccixSarah-Jane Leslie, et al., "Expectations of brilliance underlie gender distributions across academic disciplines," *Science* 347: 6219 (2015): 262-265.

cccxEric Schliesser "On boy-wonders in philosophy," *New APPS: Art, Politics, Philosophy, Science,* http://www.newappsblog.com/2013/09/on-boy-wonders-in-philosophy.html.

cccxiSheryl Burgstahler and Tanis Doe, "Improving Postsecondary Outcomes for Students with Disability: Designing Professional Development for Faculty," *Journal of Postsecondary Education and Disability* (2006): 17.

cccxiiAnne Thompson, Leslie Bethea, and Jennifer Turner, "Faculty Knowledge of Disability Laws in Higher Education: A Survey," *Rehabilitation Counseling Bulletin* 40:3 (1997): 166-80.

cccxiiiU.S. Department of Education (2007). "Appendix IV: Reasonable Accommodations and the ADA," in *Disability Employment 101,* https://www2.ed.gov/about/offices/list/osers/products/employmentguide/appendix-4.html.

cccxivAmericans with Disabilities Act of 1990. Public Law 101-336. 108th Congress, 2nd session, July 26th, 1990.

cccxvHeiman and Precel. "Students with Learning Disabilities in Higher Education: Academic Strategies Profile."

cccxviGeorgios Kouroupetroglou, Alexandros Pino, and Hermisa Kacorri, "A Model of Accessibility Services Provision for Students with Disabilities in Higher Education," *Proceedings of the International Conference Universal Learning Design*, vol. 8 (2011): 11; Patricia Silver, Andrew Bourke, and K. C. Strehorn, "Universal Instructional Design in Higher Education: An Approach for Inclusion," *Equity & Excellence* 31:2 (1998): 47-51.

cccxviiKatie Pryal, "Can You Tell the Difference Between Accommodation and Accessibility?", *Disability Stories,* https://medium.com/disability-stories/can-you-tell-the-difference-between-accommodation-and-accessibility-7a7afd9dacd7.

cccxviiiKristi Wilson, Elizabeth Getzel, and Tracey Brown, "Enhancing the Post-secondary Campus Climate for Students with Disabilities," *Journal of Vocational Rehabilitation* 14:1 (2000): 37-50.

cccxixIbid.

cccxxCraig S Lerner, "Accommodations for the Learning Disabled: A Level Playing Field or Affirmative Action for Elites?", *Vanderbilt Law Review* 57 (2004): 1043.

cccxxiBurgstahler and Doe "Improving Postsecondary Outcomes."

cccxxiiJensen, et al., "Trying to Do the Right Thing."

cccxxiiiRamona Paetzold, et al., "Perceptions of People with Disabilities: When is Accommodation Fair?", *Basic and Applied Social Psychology* 30:1 (2008): 27-35.

cccxxivJoseph Stramondo, "The Medicalization of Reasonable Accommodation," *Discrimination and Disadvantage*, http://philosophycommons.typepad.com/disability_and_disadvanta/2015/01/the-medicalization-of-reasonable-accommodation-in-higher-education.html.

cccxxvJulia Carroll and Jane Iles, "An Assessment of Anxiety Levels in Dyslexic Students in Higher Education," *British Journal of Educational Psychology* 76:3 (2006): 651-662.

cccxxviElizabeth Evans Getzel and Colleen A. Thoma, "Experiences of College Students with Disabilities and the Importance of Self-determination in Higher Education Settings," *Career Development for Exceptional Individuals* 31:2 (2008): 77-84.

cccxxviiFuller, Bradley, and Healey, "Incorporating Disabled Students," 466.

cccxxviiiJensen, et al. "Trying to Do the Right Thing", 83-84.

cccxxixTara Wood and Shannon Madden, "Suggested Practices for Syllabus Accessibility Statements," *PraxisWiki,* http://kairos.technorhetoric.net/praxis/tiki-index.php?page=Suggested_Practices_for_Syllabus_Accessibility_Statements; Shelly Tremain, "Revisiting Accessibility Statements: What Are They For and What Do They Do?", *Discrimination and Disadvantage,* http://philosophycommons.typepad.com/disability_and_disadvanta/2016/08/revisiting-accessibility-statements-what-are-they-for-and-what-can-they-do.html.

cccxxxHigher Education Opportunity Act of 2008: Pub L No 110-315, §103(a) (24) (2008).

cccxxxiDavid H. Rose and Anne Meyer, *A Practical Reader in Universal Design for Learning*, Harvard Education Press (2006).

cccxxxii'Olly'. "PhilosophyTube". First filmed May 31st, 2013 See: https://www.youtube.com/user/thephilosophytube.

cccxxxiiiRuth Tallman, et al. "CrashCourse." First filmed February 8, 2016, https://www.youtube.com/playlist?list=PL8dPuuaLjXtNgK6MZucdYldNkMybYIHKR.

cccxxxivBrett Gaul, "Developing Hands-On Learning Activities for Philosophy Courses," *American Association of Philosophy Teachers Studies in Pedagogy* 1:1 (2015).

cccxxxvTheodore Bach, "Going Live: On the Value of a Newspaper-Centered Philosophy Seminar," *American Association of Philosophy Teachers Studies in Pedagogy* 1:1 (2015).

cccxxxviLisa M.W. DaDeppo, "Integration Factors Related to the Academic Success and Intent to Persist of College Students with Learning Disabilities," *Learning Disabilities Research & Practice* 24:3 (2009): 122-131.

cccxxxviiIbid.

cccxxxviiiRose and Meyer, "A Practical Reader in Universal Design for Learning"; Elizabeth Getzel, "Addressing the Persistence and Retention of Students with Disabilities in Higher Education: Incorporating Key Strategies and Supports on Campus," *Exceptionality* 16:4 (2008): 207-219.

cccxxxixGaul, "Developing Hands-On Learning Activities for Philosophy Courses"; Bach, "Going Live."

cccxlBent Meir Sorensen, "Let's Ban PowerPoint in Lectures," *The Conversation,* http://theconversation.com/lets-ban-powerpoint-in-lectures-it-makes-students-more-stupid-and-professors-more-boring-36183; Alva Noe, "Should Teachers Ask Students to Check Their Devices at The Classroom Door?", *Cosmos and Culture,* http://www.npr.org/sections/13.7/2016/08/05/488803998/should-teachers-ask-students-to-check-their-devices-at-the-classroom-door.

cccxliRichard Godden and Anne-Marie Womack, "Making Disability Part of the Conversation," *Hybrid Pedagogy* 12 (2016).

cccxliiIbid.

cccxliiiCarroll and Iles, "An Assessment of Anxiety Levels."

cccxlivSteve Graham and Karen R. Harris. "Students with Learning Disabilities and the Process of Writing: A Meta-analysis of SRSD Studies," in *Handbook of Learning Disabilities,* ed. H. Lee Swanson, Karen R. Harris, and Steve Graham (New York, NY, US: Guilford Press, 2003), 323-344.

cccxlvKwangsu Cho and Christian D. Schunn. "Scaffolded Writing and Rewriting in the Discipline: A Web-based Reciprocal Peer Review System," *Computers & Education* 48:3 (2007): 409-426.

cccxlviElizabeth Evans Getzel, "Addressing the Persistence and Retention of Students with Disabilities in Higher Education: Incorporating Key Strategies and Supports on Campus," *Exceptionality* 16, no. 4 (2008): 207-219; DaDeppo, "Integration Factors."

cccxlviiElizabeth Evans Getzel and Colleen Thoma, "Experiences of College Students with Disabilities."

Appendix A

Disability and Accessibility Statement

I remain committed to making this course accessible to all students. I have clearly outlined the learning goals for this course and have developed a variety of methods for both presenting course content and assessing student outcomes. However, I recognize that sometimes students may still need additional accommodations in order to access course content and achieve their desired learning outcomes. If a student requires additional accommodation, I encourage them to talk with me. I believe all students have both a moral and legal right to have an equal opportunity to achieve their desired learning outcomes and thereby view accommodations as important for achieving parity. Please note that you do not have to be registered with Student Disability Services in order for me to consider your accommodation request. I will consider accommodation for any student who feels portions of the course are inaccessible to them. However, I encourage all students who are eligible to utilize additional resources available at Student Disability Services. Many students may require accommodations that are unique to them. While I have typically granted requests for assignment extensions and additional online resources, I will not dismiss any request simply to its specificity. Likewise, should you require additional accommodation, I will make every attempt to provide it as discretely as possible. You have a legal and ethical right to privacy that I will make every attempt to protect. If at any point in the course you feel that you are experiencing unjust discrimination, you may inform me, make a report with one of the TAs, or file a claim with Student Disability Services.

Bibliography

Adams, Robert Merrihew. A Theory of Virtue: Excellence in Being for the Good. Oxford: Clarendon Press, 2009.

Aldred, Ray. "Dialogues on Disability: Shelley Tremain Interviews Ray Aldred." By Shelley Tremain. Discrimination and Disadvantage, September 16, 2015. http://philosophycommons.typepad.com/disability_and_disadvanta/2015/09/dialogues-on-disability-shelley-tremain-interviews-ray-aldred.html.

American Philosophical Association. "Member Demographics." Accessed September 1, 2016. http://www.apaonline.org/?demographics.

American Psychiatric Association. *Diagnostic and statistical manual of mental disorders* (5th ed.). American Psychiatric Publishing, 2013.

Americans with Disabilities Act of 1990. Public Law 101-336. 108th Congress, 2nd session (July26, 1990). https://www.ada.gov/pubs/adastatute08.pdf.

Andrews, Kirsten, Rowena Rossiter, Shona Daynes, Alison Goodwill, and Anna Preston. "Emotion Management for People with Severe Learning Disabilities." Learning Disability Practice 13, no. 1 (2010): 32-35. doi:10.7748/ldp2010.02.13.1.32.c7544.

Anscombe, Gertrude Elizabeth Margaret. Intention. Cambridge (Mass.): Harvard University Press, 2000.

Arpaly, Nomy. "Moral Worth and Normative Ethics." Oxford Studies in Normative Ethics, Volume 5, 2015, 86-105. doi:10.1093/acprof:oso/9780198744665.003.0005.

Arpaly. Unprincipled Virtue. Oxford University Press, 2002.

Bach, Theodore. "Going Live: On the Value of a Newspaper-Centered Philosophy Seminar." American Association of Philosophy Teachers: Studies in Pedagogy 1 (2015): 191-200.

Bain, Zara. "Accessing Philosophy: On Disability and Academic Philosophy." Discrimination and Disadvantage (web log), March 07, 2016. http://philosophycommons.typepad.com/disability_and_disadvanta/2016/03/accessing-philosophy-on-disability-and-academic-philosophy.html.

Barnes, Elizabeth. *The Minority Body: A Theory of Disability*. Oxford University Press, 2016.

Barnes, Elizabeth, interview by Michael Chilton. *PhilonoUS Undergraduate Journal of Philosophy* 1, vol. 2 (2016): 73-74.

Beilke, Jayne R., and Nina Yssel. "The Chilly Climate for Students with Disabilities in Higher Education." College Student Journal 33, no. 3 (1999): 364-364.

Bérubé, Michael. "Equality, Freedom, and/or Justice for All: A response to Martha Nussbaum." *Metaphilosophy*, 40 (2009): 352-365.

Burgstahler, Sheryl, and Tanis Doe. "Improving Postsecondary Outcomes for Students with Disabilities: Designing Professional Development for Faculty." Journal of Postsecondary Education and Disability 17 (2006).

Blue Valentine. Directed by Derek Cianfrance. Performed by Ryan Gosling and Michelle Williams. The Weinstein Company, 2010.

Bramer, Marilea. "The Importance of Personal Relationships in Kantian Moral Theory: A Reply to Care Ethics." Hypatia 25, no. 1 (2010): 121-39. doi:10.1111/j.1527-2001.2009.01087.x.

Bubeck, D. Care, Gender, and Justice. Oxford: Oxford University Press, 1995.

Burroughs, Michael D., and Deborah Tollefsen. "Learning To Listen: Epistemic Injustice And The Child." Episteme 13, no. 3 (2016): 359-77. doi:10.1017/epi.2015.64.

Card, Claudia. "Caring and Evil." Hypatia 5, no. 1 (1990): 101-08. doi:10.1111/j.1527-2001.1990.tb00393.x.

Carroll, Julia M., and Jane E. Iles. "An Assessment of Anxiety Levels in Dyslexic Students in Higher Education." British Journal of Educational Psychology 76, no. 3 (2006): 651-662.
Carlson, Licia. *The Faces of Intellectual Disability: Philosophical Reflections.* Bloomington: Indiana University Press, 2010.

Chapman, Robin S., Elizabeth Kay-Raining Bird, and Scott E. Schwartz. "Fast Mapping of Words in Event Contexts by Children with Down Syndrome." Journal of Speech and Hearing Disorders 55, no. 4 (1990): 761-70. doi:10.1044/jshd.5504.761.

Cho, Kwangsu, and Christian D. Schunn. "Scaffolded Writing and Rewriting in the Discipline: A Web-based Reciprocal Peer Review System." Computers & Education 48, no. 3 (2007): 409-426.

Clair, Michelle C., Kevin Durkin, Gina Conti-Ramsden, and Andrew Pickles. "Growth of reading skills in children with a history of specific language impairment: The role of autistic symptomatology and language-related abilities." *British Journal of Developmental Psychology* 28, no. 1 (2010): 109-131.

Cognitive Disability and Its Challenge to Moral Philosophy. Edited by Eva Feder Kittay and Licia Carlson. Wiley-Blackwell, 2010.

Crisp, Roger. "Compassion and Beyond." Ethical Theory and Moral Practice 11, no. 3 (2008): 233-46. doi:10.1007/s10677-008-9114-x.

Cunningham, Cliff, and Sheila Glenn. "Self-awareness in young adults with Down syndrome: I. Awareness of Down syndrome and disability." *International Journal of Disability, Development and Education* 51, no. 4 (2004): 335-361.

Darley, John M., and C. Daniel Batson. ""From Jerusalem to Jericho": A Study of Situational and Dispositional Variables in Helping Behavior." Journal of Personality and Social Psychology 27, no. 1 (1973): 100-08. doi:10.1037/h0034449.

Darwall, Stephen L. The Second-person Standpoint: Morality, Respect, and Accountability. Cambridge, MA: Harvard University Press, 2009.

Daugherty, P. *An Uncomplicated Life: A Father's Memoir of His Exceptional Daughter*. William Morrow, 2015.

Davidson, Donald. "Actions, Reasons, and Causes." Essays on Actions and Events, 2001, 3-20. doi:10.1093/0199246270.003.0001.

Davidson, Donald. "Rational Animals." Dialectica 36, no. 4 (1982): 317-27. doi:10.1111/j.1746-8361.1982.tb01546.x.

DaDeppo, Lisa M.W. "Integration Factors Related to the Academic Success and Intent to Persist of College Students with Learning Disabilities." Learning Disabilities Research & Practice 24, no. 3 (2009): 122-131.

Dohmen, Josh. "A Little of Her Language." *Res Philosophica* 93, 4 (2016): 669-691.

Dreier, James. "Accepting Agent Centred Norms: A Problem for Non-cognitivists and a Suggestion for Solving It." Australasian Journal of Philosophy 74, no. 3 (1996): 409-22. doi:10.1080/00048409612347401.

Driver, Julia. Uneasy Virtue. Cambridge: Cambridge University Press, 2006.

Dummett, Michael A. E. The Seas of Language. Oxford: Clarendon Press, 2011.

Dunn, Patricia A. Learning Re-Abled: The Learning Disability Controversy and Composition Studies. Boynton/Cook Publishers, 1995.

Dworkin, Gerald. "Acting Freely." Noûs 4, no. 4 (1970): 367. doi:10.2307/2214680.

Emma. "Actors with Learning Disabilities Perform Shakespeare's Hamlet." BBC - The Ouch! Blog. Accessed June 05, 2019. https://www.bbc.co.uk/blogs/ouch/2012/05/actors_with_learning_disabilit.html.

Emerson, Eric. "Prevalence of Psychiatric Disorders in Children and Adolescents with and without Intellectual Disability." Journal of Intellectual Disability Research 47, no. 1 (2003): 51-58.

Engster, Daniel. The Heart of Justice: Care Ethics and Political Theory. Oxford: Oxford University Press, 2009.

Fleischmann, Arthur and Fleischmann, Carly. *Carly's Voice: Breaking Through Autisim.* Touchstone, 2012.

Frankfurt, Harry G. The Importance of What We Care About: Philosophical Essays. Cambridge: Cambridge Univ. Press, 2009.

Fricker, Miranda. *Epistemic Injustice: Power and the Ethics of Knowing*. Clarendon Press, 2007.

Friedman, Marilyn A. "Autonomy And The Split-Level Self." The Southern Journal of Philosophy 24, no. 1 (1986): 19-35. doi:10.1111/j.2041-6962.1986.tb00434.x.

Fritz, Dana. "The Crisis of Autism: An Autistic Person Examines Husserl." Proceedings of the Southeast Philosophy Congress 8 (2015): 3-14.

Fuller, Mary, Andrew Bradley, and Mick Healey. "Incorporating Disabled Students within an Inclusive Higher Education Environment." Disability & Society 19, no. 5 (2004): 455-468.

Gaul, Brett. "Developing Hands-On Learning Activities for Philosophy Courses." American Association of Philosophy Teachers: Studies in Pedagogy 1 (2015): 169-78.

Geiger, Diane M., David T. Smith, and Nancy A. Creaghead. "Parent and Professional Agreement on Cognitive Level of Children with Autism." Journal of Autism and Developmental Disorders 32, no. 4 (2002): 307-12.

Getzel, Elizabeth Evans. "Addressing the Persistence and Retention of Students with Disabilities in Higher Education: Incorporating Key Strategies and Supports on Campus." Exceptionality 16, no. 4 (2008): 207-219.

Getzel, Elizabeth Evans, and Colleen A. Thoma. "Experiences of College Students with Disabilities and the Importance of Self-determination in Higher Education Settings." Career Development for Exceptional Individuals 31, no. 2 (2008): 77-84.

Gilligan, Carol. In a Different Voice: Psychological Theory and Womens Development. Cambridge, MA: Harvard University Press, 1982.

Gilmore, Linda, Jennifer Campbell, and Monica Cuskelly. "Developmental expectations, personality stereotypes, and attitudes towards inclusive education: Community and teacher views of Down syndrome." *International Journal of Disability, Development and Education* 50, no. 1 (2003): 65-76.

Ginet, Carl. On Action. Cambridge U.a.: Cambridge Univ. Pr., 2009.

Glascoe, Frances Page. "It's Not What It Seems: The Relationship between Parents' Concerns and Children with Global Delays." Clinical Pediatrics 33, no. 5 (1994): 292-96. doi:10.1177/000992289403300507.

Godden, Rick, and Anne-Marie Womack. "Making Disability Part of the Conversation." Digital Pedagogy Lab. May 12, 2016. http://www.digitalpedagogylab.com/hybridped/making-disability-part-of-the-conversation/.

Gradel, Kathleen, Max S. Thompson, and Robert Sheehan. "Parental and Professional Agreement in Early Childhood Assessment." Topics in Early Childhood Special Education, 1981.

Graham, Steve, and Karen R. Harris. "Students with Learning Disabilities and the Process of Writing: A Meta-Analysis of SRSD Studies." In Handbook of Learning

Disabilities. Edited by H. Lee Swanson, Karen R. Harris, and Steve Graham. New York, NY, US: Guilford Press, 2003.

Grasswick, Heidi. "Feminist Social Epistemology," in *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. The Metaphysics Research Lab, 2013.

Greco, John, and John Turri. Virtue Epistemology: Contemporary Readings. Cambridge, MA: MIT Press, 2012.

Greenswag, Kari. "The Problem with "Caring" Human Rights." Hypatia 32, no. 4 (2017): 801-16. doi:10.1111/hypa.12357.

Hacking, Ian. "How we have been learning to talk about autism: A role for stories." *Metaphilosophy* 40, no. 3-4 (2009): 499-516.

Hacking, Ian. "Humans, aliens & autism." *Daedalus* 138, no. 3 (2009): 44-59.

Haddon, Mark. *The Curious Incident of the Dog in the Night Time*. Vintage, 2003.

Hamington, Maurice. "The Ethics of Care and Empathy. By MICHAEL SLOTE." Hypatia 24, no. 1 (2009): 196-99. doi:10.1111/j.1527-2001.2009.00013_5.x.

Harris, James. "Developmental Perspective on the Emergence of Moral Personhood." In Cognitive Disability and Its Challenge to Moral Philosophy, edited by Eva Feder Kittay and Licia Carlson, 55-73. Malden (Mass.): Wiley-Blackwell, 2010.

Held, Virginia. The Ethics of Care: Personal, Political, and Global. New York: Oxford University Press, 2007.

Higashida, Naoki. *Fall Down 7 Times Get Up 8: A Young Man's Voice from the Silence of Autism*. Translated by KA Yoshida and David Mitchell. Random House, 2017.

Higher Education Opportunity Act of 2008: Pub L No 110-315 (2008).

Heiman, Tali, and Karen Precel. "Students with Learning Disabilities in Higher Education: Academic Strategies Profile." Journal of Learning Disabilities 36 no. 3 (2003): 248-58.

Hookway, Christopher. "Some varieties of epistemic injustice: Reflections on Fricker." *Episteme* 7, no. 2 (2010): 151-163.

Hopkins, Laurence. "The Path of Least Resistance: A Voice-Relational Analysis of Disabled Students' Experiences of Discrimination in English Universities." International Journal of Inclusive Education 15, no. 7 (2011): 711-727.

Howe, Nina, Sandra Della Porta, Holly Recchia, and Hildy Ross. ""Because If You Don't Put the Top On, It Will Spill": A Longitudinal Study of Sibling Teaching in Early Childhood." Developmental Psychology 52, no. 11 (2016): 1832-842. doi:10.1037/dev0000193.

Hurley, S. "Making Sense of Animals." In Rational Animals?, edited by S. Hurley and M. Nudds, 139-71. New York, NY: Oxford University Press, 2006.

Ichikawa, Jonathan Jenkins and Steup, Matthias. "The Analysis of Knowledge," in *The Stanford Encyclopedia of Philosophy*, edited by edited by Edward N. Zalta. The Metaphysics Research Lab, 2018.

Jaggar, Alison M. "Love and Knowledge: Emotion in Feminist Epistemology." Inquiry 32, no. 2 (1989): 151-76. doi:10.1080/00201748908602185.

Jensen, Jane McEldowney, Nancye McCrary, Kristina Krampe, and Justin Cooper. "Trying to Do the Right Thing: Faculty Attitudes toward Accommodating Students with Learning Disabilities." Journal of Postsecondary Education and Disability 17, no. 2 (2004): 81-90.

Kant, Immanuel. Grounding for the Metaphysics of Morals. Translated by James W. Ellington. Indianapolis, IN: Hackett Pub., 1981.

Kasari, Connie, Stephanny FN Freeman, and Wendy Bass. "Empathy and Response to Distress in Children with Down Syndrome." Journal of Child Psychology and Psychiatry 44, no. 3 (2003): 424-31. doi:10.1111/1469-7610.00132.

Kennett, Jeanette. "Autism, Empathy and Moral Agency." The Philosophical Quarterly 52, no. 208 (2002): 340-57. doi:10.1111/1467-9213.00272.

Kidd, Ian James and Carel, Havi. "Epistemic Injustice and Illness." *Journal of Applied Philosophy*, 34 (2017): 172-190.

Kingsley, Jason and Levitz, Mitchell. *Count Us In: Growing Up with Down Syndrome*. Houghton Mifflin Harcourt, 1994.

Kittay, Eva Feder. "At Home with My Daughter." In Americans with Disabilities, edited by Leslie Francis and Anita Silvers, 64-80. Routledge, 2000.

Kittay, Eva Feder. "At the Margins of Moral Personhood." Ethics 116, no. 1 (2005): 100-31. doi:10.1086/454366.

Kittay, Eva Feder. *Love's Labor: Essays on Women, Equality, and Dependency*. Routledge, 1998.

Knott, Fiona, Charlie Lewis, and Tim Williams. "Sibling interaction of children with learning disabilities: A comparison of autism and Down's syndrome." *Journal of Child Psychology and Psychiatry* 36, no. 6 (1995): 965-976.

Kouroupetroglou, Georgios, Alexandros Pino, and Hernisa Kacorri. "A Model of Accessibility Services Provision for Students with Disabilities in Higher Education." Proceedings of the International Conference Universal Learning Design 8 (2011).

Leslie, Sarah-Jane, Andrei Cimpian, Meredith Meyer, and Edward Freeland. "Expectations of Brilliance Underlie Gender Distributions across Academic Disciplines." Science 347, no. 6219 (2015): 262-265.

Lerner, Craig S. "Accommodations for the Learning Disabled: A Level Playing Field or Affirmative Action for Elites." Vanderbilt Law Review 57 (2004): 1043.

Lombardi, Allison, Christopher Murray, and Bryan Dallas. "University Faculty Attitudes toward Disability and Inclusive Instruction: Comparing Two Institutions." Journal of Postsecondary Education and Disability 26, no. 3 (2013): 221-232.

Louise, Jennie. "Relativity of Value and the Consequentialist Umbrella." The Philosophical Quarterly 54, no. 217 (2004): 518-36. doi:10.1111/j.0031-8094.2004.00370.x.

Lowe, E. Jonathan. Personal Agency: The Metaphysics of Mind and Action. Oxford: Oxford University Press, 2008.

Maag, John W., and Robert Reid. "Depression among Students with Learning Disabilities: Assessing the Risk." Journal of Learning Disabilities 39, no. 1 (2006): 3-10.

Marcone, Roberto, Simona Esposito, and Antonietta Caputo. "Beliefs Toward Social and Cognitive Competences in People with Down Syndrome." *Journal of Intellectual Disability-Diagnosis and Treatment* 4, no. 1 (2016): 44-54.

Mervis, Carolyn B., and Jacquelyn Bertrand. "Acquisition of the Novel Name-Nameless Category (N3C) Principle." Child Development 65, no. 6 (1994): 1646. doi:10.2307/1131285.

Narayan, Jayanthi, and Susan M. Bruce. "Perceptions of Teachers and Parents on the Cognitive Functioning of Children with Severe Mental Disability and Children with Congenital Deafblindness." International Journal of Rehabilitation Research 29, no. 1 (2006): 9-16. doi:10.1097/01.mrr.0000185946.49186.4e.

Noddings, Nel. Caring: A Feminine Approach to Ethics & Moral Education. Berkeley, CA: University of California Press, 2013.

Noe, Alva. "Should Teachers Ask Students To Check Their Devices At The Classroom Door?" NPR. August 05, 2016. http://www.npr.org/sections/13.7/2016/08/05/488803998/should-teachers-ask-students-to-check-their-devices-at-the-classroom door

Nussbaum, Martha C. "Capabilities and Human Rights." Fordham Law Review 66, no. 2 (1997): 273-300.

Nussbaum, Martha. "The Capabilities of People with Cognitive Disabilities." *Metaphilosophy*, 40 (2009): 331-351.

O'Connor, Timothy. Persons and Causes: The Metaphysics of Free Will. Oxford, UK: Oxford University Press, 2003.

Otto, Beatrice K. *Fools are Everywhere: The Court Jester Around the World.* University of Chicago Press, 2001.

Pace, Jill E., Mikyong Shin, and Sonja A. Rasmussen. "Understanding attitudes toward people with Down syndrome." *American Journal of Medical Genetics* Part A 152, no. 9 (2010): 2185-2192.

Paetzold, Ramona L., Maria Fernanda Garcia, Adrienne Colella, Lily Run Ren, María del Carmen Triana, and Monique Ziebro. "Perceptions of People with Disabilities: When is Accommodation Fair?" Basic and Applied Social Psychology 30, no. 1 (2008): 27-35.

Pohlhaus, Gaile. "Discerning the Primary Epistemic Harm in Cases of Testimonial Injustice." *Social Epistemology*, 28 (2014): 99-114.

Price, Margaret. *Mad at School: Rhetorics of Mental Disability and Academic Life*. University of Michigan Press, 2011.

Pryal, Katie R.G. "Can You Tell the Difference Between Accommodation and Accessibility?" Medium (web log), April 12, 2016. https://medium.com/disability-stories/can-you-tell-the-difference-between-accommodation-and-accessibility-7a7afd9dacd7#.3vvqy06wz.

Rao, Shaila. "Faculty Attitudes and Students with Disabilities in Higher Education: A Literature Review." College Student Journal 38, no. 2 (2004): 19.

Reddy, Vasudevi, Emma Williams, Cristina Costantini, and Britta Lan. "Engaging with the self: Mirror behaviour in autism, Down syndrome and typical development." *Autism* 14, no. 5 (2010): 531-546.

Reis, Sally M., and Terry W. Neu. "Factors Involved in the Academic Success of High Ability University Students with Learning Disabilities." Journal of Secondary Gifted Education 5, no. 3 (1994): 60-74.

Romski, M. A., R. A. Sevcik, B. F. Robinson, and J. Bertrand. "Mapping the Meanings of Novel Visual Symbols by Youth with Moderate or Severe Mental Retardation." American Journal of Mental Retardation 100, no. 4 (January 1996): 391-402.

Rose, David H., and Anne Meyer. A Practical Reader in Universal Design for Learning. Harvard Education Press (2006).

Rosemont, Henry, Jr. "Rights-Bearing Individuals and Role-Bearing Persons." In Confucian Role Ethics: A Moral Vision for the 21st Century?, by Roger T. Ames and Henry Rosemont, Jr., 33-59. Göttingen, Germany: V & R Unipress, 2016.

Samuels, Ellen Jean. "My Body, My Closet: Invisible Disability and the Limits of Coming-Out Discourse." GLQ: A Journal of Lesbian and Gay Studies 9, no. 1 (2003): 233-255.

Sander-Staudt, Maureen. "The Unhappy Marriage of Care Ethics and Virtue Ethics." Hypatia 21, no. 4 (2006): 21-39. doi:10.1353/hyp.2006.0050.

Schalock, Robert L., Sharon A. Borthwick-Duffy, Valerie J. Bradley, Wil HE Buntinx, David L. Coulter, Ellis M. Craig, Sharon C. Gomez, Yves Lachapelle, Ruth Luckasson, Alya Reeve, Karrie A. Shogren, Martha E. Snell, Scott Spreat, Marc J. Tassé, James R. Thompson, Miguel A. Verdugo-Alonso, Michael L. Wehmeyer, and Mark H. Yeager. Intellectual Disability: Definition, Classification, and Systems of Supports. Washington: American Association on Intellectual and Developmental Disabilities, 2010.

Scheffler, Samuel. "Agent-Centred Restrictions, Rationality, and the Virtues." Mind XCIV, no. 375 (1985): 409-19. doi:10.1093/mind/xciv.375.409.

Schliesser, Eric. "On Boy-Wonders in Philosophy." New APPS: Art, Politics, Philosophy, Sport (web log), September 03, 2013. http://www.newappsblog.com/2013/09/on-boy-wonders-in-philosophy.html.

Scior, Katrina. "Public awareness, attitudes and beliefs regarding intellectual disability: A systematic review." *Research in Developmental Disabilities* 32, no. 6 (2011): 2164-2182.

Scruton, Roger. "Laughter," in *The Philosophy of Laughter and Humor*, edited by John Morreall. State University of New York Press, 1986, pp. 156–171.

Shakespeare, Tom, and Nicholas Watson. "The Social Model of Disability: An Outdated Ideology?" In Exploring Theories and Expanding Methodologies: Where We Are and Where We Need to Go, Emerald Group Publishing Limited, (2001): 9-28.

Shoemaker, David. "Moral Address, Moral Responsibility, and the Boundaries of the Moral Community." Ethics 118, no. 1 (2007): 70-108. doi:10.1086/521280. Simplican, Stacy Clifford. *The Capacity Contract: Intellectual Disability and the Question of Citizenship*. Minneapolis; London: University of Minnesota Press, 2015.

Silver, Patricia, Andrew Bourke, and K. C. Strehorn. "Universal Instructional Design in Higher Education: An Approach for Inclusion." Equity & Excellence 31, no. 2 (1998): 47-51.

Slote, Michael A. The Ethics of Care and Empathy. London: Routledge, 2007.

Sorensen, Bent. "Let's Ban PowerPoint in Lectures." The Conversation (web log), April 29, 2015. https://theconversation.com/lets-ban-powerpoint-in-lectures-it-makes-students-more-stupid-and-professors-more-boring-36183.

Sosa, Ernest. A Virtue Epistemology. Oxford: Clarendon Press, 2007.

Stramondo, Joseph. "The Medicalization of Reasonable Accommodation." Discrimination and Disadvantage (web blog), January 31, 2015. http://philosophycommons.typepad.com/disability_and_disadvanta/2015/01/the-medicalization-of-reasonable-accommodation-in-higher-education.html.

Taylor, Richard. "The Meaning of Life." In The Meaning of Life: A Reader, edited by E. D. Klemke and Steven M. Cahn. Oxford University Press, 2007.

The Green Mile. Directed by Frank Darabont. By Stephen King and Frank Darabont. Performed by Tom Hanks, Michael Clarke Duncan, David Morse. Burbank, CA.: Warner Home Video, 1999.

Thomas, Alan. "Virtue Ethics and an Ethics of Care: Complementary or in Conflict?" Eidos 14 (11): 132-51.

Thompson, Anne R., Leslie Bethea, and Jennifer Turner. "Faculty Knowledge of Disability Laws in Higher Education: A Survey." Rehabilitation Counseling Bulletin 40, no. 3 (1997): 166-80.

Tremain, Shelley. "Revisiting Accessibility Statements: What Are They For and What Do They Do?" Discrimination and Disadvantage (web log). Accessed August 06, 2016. http://philosophycommons.typepad.com/disability_and_disadvanta/2016/08/revisiting-accessibility-statements-what-are-they-for-and-what-can-they-do.html.

Troia, Gary A. "Writing Instruction for Students with Learning Disabilities." Handbook of Writing Research (2006): 324-336.

Tronto, Joan. Moral Boundaries: A Political Argument for an Ethic of Care. Routledge, 1994.

US Census Bureau Public Information Office. "Nearly 1 in 5 People Have a Disability in the U.S., Census Bureau Reports - Miscellaneous - Newsroom - U.S. Census Bureau."

US Census Bureau Public Information Office. July 25, 2012. Accessed September 01, 2016. https://www.census.gov/newsroom/releases/archives/miscellaneous/cb12-134.html.

U.S. Department of Education. (2007). "Appendix IV: Reasonable Accommodations and the ADA" in Disability Employment 101. http://www2.ed.gov/about/offices/list/osers/products/employmentguide/appendix-4.html

Wang, Jennifer Hyland. "A Struggle of Contending Stories": Race, Gender, and Political Memory in" Forrest Gump." *Cinema Journal* (2000): 92-115.

Werner, Shirli, and Shulman, C. "Does type of disability make a difference in affiliate stigma among family caregivers of individuals with autism, intellectual disability or physical disability?" *Journal of Intellectual Disability Research* 59, 3 (2015): 272-283.

Whittington-Walsh, Fiona. "From Freaks to Savants: Disability and Hegemony from the Hunchback of Notre Dame (1939) to Sling Blade (1997). *Disability & Society* 17, no. 6 (2002): 695-707.

Wilkinson, Krista M., Celia Rosenquist, and William J. Mcilvane. "Exclusion Learning and Emergent Symbolic Category Formation in Individuals With Severe Language Impairments and Intellectual Disabilities." The Psychological Record 59, no. 2 (2009): 187-205. doi:10.1007/bf03395658.

Wilson, Kristi, Elizabeth Getzel, and Tracey Brown. "Enhancing the Post-Secondary Campus Climate for Students with Disabilities." Journal of Vocational Rehabilitation 14, no. 1 (2000): 37-50.

Wolf, Susan. Freedom within Reason. New York, NY: Oxford University Press, 1993.

Wood, Tara, and Shannon Madden. "Suggested Practices for Syllabus Accessibility Statements." Kairos: A Journal of Rhetoric, Technology, and Pedagogy 18, no. 1 (2013).

Zagzebski, Linda Trinkaus. Virtues of the Mind: An Inquiry into the Nature of Virtue and the Ethical Foundations of Knowledge. Cambridge: Cambridge University Press, 2002.

Zemeckis, Robert, Steve Tisch, Wendy Finerman, Steve Starkey, Eric Roth, Don Burgess, Arthur Schmidt, et al. *Forrest Gump*. Hollywood, CA: Paramount Pictures, 2001.