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## A Defense of Genocide

by Cal Montgomery

**Although Singer is best known for his work on animal liberation, it is important to understand the consequences of his ethical theories for people with disabilities, especially since he argues that our lives are not always worth protecting.**

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The Australian bioethicist Peter Singer has arrived to begin a new position at the Princeton University Center for Human Values. Singer's appointment has provoked anger among disability activists. "Peter Singer is attempting to establish a philosophical foundation for denying disabled people the equal protection of the law and killing us for his version of the greater good," says Not Dead Yet's Diane Coleman. NDY, she continues, "considers his appointment a major affront to our minority group, a serious threat to our lives and, hopefully, it will also be a wake-up call for the entire disability movement."

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### Who Should Live?

Singer's understanding of whose life should be protected comes from a moral theory called "preference utilitarianism."

According to this theory, you should behave so that the result of your behavior is, to the greatest extent possible, in accordance with the preferences of those who will be affected by it, whether directly or indirectly.

When you kill someone who wants to stay alive, you make it impossible for any of her preferences for the future to be realized -- this is what makes killing a particularly bad thing.

But it may be morally praiseworthy to kill someone who wants to be killed. And killing someone whose preferences are likely to be frustrated even if she stays alive may be less blameworthy than killing someone whose preferences are likely to be fulfilled.

But not everyone, Singer thinks, is capable of wanting to be alive. He argues that in order to have an interest in staying alive, you have to be a thinking, self-aware being and have an understanding of yourself as a being which endures through time. Following philosophical tradition, he calls such beings "persons," in order, as he says in his 1993 book, *Practical Ethics*, "to capture those elements of the popular sense of 'human being' that are not covered by 'member of the species *Homo sapiens*.'" Only persons, he says, can be said to have an interest in living and a right not to be killed; non-persons, by definition, cannot.

Obviously, wherever Singer's ideas are accepted as the basis for policy, it becomes a vitally important thing to be seen as a person. Infants, for example, are seen as non-persons. According to Singer they may therefore be killed with far less justification than would be required if they were understood to be persons. Certain adults to whom labels such as "persistent vegetative state" (PVS), "profound mental retardation" and "dementia" are attached may also be killed with less justification, according to Singer.

It would be okay, for example, to kill a "non-person" if you did it because everyone else's preferences would be more likely to be fulfilled if that individual were removed from their lives: that's one justification Singer gives for letting parents kill newborns expected to become disabled children. If parents, freed of responsibility for the disabled infant, were able to try again, says Singer, both they and the non-disabled child they'd ultimately raise could expect to live happier lives.

"We know," he says in his 1994 book, *Rethinking Life and Death*, "that once our children's lives are properly underway, we will become committed to them; for that very reason, many couples do not want to bring up a child if they fear that both the child's life and their own experience of child-rearing will be clouded by a major disability."

Another justification Singer offers for killing a "non-person" is that it frees "persons," or society, from what they may see as the "burden" imposed by the life of a "non-person." In *Practical Ethics*, which is often used as a textbook, Singer advocates making it legal to kill disabled infants up to 28 days after birth as well as older "non-persons with disabilities."

Singer's work suggests a number of questions:

- Is there a meaningful distinction between human persons and human non-persons?
- If so, is there a reason to believe that personhood or lack thereof is a judgment that can reliably be made?
- Are disabled people (and our families) really less likely than non-disabled people (and their families) to have happy lives?
- If so, what is the appropriate public response?

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### Proving Personhood

The distinction between "persons" and "non-persons" has led to Singer's prominence within the animal liberation movement. He argues that it is mere "speciesism" (the prejudice that membership in the right species is what earns beings moral consideration) leading us to believe that all human lives are of equal value. Singer wants us to recognize that many non-human animals should be treated with the same respect with which we believe humans should be treated.

But his theory also allows that some humans can be treated less well.

While his attack on speciesism has gained him a reputation as a progressive in some circles, he has been attacked in other circles for "intelligism" and "ableism" (prejudices that perceived intelligence or lack of disability is what earns beings moral consideration).

In his 1995 article, "The Proof of the Vegetable," published in the *Journal of Medical Ethics*, Australian disability advocate Chris Borthwick discusses ethicists' interest in "the distinction between those beings who are accorded the privileges of humanity and those who should be. The identification of a class of people who are 'humans' but not human, if any such could be found, would therefore be central."

Borthwick argues that a diagnosis of PVS is not enough to conclude that someone is unconscious or that she will not recover consciousness. He points out that a great deal of the judgment that someone has PVS depends upon her failure to react in ways that seem to doctors to demonstrate consciousness. We should give anyone who appears unconscious the benefit of the doubt, says Borthwick, pointing out that 58% of people judged to be permanently unconscious in one study were considered conscious within three years.

Whether or not one accepts the idea of "non-persons," says Borthwick, we've shown we cannot reliably identify such individuals.

But Singer assumes that we can. In *Rethinking Life and Death*, he quotes his own words, originally from a 1983 article in *Pediatrics*, that

*If we compare a severely defective human infant with a nonhuman animal, a dog or a pig, for example, we will often find the nonhuman to have superior capacities, both actual and potential, for rationality, self-consciousness, communication, and anything else that can plausibly be considered morally significant.*

He then goes on to say that this assertion is "not only true, but obviously true" (emphasis in original).

Borthwick shows, though, that we cannot truly be sure even that it is true. At best, we are making assumptions based on current theories of neurology and practices of intelligence testing, and treating those assumptions as if they were fact. Far from being obvious, this presumed inferiority is founded on uncertain assumptions.

"If the discipline of ethics cannot cope with uncertainty, it is useless in the real world. If it persists in attempting to deny the existence of uncertainty, it may also be dangerous," says Borthwick.

What Singer is advocating is that we create a class of human beings whose "capacities, both actual and potential," are "obviously" rather than uncertainly inferior, and whose members must therefore demonstrate, to the satisfaction of non-disabled testers, their personhood in order to be accorded the same rights given everyone else. Singer seems willing to give the benefit of the doubt to non-humans like pigs and dogs who haven't mastered our communication system. He is less willing to extend the same courtesy to humans whose disabilities impact communication.

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### Frustrated Lives?

Is life with a disability any more "clouded," as Singer terms it, than life without a disability? And if so, what should we do about it?

Several studies focusing primarily on people with severe, stable disabilities suggest that people who have been disabled long enough to become accustomed to it rate their quality of life similarly to non-disabled people. The medical professionals treating them, though, tend to underestimate their subjective quality of life.

"Many people assume that living with cerebral palsy means that I am endlessly confronted by my body's limitations," writes human services consultant Norman Kunc in a 1995 article with his wife, Emma Van der Klift. "Actually, this is not my experience. Having cerebral palsy means living a life in which innovation, improvisation, creativity and lateral thinking are essential." The description of his life that Kunc offers readers makes it sound more like a dance than a diminishment. While some people with disabilities do attribute significant frustration to disability, it is clear that frustration is by no means a necessary consequence of impairment.

People with disabilities do often find their preferences frustrated in ways that people without disabilities do not. But that frustration is not inherent in their impairments. Rather, it accrues from an environment -- physical or social -- which is not designed to accommodate all members of the human race.

What, then, ought we do about that frustration? To offer a parallel: Is the selective infanticide of daughters in societies where girls lack of offered many more opportunities than are girls an acceptable practice? The girls' loss of opportunity is not intrinsically connected with being born female; nonetheless, the parents and the child they will eventually raise can expect better prospects if daughters are "replaced" by sons. Singer's theory could, therefore, be used to justify the practice of killing off infant girls, thus guaranteeing sons to parents who want them. To date he has not offered that justification.

"I question whether Princeton would hire a faculty member who argued that parents should be permitted to kill their infant daughters so that they could have a son," says National Council on Disability chairperson Marca Bristo. And yet prejudice against people with disabilities is so much more pervasive and unquestioned than sexism that promoting identical methods directed against us raises no concern.

Edward Stein of Yale University, in a recent paper on genetic screening and sexual orientation published in *Bioethics*, argues convincingly that choosing only to have children with characteristics valued by society -- such as heterosexuality -- reinforces the social preference for that characteristic. If this is the case, then choosing to have only sons -- or only children without apparent disabilities -- produces moral consequences far beyond the effect it will have on one's own family.

Such choices have an effect on all of us, Bristo told Princeton students. "Singer's core vision -- that the life of a person with a disability is worth less than the life of a person without a disability, and therefore it is okay to kill infants with disabilities if that is what the parent wants to do -- amounts to a defense of genocide."

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### Tolerance and Speech

Because Singer advocates the killing of disabled infants up to 28 days after birth, Christopher Benek of Princeton Students Against Infanticide argues that his hiring violates Princeton's "Commitment to Community" policy, which warns that "Abusive or harassing behavior, verbal, or physical, which demeans, intimidates, threatens, or injures another because of his or her personal characteristics or beliefs is subject to university disciplinary sanctions."

Benek has called for Princeton either to rescind the appointment or abandon the policy on tolerance. He maintains that there is an essential difference between limiting Singer's speech, which Benek is not proposing, and not offering Singer a privileged position from which to speak.

Bristo agrees. "Princeton University does not condone hate," she told an audience at a PSAI-sponsored rally this spring. "Princeton University does not abide racism or anti-Semitism or homophobia. Princeton University should not abide Peter Singer."

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### Links of interest:

[Not Dead Yet](#)

[Borthwick article.](#)

[Bibliography on quality of life.](#)

[Kunc/Van der Klift article.](#)

[Princeton Students Against Infanticide.](#)

[To join PSAI's protest.](#)

[Princeton statement on tolerance](#)

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