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ABILITY
The Unexplained Explainer

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Ability All Over the Place

In recent years, multiple authors have given voice to a growing discontent with the theoretical and practical neglect of the concept of ability. Barbara Vetter and Romy Jaster have each put together sizable lists of areas where ability is put to work to clear away conceptual brush or to resolve seemingly insuperable problems that beset some other thing at issue:

> [A]bilities are invoked all over the place in philosophical theorizing: in accounts of concepts and of the mind itself (Millikan 2000; Kenny 2010), of conceivability (e.g., Yablo 1993), of agency (Mayr 2011) and activity (Groff 2013), of weakness of the will (Smith 2003), of omnipotence (Hoffman and Rosenkrantz 2012), of qualia (Lewis 1990), of empathy (Stueber 2006), of affordances (Scarantino 2003), and in non-virtue-theoretic accounts of knowledge (Hyman 1999, 2010) and its characteristic value (Carter et al. 2013), to name but a few. Most, though not all, of these use abilities as unexplained explainers.
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> *(Vetter, 2019, p. 203)*

> [A]bilities play a fundamental role in a wide range of philosophical theories. Concepts (Millikan 2000, ch. 4; Evans 1982: 104), qualia (Lewis 1990), knowledge (Greco 2009, 2010: 3; Sosa 2015: part II), actions (Mayr 2011, ch. 7–9), conceivability (Yablo 1993; Menzies 1998) – all of these phenomena and many more have been crucially linked to or even analyzed in terms of the notion of abilities.
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> *(Jaster, 2020, pp. 1–2)*

Historically, most philosophers have taken it for granted that the meaning of ability will come easily when higher-order questions are addressed. It is a concept that is more often than not only mediately contested, treated as peripheral testing grounds for theories that look past it towards whatever other issue is in question. As Vetter explains, "the appeal of

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ability-based accounts derives from the idea that we have a general grasp on what it is to have an ability, on which all of these different theories can rely – hence abilities are a kind of *universal explanatory resource* that they can draw on without incurring any further explanatory costs"(Vetter, 2019, p. 203; emphasis added). The outcome of this state of affairs is dire, for insofar as the concept of ability is left under-determined, under-explored, and under-appreciated, these discussions and debates are as confused in the end as when they started.

The ultimate aim of this chapter is to animate discussions about *ability trouble*, which is to say, to animate (i) concern over the lack of philosophical inquiry that takes the concept of ability seriously as a problem in its own right and to animate (ii) novel interest in and further research on the concept of ability – and, correlatively, disability. We first analyze a famous argument concerning moral status that exemplifies how treating the concept of ability as a mere matter of common sense can lead philosophical inquiry awry. We then turn to the role of the concept of ability in an account that does, at least prima facie, take the concept seriously: Sen and Nussbaum's capabilities approach. While better than common-sense approaches, we draw a cautionary tale, suggesting that even there the concept is simplified in theoretically and practically problematic ways. Taking a concept's meaning for granted is one way of engaging in ideal theory; recognizing such taken-for-grantedness and moving towards a more careful treatment of the concept or concepts in question are necessary for non-ideal theory. We conclude with a number of open questions offered in the hope of inspiring future non-ideal research on the topic.

The Argument from Marginal Cases

The philosophical literature on moral status reflects broader problems arising from the lack of a sufficiently reflective and sophisticated account of ability. It is not our aim to give a thorough summary of that large literature and its relation to concepts of ability. Instead, we will consider that part of the debate that concerns the moral status of what have been called "marginal cases" (Narveson, 1977).[1] The argument from marginal cases (AMC), which has seen many iterations, is paradigmatic of the confusing and confused notion of ability resting at the heart of much discussion of moral status.[2] The argument runs as follows.

AMC:

1 All human beings are equal.
2 Any attempt to justify (1) depends upon an appeal to some moral property of human beings in general (i.e., autonomy, rationality, sentience, affective capacities).
3 There are some human beings who have reduced abilities/capacities. Call such human beings "marginal cases."
4 There are some non-human animals with quite advanced cognitive capacities. These animals have abilities/capacities that exceed those of marginal cases.
5 Therefore, some animals should receive equal moral consideration.[3]

It is not an exaggeration to say that this argument has exercised an unparalleled influence in discussions about animal ethics. Even where the argument is not offered in some formalized way, an attentive reader can often uncover ad hoc reasoning that closely resembles the central claim of the AMC.

The AMC entails reworking the boundaries of our moral community. Three options present themselves:

> *Radical egalitarianism*. We ought to treat animals the same as we treat human beings. As Daniel Dombrowski articulates the view: "This involves holding that 'animals have a right to life' just as much as humans do, and, among other things, 'therefore should not be killed for food or for the purposes of scientific experimentation'" (Dombrowski, 1997, p. 19).
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> *Moral elitism*. We ought to treat marginal cases the same as we presently treat animals. Such a view regards marginal cases as morally comparable to animals and, as described by Jeff McMahan, entails the radical implication that it is permissible, other things being equal, to treat these human beings in the same ways in which we have hitherto found it acceptable to treat animals with comparable psychological capacities – for example, using them for experimental purposes, killing them for food, and so on (McMahan, 2002, pp. 206–207).
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> *Normative convergence*. We ought to improve our treatment of animals and worsen our treatment of marginal cases.[4] Such a position requires that we abandon any commitment to the equality of all humans and, as Singer illustrates, replace it "with a more graduated view in which moral status depends on some aspects of cognitive ability, and that graduated view is applied both to humans and nonhumans" (Singer, 2010, p. 338).[5]

It is notable how few proponents of the AMC preserve the presumed moral status of marginal cases. Kittay follows Nozick (1997, Ch. 18) in drawing attention to the fact that the AMC "is less likely to bring about better treatment of animals than much worse treatment of humans" (Kittay, 2009, p. 226). For the most part, proponents of the AMC have borne out Nozick and Kittay's diagnosis, mobilizing the argument in defense of normative convergence between animals and marginal cases if not straightforwardly defending a form of moral elitism whereby certain non-human animals join "species-typical" humans at the top of the moral ladder while marginal humans fall below the threshold of moral consideration.

In the argument's infancy, the class of marginal cases was quite crowded. The first articulations of the argument picked out children, the elderly, those with severe brain injuries, and persons with profound intellectual and developmental disabilities (PIDD) as marginal cases. In this early stage, Peter Singer spoke broadly of "humans with severe and irreparable brain damage, and also of infant humans" (1974, p. 113), Tom Regan discussed "[c]hildren and the severely mentally enfeebled" (1977, p. 180), and R. G. Frey – an early opponent of the argument – listed "[a]n infant born without a brain, or any very severely handicapped infant … an elderly person fully in the grip of Alzheimer's disease or some highly degenerative brain, nervous, or physiological disorder" as marginal cases (1988, p. 196). Over time

the class of marginal cases was whittled down. Just a few years later, Regan recognized that "human infants present difficulties about potentiality" (1979, p. 219), and Frey argued that a senile individual "has a past life we can draw upon in order to see the sorts of things he chose in the past and the sort of life he made for himself" (1987, p. 43). The argument from future and past potential for agency slowly pruned down the class of marginal cases until it contained all and only those with PIDD.

The AMC was first developed in pursuit of a pressing social critique of the mistreatment of non-human animals. In that regard, they have been overwhelmingly successful. However, a clear consequence of the argument is the devaluation of the lives of those with PIDD. This is, so we have been told, an *unintended* casualty in the philosophical battle for animal rights. As Jeff McMahan explains it: "While some may have believed that the cognitively limited have a lower moral status, or came to believe this in the course of thinking through the argument, it was no part of their motivation to question the status of the cognitively limited (McMahan, 2010, p. 346)."

In his now outmoded, though still insightful, history of the AMC, Dombrowski does not even treat the question of whether there are marginal cases. He opens his meticulous text with Lawrence Becker's own summary of the AMC, endorsing it as a suitable outline of the AMC in most if not all of its variants. Becker asserts the undeniability that "human infants and some of the profoundly retarded [sic] lack the normal human adult qualities of purposiveness, self-consciousness, memory, imagination and anticipation to the same extent that some other species of animals lack those qualities" (Becker, 1983, p. 226).[6] There is no evidence provided which explicitly grounds the belief that there are marginal cases with such qualities. Instead, proponents of the AMC rely upon a peculiar feature of ableist beliefs about PIDD: the conflation of PIDD with (complete) incapacity. It is not just that AMC proponents deploy a common-sense understanding of ability – they then charge PIDD as lacking whatever "ability" is being picked out.

We call this *the ableist conflation* of PIDD with inability, following Reynolds's work on the ableist conflation of disability with pain and suffering (2022).[7] Peter Singer develops a thought experiment in *Rethinking Life and Death* (1994) that makes use of just this conflation. Singer asks the reader to imagine an "unusual institution" that houses people who "intellectually … were well below the normal human level" (p. 159). He describes the complex and rich social lives of the inmates at length – the relationships amongst the inmates, the simple ethical code by which they lived, behavior indicative of forward-planning – before considering the perception of the group by outsiders. People looking into the institution held the inmates to be inferior to "normal" humans. Singer poses the experiment to stoke the reader's ire. He assumes his reader will believe that this community "was made up of intellectually disabled human beings" (Singer, 1994, p. 162). After this, he pulls the wool from the eyes of the reader and reveals that this strange institution is Arnhem Zoo in Amsterdam and that the inmates are chimpanzees.

Singer's argument clearly displays the ableist conflation as well as the central role that the conflation plays in the AMC. In the first place, he appeals directly to his readers' perceptions of those with PIDD. He moves from an abstract description of the inmates – "intellectually they were well below the normal human level; they could not speak, although they made noises and gestures" (p. 159) – to the conclusion that he assumes his reader will make about these inmates – that they are "intellectually disabled human beings" (p. 161). He gives the abstract description and leaves it for his reader to fill in the conceptual blanks

while nevertheless depending on their conception of persons with PIDD as constitutively below some threshold of ability. In the second place, Singer weaponizes these intuitions by framing chimpanzees as *just as* competent as those with PIDD if not more. The point of the experiment is to pit our intuition about human equality up against our perception of certain humans as incapable. Importantly, Singer's argumentative ploy does not depend on any demonstration of the lack of ability in marginal cases. It is enough that the reader *sees marginal cases as incapable*.

This argumentative strategy came up against prevailing voices in the disability studies community at a 2008 conference hosted by the philosophy department of New York State's Stony Brook University.[8,9] There, Peter Singer and Jeff McMahan held a public dialogue with Eva Kittay, a philosopher of disability who has drawn insight about the moral status of those with PIDD from her relationship with her cognitively disabled daughter, Sesha.[10] Here is Kittay's transcription of an exchange between herself, Singer, and McMahan during the last session of the conference:

> PS: Well, can you tell us some of these morally significant psychological capacities in which you think that human beings, and let's talk about real ones, so the ones who are "profoundly mentally retarded," to use that term, in which they are superior to … you sort of said, maybe chimpanzees and great apes are different … so let's say in which they *are* superior to pigs or dogs or animals of that sort. (*Eva Kittay responds by shaking her head.*) It's a factual question. You can't just shake your head. You have to put up or stop saying that.
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> EK: Peter, … you asked me how is Sesha different from a – what did you say – a pig? And [when I shook my head] you said, well, it's a factual question, "put up or shut up." The first thing I have to do when you ask me that question, is I have to get over … a feeling of nausea.
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> *(Kittay, 2010, pp. 407–408)*[11]

Singer reflects the ambivalence embodied in the AMC. The moral status of those with PIDD is quite besides his point; the goal is a defense of the rights of animals, whatever the cost. Kittay rightfully points to the cost: the harmful consequences of a rhetoric which regularly compares those with PIDD to animals and advocates for a reduction in their moral standing.

Alice Crary (2018) recently revisited these tense moments in an effort to get to the heart of the disagreement between Kittay and Singer.[12] She chalks the disagreement up to a difference in each's approach to the texture of the moral world and our access to it. According to Crary, Singer works with *a neutral conception of reason* that suggests our cultural and interpersonal attachments distort our perception of the world. Because of this, the best view of our moral situation is going to be a step removed from such attachments. Given these commitments about the shape of moral reasoning, Singer is unable to understand Kittay's nausea as anything other than an *obstacle* to clear moral thinking. At an earlier moment in the conference, Singer spoke about bringing his students to a neonatal unit in New Brunswick. It seems the trip was intended to expose his students to the practice of "allowing severely disabled infants to die" (Singer, 2010, p. 344). In the ensuing discussion, Kittay suggested that Singer bring his students to a community composed of group homes for those with severe or multiple disabilities. Singer presses Kittay to explain – "just

in terms of the argument that [he] presented" – what going to the community might provide for students (Kittay, 2010, p. 405). He is incapable of seeing how a visit to a community built around persons with severe disabilities might change his outlook on those with PIDD. Kittay cannot provide any account from the neutral perspective of the sober practical reasoner because she is "asking Singer *to see Sesha and her pals as people*" (Kittay, 2019, p. 130; emphasis added).

For Singer, to see Sesha as Kittay sees her or as her close connections see her is to fail to see her *as she is*, in some neutral or objective sense. At one point in the conference, he confidently asserts that he would have much more in common with a cleverly disguised alien than he would with someone who is profoundly disabled. Such a belief turns on his seeing those with PIDD as alien to himself, as profoundly incapable and marginally human. Singer's "neutrality" – a neutrality he wields as a weapon against Kittay and Crary – obscures the way his own partial, prejudicial views of PIDD operate in his ethical theorizing. It is only because he understands persons with PIDD as defined by a certain lack that he finds himself in greater kinship with this imagined alien who miraculously possesses all the vaunted traits associated with moral considerability. However, it should be obvious that this view is anything but neutral. Singer is unable to see Sesha as Kittay and others do because he sees her *as* incapable, which is to say that he sees her by the light of the ableist conflation.

So far, we worked through the AMC with the goal of uncovering the way proponents of this argument depend upon ableist heuristics to accomplish their philosophical goals. In so doing, they fail to take seriously the experiences of PIDD. Instead, they see such persons as fundamentally incapable, a concept we have argued is egregiously underdefined. We now turn to discuss Nussbaum's capabilities approach, arguing that it provides a fertile example of the reliance on the concept of ability to do a massive amount of theoretical work whilst being in fact underexplored as a concept in its own right. Further, the capabilities approach similarly depends upon naive intuitions about the sort of life worth living.

The Capabilities Approach

Since 1944, the primary national and global factor in determining both economic and social policies has been the macroeconomic concept of gross domestic product (GDP). Per capita GDP tracks the market value of all final goods and services produced over a given span of time. In 2003, along with economist Amartya Sen and others, Martha Nussbaum founded the Human Development and Capability Association (HDCA), which aims to replace things like GDP – a narrowly quantitative approach for determining the "well-being" of a country – with more qualitative and demonstrably accurate conceptions of well-being such as those which take into account "capabilities," that is, what people can do.

Two central and interrelated issues that the HDCA contends GDP cannot capture are those of disability and sustainability. In this section, we develop concerns over the concept of ability provided above to argue that the HDCA fails to sufficiently appreciate, much less explain, the concept of ability and, correlatively, disability. We claim that the "capabilities approach" relies on a concept of "possessive individualism." Whereas direct economic measures like GDP are narrow in their reliance on quantitative data, indirect economic measures like the capabilities approach are narrow in their reliance on an individualistic conception of ability. Furthermore, we argue that adding the needs and interests of the inevitably or

potentially dependent and their caregivers to the capabilities approach, as Eva Kittay has suggested, does not suffice; what is required is instead a far more radical concept of interdependency.

In her 2011 *Creating Capabilities*, Nussbaum, drawing on the work of Amartya Sen, explains that the ultimate motivation behind the capabilities approach is answering the question: "What does a life worthy of human dignity require?" (Nussbaum, 2011, p. 32).[13] This question is asked as one way of conceiving of social justice in a development context, that is, it is an inquiry designed to frame how entire nations are assessed and designed to set socio-political targets – at both national and international levels. Nussbaum lays out ten central capabilities and argues that an "ample threshold" of each of these capabilities must be met for a society to afford its citizens a life of dignity. They are:

1 Life;
2 Bodily health;
3 Bodily integrity;
4 Senses, imagination, and thought;
5 Emotions;
6 Practical reason;
7 Affiliation;
8 Other species;
9 Play;
10 Control over one's environment.

This list provides the threshold requirements such that humans live with dignity wherever they are on earth and under whatever set of societal, political, governmental, and so on conditions. These, she contends, are the minimum conditions for dignity and for flourishing. Yet at the risk of stating the obvious, Nussbaum understands each of these as a person or individual's *ability*, where ability is supposed to be understood in a common-sense manner as *being able to φ*.[14] If one thinks critically about all the different ways in which ability can be conceived, this isn't in fact just any common-sense understanding. On the contrary, the capabilities approach relies upon a very specific and distinctively political conception of ability defined in terms of *possession*.

Possessive Individualism

In his seminal work *The Political Theory of Possessive Individualism*, C. B. Macpherson (1962) focuses on seventeenth-century political theories, shows how they exhibit the characteristics of what he calls *possessive individualism*, and argues that possessive individualism is still present as an issue in modern liberal democratic society. Macpherson lists seven propositions characteristic of possessive individualism, the first three of which include: "(1) What makes a man human is freedom from dependence on the wills of others. (2) Freedom from dependence on others means freedom from any relations with others except those relations which the individual enters voluntarily with a view to his own interest. (3) The individual is essentially the proprietor of his own person and capacities, for which he owes nothing to society."[15]

We will here highlight three of the most salient features for a discussion of the role of the concept of ability in political theories writ large that emerge from this list. The possessive individual is above all else:

> *Independent*: that which is not divisible. Note that this is a negative definition: independence conceived as *not* dependence.
> *Foundational*: that which stands under all else, i.e., a *principium* in the dual sense of origin and foundation.
> *Capable*: that which is able to take and bring to, in this case take or bring *to* oneself and *for* oneself.

On its own, founding, and capable, the subject of modern liberal political systems is able only insofar as it possesses – it *is* just insofar as it is *its own* (Fineman, 2004). The Latin root for "possession" can mean "to hold as property, to have as a quality … to occupy, inhabit, to take up (a space), to engross, to overwhelm, to influence strongly, to dominate, to take control of, to seize, [and] to exercise power over," and upon surveying such definitions, one is not surprised to find that the stem of that root relates to both *posse* and *potis*, both "to be able" and "to have power."[16] Put under the light of this etymological history, possession is thought in terms of *ability as power*.[17] To say an individual has an ability is to say that they themselves have power *over* something. It doesn't take a very wide reading of global political or normative theory to see how narrow and colonial such a conception is.[18]

Having now provided a working definition of the ideology of possessive individualism, we hope to show how the conception of ability, implicitly understood as personal, possessive power, underwrites Nussbaum's capabilities approach. Due to constraints of space, we limit ourselves to analyzing just one of the central capabilities, though the most fundamental: life.

The Central Capability of Life

Nussbaum (2000) explains that the central capability of life involves "being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living" (p. 33). The question of when a life is "so reduced as to be not worth living" or, more broadly, the question of what constitutes a life worth living is deeply contentious (Reynolds, 2022). From a disability studies perspective, this is a *deadly* issue and the fact that it is left open as a category is in and of itself problematic. As discussed above, we live in a world in which professional philosophers and bioethicists like Peter Singer have argued that killing certain "defective," disabled babies via infanticide is reasonable. That is to say, we live in a world where the conceptualization and the discourse of what constitutes a life worth living is not merely used to judge morally praiseworthy lives from morally blameworthy ones but to judge whose death is justifiable or not.

This in turn suggests that the question of the worth of a life cannot be thought merely in terms of the individual. Phenomenological accounts of disability are instructive here

(cf. Toombs, 1995). Such accounts demonstrate all the ways in which both the self-perceived worth of one's own life and the social worth of certain types of lives in general are caught up in social systems. But Nussbaum's formulation conceives of individual ability in terms of the power to not succumb to certain forms of life that in fact define the central capability of life. The definition is circular – it defines life as an ability by asserting that it is an ability. The definition is narrow – it relies upon a conception of ability as individual possession without explicitly defending this view or exploring other ways of conceiving of ability. Finally, the definition is naive – it gives into an undefined, common-sense understanding of "worth" to pump intuitions about the "ability" to live. All of this could have been avoided if Nussbaum thought the concept of ability worth taking seriously philosophically in its own right.

This level of analysis may seem to have missed the realpolitik forest for the political theory and philosophical trees. Surely, one might counter, a term's core stipulation of any defensible account of human flourishing includes *the ability to live*. That charge entirely misses the point, and it makes its point by engaging in the very sleights-of-hand concerning the supposed obviousness of what "ability" means that this chapter sets out to critique. Our argument is as important in that forest as in those trees: theories that deploy the concept of ability – and of disability – have a responsibility to treat it as worthy of philosophical inquiry just as much as they do of other hallowed concepts like justice, knowledge, reality, consciousness, and so on. There is much more philosophical work to be done, even on something as seemingly obvious as the "I can."

Conclusion

We have argued that the concept of ability is an *unexplained explainer* in philosophy. That is to say, ability is a conceptual resource many employ to shore up the borders of their systems of thought while little attention is paid to the concept's content or the consequences of its unlicensed usage. The AMC exposed the ways that pernicious assumptions about PIDD as a state of utter incapacity are deployed in discussions of the moral standing of animals and persons with PIDD. In drawing attention to the ableist conflation of PIDD with inability, we highlighted not just that ability is an underdetermined conceptual tool, but also the way certain scholars depend on ableist heuristics while reinforcing prejudicial perceptions of those with PIDD. We then turned to the capabilities approach, another example of the theoretical neglect of ability. There, we showed how Nussbaum's work uncritically deployed a circular, narrow, and naive conception of ability which uncritically relies on folk conceptions of a life worth living. Again, the conceptual reliance on ability as an unexplained explainer opens the door to ableist perceptions with ableist consequences.

These two cases do not exhaust the many situations in which ability is invoked as a presumptive solution to philosophical problems. Sustained attention concerning the usage of ability in current debates on moral status might yield worthwhile insights into whether our prevailing frameworks depend upon the very same ableist heuristics we identified above. Bioethical debates over well-being, autonomy, and health might be trapped in a frame of reference that understands abilities in counterproductive ways, especially when bioethical discussions apply these concepts to physical and intellectual disabilities. Questioning assumptions about ability—as well as how those assumptions may impact

our conceptions of political, social, and economic goods—might benefit conversations about distributive and reparative justice. There are many threads to follow, far too many to be catalogued here. Hopefully, our arguments will lead to more careful thought about the concept of ability as a boon to non-ideal theory, for our attention ought always be turned towards the obscured concepts that hold the door open for prejudiced heuristics and invidious intuitions.

Notes

1 There is disagreement over the phrase "marginal cases." Stephen R.L. Clark and Steve Sapontzis have expressed that the language "implies that certain cognitively impaired individuals are on the margins of humanity and hence do not require moral consideration from us" (Dombrowski, 2006, p. 232, fn. 13). Oscar Horta has attempted to rebrand the argument as "the argument from species overlap" (Horta, 2014). We resist these changes in part because the language of marginality makes explicit what the argument hinges on: perceptions of "marginal" humans. As we will show, the AMC trades on the ableist conflation of profound intellectual disability with inability and incapacity.

2 For examples of the argument from marginal cases, see Regan, 1979, 1985; Singer, 1987, 2009a; Jamieson, 1981; Rachels, 1990; McMahan, 1996, 2002, 2005, 2008; Dombrowski, 1997, 2006; Wilson, 2001; DeGrazia, 2008. Dombrowksi (1984) makes the case that the argument has been made as far back as Porphyry.

3 Pluhar (1995) distinguishes between a weak and strong form of the argument. The weaker argument claims that animals have rights *if* marginal cases have rights. Pluhar calls this the biconditional form of the argument. The stronger argument claims that animals have rights *because* marginal cases have rights. She calls this the categorical version of the argument. However, all this really amounts to is the stringency of belief in the equality of marginal cases. Robert Garner aptly notes that the difference between the two arguments lies in the fact "that the former, biconditional, version could be used to justify excluding *both* animals and marginal humans from maximum moral significance" whereas the latter categorical version cannot (Garner, 2013, p. 143).

4 Talk of "worsening" our moral treatment or the moral standing of marginal cases has many unsalutary effects. One we wish to note here is that it frames our current treatment of marginal cases, such as people with profound intellectual and developmental disabilities, as on a par with our treatment of "normal" persons.

5 This list of options has been produced in a number of places (Dombrowski, 1997, 11; McMahan, 2002, p. 206; Singer 2009b, pp. 574–575; Peabody Smith, 2022, 118).

6 Becker goes on to reject the AMC, though his rejection does not entail the rejection of this claim. Instead, he criticizes the assumption that such abilities are morally salient in the way proponents of the AMC understand them to be.

7 Reynolds argues that the ableist conflation consists of variations of the following four claims:

> 1 Disability necessarily involves a lack or deprivation of a natural good.
> 2 Deprivation of a natural good is a harm.
> 3 Harm causes or is itself a form of pain and suffering.
> 4 Given 1–3, disability comes along with or directly causes pain and suffering
>
> (Reynolds, 2022, p. 4).

The ableist conflation of PIDD with fundamental incapacity is one form of the ableist conflation, a point brought into stark relief by the tendency of advocates of the AMC to talk about "marginal" humans as tragic cases (for more, see Dombrowski, 1997, pp. 147–153). One point that we hope to make is the complicated role that the ableist conflation plays as both a *justification* of the AMC and as an *explanation* of the meaning of ability.

8 The two-day conference resulted in the publication of *Cognitive Disability and Its Challenge to Moral Philosophy* (Singer, 2010). For a set of arguments focusing upon this exchange that relate to those we present here, see Reynolds (2021).

9 This dialogue between Singer, McMahan, and Kittay was similar to an earlier dialogue between Singer and Harriet McBryde Johnson, which the latter wrote about (Johnson, 2003).
10 Kittay has developed a number of arguments against the damaging use of PIDD. She has time and again attempted to argue for the equal moral standing of those with PIDD in our moral and cultural communities, sometimes appealing to bare species membership (Kittay, 2005a, 2021) and at other times appealing to the capacity to give and receive care (2005b, 2009). One characteristic of her arguments, regardless of their formal features, is her appeal to her experience as a mother to Sesha.
11 Much has been written about this tense moment. Some have used this moment as an attempt to launch a genuinely anti-ableist critique of speciesism (see Crary, 2018; Wolfe, 2022).
12 The article prompted a rather unsatisfactory exchange between Crary, Singer, and Kittay. Crary admits that Singer's response was little more than "a restatement of his familiar view of human and animal moral standing, as well as of his familiar ideas about the relevance of animal-cognitive disability analogies to establishing this view" (Crary, 2019, p. 140). See Crary (2019), Singer (2019), and Kittay (2019).
13 This list was first presented in Nussbaum (2000, pp. 78–79).
14 Since there is no distinction between "capability" and "ability" on her account, we'll use the terms interchangeably.
15 The other four are "(4) Although the individual cannot alienate the whole of his property in his own person, he may alienate his capacity to labour. (5) Human society consists of a series of market relations. (6) Since freedom from the wills of others is what makes a man human, each individual's freedom can rightfully be limited only by such obligations and rules as are necessary to secure the same freedom for others. (7) Political society is a human contrivance for the protection of the individual's property in his person and goods, and (therefore) for the maintenance of orderly relations of exchange between individuals regarded as proprietors of themselves" (pp. 263–264).
16 See "possess, v." and "posse, n.1" in *Oxford English Dictionary*, (Oxford, England: Oxford University Press, 2002); http://dictionary.oed.com/.
17 This is true in Attic Greek as well. Cf. "δύναμις, εως, ἡ" in *Thesaurus Linguae Graecae*, (Irvine, CA: University of California, Irvine); stephanus.tlg.uci.edu.
18 See Shelbi Nahwilet Meissner and Joel Michael Reynolds, (n.d.).

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