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COGNITIVE DISABILITY AND THE ETHICS OF CARE: JUSTIFYING DEPENDENCY AS A MORAL CLAIM IN RELATIONAL JUSTICE

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ABSTRACT

This study seeks to explain the importance of the ethics of care in making society just and equal. It attempts to respond to the exclusion of persons with disability. Using the interpretive method, this paper asks about society's ethical obligations to persons with cognitive disability. It argues that the idea of cash enhancement is not enough. Caring for persons with mental impairment requires the deep type of commitment that can only be founded in unconditional love and care. That justice is relational means that the child with autism requires the full attention of parents and the support of the state. But there is a gap since human society is reluctant to embrace the fact that there are persons who are dependent for life. The aim of this investigation is to argue that dependency on the part of individuals with cognitive disability is a morally justifiable claim that is rooted in the value of love and care as critical elements in the relational dimension of justice.

Keywords: *Ethics of Care; Cognitive Disability; Dependency; Relational Justice; Autism*

INTRODUCTION

A recent report in the Philippines expressed that its education department has not allocated funding for special education in its budget, suggesting that the concerns of persons with disability is not a priority (Tuazon 2022). While the agency was quick to rectify the mistake, ignoring disability as a development issue has deep repercussions to justice and equality in society. According to a report by the Asian Institute of Management (2014), "Around 84% of poor municipalities in the Philippines have no special schools for the primary level while 91% of poor municipalities have no special schools for the secondary level." Neglecting the plight of persons with disability is a human rights issue since persons with handicap must be guaranteed the same right to education as others, according to the 1948 United Nations Convention on the Universal Declaration on Human Rights.

Generally speaking, society does not treat persons with mental disability in a just way. Martha Nussbaum (2006), in explaining the question of disability for liberalism, says that the Rawlsian starting point or Original Position defeats the idea of fairness since the theory excludes individuals who are dependent for life. Caroline Harnacke (2013), has explored the usefulness of the capability theory in enforcing the rights of persons with disability. This paper considers Nussbaum's criticism of the position of John Rawls on the issue of disability. Rawls (1999) postpones the question in his theory's basic assumptions. However, the essentialist interpretation of Nussbaum needs to be put into context to make it useful for social policy (Robeyns 2017). Rawls thinks that redistributing primary social goods is enough to address all concerns regarding inequalities.

SIGNIFICANCE OF THE STUDY

While the Magna Cara for Persons with Disabilities in the Philippines (Republic Act 7277) mandates support for the education of persons with disabilities, “expenditures for children with disabilities are as low as 0.002 percent, with no annual increment” (Asian Institute of Management 2014). This apparent neglect is rooted in the obvious bias against persons with cognitive and physical impairment. This study will look into the issue from an ethical perspective. The significance of this paper is to help societies understand the moral wrong in the exclusion of persons with mental disability and design policy that will make society inclusive. The problem of lack of opportunities and access on the part of persons with disability should not be treated solely as a question of resource allocation.

There are inequalities that cannot be solved by means of redistribution. For instance, even with a budget allocated by the state for the education and occupational therapy of persons with mental disability, there other things that need to be addressed, including the empowerment of parents and families and ending the bias of society against persons with cognitive impairment. An important aspect of what constitutes a just society is the idea of inclusivity. No person should be excluded from a society that free and equal persons all envision to become a part of as they pursue the common good. From a moral end, the moral mistake seems to emanate from the restriction of the participation of people with mental impairment in the establishment of the basic structure (Maboloc 2019).

METHODOLOGY

In this investigation on the issue of mental disability, the interpretive analysis of texts from the ethics of care, disability studies, and the concept of human development is used to understand the issue in a holistic way. This research looks into assumptions, background conditions, concepts, and arguments in order to analyze the problem. It seeks to advance an ethical position that emphasizes the relational concept of justice as a means to improve the situation of individuals with cognitive impairment.

REVIEW OF RELATED LITERATURE

This study is inspired by Nussbaum’s (2006) reaction to exclusion of persons with severe disability in Rawlsian social contract theory. The literature on disability rights views impairment in terms of two models – medical and social (Putnam et al. 2019). The medical model emphasizes finding the right treatment or behavioral interventions to improve the condition of an autistic person. The same is meant to help the patient do functional or meaningful tasks (Robeyns 2017). In contrast, the social model of disability focuses on how an impaired person can interact with other people. Jonathan Wolff (2009) proposes what he calls “enhancements” in terms of resources to improve the situation of individuals with mental disability. But my position is that the problem of impairment cannot be solved by means of resource redistribution because of the more difficult situation of the mentally impaired (Kittay 2001). The lack of speech of non-verbal autistic children is an everyday struggle. In this regard, the social model of disability points to making adjustments in terms of societal norms, rules, and the physical environment (Bricout et al. 2004).

The problem of exclusion cannot be overcome by means of money. There is a need to know what is needed in terms of the capability space of each person. Money, indeed, can address necessities such as food, medical care, and therapy, but the same is never enough due to the complexity of managing the situation of an autistic individual. Eva Fedder Kittay (2011) has redefined the problem by suggesting that caring is an ethical concept founded on human relationships. Chrissie Rogers (2012) argues for inclusivity by providing more space for persons with mental impairment in the field of education. This commitment to inclusion intends to make individuals overcome the stigma of social bias. For instance, it is the state's moral duty to promote accessibility and equal opportunity by means of just institutions that advance the well-being of disadvantaged groups (Lennox et al. 2015).

DISCUSSION AND ANALYSIS

The Ethics of Care as Relational Justice

The concerns of individuals with mental impairment always run secondary to persons with a normal mental condition. This is attested by the emphasis on capability instead of functioning (Robeyns 2017). While Wolff (2009) points out that persons with cognitive disability can have a special place in the world, his position is constrained by the fact that he limits the meaning of justice for persons with disability to monetary enhancements. In contrast, I argue that policy mechanisms should consider the relational aspect of justice which points to love and care, two things that cannot exactly be evaluated in the material sense.

Interpersonal relations and social interactions have an effect in the well-being or lack thereof of a person with disability. For example, a child or person who has an autism may be physically healthy, but because of the absence of a communication skill, the same can be alienated from others. The impaired individual can only depend on mature adults who are willing to make the sacrifice of caring for the well-being of this person. In this regard, the reality of dependency implies compassion and patience from the family, care givers, and society in general. For Kittay (2011), justice is relational. The human person with cognitive impairment is incapable of reciprocating. The relationship cannot be seen from the point of view of mutual advantage. People make choices and must be responsible for their choices. Persons with cognitive impairment, however, do not have such a rational capacity.

Wolff (2009) thinks that state policy can target persons with disability to make their situation better. The proposal includes distributing cash provisions and other forms of compensation (Wolff 2009). But it can be argued that Wolff's position fails to see the fact that persons with cognitive impairment need more than money or material goods. Under normal circumstances, every rational contracting agent can profit from social and political arrangements. This presupposition, however, cannot be possible for persons with severe mental impairment. The more important point is that society must treat persons with mental disability as human beings who have emotions, experiences, longings, and the desire to be happy or live well.

Indeed, society has a moral obligation to care for persons with disability. Ingrid Robeyns (2017) explains: "In philosophical ethics, if we say that an issue is a moral issue, this implies that we have duties to comply with the moral norm, no matter how we feel about it." A moral obligation exists in view of a certain right. But Rawls thinks that the reality of persons with mental handicap or severe disabilities can be dealt with only later after the basic structure shall have been set up. Robeyns (2017), however, argues that any moral obligation of society is primordial. This means that from the start, all citizens must recognize the intrinsic worth of persons. The respect for the dignity of persons is constitutive of what a just society is. As a matter of fact, children with cognitive disability can inspire or move parents to realize that human life has a higher meaning that transcends all notions of material satisfaction.

The Exclusion of Persons with Disability

According to Caroline Harnacke (2013), every society must recognize the rights of persons with impairment. Nussbaum says that the state must guarantee certain entitlements in her capability list. She does not, however, describe the contents of that list (Robeyns 2017). The intent of Nussbaum is for society to recognize the value of each item in the capability list. Robeyns (2017) proposes a way to operationalize the list by focusing on functionings when it comes to the issue of impairment. She says that "put differently, an outcome-oriented theory of justice needs to be bolstered with an account of what justice requires from the institutional design for a state or coalition of states" (Robeyns 2017).

Adam Cureton (2008) says that what interests Rawls are the principles of justice. But judging from the social and political situation of our time, persons with cognitive handicap are actually disadvantaged by society's prejudice. Persons with cognitive impairment are ridiculed, discriminated, and are never considered to be an integral component of human progress. Society is awe-struck by individuals called savants who possess unusual skill or talent but ignore the fact that the majority of children with autism are actually alienated and neglected by societal culture. This difficult situation extends until adulthood. For this reason, a person with autism finds it hard to do things in public. People have a way of choosing those they want to become a part of their social existence while excluding others. Although the principles of justice empower people in terms of how they can identify their duties and responsibilities in society (Rawls 2001) and eventually benefit from social cooperation, the aspect of caring for persons with disability is lacking or underdeveloped.

Robeyns (2017) believes that society can look into what persons can possibly achieve and not just focus on the essential capabilities. She argues, beyond Nussbaum, that "if we endorse an alternative account of human anthropology that does acknowledge systematic irrationalities, we pave the way for the argument that for some dimensions, we should focus on functionings rather than capabilities" (Robeyns 2017). The basic idea is to recognize the fact that every child can achieve or accomplish something in any field that the same should be able to "freely decide" to be a part of. Success cannot be measured on what is beneficial or profitable. Rather, a real sense of fulfilment should be found even in the simplest things in life.

When it comes to education, a child with autism needs specialized care and attention from a teacher that another child with a high aptitude would not necessarily require. Autistic children may or may not manifest a disruptive behavior that needs to be managed. In this way, the teacher must be trained to adapt to such a different circumstance. In contrast, a child in a typical school environment requires less supervision given the ability of the same to do things independently or as instructed. But while a child in a typical school can achieve something that is academic in nature, the meaning of human life as the child grows older should not be defined by the same. The emphasis should be on the value that is created in the relationship between the child and the adult who is taking care of him or her.

Wolff (2009) thinks that social policy must consider compensating for certain cases of disability. But the problem is actually bigger. There is a prejudice against persons with cognitive disability. People with cognitive impairment cannot be expected to care for themselves because of their condition. Those who want to take the responsibility, however, are very few. There are some parents who abandon their children. Elizabeth Anderson (1999) is therefore correct in saying that that a just society must seek the abolition of oppressive types of relationships. The respect for the "moral equality of persons" means that those with disability should not be excluded from meaningful outdoor activities and must be integrated to the everyday life of the family. The problem, however, is that the design of the environment is not adaptive to the situation of the person with cognitive impairment.

Nussbaum (2006) believes that altruistic values can help improve the starting point of the Rawlsian constructivist notion of what a society should be. The reality of dependency necessitates the values of altruism to be part of the social contract. Every act of compassion is a component of an ethics of care (Kittay 2001). Nussbaum (2006) says that a just society is one that truly "envisages human beings as cooperating out of a wide range of motives, including the love of justice itself." Nussbaum (2006) believes in the value of compassion or love for those who deserve a life that is dignified and decent. The inclusive type of justice recognizes that caring for special children can be life enhancing (Maboloc 2019).

Valuing a child with disability requires an immense adjustment on the part of parents. That is, for them to be morally bound in terms of a lifetime responsibility to care for their child. It is an ethical responsibility that is meant to promote equality in society (Kittay 2011; Robeyns 2017) Strict and rigid parenting rules are not truly useful when caring for a child with an atypical behavioral pattern. The right way is to show love to this child by accepting the obligation to care for this individual. It is about how we must value persons for their intrinsic worth. A child with autism follows different routines and possesses very unique physiological characteristics. Non-verbal children will require more attention in terms of gestures. While therapy can include immersion in social events and school, many children with autism actually do not know how to relate with other people.

The exclusion of persons with disability is objectionable since it is a clear violation of a person's basic rights. Indeed, individuals with cognitive impairment cannot be expected to understand institutional procedures. Even if they have full citizenship rights, they are often ignored by bureaucrats and state authorities. In truth, millions of handicapped people are deprived of the chance to have a life well-lived. They also lack access to quality health care and are denied the clear protection against many forms of violence and discrimination. This problem is structural. Some laws and state policies impede the well-being of many people by restricting their access to government programs. The bias is manifest in uneven practices, discriminatory rules, and in the ways in which persons handicap are treated unfairly.

Justice and Disability

Persons have dignity that ought to be respected. Joshua Cohen (2004) says that the main concern of Rawls are the principles of justice. Kittay (1999) says that Rawls's ideal theory neglects the facts or reality human dependency. If Rawls refuses to make to include persons with disability a part of the social contract, then *A Theory of Justice* ultimately fails in terms of its fairness criterion. While Rawls proposes a just starting point, the position of everyone is not actually equal in the design of a just social and political order. It is for this reason that his theory fails in a fundamental way when the question of severe disability arises. This is because he assumes that people are equal in terms of their rational capacity.

Nussbaum (2006) says that people should not only be motivated by mutual benefit or advantage. Being human, people have to show love and compassion, especially to the least among us, the vulnerable, and powerless (Kittay 1999). While persons with autism may not be able to help in terms of building the state, it should not be the case that their welfare be treated only as an after-thought. A person with a cognitive disability cannot be excluded from society because to do so is not fair. Persons with handicap cannot be expected to enjoy their basic human rights if society does not recognize its moral obligation. This requires a sense of commitment on the part of individuals to rise above self.

The problem of disability pertains to the respect for the dignity of persons (Harnacke 2013). Beyond the concept of primary social goods, caring for those who are in need should become a part of the assumption when it comes to our duties and moral obligations toward our fellow humans (Kittay 2011). Persons with autism will require than the promise of a just social order. What they need is an unfailing commitment that they will be taken care of for the rest of their lives. To commit to something means that one accepts the same as a form of obligation that rests on a promise that one must fulfill. The value of this moral commitment is realized by means of love and care. To love is to do what is right for the other without condition.

The costs of caring can be expensive. It for this reason that Wolff's (2009) position implies that cash enhancements are critical in equalizing the situations of people. Wolff suggests that to make social environment more inclusive to the impaired, certain resources must be allocated. But Kittay (2001) thinks that the idea of care should not be equated with anything that is monetary or financial. Human life is priceless. Human life is irreplaceable. Caring for those who are dependent for life can only be founded on such value. In fact, the presence of a caring mother is priceless to an autistic child who longs for the warmth of a mother's loving ways.

The argument of Wolff, however, remains relevant. This is because there are ways to help address the concerns of parents that the state may be able to consider and act upon. This includes legislating tax exemptions and other types of assistance that can help families who otherwise have no other source of resource for the care of a child with mental impairment. But while this is so, dependency must be acknowledged as a reality in the life of the child with serious cognitive impairment. Dependency is a matter of perspective. If it is seen from a material perspective, it can be an exploitative type of relation. But from the viewpoint of someone who needs love and attention, dependency is not a bad thing.

Caring for someone who is dependent for life is an expression of one's deep concern for the well-being of a person. Kittay (2001) believes that "in acknowledging dependency we respect the fact that as individuals our dependency relations are constitutive of who we are and that as a society, we are dependent on one another." While a person makes choices on the basis of on personal aspirations, there are people who cannot exercise such an option in life. They can only depend on the compassion of others. Most people tend to believe that money can solve everything. Many also think that the problem of disability is a question of having some means of support. That is not always the case.

The Meaning of Care

What does caring mean? Caring for a child who suffers from mental impairment requires nothing more than the absolute commitment from both parents and caregivers. This is what love is all about. Children with autism inspire parents to a great extent in seeing the meaning and beauty of life despite the difficulty of caring for a child with a particularly behavior. The relationship between the parents and a child with disability goes beyond emotional ties. This includes the fact that a caring parent can feel a sense that what one is doing is something that makes life truly beautiful. It comes with the realization that one's sense of responsibility to care for a person with disability is a very rare challenge.

A society that makes intellectual achievement the highest form of human triumph can impede the recognition of the higher sense of value of persons. The relational aspect of justice tells us that love matters more than any type of knowledge. Caring is about justice (Kittay 2011). It is essential because it is the manifestation of the recognition of the moral worth of persons (Nussbaum 2006). In this way, the social environment must be re-modelled if we recognize the value of people who are disadvantaged by a mental condition (Maboloc 2019). But an emphasis must be given to the character of interpersonal relations. An autistic child should not be seen as a form of burden. Instead, society must find unique ways to ease the difficult situation of the same. Norms inside our schools, government offices, churches, and other public places will have to be adaptable and not restrictive to accommodate such specialized needs.

How can persons with severe mental impairment become an important part of the society? In fact, being a part of the society does not entail that one has a direct involvement in the pursuit of justice and equality. Henry Richardson (2006) proposes that Rawls can drop the assumption in the Original Position that no one suffers from any permanent impairment. This will solve the exclusionary character of the Rawlsian starting point. However, it might be considered as a departure from Rawls's intent in the social contract since for him, the equality of persons must be based on rational grounds (Putnam et al. 2019). But the point is that if persons with disability are seen as outsiders in the social contract, there would be no guarantee that they will be respected as a moral equal.

Harry Brighouse (2001) thinks that the cooperation requirement should be changed to make the social contract more accommodating. But Putnam et al. (2019) argue that the same will still be exclusionary since the cognitive disability of persons can prevent them from possessing the rational capacity of free and equal citizens. To counter this, it can be said that being a part of the starting point already means that a party will find a sense of security not to be disadvantaged. Sophia Wong (2009) thinks, however, that persons with mental impairment can be empowered to possess the ability to reciprocate if given enough social support. The problem with this is that it limits the idea of support to something that is material.

The point is that ignoring the issue of mental disability will defeat the requirement of treating persons as moral equals. To make the conditions of human life fair, no one must be abandoned. The task at hand is to find the justification for the inclusion of persons with cognitive disability in the starting point. As a father of a child with autism, writing on behalf of the wellbeing of my son is a very emotional matter. But I feel that there is an irreducible value that I share with my son who has not uttered a word since birth. Children with autism do not need money or power for their own personal satisfaction, although it is undeniable that money is also badly needed for their regular therapy. Beyond the resource-requirement, children with autism can live meaningful lives if their families shower them with love, care, and affection.

For some people, nothing in terms of changing the basic structure can improve the condition of an autistic child. This is a sentiment expressed by parents who have not found enough support from government institutions. Indeed, every society must at least provide the sort of social environment in which that child is not humiliated, demeaned, or bullied by others. Nussbaum (2006) thinks that every "benefit should not be understood in economic terms for there is the great good of justice itself to be considered." There is that inexplicable sense of happiness in loving a person unconditionally. The value of a lifetime relationship cannot be limited to material happiness or satisfaction. Caring for a person who is dependent for life is the absolute expression of our humanity.

Will Kymlicka (2003) is correct in saying that there is nothing wrong if the inequality in terms of social goods is a result of the choices people make. But persons with cognitive impairment are incapable of making their own decisions. Inequalities are deserved if they are a result of human action and voluntary choice. Kymlicka (2003) also says that it is also "unfair for individuals to be disadvantaged or privileged by arbitrary and undeserved differences in their social circumstance." A child with autism cannot be blamed for his or her situation. The duty and moral responsibility lie with parents and the sense of collective accountability is with society as a whole. But without the ethical approach to care, the state is in danger of failing to recognize the moral worth of children with special needs.

In a world that is not fair, the powerful among us simply disregard the concerns of human beings in the peripheries. Persons with autism do not have the power to express themselves to protest an injustice and as such, to sidestep them in the manner by which the basic structure of society is arranged is indicative of a people's lack of compassion and abhorrent attitude towards other human beings. Some children may be helpless if left on their own, especially so if there are hazardous substances at home. The neglect of the lives of persons with impairment is a constant reminder of how society may have actually failed in our mission of creating a just world for all. Caring can make the lives of persons with severe mental impairment better. But the difficulty lies in our unwillingness to adjust to their situation.

CONCLUSION

The principles of justice are important because they make manifest the moral value of our choices, but they are not meant to prevent the enjoyment of basic entitlements for people who are disadvantaged by mental disability. The argument is that ignoring the important question of disability is not a morally acceptable option because it is a type of dereliction from the duty of justice. Every disability is undeserved. Being a part of the society does mean that people should only be concerned about the mutual advantages that they can get from each other. Excluding people because of their mental condition is a betrayal of what justice is all about. Being human is not only about what we can achieve for ourselves. It is also about our deep moral obligation to individuals who can only depend on us.

Dependency is a moral claim that can be justified given the situation of individuals with cognitive impairment. A child with autism can only depend on the love of parents and caregivers to do so that the same can do meaningful and functional activities. In this way, caregivers possess a special bond with individuals with developmental disorder. The wrong assumption of Rawls is that he thinks all persons who are parties to the establishment of the basic structure must be fully cooperating. This ignores the reality of human dependency. The position of Rawls assumes that people can always make autonomous choices in life but he ignores the reality of persons who are mentally handicapped.

Beyond the monetary enhancements proposed by Wolff, the point is the recognition of the moral worth of persons with severe disabilities. What makes the life of both the parent and the child is the sense of fulfilment in loving and caring. Life is not just about what we benefit or profit from others. It has also something to do with those things that make life meaningful in a different way. The right thing to do is to emphasize the relational aspect of justice in which society must pay attention and considers the issues, interests, problems, and concerns that persons with autism have in order to manifest the respect for their dignity and value as human beings. To deny persons the love and care that they deserve bespeaks of a concept of justice that is severely wanting and ethically impoverished.

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