

EXPRESSED ABLEISM

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With increased frequency, reproductive technologies are placing prospective parents in the position of choosing whether to bring a disabled child into the world. The most well-known objection to the act of “selecting against disability” is known as the *Expressivist Argument*. The argument claims that such acts express a negative or disrespectful message about disabled people and that one has a moral reason to avoid sending such messages. We have two primary aims in this essay. The first is to critically examine the standard Expressivist Argument, which we analyze in terms of the expression of *ableist attitudes*. We distinguish three interpretations of the argument and argue that each version faces serious objections. Our second aim is to articulate two closely related arguments that also pertain to expressed ableist attitudes. The *Expressive Harms Argument* maintains that there is a moral reason to avoid actions that give rise to the perception of ableist attitudes in cases where this is likely to have negative consequences for disabled people. The *Ableist Motivation Argument* speaks against selecting against disability in cases where one would be motivated by ableist attitudes. While these two arguments face various objections, we seek to establish that they are more promising than the most natural interpretations of the Expressivist Argument.

I was lying on the cold metal table in the operating room in the midst of giving birth to my second child, in what had been a totally normal and uneventful pregnancy, when the anesthesiologist assigned to my C-section suggested that my obstetrician might want to tie my tubes. He didn’t ask me. He didn’t even acknowledge that I was there, though I was in a ragged state of consciousness. He said, “While you’re down there, we are going to go ahead and tie her tubes, right?”

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At a time when I was most vulnerable, a medical professional thought it was a good suggestion, an acceptable notion, to make an assumption with this level of this importance for me. My doctor, my husband, and I all responded unanimously: "No!"

THIS story is recounted in a 2017 article by Rebecca Cokley, an accomplished disability rights advocate, a mother of three, and a disabled woman with achondroplasia. In retrospect, what seems so troubling about the anesthesiologist's suggestion is not that there was any genuine danger that it would be taken seriously given the immediate resistance from the others in the room. What's worrisome is what the comment seemed to express or imply. As Cokley later explained, "When the anesthesiologist suggested that my doctor sterilize me, what I heard was someone with medical authority basically telling another person with medical authority that I shouldn't be having any more children" (2017). One natural way of interpreting Cokley's worry is to say that the anesthesiologist's comment expressed a negative and hurtful message about her and other disabled people, particularly those with dwarfism.

The most widely discussed objection to the reproductive technologies of prenatal testing and selective abortion is framed in these very terms. In the literature, it has come to be known as the *Expressivist Argument*.¹ The argument challenges these acts of "selecting against disability" by claiming that they express or send a negative or disrespectful message about disabled people and that one has a moral reason to avoid sending such messages.

We have two main goals in this essay. The first is to take a close and critical look at the standard formulation of the Expressivist Argument. We will analyze various interpretive possibilities that have not been clearly distinguished and examined in the existing literature.² In Section 1, we present a generalized version of the standard Expressivist Argument and frame our discussion in terms of ableist attitudes. In Section 2, we articulate three interpretations of the argument and argue that all three are flawed. The remainder of the essay is devoted to our second main goal, which is to develop two closely related and more promising objections to selection against

1. Early articulations and defenses of the Expressivist Argument (or Expressivist Objection) are found in the work of disability rights advocates: Hershey (1994: 30), Wendell (1996: 153), Saxton (1997: 391; 2000), Parens and Asch (2000: 13–17), Kent (2000). While there have been some recent sympathetic treatments of the argument (e.g., Holm 2008; Hofmann 2017; Reed 2020), the argument has had more critics than proponents. For critical discussion, see Buchanan (1996), Kittay (2000), Nelson (2000a; 2000b), Buchanan et al. (2000: 272–81), Wilkinson (2010: sec. 6.5), DeGrazia (2012: 102–6), Perez Gomez (2020: 72–82).

2. Hofmann (2017) also seeks to make sense of the "complex and interminable" debate over the Expressivist Argument. His strategy is to delineate "core elements" that arise in discussions of the argument; ours is to draw upon the existing literature to construct interpretations of the Expressivist Argument and promising nearby arguments.

disability that also center around the expression of ableist attitudes. Section 3 presents the *Expressive Harms Argument*, which focuses on negative consequences for disabled people that arise from the perception of expressed ableist attitudes and beliefs. Section 4 presents the *Ableist Motivation Argument*, which directly condemns acting on ableist attitudes and beliefs. While these two arguments face various objections, we offer a preliminary case that they are more promising than the most natural interpretations of the standard Expressivist Argument. In Section 5, we offer some concluding observations. Ultimately, we suggest that it is time to move beyond the Expressivist Argument, at least in its standard formulation. Our attention is better directed toward the Expressive Harms and Ableist Motivation Arguments.

1. The Expressivist Argument

The standard Expressivist Argument is roughly the following:

The Expressivist Argument

- P1. Selecting against disability expresses or sends a negative or disrespectful message about disabled people.³
- P2. There is a moral reason not to express or send a negative or disrespectful message about disabled people.
- C. So, there is a moral reason not to select against disability.

There are several important qualifications to make about the Expressivist Argument and our formulation of it. First, in the bioethics and philosophical literature, one rarely sees the full argument on display. Scholars tend to introduce the “Expressivist Argument” or “Expressivist Objection” by stating P1 or some variant of it. However, it is usually clear from the context that the objection being raised is a moral one and that something along the lines of P2 and C are implied.⁴

Second, while we are framing the argument as applying to individual choices of whether or not to select against disability, scholars who discuss the argument frequently remark that an expressivist argument would have more force against laws or policies that in some way promote selection against disability (Kittay

3. We have opted for “negative” and “disrespectful,” though scholars have invoked an array of other adjectives: e.g., “demeaning” (Saxton 1997); “hurtful or disparaging” (Parens & Asch 2000: 13); “erroneous and morally unacceptable” (Wilkinson 2010: 149); “discriminatory” (Shakespeare 2014: 118); “immoral or otherwise objectionable” (Gyngell & Douglas 2018: 321); “devaluing” (Perez Gomez 2020: 71).

4. We have taken the interpretive liberty of framing the argument as positing “a moral reason,” while recognizing that some might prefer to cast the argument in stronger terms (e.g., a strong moral reason) or employ other normative concepts (e.g., ought, moral wrongness, duty, blameworthiness).

2000: 181; Asch & Wasserman 2005: 172; Perez Gomez 2020). That may be, but the above action-focused argument has received most of the attention in the literature and will be our focus here.

Third, although the philosophical and bioethical literature on the Expressivist Argument has predominantly focused on the issue of selective abortion and preimplantation embryo selection, we have formulated the Expressivist Argument in more general terms so that it can be applied to a wider range of cases of selection against disability.⁵ As we will interpret it, an act of selecting against disability results from situations in which individuals must choose whether or not a disability—and, in some cases, a person who would have that disability—will exist. To select against disability is to choose that it will not.⁶ On this construal, selection against disability can occur at any point in a life, including the end of life, and so is not restricted to beginning-of-life reproductive decisions. It encompasses self-regarding choices, where individuals must decide whether they themselves will become or remain disabled or non-disabled, and other-regarding choices that are made by prospective parents, parents, or proxy decision-makers. It also includes existence-affecting choices about actions that would result in the creation or the death of a disabled person (e.g., via embryo selection and implantation, selective abortion, physician-assisted suicide, or euthanasia) and non-existence-affecting choices that determine whether an independently existing individual will be disabled or non-disabled at some future time (e.g., as a result of genetic causes, environmental conditions, disability-preventative measures, or “corrective” surgeries).

To be clear, we are not suggesting that the Expressivist Argument plausibly applies to every type or instance of selection against disability or that, when it does apply, it does so with equal force. We assume that this depends on a range of contextual factors. Our point is simply that this form of argument can be made against a wider range of cases than the reproductive ones to which it is typically applied. Just as it can express, or be perceived as expressing, some negative message about disabled people when a couple eager to become parents terminates a pregnancy upon learning that the fetus carries some disability trait, this can happen in certain cases where a person chooses to end their own life or the life of loved one to avoid life with a disability, or where parents attempt to “cure” a child’s disability. It seems worthwhile to evaluate a broad formulation of the Expressivist Argument that could be raised in any of these contexts.

5. Scoccia (2020) and Reed (2020) discuss the Expressivist Argument as it applies to end-of-life selection against disability, though they focus more on law and policy than individual action.

6. We are understanding the phrase “selecting against disability” to encompass both active and passive choices. Some might wish to reserve the phrase—and its counterpart, “selection for disability”—only for active decisions.

Fourth, there is much variance in what disability advocates and scholars say as to what message is expressed or is (correctly or incorrectly) perceived to be expressed. In the context of discussing prenatal testing and selective abortion, authors writing about the Expressivist Argument have suggested a range of possible messages, such as:

- The lives of disabled people are not worth living.⁷
- Disabled people should not exist.⁸
- Disabled people have less value or worth than non-disabled people.⁹
- In the case of disability, people are “reducible to a single, perceived-to-be-undesirable trait.”¹⁰
- Disabled people are not worth the burdens they impose on others.¹¹
- Disabilities are medical problems that should be addressed by preventing or “curing” them.¹²

It might be thought that the uncertainty surrounding the message expressed by a given action or practice poses a serious problem for the Expressivist Argument, but we think this is not a devastating worry. Recall Rebecca Cokley’s story. There are any number of offensive attitudes or beliefs that might have motivated the anesthesiologist’s statement. Did his comment imply that people with dwarfism are not fit to be parents? Or that people with dwarfism shouldn’t be born? Or that disabled people in general should not be born? While it is not clear precisely what was being expressed, it nonetheless seems reasonable to assume, or at least very strongly suspect, that the anesthesiologist’s statement expressed *some or other* sentiment or message that is disrespectful to disabled people. This seems sufficient for grounding an objection. Similarly, the Expressivist Argument does not require precision as to the content of the message; it only requires that some or other “negative or disrespectful message” is expressed.¹³

Fifth, the focus on messages is somewhat misleading, for it might imply that what is expressed is always a belief or intended message. Yet, many scholars who discuss the Expressivist Argument are clearly concerned, more broadly,

7. Buchanan et al. (2000: 272), Baily (2000: 64), DeGrazia (2012: 103), Reed (2020: 539).

8. Robertson (1996: 453), Saxton (1997: 391), Kittay (2000: 167), Scott (2005: 65), McMahan (2005: 85).

9. Steinbock (2000: 120). Cf. McMahan (2005: 85), Gyngell and Douglas (2018: 321).

10. Parens and Asch (2000: 14), DeGrazia (2012: 103), Reed (2020: 538–39).

11. Baily (2000: 64), Saxton (2000: 147), McMahan (2005: 85).

12. Parens and Asch (2000: 13), Amundson (2005), Stramondo (2011: 52–54).

13. That said, whenever the Expressivist Argument is raised in a particular context, it is important to try to discern the content of the message that is allegedly expressed. This can help to confirm whether or not some negative message is expressed and, if so, the strength of one’s moral reason to avoid it.

with *ableist attitudes*.¹⁴ For present purposes, we will adopt the following working understanding of ableist attitudes: an attitude is *ableist* when it is disrespectful toward disabled people on account of their disabilities in the context of an oppressive system that unjustly disadvantages them.¹⁵ We interpret this characterization as being inclusive of a wide variety of attitudes and dispositions. While one can clearly express a belief that is disrespectful to disabled people (a natural interpretation of “sending a message”), other ableist attitudes can be expressed as well. These might include disability-directed hostility or contempt, amusement, negligent or willful ignorance, stigma-driven aversion, condescension, or pity; explicit or implicit bias or prejudice against disabled people; indifference or limited concern about disabled people’s well-being or rights; synecdochal thinking (giving exaggerated importance to individuals’ disabilities rather than seeing them as complex, whole persons) (Asch & Wasserman 2005); reliance on negative generalizations or stereotypes; a dismissive attitude toward disabled people’s testimony, especially *via* “gaslighting”; a disposition to use disabled people for one’s own ends or benefit (e.g., “inspiration porn,” sub-minimum wage sheltered workshops); or a tendency to focus exclusively or predominantly on negative aspects of disability. Accordingly, in this essay, we are centering attention on ableist attitudes more broadly, not only ableist beliefs.¹⁶

Sixth, although scholars who discuss the Expressivist Argument occasionally frame it in terms of discrimination or discriminatory attitudes (Parens &

14. While ableist beliefs are a type of ableist (propositional) attitude, we sometimes mention beliefs separately since the term “attitudes” is more suggestive of affective phenomena like desires and emotions.

15. This characterization—inspired by disregard- and disrespect-based accounts of racism and discrimination (e.g., Garcia 1996; Taylor 2004: 32–38; Glasgow 2009; Eidelson 2015: ch. 3) and feminist scholarship on oppression (e.g., Frye 1983: 1–16; Young 1990: 39–65)—implies differential treatment of disabled people relative to non-disabled people. Since non-disabled people *qua* non-disabled are not systematically oppressed, there is no counterpart to ableist attitudes that affects non-disabled people. It would be desirable if this account also fit within a more general account of ableism that can apply to a wide range of non-attitudinal objects: actions, persons, statements, jokes, artworks, policies, laws, customs, institutions, societies, worldviews—perhaps even physical artifacts or spatial environments (Liao & Huebner 2021). We stake no claim here on whether and how it might do so. For some discussion, see Glasgow (2009: 82–85) and Garcia (2016: 222–29). Also, it deserves mention that some prefer to use “ableism” to speak of the positive valuing of “normal” ability, and “disableism” to refer to the differential lesser treatment of people lacking those abilities (e.g., Campbell 2001; 2009a: 4–5; Wolbring 2008).

16. Three qualifications. First, we fully expect that these attitudes and beliefs interrelate and overlap in complex ways, and perhaps some are reducible to others. Second, although we are offering a list of putative examples of ableist attitudes, we recognize that there is room for debate as to whether certain beliefs, attitudes, or dispositions are disrespectful. We will not attempt to establish precise boundaries for which beliefs and attitudes are ableist. Lastly, it might be thought that we should use “ableist” more sparingly, reserving it for the most egregious instances of anti-disability bias (cf. Blum 2002: ch. 1 on the term “racist”). We stake no claim on that issue and are making broad reference to “ableist attitudes” mainly for simplicity’s sake.

Asch 2000: 13–17; Shakespeare 2014: 118–20), we are purposefully avoiding the concept of discrimination in our discussion. This is partly because many instances of selection against disability deviate from paradigmatic forms of discrimination.¹⁷ However, our primary reason for avoiding the concept of discrimination is that there is an ongoing, complex debate about what constitutes discrimination and what makes it wrongful (Altman 2020). We can make swifter progress in the ethics of selection for or against disability by sidestepping the discrimination debate. Two of the considerations that will be our focus in Sections 3 and 4—expressive harms and ableist motivations—are intimately linked to certain theories of discrimination. Yet, it is plausible that these factors have ethical relevance whether or not they figure in the best account of discrimination.

2. Three Interpretations of the Expressivist Argument

One drawback of the standard formulation of the Expressivist Argument is that the language of “expressing or sending a message” is ambiguous. In what follows, we distinguish three versions of the argument based on interpretations of this phrase and highlight serious problems with each.

2.1. *The Communicative Interpretation*

On one natural reading, the phrase “expressing or sending a message” refers to an act of *communication*. It refers to an intentional attempt to communicate a message or exhibit one’s attitude or belief to another party.¹⁸ So understood, what the Expressivist Argument deems objectionable about acts of selecting against disability is that people who perform these actions are purposefully trying to communicate some negative or disrespectful message about disabled people or to express their ableist attitudes or beliefs.

As an argument regarding selection against disability, the communicative version of the Expressivist Argument has a serious shortcoming. While it is plau-

17. In standard examples of (non-lethal) discrimination, an individual or group is comparatively disadvantaged by some action because of their stigmatized trait or identity, which they typically possess before, during, and after the discriminatory act is performed. The acts of removing an individual’s stigmatized trait, of preventing an existing person from ever having that trait, and of preventing a person with that trait from ever coming to exist all deviate from those paradigmatic cases.

18. On some ways of speaking, a person can “communicate” something unintentionally—e.g., by saying or doing something that gives others evidence of their underlying attitudes or beliefs. Cf. Perez Gomez (2020). We address that phenomenon in 2.2.

sible enough that there is a moral reason to avoid intentionally communicating an ableist attitude, belief, or message to others, this interpretation seems to have very limited applicability to the decisions in question. For it is surely rare that people making the major life-decision of selecting against disability in themselves, their children, or their patients are aiming to communicate some negative message or attitude. By and large, these choices that will have a significant life-altering impact on a person tend to be made with a focus on that impact.¹⁹ And if one's aim is to insult or demean disabled people, there are more direct and easily accessible ways of doing so, such as uttering slurs or stating disrespectful messages outright. Thus, while it is extremely morally problematic when a person seeks to communicate ableist messages to others, it is deeply implausible that this sort of intentional communication motivates the vast majority of decisions to select against disability. Such cases would be exceedingly rare. So, the key flaw of this interpretation of the Expressivist Argument is its very limited applicability to real-world cases.²⁰

2.2. The Evidential Interpretation

A different interpretation of the Expressivist Argument treats “expressing or sending a message” as a matter of revealing or providing evidence of one’s attitudes and beliefs. The person may not intend to communicate or reveal those attitudes; indeed, they might be entirely unaware of having them. But, insofar as the action gives evidence of ableism, disabled people can reasonably object. For the purposes of evaluating this interpretation, it will help to restate the argument in less ambiguous terms:

The Expressivist Argument (Evidential Interpretation)

- P1. Selecting against disability reveals that one has ableist attitudes or beliefs.
- P2. There is a moral reason not to perform actions that reveal that one has ableist attitudes and beliefs.
- C. So, there is a moral reason not to select against disability.

19. There could be an asymmetry between selecting against disability and selecting for disability. It might be more common for people who select for disability to do so, in part, to communicate or express disability pride or a condemnation of ableism. Indeed, we have heard an anecdote about a prominent disability scholar who took the fact that her siblings refused prenatal genetic testing as an affirmation of her own value. This highlights the fact that people may sometimes select for disability in order to communicate some positive message or attitude about disability.

20. See Kittay (2000) for further criticisms.

By far, the most popular objection to the Expressivist Argument that appears in the literature takes aim at P1. The objection appeals to the fact that even if ableist attitudes are widespread, people sometimes have perfectly sensible, non-ableist reasons for selecting against disability.²¹ These might include concerns about the expected financial costs associated with disability (which is often due to a lack of adequate social services and supports), the desire to avoid certain emotional burdens (e.g., of having oneself or loved ones experience stigma and discrimination, of not knowing how one's child will fare after one dies), the desire to increase the person's expected well-being (in cases where the disability in question involves significant transition costs or worse long-term well-being prospects), external pressure to select against disability, or non-culpable ignorance about what life with a disability would involve. The *Non-Ableist Motivations Objection*, as we will call it, is essentially this: sometimes people have exclusively or predominantly non-ableist motivations for selecting against disability, so this action need not, and often does not, reveal ableist attitudes or beliefs.²²

While the insight behind the Non-Ableist Motivations Objection is quite plausible, there is a way of interpreting, or at least modifying, the evidential interpretation of the Expressivist Argument that circumvents this line of objection. One might understand the argument as targeting, not selection against disability in general, but only those instances of selection against disability where the act does in fact reveal ableist attitudes or messages.²³ For instance, imagine that it becomes known that a prospective parent chose to selectively abort a fetus with Down Syndrome because they regard people with such atypical physical characteristics as unattractive. Perhaps this parent worries that such a child would be hard to love or that the child would make it harder for the family to fit in at their country club. A more restricted version of the evidentialist interpretation that only applies to these sorts of cases allows for contextual variation and, unlike the communicative interpretation, is likely to apply to a significant number of real-world cases. We find no grounds for rejecting this modified understanding of the evidential interpretation's first premise.

However, the argument faces another noteworthy objection. P2 suggests that there is a moral reason not to reveal one's ableist attitudes and beliefs. This might seem to miss the real source of concern and instead attack a mere symp-

21. For instances of this objection, see Kittay (2000: 178, 189), Buchanan et al. (2000: 276–77), Baily (2000: 68), Steinbock (2000: 121), Nelson (2000b: 215–16), McMahan (2005: 86), DeGrazia (2012: 104–6), Shakespeare (2014: 120–28).

22. We include the qualification "predominantly or exclusively" since it may be that most acts of selection against disability involve a tincture of ableism. It seems best to formulate the objection in a way that doesn't require pure non-ableist motivations. (Thanks to David Wasserman for this suggestion.) Also, some of the listed reasons may turn out to be ableist. The objection only requires that there are some non-ableist reasons that people have for selecting against disability.

23. Cf. Holm (2008: 24), Perez Gomez (2020: 85). We thank a reviewer for making this proposal.

tom of it.²⁴ When disability advocates raise objections to widespread practices of selecting against disability, aren't they more troubled by the *possession* of ableist attitudes and beliefs rather than *evidence* of such attitudes? Since the evidential version of the Expressivist Argument speaks against providing evidence of one's ableist attitudes and not against simply having such attitudes, it might seem to miss the mark.

This, however, is a bit too quick. While one important concern of disability advocates has been the existence of ableist attitudes and beliefs, caring about evidence of such attitudes does have some merit. For even if evidence of ableist attitudes *qua* evidence is intrinsically harmless, such evidence can have serious adverse consequences for disabled people. Contrast two hypothetical ableists. The first is a closet ableist who carefully and successfully avoids saying or doing anything that might reveal their true thoughts and feelings about disabled people. The second is an unapologetic ableist who regularly and openly displays their ableist attitudes. Both types of ableist are troubling, but the un-closeted ableist is going to make the world worse in ways that the closeted ableist will not. By revealing their attitudes to others, they can disturb and offend disabled people, weaken their sense of self-worth, and influence others to share in these attitudes, which can disadvantage disabled people in numerous concrete ways. Some scholars interested in the Expressivist Argument have been concerned about such consequences.

That said, the consequences of revealing ableist attitudes are incredibly complex—and not always negative for disabled people. Sometimes it is a good thing. When a person's ableist attitudes or beliefs come to light, this can let disabled people know to avoid the person or to confront them. Often, people are oblivious to their own ableism and can only begin to address it once they come to recognize it as a result of others' observations. And in some cases, revealed ableism is egregious enough to trigger needed reforms. Accordingly, even when attending to the consequences of the production of evidence, there is not always a moral reason to avoid revealing one's ableist attitudes. In some cases, there is a strong reason to reveal them.

Ultimately, we believe the evidential interpretation of the Expressivist Argument does miss the mark. One morally problematic aspect of some acts of selecting against disability is that they spring from ableist attitudes and beliefs, which may or may not be known to others. Moreover, while evidence of ableist attitudes may have moral significance insofar as it leads to negative consequences for disabled people, the key source of moral concern is the negative consequences themselves. It seems rather contorted to place evidence of ableist attitudes at the

24. This kind of objection is found in Nelson (2000a: 207), Kittay (2019: 100), Perez Gomez (2020: 76–78).

center of a moral critique of selection against disability. In Sections 3 and 4, we develop arguments that try to get at the heart of what is morally problematic about expressed ableism.

2.3. The Social Meaning Interpretation

A third interpretation of the Expressivist Argument avoids some of the worries facing the other two interpretations by shifting attention away from the agent. It does so by viewing *the action*, rather than the agent, as the source of the negative or disrespectful message.

The Expressivist Argument (Social Meaning Interpretation)

- P1. Selection against disability has a social meaning that is disrespectful to disabled people.
- P2. There is a moral reason not to perform actions that have a social meaning that is disrespectful to disabled people.
- C. So, there is a moral reason not to select against disability.

The thought behind this interpretation is that an action can have a *social meaning* that obtains independently of the actual or even perceived intentions of the agent.²⁵ Consider some examples from contemporary American culture: displaying your extended middle finger, using a racial slur, burning the U.S. flag, drawing a swastika, stomping on a religious text, erecting a statue of someone who committed egregiously immoral acts. Arguably, these actions can be disrespectful to some parties in cases where the agent has no disrespectful or otherwise problematic attitudes. So, as we are interpreting the idea, when an action has a disrespectful social meaning, the agent's attitudes are beside the point. We are also assuming that the existence of social meaning does not require an audience or any negative effects. Stomping on a religious text could express a disrespectful message even if done in secret. Thus, we are interested in the idea that an action might be inherently disrespectful in certain social contexts.

Obviously, one potential threat to this argument is that it is questionable whether actions can ever have disrespectful social meanings in the sense that we've sketched. Perhaps there is nothing inherently disrespectful in the act of

25. Our use of the term “social meaning” may be somewhat idiosyncratic. Some understand the social meaning of an action in terms of what attitudes or beliefs a culturally competent observer would attribute to the agent. Cf. Anderson and Pildes (2000: 1525), Eisgruber and Sager (2007: 124–28), Shin (2009: 166), Eidelson (2019: 1619–20). Since the evidential interpretation addresses the attribution of attitudes to the agent, here we wish to explore the possibility of a message or meaning attached to the action itself—call it what you will.

extending one's middle finger if one is merely showing off their nail polish. Perhaps the act of creating a swastika is not disrespectful when one is creating decorations to celebrate Diwali.²⁶ However, setting aside these skeptical concerns, suppose that actions can indeed have disrespectful social meanings. In that case, there is still good reason to doubt P1.

To assess P1, it is helpful to draw a distinction between direct and indirect expression. Let us say that an action *directly expresses* a disrespectful social meaning when it is conventionally used to purposefully communicate a disrespectful message (e.g., giving the finger to say "Fuck you") or express a disrespectful attitude (e.g., using slurs to express contempt). In contrast, an action *indirectly expresses* a disrespectful social meaning when it is widely associated, in the relevant way, with other things (events, actions, people, attitudes, etc.) that are disrespectful.²⁷ For example, the mere wearing of a red "Make America Great Again" hat may be disrespectful to various groups because it is so closely associated with a politician who has said and done various things that are widely viewed as racist, sexist, ableist, xenophobic, Islamophobic, etc. Likewise, contemporary controversies in the 21st century over White entertainers and celebrities wearing dark makeup to impersonate Black individuals are sometimes best explained in terms of indirect expression. Even if a particular individual has innocent motives, the activity indirectly expresses a disrespectful message to Black individuals due to the history of Whites using "blackface" to mock Black Americans (Zheng & Stear 2022).

With this distinction in hand, we now ask whether selecting against disability directly or indirectly expresses an ableist social meaning.²⁸ Harkening back to our discussion of the communicative interpretation, the act of selecting for disability is clearly not a conventional means of directly expressing ableist attitudes or beliefs. Typically, people who select against disability are focused on making the right life-impacting choice, not sending negative messages to third parties. In contrast, there is at least a *prima facie* promising case that the act of selecting against disability indirectly expresses some ableist message. One pos-

26. <https://www.npr.org/sections/codeswitch/2016/10/28/499475248/diwali-dilemma-my-complicated-relationship-with-the-swastika>

27. While it may prove difficult spell out what "the relevant way" is, it is important to make that qualification. Certain kinds of associations do not transmit disrespect. For example, Harriet Tubman achieved fame as an abolitionist who helped free Black Americans from enslavement and, for that reason, is strongly associated with the practice of slavery. Yet, the campaign to have Harriet Tubman's image replace Andrew Jackson's on the U.S. \$20 bill is hardly disrespectful to African Americans in virtue of that association.

28. Since social meaning only exists in a particular historical and cultural context, we will examine this matter from the context of contemporary American society. We recognize that our discussion may not generalize to other contemporary or historical social contexts. We will also discuss this issue at a certain level of generality, with the understanding that a disrespectful social meaning could conceivably obtain with respect to a specific type of selection against disability.

sibility is through an association with past eugenic practices. Eli Claire (2017) devotes a substantial portion of his book *Brilliant Imperfection* to a discussion of how ableist attitudes have motivated both the historical programs of the U.S.'s eugenics movement—including institutionalization and forced sterilization—and current practices aimed at avoiding or, to use our terminology, selecting against disability. In light of this eugenic history, perhaps contemporary acts of selecting against disability have a social meaning that is inherently disrespectful to disabled people.²⁹

However, there are reasons to doubt whether there is a sufficiently strong and widely recognized association between current acts of selecting against disability and the eugenic past. Most people are simply uninformed about the history of disability and the multitude of ways in which disabled people have been subjected to forced sterilization and abstinence, infanticide, and genocide. People cannot associate selecting against disability with a past that is unknown to them. Additionally, as many critics of the eugenics-based critique have rightfully observed, there are several morally relevant differences between top-down, coercive eugenic programs that are explicitly grounded in ableist rationales and voluntary decisions by individuals to select against disability that are not always motivated by ableism (See, e.g., Buchanan et al. 2000: ch. 2; Agar 2004: 3–6; Wilkinson 2010: sec. 6.1; Shakespeare 2014: 115–18). These differences may serve to weaken the association between the two phenomena.

Alternatively, selection against disability might indirectly express an ableist social meaning through an association with ableist oppression more generally. If it is widely known that disabled people are devalued, stigmatized, and excluded from various forms of social participation, is it possible that acts of selecting against disability carry a disrespectful social meaning in virtue of their association with those oppressive practices? Our own sense is that there is not a sufficiently strong connection here either. Recall that social meaning is thought to attach to the action itself and not depend on the attitudes of the agent. Thus, when someone makes a vulgar gesture or displays some offensive symbol, our concern is not entirely dissolved by saying, “Oh, but the person actually had innocent motives and does not have any disrespectful attitudes.” The fact that so many scholars have responded to the Expressivist Argument with essentially that very response—that selecting against disability often results from innocent, non-ableist motives—provides some evidence that the act doesn’t have a robust social meaning. Therefore, in line with conclusions defended by Jamie Lindemann Nelson and others (Nelson 2000a; DeGrazia 2012: 104–5; Perez

29. Robert Wilson (2017: ch. 7) speaks of “newgenics” to underscore his view that the old eugenics has been rebranded rather than abandoned.

Gomez 2020: 75–78), we are inclined to reject the first premise of the social meaning interpretation.

P₂ states that there is a moral reason not to perform actions with a social meaning that is disrespectful to disabled people. If actions can indeed have social meanings in the specified sense, we are inclined to accept P₂, though only because actions that are inherently disrespectful toward some group (particularly one that is systematically oppressed) tend to spring from problematic motives or have negative consequences for members of that group. Yet, if there are cases where an inherently disrespectful action foreseeably would have *no* negative consequences and would *not* be motivated by problematic attitudes or beliefs, it is not obvious that there is a moral reason to avoid it. Consider this case:

In a city-wide blackout during the dead of winter, a woman is forced to start disassembling pieces of furniture to burn for warmth. In the days that follow, she burns some financial documents, clothes, and (with regret) all of her books, including a Christian Bible and a Quran.

Even if the burning of religious texts has a social meaning that is inherently disrespectful of some individuals (though we are not sure about this), it is not clear that the individual in this case has a moral reason to avoid the action (cf. Eidelson 2015: 74, 88). If anything, the key reason to avoid performing such an act is that it would spring from morally problematic attitudes or that it is likely to cause negative consequences for others. So, as it was with the evidential interpretation, we find ourselves inclined to shift attention in two distinct directions: toward attitudes and toward consequences.

In the remainder of this essay, we will explore two arguments that address these concerns directly while avoiding the theoretically complicated and controversial concept of social meaning. The Expressive Harms Argument defends the claim that there is a moral reason to avoid selection against disability insofar as it is likely to give rise to what we will call “expressive harms.” The Ableist Motivation Argument challenges acts of selection insofar as they stem from ableist attitudes and beliefs. These arguments draw elements from our discussion of the three interpretations of the Expressivist Argument, but they are formulated in a way that circumvents the key objections facing them. They also avoid the need to stake a claim on the complicated issue of what it is for an action to “express” a message or attitude. The first argument is only concerned with *perceived* expression of ableist attitudes (and so makes space for differing viewpoints on the issue). The second makes no use of the idea of expression.

Some may wish to classify the Expressive Harms and Ableist Motivation Arguments as interpretations or variants of the Expressivist Argument.³⁰ While we have no deep disagreement with that framing, we will avoid it mainly to avoid confusion with the interpretations of the Expressivist Argument examined above and to move beyond the unhelpfully vague “expresses or sends a message” locution. We favor adopting clearer and less ambiguous language.³¹ That said, we take the following arguments to capture key concerns that have motivated discussions of the Expressivist Argument.

2. The Expressive Harms Argument

We turn first to a consequence-based argument related to ableist attitudes.

The Expressive Harms Argument

- P1. Certain acts of selecting against disability are likely to lead to negative consequences for disabled people as a result of being perceived as communicating or revealing ableist attitudes and beliefs.
- P2. There is a moral reason not to perform actions that are likely to lead to negative consequences for disabled people as a result of being perceived as communicating or revealing ableist attitudes and beliefs.
- C. So, there is a moral reason not to select against disability in those cases where it is likely to lead to negative consequences for disabled people as a result of being perceived as communicating or revealing ableist attitudes and beliefs.

This argument pertains to what we will call (somewhat loosely) *expressive harms*: negative consequences for disabled people that result from an action’s being perceived as communicating or revealing ableist attitudes. We understand expressive harms to include *pro tanto* harms to disabled people, but also consequences in which disabled people are treated unjustly or otherwise wronged without being harmed.³² This can include offending disabled people, weakening their

30. Shakespeare (2014: 127) and Gyngell and Douglas (2018: 321–22) anticipate something close to the arguments we develop and appear sympathetic to viewing them as variants or versions of the Expressivist Argument.

31. Additionally, the scholars who have most prominently defended something close to the Ableist Motivation Argument have explicitly sought to distinguish it from the Expressivist Argument. See Asch and Wasserman (2005: 172) and Kaposy (2018: 21–23).

32. By interpreting the argument in terms of *pro tanto* harms, we allow for the possibility that an expressive harm might, in virtue of contingent circumstances, sometimes yield an overall or all-things-considered benefit to disabled people. Cf. Eidelson (2015: 73) for a parallel point about

sense of self-worth, sapping their motivation to participate in social or political life, encouraging similar acts of selection (which can lead to loss of support for disabled people in various ways), and normalizing, perpetuating, and reinforcing ableist attitudes and beliefs in others—which, in turn, can have a wide range of adverse effects on disabled people's lives.

The Expressive Harms Argument is importantly restricted. Recall that one drawback of the evidential interpretation of the Expressivist Argument was its implication that there is *always* a moral reason to avoid providing evidence of one's ableist attitudes and beliefs. Since such evidence sometimes has good or neutral consequences for disabled people, the Expressive Harms Argument only speaks against actions that are likely to lead to negative consequences for disabled people. Furthermore, in contrast to the above interpretations of the Expressivist Argument, this argument does not assert that all or even most instances of selection against disability are morally objectionable. It only implies that some are.

This argument is also distinctive in that it does not focus on evidence *per se*. Insofar as we are concerned about the bad consequences of expressed ableist attitudes, we should focus on *perceived* communication or revelation of such attitudes since consequences are more tightly linked to perceptions than evidence. To illustrate this point, consider a race-related controversy in the United States over the use of the term “niggardly” (Riechmann 1999). While the term means miserly and has no semantic or etymological relationship to the notorious n-word (one of the most damaging slurs one can utter in the contemporary United States), the two words sound similar, and many people aren't familiar with the meaning or historical development of the former. Accordingly, there have been multiple incidents where the use of that term by White individuals has caused others to take offense and view it as evidence of racial hostility toward Black people or African Americans in particular. In some cases, the use of this term is not evidence of racist attitudes but is nonetheless perceived as such.³³ That perception can have negative consequences. In light of this, many maintain that the term should be avoided. And just as there can be the perception of evidence where there is none, there can also be evidence that goes unrecognized and does not result in any notable consequences. Given this gap between evidence and consequences, it seems worthwhile to formulate a consequence-based argument in terms of the perception of expressed ableist attitudes.

discrimination. In some such cases, it might be justified to perform the act, though we expect there are other cases where inflicting certain harms is not justified by the fact that the same act yields more benefits on balance.

33. However, given the similarities between the two terms and the association that has been bolstered by this very controversy, it is perfectly possible for a racist to use the term with the express purpose of causing offense, while being positioned to deny this.

3.1. Expressive Harms of Selecting against Disability

We begin by briefly assessing the first premise of the argument. P₁ suggests, in part, that some acts of selecting against disability are perceived to reveal or communicate ableism. This should be relatively uncontroversial given that the whole literature on the Expressivist Argument originated from criticisms made by disabled people.³⁴ Of course, the perception of ableism can vary depending on the type of selection. While some forms of selection against disability are less well-known or are less commonly framed as acts of selection and have not been widely viewed as expressing ableism, other forms have sparked serious controversy. Routine selective abortion for disability and the often celebrated use of cochlear implants on very young children are prime examples. Also, some forms of selection are more easily perceived as a rejection of disabled people, whereas others may seem to target only the trait. Someone who uses preimplantation genetic diagnosis to screen out embryos with disabling traits can be more easily perceived as revealing an ableist attitude than a pregnant woman who takes folic acid to prevent spina bifida (Asch & Wasserman 2005: 194–97; Asch & Geller 1996: 339; Nelson 2000b: 220–23; Brock 2009: 259–63; Wilson 2017: 149–52). Yet, even if there is some variation in the perception of ableist attitudes, the fact remains that certain acts of selecting against disability have this result.

P₁ also implies that the perception of ableist attitudes or messages sometimes gives rise to negative consequences for disabled people. This claim is quite plausible and supported by a great deal of empirical research. Public stigma and perceived discrimination have been shown to have a significant negative effect on both mental and physical health.³⁵ It can engender or reinforce self-stigma, which across multiple disability populations has been shown to lead to decrements in hope and self-esteem, loneliness and social withdrawal, and even suicide (e.g., Campbell 2009b; Livingston & Boyd 2010; Brouard 2006). It leads to “label avoidance,” wherein individuals avoid specific types of services (e.g., social services, medical treatment, accommodations) due to a fear of being labeled or stereotyped.³⁶ Public stigma has also been shown to lead to discrimination against disabled individuals in healthcare, criminal justice, housing, employment, and education (Jones & Corrigan 2014: 19–20). Of course, the nature, severity, and likelihood of expressive harms will vary considerably based on a range of circumstantial factors.³⁷

34. See footnote 1.

35. For a meta-analysis, see Pascoe and Richman (2009).

36. See Jones and Corrigan (2014: 19–21), who report that “a sizeable empirical literature has documented high levels of screening and/or treatment avoidance for virtually all stigmatized diseases and disabilities.”

37. Granted, even if P₁ is quite plausible, it is a very general statement that provides little practical guidance regarding precisely which acts of selecting against disability fall within its

3.2. Is Contributing to Expressive Harms Morally Problematic?

We turn now to the more controversial premise of the Expressive Harms Argument. P₂ asserts that there is a moral reason to avoid actions that are likely to cause expressive harms—that is, negative consequences resulting from the perception that the act reveals or communicates ableist beliefs or attitudes. P₂ conforms to a more general principle that there is a moral reason to avoid acts that are likely to lead to negative consequences. Arguably, we have even stronger moral reason to avoid producing negative consequences for persons or groups already experiencing an unfair share of negative consequences as the subjects of systematic oppression. There is some question about precisely why this is. Perhaps the oppressive background directly amplifies the magnitude of the harm or wrongfulness. Perhaps it amplifies our reason to avoid such consequences because it exacerbates a historical disparity or is likely to cause worse instrumental effects.³⁸ In any case, it seems plausible that the historical and current stigmatization and oppression of a group makes it morally worse to subject its members to expressive harms. In this domain, there might even be increasing marginal disutility: the more oppression, stigmatization, discrimination, and disrespect some group has already faced, the worse it is to contribute to it further.

There are at least two lines of objection to P₂ that merit consideration. The first objection claims that there is a morally relevant difference between expressive harms resulting from accurate or reasonable perceptions and those resulting from inaccurate or unreasonable perceptions. There is only reason to avoid expressive harms of the former type. For, the thought goes, one has no reason to curb one's own behavior just to prevent other people from reaching unreasonable or false views. Notice that this objection, if it has merit, need not lead to a complete abandonment of the Expressive Harms Argument. It just calls for a modified version that is restricted to cases in which expressive harms result from accurate or reasonable perceptions. Given the prevalence of ableist attitudes in our society, the argument in that revised form would still apply to many instances of selection against disability (cf. Kaposy 2018: ch. 6).

While there is room for disagreement on this issue, our own view is that there is always a moral reason to avoid bringing about negative consequences

scope. To determine whether a specific act of selecting against disability is likely to give rise to perceived ableism and subsequent harm, one would need to attend to a range of considerations. If one selects against disability in a given case, who will learn of it? How will they react? How might it influence their attitudes or actions? How might news of the action spread and how might it be framed? While it might be possible to make generalizations about the risk of expressive harms with certain types of selection in certain contexts, in many cases it will be crucial to consider the nuanced details of the specific context.

38. For further discussion, see Blum (2002: 42–50), Garcia (2003: 288–92), Asch and Wasserman (2005: 183–91), Hellman (2008: 21–29), Scanlon (2008: 72–74), Eidelson (2015: 87–88).

for others—including those that result from other people's moral or epistemic errors. As noted above, arguably one has a moral reason not to use words that may be confused for racial slurs, even if there is no meaningful connection between them. Likewise, there is a moral reason to avoid saying or doing things that might trigger unreasonable beliefs or reactions in other people when those beliefs or reactions will produce overall negative consequences for others.

It may seem undesirable that one's actions are constrained by others' epistemic errors, but we should keep three points in mind. First, to say that there is reason to avoid acting in ways that will cause others to form false or unjustified beliefs leading to negative consequences is not in any way to condone or validate such beliefs. Rather, it is to take the negative consequences seriously. Second, our view leaves open the possibility that there is a *stronger* moral reason to avoid expressive harms resulting from accurate or reasonable perceptions than those resulting from inaccurate or unreasonable ones.³⁹ Third, even if there is some reason to avoid an action on these grounds, one may still have an all-things-considered reason to perform it.

A second objection to P2 pertains to the magnitude of negative consequences. When a large number of people choose to select against disability, this can contribute to the perception of widespread ableist attitudes and lead to substantial negative consequences for disabled people. For example, it is often reported that a high percentage of prospective parents who receive a diagnosis for Down Syndrome choose to selectively abort.⁴⁰ For many observers (including people with Down Syndrome and their loved ones), this is a striking fact that highlights just how strong and widespread some forms of anti-disability bias are. However, one might question whether there is a non-negligible moral reason to avoid contributing to this general trend. For even in cases where a particular act of selection against disability is likely to lead to negative consequences on balance, those consequences will typically be extremely minor and arguably negligible. It might be thought, then, that the consequences of individual acts of selection against disability are generally too minor to support a reasonable moral challenge.

This objection raises a puzzling issue in ethical theory regarding individual responsibility for collective harms. Intuitively, it is morally troubling to contribute to massive harms like a polluted environment, the perpetuation of cruel factory farming practices or exploitative working conditions, or the stigmatization of some social group. And yet, these problems are often the result of a very large

39. Insofar as these properties exist on a spectrum, one might hold that the strength of one's moral reason to avoid expressive harms varies directly with the accuracy or reasonableness of the perception of ableism. (Thanks to a reviewer for this point.)

40. 88 percent in Europe and around 85 percent in the United States, according to Wilson (2017: 145).

collection of individual actions, none of which, taken individually, makes a significant causal difference to the outcome. If a single act in that collection were not performed, this would make virtually no difference to the existence or magnitude of the resulting collective harm. This has been called the “inefficacy problem” (Nefsky 2019). The problem, in essence, is: how can it be morally problematic for a person to contribute to a massive harm if their contribution makes virtually no difference? While this is no place to try to solve this puzzle, we will simply sketch three possible lines of response and leave it open what solution is preferable.

A first response is to accept the objection as grounds for rejecting P₂, maintaining that there is not a moral reason to avoid making a minor contribution to the systematic oppression of disabled people precisely because the contribution would be minor. This is one solution to the inefficacy problem, though it does little to address our “inchoate sense of unease” about being a member of a larger group of individuals who together cause massive harm (Kutz 2000: 176).

A different sort of response defends P₂ by arguing that such contributions very well might make a significant difference. We see at least two ways to argue this point. First, a single act of perceived ableism might have a significant and lasting impact on some particular disabled person(s). Consider our opening story from Rebecca Cokley. A single comment from that anesthesiologist left such a deep, disturbing impression on her that she discussed it years later when writing about ableism. It may have been traumatizing for her. That is not an insignificant, trivial consequence. Or take the case of Deborah Kent, a magazine editor and children’s book author who has been blind since birth. In her essay “Somewhere a Mockingbird” (2000), Kent discussed her surprise and dismay upon learning that her husband and parents were worried at the prospect of her future child being blind. She perceived this to reveal a negative attitude or message about blindness and, ultimately, her and her life. She tells the story of when they discovered that their first-born child was not in fact blind: “‘She can see!’ Dick exulted. He rushed to the phone and called my parents with the news. I listened quietly to their celebrations. I don’t know if anyone noticed that I had very little to say.” When her husband reminisces about the day of that discovery, Kent tells us, she still feels “a twinge of the old pain, and for a few moments I am very much alone again” (Kent 2000: 62). This is not a trivial, negligible impact. Acts of selecting against disability can function in the same way. Insofar as selecting against disability may have this kind of expressive effect on a small number of individuals or even a single person, this arguably provides a significant moral reason to avoid it.

A second version of this kind of response to the inefficacy problem appeals to expected disutility, which is a function of the probability and severity of possible negative consequences. Even when an action will probably have only a minimal impact, it might carry a small chance of having a much larger impact

and this could constitute a reason to avoid it. There is at least some chance that a seemingly minor expression of ableism could “go viral” and reach a much wider audience, doing far-reaching damage. In this way, an action that is perceived to reveal or communicate ableist attitudes could make a very significant contribution to negative consequences for disabled people—for example, by reinforcing such attitudes in others, which can have serious repercussions for disabled people. Even if there is only a slim chance that an action would have such effects, this might generate a significant moral reason to avoid it.

A final option is to grant that individual contributions to the negative consequences facing disabled people are typically minor and make no significant causal difference to the harms of widespread ableism, and yet maintain that there is still a moral reason to avoid them. Here, one can appeal to non-consequentialist considerations. It may be morally problematic to be *complicit* in the generation or perpetuation of collective harms, even when one’s contribution is minuscule. Perhaps we have a significant moral reason not to be “part of the problem”—even a causally insignificant part.

3.3. Summary

Our assessment of the Expressive Harms Argument is somewhat mixed. We have claimed that P1 is plausible and have entertained two objections to P2. The first objection denies that there is a reason to avoid expressive harms based on inaccurate or unreasonable perceptions of ableist attitudes. We maintain that there is a reason to avoid contributing to such expressive harms, though this may be overridden by other considerations. The second objection denies that we have a moral reason to avoid individual actions of selection since they tend to make only minor contributions toward negative consequences affecting disabled people. We have offered some potentially promising responses.

Granted, there is an important limitation of the Expressive Harms Argument. If someone selecting against disability can manage to avoid or undermine the perception that would lead to expressive harms, the argument has nothing to say against it. But that is to be expected from a consequence-based argument that is homing in on our reason to avoid contributing to such consequences.

4. The Ableist Motivation Argument

We turn now to a different kind of argument that is critical of selection against disability. This argument—inspired by the work of Adrienne Asch, David

Wasserman, and Chris Kaposy—directly targets acts of selection that are motivated by ableist attitudes. We will call it the *Ableist Motivation Argument*.⁴¹

The Ableist Motivation Argument

- P1. Ableist attitudes and beliefs are disrespectful to members of a systematically oppressed group.
- P2. There is a moral reason not to perform an action when it would be motivated by attitudes or beliefs that are disrespectful to members of a systematically oppressed group.
- C. So, there is a moral reason not to select against disability when it would be motivated by ableist attitudes or beliefs.⁴²

Since the Ableist Motivation Argument has substantial overlap with the three interpretations of the Expressivist Argument, it is worth clarifying how this argument is distinct. Unlike the communicative interpretation, the Ableist Motivation Argument is not concerned with attempted communication of a disrespectful message or one's ableist attitudes. Indeed, the argument is critical of acting from ableist attitudes or beliefs even when these are unconscious and completely unknown to the agent. Unlike the social meaning interpretation, the present argument criticizes acts motivated by ableism whether or not they have a widely recognized social meaning. And unlike the evidential interpretation of the Expressivist Argument, the Ableist Motivation Argument is not concerned with evidence of one's ableist attitudes. It pertains to those and only those cases where ableist attitudes are present and motivate action, irrespective of evidential considerations.

The Ableist Motivation Argument is more obviously distinct from the Expressive Harms Argument, which focuses on the consequences of the perception of communicated or revealed ableist attitudes. In principle, it is possible—though, of course, utterly improbable—that this perception and the resultant expressive harms could exist in a society that is entirely free of any ableist bias. The Express-

41. Asch and Wasserman (2005) argue that there is a distinctive wrong when selecting against disability is based on synecdochal thinking. The present argument is broader insofar as it speaks against any sort of ableist motivation, which will include a range of beliefs, feelings, desires, and dispositions. Kaposy (2018: ch. 6) argues that we are justified in objecting to high rates of selective abortion for Down Syndrome (DS) since (i) widespread bias against people with DS is harmful to them and plausibly explains these high rates and (ii) we are justified in objecting to actions motivated by harmful bias. The Ableist Motivation Argument is broader, simpler, and speaks directly to the ethics of selection. For other arguments in the ballpark, see Gyngell and Douglas (2018) and Perez Gomez (2020).

42. Conceivably, selection for disability could be motivated by ableist motivations as well (cf. Wilkinson 2010: 223, for a similar point regarding sex selection). A similar argument would apply to that kind of action.

sive Harms Argument would still challenge selection against disability in those circumstances, whereas the Ableist Motivation Argument would not.⁴³ The latter argument only condemns actions that actually spring from ableist motivations.

4.1. Disrespectful Attitudes

The first premise of the Ableist Motivation Argument draws directly from our working definition of an ableist attitude, so we will treat P1 as a conceptual truth. While it may not require defense, it deserves further explanation and clarification. What does disrespect toward disabled people involve? In Section 1, we provided a list of beliefs, attitudes, and dispositions that are arguably ableist, which somewhat sharpens our picture of such disrespect. Still, what is it about these things that makes them disrespectful? This is a deep and complex subject, so we will have to settle for a few vague and preliminary remarks. As a very rough first approximation, the relevant type of disrespect seems to be disrespecting persons as such, which involves regarding or treating them in inappropriate ways in light of their nature as persons.⁴⁴ In many contemporary societies, it is widely recognized that human beings have a certain "moral status" or "moral standing" or "dignity," and equally so.⁴⁵ This equal moral status does not vary according to one's sex, race, socio-economic status, talents, character, etc. It requires that we acknowledge a person's full and equal moral status, respect their rights, have some level of concern for their well-being, not use them as mere means to achieve our own ends, and so on. Ableism, as we understand it, involves a failure to regard disabled people in this way on account of their disability.

Another important clarification is that disrespect is a matter of degree. Some attitudes are more ableist than others. This can be due to the intrinsic qualities of a belief or attitude. For instance, all else being equal, outright hostility or hatred toward disabled people is far more disrespectful than a slight bias favoring the non-disabled. The belief that disabled people do not have lives worth living is more disrespectful than the belief that being disabled is always harmful to some extent. Furthermore, the degree of an attitude's disrespectfulness can also vary

43. That said, acting with indifference toward the ways in which one's action will foreseeably be perceived as ableist and have negative consequences for disabled people seems itself to involve a kind of disrespect. See Eidelson (2019: 1619–22) and Garcia (2003: 288–92).

44. This is loosely modelled on Stephen Darwall's influential discussion of "recognition respect," which consists in "a disposition to weigh appropriately in one's deliberations some feature of the thing in question and to act accordingly" (1977: 38). See also Taylor (2004: 32–38), Hellman (2008: 29–31), Glasgow (2009), and Eidelson (2015: chs. 3–5).

45. Granted, there continues to be disagreement as to whether this full and equal moral status extends to humans at all life stages and under all conditions. See, e.g., Jaworska and Tannenbaum (2021) and Wasserman et al. (2017).

based on a wide range of circumstantial factors. Take some ableist attitude X. The following are increasingly disrespectful ways in which a person, S, might hold that attitude:

- S is non-culpably unaware that S has X.
- S is culpably unaware that S has X.
- S is aware of having X but non-culpably unaware that X is ableist.
- S is aware of having X and culpably unaware that X is ableist.
- S is aware of having X and that X is ableist, but has a second-order desire to not have X.
- S is aware of having X and that X is ableist, and has a second-order desire to have X.

As this progression illustrates, the degree to which an attitude is disrespectful toward disabled people will depend on a complex range of factors, including the particular way in which it is held. Instances of ableism must be assessed on a case by case, context by context basis.

While there are some clear and uncontroversial instances of ableism, there will also be much disagreement and debate about whether certain attitudes, beliefs, or dispositions qualify as ableist and, if so, to what degree and why. Consider two sites of contention. First, it might be questioned whether a descriptive or empirical belief can be ableist if it was formed in response to the best available evidence. For a person with limited knowledge of the ways in which social environments can hinder disabled people's flourishing, it might be perfectly justified to accept the so-called "medical model" of disability, which treats impairment as their primary source of disadvantage. Or suppose that a person's main source of information about disability comes from portrayals in film. Such a person might think that becoming disabled will ruin a person's life unless some enlightened non-disabled person comes along to help them "overcome" their disability and appreciate life, or (drawing on the trope of the disabled villain) that disabled people are bitter and disposed to engage in evil, vengeful actions. It is at least debatable whether such beliefs should be regarded as ableist when held for these reasons. Second, some scholars contend that it is possible to endorse the prevention of disability without disrespecting disabled people. The thought goes: we are only devaluing disability traits, not the persons who have them (Brock 2005; Buchanan et al. 2000: 278–79. See also Shakespeare 2013: 106–8.). The suggestion that the endorsement or promotion of selection against disability is not ableist has been met with resistance from some disability scholars and advocates (see, in particular, Kittay 2019: ch. 5). Indeed, many disabled people find it difficult to make a clean distinction between selecting against the trait vs. the individual—

since many strongly identify with their condition and see it as an integral part of who they are.⁴⁶

We believe that such controversies over what qualifies as ableist are to be expected, if not welcomed, in light of the fact that the concept of ableism (on our characterization) is complex and has several normative components (disrespect, injustice, oppression, disadvantage). Even if one concedes the truth of P₁, there remains much work to be done in clarifying the concept and determining whether and how it applies in specific cases.

4.2. Is Acting on Ableist Attitudes Morally Problematic?

We turn now to the second premise, which states: “There is a moral reason not to perform an action when it would be motivated by attitudes or beliefs that are disrespectful to members of a systematically oppressed group.” It may be tempting to think that P₂ is also a conceptual truth. After all, if disrespectful attitudes involve a failure to recognize that certain people have full and equal moral status, arguably there is a moral reason not to have such attitudes. However, even if this is the case, it is not obvious that this entails anything about the *actions* flowing from such disrespectful attitudes.

This suggests an important objection to P₂. Recall that the evidential interpretation of the Expressivist Argument was criticized for focusing on a symptom (*evidence* of having ableist attitudes) rather than the real cause of concern (*having* ableist attitudes). A similar charge can be leveled here.⁴⁷ The Ableist Motivation Argument might be attacking a symptom (*acting from* ableist attitudes) rather than the real source of concern (*having* ableist attitudes). Such attitudes and beliefs can exist without being expressed in word or deed, and it might be thought that merely possessing such attitudes is just as morally disturbing as possessing and acting upon them. Perhaps the focus on action is a red herring. It might be argued that once we set aside the concern with negative consequences, our focus should shift to the attitudes themselves and away from the act of selection.

Before addressing this objection, it is worth noting that the Ableist Motivation Argument is perfectly compatible with thinking that there is a moral reason not to have ableist beliefs and attitudes (cf. Basu 2019 on “doxastic wronging”).

46. For discussion, see Nelson (2000b), Edwards (2004), Brock (2005), Kittay (2019: 119–23).

47. Indeed, quite similar. The evidential Expressivist Argument and the Ableism Motivation Argument are both targeting the *action of selecting against disability* as opposed to the underlying attitudes. The key difference is that the former is concerned with selecting against disability *qua* evidence of ableist attitudes, whereas the latter is concerned with selecting against disability *qua* action motivated by ableist attitudes.

The argument is simply silent about attitude-related reasons. But it does posit action-related reasons. The ultimate question raised by the objection is this: even if it is morally problematic to have ableist attitudes and beliefs, is there a moral reason not to perform actions motivated by them if doing so will not yield any negative consequences for disabled people?

While we cannot fully explore this objection here, we will sketch two potentially promising ways of arguing that we do have a moral reason to avoid actions motivated by ableist attitudes. The first starts from the claim that having ableist attitudes and beliefs is morally problematic, in part, because such attitudes are inherently disrespectful to disabled people. This could be true even if these attitudes and beliefs are kept hidden and have no causal influence on the world. Ableist actions, because they spring from such attitudes, inherit the same moral flaw (cf. Eidelson 2019: 1617–18). Such actions constitute a wronging of disabled people, irrespective of whether they are aware of it or are in any way causally impacted. For example, people with highly stigmatized visible disabilities like dwarfism often have strangers photograph them without their permission. Whenever someone takes a photo of a person with dwarfism without their consent and then shares it with others for the purpose of ridicule, that person is wronged, even if the action had no significant impact on their life because they were unaware that the picture was taken or have become emotionally numb to the experience. The acts of taking the photo, sharing it, and laughing about it all seem to be themselves disrespectful. Arguably, one has a moral reason to avoid actions that disrespect disabled people in such a fashion.

A second response draws on the general intuition that acting on disrespectful attitudes goes beyond, and is worse than, merely having them. Contrary to what may be implied in the Sermon on the Mount, committing adultery “in one’s heart” does not seem nearly as bad as engaging in actual adultery or even unsuccessfully attempting to do so.⁴⁸ Similarly, it seems worse to act on ableist attitudes since that involves taking an additional volitional step beyond the mere possession of the attitudes. Some have thought that voluntary choice involves some sort of endorsement of one’s action or the motives underlying it (cf. Korsgaard 1996: 122; Buss 1999). But even if there is not outright endorsement, one is typically failing to reject, and sufficiently distance oneself from, their ableist attitudes when they act on them. If either of the above responses can be successfully developed and defended, this would provide a satisfying rejoinder to the present objection.

A second objection to P₂ claims that the fact that one has ableist attitudes and beliefs may constitute a moral reason *to select against disability*. After all, if

48. We interpret the Ableist Motivation Argument as applying to action attempts, whether or not they successfully culminate in the intended outcome.

you have deep-seated ableist bias, perhaps it is best that you avoid the situation where you or your loved one becomes or remains disabled. A disabled person with ableist attitudes might have incredibly low self-esteem and engage in self-harm. An ableist parent might fail dismally in their parental or caretaking duties.

We agree that there will be some cases like this where one's ableist attitudes persist and damage one's relationship with oneself or others. However, we cannot always know in advance which cases those are. Having disability enter one's life is often a transformative experience, and it can be difficult, if not impossible, to predict what that transformation of one's identity or values will involve (Paul 2016). Furthermore, the introduction of disability in a person's life can dismantle, weaken, or at least unsettle ableist prejudice. It is more difficult to maintain anti-disability bias when you or your loved one is disabled. So, while there might be cases where an individual's ableism is so deeply rooted and unlikely to change that it gives them reason to select against disability, there are many more cases where it is perfectly possible that their ableist attitudes will dissolve.

More importantly, even if it could be established that a person's ableism provides a moral reason to select against disability, it would be a reason grounded in consequences. Acting for that reason would spring from a desire to avoid certain negative consequences for oneself and others. Recognizing a consequence-based reason of this sort is perfectly compatible with accepting the Ableist Motivation Argument. The argument simply posits a moral reason not to select against disability when it would be motivated by ableist attitudes, which is perfectly compatible with there being other reasons for (or against) selecting against disability. So, this objection fails.

5. Concluding Observations

The Expressivist Argument has loomed large in discussions of reproductive selection against disability. One of our main goals in this essay has been to offer a careful, in-depth analysis of a generalized form of the argument. While we have found good cause to reject three natural interpretations of the argument, our discussion led toward two considerations related to expressed ableist attitudes—expressive harms and ableist motivations—that arguably speak against selecting against disability. Our other main goal was to develop two arguments that directly track those considerations. The Expressive Harms Argument maintains that there is a moral reason to avoid actions that give rise to the perception of ableist attitudes when this is likely to negatively impact disabled people. The Ableist Motivation Argument speaks against selecting against disability in cases where one would be motivated by ableist attitudes and beliefs. An important feature of these arguments is the abandonment of the assumption that *all* acts

of selection against disability have some problematic feature. We can do better by simply pointing out that an action is ethically problematic when it does have certain features.⁴⁹

We close with three observations about these two arguments. First, both have a noteworthy limitation: they only posit a defeasible reason for action. Thus, even if it is true that individuals have a moral reason to avoid acting on ableist motives and to avoid contributing to expressive harms, these are but two factors that will come into play in actual selection decisions. These reasons will sometimes be outweighed or overridden by other reasons that favor selecting against disability. That said, people should exercise moral caution in light of certain epistemic limitations. Given that it is difficult to know to what extent one is acting from implicit ableist bias, and even more difficult to know to what extent one's act might lead to expressive harms, there may be good reason to err on the side of moral caution and give added weight to these considerations in deliberation (Kaposy 2018: 106).

The second observation concerns the complexity and variability of what we have labeled "ableist attitudes." Our use of that phrase might encourage the misconception that ableism is a uniform phenomenon, but that is hardly the case. We have highlighted a diverse range of ableist attitudes, beliefs, and dispositions. Both across and within individuals, there will be substantial variation in the forms that such attitudes take. A given individual might exhibit more or less ableist bias in different contexts. They might have different sorts of ableist attitudes towards different types of disabilities or different manifestations of a single type of disability.⁵⁰ One's ableism may vary in complex ways based on intersectional differences and all sorts of environmental factors. However, we do not believe this complexity is a problem for the arguments we have considered, which apply to the extent that some or other ableist attitudes or beliefs (or the perception of such attitudes and beliefs) are in play. The arguments do not imply that there is a uniform set of ableist attitudes that apply to all disabilities in all contexts in the same ways.

The final observation concerns the significance of our findings. The arguments that we have considered can be applied to a wider range of acts of selection than just those of preimplantation embryo selection and selective abortion. Further, our discussion has relevance beyond the domain of selection against disability. The Expressive Harms and Ableist Motivation Arguments might be

49. Others—e.g., Asch and Wasserman (2005), Holm (2008), Kaposy (2018), and Perez Gomez (2020)—have also appreciated the need to adopt this kind of restriction.

50. Disabled people themselves often exhibit ableist attitudes—especially toward people with different types of disabilities than they have. For instance, many physically disabled people distance themselves as much as possible from people with intellectual disabilities, expressing deep contempt for the presumption that their physical disability entails cognitive impairment.

broadened to cover all forms of expressed ableism. These arguments might also be adapted for other domains, including (real or apparent) expressions of racist, sexist, classist, homophobic, transphobic, and other prejudicial attitudes toward marginalized groups. Lastly, our discussion has important implications for debates regarding the ethics of various forms of selection for and against disability. While there are a number of influential arguments that *defend* selecting against disability, the Expressivist Argument has been the most widely discussed argument that is critical of selection against disability. As we hope to have established, it is high time that we lay the standard characterization of the Expressivist Argument to rest. The Expressive Harms and Ableist Motivation Arguments are more promising objections to explore in debates over the ethics of choosing disability.

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