The Importance of Being Human

DAVID McNAUGHTON

I wish from my Heart, I could avoid concluding, that since Morality, according to your Opinion as well as mine, is determin’d merely by Sentiment, it regards only human Nature & human Life. . . . If Morality were determin’d by Reason, that is the same to all rational Beings: But nothing but Experience can assure us, that the Sentiments are the same. What Experience have we with regard to superior Beings? How can we ascribe to them any Sentiments at all? They have implanted those Sentiments in us for the Conduct of Life like our bodily Sensations, which they possess not themselves. (Letter from Hume to Hutcheson: March 16, 1740)

When we ask whether morality ‘regards only human nature and human life’ we might be concerned with one of two kinds of question. We may be asking what kinds of being could share our moral point of view. What is the potential scope of the community of moral agents and assessors? Is the moral point of view essentially a human point of view? Could we, or should we, adopt a wider standpoint (say that of rational agency as such) which would leave room for a significant moral dialogue with non-human moral agents, if there are any? Alternatively, we could be asking whether only human beings should be the objects of moral concern or whether we should widen the circle of concern to include other kinds of being. We may make the same point using a helpful device of Cora Diamond’s. We may be concerned with what should replace x or with what should replace y in the formula: We xs assess together conduct and character in so far as it affects ourselves and our fellow ys.

Having distinguished those two questions we might then ask what connections, if any, there may be between the answers. Some philosophers suppose the connection to be very close and hold that whatever term replaces x should also replace y. Kant famously held that

2 It is clear from the context that, in his letter, Hume is raising the former question.
3 See Cora Diamond, ‘The Importance of Being Human’ in this volume, p. 37. All otherwise unattributed page references in brackets in the text will be to this paper.
rationality was the only qualification both for being a moral agent and for being an object of moral concern. Hume, on some interpretations, thought that both $x$ and $y$ should be replaced by the term ‘human being’, although his theory seems to allow a natural extension of the class of objects of moral concern to include animals.\(^4\)

In the first two parts of this paper I put forward a particular version of moral realism which provides an answer to our first question; for it leads to the conclusion that it is only from the human point of view, or the point of view of beings who are appropriately similar to us, that we can make sense of our moral practice. As we shall later see, this theory does have implications for the way we should answer our second question, though not of such a direct kind as we find in Hume or Kant. Since it is well discussed in the literature, my sketch will be brief. In my exposition I shall concentrate on the issue of moral justification, which is central to my discussion of the second question in Parts III and IV.

The best way in to this version of moral realism, which we owe to McDowell,\(^5\) is to see how it differs from a non-cognitivist account in the Humean spirit. On that account, moral properties are not real properties; they are no part of the furniture of the world. Moral experience is to be analysed into two distinct parts: a belief about the non-moral features of the act or person judged and an affective response to those features. The first of these is genuinely cognitive but the second is not. The affective responses of an individual (or group) can only be seen as constituting a genuine moral practice if he consistently picks out the same non-evaluative features of the world for favourable or unfavourable evaluation. For ethical non-cognitivism justification is thus a matter of internal consistency. The great strength of non-cognitivism, which flows from this analysis, is that it provides a simple explanation of the way in which moral commitments motivate. Since a moral response is, in part, affective, to have a moral attitude about something

\(^4\) Cora Diamond alludes, on p. 37 of her paper, to Annette Baier’s Humean view which allows sympathetic feeling to extend to the inanimate. This may be the right position but, for reasons that I explore briefly in Part III, it seems to me to represent a considerable departure from Hume’s own view.

The Importance of Being Human

is to care about it, to desire to act in certain ways. The non-cognitivist is thus an internalist about moral motivation; a moral attitude can motivate without assistance from a distinct motivational state.

We can now see that there is an ambiguity in our first question. Whether or not non-humans can share our moral point of view may be a question about moral motivation or about comprehension. When Hume claims, as a chief exponent of the non-cognitivist approach, that morality 'regards only human nature and human life' he is making a point about motivation. When we offer certain considerations as supplying moral reasons to act in a particular way they will not be considerations that would motivate any rational agent, whatever his emotions and desires. Thus someone who did not share our moral point of view, because he did not share with us the range of affective responses that underlie our moral practice, would be unmoved by the considerations that move us. Hume's point is not about what it is to understand a moral practice. There is no reason, on Hume's account, to think that 'superior beings' would not understand our moral system; it is just that they would not share it. That is, they are not moved to act by what sways us. If our moral practice is a consistent one the outsider can understand it by discovering which non-moral properties we select for favourable and which for unfavourable evaluation. There is nothing more to understanding it than that. He could thus predict and even mimic our practice.

The moral realist claims, as her name suggests, that moral properties are real properties and that there can be moral beliefs which should be seen as purely cognitive states, rather than an amalgam of the cognitive and the non-cognitive. It may seem that the moral realist must reject the internalist account of moral motivation offered by the non-cognitivist. How, on the realist account, could an agent be motivated by her moral beliefs or by her recognition of a moral requirement? Surely, to believe that something is the case is one thing and to care about it, to be moved to act, is quite another. Such a rejection of internalism rests on that very distinction between the cognitive and the affective on which the non-cognitivist places such reliance—a distinction which finds its most common expression in the characteristic Humean claim that the motivation of action requires the co-operation of two radically different kinds of state—beliefs and desires.

Our kind of moral realist questions this hallowed distinction. Her suggestion is that a cognitive state, a particular way of appreciating or

---

6 In opposition to this view there are a number of moral realists who adopt an externalist account of moral motivation. For a clear account of this position see David Brink, 'Externalist Moral Realism', *Southern Journal of Philosophy* 24, Supplement (1986), 23–41.
understanding a situation, can itself be a way of caring. A cognitive state can thus motivate, without assistance from a non-cognitive partner.

This kind of moral realist agrees with the non-cognitivist that intelligent beings who lacked our distinctively human concerns would not share our moral point of view. Her account of the matter, however, differs markedly from that of the non-cognitivist. As we have seen, the non-cognitivist takes it that the outsider may be aware of all that there is to be aware of but, because he lacks our concerns, does not care about what is morally right or wrong. If our use of some moral term is to be non-arbitrary and so intelligible it must be guided by the way things are in the world. For the non-cognitivist the only properties there are, and so the only properties to which we could be sensitive, are non-moral ones. So our pattern of moral response, if it is to be world-guided, must be comprehensible at the level of the non-moral properties and so could be grasped by the moral outsider.

The moral realist, by contrast, insists that we should leave open the possibility that the outsider may not even understand our practice because he is unable to detect any consistent pattern in our responses. Lacking our concerns, he may be unable to see any pattern in the way we group actions and agents under particular moral predicates. Only someone who could at least appreciate the point of our practice could see its structure. There may be no discernible pattern of response so long as we remain at the non-moral level. This does not mean that the realist has abandoned the claim that, in order to be intelligible, a moral practice must be world-guided. Since the realist has a richer conception of reality than the non-cognitivist, she can still make sense of the suggestion that a moral practice might be a response to what is really there. For it might exhibit sensitivity to the presence or absence of moral properties, a sensitivity only available to those who can appreciate our moral point of view.

If we embrace this suggestion then we must reject the standard picture of moral reasoning, which is by no means confined to those of a non-cognitivist persuasion. If we are challenged to justify our moral judgment about a particular case we appeal to some further features of the case which we give as our reasons. In justifying the claim, say, that some action is right we may appeal to ‘thick’ moral properties of the action; that it is kind or just, for instance. Those latter claims may themselves be held to be in need of justification, so that it seems reasonable to suppose that we shall eventually have to cite a number of the non-moral features of the case as justifying our moral conclusions. It is when we ask how indicating a non-moral feature can be seen as giving a reason that the moral realist departs from orthodoxy.
On the standard model, when I give reason(s) for my verdict in a particular case I am implicitly appealing to a general principle. My citing the presence (or absence) of this non-moral property in this case only counts as a reason for my judgment if the presence (or absence) of this property is generally morally relevant. I have supplied a reason only if this non-moral property of an action always counts, and counts in the same way, wherever it is found. On this conception, each moral reason gets its force from the general principle of which it is an instance. Thus a first step towards articulating a moral position would be to lay out a person’s principles, that is to give a complete list of all those non-moral properties that count against doing an action and a similar list of those that count in favour. This general picture of moral reasoning is so widely accepted that it is often supposed that disagreement only emerges after this point; disagreement as to the nature of moral principles (e.g. are they absolute or overridable) and how they are to be justified. But to embrace the model is already to accept the disputed picture of a moral practice. For it supposes that, in coming to understand someone’s moral practice, we shall be uncovering a pattern of response which is comprehensible at the level of non-moral features—a pattern which could be grasped by the moral outsider.

What picture of justification could be put in place of the standard model? It is helpful to turn to the justification of aesthetic judgments for an analogy. If I wish to justify my claim that some painting, say, has aesthetic merit I may point to or indicate certain features of the painting in an attempt to get you to see what grounds my claim. I may, for example, show how this line sets up a rhythm which is subtly echoed elsewhere, or how the use of pastel shades creates a muted ambience. In these cases, however, there is little temptation to claim that such features only count as reasons for my judgment if they can be generalized. It would be crass to insist that, if what I am offering are reasons for my claim, then I am committed, say, to the view that any painting that uses pastel shades is the better for it. What blocks the generalizing move is the fact that no feature of the painting makes its contribution in isolation. Whether it adds to or detracts from the painting depends on its interaction with all the other elements in the painting. For this reason we would reject as ludicrous the idea that there might be an aesthetic outsider who, while lacking any insight into our aesthetic practice, could predict, on the basis of observing our evaluative behaviour, what paintings we would find valuable.

We would not have a complete articulation of a moral position until we knew how that position dealt with conflicts of moral principles. If we accept Ross’s claim that there is no computational method of settling moral conflicts then some part of our moral practice would remain opaque to the outsider (see MV 13.2).
David McNaughton

One powerful reason for rejecting generalism in moral as in aesthetic justification is that it offers an unduly atomistic picture of moral reasoning. It supposes that each reason is insulated from its surroundings so that the effect of each on the rightness or wrongness of the action as a whole can be judged separately. The moral particularist prefers a holistic view. Whether a particular feature will have a bearing, and what that bearing will be, is something that can only be decided in the particular case when we can determine how the various features of the case interact. 8

The drive to particularism does not, therefore, stem from this brand of moral realism, for particularism is independently attractive. 9 Rather, moral realism as I have construed it offers a conception of what it is to engage in a moral practice which makes sense of particularism and offers a defence against the charge that so unprincipled a collocation of responses cannot constitute a moral practice, a response to anything real.

II

The moral realist claims that someone who did not share, or at least could not see the point of, our moral scheme might fail to see any shape to our practice. To support this claim we can appeal to familiar considerations about classification in general. Any two things are similar in an

8 For more on particularism see Jonathan Dancy, 'Ethical Particularism and Morally Relevant Properties', Mind 92 (1983), 530–47, and MV 13. I want to stress that the particularist sets no a priori limits on what kinds of feature may be morally relevant. Scientific, relational and cultural facts may all be relevant. The latter may include facts of the kind to which Cora Diamond draws our attention in her paper; facts about people and animals which stem from our cultural makings.

I use the term 'fact' deliberately. In 'Eating Meat and Eating People', Philosophy 53 (1978), 465–79, Cora Diamond talks of applying the notion of a fellow creature to an animal, of seeing it as company, of its having an independent life. She then says 'it is not a fact that a titmouse has a life; if one speaks that way it expresses a particular relation within a broadly specifiable range to titmice. It is no more biological than it would be a biological point should you call another person a “traveller between life and death”' (p. 475). I agree with her that such a remark is not intended biologically, but science has no monopoly on facts. Perhaps similar thoughts underlie her contrast in her present paper between the empirical and the imaginative, a distinction of which I have a profound distrust.

The Importance of Being Human

indefinite number of ways and dissimilar in an indefinite number of ways. The world comes divided up in too many ways for our classification to mirror the (unique) way that things are divided in reality. Rather, the classificatory scheme we bring to bear on our world is a product of our interests, our culture, what seems natural to us. If the outsider has no conception of what it is about, say, justice that makes it important to us then he will have great difficulty in seeing why we group various actions together as all just. Even if he comes up with some hypothesis that covers existing cases it is likely that future uses of the term by us will overturn it. He will not be able to predict future applications of the term with any confidence because he cannot see how our classification of new examples can be seen as a case of going on in the same way. 10

In the remainder of this section I want, by resisting some possible counter-claims or misunderstandings, to clarify my contention that it is only from the human point of view that we can understand and engage in our moral practice.

It might be objected that I have still not drawn the area within which comprehension can occur sufficiently narrowly. It is doubtful that the moral practice of any group of humans can be understood by all those who share the human point of view. Given that there may be differences in the thick moral concepts that different cultures have evolved to divide up the world, might it not be that a member of one human culture could make no sense of the moral practice of another culture? Might we not discover that there are incommensurable moral schemes? This is not something we could discover, as I have tried to show elsewhere, 11 for familiar Davidsonian reasons. In interpreting others we have to suppose that they are right about most things. Only against a background of agreement can there be disagreement. The interpretation of moral beliefs is no different. It could not be that we have reached the stage where we have identified a class of utterances as moral responses but can make nothing of them. If we interpret the speaker as approving of some course of action, we will only be able to see that as moral approval if the beliefs that he offers in support of his view are of the right sort, beliefs that we can interpret as moral reasons. It follows that moral dialogue between cultures is always possible, though there may be pockets of incomprehension. Moreover, we can learn from expanding our moral horizons. To be in a position to assess the practice of another culture we need to understand them, to have interpreted

10 I have in mind here, in particular, the work of Nelson Goodman.

11 MV 10.4.
them successfully. Once we have done that, the decisions we come to there may cast fresh light on our own moral practice.12

A weaker version of this objection concedes that there could not be incommensurable moral schemes but suggests that there might be a special difficulty in interpreting moral practice, a point which the moral realist seems to have accepted in allowing the possibility of a moral outsider. For the suggestion seemed to be that the outsider might succeed in interpreting all our non-moral utterances but that understanding might run out when he turned his attention to our moral practice. He might not be able to see us as having a moral practice at all. I am inclined to think that we should resist the claim that this is a genuine possibility and regard the concept of the complete moral outsider as merely a heuristic device in expounding the theory. This for two reasons. First, the points that I made in the first paragraph of this section were perfectly general; they made no appeal to anything distinctive about moral or evaluative practices. Second, interpretation is a holistic procedure and our moral beliefs are intimately intertwined with others. It is hard to believe that someone could have made impressive headway in interpreting our non-moral thought and be completely stuck at the moral level.

One final worry. Someone might claim that, if it is the case that only a fellow human, or someone who was sufficiently like us, could understand our moral practice, we should be able to provide an independent account of just what features or capacities someone has to share with us in order to appreciate our moral point of view. I am inclined to think that this demand is not one that can be met. To understand any form of life just is to see why these things are grouped together, what would count as going on the same way, and so on. The capacities someone would have to share with us in order to understand our moral point of view just are those capacities whose existence is revealed in that understanding. To be sufficiently like us is to be interpretable by us.

III

At the beginning of the paper I mentioned that for some philosophers there is an intimate connection between the answer they give to the first of our questions and the answer they give to the second. Kant sees the connection as conceptual: an investigation of rational agency shows both that it is the essence of moral agency and that it is the only thing valuable as an end in itself. So the only moral limit is set by the existence of rational agency itself, whether in your own person or that of any

12 See MV 10.5–7.
other. For Hume, or so I would claim, the answer to the second question is not the same as the answer to the first but there is nevertheless a connection between the answers which stems from Hume's account of sympathy. We can only sympathize with beings who are sentient, who can experience pleasure and pain. For sympathy consists in coming to have a like feeling ourselves when we are aware of such a feeling in another. I think, therefore, that the outer limits of the Humean circle of sympathy are coincident with the limits of sentience; non-sentient things cannot be the objects of moral concern except in so far as they affect the interests of sentient creatures.

It is obvious that no connections of this direct kind can be set up between the two questions in the case of the kind of moral realism I have been discussing. We have seen that only those who share our concerns can understand our moral system, but it does not follow that they alone can be the objects of those concerns. Nor have I postulated any particular psychological mechanism of a Humean kind which would set limits on what kinds of object could engage our moral sympathies. What light moral realism does shed on the second question is methodological. The particularism that emerges means that no general pronouncement on the second question can be made. How we should treat various kinds of being in particular situations is a matter to be decided on a case by case basis and not by any general considerations of moral theory.

It follows that what we might term the orthodox approach to the second question, so well characterized by Diamond at the beginning of her paper, is mistaken. That approach seeks for some general non-moral characteristic(s), such as sentience or self-consciousness, which distinguish what is an object of moral concern from what is not. Such characteristics must be ones that can survive rational reflection on the nature of morality, and the property of being human is held not to qualify. The particularist does not deny that such characteristics as sentience or self-consciousness can be morally relevant on occasion, but that does not mean that they are always relevant, still less decisively so.

Few philosophers would now defend the view that only human beings can be the objects of moral concern. But the notion that human beings have some special place in our moral thought is more resistant.

If Hume did think this, as Diamond suggests on p. 37 (following Baier's account) it was not as a result of the nature of his theory. But I think the evidence is that he did give animals some place as objects of moral concern. Baier says in Postures of the Mind: Essays on Mind and Morals (Minneapolis: University of Minnesota Press, 1985), 149, 'Hume himself does not address the question of whether virtues and vices are shown in our treatment of animals.' This is a mistake. See David Hume, Enquiries Concerning Human Understanding and the Principles of Morals, ed. L. A. Selby-Bigge (Oxford: Oxford University Press, 1975) 190–1.
As Diamond notes (p. 52) the orthodox approach raises a dilemma for those who hold this view. If the standard for inclusion in the sphere of moral concern is put too high then not only will most non-humans be excluded but so will some humans, such as babies and the retarded. If the standard is set so low that all humans are included then many animals will also gain entry and hence the special place of humans will again be threatened.

One version of the orthodox account sees being a proper object of moral concern as possessing moral rights which come in an all-or-nothing package; if an object passes the crucial test then its treatment is governed by a complex set of moral rules. If it fails the test then it falls outside the charmed circle and gets no moral protection. Yet there seem to be many cases, as Diamond eloquently reminds us, (p. 55) such as our treatment of the dead, the retarded, the comatose, the new-born and so on, where the way we treat them and think of them is connected to their being human. Our attitude to them is not the same as our attitude to animals whose level of capacity is roughly equivalent to theirs.

Those who seek to preserve a special place for humans, but are wedded to the picture of moral reasoning as concerned with the search for common characteristics which all objects of moral concern share, may seek to complicate the story by dividing the packet of rights into different segments. There may be some rights that one has solely in virtue of, say, sentience but others that one only acquires in virtue of some more advanced characteristic, such as rationality, or self-consciousness. Thus we might argue that animals, in virtue of their sentience, are owed duties of benevolence; we owe them, to use a phrase of Hume’s, ‘gentle usage’. Humans by contrast, in virtue of their self-consciousness, have a richer panoply of rights, such as the right to life, the right to certain kinds of respect, and so on. It is clear, however, that this is only a palliative measure. For it would still allow that those humans who, while sentient, lack the higher qualification may be treated in ways that we generally think of as unacceptable, e.g. newborns may be killed, provided that it is done painlessly.

The particularist will reject the picture that moral rights come bundled together (whether in one package or two) so that once one has acknowledged that some being has a moral claim in one case one is committed to acknowledging his claims in other cases. He will also reject the claim that there are a priori limits to what kind of thing can be an object of moral concern on a particular occasion. One of the strengths of particularism is that it does not specify in advance what features of a situation may be morally relevant. It thus does not rule out our coming to view our treatment of some being that has hitherto not fallen within the ambit of our moral thought as having, after all, some
The Importance of Being Human

degree of moral significance. This is especially important when we get to environmental ethics for, on many moral theories, trees and rocks just cannot be objects of moral concern at all.

A worry which people naturally have about particularism is how someone can move from case to case without moral principles to guide her. When the particularist claims that there are no a priori limits to what kinds of thing may be an object of moral concern on some occasion, similar worries may arise. Unless we can give necessary and sufficient conditions for being an object of moral consideration how can we determine whether or not there is some morally appropriate response to this object in this situation? I shall try to allay this worry a little by pursuing the aesthetic analogy on which I have already relied. The question 'Can I see this being as having a moral claim on me in this situation?' can be compared with 'Is this artifact a work of art?'

It is now widely accepted that there are no necessary and sufficient conditions for being a work of art, but that does not prevent us using the term intelligibly. In order to show that some putative candidate should be included we have to reveal connections between it and the existing corpus of works of art. We have to be able to see how we can fit it into that corpus, in part so that we know how to appreciate it. We may come to recognize that something that we would not previously have thought of as a work of art can be so regarded. That is, we may see classifying it as art as an example of going on in the same way. I want to make two points about such cases.\(^\text{14}\) Firstly, it may be that we can only see something as a work of art at a particular point in history. We need to have the right conceptual tools in order to understand how it can be fitted into the corpus. Second, and this is a point we have met before in the case of getting to know a new culture, our including the new work may change the way we see the old. For we may value the new object for features that we did not previously value aesthetically, but which we now see as important. But this may cast a fresh light on other works that share this feature.\(^\text{15}\) Similar remarks apply to extending the range of moral concern. If we come to view trees, or rocks or the ecosystem in a light which shows that they merit a response which we had previously reserved for humans or animals then our view of animals or humans may itself be changed in the light of that new response.\(^\text{16}\)

\(^{14}\) Points which I owe to the work of Arthur Danto.


\(^{16}\) There is not space to consider here the interesting question, touched on in this paper of Diamond's but discussed at greater length in other papers of hers, as to how we might extend to animals various notions that naturally find their place in human life, and what the effect of that extension might be.
What, then, of a positive account of the place of the notion of being human in ethics? The formal, short, dusty answer is that it can be morally relevant in one case and not relevant in another. Nothing general can be said about how we ought to treat humans, as distinct from other kinds of thing.

I have said that, for the particularist, the property of being human may, like any property, be morally relevant on some occasion. But someone might ask for an explanation of the way(s) in which it might get into the picture. Certainly we do appeal to it in some cases. To take an example Diamond gives, (p. 52) most of us think that it is wrong to perform an experiment on a mentally retarded person which we would be prepared to perform on an animal. In such cases we naturally appeal to the fact that the retarded are human, but how are we to understand that justification? Before we can consider whether, in such a case, the fact that the mentally retarded person is human is a sufficient, or even a good, reason for treating her differently from an animal, we need first to see how being human might figure as a morally relevant property. The rest of the paper is taken up with this question as it bears on this kind of example.

One way in which being human might be morally relevant is that, because the retarded are human, they will be part of a network of human relationships, so that using them for experimentation will cause their friends and relatives deep distress. As Diamond points out, though this is an important reason, it is not the only possible one and does not cover the case of the friendless orphan, who may seem particularly in need of protection. What is it about the retarded person herself that might ground such a judgment?

Another way in which the property of being human might get in to the picture is that the retarded person may share certain human capacities with us, and this forms the basis for certain reactions, such as compassion, and for certain kinds of relationship. We may exchange a smile with such a person or realize that she is moved by music. I do not mean that we must take this, as the orthodox approach would, as evidence of the existence of some general capacity, such as self-consciousness, which distinguishes people from beasts. But such an appeal will not work in the case of those in whom none of this can be seen. In such a case can the thought that this person is human have any moral role to play? It is here that I want to bring Diamond’s paper into the discussion.

IV

Diamond argues that the notion of being human does play a crucial role in our thought and practice, and hence in our moral thought and
The Importance of Being Human

practice. We have imaginatively made something of what it is to live a human life and share a human fate; something which is not present in the basic biological concept of being a member of the human species. This sense of what we are is made manifest in a whole range of attitudes not only to the healthy living, but to the retarded, the comatose and the dead.

We might be tempted simply to add her conception of what it is to live a human life to the accounts already sketched of the ways in which we can see the fact that someone is human as a morally relevant property, appeal to which might play a part in justifying, say, our refusal to carry out on a retarded person an experimental procedure which we would be prepared to carry out on a dog. What she adds to the conception of being human we have built up so far is a dimension in which what matters about being human is not just living a life in which distinctive human capacities are exercised. We might see her proposal as drawing our attention to a deeper sense of what it is to live a human life which gets its meaning from our imaginative makings. What might justify a special concern for 'the dead and the unborn, and those who bear on their faces “a look of blank idiocy”’ (p. 55) is that they can all be seen as sharing a common human life with us. But this would be to misunderstand Diamond’s position. She is not seeking to justify our attitude to the retarded by appeal to some property that they share with us.

She says, ‘I am not arguing that we have a “moral obligation to feel a sense of solidarity with all other human beings” because of some natural or supernatural property or group of properties which we all have, contingently or necessarily. I am arguing, though, that there is no need to find such a ground’ (p. 55). ‘I have not tried to give the extent of moral concern in terms of beings characterized in a certain way’ (p. 58). On her view, standard accounts of how we should go about justifying differential treatment of humans and animals in such cases locate justification in the wrong place. They hold that, in order to justify our treatment of human beings we must look and see whether we can find something about them which justifies this treatment. But where it is what we have imaginatively made of something that determines what kind of thing it is there is no possibility of our being mistaken about its nature, and so no question of our practice failing to fit its nature. To take an illuminating example of hers: an important part of what we have made of human life is that humans have names. Names are a human invention whose significance is brought out and developed in, among other places, poetry and novels. It makes no sense, however, to ask what it is about humans, independently of what we have made of human life, that justifies us in giving them names. Giving them names is part of what constitutes our imaginative, non-
biological, notion of what it is to be human. Thus the claim that a retarded person can be seen as sharing a human fate with us should not be seen as an attempt to determine what it is about this person, apart from our treatment of her, which justifies that treatment.\textsuperscript{17}

This does not mean that there is no place for critical reflection. The mistake was to think that ‘philosophical-critical reflection on a mode of thought must take the form of investigating whether the mode of thought is appropriate to the nature of what is thought about’ (p. 62). Critical reflection consists in asking whether some imaginative conception of what it is to be a certain kind of being is a precious part of human life, whether its ending would be a loss or a benefit. Practices can be rejected on these grounds. Thus she says: ‘we have never made anything humanly valuable out of the differences between the races, the mythology of the American South notwithstanding.’\textsuperscript{18}

There is much that needs to be explored about these claims but I shall not dispute what I take to be a central point, that where our conception of something’s nature is, in part, determined by a practice we cannot appeal to that nature to justify its inclusion in the practice. My aim is merely to show that there can sometimes be a serious question as to whether some person (or being) does or should fall under a practice. Here it cannot be the case that that person’s nature is constituted by the practice, because it is the applicability of the practice to her case that is in question. In such cases, it will be legitimate to speak of giving reasons for or against our decision, and justification for including or excluding her will have to proceed by reference to features of her and her situation which are independent of the practice. Among cases of this kind are, I maintain, ones such as the treatment of the severely mentally disabled or permanently comatose about which the orthodox approach raises sceptical doubts. I shall argue that we need to understand how we can see such people as having a human life to lead and that Diamond’s paper provides us with a plausible answer. The natural way to understand that answer, contrary (as I understand them) to her intentions, is to see it as providing a justification for including them in that practice, a justification which appeals, ultimately, to the biological fact that they are members of the human species.

\textsuperscript{17} In this paragraph, and elsewhere, I am relying heavily on a letter of Cora Diamond’s, part of which is reproduced in the Appendix to her paper. She says ‘[O]n my view there is plenty of room for critical reflection, but it is not a matter of trying to tell whether the beings to whom we respond are, all or almost all or some of them, such as to merit . . . the treatment we do give or do think it is right to give to fellow human beings’ (p. 62, my emphasis).

\textsuperscript{18} Diamond, ‘Eating Meat and Eating People’, op. cit. (n. 8), 351.
The Importance of Being Human

Let me begin the argument with an example, which I have developed from her ‘Eating meat and eating people’, where the question of whether some being is rightfully excluded from a practice does not arise.\(^{19}\) What it is for an animal to be a pet is constituted by the way we treat them; we have made for ourselves the notion of being a pet. ‘A pet is not something to eat, it is given a name, is let into our houses and may be spoken to in ways in which we do not normally speak to cows or squirrels.’\(^{20}\) We cannot appeal to the nature of this animal, antecedently to the practice, to explain what it is about it that justifies our treating it in this way because there is nothing about, say, this lamb, which is a pet, which differentiates it from that lamb, which is going to market, except that one has been taken up into this form of life and the other has been excluded. Moreover, in explaining that this lamb is allowed in the kitchen because it is a pet, we are not justifying the action by explaining what kind of thing it is. Rather, its being that kind of thing is constituted by such practices as allowing it in the kitchen. It follows that ‘people who ate their pets would not have pets in the same sense of that term. (If we call an animal that we are fattening for the table a pet, we are making a crude joke of a familiar sort.)’\(^{21}\) In the case of pets, critical reflection cannot consist in asking what it is about the nature of this lamb that merits our treating it as a pet; to be a pet just is to be treated in that way. We can only criticize the practice by asking if it makes anything valuable out of the relations and differences between animals and ourselves.

The foregoing is a remark about setting up a practice in which one lamb is treated in a particular way and another is not. It is worth noting that once I have made a pet of Larry I enter into a complex relationship with him which constitutes the practice, and that very fact can explain why it would be morally wrong of me, or anyone else who knows that Larry is a pet, to serve him up piping hot with mint sauce. It is not simply that, if I did eat him, I would show that he was not, after all, a

19 When I originally wrote this paper I took myself, in my remarks about pets, to be expounding Diamond’s position in her earlier paper. However, she assured me, at the conference, that the argument which I develop here (which we may call the circularity argument) is not one she intended to put forward. Fortunately, there is no need to consider whether my reading had any textual warrant (which I think it had); the argument of my paper is unaffected by the question of attribution. I develop the pet example firstly to try to make sense of the sentences from her letter that I quoted and, second, in order to bring out the contrast with the case of the severely retarded human, and thus to pose a challenge to Diamond’s understanding of this latter case.

20 ‘Eating Meat and Eating People’, op. cit. (n. 8), 469.

21 Ibid.
pet or that he had ceased to be a pet. I could be morally criticized for eating Larry for a reason that would not apply if I ate a lamb from my farm. So even in this case, the question of moral justification of some proposed course of treatment can arise. But what settles the issue here is just an appeal to what we have made of Larry by including him in our practice. For it is part of the practice that, generally speaking, once an animal has been made a pet of, one is responsible for its welfare, should not eat it etc. (This is quite different from the case of treating a rock as a doorstep. Here it ceases to be a doorstep just when one ceases using it as such and there are no moral obligations internal to the practice.)

I have chosen the example of what it is to be a pet both because it does offer a clear instance of a case where it makes no sense to ask whether we are justified in including this creature in the practice, and because the differences between this case and what we have made of human life illustrate the doubts that I have about its extension to the latter case. Whether an animal is a pet does just depend on how we treat it. It is clearly absurd to ask whether there is something about the nature of this lamb, as distinct from that one, which justifies the differential treatment. The most obvious difference between being a pet and being human is that ‘human’ is, among other things, a biological category whereas ‘pet’ is not.

This difference suggests a dilemma for a position like Diamond’s. For we may ask what are the criteria for being human. If we press the pet analogy then what it is to be human is to be treated in certain ways. This may not coincide with what it is to be a member of the species homo sapiens. For there is a danger that certain people will turn out not to be human just because they are not in fact treated in the appropriate ways. One thinks, for example, of the treatment of slaves in certain cultures.

Sabina Lovibond provides a fine example when she quotes the anthropologist Mary Douglas on the practices of the Nuer:

For example, when a monstrous birth occurs, the defining limits between humans and animals may be threatened. If a monstrous birth can be labelled an event of a peculiar kind the categories can be restored. So the Nuer treat monstrous births as baby hippopotamuses, accidentally born to humans, and, with this labelling, the appropriate action is clear. They gently lay them in the river where they belong.22

22 Sabina Lovibond, Realism and Imagination in Ethics (Minneapolis: University of Minnesota Press, 1983), 54. I have Davidsonian doubts about this description of the Nuer’s practice, but I leave those on one side.
If there is nothing more to whether some being leads a human life than how we treat and think of it then, in the Nuer society, deformed babies are not human. This horn of the dilemma is uncomfortable because we now cannot run a story about what it is to lead a human life for those who are excluded from that life. The Nuer are not, apparently, making any mistake. The other horn takes ‘human’ as essentially a biological notion, but that seems to lead straight to a charge of speciesism, for how can a merely biological notion be morally relevant?

It seems reasonable to respond that this dilemma is too quick. For Diamond’s project is to show what we have imaginatively made of human life, and the scope of the enquiry is determined by the nature of the subject. It cannot be that, in our imaginative development of what it is to be human, it emerges that there are beings that are biologically human but do not lead a human life. What matters then is not so much how certain groups are in fact treated in some society but whether we have imaginatively forged a certain kind of account of what it is to live a human life which makes sense of the claim that all of us who are biologically human share a common human fate—an imaginative account which takes off from our all being members of one species but goes beyond it.

This response invites, however, a certain kind of scepticism. For we may doubt whether we do have a conception of what it is to have a human life to lead, which is more than just being a living member of the human species, and which applies even to the most severely retarded, or the comatose from birth, who exhibit no signs whatever of characteristic human response. On the other hand, there is at least one conception of what it is to live a human life (which I have already mentioned) which does go beyond mere species membership—a conception in which to live a human life is to engage in characteristic human activities, to laugh, to weep, to mourn and to rejoice. But that is not a form of life in which the severely mentally retarded can participate.

This point is beautifully brought out in footnote 48 on p. 59 in which Diamond deals with just such an objection. The picture which Diamond paints can be seen as her response to the doubt as to whether there is a conception that meets her specifications. It allows us to see the retarded person not only as having a human fate but one that is particularly terrible. It is a fate that a chimpanzee could not suffer. But it is perfectly proper, I maintain, to see what she is doing here as offering a reason for including even the severely retarded within a range of practices, attitudes and responses. We are led to see that there is reason to feel sorry for the retarded in a way in which we could not feel sorry for the chimpanzee. In virtue of the awfulness of her fate we may
feel that it would be callous in the extreme to use the retarded human as a subject in medical experimentation.\textsuperscript{23}

I am claiming that what Diamond is offering here can properly be seen as an attempt to justify certain kinds of response, an attempt to show that certain ways of treating the severely retarded would be wrong. It is, indeed, a justification of just the kind that could figure in a particularist account. We are faced with competing conceptions of what it is to live a human life, on one of which a severely retarded person cannot be seen as sharing a common human fate with us, and on the other of which she can. What Diamond offers are reasons for seeing that person’s existence in one way rather than another.\textsuperscript{24} The objection to viewing an appeal to the fact that Larry was a pet as a justification for treating him in a particular way was that it was hopelessly circular, since Larry’s being a pet was constituted by his being treated in that way. But Diamond appeals to a fact about the retarded person which is not in itself constituted by the practice—the fact that he has been deprived of distinctively human capacities—in order to justify her claim that he can be seen as having a human life to lead. So the circularity objection to understanding her remark as an attempted justification fails and the particularist may, if she wishes, appeal to such a reason if she finds it compelling in some case(s).\textsuperscript{25}

\textsuperscript{23} At the conference, David Cockburn pointed out that this reason did not seem sufficient, on its own, to explain our reluctance to experiment (painlessly) on the retarded, though it might ground some other response, such as wanting to give them those comforts they could appreciate, as a sort of compensation. (A similar problem would afflict anyone who tried to explain, along parallel lines, our feeling that it is very wrong to make fun of the retarded, even where they are incapable of noticing it.)

Here is a tentative response. The thought that someone has been deprived, although she does not know it, of a normal life, might ground an unwillingness to do anything to make her life worse. This would rule out all experiments except ones where there was no possibility of any deleterious consequences. This might still leave some opening for totally harmless experimentation. But would such experiments, if they met this stringent condition, be wrong?

\textsuperscript{24} It might help to recall the aesthetic analogy; think of cases where one wishes to justify one’s judgement of a work of art by offering a particular way of seeing (or reading, or hearing) it.

\textsuperscript{25} Holism about reasons will prevent particularists supposing that, where reference to being human gets in as a moral reason, it always gets in in the same way. The above account would not do, for example, in the case of neonates. Here, perhaps, we appeal to the fact that they are potentially human, that they would have a human life to lead if they were nurtured rather than destroyed. (I owe this point to Jonathan Dancy.)

It is noteworthy that objections to the potentiality argument typically
The Importance of Being Human

In virtue of what, however, can we see the retarded person as having been deprived of the exercise of distinctively human capacities? In virtue of her being a member of the species *homo sapiens*. For in another possible world she might have lived a full and normal human life. Whereas we cannot say that of the chimpanzee. Does this show that Diamond’s appeal is ultimately merely to a biological fact? No, not merely to a biological fact, for that fact grounds a counterfactual which enables us to see the retarded person in a certain light. Still, it might be said, the biological fact would figure in a complete account of the justification for treating the retarded with respect. And is this not to fall foul of the charge of speciesism? No, not if we adopt particularism. The particularist insists that it may be perfectly proper to appeal to the fact that someone is a member of the human species where it is morally relevant. But that appeal is not everywhere relevant, nor is any general licence granted for, say, doing what we like to animals provided that it is in our interests.

---

26 I owe this point to Piers Rawlings.
27 I should perhaps stress that there are many parts of Diamond’s rich paper that are unaffected by these remarks, such as her interesting treatment of Scrooge’s awakening awareness of his own mortality.
28 I wish to thank Cora Diamond for giving most generously of her time in discussing her views with me and saving me from many errors. I also wish to thank Jonathan Dancy, Piers Rawling, Brad Hooker and David Cockburn who provided helpful comments on earlier drafts of this paper, and the Philosophy Department of the University of Georgia for a generous financial contribution to my travelling costs.

follow a pattern which the particularist rejects. We are reminded that there are many cases where the fact that something is potentially *f* does not justify us in acting as if it were actually *f*. The implication is that because an appeal to potentiality won’t work in these cases it won’t work anywhere. This is just the move the particularist resists.