

# THE CONSCIOUSNESS CRITERION AND THE MORAL STATUS PROJECT

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## A CRITERION for PERSONHOOD

In the philosophical and neuroethical discourses on disorders of consciousness, the **moral personhood of some humans is contested**. Individuals with chronic impairments of consciousness (eg disorders of consciousness, including the vegetative state/unresponsive wakefulness syndrome [VS/UWS] and minimally conscious state) are sometimes thought to have diminished or limited moral status and are not regarded as full moral persons. They thus lack certain rights, and **don't matter** as much as full moral persons do.



The **Consciousness Criterion** (CC) is the claim that moral status requires consciousness, or that being conscious is a necessary condition for being a person (1)

The Consciousness Criterion involves at least one of two types of claims:

- **General Consciousness Criterion:** Moral status/personhood requires consciousness (2)
- **Particular Consciousness Criterion:** Moral status/personhood requires a particular type of consciousness (eg phenomenal, self-awareness) or capacities undergirded by particular types of consciousness (3, 4)

## TWO REASONS to REJECT a CONSCIOUSNESS CRITERION

### *Irreducibility of moral status*

- Being a person (or having moral status) is a moral property of entities
- Consciousness is not a moral property
- The kinds of capacities necessary for personhood per the CC (autobiographical memory, diachronic identity, moral agency, subjectivity...) all require consciousness, but not consciousness alone
- **Moral status is not reducible to consciousness** or to capacities undergirded by consciousness

*It's not obvious what consciousness has to do with the status of moral personhood. It requires cherry-picking relevant capacities, and it is inconsistently applied (eg entities with the relevant capacities are not considered moral persons, and entities lacking some capacities are regarded as moral persons).*

### *Epistemic risks*

- Two components of consciousness in the clinical sense: **Wakefulness/Arousal**, and **Awareness** (of self and external world)
- The clinical diagnosis of consciousness is behavioral: it looks for behavioral responses to **local** stimuli and infers **global** consciousness or unconsciousness (1)
- **Consciousness is not behavior**

- **Misdiagnosis** is a persistent problem: 39-43% of VS/UWS patients are misdiagnosed – they are conscious (aware), but diagnosed as unconscious (unaware) (5)

*Given significant epistemic risk, we should have a low tolerance for making mistakes in decisions about who matters morally. The Consciousness Criterion involves epistemically flimsy inferences that introduce too much uncertainty into high-risk determinations of moral status/personhood.*

## INTERROGATING the MORAL STATUS PROJECT

The Moral Status Project (1) attempts to define moral status and who has it. It has two aims. One is **inclusive**: to define moral status such that those currently outside the margins can be brought in where they belong. This is the project of those who endeavor to demonstrate the moral status of contested entities like nonhuman animals. The other aim is **exclusive**: it defines **who belongs outside the margins**, including some who are inside, or near the margins. This is the aim of those who conclude that humans with impaired consciousness, or intellectual and cognitive disabilities are not persons. It's the exclusive project that is morally concerning, and a **threat to justice**. There is grave potential harm in wrongly and unjustly **excluding persons from moral consideration**. Having made such mistakes many times in human history, we should be very careful to avoid them.



### References

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