

Diversifying Syllabi 2017 Text Summary and Teaching Tips

SECTION ONE: to be completed by presenter (1-2 pages max.)

Article/Essay Title: “Disability, Minority, and Difference”

Author: Elizabeth Barnes

Readability: Easy

Thesis: Disability is in no way a sub-optimal feature; it is just another way of being different. At the same time, disability can nonetheless, intrinsically, even in ideal social conditions, be a harm.

Key Definitions:

Difference-maker: a way a person can be different (e.g., by belonging to a certain racial group or by having a certain sexual orientation)

Negative difference-maker: a way of being different which makes a person worse off because of that very difference

Local quality of life: quality of life that can only be evaluated relative to a specific feature or state of affairs at a specific time

Overall quality of life: never evaluate w/r/t specific features or states of affairs; can only be evaluated by considering all the features/states of affairs that have an impact on personal wellbeing (i.e., all the aspects of local quality of life)

Negative selection: The replacement of person x who has feature F with person y who does not have feature F.

Brief Summary:

- Two standards views on disability: on the one hand, disability is just another way of being different (a view defended, for example, by social constructionist views of disability); on the other, disability is something that makes a person worse off/is a sub-optimal feature. Barnes wants to carve out a middle ground position here that “allows us to maintain *both* that disability is just another way of being different (i.e. disability is in no way sub-optimal) *and* that disability can, in and of itself and even in ideal social conditions be a harm” (338)
- The key question here is whether disability is a difference-maker or a negative difference-maker. (See above for definitions.) Barnes wants to argue that disability is simply a difference-maker, not a negative difference-maker, a view compatible with taking disability to be a harm.

- Disability seems to be a negative difference-maker because it seems to make life harder (present limitations, cause pain, make one subject to stigma/discrimination). The line of reasoning here seems to be:
 - o (i) Having a disability is the kind of thing that makes life harder;
 - o (ii) Because (i), disability has a negative impact on quality of life;
 - o (iii) Because (ii) disability is a negative difference-maker (339).

- Barnes argues that (ii) here is ambiguous between the notion of local quality of life and overall quality of life. (See above for definitions.) If (ii) involves local quality of life (LQOL)¹, then it's true, but doesn't establish (iii). If (ii) involves overall quality of life (OQOL), then it's simply false.

- Barnes's argument against ii-as-LQOL turns on parity of reasoning considerations. Many features make a person's life harder (e.g., being a woman, being gay, etc.), but we do not infer that having these features automatically makes someone worse off. While, for example, many who identify as gay would report negative impacts on their LQOL, many also argue that it actually improves their OQOL. The mere presence, in isolation, of a particular feature doesn't tell us anything about that person's overall quality of life. The same considerations (and very similar reports) apply to disability as well – Barnes includes helpful first-hand accounts/testimony here.

- So we cannot conclude from the fact that disability will have a negative impact on LQOL that disability is therefore a negative difference-maker, and we cannot conclude that disability will lead to a negative OQOL because many features can make life harder, but we are very unlikely to conclude that anyone who possesses those features will have a lower OQOL because they lacked them. Those very features could have beneficial impacts on various areas of one's LQOL making their OQOL enhanced. This is what we very often find in first-hand accounts.

- Barnes considers various objections
 - o Probability Objection: It's not that disability will necessarily make a person worse off than she would have been, but that it is more likely that it will. Barnes argues that a.) this isn't a good inference and b.) points to a confusion in this objection between objective and subjective approaches to probability.
 - o Can't trust the testimony of individuals with disability who say they have a good OQOL. Barnes argues that while it's true the testimony/evidence offered by disabled people is fallible, they are a better source regarding their own quality of life than the testimony/evidence offered by those writing in abstraction from the armchair.
 - More sophisticated version of this objection: Disability could be a kind of adaptive preference, where we accommodate ourselves to negative/sub-

¹ This acronym isn't one Barnes uses, but I've used it here given space considerations.

optimal circumstances. But this a.) begs the question (does disability count as negative/sub-optimal?) and b.) adaptive preference situations involve social/inter-personal wrongs.

- Intrinsic/Extrinsic harms: There's a disanalogy between other groups and those with disabilities in that disability makes life harder by virtue of things intrinsic to the experience of disability, whereas being gay or being a woman make things harder in virtue of the social world one inhabits. Barnes argues that there isn't a disanalogy here, that all groups face difficulties that are a mixture of intrinsic/extrinsic factors.
- Still worries about construing disability as a difference-maker because it then seems morally permissible to withhold medical treatment of various serious illnesses and also licenses us to cause someone to develop a disability.
- Barnes points out in response that on her account disability is a harm because it will in all likelihood have a negative impact on a person's LQOL (which may of course be outweighed for her OQOL). Parents have a duty to prevent serious/substantial harms to their children and so should prevent it if possible, even if they think the harm can be outweighed. So for many cases of disability, parents will have a duty to prevent the disability because it will cause their child serious harm.
 - Objection: But what about parity of reasoning here? Isn't this an argument for parents preventing their children from becoming gay? Barnes points out that it depends on the relevant historical/social context in which one is asking the questions: parents in an open/permissive society have no duty to prevent a child from being gay, whereas those in an oppressive society might. The same reasoning seems to apply to cases of at least some disabilities.
 - Objection: But isn't 'serious' or 'substantial' harm vague here? Barnes accepts that these are vague terms, but we know paradigm/polar cases here.
- Barnes finally addresses the worry that this account of disability would allow for the permissibility of negative selection. Barnes points out that the duty of care is only directed at specific, persisting individuals, so it could never mandate negative selection. Barnes wants to show that negative selection is nonetheless at least blameworthy because it "displays false and disparaging views of disability" (350).

SECTION TWO: to be completed by note taker during discussion

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Author: Elizabeth Barnes

Possible Applications:

- Intro to ethics
- Intro to philosophy
- Classes on philosophy of disability, oppression, intersectionality
- Bioethics
- Critical reasoning (it’s good at demonstrating objections and responses)

Complementary Texts/Resources:

- Melissa Seymour Fahmy, “On the Supposed Moral Harm of Selecting for Deafness” (see <http://diversifyingsyllabi.weebly.com/reading-list.html> for a handout)
- Elizabeth Barnes “Valuing Disability, Causing Disability” *Ethics* 2014
- Elizabeth Barnes, *The Minority Body: A Theory of Disability* (esp. chs. 1, 2, and 5)
- Blog on stuttering and disability <http://www.didistutter.org/>
- An article from Lewis Vaughan’s Bioethics textbook on “quality of life”
- <https://www.youtube.com/watch?v=Mvoj-ku8zk0> TedX talk on students with disabilities

Possible Class Activities:

- Tracking the objections and replies
- Response/Critique of Utilitarianism and “quality of life” views
- In a unit about “quality of life” and voluntary euthanasia (though be wary of only covering disability in relation to voluntary euthanasia)
- Put in conversation with the literature on “grit”
- Use to analyze “inspiration porn” and the images of disability that are directed at non-disabled people
- Use to analyze how some (usually non-disabled people) talk about the positive addition that disabled people provide for their community (for example, see Andrew Sullivan’s *Far From the Tree*)