

## Reply to Guy Kahane and Julian Savulescu

Elizabeth Barnes

In my paper ‘Valuing Disability, Causing Disability’ I outline what I call the ‘mere-difference’ view of disability and discuss a popular pair of objections to such a view: that they make it permissible or cause disability or, conversely, impermissible to remove disability. Guy Kahane and Julian Savulescu (forthcoming) reply to my paper with two major objections:

- (i) ‘it’s not question-begging to regard [the] implications [of the mere-difference view of disability] as unacceptable’ (p. 1)
- (ii) ‘the grounds that Barnes offers for potentially blocking some of these implications...fail to explain our conviction that it’s wrong to cause disability’ (p. 1)<sup>1</sup>

In what follows, I address both of these objections. In reply to (i), I agree that charges of question begging are incorrect in this case. But I also point out that my original paper makes no reference whatsoever to question begging. In reply to (ii), I point out that much of Kahane and Savulescu’s discussion of my paper makes incorrect and uncharitable assumptions about what I — and the mere-difference view more generally — are actually committed to. More generally, I emphasize the epistemic distinctness of discussing a marginalized social group like disabled people, and argue that Kahane and Savulescu have failed to take this distinctness into account.

### 1. CAUSATION-BASED OBJECTIONS AND QUESTION BEGGING

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<sup>1</sup> All page numbers refer to the pre-published version posted on [academia.edu](http://www.academia.edu/13003401/Disability_and_Mere_Difference): [http://www.academia.edu/13003401/Disability\\_and\\_Mere\\_Difference](http://www.academia.edu/13003401/Disability_and_Mere_Difference) [as accessed 11/23/2015]

Kahane and Savulescu argue that I incorrectly accuse opponents of the mere-difference view of question begging. To be clear, I never accused anyone of question begging. But the more interesting issue Kahane and Savulescu raise is this: what I say about how we should evaluate theories of disability doesn't generalize to other philosophical debates. I agree with them that this is true, but disagree very strongly that it is any kind of problem. And that's because there are unique epistemic considerations in play when we are discussing disability, so we shouldn't expect to treat the case of disability the way we would treat any random philosophical issue.

As I emphasize in my original paper, there is a striking disconnect between the way disability is typically understood within the disability rights movement and the way disability is typically understood within analytic philosophy. The former see disability as something that makes you different, but not something which inherently, intrinsically, or automatically makes you worse off. Call this the mere-difference view of disability.

Most analytic philosophers who write on disability reject this view of disability. They think that there is a deep connection between disability and significant reduction in overall wellbeing - a connection which goes beyond the contingent social barriers and stigmas disabled people are subjected to. Call this the bad-difference view of disability.

As I discuss in my original paper, what exactly this mere-difference/bad-difference distinction amounts to turns out to be quite a complicated matter.<sup>2</sup> That being said, there are a particular family of objections which target the range of positions I label the mere-difference view: objections based on what it makes (im)permissible to cause. Some have claimed that, if the mere-difference view were true, it would be permissible to cause disability. Others have claimed that, if the mere-difference view were true, it would be impermissible to cause disabled people to become non-disabled (that is, to remove or 'cure' disability). Call these the causation-based objections.

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<sup>2</sup> I'll not rehearse those points of detail here. Interested readers can see my (2014), p. 89-93.

Here is what I say about why we should regard these arguments as particularly interesting:

The bad-difference view is often assumed rather than argued for: we are meant to have the intuition that it is correct, or simply take it as obvious. But the bad-difference view is a characterization of disability which is *not* obvious to many disabled people. And relying on brute intuition can offer little in the way of dialogue for those who simply don't share the intuition and who might be skeptical that the intuitions of the majority offer particularly good insight into the well-being of the minority. The causation-based objections are an attempt to do better—to get some independent traction on the mere-difference/bad-difference debate. They try to show that the mere-difference view has implausible, impermissible consequences, even by the lights of its defenders (20014, p. 94).

Let me elaborate. Some version of a mere-difference view is standardly accepted within the Disability Rights and Disability Pride communities. It's also the conception of disability that dominates academic discussions of disability in sociology and the rest of the humanities, and which is commonly espoused within psychology (especially rehabilitation psychology). Nor is the prevalence of this view limited to academia and

activism. It is increasingly represented in education<sup>3</sup>, in political discourse<sup>4</sup>, and in popular television and film.<sup>5</sup>

So to be clear, the mere-difference view is how the disability community often describes their own experiences of disability. And, more and more, people are listening. The mere-difference view - and the wide spectrum of specific views about disability which it encompasses - is far from a fringe position held only by a radical few (once we allow our quantifiers to range beyond analytic philosophers, that is). It is a view of disability that grew directly out of the activism of the Disability Rights movement, and it continues to become more mainstream as the Disability Rights movement continues to gain more traction.

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<sup>3</sup> See, for example, the work of education groups like Just Different and The Autism Acceptance Project.

<http://www.justdifferent.org>

<http://www.taaproject.com/>

<sup>4</sup> Here, for example, is what Dylan Orr, chief of staff for the Office of Disability Employment Policy, says about disability (and its connection to the struggle for LGBT rights) on the White House's blog: 'I hope to one day live in a world that truly celebrates the wide variation of the human form, condition and experience. To get there, we all have a part to play. Change does not arise from pity, shame, exclusion or low expectations. It arises from empowerment, celebration of difference, and a willingness to take risks as individuals and communities – to take pride in who we are.'

From Orr, Dylan (2014): 'Same Struggle, Different Difference - Opportunities for Togetherness'. *The White House Blog*, June 20, 2014. [ <https://www.whitehouse.gov/blog/2014/06/20/same-struggle-different-difference-opportunities-togetherness> ]

And here is what Claudia Gordon, who recently stepped down as White House Public Engagement Advisor to the Disability Community (a position created by President Obama) has to say about her own disability: '[Deaf education] gave me a new perspective on my own identity as a deaf person because it allowed me to see that being deaf wasn't a barrier towards having a brighter future, that it was actually another way of experiencing life: a visual approach to life which entailed visual language, visual learning. We had culture. I began to embrace my new identity.'

From the documentary 'Deaf People: Tell Me More' An English transcript is available at: <http://www.allreadable.com/b59a8THb> The original ASL interview can be viewed here: <https://www.youtube.com/watch?v=VaGSspTZY90>

<sup>5</sup> The view is discussed positively in television shows like *Daredevil* and *Friday Night Lights*, and is arguably one of the major themes of the animated film *Wreck-it Ralph*.

It is in this particular socio-political context that the causation objections are particularly important. Often, the mere-difference view is simply dismissed as ‘counter-intuitive’ or obviously false. Not only do such dismissals fail to provide anything in the way of interesting philosophical dialogue, they also fail to engage seriously with what a minority group is saying about itself - a move which has very unhappy history. (More on this later.) But the causation-based objections attempt to do something more. They attempt to show that the mere-difference view has obviously unacceptable consequences.

It appears to be a background assumption of these arguments that these are implications which reasonable people - including disability advocates - should not and cannot accept. Perhaps disability advocates haven’t thought through the implications of their view - in which case they are confused. Or perhaps disability advocates are willing to advocate obviously immoral, dangerous practices - in which case we are justified in rejecting their view. Either way, there’s a major problem. My original paper argues that the causation objections are, as result, philosophical interesting because they’re a way of trying to offer ‘independent traction’ on the bad-difference/mere-difference debate. That is, they are a way of providing an argument in favor of bad-difference (and against mere-difference) that doesn’t simply rely on the assumption that disabilities are the sort of thing which are bad for you, or which *by themselves* make you worse off.

And my claim in my original paper is that the causation-based objections don’t succeed in establishing this. They can only show that the mere-difference view licenses (clearly or obviously) unacceptable consequences by explicit appeal to the claim *that disability is bad*<sup>6</sup> - that is, by appeal to the central claim that so many disabled people, based on their own lived experiences of disability, deny.

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<sup>6</sup> If you object to the term ‘bad’ here, replace it with ‘something sub-optimal’, ‘something detrimental’, ‘something which makes you worse off’, etc. Kahane and Savulescu claim ‘detrimental difference’ is a better label than ‘bad difference’, but to me ‘bad difference’ and ‘detrimental difference’ sound the same.

Kahane and Savulescu characterize this portion of my argument as a charge of question-begging. And they are right that it would be incorrect to call these arguments questions-begging - which is why I never do. (Careful readers can note that the phrases ‘question-begging’, ‘begs the question’, etc do not appear anywhere in my paper.) They are also correct to point out that we don’t generally take it to be a requirement of a good objection that it appeals to only principles which are common ground, or which the opposing view can accept. They write:

Barnes thinks, however, that for [the causation-based objection] to have any independent traction, it cannot appeal to the claim that disability is importantly different from features of people that are mere differences, such as sex or hair color, since that would beg the question. This constraint, however, misrepresents what is required for an objection to have independent traction. Consider some common philosophical objections:

- If morality is merely a myth, then it’s not wrong to torture infants for fun.
- If moral relativism is true, then female genital mutilation is morally required for the members of some cultures.
- If utilitarianism is true, then we may be required to torture an innocent person if this will lead to greater aggregate utility.

These are not particularly sophisticated objections, but they are widely perceived to be rather powerful. Yet all of them blatantly fail Barnes’ methodological constraint (p. 8-9).

But of course it would be absurd to suggest that the defender of a bad-difference view cannot appeal to any significant differences between disability and other mere-difference features (sexuality, sex, etc). Disabilities often require medical care and assistive technology, whereas sexual orientation does not. Disability is often acquired in adulthood, whereas sexuality is not. And so on. I never said otherwise.

What I object to - without any reference to question-begging - is unsupported appeal to the assumption that disability is by itself something detrimental or sub-optimal. The claim of my original paper is that if causation-based objections implicitly rely on such an assumption - and I argue that they do - they do not further the mere-difference/bad-difference debate. Moreover, I think such an assumption is unwarranted *given the specific socio-political context in which we are discussing disability*.

Kahane and Savulescu are right, of course, that we in general do not require that a successful objection be one which appeals only to principles which the opposing view can accept. They are wrong, however, to suppose that I suggest this as some sort of general methodological principle. It is nowhere in my paper defended as any kind of general 'methodological constraint'. Instead, I am explicitly relying (2014, p. 104-105) on the claim that philosophical discussions of the wellbeing of marginalized groups - including disabled people - have some unique epistemic features.

Kahane and Savulescu seem to think that the only reason to think this must be based on a claim about bias (p. 9, note 26). Because non-disabled people are biased against the disabled, they shouldn't trust their intuitions about the badness of disability. The epistemic point in question, however, is not anything so simple. Rather, the central claim is an argument based on induction.<sup>7</sup> There is a long and very troubling history of ignoring what marginalized groups say about their own experiences and wellbeing. Consider, to give two recent examples, how we treated the claims of gay people in the 1950s, or how we treated the claims of transgender people in the 1980s. Ignoring the claims of a marginalized group about their own lives is something that's been a common source of error. It's also, more worryingly, something that's been a common source of social injustice. As Miranda Fricker persuasively argues, discounting the testimony of

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<sup>7</sup> I discuss this briefly in my (2014), p. 104. See also my (2009).

marginalized groups - including their testimony about wellbeing - is a key source of social harm.<sup>8</sup>

So my inductive claim is two-fold. First, we have a lot of evidence that discounting or dismissing the claims of marginalized groups about their own experiences and their own wellbeing has often led to error. Second, the types of errors that such discounting leads to are high-stakes errors. The net result isn't merely false beliefs, it's harm to people in vulnerable positions.

It is in this specific socio-political context - and given this specific epistemic background - that I think it's a very serious thing indeed to dismiss the general characterizations about the connection between disability and wellbeing - which I describe under the umbrella heading of 'the mere-difference view' - common within the disability rights movement. That's not at all to say that what disability activists say about disability is sacrosanct or infallible.<sup>9</sup> Far from it. It's just to say that you need very good reasons to say that the Disability Rights/Pride movement is *systematically mistaken* when they say that disability is not something sub-optimal.

I don't doubt that many non-disabled people find the claims about disability and wellbeing characteristic of the mere-difference view surprising, counter-intuitive, and radical. But there is a striking body of empirical evidence which suggests that non-disabled people are, in general, not very good at thinking about or characterizing the lived experiences of disabled people.<sup>10</sup> There is also substantial reason - both empirical and philosophical - to think that the non-disabled have a very poor grasp of what it's like to

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<sup>8</sup> See especially Fricker (2007) and Dotson (2011)

<sup>9</sup> Nor do you have to endorse anything like standpoint epistemology. All that is needed is the combination of the basic inductive claim plus the observation that error in this often leads to harm.

<sup>10</sup> Current evidence suggests, for example, that non-disabled people are strikingly bad at predicting the life satisfaction and perceived wellbeing of disabled people. For an introductory summary see Lowenstein and Schkade (1999).

be disabled. (Although they often, bizarrely, think they have good insight into what it's like.)<sup>11</sup>

Perhaps a general feeling of counterintuitiveness is a sufficient reason to dismiss an abstract theory in metaethics (or metaphysics, or some other area of esoterica). Theory building is hard, and we have to start somewhere. But given everything we know - about the history of dismissing the claims of marginalized groups, about the potential harms involved, about the poor track record non-disabled people have when reasoning about disability - such reasons can't be sufficient for dismissing the mere-difference view.

The significance of the causation-based objections is that they attempt to provide better, more substantial reason for rejecting the mere-difference view - reason that goes beyond a basic intuition that disability is detrimental.<sup>12</sup> My original paper argues that they don't succeed in doing this. In order to provide motivation for rejecting the mere-difference view, they need to tacitly rely on exactly that sort of basic intuition. This is not to charge those who make these objections with begging the question; it is to charge them with doing nothing more than relying on the familiar and unsupported assumptions about

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<sup>11</sup> See especially the discussion on p. 56-70 in Paul (2014).

<sup>12</sup> Kahane and Savulescu further think the badness of disability does important, unifying theoretical work. They worry, for example, that while the mere-difference view can block various unacceptable forms of causing disability, it can't do so in a systematic way. The intuition behind such cases, they claim, is not merely that they are impermissible, but that they are impermissible for a single reason: the negative effect that disability has on wellbeing (p. 10-11). The mere-difference view cannot capture this, and so can't adequately respond to the causation-based objections.

But it's important to note that if you accept a mere-difference view you would *expect* that there is no systematic reason why cases of causing disability are impermissible. As I tried to highlight in my original discussion, there are many different ways one can cause disability. And these different cases bring up all sorts of different variables like consent, social stigma, autonomy, the parent/child relationship, etc. If, as almost all defenders of the mere-difference view do, you think that disability is a complex social phenomenon (rather than a purely biological feature of bodies), it would be ludicrous to suppose that there would be a single, unified story to tell about all such cases. So again, the claim here - as in the original paper - is that the causation based objections don't further the debate over the mere-difference view, because of their unsupported reliance on the claim that disabilities by themselves make people worse off.

disability. And I am further arguing that this is a situation in which that is an epistemically precarious thing to do.

## 2. STRAWMEN OBJECTIONS

I've argued that what the disability community *actually says* about disability gives rise to epistemic factors not present in other (more abstract) philosophical discussions. But a striking feature of philosophical discussions of disability is that they very often fail to engage with what those who defend a disability-positive position actually say. Instead, they engage very striking misrepresentations.

The causation-based objections I focus on in my original papers are apt cases. When John Harris (2001) makes the causation-based objection, for example, he characterizes the mere-difference view as the view that 'the disabled. . .are not harmed *in any way*' (p. 384, emphasis added). Similarly, Peter Singer (2004), in presenting the same objection, assumes that the mere-difference view is committed to the claim that 'disability has no tendency to make one's life worse' (p. 133) and equates the mere-difference view with the claim that disability is not a disadvantage.

Note that these are clear strawman versions of the disability-positive view. No one thinks the disabled are not harmed *in any way*. No one thinks disability is not, in at least some contexts, a disadvantage. And it's no part of a commitment to a mere-difference view that you think disability does not - given the actual, present circumstances - have a tendency to make people's lives go worse.<sup>13</sup> The first section of my original paper attempts to clarify some of these common - and glaring - confusions. As I said, before we can evaluate whether causation-based objections undermine the mere-difference view, it's important to be clear on what exactly the mere-difference view is (and what it is not).

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<sup>13</sup> For example, disability, in our current social circumstances, is substantially correlated with poverty, unemployment, social isolation, and limited access to education. See especially the World Health Organization's report on disability: [http://www.who.int/disabilities/world\\_report/2011/en/](http://www.who.int/disabilities/world_report/2011/en/)

But Kahane and Savulescu's reply - just like the original objections - incorporates some fairly extreme misrepresentations of the mere-difference view (and in this case, of my own presentation of the view). Once again, the view is presented as far more radical than it actually is. And once again, philosophers are putting forward objections to it without taking the time to fully understand it.

Kahane and Savulescu claim I endorse the following conditional, which they label 'INJUSTICE':

If it is within the means of a society to remove the overall disadvantage of disability, then, so long as that isn't done, that disadvantage must be due to prejudice and injustice (and therefore the Mere Difference View is correct) (p. 3).

Just to be clear, I absolutely do not endorse this conditional. I am not even sure what it means. (Is the 'therefore' clause in brackets meant to be embedded in the consequent of the conditional? Or is their claim that I take the truth of the conditional to establish the truth of the mere-difference view?)

I do not know why they take my paper to involve an endorsement of this conditional, given that I never use the terms 'disadvantage' or 'injustice' in my paper and explicitly do not make any arguments which would have the conclusion 'therefore the mere-difference view is true'.<sup>14</sup> Moreover, whether one endorses this conditional seems entirely orthogonal to whether one accepts a mere-difference view. One could, for example, think that disability is a horrible misfortune (that is, one could accept a very strong version of a bad-difference view), and think that it's precisely because disability is so terrible that

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<sup>14</sup> My original paper gives no arguments that the mere-difference view is true. It is entirely focused on a specific set of objections to the mere-difference view, and why I think those objections are unsuccessful.

societies are obligated - as a matter of justice - to remove its disadvantages when it is 'within their means' to do so.<sup>15</sup>

More generally, Kahane and Savulescu seem to assume that the only way to hold a mere-difference view of disability is to think that all or all the most substantial bad effects of disability are due to social prejudice.<sup>16</sup> And they reject this view as implausible, saying that 'in the world we inhabit, disability tends to reduce one's good options, even when we set aside the impact on these options of prejudice against the disabled, and that therefore disability tends to make a person worse off' (p. 11). What they seem to take as obvious are two claims: (i) disability leads to net decrease in 'good options', independent of socially-mediated disadvantage; (ii) there's a direct correlation between reduction of options and decrease in wellbeing. But the mere-difference view can easily reject either or both of these claims.

As I say in my original paper, one needn't think that all the bad effects of disability are due to the socially-mediated structural disadvantages of being disabled. But this needn't entail (i). Disability could reduce options in some areas, but create them in others. We don't typically think of disability that way, but that's often because we think of disability

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<sup>15</sup> More generally, I take it that many - if not most - defenders of the bad-difference view should think this conditional is true, simply because they think the antecedent is false.

<sup>16</sup> Savulescu (2015) makes this explicit in citing my paper (and only my paper) in support of the following claim:

Another example of the failure to identify important moral considerations is the consideration of justice by disability activists and those who advance a social constructivist model of disability. Their central claim is that there is nothing inherently bad about disability, and people with disability are *only* disadvantaged either because of social prejudice/injustice or transition costs (p 15).

To begin with, thinking that disability is socially constructed and thinking that the only bad effects of disability are due to social disadvantage/prejudice are two entirely different claims, and one can endorse the former but reject the latter, as I do (see chapter one of my forthcoming *The Minority Body*). Secondly, I explicitly state in my original paper that the mere-difference view is *not equivalent* to the claim that all the bad effects of disability are due to social disadvantage/prejudice. And finally, I have specifically argued *against* the idea that the bad effects of disability are only due to social disadvantage/prejudice in other work - see Barnes (2009)b. Perhaps this is not so much 'a failure to identify important moral considerations', and instead a simple failure of scholarship.

merely as lack of ability, and ignore the valuable lived experiences unique to being disabled.<sup>17</sup>

The truth or falsity of (i) aside, the mere-difference view can simply reject (ii). That is, they can deny that a decrease in options is automatically an ‘overall disadvantage’ or a cost to wellbeing. Allowing that there are plenty of disadvantages associated with disability that are not socially-mediated, which are not matters of injustice, and which would persist even in the absence of prejudice and stigma against the disabled is perfectly consistent with a mere-difference view of disability. As a person with mobility limitations, for example, I would be at a disadvantage with respect to various physical activities - running, lifting, etc - regardless of my social circumstances. That I would be at this specific kind of disadvantage is not a matter of injustice. The mere-difference view doesn’t need to deny that. Nor must they insist that any such disadvantage is ‘compensated for’ by a separate advantage. Instead, they can simply deny that there is a systematic connection between this type of disadvantage (or limitation of options) and overall wellbeing.

Notice that the mere-difference view wouldn’t commit to anything particularly radical in saying this. Contra what Kahane and Savulescu assume, we don’t in general think that there’s a neat correlation between opportunity and wellbeing, or between ability and wellbeing: the latter doesn’t supervene on and isn’t reducible to the former. We don’t

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<sup>17</sup> Kahane and Savulescu acknowledge this possibility, but claim it is implausible. ‘In fact,’ they say ‘there is a straightforward asymmetry between the disabled and the abled. A [D]eaf person cannot listen to classical music, but a hearing person can learn sign language. Moreover, a hearing person as the second-order option of removing her ability to hear’ (p. 3).

Reasoning such as this is ridiculously simplistic and uninformed by the actual experiences of disabled people. There is a rich literature on the idea of ‘Deaf Gain’ - the unique sensory, communicative, and social experiences had by Deaf people - that Kahane and Savulescu do not engage with at all. Remarks like these illustrate how inadequate and uninformed armchair reflection about disabled people’s experiences often are.

See, for example, Bauman and Murray (2014). And philosophers will be particularly interested in Burke (2014).

assume that Ebenezer Scrooge has a higher level of wellbeing than Bob Cratchit, simply because Scrooge's wealth and social position clearly give him more opportunity than Cratchit. We don't assume that Michael Phelps has a higher level of wellbeing than we do, simply because Michael Phelps has more physical ability than we do. Whatever the ultimate relationship is between available options and wellbeing, it's a complex one.

But Kahane and Savulescu's mis-reading of the mere-difference view extends beyond their understanding of what it is, and is most noticeable in their claims about what it implies. For example, they attribute to me the following, which they take to be a characteristic commitment of a mere-difference view:

[The defender of a mere-difference view] must, for example, hold that it would be wrong to cause a deaf fetus or child to become hearing, nor even to remove very severe intellectual and bodily disabilities. And they must also hold that doing that would be *just as* wrong as causing disability (p 5).

To be clear, I make no claims about comparative wrongness in my paper, nor is anything like this a commitment of the mere-difference view. The discussion they cite is entirely a discussion about *permissibility*, not about comparative wrongness or degree of wrongness. Furthermore, I am explicit that my own particular stance on removing disability is not something the defender of a mere-difference must hold.<sup>18</sup>

Does the mere-difference view imply these results about comparative wrongness? Of course not. Any defender of a mere-difference view can happily allow that it's much worse to change a person in a way that will make them subject to prejudice, stigma, and discrimination than it is to change a person in a way that will make them a part of the comfortable majority. Similarly, for example, suppose you endorse a mere-difference

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<sup>18</sup> 'I think it is important to note that adopting a mere-difference view of disability does not entail a specific stance on the cause/remove discrepancy' (2014, p. 100).

view of intersex conditions. You can still allow that while think it's wrong to attempt to change an inter-sex child into a female child (2014, p. 103), it would be *worse* to turn a female child into a inter-sex child, simply because of the socially-mediated disadvantages an intersex person will face. No part of commitment to a mere-difference view - or of my own particular stance on the symmetry between causing and removing - involves saying that causing disability and causing non-disability are equally wrong.<sup>19</sup>

It's also important to note, in a discussion like this, that we're discussing abstract, sanitized cases. But the mere-difference view of disability can of course allow that in messier, real-world cases there are all sorts of practical variables which might matter to whether one is justified in causing or removing disability. Income and financial situation, employment stability, access to health care and health insurance - these are all things which matter in real-world reasoning about disability. Defenders of the mere-difference view can and do grant that such circumstances affect which choices are permissible, the comparative moral status of particular choices, and so on.<sup>20</sup>

Kahane and Savulescu's mischaracterizations of what the mere-difference view implies become even more extreme. For example, they write that:

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<sup>19</sup> Kahane and Savulescu make further bizarre claims about comparative wrongness in their reply, which they take to be consequences of the mere-difference view. They claim, for example, that a defender of the mere-difference view cannot say it is worse to cause an autonomous person to become severely cognitively disabled than it is to cause them to lose an limb or become Deaf. Again, such claims about comparative wrongness - about such complex, multi-faceted issues - are quite clearly not implications of the mere-difference view. For example, on many popular views of personal identity causing a human organism to become severally cognitively disabled would be to end the existence of one person and bring another person into existence. Causing someone to lose a limb ostensibly does not have such a drastic effect. And that seems like a relevant moral difference. Personal identity notwithstanding, to cause a person to become severely cognitively disabled would be to rob them of many of the things about themselves which they value and hold most dear, to interrupt their projects, to drastically alter their personality and mental life, etc. Obviously the mere-difference view can say that this is seriously wrong. And though the mere-difference view does not, by itself, spit out any specific commitments about how we determine comparative wrongness, these are obviously the kinds of things that a defender of a mere-difference view can appeal to if she wants to say that it is worse to cause something to be severely cognitively disabled than to cause someone to become Deaf or lose a limb.

<sup>20</sup> See especially Stramondo (2011).

Barnes responds in the same way to other cases where her suggested grounds for impermissibility have no hold. For example, if someone unknowingly puts herself at great risk of becoming disabled, and a bystander who could prevent this does nothing, no issue of unconsented interference arises. Similarly, if a natural process is about to preventably turn an abled fetus disabled, non-interference, if it implies anything, implies that we should do nothing (p. 5).

I'll admit to finding this direct attribution of views to me bizarre, since readers of my paper can note that I do not discuss these cases at all (nor have I ever discussed them anywhere else). Nevertheless, Kahane and Savulescu - erroneously - take this to be general commitments of a mere-difference view of disability, and of my own view more specifically. Again, however, these are clearly *not* commitments or implications of a mere-difference view of disability.

Becoming disabled can be a serious harm - as I say quite explicitly (2014, p. 90) - even if being disabled is not. So of course the mere-difference view can allow that insofar as bystanders are obligated to prevent serious harms when they easily can, a bystander is obligated to prevent someone from becoming disabled if she easily can. Regarding a 'natural process which is about to preventably turn [a non-disabled] fetus disabled', it doesn't seem to me as though the mere-difference view itself requires a specific line on such a case. I am not sure what Kahane and Savulescu intend to encompass by their talk of 'natural processes' - they don't say - but it seems perfectly compatible with accepting a mere-difference view that you take a different attitude toward a case in which a genetic abnormality will cause a fetus to develop a disability and a case in which a virus will, if left unchecked, cause a fetus to become disabled<sup>21</sup>, though these might both be construed as 'natural processes'. More generally, these issues will hinge on complicated questions - questions independent of the mere-difference view - about whether there is a morally

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<sup>21</sup> If you think it's wrong - as the mere-difference view allows - to cause a fetus to become disabled, you might for similar reasons think it's wrong to fail to prevent something else from causing a fetus to become disabled.

significant distinction between causing and preventing, whether there is a morally significant distinction between doing and allowing, and so on. These issues are complex, multi-faceted, and involve all sorts of issues to which acceptance of a mere-difference view is simply orthogonal.

Kahane and Savulescu continue on in this vein, further mischaracterizing the implications of the mere-difference view:

Some further problematic implications of the Mere Difference View that Barnes considers and endorses include:

- That it permits prospective parents to behave - perhaps even for frivolous reasons - in ways that would cause the conceived child to be severely disabled;
- That it suggests that the significant resources and effort expended on finding ways of preventing or removing disability are unjustified (p. 6).

Once again, the mere-difference view does not imply - and I do not endorse - anything so simplistic. In my paper, I argue there are *some circumstances* in which it's acceptable for parents to knowingly choose to conceive a disabled child instead of a non-disabled child, though whether this is a general commitment of the mere-difference view is questionable. What I also say - explicitly and in detail (2014, p. 108-109) - is that the mere-difference view can allow that there are many, many ways in which parents might knowingly conceive a disabled child rather than a non-disabled child which are wrong, precisely because they arise from frivolous, careless, or thoughtless actions. What I further say (2014, p. 110-111) is that there is nothing wrong with devoting resources and effort to finding ways of preventing and removing disability. Some disabled people want to be non-disabled - and plausibly some disabled people would still want to be non-disabled even in a more just world - and for those people such efforts are important. What disability activists have tried to emphasize, however is that it's also important to

appreciate the social context in which we focus on ‘cures’, and the effect that this has on the lives of disabled people. So, for example, what I actually say in my paper is this:

Given the way the world actually is, such research isn’t the obvious and unequivocal good that many take it to be. Nor should it be looked to as the ultimate dream and wish of disabled people and their families, or the ultimate solution to the problems faced by disabled people (2014, p. 112-113).

That is a far cry from what Kahane and Savulescu attribute to me, or the mere-difference view more generally.

Those who wish to cast the mere-difference view as unacceptably radical sometimes even go so far as to misconstrue the empirical facts. For example, in Singer’s (2003) presentation of the causation objection, he claims that were the mere-difference view correct there would be no need for pregnant women to take folic acid - a shocking consequence indeed. Setting aside, however, the question of whether the mere-difference view licenses the permissibility of causing disability, the simple fact is that folic acid supplementation doesn’t merely prevent disability; it prevents infant and fetal mortality. Folic acid is used to lower the incidence of a wide range of neural tube defects (not just spina bifida), many of which are fatal in utero or within a few hours of birth. And *of course* those who adopt a disability-positive position can still care about decreasing infant and fetal mortality.

Making a similar move to Singer’s, Kahane and Savulescu conclude their paper as follows:

It would be wrong, we believe, for a pregnant woman to take thalidomide to alleviate morning sickness while knowing that this would cause her child’s limbs to become seriously deformed or for her to take a drug that would make her child

deaf and blind. . . We believe that many people share these convictions, including some who may otherwise find the Mere Difference View attractive. Contrary to Barnes, we have argued that these convictions give powerful grounds for rejecting this view (p. 12).

And of course many people do share such convictions. I, and many other advocates of the mere-difference view, are among them. I spend a substantial section of my paper (2014, section IV, p. 97-99) explaining why it is no problem whatsoever for the mere-difference view to say that, for example, knowingly causing a fetus to become such that it will be disabled is wrong. So what they are saying here is not ‘contrary to Barnes’ at all. It is, in fact, exactly what Barnes says in the paper they are replying to.

But Kahane and Savulescu’s use of thalidomide as an example is particularly glaring, because once again the permissibility of using thalidomide is completely independent of the permissibility of causing disability. Kahane and Savulescu seem to suggest that the main problem with thalidomide was that it caused the existence of disabled people, but that simply isn’t the case. The tragedy of thalidomide was that, in addition to unknown numbers of miscarriages and fetal deaths, an estimated 40% of the infants who were born showing the adverse affects of thalidomide died within a year a birth.<sup>22</sup> The suggestion that those who think disability is mere-difference cannot call these deaths a tragedy is absurd.<sup>23</sup>

### **3. CONCLUSION**

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<sup>22</sup> That is, around 4000 infants died within a year of birth, according to WHO estimates. The number of fetal deaths remains unknown. <http://www.who.int/lep/research/Thalidomide.pdf>

<sup>23</sup> One sometimes gets the impression, when reading these kinds of criticisms of the mere-difference view, that these philosophers think that any disease state or malformation that can be had by a human organism is a disability. If that’s the case, then they simply mean something different by ‘disability’ than most defenders of the mere-difference view mean. For discussion see chapter 1 of Barnes (forthcoming).

In focusing on whether the causation-based objections to the mere-difference view are question-begging, Kahane and Savulescu miss the point. The issue was never whether the objections begged the question. The issue was whether they advance the debate, given the specific epistemic context in which we are discussing disability.

Furthermore, as I hope I have shown, the interpretive errors in Kahane and Savulescu's response are fairly severe. They are also illustrative. All too often, disability-positive positions are dismissed by philosophers as extreme or radical. But all too often, as in this case, this is done without being clear on what is actually being said by those who defend a disability-positive position.

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