Special Section: Responsibility, Vulnerability, Dignity, and Humanity

Discoursive Humanity as a Transcendental Basis for Cognitive (Dis)Ability Ethics and Policies

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Abstract: This article explicates two approaches to the basis of moral worth and status: Eva Kittay's relational view and Jeff McMahan's psychological personhood view. It is argued that these theories alone do not provide adequate support for the conclusions Kittay and McMahan want to draw concerning individuals whose entitlement to fundamental protections can be challenged—infants with severe cognitive disabilities and infants without the support of their families and social environments. The real justification can in each case be found in deeply held convictions regarding entities that must and entities that must not be included in the core community of moral equals. Philosophical discussions about these convictions would be more useful for the advancement of our moral thinking than vain attempts to show that the absolute truth lies on either side of the ongoing debate.

Keywords: Eva Feder Kittay; Jeff McMahan; severe cognitive disability; personhood; relationality; time-relative interests; disability ethics; disability policy; family; abortion; infanticide; anencephaly

Disagreement—or Not?

In an ongoing debate, Eva Feder Kittay and Jeff McMahan disagree on the moral worth and status of human beings with severe cognitive disabilities. Kittay argues, on the basis of what she claims to be a relational view of humanity, that human beings with severe cognitive disabilities have, and should have, full human worth and status.[1] McMahan argues, on the basis of a psychological account of personhood and interests, that this is not the case, and that human beings with severe cognitive disabilities should only be granted moral worth and status similar to that assigned to nonhuman animals with comparative abilities.[2]

The differences in the views are reflected in different recommendations for the treatment of various beings. Kittay's account makes it permissible, and even obligatory, to keep human beings with severe cognitive disabilities alive, healthy, and happy in the same way that other human beings must be kept alive, healthy, and happy. Although this can at times be cumbersome and expensive, it is the right thing to do and should not be questioned on economic, medical, or philosophical grounds. McMahan's approach, in its turn, makes it permissible, although not necessarily obligatory, to let human beings with severe cognitive disabilities perish. It could also make it obligatory to extend rules that apply to the lives and well-being of human nonpersons to nonhuman animals with relatively high cognitive abilities. The ethical and policy implications of the views, then, seem to be on a collision course in some real-life situations.

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In what follows, I first explain what I mean by "human beings with severe cognitive disabilities" and "nonhuman animals with relatively high cognitive abilities" and sketch the theories presented by McMahan and Kittay in support of their conclusions. I then go on to summarize some of the main ethical and policy implications of their theoretical findings, highlighting the differences that ensue from the chosen approaches. In what I consider to be the conceptual gist of the article, I then question the alleged relationality of Kittay's view and argue that both her account and McMahan's can be explained in terms of "discoursive humanity"—the idea that the concept of humanity is open to discussion and that the two philosophers rely on different readings of humanity's moral worth and status in certain situations, rather than actually diverging on other, more general and more theoretical grounds. My conclusion is conciliatory. With a charitable interpretation of the views, it is possible to say that both theorists can be right in their own primary domains—Kittay when it comes to human beings with severe cognitive disabilities and McMahan when it comes to nonhuman animals with relatively high cognitive abilities. The most humane cognitive (dis)ability policies could then be forged by taking the best of both approaches. Conflict situations would still exist, but the responses to them could be formulated on the merits of each case rather than as applications of grand theories concerning moral worth and status.

Human Beings with Severe Cognitive Disabilities and Nonhuman Animals with Relatively High Cognitive Abilities

Human beings are in most cases aware of themselves and responsive to their surroundings and develop certain elements of practical rationality as they grow up. Human beings with severe cognitive disabilities are, by definition, not aware of themselves and not responsive to their surroundings and do not develop the expected elements of practical rationality as they grow up.[3] Kittay flatly denies the existence of beings that would belong to the latter category.[4] Be that as it may, it is often very difficult to assess these things in real life—what exactly do awareness, responsiveness, and practical rationality mean? If humanity, or moral worth, is to be based on these, where do we draw the line? How much self-awareness, responsiveness, or practical rationality is there in a given individual, and how much is required?

Some nonhuman animals—notably great apes (chimpanzees, gorillas, and orangutans); cetaceans (whales and dolphins); and pigs and dogs—are widely believed to be, to varying degrees, self-aware, responsive, and practically rational. However different these animals can otherwise be from human beings, one thing that the two groups have in common is their possession of relatively high cognitive abilities. The detection and assessment of self-awareness and the other key faculties is even more challenging in nonhuman animals than in humans. With our own biological kind, we can at least have an internal idea of what these powers and skills feel like in the human context. With other animals, that common internal viewpoint is more difficult, and maybe impossible, to find. Our best guide, then, is observable behavior—animals' reactions to their own reflection, their ability to communicate with us, and layered actions that can be seen as strategically planned.

McMahan on Psychological Personhood as the Basis of Moral Worth and Status

McMahan believes that being a "person" is a necessary requirement for having intrinsic moral worth and status. Persons, according to his account, are conscious

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of themselves as subjects of mental states that are linked to other mental states in the past and in the future. Due to "prudential unity relations" connecting the mental states over time, persons have self-regarding, or egoistic, "time-relative interests" that must be considered in moral judgments involving their treatment. Prudential unity relations, in their turn, are only possible if the parts of an individual's brain that enable consciousness and mental activity are functional.[5]

Human beings with severe cognitive disabilities cannot, in McMahan's view, be counted as persons. Their brains do not function in ways that would support consciousness and mental activity; they cannot form prudential unity relations; and they do not possess time-relative interests. They are, by definition, unaware of themselves, unresponsive to their environment, and without practical rationality and hence do not qualify as members of the group of beings who have intrinsic moral worth and status.[6]

Nonhuman animals with relatively high cognitive abilities, on the other hand, are realistic contenders for personhood and intrinsic moral worth. They may be aware of themselves, responsive to their surroundings, and practically rational. If the parts of their brains that enable them to form prudential unity relations are functional, they can possess time-relative egoistic interests and, consequently, have a valid claim for moral status for their own sakes. McMahan only seems to allow this in the science fiction case of genetically enhanced chimpanzees, but the field of applying this model could be considerably wider.[7]

Kittay on Relational Humanity as the Basis of Moral Worth and Status

Kittay construes the foundation of moral worth very differently. For her, full intrinsic moral worth and status belong to all human beings, that is, to all children of human parents. She justifies her view by two main considerations. First, the practical applications of the kind of psychological personhood account advocated by McMahan do not tally well with certain widely held ethical intuitions. And second, a better narrative can be provided by a relational account of humanity and morality.[8]

The potential real-life applications of McMahan's view are detailed in the next subsection. Suffice it to say, at this point, that very young children will in any personhood theory like McMahan's be excluded from the sphere of intrinsic moral considerations—and that this has been a well-known challenge to these views for quite some time.[9]

Kittay argues that the moral worth of human beings is based on relations with other human beings—primarily, it seems, on the fact that everybody is "some mother's child."[10] Humanity, according to her, is formed and defined in dependency relations characterized by three main elements: care, concern, and connection. We do, and we should, tend to dependent individuals in their state of vulnerability (this accounts for care) and create intimacy and trust (connection) with affectional ties (concern).[11] We do, and we should, forge dependency relationships between ourselves and our charges, assuming the power and authority necessary to act in the best interest of the dependent persons.[12] The relationships Kittay refers to here are not voluntary, symmetrical contracts between two fully conscious individuals. According to her, a social relation that constitutes a person's human identity and

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moral worth is best defined as "a place in a matrix of relationships embedded in social practices through which the relations acquire meanings."[13]

McMahan and Kittay's (Dis)Ability Policy Conclusions

McMahan's psychological personhood view entails that intrinsic moral worth—the kind on which moral rights and duties are based—can be assigned only to individuals who are aware of themselves and responsive to their surroundings and who possess some degree of practical rationality. This select group consists of healthy, appropriately developed human beings; possibly some nonhuman animals with relatively high cognitive abilities; and potentially (in science fiction scenarios) visitors from outer space who fulfil the criteria for personhood. Those rejected from the group include most animals; human embryos, fetuses, and newborn and anencephalic infants; human beings with severe congenital cognitive disabilities; and arguably "human beings who have suffered severe brain damage or dementia, and human beings who have become irreversibly comatose."[14] The members of these categories can merit care and decent treatment by others, but if they do, this is based not on their own long-term self-regarding interests (they do not have those) but either on their lower-level interests (to avoid pain is a prime example) or on other people's valuations. It would be wrong to inflict unnecessary pain on a rat, because pain is bad and it should be avoided. And it would be wrong to terminate a wanted pregnancy against the mother's will, because she has invested value in the continued life of the fetus. But in neither case does the justification lie in the entity's own intrinsic worth. We do not, and need not, refrain from harming them for their own sakes.

Kittay draws particular attention to McMahan's conclusions on anencephalic infants and severely cognitively disabled individuals. Because they do not, in McMahan's model, have intrinsic moral worth, it seems that societies and states are under no obligation to provide care for them. On the contrary, it seems that if societies and states have limited resources for healthcare provision, they should actively discourage people from tending to their anencephalic and severely cognitively disabled offspring. This way, scarce medical and related resources would not be allocated to causes that are, from the viewpoint of the psychological personhood account of moral worth and status, futile. Taking this line a step further, we ought to consider using human nonpersons as subjects of destructive scientific experimentation and as living organ donors.

To Kittay, it is obvious that parents do, and should, care for their unfortunate children who are born anencephalic or severely cognitively disabled. These children are not just biologically human entities but persons who could have been, in more fortunate circumstances, healthy human beings. Parents do not mourn when an assumed pregnancy results in the expulsion of a tumor, or teratoma—a biologically human growth that does not have detectable human form and never had a chance of becoming a developed human being. But they do mourn, and are justified in doing so, when their children turn out to be anencephalic or severely cognitively disabled.[15] Anencephaly, the absence of major portions of the brain, is a condition that usually develops between the 23rd and 26th days after conception;[16] and although the causes of severe congenital cognitive disability vary and are not well understood, it is not always unreasonable to think that the same individual, in some sense, could have been born unaffected.

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My Question

Kittay's narrative is in many ways compelling, especially because she is in a position to back it up with her own parental experience with her daughter Sesha, who was born severely cognitively disabled but who, in Kittay's care, reportedly lives a good, if intellectually limited, human life. It is from this experience that Kittay states that she has learned how humanity cannot be essentially centered on the capacities for thought and reason.[17] Organic relations between people provide a different—and, to Kittay's mind, superior—way of conceptualizing humanity and its value.

I have no urge to challenge Kittay's narrative, or its practical implications. I do think, however, that its metanarrative is somewhat inaccurate. Her account, I believe, is not purely relational. Or perhaps I should say that, in my view, relationality alone does not yield the conclusions that she proposes. Further considerations about humanity, and about what matters morally, must be included in a full analysis of the issue that she examines. And when those considerations have been included, it also transpires that Kittay's theoretical disagreement with McMahan can be less fundamental than they seem to think. They may both be seeking the best way to expand the sphere of humanity and morality further than has been customary.

The remainder of this article is dedicated to showing what I mean by these remarks, and why I reckon that they are important.

Challenging the Relationality of Kittay's View in Terms of Discoursive Humanity

Kittay argues that anencephalic and severely cognitively disabled individuals have full moral worth, because their interactions, however rudimentary, with their families and other caregivers locate them in a worth-endowing social relation—their "place in a matrix of relationships embedded in social practices through which the relations acquire meaning."[18] But what exactly is this "place in a matrix of relationships"? Who defines it? And why and how does it endow moral worth?

Without more specific qualifications, many nonhuman animals could meet the requirement set up by Kittay. Some people grow very fond of their pets, treat them as family members, care for them in their sickness, and mourn them like they would their human loved ones when they die. Arguably, then, these nonhuman pets are in a social relation with their human minders and could therefore be granted full moral worth. Yet Kittay rejects this possibility.[19] Why? Pure relationality would demand us at least to keep an open mind in the matter. We may not have, at the moment, a sufficiently sophisticated "matrix of relationships embedded in social practices" to support the putative moral worth of people's pets, but the emergence of one does not seem like an implausible development.

This is where Kittay merges herself deeper into the view of humanity that she sees as correct and meaningful. Members of our species, she contends, are a real family, and although the criterion of inclusion in this particular family is biological, the framework of its application is psychological, social, and moral. Biological and social human families are the institution that we can rely on when we need the help of others. In Kittay's words:

> Families (or adequate substitutes) are critical when we are dependent, as in early childhood, during acute or chronic illness, with serious chronic conditions including disability, and in frail old age. At these times, we are generally best served by close personal ties. Families are called on in

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> times of moral crisis for the support of family love and loyalty. Similarly, I propose that membership in a group of moral peers based solely on species membership has as its appropriate moral analogue family membership. . . . As humans we are indeed a family.[20]

So humanity is a family, families are the foundation of the dependency relations that endow moral worth and status, and nonhuman animals can be safely excluded from this sphere without invoking the kind of discrimination—"speciesism"—that has been the object of rightful scorn in the cases of racism, sexism, and overstated nationalism.[21]

Questions remain, however. One is that not all families offer the bliss depicted by Kittay, and it is not clear how she means her argument to overcome this challenge. She may mean to say that ideal families, the kind that she describes, are the paradigm of social relations that support the moral worth of their members. Factual and normative considerations are then interwoven in the same way that they are connected in many Aristotelian accounts of morality.[22] Another observation is that she does not seem to limit the definition of the worth-endowing entity to biological units—the parenthetical expression "or adequate substitutes" extends the concept well beyond organic families. This entails that the inclusion criteria are, to some extent at least, negotiable.

An approximation of Kittay's view, then, is this. Humanity is our only justified community of moral peers. Humanity is seen as an enlarged version of an ideal biological or social family. A family is ideal when it offers care to all its members, including those who have anencephaly or severe cognitive disabilities. And this, of course, is fair enough. Admittedly, the argument for the moral status of severely cognitively disabled individuals becomes circular and the exclusion of nonhuman animals seems ad hoc, but normative theories are never watertight in every detail.[23] If we define the circle as "hermeneutic" and construe the human-animal demarcation as a conceptual defense of "humanity," we can accept severely cognitively disabled individuals as vital elements of the specific view expressed.[24]

Note, however, that relationality alone did not take us here. The weight of the argument is carried by the interpretation of humanity expressed by Kittay's particular narrative, with the inclusion of severely cognitively disabled humans and the exclusion of nonhumans. Because the view can be challenged without questioning the relational aspect (simply by saying that animals could conceivably be included), the foundation of Kittay's account can be argued to be in discoursive humanity rather than in the more formal elements. As the relations summoned have to be of the "right" kind, our best way to find the core of her thinking is to examine the conditions of the rightness of the relations as they appear in her text. And these are the same ones that appear in the conclusions—all humans *must* belong to the group of moral equals, whereas all animals *must* be excluded from it. And it is this "must" that makes the view transcendental in the Kantian sense—there are some conceptual boundaries against which we have to lean to reconstruct a view of morality that we can accept.

Reinterpreting McMahan's View as a Variation of the Discoursive Humanity Approach

McMahan contends that self-conscious persons, and only they, have full moral worth and status. Anencephalic and severely cognitively disabled infants do not

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meet the criteria for personhood and hence fall outside the scope of this kind of core morality. If nonhuman animals do meet the criteria, something that McMahan doubts more than other philosophers who believe in psychological personhood views,[25] they do, in principle, have a place in the group of moral equals.

This, again, is clear enough. But how should we account for ethical intuitions that differ from McMahan's? Many people think that anencephalic infants and severely cognitively disabled individuals should be kept alive and nurtured like any other human being. Practically no one believes that healthy babies should be killed or allowed to die if their parents and community abandon them, however questionable their higher mental abilities may be.[26] And at the other end of the continuum, many people and cultures accept killing and eating pigs, although pigs are arguably persons and should, as such, be treated with more caution and respect. Confronted with this, what does McMahan have to say for himself?

It is useful, at this point, to focus on McMahan's views on abortion and infanticide.[27] He acknowledges the deep ethical distinction many people draw between these practices, and the challenge that this poses on theories, including his own, that insist on their intrinsic moral similarity. The time-relative interests his model postulates to newborn babies do not differ radically from the time-relative interests it assigns to fetuses at the latest stages of normal pregnancies.[28] Despite this, McMahan apparently wants to separate the cases and presents two major arguments to support the division. The first is based on the special relations that the infant, unlike the fetus, can form; and the second on the fact that the infant, unlike the fetus, is not inside its mother's body any more.

The argument from special relations—one that McMahan ultimately seems to dismiss—is that at birth the newborn starts to form connections with other people in ways that are not possible before. As he puts it: "In the typical case, a process of bonding begins to occur between the infant and its parents; and the ties that are formed strengthen with incredible rapidity. The newborn infant is a participant, and not an entirely passive one, in a network of special relations with others."[29] McMahan distinguishes this point from appeals to growing parental and social feelings toward the child and finds in it a possible justification for the intuitive distinction between abortion and infanticide:

> The relevant point is . . . not about the feelings that infants evoke but about the objective nature of the relations that infants form with others. . . . The special relations that quickly develop between a newborn infant and its parents and others may magnify the reason those people have not to frustrate its [in themselves extremely weak] time-relative interests in continuing to live.[30]

Observing that parents may not wish, for one reason or another, to engage with their newly born child, however, McMahan concedes that this does not apply to all cases.[31] It should also be noted that the point is not necessarily valid immediately after birth. The mother may be unconscious, the father may not be present, and others are not always involved. Yet the distinction is one that most people would, presumably, like to make even in these cases. The protection, they believe, should be extended to all born human beings, not only to those whose arrival has been socially recognized.

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The moral difference between abortion and infanticide that McMahan finds the most convincing is that the fetus is dependent on its mother in ways that the newborn is not. The responsibility for keeping the infant alive can be shared more widely, and the impact on the woman is usually less onerous. In McMahan's words:

> [Because] infants exist independently, the sacrifices that they may require from others in order to survive and flourish are of a fundamentally different and less burdensome kind. And there are typically ways in which those to whom the burden initially falls can evade it without having to kill the infant—for example, by giving it up for adoption. The burden of caring for an infant can be much more widely distributed than the burden of supporting a fetus. This may be the principal reason why infanticide is, in general, more objectionable than abortion.[32]

So not being inside the woman's body makes the difference, as argued by many philosophers before McMahan.[33]

And this, again, is fair enough—the case for infanticide's greater moral wrongness over abortion made, as ordered. Once again, though, it was not the theory of time-relative interests that took us here. When it comes to making the final judgment on infanticide, McMahan switches from his own doctrine to considerations that he elsewhere has a tendency of disregarding as external. He does not accept special relations or wider support groups as worth-endowing entities in the case of anencephalic or severely cognitively disabled individuals. To be sure, his narrative links the growing attachment to infants with a concern for their time-relative interests, but the fact is that normally parents do not have such abstract ideas in mind when they start to form relations with their newborn babies. To stay on course with his assertion that infanticide is—not just that it appears to be—a greater wrong than abortion, he should recognize a qualitative rather than quantitative difference between the two practices. Or so it seems from the viewpoint of his opponents. In the end, then, his view on this particular issue looks like another instance of transcendental discoursive humanism. Newborn infants *must* be treated differently from fetuses, and arguments for this turn out to be negotiations on humanity's boundaries.

Agreement—Where There Is a Will?

Most people stand somewhere between McMahan's and Kittay's theoretical models. Some bioethicists swear by the type of theory articulated by McMahan, and many disability scholars agree with Kittay. But people who are not committed to one ideology or the other have mixed, and partly overlapping, views on human and nonhuman cognitive ability and disability ethics and policies. Infanticide is a definite no-no, but so is late abortion on frivolous grounds. Concern for nonhuman animals would not go amiss, but comparisons with human beings can be seen as degrading. Protections for individuals with severe cognitive disabilities sound like a humane idea, but to extend these protections to anencephalic infants may seem far-fetched. How do we make the best of the situation?

My own suggestion is that we should see McMahan's and Kittay's arguments for what they are—exercises in boundary setting in contested moral situations. They should not be seen as categorical and universal statements of facts, objective

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or subjective, although this is ostensibly what they are intended to be. Both theorists seem to want their views to be absolute, or intrinsic. Kittay appeals to allegedly objective, organically formed relations between people; and McMahan, in his core theory, appeals to a subjective, interest-based continuity of experiences. The middle way would be intersubjective negotiation. Both Kittay and McMahan shy away from this, and there are good practical reasons to do this. No one wants their view to be shouted down by a louder party in a political debate. But in the realm of philosophical discussion, we could agree that our views do not represent "the one truth" and could see conceptual negotiations as our way forward. Theoretical views, clearly expressed, form the basis of an ongoing discourse to find out the transcendental barriers that prevent others from fully understanding our dearly held views about the limits of humanity, or personhood, or whatever it is that gives entities decisive moral weight, worth, and status.

In the meantime, we could celebrate, and try to accommodate, all well-formulated views on morality, and embrace them in our ethical and policy decisionmaking. Kittay's view may offer the kindest way to conceptualize our relations with individuals with severe cognitive disabilities. And McMahan's view may provide a better way to formulate our obligations toward nonhuman animals. Ever-extending inclusion, instead of exclusion, could be our best direction in moral matters, as we already believe has been the case in the past.

Notes

1. Kittay EF. At the margins of moral personhood. *Ethics* 2005;116:100–31.
2. McMahan J. *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press; 2002.
3. Wasserman D, Asch A, Blustein J, Putnam D. Cognitive disability and moral status. In: Zalta E, ed. *The Stanford Encyclopedia of Philosophy*; 2013 Fall; available at http://plato.stanford.edu/archives/fall2013/entries/cognitive-disability/ (last accessed 10 July 2015).
4. See note 1, Kittay 2005, at 126.
5. See note 2, McMahan 2002, at 79–80.
6. See note 2, McMahan 2002, at 205ff.
7. See note 2, McMahan 2002, at 190ff. McMahan's theory is much more complex and includes comparisons between weak and strong prudential unity relations as the basis for differential treatment in the case of nonpersons that have weaker and stronger time-related interests. It is, however, sufficient for the purposes of my endeavor here to confine the attention to the conditions of personhood.
8. See note 1, Kittay 2005.
9. See, e.g., Häyry M. Infanticide on request—the dark side of liberal abortion policies? In: Matthews E, Menlowe M, eds. *Philosophy and Health Care*. Aldershot: Avebury; 1992:92–112; Häyry M. Abortion, disability, assent and consent. *Cambridge Quarterly of Healthcare Ethics* 2001;10:79–87; Häyry M. What exactly did you claim? A call for clarity in the presentation of premises and conclusions in philosophical contributions to ethics. *Cambridge Quarterly of Healthcare Ethics* 2015;24:107–12.
10. Kittay EF. *Love's Labor: Essays on Women, Equality, and Dependency*. London: Routledge; 1999, at 25.
11. See note 10, Kittay 1999, at 31.
12. See note 10, Kittay 1999, at 30–1. Note that Kittay uses the word "person" in a different sense from McMahan's—no higher mental competence is necessarily required here.
13. See note 1, Kittay 2005, at 111. See also pp. 100, 110.
14. See note 2, McMahan 2002, at vii.
15. See note 1, Kittay 2005, at 110.
16. O'Rahilly M, Muller F. *Human Embryology and Teratology*. New York: Wiley-Liss; 1992, at 253.
17. See note 1, Kittay 2005, at 100; note 10, Kittay 1999, at 150.
18. See note 1, Kittay 2005, at 111.
19. See note 1, Kittay 2005, at 115–24.

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20. See note 1, Kittay 2005, at 124.
21. See note 1, Kittay 2005, at 115–24.
22. E.g., Aquinas T. *On Law, Morality and Politics*. Baumgarth WP, Regan RJ, eds. Indianapolis, IN, and Cambridge, MA: Hackett; 1988 [originally 1265–72], at 47–8; Finnis J. *Natural Law and Natural Rights*. 2nd ed. [1st ed. 1980]. Oxford: Oxford University Press; 2011, at 81–9; Nussbaum M. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, MA: Harvard University Press; 2006, at 76–8.
23. Häyry M. *Rationality and the Genetic Challenge: Making People Better?* Cambridge: Cambridge University Press; 2010, at 43–8.
24. I hesitate to use the expression "hermeneutic," as I am not a connoisseur of the tradition that it belongs to, but I believe the usage is justified in this context. We begin our examination with some knowledge of the particulars of the phenomenon, and even if our more general picture at the end of our investigation seems similar, it has gained strength from the choice of terms and relations we have employed in the process.
25. E.g., Singer P. *Practical Ethics*. Cambridge: Cambridge University Press; 1979.
26. The reason for the qualification "practically" can be found in Häyry M. Academic freedom, public reactions, and anonymity. *Bioethics* 2014;28:170–3; also see note 9, Häyry 2015.
27. Although the comparison between humans with severe cognitive disabilities and nonhuman animals seems to cause much offence, McMahan's view on animal abilities is so skeptical that it does not merit as much attention as the corresponding views of other advocates of psychological personhood, e.g., Peter Singer—see note 25, Singer 1979.
28. See note 2, McMahan 2002, at 342–3.
29. See note 2, McMahan 2002, at 343.
30. See note 2, McMahan 2002, at 343. The addition in square brackets is mine but corresponds with McMahan's view on the matter.
31. See note 2, McMahan 2002, at 343–4.
32. See note 2, McMahan 2002, at 344.
33. E.g., Jarvis Thomson J. A defense of abortion. *Philosophy and Public Affairs* 1971;1:47–66; Warren MA. The moral significance of birth. *Bioethics News* 1988;2:32–43.

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