

# *A Heaven without Giants or Dwarfs*

## *Equality, Gender, and Disabilities*

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### Introduction

A few years ago Claudio Tamburrini and Torbjörn Tännsjö (not coincidentally, two men), published a paper in which they discussed gender equality in sports. Tamburini and Tännsjö complained that sport arenas are one of the few residual places where discrimination against women is openly accepted. They argued that the very existence of male sports and female sports, as two separate events, is an example of ignominious gender discrimination. If we believe in the value of equality, they continued, we should also believe that men and women should “compete against one another on equal terms on sport arenas.”<sup>1</sup> The reasons why females and males do not compete with each other relate to their different physiological and genetic setup (different strength, different proportion and distribution of muscle fibers,<sup>2</sup> different hormones that regulate muscle growth, different skills, and so on<sup>3</sup>). In order to correct this natural inequality, they suggested employing genetic engineering. We should enable women to “genetically modify their physique” and then allow them to participate in competitions with men. Science should be employed to correct natural “deficits” and to restore equality.<sup>4</sup>

At first sight, to say that women should be allowed or even encouraged to genetically “enhance” their physique might appear as a defense of gender equality (the consequences of this leveling would be equalization of salaries, opportunities, fame, etc.). However, if equality and nondiscrimination were the real concern here, the argument might take another direction. One could suggest, for example, that in order to correct the “natural” inequalities between men and women, males be required to have much less training than women, or no training at all—or that men and women’s training be monitored in order for them to attain very similar levels of strength, endurance, and so on; that men be given drugs to make them weaker or less powerful; or that their genome be modified in order for them to become more similar to women in the way that is relevant to restore equality.

Equality, in other words, is compatible with both leveling up and leveling down. Underlying Tamburini and Tännsjö’s “proposal of equalization” is the assumption that being a man (at least in sports) is overall better than being a woman. The use of the word “enhancement” is indicative of their axiological premise.

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The arguments at that time prompted by Tamburini and Tännsjö's article may help us to reflect on some important aspects of debates relating to people with disability.

### **Not All that Shines Is Gold**

Equality is one of the most popular and celebrated ethical principles. All international protocols and conventions on human rights, from the Universal Declaration of Human Rights (1948) to the most recent ones, stress "the equal and inalienable rights of all members of the human family,"<sup>5</sup> regardless of any arbitrary feature like gender, race, religion, age, and so on. The rights, equal value, and needs of people with disabilities have also been increasingly recognized. A number of acts and conventions have been issued to protect the human rights of people with disability, especially since the 1990s, such as the Equality Act of 2010<sup>6</sup> and international conventions and resolutions by organizations such as the UN and UNESCO.<sup>7</sup>

Concepts like equality, however, have a distinct character: they are abstract and "fumigant." Unless we clarify their meaning, they could lead us to conclusions that we did not mean to suggest.

For example, it could be claimed that it is for the sake of equality that we should endeavor to provide cure and rehabilitation for those with spinal cord injuries. But, sadly, spinal cord injuries cannot be repaired. If we were (or had to be) primarily concerned with equality, and if equality had to be served by making people physically equal, then we would have a moral obligation to disable "normal" people. Given that we cannot repair spinal cord injuries, but we can injure "healthy" spinal cords, we would have a moral obligation to disable everyone, so that the differences in physical abilities would be corrected and equality would be restored. This "repugnant conclusion" shows that equality should not necessarily be a primary concern (at least, with equality meant as equality in physical capacities). Indeed, it may be argued that it is preferable to maintain inequality.

People who claim (in line with Tamburini and Tännsjö) that those who are less physically gifted (women and people with disability, for example; we may also include elderly people, and the list might grow) should be offered the chance to obtain the attributes of those who are more physically gifted presuppose that *some* attributes, namely the attributes belonging to the latter group, are preferable. There is nothing wrong with believing that some things are better than others, but this attitude is not egalitarian. Indeed, it is antiegalitarian in that it implies that some attributes and ways of being are better and some are worse (and not all equally valuable).

### **What Is Equality?**

Equality has a strong intuitive appeal, and many in principle agree that equality is important and should be respected. However, as Ronald Dworkin pointed out, equality is also a mysterious ideal.<sup>8</sup> There is wide disagreement on how equality should be understood. Tujia Takala stressed that this disagreement is well exemplified in political campaigns. She in particular discussed the notion of justice, but what she said can validly be applied to equality. She writes:

In the spring of 1999, there was again in Finland the time for parliamentary elections. During the campaigns it became obvious that there was an overwhelming consensus among the rival parties that justice is important and that we should aim for a more just society. The only small difference between the parties was in the understanding of what justice is and what measures should be taken that justice would prevail. The right wing thought that by lowering the taxation of property and high salaries we would be able to do this. Meanwhile, the suggested solution from the left wing was to lower the taxation of the lower income groups and reaffirm the welfare rights, such as free education, free healthcare, and reasonable unemployment benefits. The political middle, representing the interests of agricultural Finland, reckoned that above all the government should fund the farmers. Same word, but different interpretations of what justly belongs to whom.<sup>9</sup>

I have argued elsewhere that not only is there no agreement on equality and other shared ethical principles, but there cannot be.<sup>10</sup> However, some clarity is possible, and some ways of understanding equality are more plausible than others.

For centuries philosophers have debated the notion of equality: what it means and what it means to treat people according to equality. Jean Jacques Rousseau gave a decisive contribution to this debate. He pointed out that the notion of equality may have different meanings, but it is important to understand that saying that men are equal means not that they are physically equal (“in strength or intelligence”) but that they are formally equal (“in rights and by convention”).<sup>11</sup> In his *Du Contract Social*, we read: “The fundamental covenant will substitute . . . a moral and legitimate equality, to the physical inequality that nature may have set up among men, and that men, who may be unequal in strength or intelligence, become equal by convention and legal rights.”<sup>12</sup>

Reducing the physical differences among people is not an intervention that favors equality. It might favor other things—in particular, it might promote the presence and flourishing of the attributes that we think are preferable, but not equality. Thus, when we say that we wish the disabled could walk, we do not make a proposition in favor of equality: we make a proposition in favor of what we think a good life is. And when we say that we wish treatments for illnesses and disabilities were available (so that people could choose whether or not to receive those treatments), we make a proposition based not on the principle of respect for equality but on the principle of respect for people’s autonomy. Implicitly, we are saying that people should be able to choose what a good life is *for them*, and, the means being available, they should be able to choose whether or not to use them.

### **What Is Disability: At the Intersection between Body and Society**

Man is double. There are two beings in him: an individual being which has its foundation in the organism . . . and a social being. . . . This duality of our nature has . . . its consequence in the practical order . . . and in the order of thought. . . . In so far as he belongs to society, the individual transcends himself, both when he thinks and when he acts.<sup>13</sup>

Debates on disability have been very animated in the last fifteen years. They have covered epistemological issues about what disabilities are, moral issues on

whether it is right or wrong to cure disabilities (or to intentionally give birth to a child with a disability), and political issues on how people with disabilities may be best integrated into society.

These three types of discourses normally intersect with one another, and many different views can be registered on any of these issues. The so-called social model of disability has been increasingly influential in philosophical, sociological, and political debates. This model stems from a critique of the biological or medical model of disability, which presents disabilities as departures (by defects) from species-typical functioning,<sup>14</sup> or as harmed conditions.<sup>15</sup>

According to the social model, "it is not individual limitations, of whatever kind, which are the cause of the problem but society's failure to provide appropriate services and adequately ensure the needs of disabled people are fully taken into account in its social organisation."<sup>16</sup> Many currently agree on this model and argue that disabilities are social constructs.<sup>17</sup> What disables people is often a (disabling) environment, which either refuses to consider those "different abilities" as important to the richness and variety of humankind or is negligent in providing means to ensure full participation of minorities in the society.<sup>18</sup>

The debate has had a crucial impact on political agendas and even on medical classifications. For example, the World Health Organization has replaced the original classification (International Classification of Impairments, Disabilities and Handicaps [ICIDH; 1980])<sup>19</sup> with the International Classification of Functioning, Disability and Health (ICF; 2001).<sup>20</sup> This more recent classification differs from the previous one in that it places disability "at the intersection between the biological body and the social and institutional structures."<sup>21</sup> In other words, it does not consider disability primarily as the malfunctioning of a biological body; rather, it sees disability as a problem that is at the same time social and biological.

Consistently with this model, disability rights exponents often insist that disabilities are only "different abilities." The nature and extent of their difference and disability are partly circumstantial.

My friend K, who is quadriplegic, once went to the insurance office to pay for a premium and found that the company had not put a ramp of access to the office. When he complained about it, the insurance agent said he would have been happy to send down a couple of men to *pick him up*. My friend yelled that he was not "a bag of potatoes." He said to me that on that occasion he was disabled by their inconsideration and lack of care, not by his injury. He said: "So far as medical technologies, or technologies of any sort, simple like a ramp or more complex like this electric wheelchair, allow me to do the same things that you can do, if I am denied the possibility to use those technologies I am not disabled because of my injury, but because I am denied those aids."

In reporting this, I do not pretend to resolve the vexed question of what disabilities are. I mean to emphasize that my friend and I can *both* access the insurance office, if a ramp is provided. Our wishes and preferences can equally be satisfied without treating his injury. It is not necessary to make us physically equal to treat us *as equals*. Giving a ramp to him and stairs to me is treating us differently, but it is giving us both the means to do what we want. We do not need to treat people the same to respect equality, and we also do not need to render people as similar as possible in order to prevent unjust discrimination. The argument also works the other way around: interventions aimed at rendering people as similar as possible are not egalitarian interventions.

The fact that developing treatment of disabilities is not an egalitarian move does not mean that it is undesirable. Of course, I do wish that treatment for spinal cord injuries will be available very soon. But I wish this for two reasons, which have little to do with equality:

- 1) I believe that it is *better* to be able to walk. This is a value judgment based on axiological categories—what is good and what is bad, or what is better and worse. When I claim that I wish some treatments were available, I am implying that there are conditions, states of being, and circumstances in which it is preferable to live and in which life is more enjoyable. I am not making an egalitarian claim. I am saying that there are ways of being and life conditions that are better than others. I am saying that people would be *advantaged* if they had some physical attributes and characteristics. Wishing them to have these characteristics is in no way a reflection of my belief in equality. It is a reflection of my beliefs in what it is preferable to have.
- 2) I believe that my friend would want to go back to walking. Of course others might have different views, and it is possible that some people with disabilities would never want to live without their disability, because this is what identifies them as persons. Indeed, some people argue that it is better to live with their disability and would not want to change.<sup>22</sup> Some people instead would want to receive treatment for what they consider a harmed or impaired condition. When I wish that my friend could fulfill his desire to go back to walking, my wish has little to do with my belief in equality. It has to do with my belief in each individual's freedom to determine what is good for him or her (autonomy or self-determination).

### **“A World of Equals, Because All Are Strange”**

The song “Cencio” (based on a real story) narrates about Cencio, an adolescent affected by dwarfism, who, upset by the differences between him and his life and the lives of his peers, which are full of love stories, women, and adventures, dreams to live and work in a circus.

Where could one run, to feel real?  
Where could one go, not to feel different?  
He dreamt of the circus, upside-down universe  
World of equals, because all are strange  
Our usual twisted reality  
That Heaven without giants or dwarfs.<sup>23</sup>

Cencio. Music: Guccini F, Biondini JC. Text: Guccini F © 1990 EMI Music Publishing SRL Italy.

It is likely that, in a world of people with disabilities, people with disabilities would not feel stigmatized for their disability. Sarah, a student who moved from a mainstream college to a special needs college, explains: “I was really looking forward to coming here because at mainstream school I did get picked on a bit but most of the time the problem was people just make you feel left out. But here you don't feel left out because everyone's got a disability.”<sup>24</sup>

It is also likely that people with disabilities are perceived as somehow “different,” and that social perception and stigma might have important psychological consequences for the persons themselves. In the poem below, by Edgar Lee Masters, the dwarf Judge Selah expresses the bitterness of being perceived as disabled, ridiculous, and insignificant by the “giants,” and the way this affects his search for affirmation of himself, over the *heights* of others.

*Judge Selah Lively*

Suppose you just stood five feet two,  
And had worked your way as a grocery clerk,  
Studying law by candle light  
Until you became an attorney at law?  
And then suppose through your diligence  
And regular church attendance,  
You became attorney for Thomas Rhodes,  
Collecting notes and mortgages,  
And representing all the widows  
In the Probate Court? And through it all  
They jeered at your size, and laughed at your clothes  
And your polished boots? And then suppose  
You became the County Judge?  
And Jefferson Howard and Kinsey Keene,  
And Harmon Whitney, and all the giants  
Who had sneered at you, were forced to stand  
Before the bar and say “Your Honor”—  
Well, don’t you think it was natural  
That I made it hard for them?<sup>25</sup>

It is clear that if we all were the same size, color, religion, gender, and race, there would be little ground for discrimination. However, eradication or cure of disability is not an intervention against discrimination or in favor of equality, in the same way as changing the pigmentation of the skin is not an intervention against racism.

When Michael Jackson allegedly altered his skin color, he resolved, maybe, his own conflicts, but he didn’t resolve social conflicts. He became happier, hopefully, and there is nothing unethical in this, but he didn’t resolve discrimination against black people.

Here one could object: Michael Jackson didn’t eradicate racism because he is an isolated case, but if all black people chose to become white and alter their racial features, then racism against the group would be eradicated. Likewise, if there were no disabled people, there would be no discrimination against the disabled.

Here the logic is stringent, but unfortunately the subject is mistaken. It is not racism, for example, that would be eradicated: it would be black people that would be eradicated. This is an odd way to be egalitarian. In fact, this is precisely what racism is: it is the eradication of that particular feature that is considered undesirable by some.

What pretends to be an egalitarian claim is in fact a claim based on one ideology of what it is good to have, what the best life is. Judgments on the undesirability of having disabilities are axiological judgments on how life is best, and not claims of equality.

## Conclusions

The fact that there are different sorts of people in a particular society—that there are people with different abilities and also people with “dis-abilities”—and the fact that these groups are treated according to their different needs and preferences are in no way discriminatory or an offence to equality. People can still and should still be treated with equal concern and respect regardless of their physical differences or genetic structure.

I am not saying that people should be happy with the “standard” equipment that nature—or God—has provided. There is arguably nothing “unethical” in trying to modify our body in the way we want and with the means available to us. But equality is not served by rendering people equal: equality is served by them being treated with equal concern and respect, whether or not they are different. Autonomy, instead, is served by respecting their views on whether they believe that it is good to live with their disabilities, and by allowing them to decide on things that matter to them only, such as the management of their body.

Thus, the arguments in favor of curing disabilities and in favor of people’s freedom of intervention on their bodies are not based on equality: they are based on axiological categories (*meliore*s and *deteriore*s)—that is, on value judgments on what a good life is, on what it is good, or better, or preferable to have.

Arguments *against* body modifications of some sorts are generally based on an eschatological conception, according to which we ought to accept what life brings us. The argument is generally that how you are and what happens to you is part of a natural or divine plan that, however undesirable or infernal it might seem to you at times, will at the end be good and right. You shouldn’t dare changing it because it is not given to you to see how good and perfect this design is. Just as the arguments discussed before are not egalitarian, these arguments may be qualified in many ways, but they are not *per se* inegalitarian.

The dialectic between proponents of and opponents to body modification is a dialectic between different paradigms of a good life and different ideas of people’s autonomy, not a dialectic between egalitarians and nonegalitarians.

## Notes

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