

# EVALUATION OF EVA FEDER KITTAY'S FRAMEWORK ON COGNITIVE DISABILITIES AND MORAL STATUS OF NON-HUMAN ANIMALS

**IVA MARTINIČ**

*Department of Philosophy*

*University of Rijeka*

*iva.martinic@uniri.hr / ivamartinic@gmail.com*

## **ABSTRACT**

I engage with Kittay's theory of moral status and obligations towards people with severe cognitive disabilities. While I certainly agree with the inclusion of people with cognitive disabilities in moral personhood, I disagree with Kittay's strategy, which rests in part on the distinction between the moral status of humans and nonhuman animals, leading to the exclusion of the latter. I present a counterargument to Kittay's position regarding the unjust exclusion of nonhuman animals from the sphere of moral personhood. She emphasizes relational identities and care in the definition of human worth as specific aspects of the moral relation of the human that ground its higher moral worth. I disagree with the thesis that these aspects are specific to human relations and thus define humans' privileged moral status. Kittay's rejection of the comparison between humans with disabilities and nonhuman animals is subject to the challenge of species narcissism and hierarchical views that privilege humans. I propose to extend Kittay's relational perspective to nonhuman animals by emphasizing the interconnectedness of all sentient beings. This favours a more inclusive and compassionate approach and promotes a more just society that values the well-being of all living beings and challenges hierarchical moral value systems.

## **KEYWORDS**

Cognitive disabilities, moral personhood, nonhuman animals, speciesism, Kittay.

## **INTRODUCTION**

The focus of this article is to analyse Eva Feder Kittay's (1999; 2001; 2005a; 2005b) response to the problem of the unjust exclusion of people with cognitive disabilities from the realm of moral personhood (what gives someone a special moral status). In contrast to authors (McMahan 1996; 2002; Singer 2009; Glackin 2016; Donaldson and Kymlicka 2011, 2014; Oliver 2017; Taylor 2017) who hold that species membership plays no role in determining moral status, Kittay suggests

that membership in a group of moral equals derives solely from species membership. She emphasises the active role of belonging to a particular species in defining moral equality. The argument for the importance of species membership is based on the concept of "social relations", which she underpins with a family analogy, because "as humans, we are indeed a family" (Kittay 2005a; 25). Rooted in social practices, humans uniquely fill "social relations" with a special meaning, shaping and defining them through their interactions and connections. In light of this meaning, we establish duties, actively shaping our identities through these relations, which play a crucial role in determining our moral standing (Kittay 2005a: 111).

While I certainly agree with the inclusion of people with cognitive disabilities, the primary focus of this paper is to present a counterargument to Kittay's position regarding the unjust exclusion of non-human animals from the sphere of moral personhood within her methodology. Thus, I will point out the shortcomings of her proposed approach, which unintentionally implies a problematic form of speciesism.

I will proceed as follows: First, I will examine Kittay's theory as an example of a theory that offers a solution to the inclusion of people with severe cognitive disabilities in the realm of moral personhood. Second, I will point out various problems with her theory as mentioned above, demonstrating that her solution implies the acceptance of at least one kind of speciesism. Third, to show the inadequacy of her proposed solution, I will present some alternative positions on the inclusion of non-human animals that effectively remedy the flaws in Kittay's arguments.

## **EVA FEDER KITTAY'S THEORY**

I will begin with the definition of moral personhood that Kittay herself describes and criticises. Namely, the definition is that moral personhood denotes beings who are entitled to moral protection and consideration in the realm of what can be called "moral." This classification typically depends on the presence of certain characteristics, such as the capacity to recognise morally right or wrong actions and the possession of psychological characteristics such as rationality and autonomy (McMahan 1996; 2002). These criteria frequently result in the exclusion of many beings from the moral sphere, especially those who lack these capacities, such as people with severe cognitive disabilities. For this reason, Kittay's theory, as outlined in her 2005 paper, is based on the claim that moral considerations should be based on an individual's species membership. Specifically, she argues that the function of "social relations" should be aimed at shaping one's own moral identity (Kittay 2005a).

By 'social relations' she means:

... a place in matrix of relationships embedded in social practices through which the relations acquire meanings. It is by virtue of meanings that the relationships acquire in social practices that duties are delineated, ways we enter and exit relationships are determined, emotional responses are deemed appropriate, and so forth. A social relation in this sense need not to be dependent on ongoing interpersonal relationship between conscious individuals. (...) Identities that we acquire are ones in which social relations play a constitutive role, conferring moral status and moral duties. These identities are part and parcel of social matrix of practices, roles, and understandings, which are themselves emmeshed in a moral world (Kittay 2005a: 111).

As evident from the quote, social relations hold a distinct significance for individuals, primarily due to the profound emotional bonds they entail. Kittay argues that the unique nature of these social relations among humans corresponds to distinct and exceptionally strong moral connections, obligations, and entitlements among them. In contrast, relationships with non-human animals, such as those between a pet owner and a pet, cannot be equated with human parenthood and, therefore, do not carry equivalent moral implications. Parenthood carries special significance in Kittay's perspective, as she elaborates in her earlier work "Love's Labour" (1999), where she elucidates this significance in terms of the inherent dignity of being "a mother's child."

She invokes the saying "We are all a mother's child" to highlight the value that everyone derives from the care provided by a maternal figure (Kittay: 1999; 2005b). This assertion implies that we all possess an equal entitlement to what is rightfully due to a mother's child.

Kittay (2005b) explains this dignity in the following way:

We utter these locutions when we want to remind our interlocutor (or ourselves) of the humanity of someone who seems to have been vanquished from our moral domain – the enemy we fight, the evildoer we want to punish, the homeless person living a life that is hardly recognisable as human, the inhabitant of a body noticeably twisted and a brain that only slowly takes in its world. We may say it even of ourselves when we have exerted ourselves on another's behalf and need to remind someone (perhaps ourselves) of our own need for care. It is herein that I hear a claim to equal dignity, one that is an alternative to conceptions dominating philosophical discourse. It is a claim with both moral and political consequences. Unlike most claims to equality where we invoke some common property, we each possess as individuals and from which we make claims to equal treatment, welfare, opportunity, resources, social goods, capabilities, rights, or dignity, when I assert that 'I too am some mother's child' I invoke a property that I have only in virtue of a property another person has. One is the child of a mother only because another person is someone who mothered one (Kittay 2005b; 113).

Kittay's work emphasises that the uniqueness of parenthood need not be tied to gender or biology. Rather, it is defined by caring for a dependent and vulnerable other. She (1999; 2005b) argues that the value of care is important as it demonstrates the intrinsic worth of the cared for person and the carer. Infants who are

cared for and survive confirm the importance of caring in sustaining life. Thus, she emphasises the unique relationship between a mother or caregiver and the child, where the caregiver prioritises the needs of the child over their own interests. This caring relationship is based on a specific form of love, giving rise to a duty to provide care when needed (Kittay 2005b; 116-118). Kittay contends that this care-based dignity, rooted in the nurturing bond between caregiver and dependent, holds intrinsic moral value and should not be considered a lesser moral position despite its association with dependency. By prioritising the needs of vulnerable individuals and assuming the responsibility of caring, we affirm the inherent worth and dignity of carers and care recipients alike. Kittay's perspective challenges traditional notions of autonomy and independence as the only characteristics of dignity. Instead she argues for a broader understanding that recognises the interconnectedness and interdependence of all individuals within society (Kittay 2005b; 116-117). Kittay thus questions the conception of dignity based on choice, which focuses on individual characteristics and decisions. Instead, she emphasises the importance of care and connection in creating value through relationships. In this context, dignity is not only dependent on individual choices.

To illustrate the importance of dignity in care, Kittay refers to her daughter Sesha, who has severe cognitive disabilities. Sesha's dignity is not based solely on her ability to think rationally, but rather on the loving care she receives from others. The recognition of Sesha's value through her relationships prevents dehumanisation and confirms the value of the carers. Kittay argues that caring relationships are essential in ascribing intrinsic value to individuals, regardless of their physical and mental variations. This caring-based dignity is based on our shared connection with others, our need for care, and our vulnerability, with the value being realised when carers are committed to our wellbeing. Kittay asserts that every human being is worthy of dignity as a vulnerable being. We are all connected and interdependent, and recognising and valuing this connection can foster empathy and compassion in society (Kittay 2005b: 118). In this sense, in her earlier work, Kittay (2001) contrasts the joyful moments she shares with Sesha with the struggles of those affected by neglect and institutions. Their intimate interactions, filled with small but profound joys, challenge the concerns of Sesha's limitations. By keeping Sesha in their home, others can see her humanity and expand their perspective on the human person (Kittay 2001: 567).

In summary, Kittay claims that individuals derive their moral status and obligations from their relational identities within particular social spaces. Drawing on her experiences as the mother of Sesha, who suffers from severe cognitive disabilities, Kittay emphasises the importance of asymmetrical, non-reciprocal, and partial obligations to care in defining human worth. She argues that even individuals who may not be moral agents possess dignity within the moral community (Mercy 2017: 15).

Kittay argues that individuals with severe cognitive disabilities, such as her daughter Sesha, are often not recognised for their moral standing because of a focus on psychological capacities such as rationality and autonomy. Despite this omission, Sesha “enriches the lives of others by her warmth, her serene and harmonious spirit, and her infectious zest for life, and who has never acted maliciously or tried to harm anyone” (Kittay 2005a: 123). If we only focus on capacities such as rationality and autonomy as a prerequisite for comprehensive moral recognition, we neglect other capacities such as caring, empathy, compassion, kindness, and appreciation for others. According to Kittay, the main reason why these important capacities are neglected is the mischaracterization of people with severe cognitive disabilities. Contrary to the claim that they are unresponsive beings lacking awareness of their environment, as some authors claim (McMahan 1996; 2002). Kittay illustrates this point with the example of the behaviour of her daughter Sesha, who is:

... enormously responsive, forming deep personal relationships with her family and her long-standing caregivers and friendly relations with her therapist and teachers, more distant relatives, and our friends. Although she will tend to be shy with strangers, certain strangers are quite able to engage her. (She has a special fondness for good-looking men!) (Kittay 2005a: 126).

In examining whether Sesha's life experiences enable her to make a connection between her past and future selves, Kittay (2005a) argues that although Sesha's connections are less stable than ours, she has a strong and distinct sense of self. Kittay believes that Sesha's sense of self is no more discontinuous than Kittay's sense of self. In this context, Kittay argues that her profound apprehension for Sesha's future is definite. She assumes the role of a surrogate for Sesha's inherent self-interest, effectively acting as a third-party intermediary. This intermediary function allows Kittay to contemplate not only her own future but also Sesha's association with it (Kittay 2005a: 128). By referring solely to specific capacities and disregarding others, we establish the conceptual criteria for certain cognitive disabilities that disqualify an individual person from being considered human (Kittay 2005a: 129).

Due to being mischaracterised, individuals with severe cognitive disabilities have often been compared to non-human animals. In this context, Kittay stresses that this kind of comparison is unacceptable and nonsensical. She emphasises that Sesha behaves like a human being, not like a dog. Sesha performs her actions imperfectly, as a human would, and thus her actions are “humanly imperfect, not canine perfect” (Kittay 2005a: 128). For example, despite all that Sesha cannot or seems unable to comprehend, according to Kittay, Sesha's receptivity to music and her sensitivity to others have remained remarkably intact. The strange mix of gifts and drawbacks she possesses impressively sustains Sesha's musical empathy. This unevenness is common in many people with severe cognitive disabilities. Accord-

ing to Kittay (2005a), this is not a characteristic of the non-human animals with which they are associated (Kittay 2005a: 128).

Kittay admits that comparing non-human animals and humans, especially primates, is relatively straightforward because due to their similarities. However, she finds it challenging to equate people with severe cognitive disabilities, including her daughter, with dogs. This is because people simply do not know enough about what it's like to be a dog, to think like a dog, to perceive the world like a dog, or to compare a human's intelligence to the intelligence of a dog. On the other hand, Kittay acknowledges that no gorilla or dog, no matter how devoted she is to them, can be her daughter – with all the emotional, social, and moral implications that entails (Kittay 2005a: 130).

Because of the special emphasis on human relations, Kittay faces the criticism of speciesism. Authors such as McMahan (1996; 2002) and Singer (2009) claim that speciesism, as discrimination based on species, is comparable to nationalism and racism, which are also based on "group membership". Kittay would rather argue that what distinguishes nationalism and racism as moral evils is their reliance on "property types." Racism is not only based on group membership, but also on the fact that one group (whites) possesses certain traits, and the other group (blacks) allegedly does not possess or is opposed to these traits (Kittay 2005a: 119). According to Kittay, the most toxic, harmful, phenomenon occurs when a particular group claims exclusive ownership of a set of defining characteristics, thereby granting its members the sole right to appropriate resources, power, and other privileges associated with those traits. She adds that this, if correct, has numerous significant implications for a moral theory such as McMahan's. The search for intrinsic properties that divide individuals into those who belong to "us" and those who do not, and separate "them" from "us" based on these desirable properties, sounds more racist and nationalistic than prioritising mere species membership (Kittay 2005a: 121). Accordingly, Kittay claims that membership in a human family, rather than racism or nationalism, is the proper moral analogue for membership in a community of moral equals based on membership of a species (Kittay 2005a: 124).

To conclude this part of the paper, I will summarise the main points of Eva Feder Kittay's theory. She argues for the inclusion of people with severe cognitive disabilities in the moral sphere based on their social relations and the care they receive. Indeed, relationships of care and empathy are essential to ascribe intrinsic value to individuals regardless of their cognitive abilities. Furthermore, Kittay rejects the comparison of people with disabilities to non-human animals. She claims that people with severe disabilities, like her daughter Sesha, have unique human abilities and a strong sense of self. Her theory challenges the idea that rationality alone confers moral status and instead argues for acknowledging the value that people acquire through their caring relationships with others.

Despite Kittay's compelling arguments, I recognize that her theory holds unresolved issues and objections. Her primary objective is to demonstrate that ascribing a unique bond and value to individuals of our own species is a virtuous disposition. She argues that familial relationships are the appropriate comparison for inclusion in a community of equals, but only when this inclusion is based on shared species membership. Put simply, humans are part of the community of equals because they belong to the human species, whereas non-human entities are excluded from this community due to their lack of membership in the human species. She also draws on her personal bond with her daughter Sesha to generalise the virtuousness of such relationships. I question her reliance on relations of care and empathy between humans as the main determinants of moral status. I am also concerned about possible inconsistencies and subjectivity in the application of this criterion. In addition, while Kittay makes compelling arguments in defence of the idea that the critique of speciesism is not valid, I am not convinced by her argument. As mentioned above, Kittay strongly asserts that it is impossible to form similar bonds with members of other species, suggesting that speciesism serves as a precondition for recognition and a basis for respect.

However, while she questions the comparison of people with disabilities with non-human animals and argues in favour of recognising their unique human abilities and self-awareness, the criticism of speciesism goes beyond mere comparisons. Speciesism as a concept criticises the unjustified privileging of humans over other species simply because they belong to the human species (reference omitted for the reviewing process). It questions the moral hierarchy that places the interests and welfare of humans above those of non-human animals without sufficient justification. Kittay's emphasis on care and empathy as determinants of moral status may challenge certain manifestations of speciesism, but it does not fully address the underlying ethical concerns regarding the full moral consideration of nonhuman animals. Therefore, the defence of Kittay's position requires a further justification of speciesism (Mercy 2017: 27).

In the following discussion, I will address these objections and explore the possible limitations and implications of Kittay's theory. By critically engaging with these objections, we can also gain a deeper insight into the complexity of moral reasoning and ethical considerations regarding the inclusion of people with disabilities in the moral community.

## OBJECTIONS TO KITTAY'S THEORY

In stark contrast to the claims of Kittay's theory, I will raise objections that call into question the foundation on which its arguments are built. Let me first examine Kittay's concept of doing something "in a human way".

She uses the term “in a human way” to distinguish her relationship with her daughter from that with a dog, and finally extends it to the special relationship she believes humans have with their own species. Kittay (2005b) argues that Sesha engages with music in a way that can be described as “human”. This assertion raises a significant point of contention, as the concept of “listening to music in a human way” or “human musical hearing” appears to be inherently ambiguous. The ambiguity stems from the undeniable fact that human interaction with music spans an incredibly broad spectrum, ranging from the nuanced interpretations of a conductor shaping a complex composition to the simpler pleasures of a layperson listening to the same piece. Indeed, the multi-faceted nature of the human experience with music is evident in the multitude of roles it plays in our lives. Music is not only an auditory phenomenon, but also a cultural, emotional, and intellectual one. A conductor's approach to a symphony, for example, may involve an intricate interpretation of the composer's intent, incorporating historical context, music theory, and personal expression to guide an orchestra's performance. In contrast, a layperson may connect with the same piece on a personal, emotional level, using it as a source of comfort, inspiration, or entertainment.

Moreover, the diversity of human responses to music extends to the cultural and social dimensions. Different cultures have different musical traditions, and people within those cultures may attach different meanings and importance to the same piece of music. The communal experience of music, whether in religious rituals, celebratory occasions, or shared moments of listening, underscores the importance of music in shaping our identity and fostering social relationships. Therefore, the ambiguity of what constitutes “listening to music in a human way” highlights the richness and complexity of human engagement with music. It suggests that there is no one-size-fits-all solution to understanding how people like Sesha relate to music. Instead, the multi-layered nature of human experience with music invites us to explore the different ways in which we interact with this art form and how it shapes our lives on a personal and collective level. This ambiguity serves as a reminder of the infinite possibilities for connection and interpretation that music offers humanity. Given this diversity, it remains unclear what exactly constitutes something “in a human way.” The lack of a clear definition delays the development of a theory based on this concept.

Indeed, Kittay could potentially argue that there is a range of variations in the way people engage in different activities, including those that she associates with something “human”. In this case, she could argue that Sesha's actions, even if they have some variations, still fall within the realm of human variations. However, in order to make a convincing argument, Kittay would need to provide a more detailed and nuanced explanation of what these variations mean and where Sesha falls on this spectrum. In other words, for Kittay's argument to be valid, she would need to clarify how the concept of doing something “in a human way” accounts for this variation. To do so, she would need to identify the characteristics or criteria



that define what is truly "human" in these activities and how they relate to Sesha's behaviour. Without such clarity and specificity, Kittay's argument remains vulnerable to the critique that the concept of "the human way" is too vague and inaccurate to serve as a foundation for her thesis. Therefore, Kittay's responsibility would be to provide a more robust framework for understanding and identifying what constitutes "the human way" in various activities. This framework would ideally encompass the diverse ways in which humans engage with these activities while still allowing for the inclusion of beings like Sesha. Until she provides such clarification, the concerns and objections raised regarding the ambiguity of this concept will persist as valid criticisms of her argument.

Furthermore, it is important to recognise that certain non-human animals can exhibit behaviours and cognitive abilities that Kittay characterises as "human and not canine". This recognition arises from the growing body of evidence suggesting that unexpected mental capacities can occur in nonhuman animals. Dogs, for example, are a compelling example of this phenomenon. In the book *"Minds of Their Own"* (2008), researchers present compelling evidence of dogs like Rico exhibiting "uncanny linguistic abilities". Rico had the extraordinary capacity to learn and recall words as quickly as a human child does. Researchers consider this capacity a fundamental building block of language acquisition, and Rico's approach closely resembles that of humans in this regard. Remarkably, the researchers discovered similar linguistic capacities in other dogs, such as Betsy, who had an extensive vocabulary of nearly three hundred words. Most unusually, even our closest relatives, the great apes, could not match Betsy's remarkable capacity to hear a word only once or twice and recognize its representation based on the audio pattern. These discoveries pose a direct challenge to Kittay's claim that certain capacities are exclusive to humans and are not present in nonhuman animals.

My argument goes beyond challenging the consideration of morally relevant characteristics as exclusively human. It also challenges the notion that the capacities discussed by Kittay, such as caring, responding appropriately to caring, empathy, compassion, a sense of harmony and love, and the capacity for kindness and appreciation of those who are kind (as cited by Kittay 2005a: 122), are inherently unique to human social interactions. In other words, the evidence showing unexpected mental capacities in non-human animals weakens Kittay's claims about whether these qualities are actually limited to human social interactions. The recognition of such cognitive capacities in non-human animals opens the door to a broader discussion of the interconnectedness of the human and non-human animal worlds. It challenges the traditional boundaries that have always separated humans from the rest of the animal kingdom. These revelations underscore the need for a fuller understanding of the cognitive, emotional, and social lives of non-human animals and cause us to rethink the characteristics we once thought uniquely human.

Kittay's exploration of Sesha's sense of self and her apprehension for Sesha's future, for example, parallels discussions about the cognitive capacities and moral considerations regarding non-human animals. By recognizing Sesha's strong and distinct sense of self despite less stable connections between her past and future selves, Kittay challenges the notion that certain cognitive disabilities exclude individuals from the status of full humanity. I agree with Kittay's complaint against the exclusion of human beings with cognitive disabilities from moral protection. However, this objective does not solely relate to morality within the human domain. For when we look at non-human animals, for example, their cognitive abilities, their emotional life, and their capacity for self-awareness are increasingly recognized. This recognition challenges traditional views that place humans at the pinnacle of moral consideration solely based on cognitive prowess. Just as Kittay acts as a surrogate for Sesha's inherent self-interest, advocates for animal rights and welfare act as intermediaries, advocating for the consideration of animals' interests beyond their immediate utility to humans. By extending moral consideration to include non-human animals, we broaden our understanding of what it means to be a moral subject and to possess inherent value. The criteria for moral consideration extend beyond certain cognitive capacities to encompass the capacity to experience and to have interests that warrant respect and consideration, regardless of species.

In this context, the following counterargument explores the possible extension of Kittay's concept of "social relations" to include relationships with strong emotional ties to beings that are not part of our species. The framework for this counterargument will revolve around the concept of pet ownership to show how it is compatible with Kittay's emphasis on deep emotional bonds.

When individuals choose to own a pet, they implicitly acknowledge that these non-human animals have valuable interests that deserve attention. In such cases, pet owners<sup>1</sup> are primarily concerned with the safety and well-being of their animal companions. The use of terms such as "pet," "companion," or "friend" is of great moral significance and illustrates the depth of the feelings and emotional bonds that people form with animals. For those who have pets, these animals are not simply possessions or resources; they consider them friends, individuals with whom they have formed a deep emotional bond. This distinction plays a crucial role in how these animals are treated (Alvaro 2017: 769). The bond between pet owners and their animals goes beyond the realm of mere feelings. It encompasses a number of responsibilities that include providing food, medical care, shelter, and a name. Naming a pet is important because it helps establish the animal's identity as a companion and sets them apart from other nonhuman animals like

<sup>1</sup> I have left the accepted term pet "owner" even though it is a problematic term, but only so as not to divert focus from my main point, which is the possibility of the special relationship Kittay argues with other non-human animals.

farm or laboratory animals, which are often seen as objects or commodities rather than recognized as individuals. The act of naming a pet is symbolic in nature and serves as a powerful emblem that distinguishes the nonhuman animal from others of its kind and links it to its human owner (Sanders 2003: 411). The attribution of certain human-like characteristics to a pet, including a distinct personality (Sunstein and Nussbaum 2004: 97), goes beyond simply recognising the existence of an animal; it recognises that pets have unique, individual characteristics that make them special in the eyes of their human companions. Consequently, people who consider animals their pets are not only ready but also often willing to take risks and make sacrifices for their well-being. This willingness to ensure the welfare of their pets, regardless of invested effort underscores the existence of meaningful relationships with nonhuman animals that bear striking similarities to human relationships and are of immeasurable value. The phenomenon of pet ownership signifies a growing recognition of the emotional and psychological needs of animals that go beyond their basic needs for food. This shift in perspective has led to legal and societal changes aimed at protecting the welfare of pets and recognizing their status as valued members of our households. The bonds we form with our pets underscore the rich web of emotions, connections, and responsibilities that characterize our shared lives with these extraordinary animals. They are a testament to the complex and multi-layered nature of the human-animal bond, where love, care, and mutual understanding flourish and ultimately redefine the way we perceive and interact with the animal world.

A compelling example of the deep emotional bond between pet owners and their animals is the experience of people experiencing homelessness. This life Kitay describes as a “life that is hardly recognisable as human” ((Kittay 2005b; 113). However, while these people face the challenge of finding shelter for themselves, they also prioritize the needs of their pets. Since this phenomenon extends not only to situations where conditions are optimal for keeping pets but also to situations where basic needs are scarce, homeless people with pets emphasize the importance of this companionship to their mental well-being. For example, a study conducted in Sydney, Australia (2021) looks at the life experiences of homeless people who have kept a pet despite the difficulties they face. It becomes clear that pets serve as a shield against social isolation, alienation, loneliness, and psychological health problems. At the same time, the bond between humans and nonhuman animals provides pet owners with unwavering affection, emotional stability, and an enhanced sense of security (Cleary et al., 2021).

Of course, not everyone will have the same close relationship with their pet. With this argument, I merely wanted to show that such strong emotional bonds are also possible outside our own species. It is also important to realise that the relationship is important for both pet owners and animals. In short, the relationship between pet owners and their animals is an example of a deep emotional bond that transcends species boundaries. This connection is consistent with Kittay's

emphasis on strong emotional bonds, suggesting that such relationships have significant value and challenging the idea that discussions of social relationships should only recognise bonds based on species. The deep emotional connection between humans and animals highlighted in the argument above is closely related to research on human-animal relationships, particularly regarding people with disabilities. Numerous studies (Ru 2023; Walsh 2008; Oliver 2016; Halm 2008) emphasise the transformative effect of animal companionship on people with physical or emotional challenges. These studies address the nuanced dynamics of these relationships and illuminate how animals serve as sources of comfort, companionship, and support that transcend traditional notions of human social bonds. The assertion about the importance of emotional bonds between different species is thus consistent not only with theoretical frameworks such as Kittay's but also with empirical evidence that emphasises the rich and multi-layered nature of human-animal relationships in different contexts.

In addition to the arguments I have presented so far, my next main concern with Kittay's perspective revolves around her intuition regarding the comparison between humans and nonhuman animals. I believe that Kittay's argument, which posits an incomparable and much weaker moral status for nonhuman animals compared to humans with severe cognitive disabilities, is rooted in a mischaracterisation of nonhuman animals. This mischaracterisation has far-reaching consequences and leads to a problematic attitude towards nonhuman animals, like that which she criticises in authors who do not recognise the characteristics and moral status of humans with severe disabilities. As mentioned earlier, Kittay argues that it can be harmful for another group when one group claims exclusive possession of moral properties. I agree with this. Nonetheless, I believe this applies to the way we treat animals as well as marginalised people. This belief in superiority can lead to toxic attitudes. I argue that the offense some feel at comparing humans and nonhuman animals results primarily from the initial assumption that nonhuman animals are inherently less valuable and consequently less deserving of respect. As Kymlicka and Donaldson (2014) argue, comparing humans and nonhuman animals is demeaning to humans only if one assumes a commitment to species narcissism. This perspective asserts that the value of human existence is fundamentally different from the well-being of other animals. However, when considering our well-being as intertwined with that of conscious, sentient, perceiving, and communicating beings, we expose ourselves to similar forms of harm, clarifying our commonalities with animals. (Kymlicka and Donaldson, 2014).

As we advance this argument, it becomes evident that the concept of species narcissism upholds a moral status hierarchy that privileges humans over nonhuman animals. This hierarchical view is rooted in anthropocentric ideologies that prioritise the interests and welfare of humans over all others, leading to the marginalisation and exploitation of nonhuman animals and marginalised human groups alike. By challenging the assumptions underlying species narcissism and

recognising the interconnectedness of human and non-human well-being, we can begin to dismantle these hierarchies and cultivate a more inclusive and compassionate ethic that respects the inherent worth and dignity of all sentient beings. This shift in perspective allows us to acknowledge the common vulnerabilities and experiences that unite us and promotes just relationships with both non-human animals and marginalised human groups.

Thus, we should not view recognizing and exploring the similarities and shared experiences between individuals with disabilities and nonhuman animals as offensive or trivial. It is important to understand that Kittay's emotional reaction to drawing such parallels is completely understandable, especially in light of her personal connection to her daughter, Sessa. However, the discomfort associated with this comparison often stems from the way our society currently views and treats nonhuman animals. As Oliver (2020) aptly points out, the connection becomes problematic primarily because of the prevalent mistreatment and exploitation of nonhuman animals.

It is worth considering whether Kittay would find the comparison objectionable if we as a society truly valued nonhuman creatures and treated them with kindness and respect. In such a scenario, perhaps the parallel would be less offensive, reflecting a more just and compassionate view of all living beings, regardless of species. The discomfort surrounding the analogies between humans and non-human animals essentially highlights the deeper feelings in society about non-human animals and the moral implications of their treatment. We may work towards a more inclusive and compassionate society, where such analogies elicit understanding rather than discomfort and resistance, by opposing current speciesist ideologies and promoting the fair and respectful treatment of all living beings.

## **ALTERNATIVE THEORIES: BRIDGING THE GAP BETWEEN DISABILITY AND ANIMAL LIBERATION**

To show how analogies between humans and non-humans might work in political theory, Donaldson and Kymlicka (2011) connect disability, non-human animals, and attitudes towards them with their role as citizens. This in turn requires treating citizens as distinct and unique individuals rather than just as instances of some generic category (Donaldson and Kymlicka 2011: 107). Since we have brought domesticated non-human animals into our society, and they have formed a shared community, we owe them membership in it. This is now their home, where they belong, and their interests must be included in our conception of the common good of the community. This in turn requires enabling non-human animals to shape the evolution of our shared society, contributing to decisions about how their (and our) lives should go. We need to pay attention to what kinds of relationships animals themselves want to have with us (and with each other), which

are likely to develop over time and vary from individual to individual. In short, we need to recognize that domesticated animals are co-citizens of the community (Donaldson and Kymlicka 2011: 100). The same argument can be used against theories that try to exclude individuals with disabilities.

Another author who considers connecting animality and disability is Sunaura Taylor. She was accused of comparing herself to non-human animals and of “humiliating herself” when making this point as if she did not have enough disability, pride, and acceptance for her body (2017). On the contrary, she, as an individual with disabilities, attempts to demonstrate that animal and disability liberation are inextricably linked because of the way discrimination and prejudices against individuals with disabilities organize the worth of lives and bodies in relation to their capacities. Her response points to the source of oppression: discrimination against individuals with disabilities and non-human animals as mechanisms of valuing certain capabilities over others and of ordering worth to lives based on these distinctions (Taylor 2017).

Examples from Donaldson and Kymlicka (2011) and Sunaura Taylor (2017) demonstrate the potential for non-offensive and productive comparisons between humans with disabilities and non-human animals, fostering collaboration between disability and animal rights movements. Donaldson and Kymlicka advocate for recognizing domesticated animals as co-citizens, paralleling the exclusion faced by individuals with disabilities. Taylor highlights the bond between discrimination against individuals with disabilities and non-human animals, underlining shared mechanisms of valuing capabilities.

In essence, while recognizing the emotional and personal aspects of Kittay's arguments, this paper contends that her perspective inadvertently perpetuates a hierarchical system of moral worth. She emphasises the attitude towards people with disabilities at the expense of the attitude towards non-human animals. On the contrary, I highlight the importance of reconsidering our societal attitudes toward non-human animals and fostering a culture that values the well-being of all living beings.

## CONCLUSION

To summarize, Eva Feder Kittay's theory of moral status and obligations towards people with severe cognitive disabilities requires a critical examination of the foundations on which her arguments are built. While Kittay emphasises the importance of relational identities and care in defining human worth, I have raised objections to the concept of “doing something in a human way” and the uniqueness of certain human capacities and relations. Furthermore, the comparison between humans with disabilities and nonhuman animals raises questions about the

underlying assumptions of species narcissism and the hierarchical view that privileges humans over other sentient beings.

While Kittay's proposal highlights the importance of caring relationships and empathy to our moral deliberations in human relations, in my view we must extend the perspective by embracing nonhuman animals, as well. Despite the discomfort that comparisons between humans and nonhuman animals evoke, such analogies are a powerful reminder of the interconnectedness of all sentient beings and the need for a more inclusive and compassionate approach. By challenging speciesist ideologies and promoting respect for all living beings, we can strive for an approach that promotes a more just and equitable world for individuals of all species. Examining the work of Donaldson and Kymlicka, as well as the perspective of Sunaura Taylor, illuminates the potential for constructive analogies between people with disabilities and nonhuman animals.

These examples demonstrate the potential for non-offensive and productive comparisons between people with disabilities and nonhuman animals and encourage collaboration between disability rights and animal rights movements. By recognizing and addressing the common challenges faced by these groups, we can work towards a more inclusive and compassionate society that values the wellbeing of all living beings.

By critiquing Kittay's view, this paper emphasises the importance of re-evaluating societal attitudes towards nonhuman animals and challenging hierarchical systems of moral value. While acknowledging the emotional and personal aspects of Kittay's arguments, it is important to recognize and address the unintended persistence of a hierarchical mindset that favors certain individuals over others based on their abilities or species.

## FUNDING ACKNOWLEDGEMENT

This article is a product of the project Public *Justification and Capability Pluralism* (IP-2020-02) funded by the Croatian Science Foundation (HRZZ).

## ACKNOWLEDGEMENTS

I would like to thank my supervisor Professor Elvio Baccarini for his mentorship and invaluable advice during the preparation of this paper.

I am also grateful for the opportunity to attend many conferences that provided me with valuable feedback. My special thanks go to the group of PhD students in Antwerp, Belgium, for their insightful and extremely helpful comments.

I am also grateful for the feedback I received at the MANCEPT conference Disability and Justice 2024. My special thanks go to Professor Tom Shakespeare for emphasising my central intention – that my aim is in no way to diminish the moral status of people with disabilities, but rather to affirm the moral status of nonhuman animals.

## LITERATURE

Alvaro, Carlo. (2017) "Ethical veganism, virtue, and greatness of the soul." *Journal of Agricultural and Environmental Ethics* 30.6: 765-781.

Cleary, M., West, S., Visentin, D., Phipps, M., Westman, M., Vesk, K., & Kornhaber, R. (2021). The unbreakable bond: the mental health benefits and challenges of pet ownership for people experiencing homelessness. *Issues in Mental Health Nursing*, 42(8), 741-746.

Cloutier, A., & Peetz, J. (2016). Relationships' best friend: links between pet ownership, empathy, and romantic relationship outcomes. *Anthrozoös*, 29(3), 395-408.

Donaldson, Sue and Kymlicka, Will (2011). *Zoopolis: A political theory of animal rights*. Oxford University Press, USA.

Gary, Mercer. (2017) "Dignity And Disability: Toward A Relational Approach."

Glackin, Shane N. (2016) "Three Aristotelian Accounts of Disease and Disability." *Journal of Applied Philosophy* 33.3: 311-326.

Halm, Margo A. "The healing power of the human-animal connection." *American journal of critical care* 17.4 (2008): 373-376.

Kittay, Eva Feder (1999). *Love's labor: Essays on women, equality, and dependency*. Routledge.

Kittay, Eva Feder (2001). When caring is just and justice is caring: Justice and mental retardation. *Public Culture*, 13(3), 557-579.

Kittay, Eva Feder (2005a) "At the margins of moral personhood." *Ethics* 116.1: 100-131.

Kittay, Eva Feder. (2005b). *Equality, Dignity, and Disability*. In Mary Ann Lyons & Fionnuala Waldron (eds.), (2005) Perspectives on Equality The Second Seamus Heaney Lectures. Dublin: The Liffey Press.

Kymlicka, Will and Sue Donaldson. (2014) "Animal rights, multiculturalism, and the left." *Journal of Social Philosophy* 45.1: 116-135.

Martinić, Iva. *Specizam: poremećaj cjelokupnog društva kojim se opravdava iskorištavanje ne-ljudskih životinja*. Diss. University of Rijeka. Faculty of Humanities and Social Sciences. Department of Philosophy, 2020.

McMahan, Jeff. (1996) "Cognitive disability, misfortune, and justice." *Philosophy & Public Affairs* 25.1: 3-35.

McMahan, Jeff. (2002). *The ethics of killing: Problems at the margins of life*. Oxford University Press, USA.

Morell, Virginia. (2008). "Minds of their own: Animals are smarter than you think." *National Geographic* 213.3: 36-61.



Oliver, Kelly. "Service dogs: Between animal studies and disability studies." *PhiloSOPHIA* 6.2 (2016): 241-258.

Oliver, Kelly. (2020). "Service dogs: Between animal studies and disability studies." *Disability and Animality*. Routledge: 111-128.

Ru, Siyu. *Understanding the Relationship between People with Physical Disabilities and Their Companion animals*. Diss. University of Saskatchewan, 2023.

Sanders, Clinton R. (2003) "Actions speak louder than words: Close relationships between humans and nonhuman animals." *Symbolic Interaction* 26.3: 405-426.

Singer, Peter. (2009) "Speciesism and moral status." *Metaphilosophy* 40.3-4: 567-581.

Sunstein, Cass R., and Martha C. Nussbaum, (2004) eds. *Animal rights: Current debates and new directions*. Oxford University Press.

Taylor, Sunaura. (2017). *Beasts of burden: Animal and disability liberation*. The New Press.

Walsh, F. (2009). Human-animal bonds I: The relational significance of companion animals. *Family process*, 48(4), 462-480.

Internet links:

<https://medicine.missouri.edu/centers-institutes-labs/health-ethics/faq/personhood>  
Accessed on 03.08.2023.