

*The Wahokies**

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The Speechless Tribe

Let us suppose that we discover, say in a mountain hollow in western Virginia, a group of humans bereft not just of speech but of language. They are of European stock, the descendants of a group of workers and their wives isolated in the hollow when a lumbering and railroad-building scheme collapsed in the 1840s. A century and a half of inbreeding in this small group (originally about 100, now 162) has had some striking effects in uniformity of appearance, unusual frequencies of some physical abnormalities, and so on.

But by far the most striking thing about the Wahokies (as they are called, from a mountain overlooking their small valley) is that they are wholly devoid of any language. They speak no language, read no language (even though they have preserved some newspapers and a Bible that belonged to their ancestors) and sing no songs. Wahokie toddlers do not babble, and preliminary results indicate that Wahokie children raised in ordinary families show little interest in language and make very little progress in learning to understand or to speak a language. (The oldest such Wahokie child is now six, and is far behind a normal three-year-old.) Some very limited success in teaching a few words to a few Wahokies has been attained at great expenditure of time and effort.

As far as can be determined the Wahokies have no abnormalities of the speech organs. Their vision and hearing are, on average, better than that of a normal population. For some reason, doubtless buried in brain chemistry or hardware, they just can't, or don't care to, master anything like a fully fledged human language. The cause is almost certainly genetic (no plausible environmental factors have been found) but it has not yet been identified. Comparative DNA research continues. No offspring of Wahokie/normal couplings are known to exist. In fact no such couplings have been acknowledged, though several have been rumoured. Although the Wahokies are unquestionably human, their lack of language makes them quite unlike any other group of humans heretofore encountered. Without language they are effectively without culture. Anthropologists refuse to call them a 'tribe'. They are perhaps a band. They have no religion, and since they have no way of reckoning descent and relation, no incest taboos. Mothers and children seem to recognise a special relation, as do siblings, but that's about it. They are divided into about ten to twenty groups that merge, divide and exchange members. Most groups are controlled by a single dominant male.

The discovery of the Wahokies has created a number of most perplexing legal, administrative and moral problems. Are the Wahokies citizens? Do they own 'their' land? Are they subject to the criminal law? The state Attorney-General has ruled that they are citizens, and that any who wish to register to vote, and can show that they are at least eighteen years of age, must be allowed to do so. However, no Wahokie has shown any interest in voting, and no one has found a way of explaining government and representation to any of them.

The citizenship question is not a pressing one, but serious conflicts have arisen about the Wahokie children. A number of the youngest have been removed from their groups by county social workers and placed in foster homes (it is these cases that provide the best evidence about language acquisition, or rather its absence). Sporadic attempts were made, for a few months, to enforce the laws mandating compulsory school attendance. This was abandoned once it was realised that the school system was wholly unprepared to deal with the children. A number of normal humans formed Friends of the Wahokies and this group has been successful

* In PAOLA CAVALIERI & PETER SINGER (eds.), *The Great Ape Project* (New York: St. Martin's Griffin, 1993), pp. 230-236.

in obtaining court injunctions prohibiting any encroachment on the lands the Wahokies have been occupying, forbidding any further removal of Wahokie children and suspending the enforcement of some parts of the criminal law (in particular those laws proscribing incest and setting the age of sexual consent).

The Friends of the Wahokies and other benevolently inclined normal humans often disagree about the best course of action. Some argue that we should let the Wahokies be Wahokies and prevent outside interference. But most of these support the programmes of immunisation and emergency medical care now being provided to the Wahokies. Others argue that the only way to prevent this catastrophic impairment from continuing is to prevent the Wahokies from reproducing. Perhaps contraceptive injections or implants could be given in the course of other medical treatment. The Roman Catholic bishop within whose diocese the Wahokies live is of course strongly opposed to this.

In opposition to the Friends of the Wahokies, the Attorney-General, and the bishop, who agree that the Wahokies' interests, whatever they are, must be protected, stands the coalition headed by Jim's River Laboratories. The coalition argues that it should be allowed to capture the Wahokies either by removing them or by enclosing their hollows, and to utilise them for research and testing.

The argument is straightforward. The Wahokies are humans, that is, they are members of the species *Homo sapiens*, but they are not persons since they are devoid of language and thus of reflective self-consciousness. They do not have the concept of a right and thus cannot have rights. Of course they are sentient, intelligent and self-conscious in a nonreflective way, but so are monkeys and rats. We do not hesitate to experiment on rats in search of benefits for human persons. Nor should we hesitate to experiment on human nonpersons for the benefit of human persons. Since the Wahokies are in fact members of the same biological species they are much more valuable for research and toxico-logical testing than rats, or rhesus monkeys, or even chimpanzees. We must not let uninformed sentiment hold back the search for truth and safety.

Are the Wahokies Persons?

If we assume a sharp division between persons and nonpersons, and also understand 'person' in a very strong sense, then probably the Wahokies are not persons. If to be a person one must be capable of formulating a life plan, of entering into fairly abstract contractual relations with others, and of having second-order preferences about one's preferences, then the Wahokies are not persons. And if the moral universe is divided exclusively into the all-important group of persons and the unimportant group of everything else, it follows that the Wahokies' interests are vastly less significant than ours.

But the universe, physical and moral, is not like that. The interests of persons matter and beer cans have no interests. But there are many other sorts of things that matter. Some of these things, works of art, for example, may have no interests of their own and yet matter morally because persons take interests in them. More important in the present connection are the many entities that have interests of their own even though they fall short of full personhood.

A shrimp or a worm has, it appears, rather few interests, perhaps only that minimal interest in avoiding pain and seeking pleasure shared by all sentient beings. A chicken's interests are more extensive, a dog's or a cat's still more. Intelligent social beings such as wolves, monkeys and porpoises have very extensive physical, behavioural, social and (yes) intellectual interests.

The Wahokies are very intelligent, inquisitive, highly social, and sensitive beings. Let it be agreed that, due to their impairment, they fail to attain full personhood. It certainly does not

follow that they are on an equal moral footing with beer cans. They are entitled to very substantial moral standing in their own right. They are, in fact, at least quasipersons.

Persons and Quasipersons

'Quasiperson' is a neologism, of course, but it refers to a sort of moral and legal status that our conceptual system has recognised, in various ways, for millennia. Some classes of human beings have been accorded a standing different from, and generally lower than, that of fully fledged persons, but higher than that of any other animals or any inanimate objects.

Slaves were generally considered quasipersons. To the extent that a society is sexist (at least in the modes with which we are familiar) women are treated as quasipersons. Infants and small children are quasipersons everywhere, as, generally, are the severely mentally impaired of any age. A quasiperson lacks the full range of rights accorded to a person, but enjoys at least most of the protections of personhood. Sometimes quasipersonhood may carry special protections not accorded full persons. Consider child labour laws, or the exclusion, under American law, of women from combat. Such protections are typically, as in these two examples, paternalistic.

In an advanced sexist, racist, society such as the Athens of 400 BC or the Virginia of 1840 with which the Wahokies' ancestors lost touch, the layers of status may be numerous. Virginia's laws then distinguished clearly and variously between adult white males (the only fully fledged citizens, i.e. legal persons), adult white females, white children, free blacks, slaves and the mentally impaired.

Multiplicity of status is not a thing of the past. Women are still subject to restrictions, some legal and many social, that do not apply to men, even in the most egalitarian modern societies.

The quasipersonal status of the young and the impaired is even clearer. The very young, and those declared incompetent, are restricted and protected in a variety of ways. In general the (normal) young pass through a range of stages on the way to full personhood, some of them clearly defined by legal requirements for driving, voting, drinking, compulsory school attendance, and so on, others much more vaguely determined by custom and parental judgement.

The Wahokies are in some ways like children, in some ways like the broadly mentally impaired, in some ways like neither. Their interests, their desires and their capabilities should determine their status. Since they are incapable of understanding such notions as contract or representation it is justifiable to deny them contractual and political rights and to assign guardians to supervise their interests in such arenas. Since, on the other hand, they are quite capable of making plans, appreciating cause and effect, and expressing their preferences and aversions, their liberties should generally be restricted as little as possible. The details of their status, including the difficulties of balancing the conflicting interests of individual Wahokies, will have to be worked out politically.

But surely Jim's River Laboratories' argument will have not the slightest weight. The Wahokies are obviously sensitive, intelligent and self-conscious. Their lack of language and all that follows therefrom does not justify experimenting on them without their consent any more than it would justify such experiments on normal children of eighteen months.

Wahokies and Other Great Apes

The point of this thought experiment (or fairy-tale, if you wish) is, of course, not the moral status of Wahokies, for there are none. The point is the status of chimpanzees, gorillas and

orang-utans. Chimpanzees, gorillas and orang-utans are similar in all morally relevant characteristics to the imaginary Wahokies. So, since the Wahokies are entitled to a protected quasipersonal status, these other great apes are entitled to such status as well.

One way to resist this conclusion is to reject the analogy between nonhuman great apes and Wahokies as defective in some crucial way. Are chimpanzees, say, unlike the Wahokies in a morally important respect?

It might be said that the Wahokies are our kin, genetically related to us, and chimpanzees are not. As it stands this is just not so. The Wahokies are more closely related to us than are the chimpanzees, but both are our relatives. Or rather, the Wahokies are more closely related to some of us. I am an American of European ancestry for at least ten generations, and probably more. The Wahokies are more closely related to me than to a Japanese woman with ten or twenty generations of Japanese ancestors.

But unless we are racists of the crudest sort all this is just irrelevant. That some American stranger is much more closely my kin than the Japanese woman just mentioned has not the slightest bearing on his or her moral standing. Both are entitled to my respect in their own right. Once we have escaped a narrow tribal morality we understand that moral status is determined by a being's characteristics, not its pedigree. This is as true of chimpanzees, gorillas, orang-utans and Wahokies as of normal humans.

I take it for granted that all humans have a common set of ancestors. But suppose that this were not so, that we originated from multiple parallel evolutionary paths, miraculously interfertile, or that one strand of humanity evolved and the rest were created by aliens to match. These suppositions are bizarre and wildly implausible, but, if true, would in no way impugn the moral status of any human. The question is not how we got here, but what we are like.

If, then, the Wahokie/great ape analogy is to be overthrown it must be on the grounds of some substantial difference. Wahokies look like us (some of us) and chimpanzees, gorillas and orang-utans don't (much), but it is hard to see how anyone could, with a straight face, base an argument on that. Much more plausible would be a claim that the mental life of Wahokies is of a much higher and more complex sort than that of chimpanzees, gorillas or orang-utans. Could such a claim be made out?

We cannot, of course, give comparative intelligence tests to Wahokies and chimpanzees for the simple reason that there are no Wahokies. Some might claim it to be intuitively obvious that there is much more to the intellectual difference between 'mere apes' and normal humans than the absence or presence of language. I do not find that obvious at all, and I suspect that anyone who does is underestimating the minds of chimpanzees, gorillas and orang-utans, the importance of language, or both.

There are no knockdown arguments here, only more or less well-informed predictions of what time will tell as we learn more and more about ourselves, the other great apes, and the minds and brains of all of us. No matter how much evidence accumulates, no matter how deeply a high regard for chimpanzee, gorilla and orang-utan intelligence becomes entrenched in successful science, it will be possible for speciesists to insist on an enormous gap between ape and human. It is still possible to insist on a flat earth, or on special creation of each species. In a couple of decades all these claims will be on the same footing.

[It would be possible for someone to accept the claim that the Wahokies are the moral peers of chimpanzees without renouncing the exploitation of chimpanzees in research, entertainment and so on. One need only accept the Jim's River Laboratories' argument sketched out above. The general form of my argument in this chapter is *reductio ad absurdum*. If one does not find

the suggested exploitation of language-less humans morally 'absurd' (i.e. outrageously repellent) one will not be moved by this argument.]

What sorts of quasipersons are chimpanzees, gorillas and orangutans? That is, what should their legal and moral status be? Clearly they should be protected from assault and exploitation. Killing a chimpanzee, gorilla or orang-utan should be counted as homicide just as and when killing a human is so counted. Gorillas, chimpanzees and orangutans should be protected from harassment, physical abuse and deprivation of livelihood. They should not be experimented upon without their consent. They should not be confined or restricted except when necessary to prevent injury to themselves or others.

In practice, the best thing we can do for these apes is to leave them alone, setting aside preserves for them with strict controls on human entrance. Non-disruptive research, some degree of medical care, perhaps emergency feeding – these activities might be appropriate. The Wahokies of the story are defective humans, and it may be permissible to limit their reproduction. But chimpanzees, gorillas and orang-utans are not defective humans, they are normal chimpanzees, gorillas and orang-utans. We should wish them well, protect them from ourselves, and let them be.