

NEO-ARISTOTELIAN NATURALISM HAS A DISABILITY PROBLEM

by

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ABSTRACT

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Disability rights activists and recent work in the philosophy of disability defend the mere-difference view: a physical disability does not, by itself, make a disabled person worse off. This view poses a problem for Philippa Foot's (2001) Neo-Aristotelian account of practical reason. Foot's view is committed to: (i) what is required for human flourishing is a source of normative reasons, and (ii) physical capacities are required for human flourishing. This implies that there is a reason to act *because* a physical capacity is required for human flourishing. I apply Shepherd's (2020) mere-difference view of disability to argue that (ii) is false. Some physical capacities are not required for human flourishing. This is because some physical capacities and disabilities are neither intrinsically good or bad. Foot's view thus makes false predictions about what reasons for action there are - it overgenerates reasons. This is a major problem for any view of practical reason. I suggest rejecting the aspect of Foot's view responsible for (ii). That feature is: natural-historical judgments, a core feature of paradigmatic versions of Neo-Aristotelian Naturalism.

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Dedicated to Mom, Dad, Andby, and Danny

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§1. Introduction

Consider Sam, a fully deaf person deciding whether to get a cochlear implant which will allow him to hear. Sam has many reasons¹ to obtain the capacity to hear: it will help him navigate the world and understand spoken languages. Sam also has reasons to remain deaf: it will not radically change his lifestyle and it will show solidarity with the Deaf community. According to the National Association of the Deaf, deafness is simply a different way to live rather than a deficit to one's life.² This prompts a more fundamental question: is deafness a reason against choosing to remain deaf?

Foot (2001) answers yes. Foot's Neo-Aristotelian Naturalism considers hearing as necessary for human flourishing. Hearing is constitutive of what it is for Sam to flourish *qua* human being. So hearing is intrinsically good and deafness is intrinsically bad. Foot holds that requirements for human flourishing give reasons to act. This means Sam has a reason to acquire the cochlear implant and not to remain deaf, since deafness is the absence of a capacity required for human flourishing.

This view of disability is inadequate, threatening to undermine Foot's entire account of practical reason. Hearing is *not* required for human flourishing. Foot's view thus makes false predictions about what reasons for action there are. This is a strike against any view of practical reason.³ And this problem generalizes to a wider class of cases called "mere-difference disabilities."

Can Foot avoid this result? To answer this question, we must identify which feature of her view generates the false claim that hearing is required for human flourishing. The answer is: natural-historical judgments, a core feature of paradigmatic versions of Neo-Aristotelian Naturalism.⁴ These judgments represent important features of human life, such as the capacity to hear. From this, Foot thinks an account of the requirements for human flourishing immediately

¹ All uses of *reason* in this paper concern *normative reasons for action*: a consideration that favors performing an action.

² <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>. By uppercase *Deaf*, I refer to Deaf culture and members of the Deaf community and by lowercase *deaf*, I refer to the inability to hear.

³ See Anscombe (1957), Parfit (1984), Gibbard (1990), Quinn (1993), Korsgaard (1997), and Scanlon (1998). See Schroeder (2007) for an argument that overgeneration of reasons is not that worrisome if the overgenerated reasons are weak in strength.

⁴ See Thompson (1995; 2008), Foot (2001), Hacker-Wright (2009; 2013), and Lott (2012; 2018).

follows. Since I argue that hearing is *not* required for human flourishing, my claim is in tension with natural-historical judgments. As a result I suggest rejecting them, which undermines Foot's view.⁵

The paper proceeds as follows. In (§2), I present Foot's view of practical reason and natural-historical judgments. In (§3), I argue against Foot's view of the relationship between well-being and disability and appeal to Shepherd's (2020) view of this relationship to argue that hearing is not required for human flourishing. In (§4), I draw out the conclusions of my argument for Foot's view of practical reason. (§5) suggests a way to develop Foot's view in light of my argument and (§6) concludes.

§2. Stage-setting

Foot's view of practical reason answers the following question: what makes⁶ a consideration a reason to act? To explain this question, consider the following answer:

- (1) Our *desires* make a consideration a reason to act.

Let's suppose you desire ice cream. Luckily, your friend's party has ice cream. The fact that the party has ice cream is a reason for you to go to the party. This is *because* you desire ice cream. Your desire for ice cream *makes* the fact that the party has ice cream a reason for you to go.

Here is Foot's answer to the above question:

- (2) What is *required for human flourishing* makes a consideration a reason to act.

Foot thinks practical rationality for humans (the capacity to recognize and act on reasons) is necessarily tied to what is good for humans. So, this capacity must recognize what humans need to flourish as a source of reasons.⁷ To illustrate, let's suppose you're hungry. Luckily, your friend's party

⁵ This is worrisome since Neo-Aristotelian Naturalism has seen a resurgence. Some have developed Foot's view to provide positive answers to meta-ethical questions such as: why it's practically rational to be moral (Lott 2012; Hacker-Wright 2013), why morality is objective (Hoffman 2020), and to answer Street's (2006) Darwinian Dilemma for realist views of moral knowledge (Lott 2018).

⁶ I do not mean what *causes* a consideration to be a reason. Rather, I mean what *metaphysically determines* a consideration to be a reason.

⁷ The questions (a) what is the source of normative reasons? and (b) what makes a consideration a reason for action? are equivalent. Some things required for human flourishing: satisfying one's desires, interests, wants and acting morally. Foot's view can explain why these notions are a source of reasons, but the fundamental explanation is *because* they are requirements for human flourishing.

has food. The fact that the party has food is a reason for you to go. This is *because* humans need nourishment to flourish. This is what *makes* the fact that the party has food a reason for you to go.

But what is required for human flourishing? Foot thinks an account of human flourishing is given by the *characteristic features* of human life. By understanding what human life *is*, we can understand what it is for human life to go *well*. To explain this, consider an analogy.

By understanding what a heart *is*, we can understand what it is for a heart to be a *good heart*. A heart is an organ with the function of providing a sufficient amount of blood to the body. We can evaluate hearts by how well they fulfill this function. Good hearts need to supply a sufficient amount of blood to the body. Bad hearts fail to do this. A heart, following Thomson (2008), is a *goodness-fixing kind*: a kind that lets us rank members of that kind from best to worst. Foot thinks *human being* is a goodness-fixing kind. So, we can rank human beings from best (flourishing) to worst (not flourishing) by how well they meet the characteristic features of human life.

But what are the characteristic features of human life? Not all of them are needed for human flourishing. It's characteristic for humans to have hair. But humans don't need hair to flourish. So, Foot considers the goods of human life. The characteristic features of human life whose function is to obtain these goods are the ones needed for human flourishing. To explain, consider an analogy.

Some important goods of oak tree life are survival, reproduction and self-maintenance. Oak trees obtain these goods through their deep roots, which have the function of absorbing water and nutrients. We can evaluate an oak tree by whether it has this characteristic feature of oak tree life. Flourishing oak trees have deep roots, while defective oak trees do not. So, deep roots are required for an oak tree to flourish *qua* oak tree. This means deep roots are intrinsically good for oak trees. Following Thompson (1994; 2008), Foot represents the characteristic features of a life through:

Natural-Historical Judgments: Generic statements that describe the characteristic features of the life of the species to which an organism belongs.

Regarding the oak tree example, Foot thinks the following is a true natural-historical judgment:

(3) Oak trees have deep roots.

Importantly, natural-historical judgments *are not* universal statements or statistical generalizations about the life of a species. Rather, they are characterizations of what is *constitutive* of a kind of life.

Foot (2001; 45) calls statements like (3) *Aristotelian Necessities*: natural-historical judgments which represent the necessary characteristic features for a life. A feature is necessary for a life if “a lot of good” hangs on it. Let me explain. Some important goods of oak tree life are survival, reproduction, and self-maintenance. An oak tree *needs* deep roots to obtain these goods. So, “a lot of good” hangs on an oak tree’s deep roots, which is why they are a necessary feature of oak tree life. Crucially, only aristotelian necessities determine what is required for a living organism to flourish.

This contrasts with what Thompson (1994) calls *Aristotelian Categoricals*: natural-historical judgments which represent *any* characteristic feature of a life. An example of this, from Foot, is:

(4) The blue tit has a blue patch on its head.

A blue patch serves no function in enabling a blue tit to obtain any of the goods of blue tit life. This is why (4) is not an aristotelian necessity. Since only aristotelian necessities determine what is needed to flourish, all natural-historical judgments I discuss from hereon will be aristotelian necessities.

Recall that the characteristic features of human life whose function is to obtain human goods are the ones required for human flourishing. So, what are human goods? Foot (2001; 43) thinks we can get an account of the necessities for obtaining human goods by looking at human deprivation:

“Nevertheless, for all the diversities of human life, it is possible to give some quite general account of human necessities, that is, of what is quite generally needed for human good, if only by starting from the negative idea of human deprivation. For then we see at once that human good depends on many characteristics and capacities that are not needed even by animals, never mind by plants. There are, for instance, physical properties such as the kind of larynx that allows the myriad sounds that make up human language, as well as the kind of hearing that can distinguish them. Moreover, human beings need the mental capacity for learning language; they also need powers of imagination that allow them to understand stories, to join in songs and dances - and to laugh at jokes. Without such things human beings may survive and reproduce

themselves, but they are deprived. And what could be more natural than to say on this account that we have introduced the subject of possible human defects; calling them ‘natural defects’ as we used these terms in the discussion of plant and animal life?”

Foot thinks deafness is the loss of important human goods: understanding and distinguishing spoken languages. So, hearing has an important function in human life. Like the oak tree example, we can evaluate humans by whether they have this feature. Flourishing humans have a sense of hearing, while “defective” humans do not. So, hearing is required for flourishing *qua* human being. This means hearing is intrinsically good and deafness is intrinsically bad for humans and that:

(5) Humans have a sense of hearing.

is a true natural-historical judgment. Since Foot thinks what is required for human flourishing makes a consideration a reason for action and that hearing is required for human flourishing, it follows that Sam has a reason against choosing to remain deaf *because* hearing is required for human flourishing.

I disagree. Hearing is not required for human flourishing. I argue for this claim in two parts. In (§3.1), I argue that Foot’s view about the relationship between disability and well-being is implausible by appealing to deafness. This motivates seeking a more plausible view about the relationship between disability and well-being. In (§3.2), I argue that Shepherd’s (2020) view of disability fits the bill, with a consequence of this view being that hearing is not required for human flourishing.

§3. Hearing is Not Required for Human Flourishing

3.1 Foot’s Neo-Aristotelian view of Disability

According to recent work in the philosophy of disability, a disability, by itself, can be a *mere-difference* or a *bad-difference* to one’s well-being. It’s hard to give an account of this distinction that cuts across all theories of well-being. Luckily, we don’t have to. Foot holds the following bad-difference view about the relationship between disability and well-being:

A Broadly Aristotelian View: Disability is an intrinsic cost to one's flourishing.⁸

On this view, there is a norm of human flourishing that is deviated from by the presence of a disability. Here is why Foot holds this view. Foot thinks an account of the requirements of human flourishing is represented by natural-historical judgments such as:

(5) Humans have a sense of hearing.

Deafness is a deviation from (5). This means deafness deviates from what is required for humans to flourish *qua* human being. This is why Foot thinks deafness is an intrinsic cost to one's flourishing. So, a bad-difference disability is a disability that is an intrinsic cost to one's flourishing. A mere-difference disability is a disability that is not an intrinsic cost (or benefit) to one's flourishing.

But what is it for a disability to be an intrinsic cost to one's *flourishing*? Foot holds the following strong view: one needs *all* the physical capacities required for human flourishing to live a flourishing life. Foot (2001; 43) thinks disabilities are analogous to defects in plant life.⁹ Lacking deep roots makes an oak tree defective which prevents it from living a flourishing life. Taking Foot's analogy seriously, this means *any* disability prevents one from living a flourishing life. So, I will use "intrinsic cost to one's flourishing" and "prevents one from living a flourishing life" interchangeably.

This contrasts with the following weak view: one needs *a sufficient amount* of the physical capacities relevant to human flourishing to live a flourishing life.¹⁰ As Foot's view is currently stated, she cannot accept the weak view. She thinks an account of the requirements for human flourishing *immediately* follows from an account of the characteristic features of human life whose function is to obtain human goods. The weak view denies this inference. On the weak view, *not all* of the characteristic features of human life whose function is to obtain human goods are required for human flourishing. An account of this qualification is needed for Foot to accept the weak view. I

⁸ See Barnes (2016; 61-62). I chose this formulation because Foot in fact defines disability as an intrinsic cost to flourishing.

⁹ This exact passage is reproduced in (§2), page 4 of this paper. Foot (2001; 15) also discusses sight as required for human flourishing.

¹⁰ One may also think that some physical capacities are more important than others to living a flourishing life. I consider modifying Foot's view in this manner as a way of adopting the *weak* view in (§4). Nussbaum (1990) also holds the strong view.

explore this in (§4). That said, there are reasons to doubt the plausibility of Foot's bad-difference view of disability.

First, it's not obvious that deafness, by itself, prevents one from living a flourishing life, especially when compared to another bad-difference disability such as being in a vegetative state. This disability is characterized by low cognitive function, lack of self-awareness and voluntary movement. Intuitively, this condition prevents one from living a flourishing life. The intuitive pull of this judgment comes from a vegetative state severely impairing one's physical and cognitive capacities. Deafness does not have these characteristics. By comparison, it's implausible that deafness by itself prevents one from living a flourishing life. Yet, Foot's view implies that it does.

Relatedly, Foot's view fails to provide an insightful explanation about *how* different disabilities relate to a flourishing life. Foot thinks deafness and being in a vegetative state prevent one from living a flourishing life *simply because* they are disabilities. This explanation ignores the many nuanced differences between these two disabilities. Yet, it's intuitively plausible that these differences are relevant to assessing the relationship between disabilities and living a flourishing life. Since Foot's view does not take this into account, her view is explanatorily inadequate.

Finally, Foot's claim that deafness prevents one from living a flourishing life runs contrary to the testimony of the d/Deaf community. Here is a small sample of this testimony:

“...Deaf people themselves view their glass as half-full or even brimming over with the positive feelings and a wide range of opportunities afforded them by a close-knit, intimate society. Rich social lives based on a beloved sign language underpin a network of social, artistic, athletic, and educational opportunities. In fact, most Deaf people are proud to be Deaf, would not change their hearing status if they could, and would happily welcome a Deaf child into their family. Deaf literature provides scores of examples of the satisfying lives Deaf people have created for themselves...”

Holcomb (2013; 12)

“...Deaf people tend to view being Deaf as a positive attribute or as a gain, not as something negative or pathological that needs to be fixed (Bauman & Murray, 2014). This gain reflects the attributes of enhanced and prolonged eye contact, ways of engaging with others, collectivist ways of socializing, ability to engage with Deaf

individuals from other countries, less auditory distraction, and ability to maximize the use of vision to understand space (visuospatial aptitudes), among others.”

Leigh et al (2022; 8)

“Deaf” refers to those who cannot hear and identify with Deaf culture, which is characterized by a set of beliefs, values, and a strong group identity (Holcomb 2013). “deaf” refers to those who cannot hear and *do not* identify with Deaf culture (Leigh et al. 2022). “d/Deaf” refers to both.

Instead of deafness being a deficit, these testimonies describe deafness as just a different way of life with its own unique gains, such as having sign language as a first language. Sign language has its own grammar, lexicon, and is recognized by linguists as a natural language, just like spoken languages (Sandler 2006). There are over 200 variations of sign language that carry cultural significance (Hosemann 2021). For instance, some users of Black American Sign Language (BASL) view it as more powerful in terms of expression, rhythm and style than American Sign Language (ASL) (Bayley 2017). If deafness is just a different way of life with its own unique gains and not a deficit, then it is not a defect. So, these testimonies suggest that deafness is not a defect.

Recall that Foot thinks deafness is a defect because it involves the loss of important human goods. The above testimony shows there are important human goods unique to deafness that hearing people lack by virtue of having the capacity to hear. But this does not mean hearing is a defect. So, lacking a feature that allows one to obtain important human goods is not sufficient to make one defective. This undermines *why* Foot thinks deafness is a defect.

Foot faces a more severe problem. Her view determines what is constitutive of flourishing *qua* human being by first identifying important human goods and then the characteristic features of human life that have a *function* to obtain those goods. The Deaf claim there are important human goods unique to deafness. But Foot’s view cannot account for them. This is because deafness is a feature of human life *without* a function, it's the *lack* of a capacity. Foot must either deny that the goods unique to deafness are important, or admit that her methodology cannot account for *all*

important human goods. The former is implausible for two reasons. First, the testimony of the Deaf is a strong reason to accept that the goods unique to deafness are important. Second, Foot claims:

“We are now, of course, in an area in which philosophy can claim no special voice: facts about human life are in question and so no philosopher has a special right to speak.”
Foot (2001; 108)

On Foot’s view, it is more plausible to reject a philosophical theory that does not align with facts about human life than to hold onto said theory. These are good reasons to accept the latter option. This means Foot’s view is an inadequate account of what constitutes flourishing *qua* human being.

Perhaps Foot’s view can capture the important human goods unique to deafness without claiming that *deafness* has a function. Hacker-Wright (2009) argues that how one *interprets* themselves is a characteristic feature of human life. The Deaf interpret themselves as culturally Deaf. This *practical identity* has the function of obtaining important human goods unique to being Deaf. If this is right, then on Foot’s view being *Deaf* is not a defect but deafness *per se* is. Since my argument so far relies on testimony about being *Deaf*, Foot’s view can accommodate my claims.

This might be right for being *Deaf*, but not for being *deaf*. The *deaf* also conceive of *deafness* as just a different way of life and not a deficit. In particular, many of the deaf are offended by being called “hearing impaired” which presumes that lacking the ability to hear is inadequate, or that it is, in some sense, not how one ought to be. But the *deaf* explicitly deny this.¹¹ If the *deaf* are right, then deafness is not a defect. This means lacking a feature that allows one to obtain an important human good is not sufficient to make one defective, which undermines *why* Foot thinks deafness is a defect.

But there is a problem. Self-reports of well-being can be rendered unreliable if they express *adaptive preferences*. These are preferences which: (i) are brought about in response to a constraint of options and (ii) lead one to prefer things that are *suboptimal*¹² (Nussbaum 2001). Adaptive preferences

¹¹ <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/>

¹² By *suboptimal*, I mean a preference for something that one *should not*, ceteris paribus, have.

are irrational and do not provide evidence about the value of their objects. This is why testimony is unreliable if it expresses an adaptive preference. To explain, consider:

Patriarchal Society: Mary grew up in a very patriarchal society that incentivizes women to be subservient to men. Mary thus *forms* a preference to be subservient to men and does not want to change it. Mary self-reports as living a flourishing life with, and because of, this preference.

Stockholm Syndrome: Due to the trauma of being kidnapped, Mike, who is currently kidnapped and sees no chance of escape, *changes* his preferences to prefer being kidnapped and does not want to change it. Mike, at the time, would self-report as living a fully flourishing life with, and because of, this preference.

Patriarchal Society is a case of adaptive preference *formation*. Living in a patriarchal society constrains Mary's options of proper behavior. This leads Mary to *form* a suboptimal preference to be subservient to men. **Stockholm Syndrome** is a case of adaptive preference *change*. Being kidnapped constrains Mike's options. This leads him to *change* his preferences to prefer being kidnapped, which is a suboptimal preference. Due to this, Mike's and Mary's preferences are irrational. This defeats their testimony as evidence that being kidnapped and being subservient to men are valuable.

Arguably, the d/Deaf's testimony about the value of deafness are expressions of adaptive preferences. Congenital and acquired deafness constrains one's options for their life plans. In response to these constraints, the d/Deaf both *form* and *change* their preferences for things that are, arguably, suboptimal, such as preferring a life without the capacity to hear. So testimony from the d/Deaf does not provide evidence that deafness is not a defect, undermining my argument.

Notice that condition (ii) of an adaptive preference requires that the preference be for something that is suboptimal. Is deafness suboptimal? Well, this is exactly what the d/Deaf deny. This means one needs an argument for the claim that deafness is suboptimal in order for an appeal to adaptive preferences to succeed in undermining the testimony of the d/Deaf about their well-being.¹³ This objection, as it stands, fails to undermine my argument.

¹³ This point is stressed by Barnes (2009; 2016). This point does not extend to **Patriarchal Society** and **Stockholm Syndrome** since these cases are more obvious examples of suboptimal preferences. There is no activist movement seeking to recognize the value of being kidnapped or being subservient to men. This is not the case with deafness. So, it is not obvious that deafness is suboptimal.

But I have *relied* on testimony from the d/Deaf as evidence for the claim that deafness is not suboptimal. The worry of adaptive preferences calls this testimony into question. So I cannot rely on this testimony without begging the question against this worry. Dialectically, we are at an impasse. We need an argument that deafness is not a defect which does not rely on testimony.

Not quite. Adaptive preference challenges the *reliability* of testimony, not testimony *per se*. The real problem is the *reliability* of competing testimonies about the value of deafness. Most of the testimony for the claim that deafness is suboptimal comes from hearing people. But some evidence suggests the non-disabled are pretty bad at characterizing the lives, and predicting the well-being, of the disabled (Loewenstein and Schkade 1999). Also, living life with a sensory disability like deafness is *epistemically inaccessible* from a hearing person's perspective (Paul 2014; 62). This means it is hard for hearing people to know what it is like to live fully d/Deaf since this experience is very different from living with the capacity to hear.¹⁴ In other words, hearing people are not in a great epistemic position to know about the d/Deaf experience to accurately evaluate it. This suggests that testimony from hearing people provides unreliable support for the claim that deafness is suboptimal.

As we have seen, the worry of adaptive preference is *not yet* evidence that the testimony of the d/Deaf is unreliable. By contrast, we have seen some reasons for the unreliability of testimony from hearing people for the claim that deafness is suboptimal. It seems plausible to conclude from this that testimony from the d/Deaf is *prima facie* more reliable about the value of deafness than those who are not d/Deaf.¹⁵ This means it's *prima facie* more plausible that deafness is not a defect. So, *prima facie*, hearing is not required for human flourishing.

¹⁴ Objection: Hearing people have *some* knowledge about what it is like to be fully deaf by manipulating their capacity to hear. Reply: The parts of a deaf person's brain that would normally process sound is repurposed for greater emphasis on visual and tactile information. See Scott (2014). So, manipulating one's hearing capacity is not an accurate representation of deafness.

¹⁵ Barnes (2016, ch. 4) argues that it is a form of epistemic injustice to appeal to adaptive preferences to undermine the testimony of the disabled. If this is right, then we are justified in appealing to this testimony to argue that disabilities like deafness are not a defect.

More is needed before this argument is fully satisfying. The testimony of the d/Deaf is not infallible and may arguably be subject to other biases.¹⁶ Also, some may find it implausible to settle philosophical debates *solely* by testimonial evidence. I'm sympathetic to these concerns. But the considerations of this section seriously open up the question about whether deafness is an intrinsic cost to one's flourishing. If it is not, it would be good to have a positive, principled, explanation of this result. It should also explain plausible judgments about the relationship between other disabilities and human flourishing. Shepherd's (2020) view satisfies these conditions. In the next subsection, after preliminaries, I present Shepherd's mere-difference view of disability to argue that deafness is not an intrinsic cost to one's flourishing.

3.2 A Mere-Difference view of Disability

Recall that a mere-difference view of disability claims that a disability is not an intrinsic cost (or benefit) to one's flourishing. This should not be confused with:

Not a Mere-Difference view of Disability: There are *no* bad aspects of disability.

A mere-difference view of disability does not deny that disabilities involve the loss of certain goods, or that it can ultimately make one worse-off. But this view denies it follows from this that a disability is intrinsically bad. Much of the relation between having a disability and being worse-off is highly contingent and socially mediated. Also, it is consistent that a disability is not intrinsically bad even when bad aspects are built into a disability. To explain this, consider an analogy from Barnes (2016).

One's life is not better or worse solely in virtue of being female or male. But there are bad aspects built into being female. These include the pain and risky side-effects of childbirth and other "...aspects of having a female body that are unpleasant, complicated, painful, etc. (Ask basically any female you know.)" (Barnes 2016; 105). But it does not follow that being female is intrinsically bad or intrinsically worse than being male. This is true even if reproductive health has advanced to

¹⁶ But: the disabled often report high levels of well-being, often on par with the non-disabled. See Albrecht and Devlieger (1999), Riis et al. (2005), and Angner et al. (2013). This holds after controlling for lowered-expectations and self-deception. See Ubel et al. (2005).

alleviate these bad aspects of being female. Analogously, a disability may not be intrinsically bad even if bad aspects are built into said disability. This is true even if a disability requires support to alleviate its bad aspects.

Some may argue that the bad aspects of some disabilities are too great, such that these disabilities are an intrinsic cost to one's flourishing. This seems plausible, but not for deafness. I'll use Shepherd's (2020) view to argue that the bad aspects of deafness do not warrant thinking deafness is an intrinsic cost to one's flourishing. This means deafness, as a mere-difference to well-being, is analogous to Barnes' being female example. Being male (or female) is not required for human flourishing. Analogously, hearing (or deafness) is not required for human flourishing.

Shepherd (2020) thinks a disability is a mere-difference disability if it does not severely impact *control over one's situation*.¹⁷ This account emphasizes the role of cognitive and psychological capacities to explain which disabilities are an intrinsic cost to one's flourishing. This choice is well motivated. Shepherd (2020; 132) notes that many important aspects of a flourishing life rely on cognitive and psychological capacities such as memory, practical reasoning and others that:

“...enable one to enhance good experiences and inhibit negative experiences (via, e.g., attention, reappraisal, imagination, targeted planning for the future, inhibitory control), to find and seek beneficial experiences and avoid negative ones, to shape one's conscious mental life, and to shape one's broader patterns of action in the world.”

Deafness does not significantly undermine these capacities. While deaf, Sam has the capacity to reason, make decisions, and plan for the future. He can have friendships, satisfy various interests, desires, and pursue life projects. Sam can be morally virtuous through being just, charitable, and benevolent. He has significant control over his situation while having the capacity to live what many would call a flourishing life. This is good reason to think that the bad aspects of deafness do not warrant thinking deafness is an intrinsic cost to one's flourishing.

¹⁷ Objection: this account may only undermine Foot's view, but not other bad-difference views of disability. Reply: Shepherd (2020; 124) employs a broad notion of well-being meant to capture goods that are relevant to major theories of well-being such as: satisfying one's desires and intentions, the ability to have meaningful relationships and obtain valuable objects such as moral virtue and aesthetic beauty. This view has the resources to generalize such that deafness is a mere-difference disability on other theories of well-being.

By contrast, the bad aspects of a vegetative state seem to warrant thinking it is an intrinsic cost to one's flourishing. Being in a vegetative state significantly impairs control over one's situation. Shepherd's view, then, provides an attractive sufficient condition for mere-difference and bad-difference disabilities.¹⁸ Foot's view does not give this fine-grained explanation on how very different disabilities impact a flourishing life. So, Shepherd's view is more plausible than Foot's.¹⁹

Perhaps what makes deafness an intrinsic cost to one's flourishing is not that it significantly undermines control over one's situation. Recall that Foot (2001; 43) thinks hearing is intrinsically good because it allows one to obtain important human goods. Since deafness prevents one from obtaining these goods, deafness is intrinsically bad. While deafness and being female both have bad aspects, only deafness involves the lack of important human goods. This difference may undermine the analogy I'm using to argue that hearing is not required for human flourishing.

This is not worrisome. Barnes (2016; 58) notes that being male involves lacking the ability to have children, an important human good. But it's implausible that this makes males immediately worse-off. Analogously, it's implausible that the deaf are immediately worse-off because, by virtue of being deaf, they lack the goods associated with hearing. So the analogy remains plausible.

Some might claim that deafness *per se* limits one's life plans while being female *per se* does not to argue against the analogy. But consider one's height. Let's suppose Sam is 5 feet tall and dreams of playing basketball in the NBA, where players average a height of 6 feet and 6 inches. Sam's height makes it difficult to play professional basketball and may be a constant source of frustration. But it does not follow that Sam's height *per se* prevents Sam from living a flourishing life. Rather, it is Sam's height along with particular plans and goals that prevents him from living a flourishing life.

¹⁸ This view provides a *grated* explanation to classify two *kinds* of disability. There is a gray area when it comes to classifying a disability as a mere-difference or a bad-difference disability. This is desired since disabilities impact well-being in complex ways.

¹⁹ This is true for other ways of holding a bad-difference view of disability. Shepherd's view also has the resources to answer a persistent problem facing mere-difference views of disability. This is the Causation Objection. See Shepherd (2020).

Analogously, Sam's deafness may be a source of frustration if it undermines his plans or goals. But it does not follow that deafness *per se* prevents him from living a fully flourishing life.

But accepting my argument leads to the *Causation Objection* (Kahane & Savulescu 2016). Assume that being female and deafness are analogous in their relationship to well-being. Being female is not intrinsically bad. Analogously, deafness is not intrinsically bad. So, deafness *per se* does not give one a reason for *preventing* one from becoming deaf or a reason against *causing* one to become deaf. So, in some cases, it will be morally impermissible to *prevent* one from becoming deaf, and it will be morally permissible to *cause* one to become deaf. This consequence seems morally repugnant, which is a good reason to reject the assumed analogy between being female and deafness.

Shepherd's (2020) view of disability deals with this problem. Shepherd thinks some capacities, like hearing, are non-essential contingent means to the "core constituents of well-being" (Shepherd 2020; 126). This is why deafness is not intrinsically bad. Shepherd captures the "core constituents of well-being" by his appeal to control over one's situation. On this view, deafness is a loss of a non-essential contingent means to control over one's situation. Because of this, deafness *per se* gives a *prima facie* reason to *prevent* one from becoming deaf, and a *prima facie* reason against *causing* one to become deaf while denying that deafness is intrinsically bad. By accepting Shepherd's view, we can avoid the *Causation Objection* thus preserving the analogy between being female and deafness.

In conclusion, deafness is not an intrinsic cost (or benefit) to one's flourishing. Deafness, as a mere-difference to well-being, is analogous to Barnes' example. Neither being male (or female) is required for human flourishing. Analogously, neither hearing (or deafness) is required for human flourishing. So, Foot's claim that hearing is required for human flourishing is false. False propositions cannot be a reason to act. Since Foot thinks her claim is true and that it is a reason to act, her view makes false predictions about what reasons for action there are. This makes Foot's view implausible.

My argument is a problem for Foot's view as long as she holds that hearing is required for human flourishing, which Foot holds because she thinks (5) is a true natural-historical judgment. In the next section, I show the consequences of my argument for natural-historical judgments.

§4. Natural-Historical Judgments: A closer look

To show precisely where my argument challenges Foot's view, recall what she is committed to:

- (a) What is required for human flourishing makes a consideration a reason to act.
- (b) Natural-historical judgments give an account of what is required for human flourishing.
- (c) 'Humans have a sense of hearing' is a true natural-historical judgment.
- (d) Having a sense of hearing is required for human flourishing. (Follows from (b) and (c))

From (a) and (d), Foot's view of practical reason implies that:

- (e) Sam has a reason against choosing to remain deaf *because* having a sense of hearing is required for human flourishing.

But in (§3), I argued that:

- (f) Having a sense of hearing is *not* required for human flourishing.

which means that (d) is false. Here's the problem. Foot's view of practical reason predicts that Sam has a reason to act represented in (e). This reason relies on (d). But (d) is false. So (e) must also be false since false propositions cannot provide a reason for action. So, Foot's view of practical reason makes a false prediction about what reasons for action there are. It *overgenerates* reasons.

To make matters worse, my argument in (§3), and the problem it poses for Foot, can work with other mere-difference disabilities. Consider these plausible true natural-historical judgments:

- (6) Humans have a sense of vision.
- (7) Humans have two arms.

Blindness and lacking an arm are deviations from the above characteristic features of human life whose function is to obtain human goods. On Foot's view, these disabilities make one "defective."

But blindness and lacking an arm are plausible candidates for being mere-difference disabilities. According to the National Federation of the Blind, the real problem with blindness is not lacking the ability to see but the various misconceptions and misinformation about the blind.²⁰ During Disability Pride Month, those with various disabilities proudly affirm that while they might be different from able-bodied people, they are not less than them in any meaningful sense.²¹ Just like deafness, being blind or lacking an arm are thought of as different ways to live rather than a deficit.

These disabilities also do not largely impact the psychological and cognitive capacities that characterize control over one's situation. So, the problem that deafness poses to Foot's view is also pushed by other potential mere-difference disabilities. Foot's view thus overgenerates reasons with these examples in the same way it does with deafness. This makes Foot's view more implausible.²²

By accepting (a), (b), and (c), Foot's view overgenerates reasons in the fashion demonstrated above. Rejecting one of these commitments avoids the problem. Let's consider each option.

Rejecting (a) gives up Foot's Neo-Aristotelian Naturalism. This view aims to give an account of the source of reasons through what is required for human flourishing. For Foot, this option is off the table. Importantly, accounts of human flourishing are *theories of well-being*. This is why disability, which impacts well-being, can pose a problem to Foot's view of practical reason in the first place.

Rejecting (b) abandons Foot's constitutivist strategy to provide an account of human flourishing, which she uses as an account of the source of reasons in (a). Foot thinks by understanding what human life *is*, we can understand what it is for human life to go *well*. To give an account of what human life is, recall that Foot appeals to important human goods captured by:

Natural-Historical Judgments: Generic statements that describe the characteristic features of the life of the species to which an organism belongs.

²⁰ <https://knfbreader.nfb.org/mission-statement>

²¹ <https://www.hrw.org/news/2022/07/22/observing-disability-pride-month-july>

²² Admittedly, these remarks only provide a rough sketch of the idea that other disabilities pose this problem for Foot's view. Barnes (2016) thinks *all* physical disabilities are mere-difference disabilities. So this problem can be pushed in other ways than I have explored.

Without this, Foot's view is no longer constitutivist. Rejecting (b) results in giving up Foot's Neo-Aristotelian Naturalism since this view aims to ground human flourishing and normativity in what *constitutes* human life. For Foot, this option is a non-starter. But holding onto (b) has problems.

Foot aims to give an account of what constitutes flourishing *qua* human being. This account *determines* what is *required* for human flourishing, *not* just what is *relevant* to human flourishing. Her strategy: identify important human goods and the characteristic features of human life whose function is to obtain those goods, represented by natural-historical judgments. Understanding and distinguishing spoken languages are important goods that hearing, on Foot's view, has the function to obtain. But, as I argued in (§3), it does *not* follow that hearing is *required* for human flourishing. This result jeopardizes Foot's entire strategy since it's not always true that important human goods constitute flourishing *qua* human being. To preserve (b), Foot may have to deny that understanding and distinguishing spoken languages are important human goods. But this is a controversial claim.

Recall that natural-historical judgments *only* describe features that have a *function* to obtain important human goods. Deafness *per se* does not have a function. This means Foot cannot account for the important human goods associated with deafness *per se*, such as a unique sensory experience of music. When deaf, the region of the brain that usually processes auditory information gets repurposed for greater emphasis on other sensory modalities, such as sight and touch (Scott 2014). These changes lead to a unique sensory experience of music for those who are deaf (Good 2014).

For instance, The Grateful Dead is an American rock band with a devoted deaf fan-base, affectionately called the "Deafheads." Deafheads have their own dedicated seating close to the stage at concerts which let them better experience vibrations of the music, lip read the singers, and see the sign-language interpreter. Their heightened sensitivity to vibrations and visual detail creates a valuable²³ and unique musical experience that is enabled crucially by deafness, and does not rely on

²³ <https://www.wsi.com/articles/BL-SEB-89829>

identifying as Deaf. Since deafness does not have a function, Foot cannot account for these goods.²⁴ So, *how* natural-historical judgments provide an account of important human goods is inadequate.

Additionally, recall that Foot thinks what is required for human flourishing determines what reasons for action there are. It is because natural-historical judgments give an inadequate account of what is required for human flourishing that Foot's view makes false predictions about what reasons for actions there are. These are good reasons to deny (b).

The most straightforward response for Foot is to reject (c). However: if "humans have a sense of hearing" is not a true natural-historical judgment, then Foot denies that understanding and distinguishing spoken languages are important human goods. But understanding spoken languages has immense cultural importance and lets one express themselves in deep and meaningful ways. So, rejecting (c) seems implausible. Recall from (§3.1) that, on Foot's view, it's more plausible to reject a philosophical theory that does not align with facts about human life than to hold onto said theory. Even on Foot's own methodology, denying (c) is implausible. If Foot holds (b), then she is committed to holding (c) on pain of making implausible claims about the value of hearing.

In conclusion, I feel comfortable rejecting (b): natural-historical judgments. They may get some aspects of human flourishing right, and may provide an accurate account of some reasons for action. But they make false predictions about these matters when it comes to humans with a mere-difference disability. This is why Foot's view of practical reason is implausible. Is there a way for Foot to avoid this problem? I explore this possibility in the next section.

§5. A Way Forward

To avoid the problem I have posed for Foot's view, we can incorporate Shepherd's account of control as an Aristotelian Necessity. Before going into the details, let me motivate this move to

²⁴ Why can't deafness be understood as having a function to obtain these goods? Things that have a function can either perform well or poorly. It makes sense to claim that one has a good or poorly performing heart - hearts have a function. By contrast, it does not make sense to claim that one has a good or poorly performing incapacity to hear. This is because deafness does not have a function.

preempt any claim that this suggestion is objectionably ad hoc. Recall that Foot seeks to ground an account of what is required for human flourishing in the characteristic features of human life. One plausible characteristic feature of human life is having control over one's situation. According to Shepherd, control over one's situation is characterized by sophisticated cognitive and psychological capacities such as the capacity for reasoning, planning and memory. These capacities are possessed by human beings.²⁵ Additionally, the capacities which constitute control over one's situation can be understood as having a function to obtain important human goods. So, it is natural to think that Foot's account of what is required for human flourishing is compatible with Shepherd's account of control over one's situation.

But this natural compatibility is misleading. This is because Foot and Shepherd's views are in tension with each other. For Foot, *any* characteristic feature of human life with the function of obtaining human goods is required for human flourishing. For Shepherd, a *sufficient* amount of the capacities that constitute a high level of control over one's situation is required for human flourishing.²⁶ So, some work must be done to show that Foot's view can accommodate Shepherd's account of control. I suggest that this work requires altering Foot's conception of natural-historical judgments, in particular her account of Aristotelian Necessities. Here is my proposal:

Aristotelian Necessities_(control): Generic statements that describe the characteristic features of the life of the species to which an organism belongs. These features constitute a high level of control over a life-forms situation.

On this refinement, the capacity to hear does not qualify as an Aristotelian Necessity. This is because the capacity to hear is not one of the capacities which constitute a high level of control over one's

²⁵ This is not a universal claim. Rather, it is a generic claim which admits exceptions.

²⁶ Notice that to make Foot's view compatible with Shepherd's view one cannot simply construe "control over one's situation" as an important human good. This amendment to Foot's view would not deny that hearing is required for human flourishing. It would only conceive of "control over one's situation" as an important human good to be weighed against other important human goods. But to avoid the problems pushed in (§4), Foot needs to alter her view to avoid holding that hearing is not required for human flourishing. The above amendment does not achieve this goal.

situation. Since Foot's view no longer implies that hearing is required for human flourishing, it avoids my challenge at an early stage in my argument. Yet, can Foot accept this refinement without incurring any heavy costs? There is much work to be done to thoroughly answer this question, but here are some important points worth mentioning.

One of Foot's primary aims in grounding normative reasons in what is constitutive of the human life form is to provide a naturalistic account which situates normative judgments of human action on par with normative judgments about plant and animal life. Maintaining this parallel is a virtue as it explains normative judgments among all life forms in a structurally analogous way. Yet, incorporating Shepherd's view into Foot's account of practical reason threatens to undermine this parallel. Control over one's situation is characterized by sophisticated capacities such as reasoning, planning, the capacity to shape one's conscious mental life and more. These are features of being a rational agent. But, one can talk about what rational agency consists of without necessarily connecting it to Foot's notion of human life. So, for the amendment to be fully satisfying, more needs to be said about why control over one's situation is best understood as a feature of human life instead of just a feature of pure rational agency. If the latter ends up being true, then Foot's account of normative judgments as they apply to human life is disanalogous with her account of normative judgments for plant and animal life.

Notice that by appealing to the important goods of human life that Foot departs from other popular ways to develop a constitutivist view about what grounds reasons. Generally, constitutivist views about practical reason aim to derive normative claims, such as whether an agent has a reason for action, from purely descriptive premises. Yet, Foot seems to derive normative claims from normative premises about the important goods of human life. Some find this departure particularly unilluminating as an explanation of what grounds of reasons for action. The reason is simple: it is unremarkable that normative claims follow from normative premises. A major benefit of pursuing a

constitutivist strategy for practical reasons, then, seems to be undermined. Foot mitigates this worry by arguing that her conception of the important goods of human life are based on weak, and therefore more plausibly accepted, assumptions about the good human life. So, even though Foot is not deriving normative claims from purely descriptive premises, her view can arguably still provide an acceptable account of the source of reasons.

This potential problem is only exemplified if Foot accepts my suggestion to reformulate her conception of natural-historical judgments. This is because my suggestion appeals to a more robust picture of the relationship between well-being and disability for Foot to avoid the problem I pressed for her view. In other words, Foot's assumptions about what makes a good human life is no longer weak which opens up more room for skepticism about the merits of her claims. While I do not consider this a decisive problem for her view, it is a complication that needs to be worked out if my suggestions for Foot's view are to be plausible.

§6. Conclusion

Now we understand the problem with Foot's view. She thinks: (i) what is required for human flourishing is a source of normative reasons and (ii) hearing is required for human flourishing. This implies that Sam has a reason against choosing to remain deaf *because* hearing is required for human flourishing. But I have argued that (ii) is false, which means Foot's view of practical reason makes false predictions about what reasons for action there are. This is a strike against any view of practical reason. Natural-historical judgments are responsible for (ii). As a result, I reject natural-historical judgments, which undermines Foot's Neo-Aristotelian Naturalism. Yet, there is still hope for Neo-Aristotelian Naturalists to avoid this problem. Work needs to be done to develop a more plausible account of Aristotelian Necessities which avoids some of the worries I have laid out in (§5). While I'm unsure that this can be done, I hope to have identified where Neo-Aristotelians need to

put more of their attention to develop their view in response to the growing work in the philosophy of disability.

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