

# Diversity ethics. An alternative to Peter Singer's ethics

## Éticas de la diversidad. Una alternativa a la ética de Peter Singer

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**ABSTRACT:** Contemporary moral philosophy has different approaches to provide justice and equality to groups that are traditionally discriminated on the grounds of gender, religion, age, sexual orientation, etc. On the other hand, functionally diverse (disabled) people have had a parallel approach to their discrimination, excluded from mainstream diversities. Including functional diversity and the diversity model in modern recognition and redistribution theories, as another human diversity, provides an extended ethical approach: diversity ethics. This general framework also includes other fundamental ideas for equality such as human fragility, social domination logics, self-respect and auto-recognition. Diversity ethics provides sound foundations to defend justice and equality for all human diversities and an alternative to other approaches that broaden the moral community, excluding some humans, like Peter Singer's ethics.

**RESUMEN:** La filosofía contemporánea moral tiene diferentes enfoques para proporcionar justicia e igualdad a los grupos tradicionalmente discriminados por razón de género, religión, edad, orientación sexual, etc. Por otra parte, las personas con diversidad funcional (discapacidad) han tenido un enfoque paralelo a su discriminación, y han sido excluidas de las aproximaciones generales a la diversidad. La inclusión de la diversidad funcional y el modelo de la diversidad en las teorías modernas del reconocimiento y la redistribución, como otra diversidad humana más, genera un enfoque ético ampliado: la ética de la diversidad. Este marco general también incorpora otras ideas fundamentales para la igualdad, como la fragilidad humana, la lógica social de la dominación, la autoestima y el auto-reconocimiento. La ética de la diversidad proporciona fundamentos sólidos para defender la justicia y la igualdad de todas las diversidades humanas y una alternativa a otros enfoques que amplían la comunidad moral, excluyendo a algunos seres humanos, como la ética de Peter Singer.

**KEYWORDS:** Diversity, moral community, justice, equality, recognition, redistribution, self-respect, dignity, functional diversity, disability, capabilities, Peter Singer

**PALABRAS-CLAVE :** Diversidad, comunidad moral, justicia, igualdad, reconocimiento, redistribución, autoestima, dignidad, diversidad funcional, discapacidad, capacidades, Peter Singer

### 1. Introduction

Societies have been coping with human diversity for centuries, and have developed moral foundations to provide different people or groups of people with equality in rights and treatment, specially during the past 50 years, in which several social movements have raised voice against discrimination demanding equality, and several human rights conventions have been approved to protect children, woman, migrants, indigenous, functional diverse<sup>1</sup> (disabled) people, etc.

These moral approaches have been incorporating all human, and even non human diversities, and have sometimes divergent conclusions and proposals.

In this text we will try to provide a new proposal, based on recognition and redistribution theories, that will include the last part of diversity to join the equality strug-

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gle: functional diversity, most known as disability. Some authors have developed interesting ideas and foundations in that field that could provide a wider range of ideas to face fields as human fragility, auto-recognition of diversity and bioethics.

In this proposal diversity ethics is explained and structured, and it will be used to overcome ethical approaches oriented to include non humans in the moral community, excluding some humans that are part of human diversity: Peter Singers' ethics.

Peter Singer presented as a major philosophical innovation his apprehension and his justification of what we should understand today as the ethical pertinent limits of the moral community. He proposes an extension towards the animal species. Indeed, Peter Singer takes as a starting point the premise that traditionally humanists have drawn the line between animals and human beings, developing an speciesism that has been disrespectful with animals. His position, at least an innovation in philosophy, is to include non-human beings in the moral community and exclude certain entities previously considered as part of it, such as "embryos, fetus or comatose individual". This new drawing of moral community boundaries, in which we would have duties, would allow dealing with ethical dilemmas, in particular in the medical field, bypassing our Judeo-Christian heritage, making us sensitive to the respect of human life at any development level it is considered. It is indeed about breaking with the so-called doctrine of the sanctity of human life. The perspective offered by Singer could be an attractive way to solve some of the moral dilemmas, particularly those raised by new medical technologies.

In this text, we will show, first, that diversity ethics is a more robust extension of the limits of moral community than the one Singer wishes to sustain. Second, we will show the limits and inherent contradictions in the approach advocated by Singer, placing ourselves in the same point of view he does, *e.g.* adopting a pragmatic and consequentialist approach. Finally bioethical positions based on diversity ethics will be described.

## 2. Issues on diversity and humanity

Humanity is conformed by diversity, in the same way nature is full of diversity<sup>2</sup>. There is almost no human being genetically equal to another, with the rare exception of some twins. In the biological sense there are different races, different genders, different abilities and ways of functioning, sexual orientations, and a human being is different in different ages, etc.

In a social sense, that is, as a consequence of the social construction through history, some other differences have been built between groups of human beings: religion, culture, language, country of birth, wealth, class, etc.

The first group of diversities is inherent to humanity, and the second is inherent to social development in different parts of the planet.

Both types of diversities have historically led to inequality, fear, slavery, injustice, discrimination, wars and oppression, as diversity has never been fully accepted in societies through history. But, fear of diversity can have, despite human social behaviour roots, also philosophical roots: "Political theorist Arlene Saxonhouse (1992) traces the fear of diversity in Western thought to the pre-Socratics." (Jakobsen, 1998, 4).

### 3. Ethics and diversity

Rousseau was the precursor of the efforts that have been developed since the Enlightenment, back in the XVIII<sup>th</sup> century to outline injustice, facing the fact that inequality, and therefore diversity, exists in human nature but needs not lead to social inequality in access to justice and freedom.

"...instead of destroying natural inequality, the fundamental compact substitutes, for such physical inequality as nature may have set up between men, an equality that is moral and legitimate, and that men, who may be unequal in strength or intelligence, become every one equal by convention and legal right." (Rousseau, 1762, chapter 9).

However, it was mainly in the XX<sup>th</sup> and XXI<sup>st</sup> century when different types of human diversity have been approached by different authors, in search of an ethic foundation that would provide justice, equality and freedom to society. In the past, "the promise of enlightenment ethics was that conflict, specifically the interreligious conflict sparked by the Reformation, could be resolved while maintaining universal respect for diversity. The light of reason, a reason supposedly universal to all humanity, was to fulfil this promise. Thus, reason was thought to provide the key to maintaining a unified moral framework which could both respect and contain diversity." (Jakobsen, 1998, 4).

Unfortunately, the interreligious conflict remained, and remains even today, and justice did not arrive to different groups, such as women or people from different race, functionally diverse (disabled) people, etc. These groups started, in different stages of history, their own search for ethical grounds that could bring justice and equality to their people and philosophical background to their political struggles.

Unfortunately, these approaches have always been developed to provide rational and political basis orientated to a determined discriminated and/or oppressed group. Usually these groups would ignore, both in the political and in the ethical field, the rest of diversities within society, and even the rest of diversities within the group, reproducing a uniform simple group pattern, ignoring their own complexity<sup>3</sup>.

In that way, concerning feminism:

"The past several decades have seen repeated challenges to dominative feminist theories and practices which would deny the diversity and complexity of those women who are subject of feminist movement(s). Women of color, lesbians, poor and working-class women, Jewish women, "Third World women," sex radicals, disabled woman... (this list can never be completed) have repeatedly challenged theoretical and political practices which would narrow the focus of feminism and reinscribe social structural limitations along the lines of race, sexuality, class, religion, ability... (Beck 1982, Moraga and Anzaldúa 1981, Lorde 1984, Samis 1987, Zandy 1990, Mohanty et al. 1991, Eiesland 1994)." (Jakobsen, 1998, 1).

Centuries after the Enlightenment, efforts have also been developed to bring together the different religious approaches. "In the last decade, there have been a number of interesting attempts to formulate a global ethic. These attempts were initiated by ecumenical religious leaders, but have subsequently made their way into more general discourse, especially with the people within the United Nations." (Struhl, 2006, 13). In this effort an attempt was made to join cultural, race and religious diversities. The result of this effort is the "Declaration toward a Global Ethic", whose principles are:

- I. No new global order without a new global ethic
- II. A fundamental demand: Every human being must be treated humanely
- III. Irrevocable directives
  1. Commitment to a Culture of Non-violence and Respect for Life
  2. Commitment to a Culture of Solidarity and a Just Economic Order
  3. Commitment to a Culture of Tolerance and a Life of Truthfulness
  4. Commitment to a Culture of Equal Rights and Partnership Between Men and Women
- IV. Transformation of Consciousness". (Global Ethic Foundation, 1993).

But, as it can be observed by prior references and ideas, a part of human diversity has usually been left out: functional diversity. Even though it is clearly "one of many areas in which true equality requires not identical treatment, but rather differential treatment in order to accommodate differential social needs". (Kymlicka, 1992, 113).

As another human diversity in struggle for equality, during the last decades, theoretical work has been developed around this group, especially by British sociologists like Colin Barnes, Geof Mercer and Tom Shakespeare<sup>4</sup>, and by moral philosophers such as Amartya Sen and Martha Nussbaum.

Despite these theoretical efforts, insufficient attention has been devoted to functional diversity compared to other minorities such as women or religious minorities, and is still not considered as a part of human diversity issues in most fields, probably on the grounds of a quite simple issue: it's been studied and named as an *ability* issue, weakly related to human *diversity*, as the "disability" word clearly indicates.

Only since 2006, in Spain and mostly in Spanish, this issue has had a clear diversity approach with what is called the *diversity model* or approach. This model has been developed in two books and several articles related to different fields such as anthropology, sociology, bioethics, social work, law, moral and science philosophy, feminism, etc. by different authors from Spain and Argentina, like Miguel Ferreira, Mario Toboso, Soledad Arnau, Francisco Guzmán, Agustina Palacios, Carolina Ferrante, Manuel Lobato, Javier Romañach, Antonio Iañez, etc.

### **3.1 Functional diversity (disability) and the diversity approach. A choice for our future society.**

Functional diversity activists have turned to bioethics in search of theoretical models based on clear rational grounds that would provide answers to bioethical challenges around functional diversity. Those activists also know that "the best examples of debates about moral issues that are in need of clarification and rigor that a philosopher can provide occur in the field of medical ethics" (Singer, 2002, 68).

The result of this activity had as an outcome the *diversity model* or approach. This approach was used to establish bioethics positions on issues related to the functional diversity in a second book: "Bioethics at the other side of the looking glass".<sup>5</sup>

The *diversity model* is an extension or evolution of the *social model of disability*. The *social model*<sup>6</sup> was based on US Independent Living movement's ideas (Shapiro, 1994),

can be traced to Michael Oliver (1983) and was – and keeps being – developed by British sociologists like Colin Barnes, Geof Mercer and Tom Shakespeare (Barnes, Mercer, Shakespeare, 1999).

As it had happened before, the new model is also based in "...the problem of obligations to our future generations, it undermined the assumption that a moral community can consist only of members who are in one time or era" (Singer, 2002, 130).

Knowing that nowadays society discriminates on the grounds of functional diversity (Palacios and Romañach, 2006, 55-99), the model states that a choice has to be made concerning the kind of society we want to have in the future: "...it's a task projected to give the same value to all human beings that will exist in it [the world] in the future" (Romañach, 2009, 59). Do we want a future non-discriminatory society in which every individual no matter how capable, or smart, or productive, or skilled, or able to run and walk able to speak, or able to hear, etc. has a chance to live and enjoy life at any age? Or do we want a discriminatory society in which only people who are useful, capable, smart, skilled, with good sight and hearing, etc. will be welcome and allowed to live and enjoy what society provides?

The way we and our descendents will live in the future, depends on how we see each other today. It depends on the concept we have of what a human being is today, and if we want to select or not the human beings that will be allowed to join us in the future. It also depends on whether we want to be welcome in our society as we grow old or have an accident.

The diversity model makes a clear choice: actions must be taken today in order to have a future society in which every human being will be welcome and has a chance to enjoy what life in society can provide. And enjoying that life means providing equal opportunities to everyone, so we may live the life we want to live, regardless of our physical condition, in the absence of arbitrary external social restrictions.

This clear choice is not present in prior approaches, because functional diversity has never been considered a part of diversity in moral philosophy, as all attempts to include it (Nussbaum, Sen) were done without the certainty that functional diversity is inherent to humanity and is not a medical, but a social issue.

In a first approach, this might be seen as a limited struggle of a few individuals<sup>7</sup> who want to stop being discriminated and have equal opportunities in an oppressive society which nowadays is not constructed to fully accept human diversity.

As an example, accessibility to the environment and buildings in modern developed countries is seen as a demand of the approximately 2% of the population who actually use wheelchairs. But the diversity approach provides a different way to perceive the same reality. In developed countries, 100% of the babies are carried around in strollers and is an important chance that anyone in their 20s today will be using a wheelchair if he or she reaches the age of 90.

Considering it from a strictly utilitarian point of view, making the environment accessible will therefore increase the level of happiness and comfort to 100% of the population (not only the babies, but their parents and relatives and anyone who at the end of the life, or sometime before that, will have to use wheelchairs during a certain period or permanently to move around). That is to say that, accepting that people who cannot walk are an equal part of society and have the same dignity, and providing solutions to this reality, will increase the level of happiness<sup>8</sup>, as it can create the most good for each person (see Roberts, 2002).

This obvious approach has not been addressed before, because inequality has been established concerning functional diversity on the grounds of "ability", focusing on functional diverse people's abilities or capabilities (see Toboso and Guzmán, 2009). This focus on ability has been the traditional moral approach to functional diversity, and always left out a group of people "who we think have no abilities, or those whose abilities were never promoted" (Palacios and Romañach, 2006, 97); and discriminating that group of people made traditional models insufficient for a solid theoretical model that could be used in bioethical issues. This focus has supported different moral approaches like Nussbaum's Capabilities approach (2006) or Peter Singer's ethics (2002).

The diversity approach rejects ability as a centerpiece for a philosophical approach to functional diversity. Dignity<sup>x</sup> is the main founding of the diversity model or approach, and dignity is divided into two branches or foundations: *intrinsic dignity* and *extrinsic dignity*. The first is related to the equal value of every human life and the second is related to equal rights for everyone. Nowadays society provides neither the same intrinsic dignity nor the same extrinsic dignity to functionally diverse people. Therefore, it becomes necessary to develop new theoretical approaches that introduce in the bioethics debate a full support of intrinsic dignity for people who are discriminated on the grounds of their functional diversity." (see Romañach et al. 2009).

The diversity model demands a new bioethical approach that includes the voice of functionally diverse people<sup>10</sup> considering their own reality and experience of life. The goal of the model is to grant that the bioethical community will understand that functionally diverse people are not human beings that suffer for being different, but for being systematically discriminated or ignored due to their difference, and by the fact that their lives have been, and still are, systematically undervalued.

The diversity model has been extended taking in consideration critic sociological proposals of discrimination mechanisms, through which discrimination takes effect in functionally diverse people daily life (mechanisms based on bio-political power techniques, on medical normalization of the body<sup>11</sup>). It also considers the imposition on practices of a *habitus* (Bourdieu, 1997), oriented by normalization.

Consequently, and as needed for any social evolution, the task of working deeper in that analysis becomes necessary in order to break domination logics (domination imposed through body, regulation, classification and submission) and to provide theoretical tools in an alternative liberating way (Romañach et al., 2009).

From this point of view, this paper is an extension of the diversity model, in order to cover, and make it compatible with, or included in, other moral philosophy proposals.

This humanist approach was constructed after performing an analysis of human and social, legal and bioethical reality (Romañach et al., 2009) as lived and perceived by people who are discriminated on the grounds of functional diversity. Some of the diversity model key principles are not found in the complementary philosophical proposals that will be described later in this text, and will therefore provide new contributions to the diversity ethics proposal. The key principles established in the model are:

- Functional diversity is part of human diversity
- Diversity is inherent in humanity and it enriches our society
- Society should respect and provide full dignity for all human diversity

To achieve full dignity for all human diversity society should:

- Give the same value to the lives of all human beings
- Respect the rights of all persons

The model relies on mutual recognition, as both the value of life and rights are "given" by society, but it also relies on self-recognition; on self-diversity and self-recognition of fragility for all human beings, and humanism.

Together with the feminine approach to ethics, known as "care ethics" (Noddings, 1984), the diversity model also contributes to provide a new ethical approach to different human realities and challenges such as the "inDependency" or care situations. Care ethics diminishes the traditional asymmetry between the functional diverse people and the rest of society, as it proposes a double way relation between subjects: "Clearly, the cared-for depends upon the one-caring. But the one-caring is also oddly dependent upon the cared for." (Noddings, 1984, 48). In this way a new interdependency is proposed, that shortens distance between all humans, including in a way a less unequal status for functional diversity. Nevertheless, it should be pointed out that care ethics never included functional diversity (Arnau Ripollés, 2009). Furthermore, this model has been used to question the sufficiency of contemporary theoretical models<sup>12</sup> such as Rawls' *Theory of Justice*<sup>13</sup> and Nussbaum's *Capabilities approach* (Nussbaum, 2006).

#### **4. Facing the challenge of extending the diversity theoretical framework**

All different theoretical approaches to diversity reach a point in which other diversities must be considered, as a complex human reality within each one of them.

"Contemporary challenges for modern moral reasoning from a number of perspectives have lead to a recognition that moral claims are made within the social world moral multiplicity. This world is marked by diversity and complexity-diversity created by differences within and among persons and a correlative complexity created by multiple criss-crossing our relations and resulting contradictions. Challenges to moral reasoning have also initiated a passionate debate as to whether morality can be sustained at all in the face of moral diversity." (Jakobsen, 1998, 4).

Thus different diversities from within feminists have raised different moral approaches:

"These challenges come from our ideals movements which have articulated "different" moral voices-feminist, womanist, *mujérista*, and lesbian to name a few (Gilligan 1982, Cannon 1988, Isasi-Díaz 1993, Hoagland 1988) - as well as from post-modern critiques of modern conceptions of subjectivity and agency (Benhabib et al. 1995). The relationships among and between these various perspectives on their critiques are hotly debated. For example, Mohanty (1994, 163, fn 4) reads the two sides is producing different types of analysis. Lugones argues that "post-modern literature... goes against a politics of identity and toward minimizing the political significance of groups"; while her position, one of which can also be seen in "the literature on mestizaje, affirms a complex version of identity politics and a complex conception of groups" (475)." (Jakobsen, 1998, 4, footnote 7).

These different voices have mainly raised within a certain oppressed or conflict group, maintaining moral issues around the singularity of the group, defined by a pre-established borderline with the rest of society.

To overcome that limitation, moral philosophers like Axel Honneth and Nancy Fraser have developed new broader moral approaches that intend to establish common grounds and proposals in mutual recognition and redistribution theory, incorporating all diversities. Unfortunately, nowadays this approach does not include functional diversity.

#### 4.1. Mutual recognition and redistribution

The insufficiency of a single approach to face moral challenges for society, demands a more complex method. As described Honneth and Fraser social movements are nowadays facing the challenge of integrating redistribution and recognition:

"Within social movements such as feminism, for example, activist tendencies that look to redistribution as the remedy for male domination are increasingly dissociated from tendencies that look instead to recognition of gender difference." (Fraser and Honneth, 2003, 8).

Both authors consider redistribution and recognition as key issues in future diversity ethics. Redistribution's origins can be found in the liberal tradition, especially its late XX<sup>th</sup> century. In the latter part of the century, when it was richly expanded by philosophers such as John Rawls and Ronald Dworkin, in their theories of distributive justice. They tried to synthesize the traditional liberal emphasis on individual liberty with the egalitarianism of social democracy, proposing new conceptions of justice that could justify socio-economic redistribution.

Insufficiency of Rawls' "Theory of justice" to address functional diversity has already been pointed out by Martha Nussbaum. Starting from Scanlon's proposals Nussbaum states that: "Either we persist in our pursuit of the contract doctrine, and say that the contracting parties are also trustees for those who are incapable of participating; or we may say that the contract doctrine offers an account of only one type of morality: we need a different account to cope with the facts of extreme dependency." (Nussbaum, 2006, 136).

In order to solve that issue, Martha Nussbaum, following Eva Kittay and Amartya Sen tried to include functional diversity in these contractualist theories, and proposed the *capabilities* approach, closely linked to human rights (Nussbaum, 2006, 150). Nussbaum proposal goes beyond Rawls theory of justice, and proposes some reformulations, based on Kittay's and Sen's ideas, and a list of ten items that would guarantee functional diverse people dignity, and define a basic social justice (Nussbaum, 2006, 76).

Nussbaum's Capabilities approach is a solid step to include functional diversity in moral philosophy, nevertheless, the analysis performed from the diversity approach has already stated the insufficiency of her approach in this respect, as "...her approach to support intrinsic or moral dignity is not solid or consistent, as she mixes medical model's thesis, and considers the cure of functional diversity as a moral obligation of a just society, emphasizing the medical aspects of the person must be repaired so that you can access the list of "capabilities"" (Romañach, 2009, 36). This approach would then exclude some human beings that would have to be "repaired" to have access to the capabilities list, giving less value to those person's lives.

Furthermore, even if conflicts over interests were justly adjudicated, society would remain normatively deficient while its members are systematically denied the recognition they deserve. And this recognition is not just an unmet courtesy that people need.

Recognition designates a relation that structures and constitutes self-identity as auto-consciousness, and reciprocal relation between subjects in which each sees the other as its equal but as separate. One becomes an individual subject only in virtue of recognizing and being recognized by another subject. Therefore, recognition implies the Hegelian thesis that social relations are prior to individuals, and that intersubjectivity is prior to subjectivity. Recognition theory is currently undergoing a renaissance, as neo-Hegelian philosophers such as Charles Taylor and Axel Honneth are making it a central issue in their politics of difference. In fact, recognition "is proving central to efforts to conceptualize today's tools for over identity and difference. Whether the issue is an indigenous land claims or women's keyword, homosexual marriage or Muslim headscarves, moral philosophers increasingly use the term "recognition" to unpack the moment if basis of political claims. They find that a category that conditions subjects' autonomy on intersubjective regard well captures the moral stakes of many contemporary conflicts." (Fraser and Honneth, 2003, 1).

Gender, religion, culture, race and sexual orientation are taken in account by recognition philosophers but, functional diversity is consistently omitted as part of diversity, or as a part of the conflict between human identity and human difference.

Despite this omission, recognition can be thought as a fundamental part of future diversity ethic theories, as it has no specific mention to functional diversity exclusion. Some concepts like dignity, which is a centerpiece in the diversity approach, and many other aspects of functional diversity struggle, like emancipation and inviolability of physical integrity, can also be found in recognition theories.

However, it is the combination of both recognition and redistribution that is now understood as the path to follow to achieve justice, as it has been pointed out by modern authors working on recognition:

"As social struggles of the last few decades have made clear, justice demands more than fair distribution of material goods."... "Regularly, members of marginalized and subaltern groups have been systematically denied recognition for the worth of their culture and way of life, the dignity of their status as persons, and the inviolability of their physical integrity. Most strikingly in the politics of identity, their struggles for recognition have come to dominate the political landscape. Consequently, if social theory is to provide an adequate account of actual fields of social conflict, it to us for both to situate the motivation for these emancipatory struggles within the social world and provide an account of what justifies them." (Honneth, 1996, x).

As for today, the relation between recognition and redistribution theories and functional diversity can be resumed in the following terms: recognition does not explicitly exclude functional diversity, but it does not include functional diversity as any other diversity yet; and redistribution has proven to be insufficient to provide sound moral founding for this group of people.<sup>14</sup>

Thus, we will propose an extension of this recognition and redistribution theories that would include the diversity approach, contributing to the construction of a wider and more solid model. It would include functional diversity's issues – that affect about a 10% of the population. It would provide more equality and diminish discrimination,

even perhaps erase it. This model would also provide theoretical grounds to deal with bioethical issues. We propose to name this new approach as "Ethics of diversity".

#### **4.2. Self-respect. Fundamental social achievements approach.**

On the process of extending the theoretical framework, it is important to include a concept and demand from the functional diversity social movements, that has not been considered before: self-respect.<sup>15</sup> This concept is considered essential not only for functional diverse people, as the need for self-respect and self-esteem in diversity:

"...Painful feelings and unhappiness resulting from a lack of self-esteem, can therefore be a legitimate focus of social attention. In some cases, it is clear that the fact of being unhappy is a legitimate cause of social concern, regardless of how it occurred (which explains the existence, in France, for example, of Centers of Clinical psychotherapy). At the very least, it seems crucial to identify appropriate social measures that will contribute by redistributive channels, to guarantee a minimum of individual and social achievements that would feed, positively, everyone's self-respect. The fundamental concern of social achievements, discussed here in a broad outline, demands that institutions and social policies take in account agents' and, indirectly, their achievements in private spheres. These compensation measures will focus on individual achievements or results in their social dimension, assuming that individuals take responsibility for their private accomplishments. Unlike attention exclusively focused on opportunities or capabilities, the approach based on fundamental social achievements is concerned with distribution lots, once individual achievements have been completed, that is to say at the end of redistribution. In that way, it rejects the notion of responsibility provides sufficient justification for existing social inequalities or the situation of poor people considered "undeserving" and most disadvantaged. It finally offers a way to reconcile the desire for redistribution and recognition." (Guibet Lafaye, 2007).

For the approach based on fundamental social achievements, equality for the poor should be measured at the end of the redistribution process, including social self-respect. But recognition would not suffice to grant this issue. This same approach can be extended to any diversity that requires both recognition and redistribution, as indigenous, functionally diverse people, migrants, etc.

#### **5. Towards a new diversity ethics approach**

Constructing ethics of diversity should be done in an open collaborative way, with a constant effort to include new foundations and ideas that would lead to the same goal: a future society in which all human diversity is welcome and equality granted for all.

Some authors like Honneth and Fraser have started working under those premises, developing a common framework that will assess diverging answers (Fraser and Honneth, 2003, 5), providing an starting point that will incorporate fundamental pieces for diversity ethics. Nevertheless, the door will remain open for other ethical developments *diversity ethics* may include in its future evolutions.

##### **5.1. Contributions of the diversity approach**

As it has been explained, redistribution theories explicitly excluded functional diversity from start, and there have been attempts to make it fit within that framework, but those attempts have been analyzed and considered insufficient by the diversity

approach. Although recognition theories do not explicitly exclude functional diversity, they do not include functional diversity as any other diversity yet. Therefore, including functional diversity in these theories will add some pieces to the puzzle contributing to build a stronger approach.

In first place, diversity approach can easily be extended to any human diversity: gender, sexual orientation, religion, race, age, etc. by just taking away the word "functional" from the first statement of its premises (see section 3.1). The result would then be:

- Diversity is part of human diversity
- Diversity is inherent in humanity and it enriches our society
- Society should respect and provide full dignity for all human diversity

To achieve full dignity for all human diversity society should:

- Give the same value to the lives of all human beings
- Respect the rights of all persons

Dignity, understood as giving the same value to all human beings, and same rights to all persons, would become a center piece of recognition and distribution, and would explicitly mean same value for human lives and same rights for all persons.

In the other hand, the diversity approach is built from the most fragile situation of any human being, making human fragility another fundamental founding of this new ethic approach. Any human being is bound to contingency, and is consequently a potential candidate for this type of diversity, as accidents happen through life than can put any one in that situation. Furthermore, functional diversity is unconsciously desired by all who want to live a long life, as statistics show that it is inherent to the process of ageing.

This makes functional diversity not only a recognition issue, but also a *self*-recognition issue. It may be not that frequent for humans to, voluntarily or involuntarily, change race, gender, culture, sexual orientation or religion, but no one can be sure today of what will happen to him or herself tomorrow, thus all humans are potential candidates for functional diversity. What is missing is just awareness of this fragility. In fact, awareness of the functional diversity we all had when we were babies.

This lack of awareness is not casual but it is a consequence of domination logics: "functionally diverse people embody domination logics through an specific *habitus* (Bourdieu, 1991) in which good, beautiful and healthy normative is registered; on the other hand, the body is central to regulatory and political control issues that come from Bio-politics and Normalization Technologies (Foucault, 1992; 1998)." (Romañach et al., 2009).

The *diversity model* states that nowadays society provides no equality in functional diversity (Palacios and Romañach, 2006, 65-98), that moral issues have consequences in the future society, and that a choice must be done today on two types of future social construction: a non-discriminatory society built to include the fragility derived from functional diversity, or a discriminatory society constructed only for useful "normal" persons, in which fragility would be considered a human flaw. The diversity model also warns that "normality" is a social construction and domination logics consequence, not a biological question.

The diversity approach naturally fits under Hegelian human recognition, that we can find in Honneth's thesis, where recognition is prior to redistribution, as human beings should first recognize their own fragility and diversity and then select redistribution as an essential tool to grant justice and rights. And with those rights and adequate resources, an easy path to enjoy self-respect would be established.

In the same way society accepts newborn's fragility and provides redistribution to bear a child while his or her fragility is assumed, this concept should naturally expand to all society, all ages and all fragility derived from human diversity. And, as indicated before, this redistribution should be measured at the end of the process, evaluating individually achieved social self-respect and self-esteem.

## 5.2. Fitting all pieces

The new ethics of diversity recognition would rely then on breaking domination logics to obtain a basic human recognition of self reality and humanity. That humanity would inherently include self diversity, which would incorporate human fragility as a starting point of social progress. As a consequence, redistribution theories, following the social achievements approach and policies, should be developed to guarantee justice and diversity social support, because diversity and fragility of other human beings would become recognized in ourselves.

In order to be coherent with that diversity recognition, society should give all human lives the same values and provide all persons with the same rights in a struggle for a future society in which all diversities would be celebrated and supported<sup>16</sup>.

With this new ethics of diversity, foundations for bioethical issues, specially those related with functional diversity, would be part of a new extension of recognition and redistribution theories.

## 6. Confronting diversity ethics with Peter Singers ethics

Once the main structure of the diversity model has been established, we are ready to confront it with Singer's ethical arguments to prove its strength. We will do this in two steps. First we will point out incoherencies, contradictions and wrong assumptions in his ethics. Then we will compare diversity ethics bioethical positions with Singers' opinions, and point out the different future societies both positions may lead to.

### 6.1. Peter Singer and the moral status of nonhuman beings

#### 6.1.1. *The moral community: from description to evaluation*

The thesis defended by Peter Singer is quite original in moral philosophy as it suggests extending the limits of the moral community to ontic entities – which, until now, have been excluded – and to exclude others which were undoubtedly considered part of it. For Singer, it is about adopting a perspective that definitively breaks with the classical humanism, on behalf of animal respect:

“Many authors challenged humanism, that is, the doctrine that all and only human lives have an equal, absolute value (Glover 1977; Tooley 1983; Rachels 1986; Kuhse 1997). The humanistic view has two sides: an inclusive one which grants privileged moral status to all humans, and an exclusive one which grants that status only to humans. By emphasizing the moral irrelevance of the species mem-

bership, and by arguing that, for example, the embryo, the fetus, of the comatose are not humans in the evaluative sense, those authors undermine the inclusive side of humanism and, accordingly, the traditional notion of moral community. This naturally furthered the revision of the moral status of nonhumans which, through its criticism of the exclusive side of humanism, the ethics of animal liberation was pursuing." (Singer, 2002, 131)<sup>17</sup>.

The evaluative perspective - rather than descriptive - that P. Singer proposes over the moral community places its core in the criteria of rationality, autonomy and self-consciousness (Singer, 1993, p. 188). These criteria for assessing humanity should replace the simple reference to the biological species. The membership of the moral community would no longer have ontic basis (*i.e.* linked to the specie) but would be based on "ability". According to Singer, what is important is not whether a life is human or nonhuman; rather, what is of central importance from an ethical perspective what interests and capacities this being has. Based on the principle of the equal consideration of interests, Singer argues against the privileged status of humans and the conventional assumption that we are, simply because we are human.

The consequence of P. Singer's dual perspective - descriptive and evaluative - taken on human entities consists in the exclusion of some of them, especially "embryos, fetus or comatose individual [which] are not human in the evaluative sense" (Singer, 2002, 131), and newborns with "incurable medical condition" (Singer, 2002, 284). This redefinition of the limits of the moral community is inseparable from a reinterpretation of the frontiers of humanity and of what is worthy or not to be recognized as human. The question then is:

"Political philosophy seems to see the concept of person unproblematic. This is not so in bioethics. Though the word "person" is, in current use, often used as if it meant the same as "human being," the terms are generally not seen as equivalent in bioethical discussions. Most authors in fact use "person" to refer in an unambiguous way to the second of the already mentioned senses of the word "human," that is, the philosophical sense of possessing certain characteristics like self-awareness and rationality; this is distinct from the biological sense of "human," meaning belonging to the species *Homo sapiens*." (Singer, 2002, 133).

In fact, "a distinction is often made between two uses of "person," the descriptive (also sometimes labeled as metaphysical) and the normative (or moral). On this view, to say of some being that she is a person in the descriptive sense is to cover some information about what the being is like, and this can amount to saying that she has characteristics a, b, c; on the other hand to use the term "person" in a normative way is to use it simply to ascribe moral properties - usually some rights or duties, and frequently the right to life - for being so denominated (Feinberg 1980)." (Singer, 2002, 133).

Nevertheless, this position is far from unanimity. Concerning the embryo status, the failure to reach agreement on this debate has been raised by Habermas:

"Despite these differences, there is something we can learn from the abortion debate, a debate that has seriously been sustained for decades; the failure of all attempts to arrive at a neutral cosmological description (*i.e.* not prejudiced) moral status of nascent human life, a description that is acceptable to all citizens of a secular society. One part describes the embryo in early development stage as a "bunch of cells," in contraposition to the person of the newborn, to whom human dignity corresponds in a strict moral sense. The other part considers the fertilization of human

egg relevant as the beginning of a process of development as an individual governed by itself. Seeing things in this way, all biologically determinable specimen as belonging to the species must be considered as a potential person and bearer of fundamental rights." (Habermas, 2002, 48).

This raises two irreconcilable visions of a "person" whose use as the foundation of dignity. Actually,

"found[ing] the dignity of man on the notion of person is doubly problematic. First, the concept of "person" states a dignity that is not characteristic of men. This concept also applies to God and the angels (if any), other non-human rational beings and even animals possess self-awareness. Secondly, this dignity does not extend to all men: the embryos, newborns, the comatose human beings, certain types of functional diversity (handicap) mental, etc. are excluded because they do not exhibit the characteristics of the "person"." (Bouriau, 2007, 11-12).

Peter Singer proposes a reformulation of this issue from a different moral perspective, that is not in ontic or species terms, (*i.e.* referin to the specie) but in ethical terms:

"...a question about which only a few philosophers have appreciated that the crucial issue is not as many people assume, "When does the fetus become a human being?", but rather "*What are the characteristics of a being that make it wrong to kill that being?*". It is by no means obvious that being a member of the sapiens *Homo Species* is what counts on the second question. Sentience or even a certain measure of self-awareness might be more appropriate characteristics to choose." (Singer, 2002, 61).

This new determination of the moral community borders, and of whom might deserve respect – *i.e.* not being annihilated– means that killing someone with "sensibility or even a certain dose of auto-consciousness" would be a crime. That includes some animals and, from this point of view, it would not include certain *Homo Sapiens* beings. This is a central point on his thesis to support the idea that some animals should not be killed, while some traditionally considered humans can.

### **6.1.2. Aporia and counterfactuality of a position called pragmatic**

Thus, this redefinition of the contours of the moral community - that imposes moral obligations regarding those who are included - is supposed to provide answers to delicate situations that are frequently considered to be associated with forms of life that deviate from what is recognized as the standard. Therefore:

"In the case of defective infants, however, replacement could be a desirable option. Suppose that a couple plans to have two children. The first child is normal but the second is diagnosed immediately after birth as a sever case of spina bifida. If it lives, the child will grow up paralyzed from the waist down, incontinent and mentally retarded – though he might, for all that, have a tolerable pleasant existance, if it is intensively cared for. Suppose the couple do not wish to give the child up to an institution, fearing that it might not receive the best care there. Yet they are equally unhappy at the prospect of trying to bring up such a child. They still want two normal children. They feel that with the burden of a handicapped as well as a normal child to bring up, however, they cannot have another child. The replaceability principle would allow them to kill the defective infant and then go ahead with another pregnancy." (Singer, 2002, 120)<sup>18</sup>.

As stated, he considers that certain humans could easily be replaced, because in that way we would spare them and their relatives a miserable life, reviewing the idea of equality. That allows him to suggest:

"I wanted to point out that the only logical alternative – to do anything possible to preserve life at any cost – was extremely cruel in those cases where the only prospect was months of suffering before a premature death. A decision not to do everything possible to preserve life, on the other hand, already involves an implicit judgment that the *quality of that life* is so poor that it is not worth prolonging it – in other words, a judgment that some lives are not worth living. Once such decision had been taken, it might be kinder to take active steps to end that life quickly, rather than to allow an infant to die from dehydration, or from an infection" (Singer, 2002, 69).

P. Singer's ontological proposition has therefore consequences and a moral impact, as he judges irresponsible to contribute to pre-severation of a being in this type of existence ("It does not seem quite wise to increase any further draining of limited resources by increasing the number of children with impairments."<sup>19</sup>), particularly on the basis of a reference to the quality of life – a concept hard to evaluate as it might be subjective and controversial (Fagot-Largeault 1991; Guibet Lafaye 2009b). In short, there would be a *moral duty* to end, or to prevent the survival of a human being "paralyzed from chest down" and "incontinent", even when that human can live perfectly well in nowadays society. Actually, that is the case of one of the authors of this text. This position should therefore face many objections.

In first place, this moral duty is introduced by a logical error included in the reasoning proposed by Singer. Indeed if you replace a human being with another to be born, that will not be the same human being, but a different one (see Guibet Lafaye, 2009c). The logical error sometimes comes in the form of medical inaccuracy, because the proposed description of a condition such as spina bifida refers to its most advanced form, is not correct all cases. This is particularly true when Singer discusses the tendency of being mentally retarded. On the issue of being "mentally retarded", Peter Singer makes another mistake, as spina bifida does not necessarily lead to that "retardation".<sup>20</sup>

In second place, Peter Singer tends to assume what it is called the medical model of functional diversity, that is, to consider a human being just by its biological or medical description. As a consequence he questions:

"But how do we square this view with our intuitions about the reverse case, when a couple are considering having a child who, perhaps because it will inherit a genetic defect, would lead a thoroughly miserable life and die before its second birthday?" (Singer, 2002, 115).

In fact the same individual can be defined in different ways. If we use a medical model definition one would be a "spine core injured person, incontinent, spastic, paralyzed from chest down, with dexterity problems in upper limbs, etc." But the same individual can also be described as a "computer scientist, social activist and writer, bioethics expert, friend of his friends, lover of his family, etc.". These are not divergent descriptions of an individual reality which is nothing to say that one is more real or relevant than the other. These two descriptions are equally true. Stressing the first one is, in fact, motivated by the projection on ignored situations – because they are not lived in first person – of presumed sufferance.<sup>21</sup> The prevalence of the first description is motivated by an aversion to sufferance that is widely shared by common sense.

Finally the theoretical position defended by P. Singer will highlight a specific feature in bioethics and medical ethics discourse and reflection, that gives a central role to the experience in first person - in this case an argument of last resort - that is not recognized in other forms of normative elaboration or analysis principles in the philosophical discourse. Even if such an argument does have an impact on the evolution of normative debate in the public sphere, it cannot become a central moral argument, insofar as personal experience can influence the reflection both in one direction and in the opposite (see the sharing of individual experiences in the bioethics États Généraux in France, 2009). At a first level of analysis this can be observed in the contrast between the P. Singer's experience, and the experience of one of the authors of this text, who was R&D computer science researcher and a "first-class" citizen when at the age of 28 he had a motorcycle accident, and now lives with a quadriplegia that was the outcome of the accident.

Had this author read Peter Singer's thesis before the accident, he would have probably agreed with them. Furthermore he has publicly stated that before the accident "he would have preferred to be dead rather than live in a wheelchair".<sup>22</sup> A similar change of position was assumed by P. Singer. In fact, this is a similar but more extended experience as the one Peter Singer lived "when (instead of doing what his critics said his philosophy would demand), he did not kill his mother, who had advanced Alzheimer's disease and whose care was consuming money that could, those critics said, more profitably be spent elsewhere." (Singer, 2002, 11). No matter how coherent P. Singer's position from a principles analysis is, its limits must be admitted, as his ethics should become a model for action.

Furthermore the consequence of accepting that "ability" as the relevant issue to consider a being as part of the moral community is that:

"If we were to encounter alien beings from another planet, something that looks like green slime but engages in complex behaviours, we would not be justified in failing to extend respectful treatment to the aliens merely on the ground that they belong to another species. If they proved to be like humans in morally relevant respects, then they should be treated the same as humans. Very roughly speaking, if the aliens showed a capacity for rational, autonomous agency, we would be required to include them within the scope of our moral principles." (Arneson, 1998).

If we accept Singer's ethics "the problem is to specify moral principles that yield intuitively satisfactory implications for the treatment of human individuals and other individual animals given that cognitive capacities differ across species and individuals." (Arneson, 1998). That is to say, it would be very hard to obtain moral grounds for equality, non discrimination and justice.

Singer is also incoherent when he confronts presupposed sufferance of animals and functionally diverse humans, as he concedes the benefit of doubt to animals: "On the other hand, it is difficult to establish that an animal has not will to live, and even in the case of the hen there might be enough reasons to think if it would not be best to concede the benefit of doubt".

But when it comes to what he considers not to be humans, or what he considers to be replaceable humans, prudence and benefit of doubt disappear (Singer, 2002, 95): "I wanted to make clear that the only logical alternative - insisting in preserving that live at all cost - was extremely cruel for the kid in those cases in which these only perspective was of months of sufferance before a premature death." And his incoherent attitude to concede benefit of doubt is not based in scientific evidence, but on his own subjective perspective.

## 6.2. Bioethical responses to Peter Singer's thesis

Once diversity ethics is constructed including all pieces as previously described, some bioethical positions have already been developed from one of its parts, the diversity approach. The ethics of diversity legitimates a future society in which recognition of all human diversity and fragility would be granted. In order to sustain that guarantee all human lives would be valued as equal.

Human lives equal value would then give support to consistent and coherent bioethics positions such as the following. Concerning research on humans, "it should not be allowed to investigate in humans who do not give their consent" (Romañach, 2009, 204-205), always, because consent, *i.e.* individual personal consent is the only guarantee we have for equality, and consent provided by others (e.g. by tutors), has historically proved not to be always in the best interest of the individual whose consent has been overtaken. Furthermore, experience shows that overriding consent in history has led to unequal societies. Following that argument, sterilization of functionally diverse people should be banned for the future.

Concerning new genetics, although they can be used in a positive way, the way we're facing and using them today means "undermining the normative autocomprehension of people that guide their own lives and show respect for each other" (Habermas, 2002, 45), a threat to diversity, specially functional diversity<sup>23</sup> and a new subtle form of eugenics (Romañach, 2009, 159).

Eugenics that can also be detected in modern abortion laws<sup>24</sup>, embryo selection, sterilization and infanticide. Diversity ethics clearly states that "selecting an embryo means a genetic selection under major cultural patterns, and is therefore eugenics, in the same it is considered to be eugenics infanticide on the grounds of functional diversity, and that eugenics means giving a different value to the lives of functionally diverse and therefore a decrease of their full dignity" (Romañach, 2009, 204-205); and that "today eugenic practices occur through abortion, genetic selection and sterilization, that the door to a death in dignity should be opened when conditions exist to ensure full dignity in functional diversity".

Furthermore past eugenics practices and experiences prove that accepting eugenics in a society has led to unequal societies, and they should be not be allowed any further (Evans, 2004).

Therefore, ethics on diversity would frontally confront all Singer's thesis in ethical and bioethical issues related to functional diversity, on the grounds of a solid and coherent ethical approach, and a moral community definition that should be considered if a future society in which all humans would be accepted in equal terms and social justice is desired.

## 7. Conclusions

Our aim in this article is to propose a solid powerful extension of recognition and redistribution ethics: diversity ethics. These ethics reinforce prior approaches due to the inclusion of functional diversity as part of human diversity to be accounted for in moral philosophy, the need to break social domination logics, and to analyze redistribution at the end of the process, to ensure it will account for self-respect and self-esteem, another forgotten issue in diversity.

The inclusion of functional diversity in recognition and redistribution ethics proposes the idea of auto-recognition of fragility and diversity in all humans, as we're all functionally diverse and risk personal discrimination on those grounds. Furthermore, a pragmatic approach of dignity, based on giving the same value for all human lives, is included in diversity ethics, providing tools to face bioethical challenges.

Diversity ethics is proposed as a choice for the future society, as we are to choose now whether in the future we will live in a non-discriminatory society in which all human diversity is welcome and every individual regardless of her or his differences, abilities and productivity has a chance to live and enjoy life at any age; or we will live in a society in which not all diversity is accepted, a discriminatory society in which only people who are useful, capable, smart, skilled, with good sight and hearing, etc. will be welcome and allowed to live and enjoy what society provides.

Making a clear choice of the first option, diversity ethics has been confronted with P. Singer's ethics, that have chosen the second option, showing their weakness and incoherencies. Alternative bioethical positions have also been exposed, that are coherent with the choice of a future society in which all humans will have the right to justice and equality, as we need a society different from the one we have today, a society in which inequalities are reproduced through generations.

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## Notes

1. The term "functional diversity" as a substitute of "disability" was first proposed by Romañach and Lobato, (2005) and it is a part of the *diversity model* (Palacios and Romañach, 2006, 2007). It should be noted that it is the first non-negative description on this reality that evades the ability concept.
2. According to *Synopsis and classification of living* about 1.4 million living species of all kinds of organisms have been described.
3. Nevertheless, the will to defend a minority group does not necessarily lead to biased and unilateral proposals, focused exclusively on the rights or interests of particular groups, but it is also useful to develop comprehensive conceptual approaches that would consider each minority group in its specificity and diversity.
4. Recently, some Spanish and Argentinean sociologists have also developed work in this field (see Romañach et al., 2009).
5. There is only a Spanish version, as the book has not yet been translated to English (Romañach, 2009).
6. The social model ideas have also been included in the UN Convention of the rights of persons with disabilities. UNITED NATIONS (2006). "Convention on the Rights of Persons with Disabilities"

7. A 10% of the population is discriminated on the grounds of functional diversity.
8. To read about a modern reflection about happiness see: Guibet Lafaye (2009a).
9. The pragmatic approach to the dignity concept in the diversity model was performed after analyzing several international documents related with bioethics and human rights and performing a semantic distillation of what it meant in those documents.
10. It should be noted that many approaches on the field (e.g. Nussbaum Capabilities model) have been proposed by people who do not live that reality daily.
11. As pointed out by Foucault (1992, 1998).
12. See Romañach (2009, 23-28) and Guzmán, Romañach and Toboso (2009).
13. Rawls, 1971, tr. sp., 51.
14. Furthermore, moral philosophy does not often deal with bioethics challenges such as genetic selection, abortion, medical research, embryo moral status, etc. These are crucial issues for functional diversity, as functionally diverse people feel threatened by some experts' positions and practices in those fields, that include Peter Singer: "We are threatened when Peter Singer, a professor of bioethics, writes: "It does not seem quite wise to increase any further draining of limited resources by increasing the number of children with impairments."" (DISABLED PEOPLE INTERNATIONAL EUROPE (DPI), 2000).
15. As stated in the Independent Living philosophy: "Independent Living is a philosophy and a movement of people with disabilities who work for self-determination, equal opportunities and self-respect".
16. In the way outlined by Galston (1995).
17. This ambition of animal condition liberation had already been adopted in the past: "But is there any reason why we should be suffered to torment them?. Not that I can see." ...."The day *may* come when the rest of the animal creation may acquire those right which never could have been withholden from them but by the hand of tyranny." (Bentham, 1780, 235).
18. Before starting the analysis, it should be noted that P. Singer commits a fallacy, since he draws a conclusion not related to the initial premise of his reasoning, but a term he introduced after the exposure of the situation initially described.
19. DISABLED PEOPLE INTERNATIONAL EUROPE (2000).
20. Moreover "retarded" constitutes a normative description that corresponds to a value given to a certain mind in a given time, comparing it to other minds. But anyone's mind is different from the others, and drawing the line between what is retarded, and what is not, is a social issue, not a biological issue.
21. Concerning the issues on sufferance and lifes not worth to be lived see: Romañach, 2009, 65-81.
22. Romañach, 2009, 58, footnote 70. The role of experience in first person as an argument of last resort, is confirmed by the normative changes induced to end-of-life requests of Vincent Humbert in France, or Ramon Sampedro in Spain. For a reverse view on Sampedro's case see Romañach, 2005.
24. DISABLED PEOPLE INTERNATIONAL EUROPE (2000).
25. Spain approved in 2010 a new abortion law that maintains the eugenic abortion.