

**Proposal:**

My essay will address the question: to what extent must one be autonomous and rational to rightly be considered deserving of justice and moral consideration as a person? The second formulation of Kant's categorical imperative implies that only rational beings are to be considered persons, since it is their rational nature that "marks them out as ends in themselves – that is, as something which ought not to be used merely as a means". (Ak 4:428) Even those who do not wish to reduce morality to categorical imperatives are often reluctant to definitively go beyond the idea of rationality as a criterion for impartial moral protection. Between Kant's exclusivist designation of moral agents and Bentham's claim that any being capable of suffering pain is protected, Bernard Gert contends that common morality favours neither view and includes both in its framework, "even if only barely." (Gert 28) In sum, Gert acknowledges the extent to which morality protects is "a matter of significant unresolvable disagreement." (Gert 29) Such is the moral climate that greets a dispute between Eva Feder Kittay and Jeff McMahan. Kittay claims that requiring such psychological capacities as rationality discriminates against individuals with severe cognitive disabilities, who she argues should have full moral consideration as persons.

I will defend Kittay's argument that basing the moral status of beings on intrinsically valued properties inaccurately places the value of certain humans under that of others. For this reason, I will argue that McMahan's theory, which attempts to advance the protection of nonhuman animals, should not do so on the grounds that they are similar in cognitive capacity to that of severely retarded humans. These grounds are not defensible, and are also problematic in so far as they encourage valuing humans on a sliding scale of such abilities. I will conclude by

explaining how Gert's theory allows one to defend both the protection of nonhuman animals and the equal treatment of the severely cognitively disabled.

**Bibliography:**

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