# Case Neg - Disabilities

# \*\*\*Case\*\*\*

Note: The Ableism Advantage is the same thing as the medical model

## Ableism/Medical Model

### 1NC – Ableism/Medical Model

#### 1. Turn –

#### A. Mobility oriented solutions increase automobile/transit dependence

Litman ‘3 [Todd is the founder and executive director of the Victoria Transport Policy Institute, “Social Inclusion As A Transport Planning Issue in Canada” April 4, http://www.vtpi.org/soc\_ex.pdf]

A risk is that strategies to address transport-related social exclusion using mobilityoriented solutions will exacerbate automobile dependency, increasing economic, social and environmental costs over the long-run. For example, underpricing of automobile ownership and use (for example, lower fuel taxes and free roads and parking), and increased transit services to lower-density suburban areas, justified as ways to improve mobility for non-drivers may stimulate more automobile dependent land use patterns that ultimately make non-drivers worse off.

#### B. That leads to more social exclusion

Litman ‘3 [Todd is the founder and executive director of the Victoria Transport Policy Institute, “Social Inclusion As A Transport Planning Issue in Canada” April 4, http://www.vtpi.org/soc\_ex.pdf]

Automobile dependency increases social exclusion by reducing non-automobile travel options and increasing total transport costs. Although increased wealth and vehicle ownership tend to reduce social exclusion for individuals, such trends tend to increase automobile dependency and therefore social exclusion at the community level by making some groups relatively disadvantaged.

#### 2. Cap is the root cause of social exclusion – plan can’t solve – turns the medical model

Kitchin 98 [Rob, Director of NIRSA and Chairperson of the Irish Social Sciences Platform, “'Out of place', 'Knowing one's place': Space, power and the exclusion of disabled people,” Disability & Society, June, <http://dx.doi.org/10.1080/09687599826678> SS]

It is now generally recognised that disabled people are marginalised and excluded from `mainstream’ society. Disabled people represent one of the poorest groups in Western society. Apart from being excluded and marginalised from the workplace disabled people are often segregated within schooling, unable to find suitable housing, and have restricted access to public transport (Oliver, 1996). In general, our understanding of the processes of exclusion is grounded in time and history. For example, adopting a Marxist (materialist) approach, Michael Oliver (1990) has sought to demonstrate that disabled people are socially excluded because they are deemed unproductive and so hinder the progress of capital accumulation. He suggests that the role of disabled people within society radically altered with the onset of the industrial revolution and the shift from the land to the factory. Disabled people unable to be as productive as their able-bodied counterparts were excluded or marginalised from the production process. He argues that exclusionary processes were reinforced by the State through ideologies of individualism (disability is an individual rather than societal problem) and medicalisation (the need for disability to be treated). As such, Oliver (1990) views disability as a social construct used to maintain capitalist concerns, with the experiences of disability determined by the economy (Oliver, 1996). A Marxist or political economy approach is not, however, the only way to try and explain the bases of social exclusion.

#### 3. Integration cannot overcome attitudes and impairments that contribute to societal inaccessibility

Burleson ‘11 [Elizabeth is a Professor at Pace University School of Law, “Perspective on Economic Critiques of Disability Law: The Multifaceted Federal Role in Balancing Equity and Efficiency” 1/1]

A. Administrative and Judicial Enforcement

It is important to ensure not only a strong, well-funded, and capable infrastructure to enforce the ADA, but also a staff knowledgeable and supportive of its statutory goal of eliminating discrimination against individuals with disabilities. Ultimately, neither Congress nor the judiciary is capable of legislating a change in attitudes towards people with disabilities. Laura Rothstein notes that institutions of “[h]igher education had evolved practices, policies, and procedures before other sectors affected by the ADA (with the exception of K-12 education).”103 Society-wide, integration is at best a precursor to acceptance. It is not acceptance itself. Carrie Basas notes that, “the daily struggle of managing other people’s reactions to and stereotypes about disability can become a job in itself.”104 She goes on to point out that, When “reasonable accommodation” is bandied about, minds ultimately turn to a list of tangible tools, equipment, and changes in the physical environment such as large-screen monitors, curb cuts, automatic doors . . . . without considering the combined effects of impairments, the cultural weight of disability, and the longterm impact of societal inaccessibility.105

#### 4. Be skeptical of their authors – focus on objectivity turns the aff

**Litman ‘3** [Todd is the founder and executive director of the Victoria Transport Policy Institute, “Social Inclusion As A Transport Planning Issue in Canada” April 4, <http://www.vtpi.org/soc_ex.pdf>]

A barrier and risk is that the methods used to evaluate transport-related social exclusion can be ineffective, biased or captured by special interests. This can occur because social inclusion is a complex issue, and planners tend to prefer “objective” quantitative data over “subjective” data such as user attitude surveys. As a result, they may undervalue difficult-to-measure factors such as users’ convenience, comfort and prestige, and land use accessibility. For example, transport planners may favor programs to provide special mobility services because the travel impacts are easy to measure (based on number of trips provided to a particular client group), although accessibility-oriented solutions (such as creating more affordable housing in highly accessible locations, locating more public services and employment near residential areas, and improving walkability) may benefit disadvantaged populations more overall.

#### 5. Generalizing ideas of inclusion bad

Shaw et al 4 [Steve Shaw, Ruth Sims and Graeme Evans, 2004, “The Design of Transport Systems”, Accessibility and User Needs in Transport, Scoping Study, Transport Research and Consultancy, London Metropolitan University and Loughborough University, http://www.aunt-sue.org.uk/PDF% 20Versions/Design%20of%20Transport%20Systems,%20Discussion%20Paper.pdf, last accessed 2006-05-28, SS]

This implies that the processes that exclude people result from an imbalance of power: a perspective that underlines the need to identify and understand the relational factors between the powerful and the powerless. The 'mechanisms' of exclusion may result in social disengagement and exacerbate the problems of disadvantage experienced by the latter. It also suggests that the causes of exclusion may be identified, and causal factors identified. In the absence of explanatory theory it would, however, be misleading to generalise from particular cases. For example, it is hard to explain the reasons why residents of a particular housing area experience very high levels of unemployment, crime and anti-social behaviour, poor health and low achievement in education, while people living in another area with comparable social, economic and environmental characteristics do not. There is increasing awareness that problems with transport and the location of key services reinforce isolation and exclusion of individuals, social groups and whole neighbourhoods (SEU 2003). However, it is hard to establish the extent to which inadequacies of transport systems and urban design can be regarded as determining factors (DETR/ TRaC 2000).

#### 6. Aff Can’t Solve Most Transport:

#### A. One domain is enough to ruin everything else

WHO 11 [2011, World Health Organization, World Report on Disability, Chapter 6, “Enabling environments”, produced jointly by WHO and the World Bank, <http://www.who.int/disabilities/world_report/2011/chapter6.pdf>]

Environments – physical, social, and attitudinal – can either disable people with impairments or foster their participation and inclusion. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) stipulates the importance of interventions to improve access to different domains of the environment including buildings and roads, transportation, information, and communication. These domains are interconnected – people with disabilities will not be able to benefit fully from improvements in one domain if the others remain inaccessible.

An accessible environment, while particularly relevant for people with disabilities, has benefits for a broader range of people. For example, curb cuts (ramps) assist parents pushing baby strollers. Information in plain language helps those with less education or speakers of a second language. Announcements of each stop on public transit may aid travellers unfamiliar with the route as well as those with visual impairments. Moreover, the benefits for many people can help generate widespread support for making changes. To succeed, accessibility initiatives need to take into account external constraints including affordability, competing priorities, availability of technology and knowledge, and cultural differences. They should also be based on sound scientific evidence. Often, accessibility is more easily achievable incrementally – for example, by improving the features of buildings in stages. Initial efforts should aim to build a “culture of accessibility” and focus on removing basic environmental barriers. Once the concept of accessibility has become ingrained and as more resources become available, it becomes easier to raise standards and attain a higher level of universal design. Even after physical barriers have been removed, negative attitudes can produce barriers in all domains. To overcome the ignorance and prejudice surrounding disability, education and awareness-raising is required. Such education should be a regular component of professional training in architecture, construction, design, informatics, and marketing. Policy-makers and those working on behalf of people with disabilities need to be educated about the importance of accessibility. The information and communication environment is usually constructed by corporate bodies with significant resources, a global reach and – sometimes – experience with issues of accessibility. As a result new technologies with universal designs are usually adopted more quickly in the virtual rather than in the built environment. But even with the rapid development of information and communication technology (ICT), accessibility can be limited by unaffordability and unavailability.

As new technologies are created in rapid succession, there is a danger that access for people with disabilities will be overlooked and that expensive assistive technologies will be opted for, rather than universal design

#### B. Private Providers

**AAPD 12** American Association of People with Disabilities, the country's largest cross-disability membership association, organizes the disability community to be a powerful force for change – politically, economically, and socially [“Equity in Transportation for People with Disabilities” <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf> SS]

Some of the biggest issues with ADA compliance involve Amtrak, the government-owned passenger train company that provides inter-city service across the U.S. Under the ADA, Amtrak was supposed to have been 100 percent ADA compliant (i.e. accessible) within 20 years of passage of the ADA, or by July 2010. However, only about 20 percent of its stations are compliant. In the past 20 years, Congress has severely underfunded Amtrak, which has done little to improve accessibility. Furthermore, Amtrak has found that it does not actually own many of its stations, so it must rely on other entities to make them accessible, which often does not happen. Several court cases have addressed the various issues that people with disabilities face with accessibility at Amtrak stations and on its trains.3

#### C. Rural and Suburban Areas

**AAPD 12** American Association of People with Disabilities, the country's largest cross-disability membership association, organizes the disability community to be a powerful force for change – politically, economically, and socially [“Equity in Transportation for People with Disabilities” <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf> SS]

Twenty years after passage of the ADA, transportation choices for people with disabilities are still limited. The ADA has led to major improvements in transit systems across the United States. However, there are persistent gaps in compliance that continue to create significant barriers for people with disabilities. In addition, because the ADA only addresses public transportation, few transportation options exist for people with disabilities where no public transportation is available. In some areas, such as in rural communities, insufficient funding has left people with disabilities with little or no transportation options. In urban areas, where individuals often rely on accessible taxis, a lack of requirements has meant very uneven progress.

#### D. Cognitive Disabilities

Carmien et al ‘6

[Stefan Carmien, Melissa Dawe, Gerhard Fischer, Andrew Gorman, Anja Kintsch, and James F. Sullivan, Jr. Cognitive Levers Project, Carmien is a senior researcher at the Fraunhofer Institute for Applied Information Technology “Socio-Technical Environments Supporting People with Cognitive Disabilities Using Public Transportation,” <http://l3d.cs.colorado.edu/~gerhard/papers/tochi-social-issues-final.pdf>]

Mobility is a basic human need and transportation systems of all kinds have been developed to satisfy this need. Public transportation systems are among the most ubiquitous and complex large-scale systems found in modern society. For those unable to drive (e.g., the cognitively disabled or the elderly), these systems are essential gateways for participation in community activities, socialization, and independence. To use current public transportation, it is necessary to comprehend, manipulate, and process *essential navigation artifacts* (i.e., maps, schedules, landmarks, labels and signs, and clocks) [Lynch 1960] encoded often in compact and efficient representations. Because of their generality, these navigational artifacts create cognitive burdens for travelers who are only interested in a small fraction of the information presented.

### Ext – Transit Dependence Turn

#### Trying to increase mobility in transportation causes an inherent increase in automobile dependence – that increases economic, social, and environmental costs – turns the aff by furthering social exclusion of groups that are relatively disadvantaged and hampering those who don’t know how to drive or cannot afford the high prices – that’s Litman 3

### Ext – Cap Root Cause

#### Extend Kitchin 98 –

Disabled people are one of the poorest groups in society who are marginalized by the “mainstream” society.

This process of exclusion has been grounded in our post-industrial history where the State began to endorse the factory over the land and productivity became the main goal – capitalism and the striving for production is rooted in every action the state takes – meaning *even if* they mandate that the federal government increase accessibility – every action to execute and enforce it will simply replicate the same social construct and medical model as dictated by our economy.

Ridding ourselves of capitalism is a prerequisite to ridding ourselves of the aff’s inherently exclusionary methodology.

[Add Cards from Cap Links under Off Case]

### Ext – No Social Inclusion

#### Extend Burleson 11 –

#### Can’t solve – improving *physical* access doesn’t guarantee greater *social* inclusion

Abbott and Mcconkey 6 [Suzanne Abbott, University of Ulster, Northern Ireland, UK, and Roy Mcconkey, University of Ulster, Northern Ireland, UK, Professor of Learning Disability; a post jointly funded by the Health and Social Care Board of Northern Ireland. A psychologist by training and a native of Belfast, he has previously held posts at the University of Manchester, in Dublin with St Michael’s House and in Scotland with the Brothers of Charity Services. He took up his post at Ulster in 1997. He has acted as a consultant to various United Nations agencies and International NGOs and currently is an Honorary Professor at the University of Cape Town, South Africa, Journal of Intellectural Disabilities 2006, Sage Publishers, August 17, 2006, “The barriers to social inclusion as perceived by people with intellectual disabilities” http://jid.sagepub.com/content/10/3/275.full.pdf SS]

There is extensive evidence for the social exclusion of people with disabilities in general (Oliver and Barnes, 1998) as well as those with intellectual disabilities in particular (Myers et al., 1998). Social models of disability tend to emphasize the contribution of specialist services to this exclusion, which was particularly evident during the era of the long-stay hospitals. Even so, it has become apparent that physical presence within a community does not guarantee greater social inclusion. Taking part in activities, and using local facilities, does not necessarily lead to meaningful social contact with others, particularly the non-disabled population (Ager et al., 2001).

#### No Solvency – social inclusion in transportation difficult in practice

Shaw et al 4 [Steve Shaw, Ruth Sims and Graeme Evans, 2004, “The Design of Transport Systems”, Accessibility and User Needs in Transport, Scoping Study, Transport Research and Consultancy, London Metropolitan University and Loughborough University, http://www.aunt-sue.org.uk/PDF% 20Versions/Design%20of%20Transport%20Systems,%20Discussion%20Paper.pdf, last accessed 2006-05-28, SS]

As yet, however, the principles of social inclusion are difficult to put into practice. Most fundamentally, policy-makers, designers and operators lack tools to identify reliably people who experience transport-related exclusion, or to understand their life- worlds. Nor are there reliable tools to measure the impact of interventions designed to reduce transport-related exclusion. As Hine and Mitchell (2001) conclude, the difficulties of defining the fundamental concepts of mobility, access and accessibility pose problems for their operationalisation. Furthermore, transport planning in the UK has become a multi-agency, multi-sectoral, multi-modal process which must balance and engage with a wide range of interests, issues and policy arenas (Nijkamp and Blaas 1994; Booth and Richardson 2001). With reference to land use planning and urban governance, Healey (1997:285) has emphasised the importance of 'collaborative strategy-making processes' for inclusive institutional capacity building, especially for Local Authorities. This, she argues, must be based upon the "grass roots" of the real concerns of specific stakeholders as they react with each other in a particular place and time. Implementation will thus requires re-engagement, participation and consensus building: informal processes as well as formal co- ordination procedures.

#### Improving “special access” rails doesn’t solve social integration

Carmien et al ‘6

[Stefan Carmien, Melissa Dawe, Gerhard Fischer, Andrew Gorman, Anja Kintsch, and James F. Sullivan, Jr. Cognitive Levers Project, Carmien is a senior researcher at the Fraunhofer Institute for Applied Information Technology “Socio-Technical Environments Supporting People with Cognitive Disabilities Using Public Transportation,” <http://l3d.cs.colorado.edu/~gerhard/papers/tochi-social-issues-final.pdf>]

1 INTRODUCTION

Few systems in society rival the ubiquity and complexity of modern public transportation systems. In many urban areas, public transportation is accepted as a preferred transportation alternative for commuting to work, performing errands, or traveling for social events. But for certain members of society, including 15 million Americans with cognitive disabilities (including developmental disabilities, traumatic brain injury, stroke, and Alzheimer’s) [Braddock et al., in press] and the growing elderly population who may no longer drive, these systems represent the only viable option to live independently, socialize, or hold a steady job. This presents a perplexing dilemma: in order to have the freedom to live independently, socialize, or hold a job, one must be able to understand and navigate cognitively complex systems.

Over the past 35 years, a social movement has quietly taken place as people with cognitive disabilities moved from institutions to public schools and community living settings [Braddock, 2002]. In recognition of these changes, the Americans with Disabilities Act (ADA) was passed on July 26, 1990 to encourage integration and eliminate discrimination against individuals with disabilities in critical areas including employment, housing, transportation, recreation, health services, and access to public services [ADA, 1990].

More specifically, Section 222 of this legislation states:

“… it shall be considered discrimination … for a public entity which operates a fixed route system to purchase or lease a new bus, a new rapid rail vehicle, a new light rail vehicle, or any other new vehicle to be used on such system … if such bus, rail vehicle, or other vehicle is not readily accessible to and usable by individuals with disabilities ….” (emphasis added) [DOL, 2002]

Accessibility and usability shortcomings in current transit systems are often remedied with fleets of “special access” vehicles that supplement mainstream mass transit systems. These vehicles are necessary for those with significant physical restrictions, **yet people without physical limitations also use these systems when they cannot understand mainstream systems** because of cognitive disabilities. When used in this way, persons with cognitive disabilities and their caregivers face unnecessary constraints and costs including advanced reservation lead times, additional fees, and the loss of flexible ad hoc travel available to mainstream users. **These systems** also **separate users from mainstream experiences and prevent societal integration intended by the 1990 ADA**.

#### No solvency - most courts enforce exclusionary principles against PWD. Transportation infrastructure can’t overcome societal barriers

**Bagenstos 3,** Samuel R. Bagenstos ‘The Americans with Disabilities Act as Welfare

Reform” William and Mary Law Review

Volume 44 | Issue 3 Article 3 <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1365&context=wmlr>)

When Congress enacted the Americans with Disabilities Act¶ (ADA) in 1990, disability rights supporters hailed the law as a¶ radical shift in our nation's policy toward people with disabilities.¶ Ten years later, however, the statute’s impact—at least in the¶ employment area—seems anything but radical. ADA plaintiffs are¶ among the least successful classes of litigants in the federal¶ courts—with a rate of(non)success that is second in futility only to¶ that or prisoner plaintiffs.1 Although disability rights advocates¶ have won some important victories in the Supreme Court,2 both that¶ Court and the lower federal courts have issued a series of decisions¶ that significantly restrict statutory coverage.2 And perhaps most¶ important, the ADA appears to have had no significant Positive¶ effect on the rate or employment or People with disabilities.’¶ why this gap between radical expectations and disappointing¶ results? Many disability rights advocates and academies defenders¶ of the ADA have a ready explanation: Employers, courts, and the¶ general public are engaged in a “backlash” against the ADA. ¶ the Civil Rights Act ot 1964, which was enacted ten years after the¶ Supreme Court's deeision in Brown vs. Board of Education,6 and¶ after a series of highly salient events operated to change public¶ consciousness about the civil rights of African Americans,7 the ADA¶ was enacted before the disability rights movement had a full¶ opportunity to educate the public about the important principles¶ that underlay the new law.8 As a result, employers and other¶ entities regulated by the ADA have resisted full compliance. And¶ courts, untutored in the basic pdinciples of the disability rights¶ movement, have imposed their own retrograde views of the proper¶ response to disability on a statute that decisively rejects those¶ views.¶ In his important journalistic history of lhe disability rights¶ movement, published shortly after the ADA's passage, Joseph¶ Shapiro foreshadowed the “backlash” argument.9 A recent article by¶ Bonnie Tucker (coeditor of a major casebook’° and coauthor of a¶ treatise1’ on disability discrimination law) gave the argument clear¶ expression:¶ The ADA was enacted ahead of its time, in that much of the¶ country is not yet ready to embrace the precepts on which the¶ ADA is premised. And the ADA has not yet sucoeeded in¶ requiring many people and entities to do what they do not wish¶ to do—for one primary reason: many, perhaps most, courts are¶ not enforcing the law, but instead are finding incredibly¶ inventive means of interpreting the ADA to achieve the opposite¶ result that the Act was intended to achieve.

### Ext – Alt Causes/Can’t Solve

#### No solvency – too many structural barriers

Percy 1 [Stephen Percy, Ph.D., Indiana University A.B., Hamilton College, Political Science Professor, 2001, “Disability and Federalism: Comparing Different Approaches to Full Participation”, <http://books.google.com/books?id=q5F8Oqks7oUC&printsec=frontcover&dq=Disability+and+Federalism:+Comparing+Different+Approaches+to+Full+Participation&source=bl&ots=vhr4o6YVg4&sig=Mvov_Sn4D4x7LwV5Y54fSyGLUvc&hl=en&sa=X&ei=gWYAUM2IMoXPqQGOxtCoBw&ved=0CEAQ6AEwAQ#v=onepage&q=THE%20ADA%20AS%20NATIONAL%20POLICY&f=false>]

Despite these achievements, many challenges remain, and disability policy will re-emerge on the forefront of policy-making within the next decade or two. What are the lingering issues? There are many, but a few are prominent. One concern, to no surprise, focuses on operating costs. Concerns about the costs of these myriad of programs fits within the broader context in which the national government has sought to cut both spending and taxes. Issues of costs and financing are not limited to disability policy, but these pressures, at both the state and national government levels represent significant and ongoing challenges for disability policy.

A second concern focuses on effectiveness, that is, to what extent are the programs designed to aid people with disabilities actually achieving their objective. Critics of the vocational rehabilitation program, for example, continue to challenge the overall cost-effectiveness of the program in general, and the evidence furnished by governmental agencies to document positive performance

Third, as the US overhauls its welfare system — largely as the consequence of widespread beliefs that traditional welfare policy created permanent dependence rather than providing assistance for short-term need — entitlement programs of income maintenance like SSDI have come under scrutiny.

A fourth and critical issue relates to the overall coordination of the set of disability policies now in place in the United States. To be effective, the range of disability policies now in place need adequate interface because, after all, they serve the same population of people. For example, a person receiving SSDI or workers’ compensation should be able to receive vocational rehabilitation, when appropriate, to restore his or her labour capacity and return to the workforce (thereby eliminating the need for public assistance). 1f the rehabilitation system functions poorly, not only do disabled individuals receive inadequate service, but the income support systems are also affected.

For the last two decades analysis and critics have worried aloud about the effectiveness of system coordination. The National Council on Disability. an independent federal agency responsible for monitoring disability policy and making recommendations for change, sees coordination issues as critical at the present time.

People with disabilities receive conflicting messages from national disability policy … There are multiple federal programs for people with disabilities, administered by different federal agencies. The programs differ in their eligibility criteria and focus, depending on their purposes and target populations. 65

#### Creating Protected Groups fails – ADA proves

Graham 10 [Glenn Graham, Lansing Independent Examiner, November 10, 2010, “Americans with Disabilities Act: a Failure to Protect the Disabled” <http://www.examiner.com/article/americans-with-disabilities-act-a-failure-to-protect-the-disabled> SS]

Many laws are passed with good intentions. People often think that when the government steps in, it can protect those who are vulnerable. One such law is the Americans with Disabilities Act (the ADA), which was passed in 1990 by president George H.W. Bush. It was supposed to protect the disabled from discrimination as well as to help them seek employment.

First of all, the law had no effects on wages for the disabled. Their wages are roughly 40 percent below those of the non disabled. In this way, the law was ineffective.

But, an area where the law was effective is in employment rates among the disabled, in that they declined sharply. The change only happened after the law was passed, all the while the United States went through one of the largest economic expansions in its history during the 1990's. This indicates that the declining employment among the disabled is a result of the ADA.

The problem with the law is that it makes the disabled into a protected group that needs to be reasonably accommodated. When an disabled employee isn't accommodated by an employer, then the employer is violating the ADA. Such accommodations are costly, which can leave severe fiscal strains on the employer. If the employer doesn't comply, they are liable to a lawsuit. As such, the employer avoids hiring a disabled person altogether. Hence, the disabled become lawsuit bombs.

While the disabled don't benefit from this, there is one group of people that does: lawyers. They've made plenty of money due to the ADA. There have been countless lawsuits since the law was passed. Among the problems is what is and isn't a reasonable accommodation and what is or isn't a disability. Is back pain a disability? Where is the line supposed to be drawn?

Creating a protected group ultimately helps no one. A law that creates a protected group often causes more harm to the people it aims to protect. This is a shame because in regards to the ADA, there are millions of disabled people who are qualified, competent workers. Sadly, many of them will suffer because of the ADA.

### Ext – Cognitive Disabilities

#### Can’t overcome cognitive barriers to transportation integration

Carmien et al ‘6

[Stefan Carmien, Melissa Dawe, Gerhard Fischer, Andrew Gorman, Anja Kintsch, and James F. Sullivan, Jr. Cognitive Levers Project, Carmien is a senior researcher at the Fraunhofer Institute for Applied Information Technology “Socio-Technical Environments Supporting People with Cognitive Disabilities Using Public Transportation,” <http://l3d.cs.colorado.edu/~gerhard/papers/tochi-social-issues-final.pdf>]

4.2.3 Implications for People with Cognitive Disabilities Using Public Transportation Systems. The two surveys (described in Sections 4.2.1 and 4.2.2) allowed us to identify specific cognitive barriers for persons with and without cognitive disabilities. These observations and other research in urban wayfinding have led to the formulation of the following research hypotheses:

(1) navigating public transportation systems involves complex and difficult executive function cognitive skills [Kintsch 1998];

(2) infrequent users rely on abstract navigation artifacts (maps, schedules, etc.) and knowledge from general previous experience to navigate, whereas repeat travelers utilize personally meaningful artifacts such as landmarks and local, specific experience while navigating [Stern and Portugali 1999];

(3) unfamiliar users face many of the same problems as those with memory and attention deficits [Newell and Gregor 1997]. There is, however, one major difference: unimpaired users may be able to “generalize” about what to do in novel situations from past experiences, while people with memory or attention deficits must receive instruction for each situation;

(4) for many individuals with cognitive disabilities, maintaining a routine is important, and unusual situations such as system or user errors may cause them to panic or abort previously mastered routes [American Psychiatric Association. Task Force on DSM-IV 2000]; and

(5) if a memory or attention deficit is severe, the task of learning a new route may interfere with previously learned routes.

## Impact Framing

### 1NC – Impact Framing

#### Despite all the flaws associated with calculating risk, we are still right – you must weigh survival as an a priori question and sculpt deliberate policies to protect humanity

Matheny, 2007 (Jason, Department of Health Policy and Management, Bloomberg School of Public Health, Johns Hopkins University, “Reudcing the Risk of Human Extinction”, Risk Analysis, Vol. 27 No. 5, http://www.upmc-biosecurity.org/website/resources/publications/2007\_orig-articles/2007-10-15-reducingrisk.html)

9. Conclusion We may be poorly equipped to recognize or plan for extinction risks (Yudkowsky, 2007). We may not be good at grasping the significance of very large numbers (catastrophic outcomes) or very small numbers (probabilities) over large timeframes. We struggle with estimating the probabilities of rare or unprecedented events (Kunreuther et al., 2001). Policymakers may not plan far beyond current political administrations and rarely do risk assessments value the existence of future generations.18 We may unjustifiably discount the value of future lives. Finally, extinction risks are market failures where an individual enjoys no perceptible benefit from his or her investment in risk reduction. Human survival may thus be a good requiring deliberate policies to protect. It might be feared that consideration of extinction risks would lead to a reductio ad absurdum: we ought to invest all our resources in asteroid defense or nuclear disarmament, instead of AIDS, pollution, world hunger, or other problems we face today. On the contrary, programs that create a healthy and content global population are likely to reduce the probability of global war or catastrophic terrorism. They should thus be seen as an essential part of a portfolio of risk-reducing projects.

#### Failing to prevent a horrible outcome is just as bad as causing it – the aff is moral evasion

Nielsen – philosophy prof, Calgary - 93

Kai Nielsen, Professor of Philosophy, University of Calgary, Absolutism and Its Consequentialist Critics, ed. Joram Graf Haber, 1993, p. 170-2

Forget the levity of the example and consider the case of the innocent fat man. If there really is no other way of unsticking our fat man and if plainly, without blasting him out, everyone in the cave will drown, then, innocent or not, he should be blasted out. This indeed overrides the principle that the innocent should never be deliberately killed, but it does not reveal a callousness toward life, for the people involved are caught in a desperate situation in which, if such extreme action is not taken, many lives will be lost and far greater misery will obtain. Moreover, the people who do such a horrible thing or acquiesce in the doing of it are not likely to be rendered more callous about human life and human suffering as a result. Its occurrence will haunt them for the rest of their lives and is as likely as not to make them more rather than less morally sensitive. It is not even correct to say that such a desperate act shows a lack of respect for persons. We are not treating the fat man merely as a means. The fat man's person‑his interests and rights are not ignored. Killing him is something which is undertaken with the greatest reluctance. It is only when it is quite certain that there is no other way to save the lives of the others that such a violent course of action is justifiably undertaken. Alan Donagan, arguing rather as Anscombe argues, maintains that "to use any innocent man ill for the sake of some public good is directly to degrade him to being a mere means" and to do this is of course to violate a principle essential to morality, that is, that human beings should never merely be treated as means but should be treated as ends in themselves (as persons worthy of respect)." But, as my above remarks show, it need not be the case, and in the above situation it is not the case, that in killing such an innocent man we are treating him merely as a means. The action is universalizable, all alternative actions which would save his life are duly considered, the blasting out is done only as a last and desperate resort with the minimum of harshness and indifference to his suffering and the like. It indeed sounds ironical to talk this way, given what is done to him. But if such a terrible situation were to arise, there would always be more or less humane ways of going about one's grim task. And in acting in the more humane ways toward the fat man, as we do what we must do and would have done to ourselves were the roles reversed, we show a respect for his person. In so treating the fat man‑not just to further the public good but to prevent the certain death of a whole group of people (that is to prevent an even greater evil than his being killed in this way)‑the claims of justice are not overriden either, for each individual involved, if he is reasonably correct, should realize that if he were so stuck rather than the fat man, he should in such situations be blasted out. Thus, there is no question of being unfair. Surely we must choose between evils here, but is there anything more reasonable, more morally appropriate, than choosing the lesser evil when doing or allowing some evil cannot be avoided? That is, where there is no avoiding both and where our actions can determine whether a greater or lesser evil obtains, should we not plainly always opt for the lesser evil? And is it not obviously a greater evil that all those other innocent people should suffer and die than that the fat man should suffer and die? Blowing up the fat man is indeed monstrous. But letting him remain stuck while the whole group drowns is still more monstrous. The consequentialist is on strong moral ground here, and, if his reflective moral convictions do not square either with certain unrehearsed or with certain reflective particular moral convictions of human beings, so much the worse for such commonsense moral convictions. One could even usefully and relevantly adapt herethough for a quite different purpose‑an argument of Donagan's. Consequentialism of the kind I have been arguing for provides so persuasive "a theoretical basis for common morality that when it contradicts some moral intuition, it is natural to suspect that intuition, not theory, is corrupt."" Given the comprehensiveness, plausibility, and overall rationality of consequentialism, it is not unreasonable to override even a deeply felt moral conviction if it does not square with such a theory, though, if it made no sense or overrode the bulk of or even a great many of our considered moral convictions, that would be another matter indeed. Anticonsequentialists often point to the inhumanity of people who will sanction such killing of the innocent, but cannot the compliment be returned by speaking of the even greater inhumanity, conjoined with evasiveness, of those who will allow even more death and far greater misery and then excuse themselves on the ground that they did not intend the death and misery but merely forbore to prevent it? In such a context, such reasoning and such forbearing to prevent seems to me to constitute a moral evasion. I say it is evasive because rather than steeling himself to do what in normal circumstances would be a horrible and vile act but in this circumstance is a harsh moral necessity, he allows, when he has the power to prevent it, a situation which is still many times worse. He tries to keep his `moral purity' and avoid `dirty hands' at the price of utter moral failure and what Kierkegaard called `double‑mindedness.' It is understandable that people should act in this morally evasive way but this does not make it right.

#### We need an escape hatch – morality should govern most actions, but we need utilitarian tools to avoid catastrophic impacts

Rescher (Philosphy Prof. @ Pittsburgh) 89 Nicholas, Moral Absolutes, p. 7-8

One cannot say simply and flatly that a certain wrong action (lying, stealing, etc.) is never to be done. For in difficult situa­tions virtually any sort of action can be the lesser of two "(moral) evils. When done solely on this basis (as "the lesser evil”), an otherwise reprehensible act can be redeemed as verual. We cannot say that the good, man would, never Knowingly do a wrong action, but only that he would not do so unwar­ranted!^ in the absence of appropriately extenuating circum­stances, without overriding reasons of appropriate moral bearing. Moreover, in the overall economy of rational delibera­tion morality is just one good among others (albeit a particu­larly important one)./Thus we cannot say that morality must always override all other considerations—that the negativity of a minor moral transgression must (rationally) always outweigh, nonmoral positivities such as (say) the greater welfare good of the community. The principle fiat moralitas mat caelum—"Let morality be done though the heavens fall!"—clearly has its problems.

#### Survival is paramount –Sacrifice in the name of preserving rights destroys any hope of future generations attaining other values.

Nye, 86 (Joseph S. 1986; Phd Political Science Harvard. University; Served as Assistant Secretary of Defense for International Security Affairs; “Nuclear Ethics” pg. 45-46)

Is there any end that could justify a nuclear war that threatens the survival of the species? Is not all-out nuclear war just as self contradictory in the real world as pacifism is accused of being? Some people argue that "we are required to undergo gross injustice that will break many souls sooner than ourselves be the authors of mass murder."73 Still others say that "when a person makes survival the highest value, he has declared that there is nothing he will not betray. But for a civilization to sacrifice itself makes no sense since there are not survivors to give meaning to the sacrifical [sic] act. In that case, survival may be worth betrayal." Is it possible to avoid the "moral calamity of a policy like unilateral disarmament that forces us to choose between being dead or red (while increasing the chances of both)"?74 How one judges the issue of ends can be affected by how one poses the questions. If one asks "what is worth a billion lives (or the survival of the species)," it is natural to resist contemplating a positive answer. But suppose one asks, "is it possible to imagine any threat to our civilization and values that would justify raising the threat to a billion lives from one in ten thousand to one in a thousand for a specific period?" Then there are several plausible answers, including a democratic way of life and cherished freedoms that give meaning to life beyond mere survival. When we pursue several values simultaneously, we face the fact that they often conflict and that we face difficult tradeoffs. If we make one value absolute in priority, we are likely to get that value and little else. Survival is a necessary condition for the enjoyment of other values, but that does not make it sufficient. Logical priority does not make it an absolute value. Few people act as though survival were an absolute value in their personal lives, or they would never enter an automobile. We can give survival of the species a very high priority without giving it the paralyzing status of an absolute value. Some degree of risk is unavoidable if individuals or societies are to avoid paralysis and enhance the quality of life beyond mere survival. The degree of that risk is a justifiable topic of both prudential and moral reasoning.

#### There’s a distinction between public and personal policy – Governments must make utilitarian calculations

Goodin 95 – Professor of Philosophy at the Research School of the Social Sciences at the Australian National University (Robert E., Cambridge University Press, “Utilitarianism As a Public Philosophy” pg 63)

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more plausible for them (or, more precisely, makes them adopt a form of utilitarianism that we would find more acceptable) than private individuals. Before proceeding with that larger argument, I must therefore say what it is that is so special about public officials and their situations that makes it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices-public and private alike- are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, at relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy makers to use the utilitarian calculus – if they want to use it at all – to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure what the payoff will be to any given individual or on any particular occasion. Their knowledge of generalities, aggregates and averages is just not sufficiently fine-grained for that.

#### Apocalyptic scenario planning is good – motivates action

Bruce Tonn – Department of Political Science, University of Tennessee, and Jenna Tonn, Department of the History of Science, Harvard University – Futures 41 (2009) 760–765 – obtained via Science Direct

As we have seen, human extinction scenarios today fit into a long secular and religious history of writing about the apocalypse. The question then becomes: what makes people use the narrative model of the apocalypse as seen in the Old and New Testaments to tell their own stories? A number have scholars have discussed this question. David Ketterer, who studies the apocalyptic mode in American literature, believes that ‘‘apocalyptic literature is concerned with the creation of other worlds which exist, on the literal level, in a credible relationship (whether on the basis of rational extrapolation and analogy or of religious belief) with the ‘real’ world, thereby causing a metaphorical destruction of that ‘real’ world in the reader’s head’’. Furthermore, W. Warren Wagar, a historian and futures scholar who published many books including A Short History of the Future, wrote ‘‘that eschatological fictions help us cope with the fear of death and compensate us for our powerlessness’’. Wagar’s work on the apocalypse relates closely to the subject of MWS’s novel. He argued ‘‘The last man, or one of a handful of last men, is a figure of immeasurable power and importance’’ [18]. David Seed, the editor of an anthology of articles on apocalypse theory, cites Frank Kermode’s The Sense of an Ending in his discussion of the usefulness of apocalypse narratives. According to Seed, Kermode believes that the ‘‘apocalypse depends on a concord of imaginatively recorded past and imaginatively predicted future, achieved on behalf of us, who remain ‘in the middest’’’. Kermode’s ‘‘central insight’’ into apocalypse theory is that the ‘‘apocalypse [is] a narrative, one of the fictions which we employ to make sense of our present’’. Furthermore, ‘‘there is a necessary relation between the fictions by which we order our world and the increasing complexity of what we take to be the ‘real’ history of the world’’ Relating to this point, Lois Parkinson Zamora writes that ‘‘the apocalyptist assigns to event after event a place in a pattern of historical relationships that. . .presses steadily towards culmination’’ [19]. Thus, the apocalypse is a literary device that humans turn to both to comprehend more fully their place in the world and to impress upon others the conditions of the ‘‘real’’ world which must be changed to ensure the future of humanity.

## ADA

### Turn—ADA Bad

#### ADA fails – can’t reach people with disabilities in areas where no public transportation is available

**AAPD 12** American Association of People with Disabilities, the country's largest cross-disability membership association, organizes the disability community to be a powerful force for change – politically, economically, and socially [“Equity in Transportation for People with Disabilities” <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf> SS]

Twenty years after passage of the ADA, transportation choices for people with disabilities are still limited. The ADA has led to major improvements in transit systems across the United States. However, there are persistent gaps in compliance that continue to create significant barriers for people with disabilities. In addition, because the ADA only addresses public transportation, few transportation options exist for people with disabilities where no public transportation is available. In some areas, such as in rural communities, insufficient funding has left people with disabilities with little or no transportation options. In urban areas, where individuals often rely on accessible taxis, a lack of requirements has meant very uneven progress.

#### ADA definition is bad

**Pineda 8**, Ph.d at UCLA, expert in disability policy, planning and regional development, taught courses on Policy Evaluation, Community Development, and International Disability Rights, advised international agencies such as the World Bank and United Nations, as well as state and federal governments, in the development and implementation of programs and policies that include people with disabilities, joined the Dubai School of Government as a Visiting Fellow to study the implementation of the UAE Disability Act of 2006, worked as an associate with the U.S. Treasury, obtained degrees in Political Economy, Business Administration, and a Master’s in City and Regional Planning, awarded the Fulbright-Hays and Sheikh Qassemi Fellow at the Dubai School of Government, (Victor Santiago Pineda, “Enabling Justice: Spatializing Disability in the Built Environment” <http://berkeley.academia.edu/VictorSantiagoPineda/Papers/251651/Enabling_Justice_Spatializing_Disability_In_the_Built_Environment>)

This simple, yet superior, philosophical con-ception shows, by way of contrast, that the ADA definition is predicated on such a thing as a normal city environment. By not considering the role of the environment in enabling or disabling people, city space—in the legal definition—is essentially fixed and dead. My conception recognizes that the city’s form is flexible and un-normalized; environment E is a variable instead of an absolute. Out of this a potentially powerful line of progressive thought can emerge:i.  Modern humans inhabit socially and politi-cally constructed environments that distribute space in specific ways. ii.  A socially constructed environment enables an individual to the degree that it maximizes the transformation of specific functions of daily living, such as feeding, dressing and moving at will.iii.  A socially constructed environment disables an individual to the degree that it fails to maximize the transformation of specific functions of daily living for the individual iv.  One way in which an environment can fail to maximize the transformation of specific functions for an individual is in virtue of how the environment distributes space.

#### ADA is too limited – furthers harassment against people with diasabilities

**Pineda 8**, Ph.d at UCLA, expert in disability policy, planning and regional development, taught courses on Policy Evaluation, Community Development, and International Disability Rights, advised international agencies such as the World Bank and United Nations, as well as state and federal governments, in the development and implementation of programs and policies that include people with disabilities, joined the Dubai School of Government as a Visiting Fellow to study the implementation of the UAE Disability Act of 2006, worked as an associate with the U.S. Treasury, obtained degrees in Political Economy, Business Administration, and a Master’s in City and Regional Planning, awarded the Fulbright-Hays and Sheikh Qassemi Fellow at the Dubai School of Government, (Victor Santiago Pineda, “Enabling Justice: Spatializing Disability in the Built Environment” <http://berkeley.academia.edu/VictorSantiagoPineda/Papers/251651/Enabling_Justice_Spatializing_Disability_In_the_Built_Environment>)

The limitations of the ADA defnition and its in -terpretations are not all that surprising, given that the dominant models of disability have historically interpreted disability as a personal defect or an intrinsicproperty of the individual, independent of theenvironment that the person lives in (Imrie 1996). This a-spatial view sees a person as disabled regardless of environmental specicity, which in fact limits the person’s ability to transform their impaired functioning into enabled functioning . Said another way, a-spatial viewslimit how we conceive the enabling and disabling role of space (Lefebvre 1974). In this section, I will illustrate more specically why, according to the lit -erature, “millions of disabled people throughout the world are segregated and deprived of virtually all theirrights, and lead a wretched, marginal life” (Despouy in Oliver 1996, 15) and how obstacles to developing a spatial model of disability can be removed.

## Paratransit

### 1NC – Paratransit

#### Paratransit services exist in every state

Paratransit Watch 7 [“U.S. Paratransit Services”, 3/15/2007, http://paratransitwatch.blogspot.com/2007/03/american.html]

- ALABAMA Birmingham - Paratransit Services - Birmingham Jefferson County Transit Authority (BJCTA) - ALASKA Anchorage - AnchorRIDES - Municipality of Anchorage (People Mover) Fairbanks - Van Tran - Metropolitan Area Commuter System (MACS) - ARIZONA Phoenix - Dial-a Ride - City of Phoenix Public Transit Department Phoenix Metro Area - Dial-A-Ride - Valley Metro Tempe - Dial-A-Ride - Tempe in Motion (TIM) Tucson - Van Tran - Sun Tran - ARKANSAS Little Rock - Links Paratransit - Central Arkansas Transit Authority (CAT) - CALIFORNIA Bakersfield - GET-A-Lift - Golden Empire Transit District (GET) Fresno - Handy Ride - Fresno Area Express (FAX) Los Angeles/Orange County - ACCESS - Orange County Transportation Authority (OCTA) Los Angeles/Orange County - Access Paratransit - Access Services Incorporated (ASI) Los Angeles/Orange County - Cityride - City of Los Angeles Department of Transportation (LADOT) Los Angeles/Orange County - Dial-A-Lift - Long Beach Transit (LBT) Los Angeles/Orange County - Dial-A-Ride - City of Santa Clarita Transit Los Angeles/Orange County - Dial-A-Ride - City of Glendale Transportation (Beeline) Los Angeles/Orange County - Dial-A-Ride - Antelope Valley Transit Authority Los Angeles/Orange County - Gardena Special Transit - City of Gardena Transportation Monterey/Santa Cruz - Metro ParaCruz - Santa Cruz Metro (METRO) Monterey/Santa Cruz - MST Rides - Monterey-Salinas Transit (MST) Oxnard/Santa Barbara - ACCESS - Gold Coast Transit Oxnard/Santa Barbara - Easy Lift - Santa Barbara Metropolitan Transit District (MTD) Riverside/San Bernardino - Access - Omnitrans (OMNI) Riverside/San Bernardino - Dial-A-Ride - Riverside Transit Agency (RTA) Riverside/San Bernardino - SunDial - Sunline Transit Agency Sacramento - Paratransit - Sacramento Regional Transit District (Sacramento RTD) San Diego - LIFT - North Country Transit District (NCTD) San Diego - MTS Access - Metropolitan Transit System (MTS) San Francisco/Oakland - Dial-A-Ride - Livermore Amador Valley Transit Authority San Francisco/Oakland - East Bay Paratransit - Alameda-Contra Costa Transit District San Francisco/Oakland - LINK - Central Contra Costa Transit Authority (County Connection) San Francisco/Oakland - Paratransit Services - San Francisco MTA (MUNI) San Francisco/Oakland - Paratransit Services - San Mateo County Transit District (SamTrans) San Francisco/Oakland - Tri Delta Transit Paratransit - Tri Delta Transit San Francisco/Oakland - Vallejo RunAbout - Vallejo Transit San Jose - Paratransit Service - Santa Clara Valley Transportation Authority (VTA) Santa Rosa - Santa Rosa Paratransit - City of Santa Rosa Transit Stockton/Modesto - Dial-A-Ride - Modesto Area Express (MAX) Stockton/Modesto - Dial-A-Ride - San Joaquin Regional Transit District (RTD) - COLORADO Colorado Springs - Metro Mobility - Mountain Metropolitan Transit Denver - Access-a-Ride - Denver Regional Transportation District (RTD) - CONNECTICUT Bridgeport - GBT Access - Greater Bridgeport Transit Hartford - Hartford Dial-A-Ride - Greater Hartford Transit District (GHTD) New Haven - Paratransit Services - Connecticut Transit (CT Transit) Norwalk/Stamford - Paratransit Services - Norwalk Transit District - On the NYS Paratransit Network I have made a complete listing of Paratransit Services available in the Tri-State Region including parts of Connecticut. - DELAWARE Delaware - Paratransit Services - Delaware Transit Corporation (DART) - DISTRICT OF COLUMBIA Washington - MetroAccess - Washington Metropolitan Area Transit Authority (Metro) - FLORIDA Daytona Beach - Gold Service - County of Volusia (VOTRAN) Fort Myers - Good Wheels - Lee County Transit (LeeTran) Gainesville - Paratransit Services - Regional Transit System (RTS) Jacksonville - JTA Connexion - Jacksonville Transportation Authority (JTA) Miami/Ft. Lauderdale/West Palm Beach - STS - Miami-Dade County Transit Miami/Ft. Lauderdale/West Palm Beach - CONNECTION - Palm Beach County, PalmTran, Inc. Miami/Ft. Lauderdale/West Palm Beach - TOPS - Broward County Mass Transit Division (BCT) Orlando - ACCESS LYNX - Central Florida Regional Transportation Authority (LYNX) Palm Bay - Paratransit Services - Space Coast Area Transit (SCAT) Tallahassee - Dial-A-Ride - City of Tallahassee (StarMetro) Tampa/St. Petersburg - DART - Pinellas Suncoast Transit Authority (PSTA) Tampa/St. Petersburg - HARTplus - Hillsborough Area Regional Transit Authority (HART), Featured Paratransit Provider - GEORGIA Atlanta - Paratransit Service - Cobb County Department of Transportation (CCT) Atlanta - MARTA Mobility - Metropolitan Atlanta Rapid Transit Authority (MARTA) Chatham Area Transit - Teleride - Chatham Area Transit (CAT) - HAWAII Honolulu - TheHandi-Van - City and County of Honolulu DOT (TheBus) - IDAHO Boise - ACCESS - Valley Regional Transit (Valley Ride) - ILLINOIS Champaign - Paratransit Services - Champaign-Urbana Mass Transit District Chicago (Metro) - provided by Pace - Chicago Transit Authority (CTA) Chicago (Suburban) - Pace - Chicago Suburban Bus Service (PACE) Madison County - ACT Runabout - Madison County Transit (MCT) Peoria - CityLift - Greater Peoria Mass Transit District (CityLink) Rock Island - Paratransit Services - MetroLINK - INDIANA Indianapolis - Open Door - Indianapolis Public Transportation Corporation (IndyGo) Lafayette - ACCESS - Greater Lafayette Public Transportation Corp. (CityBus) South Bend - ACCESS - Transpo - IOWA Des Moines - Paratransit Services - Des Moines Area Regional Transit Authority (DART) - KANSAS Wichita - Paratransit Services - Wichita Transit (WT) - KENTUCKY Louisville - TARC 3 Paratransit - Transit Authority of River City (TARC) Northern Kentucky - RAMP - Transit Authority of Northern Kentucky (TANK) - LOUISIANA Baton Rouge - Paratransit Services - Capital Area Transit System (CATS) New Orleans - MITS - Jefferson Transit (JeT) New Orleans - Paratransit Service - New Orleans Regional Transit Authority (RTA) - MAINE Portland - ADAPT - Greater Portland Transit District (METRO) - MARYLAND Baltimore - Mobility/Paratransit - Maryland Transit Administration (MTA) - MASSACHUSETTS Barnstable - Paratransit Service - Cape Cod Regional Transit Authorit (CCRTA) Boston - Dial-A-Bat - Brockton Area Transit Authority (BAT) Boston - The Ride - Massachusetts Bay Transportation Authority (MBTA) Leominster - ADA Services - Montachusett Regional Transit Authority (MART) New Bedford/Fall River - Demand Response - Southeastern Regional Transit Authority (SRTA) Springfield - Paratransit Service - Pioneer Valley Transit Authority (PVTA) Worcester - Paratransit Services - Worcester Regional Transit Authority (WRTA) - MICHIGAN Ann Arbor - A-Ride - Ann Arbor Transit Authority (The Ride) Detroit - Connector - Suburban Mobility Authority for Regional Transportation (SMART) Detroit - Metrolift - Detroit Department of Transportation (DDOT) Grand Rapids - GO!BUS - Interurban Transit Partnership (The Rapid) Flint - Your Ride - Mass Transportation Authority (MTA) Kalamazoo - Metro County Connect - Kalamazoo Metro Transit Lansing - Spec-Tran - Capital Area Transportation Authority (CATA) Port Huron - Handicapped Service - Blue Water Area Transit - MINNESOTA Duluth - Stride - Duluth Transit Authority (DTA) Minneapolis-St. Paul - Paratransit Service - Metro Transit - MISSISSIPPI Jackson - HandiLift - Jackson Transit System (JATRAN) - MISSOURI Kansas City - Share-A-Fare - Kansas City Area Transportation Authority (KCATA) St. Louis - Metro Call-A-Ride - Bi-State Development Agency (METRO) - MONTANA Billings - Curb-to-Curb - MET Transit - NEBRASKA Omaha - MOBY - Metro Area Transit (MAT) - NEVADA Las Vegas - Paratransit Services - Regional Transportation Commission of Southern Nevada (RTC) Reno - RTC ACCESS - Regional Transportation Commission (RTC) - NEW HAMPSHIRE Manchester - StepSaver - Manchester Transit Authority (MTA) - NEW JERSEY New Jersey - Access Link / Community Paratransit - New Jersey Transit (NJT) \* On the NYS Paratransit Network I have made a complete listing of Paratransit Services available in the Tri-State Region including parts of New Jersey. - NEW MEXICO Albuquerque - SunVan - Albuquerque Transit Department (ABQ RIDE) - NEW YORK Albany - STAR - Capital Region Transportation Authority (CDTA) Binghamton - BC LIFT - Broome County Transit (BC Transit) Buffalo - Metro Paratransit - Niagara Frontier Transportation Authority (NFTA) Ithaca - ADA Paratransit - Tompkins Consolidated Area Transit (TCAT) New York - Able Ride - Long Island Bus New York - Access-A-Ride - MTA New York City Transit (NYCT) New York - Bee-Line Paratransit - Westchester County Department of Transportation New York - SCAT - Suffolk County Transit (ST) New York - T.R.I.P.S. - Rockland County Department of Public Transportation Rochester - Lift Line - Rochester Genesee Regional Transportation Authority (RGR) Syracuse - Call-A-Bus - Centro Transit Bus \*NEW! - On the NYS Paratransit Network I have made a complete listing of Paratransit Services available for both New York State and the Tri-State Region. - NORTH CAROLINA Charlotte - CATS Para-Transit - Charlotte Area Transit System (CATS) Florence - Paratransit Service - Pee Dee Regional Transportation Authority (PDRTA) Greensboro - SCAT - Greenboro Department of Transportation (GTA) Raleigh/Durham - ART - Capital Area Transit (CAT) Raleigh/Durham - DATA ACCESS - Durham Area Transit Authority (DATA) Raleigh/Durham - EZ Rider - Chapel Hill Transit Winston/Salem - Trans-AID - Winston-Salem Transit Authority (WSTA) - NORTH DAKOTA Fargo - Paratransit Service - Metro Area Transit (MATBUS) - OHIO Akron - SCAT - Metro Regional Transit Authority (METRO RTA) Cincinnati - Access - SW Ohio Regional Transit Authority (METRO) Cleveland - Dial-a-Ride - Laketran Cleveland - Paratransit Service - Greater Cleveland Regional Transit Authority (RTA) Columbus - Mainstream - Central Ohio Transit Authority (COTA) Dayton - Project Mobility - Greater Dayton Regional Transit Authority (RTA) Toledo - TARPS - Toledo Area Regional Transit Authority (TARTA) - OKLAHOMA Oklahoma City - METRO Lift - Central Oklahoma Transportation & Parking Authority (METRO Transit) Tulsa - Lift Program - Metropolitan Tulsa Transit Authority (Tulsa Transit) - OREGON Eugene - EZ Access - Lane Transit District (LTD) Portland - LIFT - Tri-County Metropolitan Trp District of Oregon (TriMet) Salem - CherryLift - Salem-Keiser Transit Transit (Cherriots) - PENNSYLVANIA Allentown - LANtaVan - Lehigh & Northampton Transportation Authority (LANTA) Eire - LIFT - Erie Metropolitan Transit Authority (the "e") Harrisburg - SET - Capital Area Transit (CAT) Lancaster - Red Rose Access - Red Rose Transit Authority (RRTA) Philadelphia - CCT Connect - S.E. Pennsylvania Transportation Authority (SEPTA) Pittsburgh - ACCESS - Port Authority of Allegheny County Reading - Special Services - Berks Area Regional Transportation Authority (BARTA) State College - CATARIDE - Center Area Transportation Authority (CATA) Wilkes-Barre - STEP - Luzerne County Transportation Authority (LCTA) - RHODE ISLAND Providence - RIde - Rhode Island Public Transit Authority (RIPTA) - SOUTH CAROLINA Charleston - Tel-A-Ride - Charleston Area Regional Transportation Authority (CARTA) Columbia - DART - Central Midlands Regional Transit Authority (CMRTA) - SOUTH DAKOTA Sioux Falls - Paratransit Service - Sioux Area Metro (SAM) - TENNESSEE Chattanooga - Care-A-Van - Chattanooga Area Regional Transportation Authority (CARTA) Knoxville - LIFT - Knoxville Area Transit Memphis - MATAplus - Memphis Area Transit Authority (MATA) Nashville - AccessRide - Metropolitan Transit Authority (MTA) - TEXAS Austin - MetroAccess - Capital Metropolitan Transportation Authority (CMTA) Corpus Christi - B-Line - Corpus Christi Regional Transportation Authority (RTA) Dallas-Fort Worth - Paratransit Services - Dallas Area Rapid Transit (DART) Dallas-Fort Worth - MITS -Fort Worth Transportation Authority (The T) El Paso - The Lift - Mass Transit Department - City of El Paso (Sun Metro) Houston - METROLift - Metropolitan Transit Authority of Harris County (METRO) Laredo - El Lift - Laredo Transit Management (EL METRO) Lubbock - CitiAccess - City of Lubbock (CitiBus) San Antonio - VIAtrans Paratransit - VIA Metropolitan Transit (VIA) - UTAH Salt Lake City - Paratransit Services - Utah Transit Authority (UTA) - VERMONT Burlington - Paratransit Service - Chittenden County Transportation Authority (CCTA) - VIRGINIA Blacksburg - BT ACCESS - Blacksburg Transit (BT) Norfolk/Virginia Beach - HandiRide - Hamptons Road Transit (HRT) Richmond - CARE - Greater Richmond Transit Company (GRTC) Roanoke - STAR - Greater Roanoke Transit Company (Valley Metro) - WASHINGTON STATE Bellingham - Specialized Transportation - Whatcom Transportation Authority (WTA) Bremerton - ACCESS - Kitsap Transit Olympia - Dial-A-Lift - Intercity Transit Seattle/Tacoma - DART - Community Transit Seattle/Tacoma - Paratransit Program - King County Dept. of Transportation (King County Metro) Seattle/Tacoma - Paratransit Services - Sound Transit Seattle/Tacoma - SHUTTLE - Pierce County Transportation Benefit Area Authority (Pierce Transit) Spokane - Paratransit Service - Spokane Transit Authority (STA) Tri-Cities - Dial-A-Ride - Ben Franklin Transit Vancouver - C-VAN - CLARK County Transit (C-TRAN) - WEST VIRGINIA Charleston - KAT - Kanawha Valley Regional Transportation Authority (KRT) - WISCONSIN Madison - Paratransit Service - City of Madison (Metro Transit) Milwaukee - Transit Plus - Milwaukee County Transit System (MCTS) - WYOMING Cheyenne - Partransit Service - Cheyenne Transit Program

#### Turns case – regulations for how “disabled” one is to be eligible to ride paratransits re-entrenches otherization

NTL 2, National Transportation Library “Americans with Disabilities Act Paratransit Eligibility Manuel” <http://ntl.bts.gov/DOCS/manual.html>)

Section 223 of the Americans with Disabilities Act of 1990 (ADA) requires that public entities which operate non-commuter fixed route transportation services also provide complementary paratransit service for individuals unable to use the fixed route system. The regulations issued by the U.S. Department of Transportation, which implement this portion of the law, specify to whom and under what circumstances this service is to be provided. In addition, the regulations require public entities which are subject to the complementary paratransit requirements to develop and administer a process for determining if individuals who request service meet the regulatory criteria for eligibility.

# \*\*\*Off Case\*\*\*

## Politics

### 1NC Link

#### Disabilities policies unpopular - tea party gaining momentum

**Diament 10,** Disability scoop, (Michelle, 5/21/10, “Tea Party Candidate Draws Backlash for Qualms over ADA” <http://www.disabilityscoop.com/2010/05/21/rand-paul-ada/8156/>)

Since winning Kentucky’s Republican Senate primary this week, tea party activist Rand Paul is causing a stir by criticizing federal disability and civil rights laws.¶ Paul’s victory Tuesday was seen as a milestone for the grassroots tea party movement, which advocates for smaller government and less spending. But in relishing the win, Paul — the son of Rep. Ron Paul, R-Texas — may have gone too far. He’s taking heat now after telling National Public Radio in an interview earlier this week that he believes both the Americans with Disabilities Act and the Civil Rights Act of 1964 represent overreaches of the federal government.¶ “I think a lot of things could be handled locally,” Paul said in the interview, which aired on All Things Considered. “I think if you have a two-story office and you hire someone who’s handicapped, it might be reasonable to let him have an office on the first floor rather than the government saying you have to have a $100,000 elevator. And I think when you get to the solutions like that, the more local the better, and the more common sense the decisions are, rather than having a federal government make those decisions.”¶ The comments were met with a strong backlash from his Democratic opponent in the Kentucky Senate race, Jack Conway.¶ “No matter how he tries to spin to the contrary, the fact is that Paul’s ideology has dangerous consequences for working families, veterans, students, the disabled and those without a voice in the halls of power,” Conway said in a statement.¶ Paul’s comments could also have an impact beyond Kentucky since the self-described tea party candidate, represents the movement’s first major victory. An intentionally leaderless movement, a recent poll conducted by USA Today/Gallup found that 28 percent of Americans support the tea party.

#### Strong business and public backlash against disabilities policies

Russel and Krieger 2k, edited William S. Richardson School of Law as a Professor of Law and Director of the Ulu Lehua Scholars Program in 2007. She came to Richardson from the law faculty at the University of California, Berkeley, School of Law, ‘Backlash, the Political Economy, and Structural Exclusion

<http://books.google.com/books?id=rmr32ZapFRoC&pg=PA1&source=gbs_toc_r&cad=3#v=onepage&q&f=true>

The Americans with Disabilities Act (ADA)’ is both a civil rights bill passed¶ by Congress with the intent of ending employer discrimination and a labor¶ economics bill, intended to increase the relative wages and employment of¶ disabled persons by “leveling the playing field.”1 However, just as the Civil¶ Rights Act of 1964 produced a backlash by those who feared that minodities¶ and women would take jobs away from whites and men. the ADA has been¶ subject to backlash by the public, our elected officials, and the courts.¶ The most pronounced hostility toward the ADA has come from busin¶ ness. Of course, one might not think of this as a “backlash,” given that organ¶ nzeed business interests opposed the act from the start. The National Assoc¶ cittion of Manufacturers, the Chamber of Commerce, the American¶ Banking Association, and the National Federation of Independent Busin¶ nesses all publicly voiced opposition to the ADA.’ Ongoing resistance from¶ business interests is nonetheless significant. in that it exxoses the economic¶ nature of opxosition to effective ADA enforcement.¶ The year the ADA was signed, the Cato Institute, a Libertarian think¶ tank, called on President George Bush to ask Congress to reconsider the¶ ADA, since from the standpoint of free enterprise, it represented a reregul¶ lation of the economy that, in their view, was harmful to business.4 Paul¶ Craig Roberts, a supply-side economist at the Center for Strategic and¶ International Studies in washington, warned on the day the act was signed¶ that “[the ADAI will add enormous costs to businesses that will cut into ¶ their profits.” Rick Kahler opined in a piece entitled ‘ADA Regulatory¶ Black Hole" that “the ADA makes getting out of business look more¶ profitable all the time,”6 while Trevor Armbristor wrote that the ADA “has¶ produced spectacular injustice and irrationality.”7 In 1995, the director of¶ regulatory studies at the Cato Institute wrote, “If Congress is serious about¶ lifting the regulatory burden from the economy, it must consider major¶ changes in. if not outright repeal of, the ADA. And if Congress is to undo¶ the damage already done by the act, it should consider paying reparations¶ to cover the costs that individuals, private establishments, and enterprises¶ have suffered under the ADA’s provisions.”8

### 2NC Link

#### No bipartisanship on disabilities in the current political climate - even disabilities groups are

**NCD 10**, National Council on Diabilities, July 26, 10 “Equality of Opportunity The Making of the Americans with Disabilities Act” <http://www.eric.ed.gov/PDFS/ED512697.pdf>)

Bipartisan collaboration will not be easy in ¶ the current environment, but the future of effective disability policy depends on it. ¶ The ADA’s history also provides a sober reminder to the disability ¶ community about the challenges of and need for cross-community collaboration. The ¶ ADA was a unique moment in disability history where diverse individuals and ¶ organizations rallied around a common cause. In doing so they showed the power of ¶ shared goals and coordinated action. Nevertheless, the years since enactment of the ¶ ADA have restored in large measure the longer tradition of a splintered community ¶ with myriad—and sometimes competing—priorities. The disability community is ¶ anything but homogenous. It is difficult to find a common ground of policy issues ¶ that are equally viewed as priorities for different types of disabilities and for discreet ¶ policy areas. The ADA reminds us that there is a profound strength that comes in ¶ unity of numbers and purpose.

#### Ideologies and partisanship overwhelm in current economic climate

**NCD 10**, National Council on Diabilities, July 26, 10 “Equality of Opportunity The Making of the Americans with Disabilities Act” <http://www.eric.ed.gov/PDFS/ED512697.pdf>)

Times have changed. We celebrate the 20¶ th¶ Anniversary of the ADA well ¶ after civil rights provisions have been implemented in regulations, tested in court, and ¶ even amended by the Americans with Disabilities Act Amendments Act of 2008. We ¶ also celebrate amidst our nation’s worst economic downturn since the Great ¶ Depression. Unemployment is high. People are losing their homes. Access to health ¶ care remains elusive. And that is before we begin talking about the individual ¶ experiences of millions of people with disabilities, for whom the economic downturn ¶ only compounds longstanding disparities in living, learning, and earning. ¶ Unfortunately, the challenges that we face together as a nation are ¶ compounded by partisan strife. Although vitriol is no stranger to the history of ¶ American politics, something is sorely missing today—the genuine and widespread ¶ willingness to set aside ideology to pursue pragmatic solutions that make critical ¶ differences in the lives of real people. The explosion in access to 24-hour Internetbased communications exacerbates this trend, even though information technologies ¶ and other technologies have provided new levels of access for people with disabilities.

#### Businesses and the public backlash against ADA

**Bagenstos 3,** Samuel R. Bagenstos ‘The Americans with Disabilities Act as Welfare

Reform” William and Mary Law Review

Volume 44 | Issue 3 Article 3 <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1365&context=wmlr>)

When Congress enacted the Americans with Disabilities Act¶ (ADA) in 1990, disability rights supporters hailed the law as a¶ radical shift in our nation's policy toward people with disabilities.¶ Ten years later, however, the statute’s impact—at least in the¶ employment area—seems anything but radical. ADA plaintiffs are¶ among the least successful classes of litigants in the federal¶ courts—with a rate of(non)success that is second in futility only to¶ that or prisoner plaintiffs.1 Although disability rights advocates¶ have won some important victories in the Supreme Court,2 both that¶ Court and the lower federal courts have issued a series of decisions¶ that significantly restrict statutory coverage.2 And perhaps most¶ important, the ADA appears to have had no significant Positive¶ effect on the rate or employment or People with disabilities.’¶ why this gap between radical expectations and disappointing¶ results? Many disability rights advocates and academies defenders¶ of the ADA have a ready explanation: Employers, courts, and the¶ general public are engaged in a “backlash” against the ADA.

## Elections

### Unpopular

#### Public will backlash – ADA proves

**Bagenstos 3,** Samuel R. Bagenstos ‘The Americans with Disabilities Act as Welfare

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### Popular

#### Disabilities policies bipartisan

**NCD 10**, National Council on Diabilities, July 26, 10 “Equality of Opportunity The Making of the Americans with Disabilities Act” <http://www.eric.ed.gov/PDFS/ED512697.pdf>)

The ADA truly was “a watershed public policy,” as Marca Bristo and Gerben ¶ DeJong wrote in the original Foreword, and the ADA’s history still has much to teach ¶ us today. “Passage of the ADA is a story of political leaders on both sides of the aisle ¶ who put aside personal and partisan differences to do what they thought was the right ¶ thing to do,” states the original Foreword, and kept the ADA from falling victim to a ¶ venomous public debate. There is a long record of bipartisan achievements on¶ disability issues—the ADA chief among them. Recounting the history of the ADA is ¶ therefore an opportunity to remind ourselves of the potential for disability issues to ¶ help build bridges across partisan divides. Bipartisan collaboration will not be easy in ¶ the current environment, but the future of effective disability policy depends on it. ¶

#### Coordination possible despite current political gridlock

**NCD 10**, National Council on Diabilities, July 26, 10 “Equality of Opportunity The Making of the Americans with Disabilities Act” <http://www.eric.ed.gov/PDFS/ED512697.pdf>)

Passage of the ADA also indicates that coordination is both possible and ¶ necessary to remedy longstanding barriers. Passage of the ADA required separate ¶ review, analysis and coordination of multiple House and Senate committees, as well ¶ as support from the White House and executive agencies. It also required ¶ coordination among various stakeholders, including with various business groups—¶ even if such coordination was far from harmonious. Many of the barriers to ¶ advancing the ADA’s disability policy goals revolve around breakdowns in ¶ coordination—among federal agencies, across all levels of government, and among ¶ various stakeholders. The success of the ADA was never a foregone conclusion any ¶ more than solving many difficult disability policy issues is today. But enactment of ¶ the ADA reminds us that coordination is possible even if often overwhelming.

## Counterplans

Note: You can take out the delegation part of the CP if you want to get out of the “Devolution sends the signal that we don’t care about people with disabilities” Solvency Deficit, but it allows them to say “Federal Regulations Hamper the States”

### States CP

#### Text:

#### The United States federal government should narrowly delegate authority over local transportation systems to states governments and appropriate territories.

#### State governments and appropriate territories should work in unison with local residents in generating solutions to problems in transportation infrastructure identified by local residents.

#### CP solves—fosters the inclusion of the disabled and other marginalized groups

Casas 8 [Irene Casas, pages 463-477, “Social Exclusion and the Disabled: An Accessibility Approach”, 29 Feb 2008, The Professional Geographer, Volume 59, Issue 4, 2007, http://www.tandfonline.com/doi/full/10.1111/j.1467-9272.2007.00635.x SS]

It is important to propose alternatives that can foster the inclusion of the disabled and other marginalized groups. Hodgson and Turner (2003) propose a series of four parallel processes to facilitate the involvement of these groups in influencing policy: (1) allow the community to give voice to what they perceive as problems, (2) generate trust within the community, (3) support community-led initiatives, and (4) involve local residents and the community in generating solutions. For the disabled, building trust with their service providers and having a voice on what can be done to improve their mobility would be a first step toward this process.

### 2NC Solvency/Theory – Disabilities

#### States should do it and it’s a relevant question for effective policymaking

Percy 1 [Stephen Percy, Ph.D., Indiana University A.B., Hamilton College, Political Science Professor, 2001, “Disability and Federalism: Comparing Different Approaches to Full Participation”, <http://books.google.com/books?id=q5F8Oqks7oUC&printsec=frontcover&dq=Disability+and+Federalism:+Comparing+Different+Approaches+to+Full+Participation&source=bl&ots=vhr4o6YVg4&sig=Mvov_Sn4D4x7LwV5Y54fSyGLUvc&hl=en&sa=X&ei=gWYAUM2IMoXPqQGOxtCoBw&ved=0CEAQ6AEwAQ#v=onepage&q=THE%20ADA%20AS%20NATIONAL%20POLICY&f=false>]

Questions about policy coordination invariably raise issues about implementing disability policies from an intergovernmental, rather than centralized national, arrangement. Unlike Western European nations, the US system utilizes a more decentralized, yet interdependent, policy system to serve people with disabilities.67 This system, while generally consistent with American principles of governance through a federal system where powers are shared between the national government and the states, does not guarantee effective policy at every turn. Decentralization provides the potential for more locally, rather than centrally, designed policy efforts that can be more responsive to locally-defined problems and more appropriately tailored to local conditions. The American states, therefore, can serve as laboratories for policy "experiments” through which effective policy implementation strategies can be identified and then shared back with the other states. Conversely, greater centralization is more likely to provide consistent services and benefits across the states, at least with regard to establishing minimal levels. These tensions have been rife since the formation of the United States and will remain so long as the democratic system remains based upon a federal, power-sharing model of governance. The persistent questions in the context of disability policy is determining which programs and services are best provided at which level of governance and how state and national programs can be more effectively coordinated and mutually reinforcing. These questions are ongoing in disability policy and will continue to be the focus of policy debates and plans for system reform.

### 2NC Generic Solvency

#### FG funding panders to interest groups – only the states solve

Utt 2005 (Ronald, is Herbert and Joyce Morgan Senior Research Fellow in the Thomas A. Roe Institute for Economic Policy Studies at The Heritage Foundation. Utt is a veteran of budgetary politics in Washington, having served as director of the housing finance division at the Department of Housing and Urban Development, and senior economist at the Office of Management and Budget, Past director of economic research at the National Association of Real Estate Investment Trusts. Associate chief economist of the U.S. Chamber of Commerce, “Congress Gets Another Chance to Improve America's Transportation: Should It Be Its Last?” March 7th The Heritage Foundation, http://www.heritage.org/research/reports/2005/03/congress-gets-another-chance-to-improve-americas-transportation-should-it-be-its-last AS)

The Fundamentalists. By contrast, fundamentalists believe that the flaws in the federal highway program are fundamental, deeply entrenched, and beyond meaningful remedy either through changes in existing law or through additions to it, such as those described above. While most fundamentalists also support the types of reforms advocated by incrementalists, they believe that these reforms by themselves would merely compensate for and offset the existing deficiencies that would largely be left intact by the incrementalists. Worse, many believe that these deficiencies would be likely to infect the new improvements, such as diverting toll revenues to transit, or other non-road uses, as is now occurring in New York City and will soon be imposed in Northern Virginia on the Dulles Toll Road.[7] In addition, fundamentalists question the wisdom of leaving much of the existing system intact, arguing that this perpetuates the existing waste and misallocation of the $40 billion in fuel tax revenues that would still flow into the system each year under the incrementalists' plan. With fundamental reform, these now-wasted resources can be redirected to meaningful congestion relief and road improvements, thereby obviating the need for some of the additional resources raised by the tolls and other new revenue sources advocated by the incrementalists. Chief among the reforms advocated by the fundamentalists is the "turnback" of some or all of the federal highway program to the states. Arguing that the program was created to build the interstate highway system-a goal that was met in the early 1980s-fundamentalists believe it is time to declare victory and shift the resources back to the states in recognition that today's surface transportation problems are largely local or regional in nature and that a Washington-based, centrally planned, command and control program has little to offer by way of solutions. Moreover, the politicization of the program has contributed to many of the diversions and regional inequities as elected officials pander to influential constituencies at the expense of the motorists who fund the system with their taxes and suffer the consequence of program waste and misallocation. Under turnback proposals that have been introduced in Congress over the past 10 years, the federal government would incrementally shift both the highway responsibilities and the financial resources to fulfill them to the states. Most proposals would accomplish this by reducing the federal fuel tax by annual increments-say 4 cents per gallon per year-and adding that amount to the gasoline tax that the state collects on its own. In this way, the total tax paid by the motorist would stay the same, but the allocation of that revenue would shift to the states year by year until the collection of all 18.3 cents of the federal fuel tax is shifted to the states and all federal collections cease. States would still be responsible for interstate maintenance and improvement, as they are today, but would now be free to do it in a way that best suits their interests, whether through tolls, partnerships, privatization, competitive contracting, or some combination. Now free of the federal one-size-fits-all program, states would be better able to tailor their spending and investment to their particular needs, not those of a Washington bureaucracy or the privileged constituencies that have appended themselves to it like barnacles on an aging ship. As a consequence of these improvements and the more efficient use of resources that turnback would yield, transportation service for the traveling public would improve at a much lower cost than the attainment of that same measure of improvement would have required under the old system. At the same time, donor states that consistently lose money under the current system would be made whole.

#### Local control increases accountability- ensures success

Miller 2009 (John, Virginia Transportation Research Council Office of Intermodal Planning and Investment, Virginia’s Long-Range Multimodal Transportation Plan 2007-2035 INSTITUTIONAL CHANGES IN TRANSPORTATION DECISION MAKING, http://www.virginiadot.org/projects/vtransNew/resources/VTrans2035\_Decisionmaking\_FINAL.pdf AS)

Several articles have noted that greater local involvement can lead to local governments being more directly accountable to citizens. Examples include the use of “quick-take” condemnation authority which may be exercised by local governments (Seefeldt, 1987), the ability to protect local neighborhoods from the threat of through truck traffic (JLARC, 1992), and an ability for local staff to respond immediately to citizen complaints regarding a specific project (Whitley, 2006). A similar advantage has been noted when decentralizing decision authority within an organization. For example, a review of the Texas Department of Transportation noted that that providing substantial authority to district offices (rather than centralizing decisions at the headquarters level) enabled a sharp customer focus and allowed for “timely and least expensive access, contact with the public, and knowledge of local conditions.” (Rylander, 2001).

#### States set better model- they can act as laboratories of innovation

Goff, 2012, Research Associate at the Thomas A. Roe Institute for Economic Policy Studies, ( Emily, May 24, “State Can't Afford "Free" Rail Money”, <http://www.heritage.org/research/commentary/2012/05/state-cant-afford-free-rail-money>)

The federal-state transit courtship ritual is by now a well-rehearsed dance. Washington’s alluring checkbook tempts states enough that they commit matching funds to projects they otherwise would not even dream of pursuing on their own. Take high-speed rail and other passenger rail projects—they are expensive to build and maintain, and states are faced with many other pressing infrastructure needs but limited resources to pay for them. So, “free” money from Washington seems too good to be true. Then come project delays and construction cost overruns. Federal grants also have strings attached, such as union wage requirements, which send costs skyward. Soon, the price tag of an HSR project is substantially more than what states signed up for. Once the HSR line is built, another pesky fact materializes: Actual rail ridership rates do not necessarily equal capacity estimates. Poor ridership translates into large funding gaps, and befuddled states then have trouble covering operating expenses, let alone capital costs. Taxpayers are on the hook subsidizing the rail line long after the federal money train has left the station. For example, passenger rail lines in Japan and the United Kingdom required significant government subsidies, which prompted these countries to begin privatizing the rail systems. In the United States, new Governors of Wisconsin and Ohio rejected federal funds for HSR projects once it became clear that HSR’s up-front costs and long-term financial liabilities far outweighed any potential benefits. A glaring flaw in the prevailing approach to transportation is that it is increasingly Washington-centered; bureaucrats make decisions about projects hundreds of miles away, in which they have little or no vested interest. This trend is based on the belief that Washington knows best, and therefore every cent of every transportation dollar must flow through Washington. By this logic, President Obama’s so-called livability proposals, such as building street cars and forcing high-density living arrangements, can be cast as a wise use of transportation dollars. In reality, such transportation technology is 19th century nostalgia wrapped in 21st century packaging. This approach also generates misleading incentives for states to commit limited resources to costly projects like HSR, which do not deliver on promises to mitigate road congestion and improve air quality. Instead, they threaten to stain state budget ledgers with unsightly amounts of red ink. Rather than hoarding transportation funds and keeping decision-making in Washington, Congress should give states more control over how to spend the transportation dollars their motorists pay in federal gas taxes. Doing so will pave the way for turning over responsibility for transportation to the states, who know their transportation priorities much better than Washington. With full devolution, states would no longer see funds diverted to transit and enhancement projects they may not find useful. Instead, they would be able to identify and meet their unique infrastructure needs efficiently and cost-effectively. When in a hole, sometimes it is hard to put the shovel down and quit digging. Governor Brown’s recent statement, “I am a buoyant optimist…We’re going to build high-speed rail,” is a case in point. If the Governor’s words ring true, the unfortunate California taxpayers will have to pay for a transit boondoggle they can ill afford. The only consolation will be that California serves as lesson for other states—in what not to do in budgeting and transportation.

### AT: Race to the Bottom

#### Claims that states will "race-to-the-bottom" are false

Cannon 7[Michael Cannon, (Dir., Health Policy Studies, Cato Institute), CATO BRIEFING PAPERS, Sept. 13, 2007, 9]

Competition among the states would drive insurance reguladon toward an equilibrium—or multiple equilibria—between too much and too little regulation. States would be unlikely to engage in a "race to the bottom" by eliminating important consumer protections: the first people to be injured by such unwise regulatory policies would be the voters in that very state, who would then punish the responsible officials.

### Education CP

#### Text: The Federal Judicial Branch should issue a decree to reform the National Education Policy as per the Hehir evidence.

Ideas:

* In order to have spending/politics/elections as a NB – better to have the plan implement a mandate on the states or just fiat that the states do it
* “Reform our education policy”

#### Solvency Advocate: CP is comparatively better than the aff

Hehir 3 [Thomas, school administrator, Ed.D., professor of Practice at Harvard’s Graduate School of Education, is a leading scholar and advocate for children with disabilities. He served as director of the U.S. Department of Education’s Office of Special Education Programs under President Clinton from 1993–1999. March 2003, “Beyond inclusion: educators' 'ableist' assumptions about students with disabilities compromise the quality of instruction” SS]

The lack of acceptable educational outcomes for large numbers of children with disabilities in an era of standards-based reform should force a re-examination of current practices. Fortunately, there is a foundation in both research and practice upon which to build a better future. Educational leaders, along with parents, teachers and advocates, can do much toward ending ableism in education, including taking these steps:

\* Encourage disabled students to develop and use the skills and modes of expression that are most effective and efficient for them.

The strong preference within society to have disabled students perform in the same way that nondisabled children perform ultimately can be handicapping for some students. The problem is not the natural desire of parents and educators to have children be able to perform in a typical manner, but rather the missed educational opportunities many disabled kids experience because of a lack of regard for what are often disability-specific modes of learning and expression.

\* Maintain special education as a specialty.

Special education should not mean a different curriculum, but rather it should be the vehicle by which students with disabilities access the curriculum and the means by which the unique needs that arise out of the child's disability are addressed. This role requires a good deal of specialized knowledge and skill.

Unfortunately, one by-product of the well-justified critique of special education practice has been the minimization of the need for specialization, in many states, specialized preparation of special education personnel is minimal and requires preparation as a general educator first, Though this is desirable in the ideal, this emphasis on general education may take away from the need to learn specialized skills and also may inadvertently be contributing to the increasing shortage of special education and related services personnel.

If one accepts that the role of special educators and related services personnel is to help disabled children access the curriculum and meet the unique needs that arise out of their disability, the need for specialization should be obvious. Well-trained special educators are needed to assist general educators and the students they teach in inclusive settings and, at times, to provide intensive instruction outside those settings.

The need to ensure that special educators learn specialized skills is not an argument for traditional categorical (by disability) special education teacher-training programs. Such programs often reinforce existing approaches that focus on the characteristics of disability to the exclusion of access to the general curriculum. We need to develop clear standards for special education teacher-preparation programs that recognize the specific needs of disabled students and ensure that teachers have the skills necessary to develop the individualized programs. These programs must explicitly challenge the ableist assumption that the manner in which nondisabled children perform school-related tasks is always the preferred goal for disabled students.

\* Promote high standards, not high stakes.

Because the education of students with disabilities has been plagued by low expectations, many in the disability community have sought to include students with disabilities in state and national accountability systems. In 1997, advocates were successful in getting IDEA amended to require students with disabilities to be included in statewide assessments.

Before the passage of the 1997 amendments to IDEA, some states had begun to implement inclusive assessment policies. Some emerging evidence indicates that inclusion in statewide assessment may be improving the educational opportunities of students with disabilities.

In New York state, where an emphasis on including students with disabilities in Regents exams began in 1998, the number of students passing this high-level test has greatly increased. In Maryland, where students with disabilities have been included in the state's basics-kills test, many school districts have shown steady progress to the point where the vast majority of students with disabilities are passing the test.

An important point to reiterate here is that the most damaging ableist assumption is the belief that disabled people are incapable. Therefore, the movement to include students with disabilities in standards-based reforms holds promise. However, high-stakes testing that prevents students from being promoted or from receiving a diploma based on performance on standardized tests is problematic.

In a real sense, some students with disabilities will have to become nondisabled in order to be promoted or graduate. This is ableism in the extreme. Thus, a promising movement, standards-based reform, ultimately may reinforce current inequities if performance on high-stakes tests becomes the only means by which disabled students can demonstrate what they know and are able to do. As such, disability advocates should oppose high-stakes testing.

\* Apply concepts of universal design to schooling.

First applied to architecture, this principle called for the design of buildings with the assumption that people with disabilities would be using them. However, the concept of universal design has yet to become widespread in schooling. Using the analogy of architecture, we often attempt to retrofit the child with inappropriate interventions after they have failed in school, rather than design the instructional program from the beginning to allow for access and success.

As is the case with architecture, the failure to design universally is inefficient and ineffective. For instance, even though learning disabilities are common in students, we have yet to design our reading programs with these children in mind. We tend to have one-size-fits-all reading programs in the primary grades. However, research is increasingly demonstrating that early reading approaches that are successful with dyslexic students are also effective for students who are struggling with reading for other reasons. Further, whole-school discipline approaches that schools have employed to integrate students with significant disabilities such as autism have been shown to reduce the need for suspensions for entire schools.

American schools can be proud of their work to expand educational opportunities for students with disabilities since the passage of the Individuals with Disabilities Education Act more than 25 years ago. It is time for us to take the next step by seeking to eliminate ableism in schooling.

### --2NC Generic Solvency

#### Aff can’t solve internalized oppression – CP key

Francis and Muthukrishna 4 [Dennis Francis, School of Education and Development, Faculty of Education, University of KwaZulu-Natal, Durban. South Africa, and Nithi Muthukrishna, University of Natal, Univ. of KwaZulu-Natal, (UKZN) Republic of South Africa, International Journal of Special Education 2004, Vol 19, No.1., “ABLE VOICES ON INCLUSION/EXCLUSION – A PEOPLE IN THEIR OWN WORDS” SS]

 From discussions with the students a marked theme emerged: internalised oppression. Hardiman & Jackson (1994) describes internalised oppression as so overpowering because it shapes the way people targeted with ablest oppression, think about themselves and others living with disability. Through the hurts from being treated as inferior, denied basic material needs, denied a fair share of resources, and demeaned, people with disability internalise or start to believe the things people say about them.

BN: I get scared because most of the disabled are unemployed and uneducated. All the disabled people I know have stopped school and don’t work. They say that there is no work for disabled people because we are slow. Sometimes the disabled people make beads and bangles but they don’t get enough money. I am concerned whether the university is made for disabled students.

BN in this example has started to internalise that people with disabilities are school drop- outs, and that there is no place in the society for her and persons like her. In this way students like NP with impairments are disabled by the social, political, and economic barriers constructed by society. It is the barriers that are disabling rather than individual impairment.

Making a difference in a rural context?

In this study, students and researchers have been able to talk about what inclusion and exclusion mean to them in the context of a school that has opened its doors to learners with disability. In embarking on this initiative, it is evident that the school took a bold step in making a difference, that is, providing access to secondary education for a group of learners with disability. Through the use of stories, the researchers have been able to gain some insight into the students’ experiences of schooling and life in the community.

The findings in this study raise certain critical issues. Firstly, a lesson to be learned is that there is a need to move away from over-simplistic notions of inclusion. Institutional access alone or a change of site does not automatically result in that learners being included. The notion of inclusion requires ongoing and rigorous analysis of the context into which learners are included. As Slee (2001) points out if this does not occur inclusive education becomes nothing more than a default vocabulary for assimilation (Slee, 2001:114).

Secondly, inclusive education cannot occur without introducing fundamental transformation to the system. This study reaffirms the critical need for a systemic approach to inclusion, and the need to continually probe issues of curriculum, assessment, pedagogy, and social relations in schools and communities.

Thirdly, the findings in the study suggest that social equality in the form of equal access to general education provision does not guarantee equity. Inclusive education initiatives that do not engage with relations of power and issues of equity can undermine the goal of social justice and democratic participation. On the positive side, inclusion can promote an awareness of difference and social exclusion, and an ongoing engagement of the complexities inherent in policies and practices.

#### Inclusionary Education is a prerequisite to social inclusion

Hehir 3 [Thomas, school administrator, Ed.D., professor of Practice at Harvard’s Graduate School of Education, is a leading scholar and advocate for children with disabilities. He served as director of the U.S. Department of Education’s Office of Special Education Programs under President Clinton from 1993–1999. March 2003, “Beyond inclusion: educators' 'ableist' assumptions about students with disabilities compromise the quality of instruction” SS]

Over the past two decades, more and more students with disabilities have been educated for more of the day in regular education classrooms. This movement largely has been positive for most students with disabilities and has supported the broader goal of societal integration for people with disabilities as all children learn that disability is a natural element of human diversity. Further, the inclusion movement in K-12 education has been supported by research that demonstrates that well-implemented inclusionary approaches are superior to fully segregated placement for most disabled students.

However, it has become apparent to many educational leaders and some disability advocates that a one-size-fits-all model of full inclusion may not be appropriate for some students. The deaf community has questioned the capacity of full inclusion programs to meet the communication and social development needs of solitary deaf students. Learning disability advocates and many special education teachers struggle with the prohibitions against all pull-out services for students who may need intensive help in reading. This questioning of full inclusion also receives support from research.

Ultimately the controversy around inclusion is dysfunctional and we need to shift from the value of inclusion as a practice to the successful implementation of inclusionary education that recognizes the full range of needs of the disability population. Central to moving beyond the debate is the need to focus on the goals of education for students with disabilities.

First and foremost our goal should be to maximize the educational development of all disabled students to enable them to fully participate in all aspects of life. However, we need to also recognize that education plays a central role in changing the society disabled students will be entering. For instance, though blind people attain comparable educational levels to nondisabled people, they do not access employment at the same level. The reason for this is likely to be found in "ableism," the pervasive negative attitudes and prejudice in society. We must move beyond inclusion to confront ableism in education.

#### Key to breaking down engrained prejudice and ableist assumptions

Hehir 3 [Thomas, school administrator, Ed.D., professor of Practice at Harvard’s Graduate School of Education, is a leading scholar and advocate for children with disabilities. He served as director of the U.S. Department of Education’s Office of Special Education Programs under President Clinton from 1993–1999. March 2003, “Beyond inclusion: educators' 'ableist' assumptions about students with disabilities compromise the quality of instruction” SS]

The lens of ableism offers a useful perspective through which the future of inclusion and indeed all of special education can be considered. The various definitions of ableism in the literature share common origins that are rooted in the discrimination and oppression that many disabled people experience in society. Applied to schooling and child development, ableist preferences become particularly apparent. From an ableist perspective, the devaluation of disability results in societal attitudes that uncritically assert that it is better for disabled students to do things in the same manner as nondisabled kids.

Certainly, in a world that has not been designed with the disabled in mind, being able to perform like nondisabled children gives disabled children distinct advantages. However, ableist assumptions become dysfunctional when the focus of educational programs becomes changing disability. School time devoted to activities associated with changing disability may take away from the time needed to learn academic material. The ingrained prejudice against performing activities in ways that are more efficient for disabled people may add to educational deficits.

Considerable evidence points to unquestioned ableist assumptions that are handicapping the education of children with disabilities and resulting in educational inequities. Despite clear evidence of the benefits of sign language, deaf children were taught for many years to lip read and speak and prohibited from using sign language in an effort to make them appear more "normal." In recent years, schools have failed to teach visually impaired children to use Braille and instead provided them with taped books or large text books based on the perception that these are more normal ways to read. The devaluation of this disability-specific mode of learning has resulted in increasing levels of functional illiteracy among the visually impaired.

The common practice in many school districts of assigning full-rime aides to children with multiple disabilities rather than teaching them to become independent reflects deep ableist prejudices about significant disabilities. It suggests that people with significant disabilities are weak and incapable of doing things on their own. While many aides do important and necessary work, their presence can have many negative effects. They can become a barrier between the disabled student and his or her nondisabled peers and take the place of teachers in ways that compromise the quality of instruction.

### --2NC Learning Disabilities

#### Children with learning disabilities are not able to graduate

Hehir 3 [Thomas, school administrator, Ed.D., professor of Practice at Harvard’s Graduate School of Education, is a leading scholar and advocate for children with disabilities. He served as director of the U.S. Department of Education’s Office of Special Education Programs under President Clinton from 1993–1999. March 2003, “Beyond inclusion: educators' 'ableist' assumptions about students with disabilities compromise the quality of instruction” SS]

Deafness, blindness and multiple disabilities are relatively rare. In contrast, children with learning disabilities comprise about 5 percent of all school-age children. The education of these children tends to be excessively oriented toward remediation and suffers from low expectations.

Though research strongly indicates that students with a learning disability need more intensive services in reading than their nondisabled peers, wholly focusing their special education program on reading is nor appropriate. For students with a learning disability, this reflects the ableist assumption that special education's role should be to change disabilities. These children also should have access to the rest of the curriculum with appropriate accommodations and supports. Though there are effective ways for students with LD to access the same classroom curriculum as their peers by using adaptive technology, schools must modify deeply held beliefs about acceptable student performance in order for them to benefit from these technologies.

In many places, students with disabilities are required to handle grade-level or higher text in order to be mainstreamed into regular classes. Taped books are not available or not allowed. Still other schools do not allow students to use computers when taking exams, thus greatly diminishing their ability to produce acceptable written work. Though some may defend this rigidity as a way to maintain standards, for students with LD this posture will likely lead to lower educational attainment.

Lastly, though the inclusion of students with disabilities in statewide assessments shows great promise, the imposition of high-stakes consequences for students who do not perform well on these tests gives rise to concerns. This is particularly the case when state policy requires the passage of high-level tests in order to receive a diploma or to move from grade to grade.

Despite many unresolved technical issues, high-stakes decisions are being made that have the potential to deny students with disabilities important opportunities such as promotion or graduation. Applying a narrow definition of reading to high-stakes decisions may mean that these disabled students will be denied diplomas and thus future educational opportunities and potentially lead to higher dropout rates. Because of the dramatic negative effects of failing to acquire a high school diploma, setting standards policies without these children in mind may have a devastating impact on a relatively large number of students.

### --2NC Spillover

#### Inclusive Education spills over into the larger movement of societal integration

Hehir 3 [Thomas, school administrator, Ed.D., professor of Practice at Harvard’s Graduate School of Education, is a leading scholar and advocate for children with disabilities. He served as director of the U.S. Department of Education’s Office of Special Education Programs under President Clinton from 1993–1999. March 2003, “Beyond inclusion: educators' 'ableist' assumptions about students with disabilities compromise the quality of instruction” SS]

The inclusion movement in education has supported the overall disability movement's goal of promoting societal integration, using integration in schooling as a means to achieve this result. The strong legal preference for placement in regular classes, coupled with the political movement of disability activists and parents, has resulted in significant positive change for students with disabilities who are moving on to jobs and accessing higher education at unprecedented levels. Virtually every school has had to confront the issue of inclusion as parents seek integration for their children with disabilities.

Ableism provides a useful perspective through which the inclusion issue can be resolved. First, there needs to be a recognition that education plays a central role in integrating disabled people in all aspects of society both by giving children the education they need to compete and by demonstrating to nondisabled children that disability is a natural aspect of life. Central to this role is the need for students with disabilities to have access to the same curriculum provided to nondisabled children.

Further, education plays a vital role in building communities in which disabled children should be included. Therefore, for most children with disabilities, integration into regular classes with appropriate accommodations and support should be the norm.

However, the lens of ableism should lead to the recognition that for some students certain disability-related skills might need attention outside the regular classroom. Learning Braille or American Sign Language or how to use a communication device is not typically part of the curriculum and might be more efficiently taught outside the mainstream classroom. The dyslexic high school student who needs intensive help in reading may feel deeply self-conscious if such instruction is conducted in front of his nondisabled friends. The 19-year-old student with a significant cognitive disability may need to spend a good deal of time learning to take public transportation, a skill that ultimately will enhance her chances of being integrated into the community as an adult. Nondisabled students do not spend time in school learning this skill because they learn this easily on their own.

The nature of mental retardation is such that this type of learning does not typically happen incidentally. It must be taught over time and within the context in which the skill will be used. Uniting around the goal of societal integration and recognizing that the difference inherent in disability is a positive one that at times gives rise to disability-specific educational needs may help advocates move away from the fight over placement to one that focuses on educational results.

### Courts CP

#### Ableism inevitable – only courts can solve

Burleson ‘11

[Elizabeth is a Professor at Pace University School of Law, “Perspective on Economic Critiques of Disability Law: The Multifaceted Federal Role in Balancing Equity and Efficiency” 1/1]

Enforcement of established civil rights and clear guidelines as to what those rights entail are essential to eliminate discrimination. The legislature must adequately fund and staff enforcement entities. This legislative approach, however, is not always sufficient in confronting the problem of clarifying the language of the ADA. Courts must play the important role of making statutory interpretations that are consistent with the legislative intent of eradicating discrimination**.** Assessing the ADA depends, in part, on what one interprets its mandate to be. Thus far, however, a great deal of the ADA analysis has remained at the initial level of determining whether the individual can even qualify as having a “disability.” One area in which this has been difficult has been for post-secondary students with learning disabilities. As Wendy Hensel notes, [t]he problem for most students in higher education, particularly those in graduate or professional school, is that they have attained a level of educational achievement which surpasses the majority of Americans. Some large cities have nearly 50% of their students drop out of high school with no diploma, and nationally less than one-third of all adults attain college degrees. There is abundant evidence that the average person cannot read at a high school level, let alone at a collegiate one.106 The following case exemplifies the ongoing struggle that law students continue to face with regard to seeking reasonable accommodations on bar examinations.

### Taxis CP

#### CP: privatize to create accessible taxis

#### Accessible taxis solve

AAPD 12American Association of People with Disabilities, the country's largest cross-disability membership association, organizes the disability community to be a powerful force for change – politically, economically, and socially [“Equity in Transportation for People with Disabilities” <http://www.civilrightsdocs.info/pdf/transportation/final-transportation-equity-disability.pdf> SS]

Private transportation is an important alternative that should be considered to increase access for people with disabilities. A pressing issue in the disability community is the dearth of accessible taxis. Taxis are an important mode of transportation for people with disabilities. Many people with disabilities who cannot drive or afford a car utilize taxi services. Taxis can provide greater flexibility and independence than relying on public transportation systems, especially for those for whom mass transit is either unavailable or inaccessible.

Moreover, taxis can provide a cost-effective alternative to paratransit service. Public transit operators could save money by employing taxi services for people with disabilities, and taxi fare is less expensive than providing paratransit. Furthermore, health care-related travel could be provided more cheaply and effectively by accessible taxis than by privately operated ambulettes or public paratransit systems. This ultimately is a savings not only to transit but to taxpayers as well. However, only a very small percentage of taxis nationwide are accessible, and people with disabilities still face an enormous amount of discrimination from taxi services. Some cities have accessible taxi programs. Chicago’s program has been a model due to effective enforcement. Other cities such as Boston, Las Vegas, San Francisco, Seattle, and Portland also have made progress. The ADA requires accessibility only in van-style taxis, not for sedan- style taxis. However, when local governments regulate taxis, they must be careful not to discriminate against people with disabilities in violation of the ADA. In New York City, a recent landmark court case ruled that the New York Taxi and Limousine Commission’s (TLC) operation of an inaccessible taxi fleet illegally discriminated against people with disabilities.4 The availability of accessible taxis has long been an issue in New York City, the country’s most populous city. Taxis there are regulated by the city and only those that receive medallions from the TLC can provide “street hail” service. Despite the ADA’s prohibitions on discrimination by public entities in the provision of public services, the TLC has not required accessibility in taxis, and historically less than 2 percent of New York City taxis have been accessible. In 2011 several disability groups joined together to sue the TLC, charging it with “failing to provide yellow taxis that men, women and children who use wheelchairs are able to access.” The court agreed that the TLC’s policies resulted in discrimination against people with disabilities and that the city must provide “meaningful access” to wheelchair users.

## Impairment Criticism

### Thesis Notes

Definitions—

Medical Model—disability is a product of individual impairments—impairments are perceived negatively, they are problems that should be fixed—the best approach to disabilities is attempting to fix the impairment.

 Social Model—disability is the product of societies choice not to accommodate the disabled—the physical problem (i.e. your legs no longer function) is called an impairment, but impairment is neutral.

Explanation—

The rejection of the medical model goes too far because the social model doesn’t recognize impairment as a problem that can exist independent of society—even if the affirmative doesn’t mean to, their rhetoric reifies a very strong version of the social model of the disabilities which tends to focus on societal solutions to disabilities problems (i.e. accessible transportation infrastructure to increase mobility of people who use wheelchairs) at the expense of medical solutions (i.e. prosthetics/surgery)—that turns the case.

The offense is outlined in Autism and Oughtism—suggesting that severe disabilities are only a product of society can come off as offensive, resulting in community backlash—this jives well w/ coalitions arguments made in the Shakespeare and Watson evidence.

The alternative is to embrace an embodied ontology—this means that we recognize that all people are impaired in some way—disability is a continuum from mild to severe, not two categories of abled and disabled—one result of this ontology is that we accept “biological, psychological, cultural and socio-political factors.” This resolves their offense about the medical model because it means that we don’t solely define disabled people through medical definitions of their disability, but it also avoids the backlash offense and the defensive arguments.

The link/permutation—the aff must defend the social model—it is the only alternative to the medical model defended in the literature (aside from the affirmation model, but I don’t think that will be relevant)—moreover, the means by which the aff resolves disabilities problems is social—they try to accommodate the disabled, not treat their problems—even if they win that they don’t have to defend the social model, the Autism and Oughtisms evidence makes link arguments to rejecting the medical model.

This critique links to the “reject the medical model” advantage, but would not link generically to other disabilities transportation affs.

### 1NC—Impairment Criticism

#### Rejection of the medical model causes community backlash—the social model is perceived as offensive, unethical, and unrealistic—turns implementation

Autism and Oughtisms 11 December 16, 2011 Note: Autism and Oughtisms is the name of the blogger who posted this entry, she has a minor in sociology and is a mother of an autistic child (“Concern over the use of the Social Model of Disability, in the Autism Community,” Accessed online at <http://autismandoughtisms.wordpress.com/2011/12/16/concern-over-the-use-of-the-social-model-of-disability-in-the-autism-community/>, Accessed on 7/19/12)

I’m increasingly encountering reference to the Social Model of [Disability](http://autismandoughtisms.wordpress.com/2011/12/16/concern-over-the-use-of-the-social-model-of-disability-in-the-autism-community/), in autism rhetoric. It is most strongly associated with the Neurodiversity movement, and related groups (like ASAN). Without fail, every time I have seen the Social Model of Disability being used to discuss autism, I have seen quick and concerned responses from others who are outraged that something as serious and real (as opposed to mild or entirely socially constructed) as autism, could be referenced and re-framed in this way.

In this post I am going to try to make sense of those concerns, where they come from, and whether they are well-placed. First some introductory points about the Model itself.

The [Social Model of Disability](http://autismandoughtisms.wordpress.com/2011/12/16/concern-over-the-use-of-the-social-model-of-disability-in-the-autism-community/) can be seen as a response to the more individualised and “normative” Medical Model of Disability. The Social Model shifts the focus from reshaping the impaired individual, to reshaping society (in terms of things like society’s response, attitudes and accommodation of those impaired persons). It defines disability in reference to how much society is accommodating the affected individuals, rather than as something defined by the condition the person has.

It does not necessarily come hand-in-hand with a [complete](http://autismandoughtisms.wordpress.com/2011/12/16/concern-over-the-use-of-the-social-model-of-disability-in-the-autism-community/) reframing of the impairment carried by the individual, by which I mean, you can still identify an objective and serious impairment held by the individual, yet use a Social Model approach to what to do about it and how to talk about it. It may do though; various movements will and do deny existing definitions – and even existence – of the [impairments](http://autismandoughtisms.wordpress.com/2011/12/16/concern-over-the-use-of-the-social-model-of-disability-in-the-autism-community/) that lead to disability, completely denying current terms and groupings and diagnostic criteria used to identify the conditions affecting people in the first place. This line of thinking will also challenge uses of the terms like “impairment” at all, choosing instead to completely redefine the condition as one only created by societal attitudes towards these people as “other” and unwanted.

Similarly, the Social Model of Disability doesn’t necessarily come hand-in-hand with saying the only correct response to a challenged person is to alter society and everyone else rather than the individual themself (for example, they may say society must be more accommodating but also there must be [medical](http://autismandoughtisms.wordpress.com/2011/12/16/concern-over-the-use-of-the-social-model-of-disability-in-the-autism-community/) and therapy interventions for the best of the affected individual). Again though, some do take that more extreme approach, saying that the affected individual should not have to change or be forced to change at all; that it is only society (everyone else) who must be expected to change, in attitudes and accommodation towards those seemingly affected by a disability.

Basically, the Social Model of Disability then can be seen either as a guiding consideration that enhances our appreciation of the role society plays in the definition and actuality of disability, or it can be taken as a more extreme version that attacks the very definition of impairments (per se) and completely counters existing expectations that afflicted individuals do something to better fit into the world they exist in.

In that first guise – as an enhanced consideration of the role society plays in making disability worse – there will not be much controversy, since it would be fair to say that most people understand that accommodation and better attitudes towards conditions like autism, can and do make a very real impact on how debilitating something like autism can be. But in this softer guise of the model, it doesn’t tell us much we didn’t already know, and isn’t really a “game-changer.” It is the more extreme version and uses of the model that raise hackles (and I will soon get to why that may be, particularly for autism). I think it is important though to recognise that not everyone who refers to the Social Model of Disability is conforming to this more extreme version, and are often using it to rather suggest a gentle paradigm shift along-side continuing medical definitions and interventions at the individual level.

In order to understand why many in the autism community – most especially the daily carers of those with more severe forms of autism – take such exception to the more extreme Social Model of Disability, I think it is important to understand the rather common histories and daily struggles faced by these carers; pre-diagnosis, at the point of diagnosis and post-diagnosis.

It is a common experience for parents of autistic children to go through months or years of being told there is nothing “wrong with their child”; that what they’re worried about in their child is just a little slow development in their interests, abilities and speech. That better parenting or more socializing would fix the child right up. Eventually the child receives the diagnosis (which may take more than one professional, particularly if they see the wrong sort of professionals), and then those parents have to face family, friends and strangers sharing their wisdom that autism is not a real condition; it’s just a fad diagnosis tailored to bad parents or poorly performing children. After diagnosis comes the eternal fight for services and funding that you’re supposedly entitled to, so your child can get the help they need as soon as possible, to make the biggest difference possible for the brightest future possible.

So when someone comes along after or during all these struggles and adds one more voice to the “your child’s condition isn’t really a disability” barrage, it is completely understandable and predictable that there is going to be a backlash. When you fight to have your child’s condition acknowledged in the first place by professionals and those around you, then fight to access services, to then have someone tell you “it would all be OK if society just acted a bit differently towards your child” or “there is nothing wrong with your child, just something wrong with society”, it comes off like a threat to the very diagnosis and to the hard-won services. And in its more extreme form, that is exactly what the Social Model of Disability is; a threat. It tells you to get rid of the diagnosis category (in particular forms and places anyway), and to stop providing therapies to these people; to turn all funding and attention instead to the problems in society instead.

More than a threat though, it also comes across as (a) a complete and astounding denial of reality, and (b), an entirely unrealistic and arguably immoral response to impairment and disability.

It comes across as a denial of reality because being around the most severely autistic (and disabled more generally) makes it impossible to say “there is nothing really wrong here.” When basic self-care skills are missing to the extent that the person is dependent on others to change nappies well into their school years, or language is non-existent to the point that completely artificial modes of communication need to be intentionally (and often expensively) introduced in order to even figure out the simplest request, the notion that just changing society would make it all be fine, can appear ignorant and be quite upsetting. This would be a reaction to a more extreme form of the Social Model of Disability of course; not the form that accepts real and serious impairment (beyond the socially defined) and the need for interventions at the individual level.

It can be seen as an unrealistic and immoral response too. Unrealistic, because making everyone else in society change when the alternative is working to help that individual find a way to function within society as it currently exists, is the far more mammoth task, and unlikely to help that individual here and now (though it may improve their life years or decades from now; there is arguably no reason social awareness can’t be improved along-side an individual approach). The focus needs to be on helping the person now, in the world they find themselves in. Yes, lets work to make that a better world, but not at the expense of helping the person find their way in society as it currently works.

The “immoral” aspect of this approach comes in because the Social Model of Disability does not sit intuitively with highly valuing independence, which is a question of not just economics but a deeper set of (particular) moral beliefs. The moral concern here is that dependence on others – particularly on society at large (in terms of financial support, accommodation, positive discrimination etc) – is neither neutral nor something to be encouraged and celebrated. Rather, anything which encourages adults towards personal independence (self-care, financial independence, the ability to live one’s own life the way one chooses, etc), is a positive value.

However, it must be noted that the “outcome” (which is arguably unrealistic or impossible) of the ultimate implementation and realisation of the Social Model of Disability, wouldactually be heightened independence of those currently deemed disabled, since they would be more empowered to gain employment, and to move freely through society (both mentally and physically). Also, one could arguably question the meaning of independence in a society that taxes heavily already, where interdependence and dependence is already an oft-forgotten aspect of today’s modern societies; that the Social Disability Model just seeks to extend that aspect.

Again though, the increased independence arguably afforded by a Social Disability Model approach, can come along-side rather than instead of, an individualised approach to disability (where therapies and other interventions are also used to equip the affected individual). It is the “instead of” approach – where some argue that therapies, definitions, and interventions at the individual level should be abandoned altogether – that upsets carers the most.

From my own thoughts and understanding of these conflicts, a lot of confusion comes from inconsistent or unclear uses of the Social Model of Disability. At its extremes, the Model looks distorting, offensive, and dangerous to the wellbeing of the disabled. In its milder form it is a sort of paradigm shift – bringing attention to a different or rather additional way to view, understand and approach disability – and yet because it is milder, this form isn’t as important or “powerful” as its more extreme version (and is arguably redundant as a model per se, since it is downgraded to a “consideration” or “heightened awareness”, that can sit (merely) along-side the existing supposed “Medical Model”).

I do not have particular training or special insights (beyond Sociology being the Minor of my BA and my own experiences as a mother of an autistic child), that I brought into this post. This post is rather the result of thinking about others’ reactions, and indeed my own reactions, to encountering the Social Model of Disability rhetoric, particularly in regards to the autism community. And so, as ever, I do openly encourage you to correct me if I’ve got something wrong or misrepresented or misunderstood some aspect. But if I am incorrect, it is worth noting that those errors are made not just by me, and are symptoms of an oft poorly communicated rhetoric rather than ill-intent or lack of consideration on my behalf.

#### The explicit rejection of the medical model is dangerous—even if the affirmative doesn’t mean to create a rigid dichotomy, the social model becomes a sacred cow excluding discussions of the real effects impairments have on disabled people—strong social model fractures coalitions

Shakespeare and Watson 2 Tom Shakespeare, Department of Sociology, University of Newcastle, Nicholas Watson, Department of Nursing Studies, University of Edinburgh 2002 (“The social model of disability: an outdated ideology?,” Research in Social Science and Disability’ Volume 2, pp. 9-28 Accessed online at <http://www.leeds.ac.uk/disability-studies/archiveuk/Shakespeare/social%20model%20of%20disability.pdf> , Accessed on 7/20/12)

We argue that the very success of the social model is now its main weakness. Because it is such a powerful tool, and because it was so central to the disability movement, it became a sacred cow, an ideology which could not easily be challenged. Part of its effectiveness arose from its simplicity. It could be reduced to a slogan: ‘disabled by society not by our bodies’. Organisations and policies could be easily evaluated: did they use the (social model) term ‘disabled people’ or did they use the (medical model) term ‘people with disabilities’? Did they focus on barrier removal, or did they focus on medical intervention and rehabilitation? The social model could be used to view the world in black and white, even if this was not the intention of those who originally framed it. Psychologically, people’s commitment to the social model was based on the way it had transformed their self-esteem. Any individual who had become an activist on the basis of joining a collective united by the social model ideology had a deep investment in the social model definition of disability. ‘We’ were oppressed: ‘they’ were oppressors. ‘We’ talk about disability, we don’t mention impairment. You can’t be a proper activist, unless you accept the social model as your creed.

This reading of the history of the British disability movement will be contested by some. We are in danger of constructing a ‘straw person’, it will be suggested. After all, no one really takes such an extreme position. The issue of impairment was never really ignored. The social model does not really produce such a rigid dichotomy. But our contention is that many British activists in their public discourse use exactly this ‘strong’ version of the social model that we are critiquing. It may be that in private, their talk is at odds with the ‘strong social model’. Most activists concede that behind closed doors they talk about aches and pains and urinary tract infections, even while they deny any relevance of the body while they are out campaigning. Yet this inconsistency is surely wrong: if the rhetoric says one thing, while everyone behaves privately in a more complex way, then perhaps it is time to reexamine the rhetoric and speak more honestly. Within academia, while some of the leading exponents of the social model now claim to operate a less rigid approach, they still simultaneously reinforce the ‘strong’ social model. For example, Mike Oliver (1996, 34) supplies a table in which two columns list the differences between the ‘individual model’ and the ‘social model’. In the first column, we find words such as ‘medicalisation’, ‘adjustment’, ‘prejudice’, ‘attitudes’, ‘care’, policy’ etc, and in the second column we find the alternatives: ‘self-help’, ‘affirmation’, ‘discrimination’, ‘behaviour’, ‘rights’, ‘politics’. Oliver’s commentary genuflects to the need for flexibility:

“It should be noted that, like all tables, this one oversimplifies a complex reality and each item should be seen as the polar end of a continuum.” (Oliver, 1996, 33)

before immediately reinforcing the social model dichotomy:

“Nevertheless, underpinning [the table] is the same fundamental distinction between impairment and disability as defined by UPIAS…” (Oliver, 1996, 33).

Jenny Morris’ very popular and influential book, Pride Against Prejudice (1991) blurred the distinction between impairment and disability in several ways: she discussed the role of impairment and personal experience in the lives of disabled people; she talked about cultural representation; and she used terminology inconsistently, sometimes talking about ‘disability’ when in strictly social model terms she was talking about impairment. For these reasons, her work was regarded by some in the British disability movement as ‘ideologically doubtful’. This tendency, to evaluate ideas on the basis of their conformity to social model orthodoxy, can be seen regularly in the pages of the international journal Disability and Society. For example, recent reviews by Colin Barnes (1998, 1999) of books by American disability scholars have strongly criticised such perspectives because they ignore British disability studies work, and particularly because they fail to adhere to the social model definition of disability. Barnes writes:

“… most American and Canadian accounts are impairment specific in that they limit their discussions to ‘people with physical disabilities’ or the body; ‘disability’ is both biological condition and a social construct, and the terms ‘disabled people’ and ‘people with disabilities’ are used interchangeably. As Mike Oliver has repeatedly made clear, this is about far more than simply ‘political correctness’. It’s about the crucial issue of causality, the role of language, its normalising tendencies and the politicisation of the process of definition.” (Barnes, 1999, 578)

Carol Thomas has discussed the way that some disability studies academics police writing on disability, in order to exclude anything which does not comply with the social model approach (Thomas, 1998). We argue that similar processes occur within activism: for example, impairment-based organisations are viewed as problematic (e.g. Hurst, 1995). The recent UK government campaign ‘See the person [not the disability]’ was opposed by activists largely because it used the term ‘disability’ to refer to physical impairment (e.g. Findlay, 1999, 7). While we do not believe that ‘See the Person’ was an adequate response to the poverty and exclusion of disabled people, nor do we believe that the main problem with the UK government’s approach to disability is about terminology, which is the impression that the disability movement is in danger of presenting.

#### The alternative is to embrace an embodied ontology which recognizes that we are all impaired—that avoids their medical model offence, but still allows for the inclusion of the medical perspective

Shakespeare and Watson 2 Tom Shakespeare, Department of Sociology, University of Newcastle, Nicholas Watson, Department of Nursing Studies, University of Edinburgh 2002 (“The social model of disability: an outdated ideology?,” Research in Social Science and Disability’ Volume 2, pp. 9-28 Accessed online at <http://www.leeds.ac.uk/disability-studies/archiveuk/Shakespeare/social%20model%20of%20disability.pdf> , Accessed on 7/20/12)

To use the familiar Kuhnian metaphor, perhaps the medical model was the traditional paradigm of disability (Kuhn, 1970). As disabled people began to see that it was an inadequate way of understanding their lives, there was a paradigm shift towards various social models. These approaches was more successful in explaining the experience of disabled people, and identifying the cause of disadvantage. In the Kuhnian metaphor, we could see the shift from the medical model to the social model as analogous to the move to Newtonian physics in the Enlightenment. Yet, just as twentieth century scientists began to realise that there were limitations to the Newtonian approach, so it has become clear in the 1990s that there are problems with the social model, at least in its strong versions. We believe that it is time for another paradigm 24 shift, towards a model which will account for disabled people's experience more effectively.

But it is important to remember that in physics the replacement of Newtonian mechanics by the Einsteinian theory of relativity did not invalidate the former approach, but merely showed its limitations. So, by arguing against the social model we are not denying that for much of the time the priority remains to analyse and campaign against social barriers, merely that we require a more sophisticated approach to disability. This should revolve around the following points.

1. Impairment and disability are not dichotomous, but describe different places on a continuum, or different aspects of a single experience. It is difficult to determine where impairment ends and disability starts, but such vagueness need not be debilitating. Disability is a complex dialectic of biological, psychological, cultural and socio-political factors, which cannot be extricated except with imprecision.

2. Much opposition to the ‘medical model’ is an opposition to being defined solely on the basis of impairment, or having clinicians rule our lives. Yet it is possible to challenge these processes, without having to resort to the equally crude determinism of the social model. Disability should not be reduced to a medical condition. It should not be overlaid with negative cultural meanings. Neither should it be reduced to an outcome of social barriers alone, however important these might be in people’s lives.

3. It remains vital to distinguish between the different levels of intervention, as Oliver also argues (1996, 36). Sometimes it is most appropriate to intervene at the medical or individual level. For example, a newly spinal-injured person will almost inevitably require spinal stabilisation, rehabilitation, and possibly counselling. Yet subsequently, alterations to their personal environment will important. In a broader sense, anti-discrimination measures will be vital to their future quality of life. Intervention at physical, psychological, environmental and socio-political levels is the key to progressive change, yet one cannot be a substitute for the other. Social change remains the most expedient measure to remove the problems presented by impairment and its consequences: this emphasis encapsulates the distinction between disability studies and medical sociology (Thomas, 1999).

4. Following Fraser and Nicholson’s (1990) arguments about feminism, we suggest that disability studies should not foreswear meta-narratives, because disabling social relations are everywhere. However, these theoretical responses must be situated in specific contexts. For example, responses to the problems of disabled children in education, or responses to the particular issues of black and minority ethnic disabled people. As we ourselves have realised, it is tempting to generalise, but that temptation should be resisted.

5. Currently, disability studies and disability politics share the assumption that we know who the disabled subject is. Yet this cannot be taken for granted. There are over six million people with impairment in Britain alone, and our theories and campaigns relate tangentially to most of them, let alone to the half billion elsewhere in the world. Failure to follow a social model line, or join with the disability movement, may be less of a failure of particular individuals, and more a limitation of the model or movement itself. We propose these five points as signposts in the coming construction of a more adequate social theory of disability.

However, as grounding for this social theory, we want to suggest an alternative ontology of disability, which has implications not just for disability studies, but for the broader ways in which sociologist and philosophers conceive of the body. Writers on both sides of the Atlantic have proposed that it is most meaningful to consider that everyone is impaired. For example, we cite the work of Irving Zola (1989), or Allan Sutherland’s suggestion that:

"A more radical approach is needed: we must demolish the false dividing line between 'normal' and 'disabled' [meaning impaired] and attack the whole concept of physical normality. We have to recognise that disablement [impairment] is not merely the physical state of a small minority of people. It is the normal condition of humanity." (Sutherland, 1981, 18, italics in original).

No one’s body works perfectly, or consistently, or eternally. We are all in some way impaired. Illness, as Antonovsky (1979) argues, is the human condition. Mortality, as Bauman (1992) has written, is the inescapable essence of being alive. These central truths are obscured within the Western tradition of mind/body dualism: since the Enlightenment, humans have been defined in terms of their rational capacities, that is, what separates us from animals, rather than the physical nature which connects to animals. Only minority voices such as Sebastiano Timpanaro (1975) have reminded us of the inherent frailty and vulnerability of our embodiment.

Acceptance of the ubiquity of impairment and physical limitation offers a different definitional strategy for disability studies. The British social model attempts to break the link between impairment (the body) and disability (the social creation), in opposition to the traditional view of disabled people as medical tragedies. The argument is that the difference between disabled people and non-disabled people is not that we have bodies or minds which do not work, but that we are an oppressed minority within a disabling society. An embodied ontology would argue instead that there is no qualitative difference between disabled people and non-disabled people, because we are all impaired. Impairment is not the core component of disability (as the medical model might suggest), it is the inherent nature of humanity. For example, the Human Genome Project has shown that every individual’s genome contains mutations: as well as predispositions to late onset diseases such as cancer, heart disease and dementia, these include four or five recessive conditions which might cause impairment in offspring, if the other parent also carried a matching recessive allele.

The ubiquity of impairment is an empirical fact, not a relativist claim. We are not trying to say that short-sightedness is equivalent to blindness, or that being unfit is a similar experience to being paralysed. Clearly, the limitations which individual bodies or minds impose (always in specific contexts) vary from the trivial to the profound. There are important differences to which theory and practice should be sensitive, but these differences cannot be straightforwardly allocated to two distinct ontological statuses. Our point is that everyone has limitations, and that everyone is vulnerable to more limitations and will, through the ageing process, inevitably experience functional loss and morbidity. Many of us will be supportive of attempts to minimise or eliminate these limitations, where possible, which does not mean ‘cure at all costs’. 28 Moreover, while all living beings are impaired - that is, frail, limited, vulnerable, mortal - we are not all oppressed on the basis of this impairment and illness. Only a proportion of people experience the additional disabling processes of society. Put another way, societies have evolved to minimise the problems of the majority of people with impairment, but have failed to deal effectively with the problems of a minority of people with impairment. In fact, societies have actively excluded, disempowered and oppressed (‘disabled’) this minority. Of course, the size and nature of this minority changes. It is very difficult to achieve a core definition of ‘disabled people’, because it is not clear who counts as disabled or not. This is because different societies treat particular groups of people with impairments in different ways. For example, in the medieval period, being unable to read was not a problem, because social processes did not demand literacy: learning difficulties only became salient and visible once a complex social order required literate workers and citizens.

Rather than trying to break the definitional link between impairment and disability, we should expose the essential connection between impairment and embodiment. After all, as Shakespeare (1994) also argues, part of the psychological origins of hostility to disabled people may lie in the tendency of nondisabled people to deny their vulnerability and frailty and mortality, and to project these uncomfortable issues onto disabled people, who they can subsequently oppress and exclude and ignore. The continuum of impairment and embodiment is translated into a dichotomy between ‘able-bodied people’ and ‘disabled people’, as Davis (1995) and others have demonstrated. Understanding these processes of exclusion and discrimination is where the core focus of an empowering disability studies should lie.

The central argument of this paper has been that the British social model has been an excellent basis for a political movement, but is now an inadequate grounding for a social theory. This social model was a modernist project, built on Marxist foundations. The world, and social theory, has passed it by, and we need to learn from other social movements, and from new theoretical perspectives, particularly those of post-structuralism and postmodernism. We believe that the claim that everyone is impaired, not just ‘disabled people’, is a far-reaching and important insight into human experience, with major implications for medical and social intervention in the twenty-first century.

### 2NC Link

#### The affirmatives radical shift away from the medical model creates a politics which ignores impairment—that’s a prerequisite to solvency

Shakespeare and Watson 2 Tom Shakespeare, Department of Sociology, University of Newcastle, Nicholas Watson, Department of Nursing Studies, University of Edinburgh 2002 (“The social model of disability: an outdated ideology?,” Research in Social Science and Disability’ Volume 2, pp. 9-28 Accessed online at <http://www.leeds.ac.uk/disability-studies/archiveuk/Shakespeare/social%20model%20of%20disability.pdf> , Accessed on 7/20/12)

We have already cited the work of feminist commentators arguing that the social model has traditionally either avoided or excluded the issue of impairment. As French suggested above, this seems mainly to have been for reasons of radical rhetoric. It sounds much better to say ‘people are disabled by society, not by their bodies’ than to say ‘people are disabled by society as well as by their bodies’. But the result is that impairment is completely bracketed, just as sexual difference was the taboo subject for the women’s movement in the early 1970s. In properly rejecting the causal role of the body in explaining oppression, disabled radicals have followed their feminist precursors in denying difference entirely: after all,

“Once feminists admit the mildest degree of sexual difference, they open up a gap through which the currents of reaction will flow. Once let slip that pre-menstrual tension interfered with concentration, that pregnancy can be exhausting, that motherhood is absorbing, and you are off down the slope to separate spheres.” (Ann Phillips, quoted in Cockburn, 1991, 161). We argue that the denial of difference is as big a problem for disability studies, as it was for feminism.

Experientially, impairment is salient to many. As disabled feminists have argued, impairment is part of our daily personal experience, and cannot be ignored in our social theory or our political strategy. Politically, if our analysis does not include impairment, disabled people may be reluctant to identify with the disability movement, and commentators may reject our arguments as being ‘idealistic’ and ungrounded. We are not just disabled people, we are also people with impairments, and to pretend otherwise is to ignore a major part of our biographies. As Linda Birke argued in the case of gender,

“Feminist theory needs to take into account not only the ways in which our biology is interpreted, but also the very real ways in which biology does in practice affect our lives.” (Birke, 1986, 47) Analytically, it is clear that different impairments impinge in different ways. That is, they have different implications for health and individual capacity, but also generate different responses from the broader cultural and social milieu. For example, visible impairments trigger social responses while invisible impairments may not - the distinction which Goffman (1968) draws between 'discrediting' and 'discreditable' stigma. Congenital impairments have different implications for self-identity than acquired impairments. Some impairments are static, others are episodic or degenerative. Some mainly affect appearance, others restrict functioning. All these differences have salient impacts at both the individual and psychological level, and at the social and structural level. This is not an argument for disaggregating all disability, and referring solely to clinical diagnoses, but for recognising that the different major groupings of impairment, because of their functional and presentational impacts, have differing individual and social implications.

Moreover, denying the relevance of impairment has some unfortunate consequences. Thus, the disability community has often criticised the mainstream emphasis on ‘cure’ for impairment, and have opposed the maximising of functioning. For example, Oliver and others have argued against conductive education for people with cerebral palsy (1989). Recently there has been a backlash from people directly involved, arguing that some of the Peto interventions can generate significant outcomes for people with these impairments (Beardshaw, 1989; Read, 1998). Why is it so wrong to maximise functioning and seek to reduce the impact of disease? Clearly, some of these interventions cause more harm than good. Equally, the obsession of many clinicians with cure is misguided. Yet, at the same, it would be to commit an equivalent error if we discounted all possibility or benefit of impairment avoidance and reduction. A special case of this argument applies to genetics. Many activists have opposed all attempts to reduce the incidence of genetic conditions. Yet, while we would ourselves have major criticisms of contemporary genetic rhetoric and practice, we cannot see a problem in seeking to avoid serious and debilitating conditions. The woman who takes folic acid in her pregnancy is being sensible, not being oppressive to people with spina bifida. While we would oppose blanket selective screening of all impairments, there are times where it seems appropriate and desirable to take advantage of genetic technologies. Impairments such as Tay-Sachs disease and anencephaly are both terminal and very unpleasant and most people would want to avoid them if at all possible (Shakespeare 1998).

If the social model argument was pushed to its logical extreme, we might not see impairment as something which we should make efforts to avoid. As a consequence, we might be unconcerned about road safety, gun control, inoculation programmes, and mine-clearance. Of course, no activist in practice actually makes such arguments. However, both British advocates of the ‘strong’ social model and some American minority group approaches seem sometimes to suggest that having more disabled people is by no means a bad thing, and that we should not always try to avoid impairment.

One come-back from social model traditionalists may be to distinguish between impairment and chronic illness, and to welcome medical relief of the latter. But as Bury (1996) argues, 14 there is little real difference between the two phenomena. Many impairments are changeable and episodic. Few have no medical implications whatsoever. The majority of disabled people do not have stable, congenital impairments (such as blindness or deafness) or sudden traumatic lesions (such as spinal chord injury), but instead have rheumatism or cardio-vascular disease, or other chronic degenerative conditions mainly associated with ageing. Even conditions such as polio and spinal chord injury are not ‘once-for-all’ changes without subsequent variations: post-polio syndrome is now well documented, and people with SCI have to manage urinary-tract-infections, pressure sores and other problems. Equally, Corker and French (1998, 6) show how it is wrong to assume that sensory impairments do not cause pain. Paul Abberley (1987) is one of the few materialist disability studies theorists to take account of the impairment. He makes a distinction between social identities which do not have a bodily dimension which causes limitation – such as gender, race and sexuality – and the example of disability, where the body is a problem:

“While in the cases of sexual and racial oppression, biological difference serves only as a qualificatory condition of a wholly ideological oppression, for disabled people the biological difference albeit as I shall argue itself a consequence of social practices, is itself a part of the oppression. It is crucial that a theory of disability as oppression comes to grips with this real inferiority, since it forms a bedrock upon which justificatory oppressive theories are based and, psychologically, an immense impediment to the development of political consciousness amongst disabled people.” (Abberley, 1987, 8)

Abberley’s strategy is to show that impairment often has social causes. He argues that work, war, poverty and other social processes generate impairment, and therefore that impairment is itself part of disabled people’s social oppression. Yet this move, while unassailable in its political validity, is not analytically sustainable. After all, it may account for those impairments which are socially caused, but it cannot account for those impairments which idiopathic, random, or just bad luck.

We entirely concur with the political imperative to remove disabling barriers. We also believe that the overwhelming stress on medical research, corrective surgery and rehabilitation at all costs is misguided. The priority should be social change and barrier removal, as social models of disability have suggested. Yet there is no reason why appropriate action on impairment - and even various forms of impairment prevention - cannot co-exist with action to remove disabling environments and practices. People are disabled both by social barriers and by their bodies. This is straightforward and uncontroversial. The British social model approach, because it ‘over-eggs the pudding’, risks discrediting the entire dish.

### 2NC Defense

#### No solvency—the social model links to their medical model offense—still defines people as disabled

Shakespeare and Watson 2 Tom Shakespeare, Department of Sociology, University of Newcastle, Nicholas Watson, Department of Nursing Studies, University of Edinburgh 2002 (“The social model of disability: an outdated ideology?,” Research in Social Science and Disability’ Volume 2, pp. 9-28 Accessed online at <http://www.leeds.ac.uk/disability-studies/archiveuk/Shakespeare/social%20model%20of%20disability.pdf> , Accessed on 7/20/12)

“No one today is purely one thing. Labels like Indian, or woman, or Muslim, or American are no more than starting-points, which if followed into actual experience for only a moment are quickly left behind.” (Said, 1994, 407)

Disability politics, by its very nature, often rests on a fairly unreflexive acceptance of the distinction disabled/non-disabled distinction. Disabled people are seen as those who identify as such. Non-disabled people are often not welcome. Disabled leadership is seen as vital. But Liggett argues:

“From an interpretative point of view the minority group approach is double edged because it means enlarging the discursive practices which participate in the constitution of disability. […] [I]n order to participate in their own management disabled people have had to participate as disabled. Even among the politically active, the price of being heard is understanding that it is the disabled who are speaking.” (1988, 271ff)

Liggett is following those post-structuralist authors who point out the costs to identity politics. To be an activist - whether as a gay person, or a woman, or a disabled person - is to make the label into a badge, to make the ghetto into a oppositional culture. Yet what about those who wish to be ordinary, not different?

Many disabled people do not want to see themselves as disabled, either in terms of the medical model or the social model. They downplay the significance of their impairments, and seek access to a mainstream identity. They do not have a political identity, because they do not see themselves as part of the disability movement either. This refusal to define oneself by impairment or disability has sometimes been seen as internalised oppression or false consciousness by radicals in the disability movement. Yet this attitude can itself be patronising and oppressive. People do have a choice as to how they identify, within obvious limitations. What is wrong with seeing yourself as a person with a disability, rather than a disabled person, or even identifying simply as a human being, or a citizen, rather than as a member of a minority community? After all, identity politics can be a prison, as well as a haven.

The unwillingness to identify as disabled - either in a political sense, or in a medical sense - is very evident in our recent research with children with impairments (the ‘Life as a disabled child’ project, funded by the UK Economic and Social Research Council). We started with the intention of imposing our social model perspective on their lives. Yet, because we were also following the precepts of the new sociology of childhood, and treating children as agents, and their testimony as reliable, we were forced to rethink our adult-oriented social model assumptions. The children easily identified the social barriers which they experienced, and were often vociferous in complaining about the treatment which they received. But most of them wanted to be seen as normal, though different, and actively resisted definition as disabled (Priestley et al, 1999). It has been argued that many people with learning difficulties resist being defined as disabled or different (Finlay & Lyons, 1998). We hypothesise that the same might apply to older people with impairments or chronic illnesses, who make up the majority of 'disabled people' in Britain and America.

There is also the issue of multiple identities. While some people with impairment resist identification as disabled, because they want to see themselves as normal, others are more likely to identify in terms of alternative parts of their experience. For example, gender may be more salient, or perhaps ethnicity, or sexuality, or class, or marital status. Research on disabled sexuality has found gay people, for example, who prioritise their sexual identity, and ignore their experience of impairment (Shakespeare et al, 1996). Social model perspectives have not proved very effective in reconciling the dimensions of gender, race and sexuality within or alongside disability (Morris, 1991, Vernon, 1996). Most people are simultaneously situated in a range of subject positions. To assume that disability will always be the key to their identity is to recapitulate the error made by those from the medical model perspective who define people by their impairment. Any individual disabled person may strategically identify, at different times, as a person with a particular impairment, as a disabled person, or by their particular gender, ethnicity, sexuality, occupation, religion, or football team. Identity cannot be straightforwardly read off any more, it is, within limit, a matter of choice. Here we are with Foucault:

“Do not ask me who I am, and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order.” (quoted in Kritzman, 1990, ix)

#### No solvency—the social model redefines the problem, but it still allows the disabled to be pitied

Raymaker 9 Dora Raymaker, MS, co-directs the Academic Autistic Spectrum Partnership in Research and [Education](http://doraraymaker.com/doraraymaker.com/) (AASPIRE, [http://aaspire.org](http://aaspire.org/)), a community-campus partnership that conducts research to improve the lives of adults on the [autism spectrum](http://doraraymaker.com/doraraymaker.com/), 3/22/9 (“Disability Models, Tragedy, and Identity,”Accessed online at <http://news.change.org/stories/disability-models-tragedy-and-identity>, Accessed on 7/19/12)

The social model of [disability](http://news.change.org/stories/disability-models-tragedy-and-identity) can be contrasted with the medical model. The medical model views disability as a flaw in a person that can be cured by some form of medical treatment; the social model views disability as a flaw in the way society treats a person that can be cured by some form of accommodation (e.g. the disability is caused by lack of a wheelchair ramp, not by the impairment of being unable to walk). The medical model comes mainly out of early 20th century views about disability and medicine; the social model comes mainly as a more modern reaction to that from the disability civil rights movement. However, there is emerging criticism of the social model from within the disability community, and questioning about its value.

One suggested new model is called the "affirmation model" in the paper [Towards an Affirmation Model of Disability](http://www.informaworld.com/smpp/content~content%3Da713661971~db%3Dall) (John Swain, Sally French). The authors note that this model is exemplified by the [Disability Arts Movement](http://www.disabilityartsonline.org/?location_id=14).

A key criticism of the social model presented in the paper is that it's really just a redefinition of "the problem" of disability--it redefines where the "cure" [for disability](http://news.change.org/stories/disability-models-tragedy-and-identity) is (society not medicine) but doesn't address the notion of disability as a legitimate experience, as part of culture and identity, and as something that can be positive. The social model may reject disability as a personal tragedy, but ultimately it does nothing to directly prevent the view of disability as tragic, shameful, undesirable, or something to be distanced from a person. From the Swain and French paper,

The rejection of a tragic view and establishment of an affirmative model is far more problematic and not centrally addressed by the [social model of disability](http://news.change.org/stories/disability-models-tragedy-and-identity). Essentially, the social model redefines 'the problem'. Disability is not caused by impairment or a function of the individual, but the oppression of people with impairments in a disabling society. The non-tragic view of disability, however, is not about 'the problem', but about disability as a positive personal and collective identity, and disabled people leading fulfilled and satisfying lives. Whilst the social model is certainly totally incompatible with the view that disability is a personal tragedy, it can be argued that the social model has not, in itself, underpinned a non-tragedy view. First, to be a member of an oppressed group within society does not necessarily engender a non-tragedy view. There is, for instance, nothing inherently non-tragic about being denied access to buildings. Secondly, the social model disassociates impairment from disability. It, thus, leaves the possibility that even in an ideal world of full civil rights and participative citizenship for disabled people, an impairment could be seen to be a personal tragedy. There is, for instance, nothing inherently non-tragic about having legs that cannot walk or feel.

From an introduction by [Colin Cameron](http://www.disabilityartsonline.org/?location_id=18) to a poetry anthology (Tyneside Disability Arts (1999)Transgressions (Wallsend, Tyneside Disability Arts). ),

We are who we are as people with [impairments](http://news.change.org/stories/disability-models-tragedy-and-identity), and might actually feel comfortable with our lives if it wasn't for all those interfering busybodies who feel that it is their responsibility to feel sorry for us, or to find cures for us, or to manage our lives for us, or to harry us in order to make us something we are not, i.e. 'normal'.

The affirmation model attempts to extend the social model to include disability culture and community, personal identity as shaped by [disability and](http://news.change.org/stories/disability-models-tragedy-and-identity) impairment, and personal acceptance of impairment. To say yes, some barriers exist that we need removed in order to have full civil rights. But also to say no, we don't want to be like the non-disabled people, we are fine with who we are as we are: our impairments are an important part of ourselves and our lives.

While the social model may be useful for identifying and removing access barriers, it may ultimately fall short of accurately modeling the experience of disability.

#### Impairment is always already social—the distinction between impairment and disability is arbitrary and impossible—a pure social perspective fails

Shakespeare and Watson 2 Tom Shakespeare, Department of Sociology, University of Newcastle, Nicholas Watson, Department of Nursing Studies, University of Edinburgh 2002 (“The social model of disability: an outdated ideology?,” Research in Social Science and Disability’ Volume 2, pp. 9-28 Accessed online at <http://www.leeds.ac.uk/disability-studies/archiveuk/Shakespeare/social%20model%20of%20disability.pdf> , Accessed on 7/20/12)

Social model theory in the UK rests on a distinction between impairment, an attribute of the individual body or mind, and disability, a relationship between a person with impairment and society. A binary division is established between the biological and the social (Oliver, 1996, 30). This distinction is analogous to the distinction between sex and gender, as it was established by feminists such as Ann Oakley (1972). As with second-wave feminism, the move enables disability studies to illustrate that disability can only be understood in specific socio-historical contexts, and that it is a situation which is dynamic, and can be changed.

Yet, within feminism, the sex/gender distinction has largely been abandoned (see for example Butler, 1990). Theorists and activists do not thereby root woman’s being in biology, as the patriarchal tradition has done. Instead, it is observed that sex itself is social. Everything is always already social. John Hood-Williams concludes his discussion of the problems of dualism by saying: "The sex/gender distinction dramatically advanced understanding in an under-theorised area and, for over twenty years, it has provided a problematic which enabled a rich stream of studies to be undertaken, but it is now time to think beyond its confines." (Hood-Williams, 1996, 14)

The same, surely, applies to impairment. Impairment is not a presocial or pre-cultural biological substrate (Thomas, 1999, 124), as Tremain (1998) has argued in a paper which critiques the untenable ontologies of the impairment-disability and sex-gender distinctions. The words we use and the discourses we deploy to represent impairment are socially and culturally determined. There is no pure or natural body, existing outside of discourse. Impairment is only ever viewed through the lens of disabling social relations. As a crude example, one could cite the labels used to describe a particular impairment: idiocy, mongolism, Down’s syndrome, trisomy-21 are words which have been used to describe the same impairment situation, yet their connotations differ, as does a generic term such as person with learning difficulties which might be preferred by many people with that condition. Therefore we do not agree with Mike Oliver, when he seeks to deal with the problem of impairment by arguing that a social model of impairment is needed alongside the social model of disability (1996, 42). While his recognition of the importance of impairment, and the limitations of the social model is welcome, it would be neither straightforward or desirable to make the distinction between impairment and disability that he takes for granted.

The unsustainable distinction between impairment (bodily difference) and disability (social creation) can be demonstrated by asking ‘where does impairment end and disability start?’. As Corker and French argue (1998, 6) not only can sensory conditions include pain, but pain itself is generated through the interplay of physiological, psychological and socio-cultural factors (see also in this respect Wall, 1999). While impairment is often the cause or trigger of disability, disability may itself create or exacerbate impairment. Other impairments, because invisible, may not generate any disability whatsoever, but may have functional impacts, and implications for personal identity and psychological well-being.

Of course, some impairment/disability distinctions are straightforward. If architects include steps in a building, it clearly disadvantages wheelchair users. If there is no sign language interpreter, deaf people are excluded. Yet, it could be suggested that the ‘barrier free environment’ is an unsustainable myth (a fairy tale, such as in Finkelstein, 1981). For a start, removing environmental obstacles for someone with one impairment may well generate obstacles for someone with another impairment. It is impossible to remove all the obstacles to people with impairment, because some of them are inextricable aspects of impairment, not generated by the environment. If someone has an impairment which causes constant pain, how can the social environment be implicated? If someone has a significant intellectual limitation, how can society be altered to make this irrelevant to employment opportunities, for example? Does mainstream sport disable impaired athletes by imposing oppressive criteria – such as being able to run to play football?. Some of these examples may seem ridiculous. But they point to the problem of pushing the social model to its implications, and highlight a flaw in the whole conception.

Again, Paul Abberley (1996) has been one of the pioneers in pointing out this limitation. He suggests that a barrier-free utopia, in which all disabled people can gain employment, is not viable. He points out that however much investment and commitment and energy is devoted to making work accessible, there will always be a residuum of people who, because of their impairment, cannot work. However, again we would disagree with his solution to the problem. While displacing work as the central social value would be undoubtedly an important social development, it is not the most obvious solution to a problem which is generated mainly by the limitations of social model reasoning. We see no reason why we cannot accept that not everyone will be able to achieve inclusion into the economy, and argue instead that a mature society supports everyone on the basis, not of the work they have done, but of the needs they have.

The critique of dualism within gender studies has been informed by the work of post-structuralists such as Jacques Derrida, and post-modernists such as Judith Butler. Mairian Corker (1999) has been a pioneer in applying such ideas to the field of disability, and we believe that it would be fruitful for disability studies to engage more extensively with the mainstream of contemporary social theory, while remaining accessible and politically engaged (see also Cashling, 1993). We would also claim that a modernist theory of disability – seeking to provide an overarching meta-analysis covering all dimensions of every disabled person’s experience - is not a useful or attainable goal. For us, disability is the quintessential post-modern concept, because it is so complex, so variable, so contingent, so situated. It sits at the intersection of biology and society and of agency and structure. Disability cannot be reduced to a singular identity: it is a multiplicity, a plurality.

Social model theory has worked within a modernist context, and within rules of logic which are now actively being contested. Nancy Jay writes about the principle of contradiction (nothing can be A and not-A) and the principle of the excluded middle (everything must be either A or not-A) (Jay, 1981, 42). These modernist principles have been applied to disability, to deny that both the body and social barriers together can be the cause of disablement, and to argue against a middle ground between the medical model and the social model. As an example, look again at the table Mike Oliver provides to show the distinction between the individual/medical model and the social model (1996, 34). We believe that an adequate social theory of disability would include all the dimensions of disabled people’s experiences: bodily, psychological, cultural, social, political, rather than claiming that disability is either medical or social (Shakespeare & Erickson, 2000).

## Other Critique Links

### Capitalism Link

#### Identity politics uniquely prevent successful alternatives to capitalism

Herod 7 (James, Columbia U graduate and political activist, “Getting Free” Pg. 33 JF)

The so-called new social movements, based on gender, racial, sexual, or ethnic identities, cannot destroy capitalism. In general, they haven’t even tried. Except for a tiny fringe of radicals in each of them, they have been attempting to get into the system, not overthrow it. This is true for women, blacks, homosexuals, and ethnic (including Anative) groups, as well as many other identities old people, people with disabilities, mothers on welfare, and so forth. Nothing has derailed the anticapitalist struggle during the past quarter century so thoroughly as have these movements. Sometimes it seems that identity politics is all that remains of the left. Identity politics has simply swamped class politics. The mainstream versions of these movements (the ones fighting to get into the system rather than overthrow it) have given capitalists a chance to do a little fine-tuning by eliminating tensions here and there, and by including token representatives of the excluded groups. Many of the demands of these movements can be easily accommodated. Capitalists can live with boards of directors exhibiting ethnic, gender, and racial diversity as long as all the board members are procapitalist. Capitalists can easily accept a rainbow cabinet as long as the cabinet is pushing the corporate agenda. So mainstream identity politics has not threatened capitalism at all. The radical wings of the new social movements, however, are rather more subversive. These militants realized that it was necessary to attack the whole social order in order to uproot racism and sexism problems that could not be overcome under capitalism since they are an integral part of it. There is no denying the evils of racism, sexism, and nationalism, which are major structural supports to ruling-class control. These militants have done whatever they could to highlight, analyze, and ameliorate these evils. Unfortunately, for the most part, their voices have been lost in all the clamor for admittance to the system by the majorities in their own movements.

#### The category of disability was created in the desire to construct a desirable workforce

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The ‘medicalization’ of disablement and the tools of classification clearly played an important role in establishing divisions between the ‘disabled’ and the ‘ablebodied’. Disability became an important ‘boundary’ category whereby people were allocated to either a work-based or a needs-based system of distribution. In the US, disability came to be defined explicitly in relation to the labour market. For instance, in some workers’ compensation statutes, a labourer’s body is rated by the degree of its impairment suffered by each of its functioning parts.28 In Social Security law, ‘disabled’ means medically unable to engage in substantial work activity.29 The disability category was essential to the development of an exploitable workforce in early capitalism and remains indispensable as an instrument of the state in controlling the labour supply today.30 By focusing on curing so-called abnormalities, and segregating those who could not be cured into the administrative category of ‘disabled’, medicine cooperated in shoving less exploitable workers out of the mainstream workforce.31 So, just as capitalism forces workers into the wage relationship, it equally forcefully coerces disabled workers out of it.32 Disabled workers face inherent economic discrimination within the capitalist system, stemming from employers’ expectations of encountering additional production costs when hiring or retaining a non-standard (disabled) worker as opposed to a standard (nondisabled) worker who has no need for job accommodations, interpreters, readers, environmental modifications, liability insurance, maximum health care coverage (inclusive of attendant services) or even health care coverage at all.33 ‘Disability’ is a social creation which defines who is offered a job and who is not, and what it means varies with the level of economic activity. This is because the root cause of the work-place discrimination experienced by disabled people is to be found in an accountant’s calculation of the present cost of production versus the potential contribution the employment of a given worker will make to future profits. If ‘disabilities’ among the direct producers add to the cost of production without increasing the rate of profit, owners and managers will necessarily discriminate against them. Expenses to accommodate the ‘disabled’ in the workplace will be resisted as an addition to the fixed capital portion of constant capital. Hence the opposition of small and medium businesses, especially the US Chamber of Commerce, to the ‘Americans with Disabilities Act’. Managers and owners will only tolerate the use of ‘disabled’ workers when they can save on the variable portion of cost of production, e.g. by paying low wages to disabled workers,34 or through tax breaks and other subsidies. So an employee who is too costly (i.e., significantly disabled) to add to net profits at the current level of output will not likely become (or remain) an employee at all.35 US Census data consistently show that, as compared with the four-fifths of working-age persons with no disability who have jobs, only just over one-quarter of people with a significant disability do so.36 Employers and investors rely on the preservation of the status quo labour system which does not require them to absorb the non-standard costs of employing disabled workers under the current mode of production, let alone the 800 million people who are totally or partially unemployed worldwide. Consequently, disabled individuals who are currently not in the mainstream workforce, who are collecting disability benefits and who could work if their impairments were accommodated, are not tallied into employers’ costs of doing business.37 The disability benefit system thus serves as a socially legitimized means by which the capitalist class can avoid hiring or retaining non-standard workers and can ‘morally’ shift the cost of supporting them onto poverty-based government programs — thereby perpetuating their poverty.

#### Disability is constructed to reproduce capitalism

Kitchin 98 [Rob, Director of NIRSA and Chairperson of the Irish Social Sciences Platform, “'Out of place', 'Knowing one's place': Space, power and the exclusion of disabled people,” Disability & Society, June, <http://dx.doi.org/10.1080/09687599826678>]

As separate approaches social constructivism and political economy are limited and limiting. Social constructivism posits that society’s reaction to, and the experiences of, disability is mediated through culture as a social process. It rejects social determinist ideas, that the structures of capitalism dominate how disabled people are treated by society. Constructivists are interested in studying the social processes, the interactions of actors and institutions, that underpin the construction of disability. Political economists, whilst acknowledging the constructed nature of disability, suggest that disability is constructed to reproduce capitalist relations. They seek to expose the inherent injustices within present social relationships that they argue are the result of the economic bases of capitalism. They argue that all social relationships are constrained within regulating capitalist structures. These structures exist as a means of enforcing and reproducing wealth for a minority of the population through the exploitation of labour. Contemporary western society is thus characterised by a capitalist `mode of production’ as the means people employ to sustain themselves. Within this mode there are inherent contradictions that need to be exposed, so that unfair social relationships enshrined in the class system, and also expressed in the exclusion of disabled people, can be overthrown.

#### The aff’s attempt to preserve a particular social group and their culture perpetuates capitalism – capitalism’s global course homogenizes cultures

Zizek 97 -- [Slavoj, Senior Researcher, Institute for Social Studies, Ljubljana, 1997, “Multiculturalism, or, the Cultural Logic of Multinational Capitalism.” [http://libcom.org/library/multiculturism-or-the-cultural-logic-of-multinational-capitalism-zizek](http://libcom.org/library/multiculturism-or-the-cultural-logic-of-multinational-capitalism-zizek%22%20%5Ct%20%22_blank)]

And, mutatis mutandis, the same goes for today’s capitalist who still clings to some particular cultural heritage, identifying it as the secret source of his success—Japanese executives participating in tea ceremonies or obeying the bushido code—or for the inverse case of the Western journalist in search of the particular secret of the Japanese success: this very reference to a particular cultural formula is a screen for the universal anonymity of Capital. The true horror does not reside in the particular content hidden beneath the universality of global Capital, but rather in the fact that Capital is effectively an anonymous global machine blindly running its course, that there is effectively no particular Secret Agent who animates it. The horror is not the (particular living) ghost in the (dead universal) machine, but the (dead universal) machine in the very heart of each (particular living) ghost. The conclusion to be drawn is thus that the problematic of multiculturalism—the hybrid coexistence of diverse cultural life-worlds—which imposes itself today is the form of appearance of its opposite, of the massive presence of capitalism as universal world system: it bears witness to the unprecedented homogenization of the contemporary world.It is effectively as if, since the horizon of social imagination no longer allows us to entertain the idea of an eventual demise of capitalism—since, as we might put it, everybody silently accepts that capitalism is here to stay—critical energy has found a substitute outlet in fighting for cultural differences which leave the basic homogeneity of the capitalist world-system intact. So we are fighting our pc battles for the rights of ethnic minorities, of gays and lesbians, of different life-styles, and so on, while capitalism pursues its triumphant march—and today’s critical theory, in the guise of ‘cultural studies’, is doing the ultimate service to the unrestrained development of capitalism by actively participating in the ideological effort to render its massive presence invisible: in a typical postmodern ‘cultural criticism’, the very mention of capitalism as world system tends to give rise to the accusation of ‘essentialism’, ‘fundamentalism’ and other crimes. The structure here is that of a symptom. When one is dealing with a universal structuring principle, one always automatically assumes that—in principle, precisely—it is possible to apply this principle to all its potential elements, and that the empirical non-realization of the principle is merely a matter of contingent circumstances. A symptom, however, is an element which—although the non-realization of the universal principle in it appears to hinge on contingent circumstances—has to remain an exception, that is, the point of suspension of the universal principle: if the universal principle were to apply also to this point, the universal system itself would disintegrate. As is well known, in the paragraphs on civil society in his Philosophy of Right, Hegel demonstrated how the large class of ‘rabble’ (PÖebel) in modern civil society is not an accidental result of social mismanagement, inadequate government measures or economic bad luck: the inherent structural dynamics of civil society necessarily give rise to a class which is excluded from the benefits of civil society, a class deprived of elementary human rights and therefore also delivered of duties towards society, an element within civil society which negates its universal principle, a kind of ‘un-Reason inherent to Reason itself’—in short, its symptom. Do we not witness the same phenomenon today, and in even stronger shape, with the growth of an underclass excluded, sometimes for generations, from the benefits of affluent liberal-democratic society? Today’s ‘exceptions’—the homeless, the ghettoized, the permanently unemployed—are the symptom of the late capitalist universal system, a growing and permanent reminder of how the immanent logic of late capitalism works: the proper capitalist utopia is that, through appropriate measures (for progressive liberals, affirmative action; for conservatives, a return to self-reliance and family values), this ‘exception’ could be—in the long term and in principle, at least—abolished. And is not a homologous utopia at work in the notion of a ‘rainbow coalition’: in the idea that, at some utopian future moment, all ‘progressive’ struggles—for gay and lesbian rights, for the rights of ethnic and religious minorities, the ecological struggle, the feminist struggle, and so on—will be united in the common ‘chain of equivalences’? Again, this necessity of failure is structural: the point is not simply that, because of the empirical complexity of the situation, all particular ‘progressive’ fights will never be united, that ‘wrong’ chains of equivalences will always occur—say, the enchainment of the fight for African-American ethnic identity with patriarchal and homophobic ideology—but rather that emergencies of ‘wrong’ enchainments are grounded in the very structuring principle of today’s ‘progressive’ politics of establishing ‘chains of equivalences’: the very domain of the multitude of particular struggles with their continuously shifting displacements and condensations is sustained by the ‘repression’ of the key role of economic struggle—the leftist politics of the ‘chains of equivalences’ among the plurality of struggles is strictly correlative to the silent abandonment of the analysis of capitalism as a global economic system and to the acceptance of capitalist economic relations as the unquestionable framework. [24] The falsity of elitist multiculturalist liberalism thus resides in the tension between content and form which characterized already the first great ideological project of tolerant universalism, that of freemasonry: the doctrine of freemasonry (the universal brotherhood of all men based on the light of Reason) clearly clashes with its form of expression and organization (a secret society with its rituals of initiation)—the very form of expression and articulation of freemasonry belies its positive doctrine. In a strictly homologous way, the contemporary ‘politically correct’ liberal attitude which perceives itself as surpassing the limitations of its ethnic identity (‘citizen of the world’ without anchors in any particular ethnic community), functions, within its own society, as a narrow elitist upper-middle-class circle clearly opposing itself to the majority of common people, despised for being caught in their narrow ethnic or community confines.

#### Moral obligations and social responsibility are only used to justify capitalistic intervention which is merely driven by profit and the core of exploitation.

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[Slavoj Zizek, senior researcher at the Institute of Sociology, University of Ljubljana, “Nobody has to be Vile”, April 6 2006, [http://www.lacan.com/zizvile.htm](http://www.lacan.com/zizvile.htm%22%20%5Ct%20%22_blank)]

Above all, liberal communists are true citizens of the world - good people who worry. They worry about populist fundamentalism and irresponsible greedy capitalist corporations. They see the 'deeper causes' of today's problems: mass poverty and hopelessness breed fundamentalist terror. Their goal is not to earn money, but to change the world (and, as a by-product, make even more money). Bill Gates is already the single greatest benefactor in the history of humanity, displaying his love for his neighbours by giving hundreds of millions of dollars for education, the fight against hunger and malaria etc. The catch is that before you can give all this away you have to take it (or, as the liberal communists would put it, create it). In order to help people, the justification goes, you must have the means to do so, and experience - that is, recognition of the dismal failure of all centralised statist and collectivist approaches - teaches us that private enterprise is by far the most effective way. By regulating their business, taxing them excessively, the state is undermining the official goal of its own activity (to make life better for the majority, to help those in need). Liberal communists do not want to be mere profit-machines: they want their lives to have deeper meaning. They are against old-fashioned religion and for spirituality, for non-confessional meditation (everybody knows that Buddhism foreshadows brain science, that the power of meditation can be measured scientifically). Their motto is social responsibility and gratitude: they are the first to admit that society has been incredibly good to them, allowing them to deploy their talents and amass wealth, so they feel that it is their duty to give something back to society and help people. This beneficence is what makes business success worthwhile. This isn't an entirely new phenomenon. Remember Andrew Carnegie, who employed a private army to suppress organised labour in his steelworks and then distributed large parts of his wealth for educational, cultural and humanitarian causes, proving that, although a man of steel, he had a heart of gold? In the same way, today's liberal communists give away with one hand what they grabbed with the other.

#### Particular demands against oppressive state practices are revolution without a revolution – single-issue political organization lacks concrete universality, allowing it to be absorbed and reinforce capitalism

Zizek 02 Slavoj Zizek, married to a hottie, *Revolution at the Gates, pg* 296-302

So the struggle ahead has no guaranteed outcome – it will confront us with an unprecedented need to act, since it will concern not only a new mode of production, but a radical rupture in what it means to be a human being.'85 Today, we can already discern the signs of a kind of general unease – recall the series of protests usually listed under the name "Seattle". The ten-year honeymoon of triumphant global capitalism is over; the long-overdue "seven-year itch" is here – witness the panicky reactions of the mass media, which, from Time magazine to CNN, started all of a sudden to warn us about the Marxists manipulating the crowd of "honest" protesters. The problem now is the strictly Leninist one: how do we actualize the media's accusations? How do we invent the organizational structure which will confer on this unrest the form of the universal political demand? Otherwise, the momentum will be lost, and all that will remain will be marginal disturbances, perhaps organized like a new Greenpeace, with a certain efficiency, but also strictly limited goals, marketing strategy, and so on. In short, without the form of the Party, the movement remains caught in the vicious cycle of "resistance", one of the big catchwords of "postmodern" politics, which likes to oppose "good" resistance to power to a "bad" revolutionary takeover of power – the last thing we want is the domestication of anti-globalization into just another "site of resistance" against capitalism.  As a result, the key "Leninist" lesson today is: politics without the organizational form of the Party is politics without politics, so the answer to those who want just the (quite adequately named) "New Social Movements" is the same as the Jacobins' answer to the Girondin compromisers: "You want revolution without a revolution!" Today's dilemma is that there are two ways open for sociopolitical engagement: either play the game of the system, engage in the "long march through the institutions", or become active in new social movements, from feminism through ecology to anti-racism. And, again, the limit of these movements is that theyare not political in the sense of the Universal Singular: they are "single-issue movements" which lack the dimension of universality – that is to say, they do not relate to the social totality.  Against Post-politics  In "A Contribution to the Critique of Hegel's Philosophy of Right", Marx deploys something like the logic of hegemony: at the climax of revolutionary enthusiasm, a "universal class" emerges, that is, some particular class imposes itself as universal, and thereby engenders global enthusiasm, since it stands for society as such against the ancien regime, antisocial crime as such (like the bourgeoisie in the French Revolution). What then follows is the disillusion so sarcastically described by Marx: the day after, the gap between the Universal and the Particular becomes visible again; capitalist vulgar profit emerges as the actuality of universal freedom, and so on.'86  For Marx, of course, the only universal class whose singularity (exclusion from the society of property) guarantees its actual universality is the proletariat. This is what Ernesto Laclau rejects in his version of the logic of hegemony: for Laclau, the short circuit between the Universal and the Particular is always illusory, temporary, a kind of "transcendental paralogism".'87 However, is Marx's proletariat really the negative of positive full essential humanity, or "only" the gap of universality as such, irrecoverable in any positivity?188 In Alain Badiou's terms, the proletariat is not another particular class, but a singularity of the social structure and, as such, the universal class, the non-class among the classes.  What is crucial here is the properly temporal-dialectical tension between the Universal and the Particular. When Marx says that in Germany, because of the compromised pettiness of the bourgeoisie, it is too late for partial bourgeois emancipation, and that for this reason, in Germany, the condition of every particular emancipation is universal emancipation, one way to read this is to see in it the assertion of the universal "normal" paradigm and its exception: in the "normal" case, partial (false) bourgeois emancipation will be followed by universal emancipation through the proletarian revolution; while in Germany, the "normal" order gets mixed up. There is, however, another, much more radical way to read it: the very German exception, the German bourgeoisie's inability to achieve partial emancipation, opens up the space for a possible universal emancipation.  The dimension of universality- thus emerges (only) where the "normal" order that links the succession of particulars is disrupted. For this reason, there is no "normal" revolution; each revolutionary explosion is grounded in an exception, in a short circuit of "too late" and "too early". The French Revolution occurred because France was not able to follow the "normal" English path of capitalist development; the very "normal" English path resulted in the "unnatural" division of labour between the capitalists, who held socioeconomic power, and the aristocracy, which was left with political power. And, according to Marx, this was how Germany produced the ultimate revolution in thought (German Idealism as the philosophical counterpart of the French Revolution): precisely because it lacked a political revolution.  The structural necessity of this non-contemporaneity, of this discrepancy, is what gets lost in Habermas: the basic point of his notion of "modernity as an unfinished project" is that the project of modernity contained two facets: the development of "instrumental reason" (scientific-technological manipulation and domination of nature) and the emergence of intersubjective communication free of constraints; hitherto, only the first facet has been fully deployed, and our task is to bring the project of modernity to completion by actualizing the potential of the second facet. What, however, if this discrepancy is structural? What if we cannot simply supplement instrumental Reason with communicational Reason, since the primacy of instrumental Reason is constitutive of modern Reason as such? Habermas is fully consistent in applying the same logic to today's globalization – his thesis is that of "globalization as an unfinished project":  The discrepancy between progressive economic integration and the political integration which lags behind can be overcome only through a politics which aims at constructing a higher-level capacity of political acting which would be able to keep pace with deregulated markets.'89  In short, there is no need to fight capitalist globalization directly – we need only to supplement it with an adequate political globalization (a stronger central political body in Strasbourg; the imposition of pan-European social legislation, etc.). However, what if, again, modern capitalism, which generates economic globalization, cannot simply be supplemented by political globalization? What if such an extension of globalization to the political project forced us radically to redefine the contours of economic globalization itself?19')  In short, Habermas's basic attitude is nothing less than a disavowal of the twentieth-century – he acts as if the twentieth century, in its specific dimension, did not take place: as if what happened in it were basically just contingent detours, so that the underlying conceptual narrative – that of enlightened democratic liberalism, with its indefinite progress – can be told without them.191 Along the same lines, in order to characterize the demise of the Socialist regimes in 1990, Habermas coined the term "catch-up revolution":192 the West (Western liberal democracy) has nothing to learn from the Eastern European Communist experience, since in 1990, these countries simply caught up with the social development of the Western liberal-democratic regimes. Habermas thereby writes off this experience as simply accidental, denying any fundamental structural relationship between Western democracy and the rise of "totalitarianism" – any notion that "totalitarianism" is a symptom of the inner tensions of the democratic project itself.The same goes for Habermas's treatment of Fascism: against Adorno's and Horkheimer's notion of Fascist "barbarism" as the ineluctable outcome of the "dialectic of Enlightenment", the Fascist regimes are for him a contingent detour (delay, regression) which does not affect the basic logic of modernization and Enlightenment. The task is thus simply to abolish this detour, not to rethink the Enlightenment project itself. This victory over "totalitarianism", however, is a Pyrrhic one: what Habermas needs here is a Hitchcockian lesson (remember Hitchcock's claim that a film is only as interesting as its main evil character). Dismissing the "totalitarian" deadlock as a mere contingent detour leaves us with a comfortable, but ultimately impotent, position of someone who, unperturbed by the catastrophes around him, clings to the basic rationality of the universe.  The promise of the "Seattle" movement lies in the fact that it is the very opposite of its usual media designation (the "anti-globalization protest"): it is the first kernel of a new global movement, global with regard to its content (it aims at a global confrontation with today's capitalism) as well as its form (it is a global movement, a mobile international network ready to intervene anywhere from Seattle to Prague). It is more global than "global capitalism", since it brings into the game its victims – that is, those who are excluded from capitalist globalization, as well as those who are included in a way which reduces them to proletarian misery.'93 Perhaps I should take the risk here of applying Hegel's old distinction between "abstract" and "concrete" universality: capitalist globalization is "abstract", focused on the speculative movement of Capital; whereas the "Seattle" movement stands for "concrete universality", both for the totality of global capitalism and for its excluded dark side. The reality of capitalist globalization is best exemplified by the victory in June 2001 of the Russian nuclear lobby, which forced the parliament's decision that Russia would import nuclear waste from developed Western countries.  Here, Lenin's reproach to liberals is crucial: they merely exploit the working classes' discontent to strengthen their position vis-a-vis the conservatives, instead of identifying with it to the end.'" Is this not also true of today's Left liberals? They like to evoke racism, ecology, workers' grievances, and so on, to score points over the conservatives – without endangering the system. Remember how, in Seattle, Bill Clinton himself deftly referred to the protesters on the streets outside, reminding the assembled leaders inside the guarded palaces thatthey should listen to the demonstrators' message (the message which, of course, Clinton interpreted, depriving it of its subversive sting, which he attributed to the dangerous extremists introducing chaos and violence into the majority of peaceful protesters). This Clintonesque stance later developed into an elaborate "carrot-and stick" strategy of containment: on the one hand, paranoia (the notion that there is a dark Marxist plot lurking behind it); on the other hand, in Genoa, none other than Berlusconi provided food and shelter for the anti-globalization demonstrators – on condition that they "behaved properly", and did not disturb the official event. It is the same with all New Social Movements, up to the Zapatistas in Chiapas: establishment is always ready to "listen to their demands", depriving them of their proper political sting. The system is by definition ecumenical, open, tolerant, ready to "listen" to all –even if you insist on your demands, they are deprived of their universal political sting by the very form of negotiation. The true Third Way we have to look for is this third way between institutionalized parliamentary politics and the New Social Movements.  As a sign of this emerging uneasiness and need for a true Third Way, it is interesting to see how, in a recent interview, even a conservative liberal like John le Carre had to admit that, as a consequence of the "love affair between Thatcher and Reagan" in most of the developed Western countries, and especially in the United Kingdom, "the social infrastructure has practically stopped working"; this then leads him to make a direct plea for, at least, "re-nationalizing the railways and water.”95 We are in fact approaching a state in which (selective) private affluence is accompanied by a global (ecological, infrastructural) degradation which will soon start to affect us all: the quality of water is not a problem confined to the UK – a recent survey showed that the entire reservoir from which the Los Angeles area gets its water is already so polluted by man-made toxic chemicals that it will soon be impossible to make it drinkable even through the use of the most advanced filters. Le Carre expressed his fury at Blair for accepting the basic Thatcherite co-ordinates in very precise terms: "I thought last time, in 1997, that he was lying when he denied he was a socialist. The worst thing I can say about him is that he was telling the truth." "More precisely, even if, in 1997, Blair was "subjectively" lying, even if his secret agenda was to save whatever can be salvaged of the socialist agenda he was "objectively" telling the truth: his (eventual) subjective socialist conviction was a self-deception, an illusion which enabled him to fulfill his "objective" role, that of completing the Thatcherite "revolution".  How, then, are we to respond to the eternal dilemma of the radical Left: should we strategically support centre-Left figures like Bill Clinton against the conservatives, or should we adopt the stance of "It doesn't matter, we shouldn't get involved in these fights – in a way, it's even better if the Right is directly in power, since, in this way, it will be easier for the people to see the truth of the situation"? The answer is a variation on Stalin's answer to the question: "Which deviation is worse, the Rightist or the Leftist one?": they are both worse. What we should do is adopt the stance of the proper dialectical paradox: in principle, of course, one should be indifferent to the struggle between the liberal and conservative poles of today's official politics – however, one can only afford to be indifferent if the liberal option is in power. Otherwise, the price may appear much too high – consider the catastrophic consequences of the German Communist Party's decision in the early 1930s not to focus on the struggle against the Nazis, with the justification that the Nazi dictatorship was the last desperate stage of capitalist domination, which would open the eyes of the working class, shattering their belief in "bourgeois" democratic institutions.  Along these lines, even Claude Lefort, whom no one can accuse of Communist sympathies, recently made a crucial point in his answer to Francois Furet: today's liberal consensus is the result of a hundred and fifty years of Leftist workers' struggle and pressure upon the State; it incorporated demands which were dismissed by liberals with horror a hundred years ago – even less.'97 If we need proof, we should simply look at the list of the demands at the end of the Communist Manifesto: apart from two or three of them (which, of course, are the crucial ones), all the others are today part of the consensus (at least the disintegrating Welfare State consensus): universal franchise; free education; universal healthcare and care for the elderly; a limitation on child labour.... In short, today's "bourgeois democracy" is the result not of liberalism's intrinsic development, but of the proletarian class struggle.  It is true that, today, it is the radical populist Right which usually breaks the (still) prevailing liberal-democratic consensus, gradually making acceptable hitherto excluded ideas (the partial justification of Fascism, the need to constrain abstract citizenship on grounds of ethnic identity, etc.). However, the hegemonic liberal democracy is using this fact to blackmail the Left radicals: "We shouldn't play with fire: against the new Rightist onslaught, we should insist more than ever on the democratic consensus – any criticism of it, wittingly or unwittingly, helps the New Right!" This is the key line of separation: we should reject this blackmail, taking the risk of disturbing the liberal consensus, even up to questioning the very notion of democracy.  The ultimate answer to the criticism that radical Left proposals are utopian should thus be that, today, the true utopia is the belief that the present liberal-democratic capitalist consensus can go on indefinitely, with- out radical change. We are therefore back with the old '68 slogan "Soyons realistes, demandons l'impossible!": in order to be a true "realist", we must consider breaking out of the constraints of what appears "possible" (or, as we usually put it, "feasible").

#### Radical resistance provides the capitalist system with a new means of extracting surplus-value commodifying the resistance

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(“The Ongoing "Soft Revolution",” Critical Inquiry, Vol. 30 No. 2, google)

And, to go even a step further, is the practice of fist-fucking not the exemplary case of what Deleuze called the "expansion of a concept?" The fist is put to a new use; the notion of penetration is expanded into the combination of the hand with sexual penetration, into the exploration of the inside of a body. No wonder Foucault, Deleuze's Other, was practicing fisting: is fist-fucking not the sexual invention of the twentieth century, a new model of eroticism and pleasure? It is no longer genitalized, but focused just on the penetration of the surface, with the role of the phallus being taken over by the hand, the autonomized partial object par excellence. And, what about the so-called Transformer or animorph toys, a car or a plane that can be transformed into a humanoid robot, an animal that can be morphed into a human or robot. Is this not Deleuzian? There are no "metaphorics" here; the point is not that the machinic or animal form is revealed as a mask containing a human shape but, rather, the existence of the becoming-machine or becoming-animal of the human, the flow of continuous morphing. What is blurred here is also the divide machine/living organism: a car transmutes into a humanoid/cyborg organism. And, is the ultimate irony not that, for Deleuze, the sport was surfing, a Californian sport par excellence if there ever was one? No longer a sport of self-control and domination directed towards some goal, it is just a practice of inserting oneself into a wave and letting oneself be carried by it.2 Brian Massumi formulated clearly this deadlock, which is based on the fact that today'scapitalism already overcame the logic of totalizing normality and adopted the logic of the erratic excess:  the more varied, and even erratic, the better. Normalcy starts to lose its hold. The regularities start to loosen. This loosening of normalcy is part of capitalism's dynamic. It's not a simple liberation. It's capitalism's own form of power. It's no longer disciplinary institutional power that defines everything, it's capitalism's power to produce variety–because markets get saturated. Produce variety and you produce a niche market. The oddest of affective tendencies are okay–as long as they pay. Capitalism starts intensifying or diversifying affect, but only in order to extract surplus-value. It hijacks affect in order to intensify profit potential. It literally valorises affect. The capitalist logic of surplus-value production starts to take over the relational field that is also the domain of political ecology, the ethical field of resistance to identity and predictable paths. It's very troubling and confusing, because it seems to me that there's been a certain kind of convergence between the dynamic of capitalist power and the dynamic of resistance.3  So, when Naomi Klein writes that "neo-liberal economics is biased at every level towards centralization, consolidation, homogenization. It is a war waged on diversity,"4 is she not focusing on a figure of capitalism whose days are numbered? Would she not be applauded by contemporary capitalist modernizers? Is not the latest trend in corporate management itself "diversify, devolve power, try to mobilize local creativity and self-organization?" Is not anticentralization the topic of the "new" digitalized capitalism? The problem here is even more "troubling and confusing" than it may appear. As Lacan pointed out apropos of his deployment of the structural homology between surplus-value and surplus-enjoyment, what if the surplus-value does not simply "hijack" a preexisting relational field of affects. What if what appears an obstacle is effectively a positive condition of possibility, the element that triggers and propels the explosion of affective productivity? What if, consequently, one should precisely throw out the baby with the bath water and renounce the very notion of erratic affective productivity, and so on as the libidinal support of revolutionary activity?

### --2NC—Turns Case

#### Cap is the root cause of eugenic theory and the exclusion of PWD. Focus on production caused an exclusionary class of disabled persons because they weren’t “fit” to contribute to the industrial society

Russell\* and Malhotra\*\* 2 - \* writes on the political, social and economic aspects of disablement her socio-economic analysis has been published in the Berkeley Journal of Employment and Labor Law, the Review of Radical Political Economy, the Journal of Disability Policy Studies, Disability & Society, Monthly Review, Disability Studies Quarterly, Left Business Observer, Real World Micro, 9th edition, Socialist Register 2002, and the Backlash Against the Americans with Disabilities Act: Reinterpreting Disability Rights (Corporealities, Discourses of Disability) University of Michigan Press, 2003.\*\* is a Canadian disability rights activist and a member of the New Democratic Party. He will be commencing graduate legal studies at Harvard Law School. ( Marta and Ravi 2002 “ CAPITALISM AND DISABILITY “ http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CGIQFjAH&url=http%3A%2F%2Fsocialistregister.com%2Findex.php%2Fsrv%2Farticle%2Fview%2F5784%2F2680&ei=jhgBUKG6LISgrAHTmr2xDA&usg=AFQjCNEDtkX47uj4Imi2fVc7F2paQx8Dsw&sig2=VXxaIg9tUlRjG\_f8\_yOi0g)

The primary oppression of disabled persons (i.e. of people who could work, in a workplace that was accommodated to their needs) is their exclusion from exploitation as wage labourers.6 Studies show that disabled persons experience lower labour-force participation rates, higher unemployment rates and higher part-time employment rates than non-disabled persons.7 In the US, 79% of working-age disabled adults say they would prefer to work,8 yet in 2000 only 30.5% of those with a work disability between ages sixteen and sixty-four were in the labour force and only 27.6% were employed; while 82.1% of non-disabled persons in this age group were either employed (78.6%) or actively seeking work for pay.9 Though having a job does not always translate into an above-povertylevel existence, disabled persons’ historical exclusion from the labour force has undoubtedly contributed to their poverty. Disabled persons are nearly three times as likely to live below the current poverty line — 29% live in poverty, compared to 10% of non-disabled people.10 In the USA fully one third of disabled adults live in a household with an annual income of less than $15,000,11 while the 300 to 400 million living in developing countries have even less chance of employment and exist in abject poverty, usually with no social safety nets at all.12 Historical materialism provides a theoretical base from which to explain these conditions and outcomes. Under feudalism, economic exploitation was direct and political, made possible by the feudal concentration of land ownership. While a few owners reaped the surplus, many living on their estates worked for subsistence and disabled people were able to participate in this economy to varying degrees.13 Notwithstanding religious superstition about disabled people during the Middle Ages, and significant persecution of them, the rural production process that predominated prior to the Industrial Revolution permitted many disabled people to make a genuine contribution to daily economic life.14 With the advent of capitalism, people were no longer tied to the land, but they were forced to find work that would pay a wage — or starve; and as production became industrialized people’s bodies were increasingly valued for their ability to function like machines. Bosses could push non-disabled workers to produce at ever increasing rates of speed. Factory discipline, time-keeping and production norms broke with the slower, more self-determined and flexible work pattern into which many disabled people had been integrated.15 As work became more rationalized, requiring precise mechanical movements of the body, repeated in quicker succession, impaired persons — the deaf or blind, and those with mobility difficulties — were seen as — and, without job accommodations to meet their impairments, were — less ‘fit’ to do the tasks required of factory workers, and were increasingly excluded from paid employment.16 And so ‘the operation of the labour market in the nineteenth century effectively depressed handicapped people of all kinds to the bottom of the market’.17 Industrial capitalism thus created not only a class of proletarians but also a new class of ‘disabled’ who did not conform to the standard worker’s body and whose labour-power was effectively erased, excluded from paid work.18 As a result, disabled persons came to be regarded as a social problem and a justification emerged for segregating them out of mainstream life and into a variety of institutions, including workhouses, asylums, prisons, colonies and special schools.19 Exclusion was further rationalized by Social Darwinists, who used biology to argue that heredity — race and genes — prevailed over the class and economic issues raised by Marx and others. Just as the ‘inferior’ weren’t meant to survive in nature, they were not meant to survive in a competitive society. Legislation, influenced by Social Darwinism and eugenics theory, was enacted in a number of jurisdictions for the involuntary sterilization of disabled people.20 Advocates of eugenics such as Galton, Dugdale and Goddard propagated the myth that there was an inevitable genetic link between physical and mental impairments and crime and unemployment.21 This was also linked to influential theories of racial superiority, according to which the birth of disabled children should be regarded as a threat to racial purity.22 In the notorious Buck v. Bell decision of 1927, the US Supreme Court upheld the legality of the forced sterilization of disabled people. At the extreme, Nazi Germany determined that disabled individuals were an economic burden and exterminated tens of thousands of them.23 But even in ‘democratic’ America bean-counting logic prevailed: by 1938, thirty-three American states had sterilization laws and between 1921 and 1964 over 63,000 disabled people were involuntarily sterilized in a pseudo-scientific effort to prevent the births of disabled offspring and save on social costs.24 Whether or not codified into law, the sterilization of disabled people was common in a number of countries in the first half of the twentieth century, including Britain, Denmark, Switzerland, Sweden, and Canada.25

#### The medicinal model is rooted in the capitalist system. Focus on capital and productivity is the root cause of exclusion of persons with disabilities

Russell\* and Malhotra\*\* 2 - \* writes on the political, social and economic aspects of disablement her socio-economic analysis has been published in the Berkeley Journal of Employment and Labor Law, the Review of Radical Political Economy, the Journal of Disability Policy Studies, Disability & Society, Monthly Review, Disability Studies Quarterly, Left Business Observer, Real World Micro, 9th edition, Socialist Register 2002, and the Backlash Against the Americans with Disabilities Act: Reinterpreting Disability Rights (Corporealities, Discourses of Disability) University of Michigan Press, 2003.\*\* is a Canadian disability rights activist and a member of the New Democratic Party. He will be commencing graduate legal studies at Harvard Law School. ( Marta and Ravi 2002 “ CAPITALISM AND DISABILITY “ http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=8&ved=0CGIQFjAH&url=http%3A%2F%2Fsocialistregister.com%2Findex.php%2Fsrv%2Farticle%2Fview%2F5784%2F2680&ei=jhgBUKG6LISgrAHTmr2xDA&usg=AFQjCNEDtkX47uj4Imi2fVc7F2paQx8Dsw&sig2=VXxaIg9tUlRjG\_f8\_yOi0g)

The ‘medicalization’ of disablement and the tools of classification clearly played an important role in establishing divisions between the ‘disabled’ and the ‘ablebodied’. Disability became an important ‘boundary’ category whereby people were allocated to either a work-based or a needs-based system of distribution. In the US, disability came to be defined explicitly in relation to the labour market. For instance, in some workers’ compensation statutes, a labourer’s body is rated by the degree of its impairment suffered by each of its functioning parts.28 In Social Security law, ‘disabled’ means medically unable to engage in substantial work activity.29 The disability category was essential to the development of an exploitable workforce in early capitalism and remains indispensable as an instrument of the state in controlling the labour supply today.30 By focusing on curing so-called abnormalities, and segregating those who could not be cured into the administrative category of ‘disabled’, medicine cooperated in shoving less exploitable workers out of the mainstream workforce.31 So, just as capitalism forces workers into the wage relationship, it equally forcefully coerces disabled workers out of it.32 Disabled workers face inherent economic discrimination within the capitalist system, stemming from employers’ expectations of encountering additional production costs when hiring or retaining a non-standard (disabled) worker as opposed to a standard (nondisabled) worker who has no need for job accommodations, interpreters, readers, environmental modifications, liability insurance, maximum health care coverage (inclusive of attendant services) or even health care coverage at all.33 ‘Disability’ is a social creation which defines who is offered a job and who is not, and what it means varies with the level of economic activity. This is because the root cause of the work-place discrimination experienced by disabled people is to be found in an accountant’s calculation of the present cost of production versus the potential contribution the employment of a given worker will make to future profits. If ‘disabilities’ among the direct producers add to the cost of production without increasing the rate of profit, owners and managers will necessarily discriminate against them. Expenses to accommodate the ‘disabled’ in the workplace will be resisted as an addition to the fixed capital portion of constant capital. Hence the opposition of small and medium businesses, especially the US Chamber of Commerce, to the ‘Americans with Disabilities Act’. Managers and owners will only tolerate the use of ‘disabled’ workers when they can save on the variable portion of cost of production, e.g. by paying low wages to disabled workers,34 or through tax breaks and other subsidies. So an employee who is too costly (i.e., significantly disabled) to add to net profits at the current level of output will not likely become (or remain) an employee at all.35 US Census data consistently show that, as compared with the four-fifths of working-age persons with no disability who have jobs, only just over one-quarter of people with a significant disability do so.36 Employers and investors rely on the preservation of the status quo labour system which does not require them to absorb the non-standard costs of employing disabled workers under the current mode of production, let alone the 800 million people who are totally or partially unemployed worldwide. Consequently, disabled individuals who are currently not in the mainstream workforce, who are collecting disability benefits and who could work if their impairments were accommodated, are not tallied into employers’ costs of doing business.37 The disability benefit system thus serves as a socially legitimized means by which the capitalist class can avoid hiring or retaining non-standard workers and can ‘morally’ shift the cost of supporting them onto poverty-based government programs — thereby perpetuating their poverty.

#### Without a breakdown of capitalism, social inequality and backlash against disabilities policies will overwhelm any liberal policies

Russel and Krieger 2k, edited William S. Richardson School of Law as a Professor of Law and Director of the Ulu Lehua Scholars Program in 2007. She came to Richardson from the law faculty at the University of California, Berkeley, School of Law, ‘Backlash, the Political Economy, and Structural Exclusion

<http://books.google.com/books?id=rmr32ZapFRoC&pg=PA1&source=gbs_toc_r&cad=3#v=onepage&q&f=true>

This paper explores the backlash against and hostility toward the ADA¶ by examining the relationship between politics, policy, and economics—¶ particularly with regard to the interests of business. I argue that the backl¶ ash against the ADA is a product of capitalist opposition. This opposition¶ has not only stifled the many benefits that might have resulted from effect¶ iiv? ADA enforcement, it has promoted negative attitudes toward the ADA¶ among groups of workers who have become fearful that their own interests¶ will be jeopardized by the act’s employment provisions.¶ In making this argument, I claim that Liberal policy proscriptions will¶ necessarily fail to create the conditions required to achieve economic and¶ social justice. Moreover, I argue, explanatory theories based in social or¶ economic liberalism cannot adequately account for this failure. To account¶ for the ADA backlash phenomenon, one must look to radical theory, which¶ analyzes the sociohistoric process of the political economy under capitali¶ ism and asserts that capitalism cannot be directed toward social-ethical¶ ends. To effectuate economic and social justice, an economic system must¶ be redistributive and collectivist in nature.9 Discrimination in general. and¶ discrimination against disabled people in particular, will not be eliminated¶ until the economic system itself is changed. The capitalist economic system, I will argue, is a crucial contributing¶ factor to a backlash against civil rights laws in general and the ADA in part¶ ticular, to the poor enforcement of those laws, and to the lack of economic¶ advancement of the various groups the laws aim to protect. Despite an¶ expanding U.S. economy, the neoliberal era has brought rising inequality, a¶ decline in workers' standards of living, greater job insecurity, and growing¶ economic anxiety. Income and wealth disparities are at their highest levels¶ since the Great Depression. Poverty and hardship remain a persistent blight¶ on the American landscape. This paper will detail how the structurally¶ flawed political economy, sustained by a self-serving decision-making class,¶ perpetuates poverty, inequality, underemployment, and systematic, comp¶ uuloory unemployment. It will demonstrate that this flawed economy,¶ which does not provide for the material needs of alL engenders divisions¶ among groups of workers locked in intense competition over a scarcity of¶ decent paying jobs, health care, and shrinking benefits. Lastly, it aims to¶ delineate why a different approach is vital to remedying the predicament in¶ which we find ourselves.¶

#### Capitalist business accounting models make discrimination inevitable

Russel and Krieger 2k, edited William S. Richardson School of Law as a Professor of Law and Director of the Ulu Lehua Scholars Program in 2007. She came to Richardson from the law faculty at the University of California, Berkeley, School of Law, ‘Backlash, the Political Economy, and Structural Exclusion

<http://books.google.com/books?id=rmr32ZapFRoC&pg=PA1&source=gbs_toc_r&cad=3#v=onepage&q&f=true>

For true equality to be achieved, all forms of bias must be eradicated. Aside¶ from lhe traditional biases or social influences that determine one's access to¶ social goods, such as where one was educated, one's family economic status,¶ and lhe environment in which one was raised,5’ disabled workers (as distinct¶ from women and minorities) face economic bias and labor market discrimination due to business accounting practices, which weigh standard (nondisabled costs of labor against nonstandard (disabled) costs of labor. Such busin¶ nss? accounting calculations foreshadow the continuation of a gap in pay and¶ employment opportunities for disabled individuals.¶ Despite over thirty years of liberal reform through federal equal opportunity laws, substantial race-, gender-, and disability-based inequities¶ remain in the American labor economy. Both racial and gender employm¶ mnnt and earnings inequalities have diminished since the enactment of¶ civil rights legislation in the 196os, but such reductions have been uneven,¶ incomplete, and unstable. On balance, the extent of inequality suffered by¶ women, people of color, and disabled persons can be viewed as a measure¶ of the political success of liberal ideology, where the activities of the courts¶ and government enforcement agencies either serve to advance or to roll¶ back formal legal rules promoting equality.

### Mobility Critique

#### Affs development of segregated facilities for the disabled leads to marginalization and perpetuates disablism

Kitchin 10, Director of the National Institute of Regional and Spatial Analysis (NIRSA is an interdisciplinary and inter-institutional research institute focusing on issues of planning and development, creating knowledge societies, and building sustainable communities) served on a number of government boards and consultative panels, doctorate from the University of Wales, Lecturer in the School of Geosciences at Queen's University of Belfastand the Department of Geography at the National University of Ireland, (Rob, 7/1/10, “ Space, power and the exclusion of disabled people” <http://www.tandfonline.com/doi/pdf/10.1080/09687599826678>)

Imrie (1996) suggests that **current urban planning is underscribed by a `design apartheid’ whereby planners, architects and building control officers** are guilty of **construct**ing **spaces which `lock’ disabled people out; which prioritise the dominant values of the `able-bodied’ community**. Here, the dominant underlying ethos is one that follows the State’s line of integration or **assimilation to bring people back to `normality’** . As such, **policy is aimed at trying to make disabled people more `normal’ rather than changing the system to accommodate disabled people for who they are.** Furthermore, **while the rhetoric alludes to independent living, the reality is a dependency upon community and welfare provision**. Some spaces are designed to deliberately segregate and `protect’ the public from disabled people and vice versa (e.g. special schools, asylums). Philo (1987, 1989) provides a detailed historical account of how **space has been explicitly organised to separate people with mental impairments or people who are mentally ill from the rest of society**. By shifting through back issues and analysing the articles and editorials contained within the Asylum Journal, a quasi-academic journal concerning mental health institutions and practice, he provides a detailed geo-historical account of asylums in nineteenth century Britain. Thinking at this time was dominated by a medico-moral discourse that promoted segregated institutions sited in tranquil, healthy and rural environments. These sites not only segregated `patients’ but were thought to offer suitable environments for treatment and recovery. The segregation of mentally impaired people continues today, usually accompanied by treatment aimed at making `patients’ more `normal’ , or sedation or sterilisation to protect `sane’ people and themselves from self-harm. People with physical and sensory impairment have also been encouraged and forced to live in different spatial spheres. Segregated schools are still common place for deaf, blind, physically and hidden impaired children, and segregated employment training and day-care units are not uncommon. Even within public spaces, **disabled people are separated and marginalised to the peripheries.** For example, where there are disabled accessible public toilets (and these are still uncommon) they are mostly separate from able-bodied toilets, asexual (both sexes share the same space), and usually locked, whereas the able-bodied can visit the toilet at any time, disabled people often have to search for the key (sometimes held in an inaccessible part of the building!). Theatres generally restrict wheelchair users to certain areas within the auditorium, usually towards the back or the side. Imrie (1996) argues that **segregation,** whilst promoted as ways to help assimilate disabled people in society through empowerment and independence, **perpetuates disablism by labelling disabled people as different, as needing specialised and segregated facilities. Segregation thus propagates and reproduces the position and status of disabled people. As such, popular misconceptions concerning disabled people are reproduced.**

### Transportation Rationality Critique

#### Understanding each individual’s unique needs is a prerequisite to an effective response

Fox and Kim 4 [Michael H. Fox, Professor Health Policy and Management School of Medicine, The University of Kansas, Kyungmee Kim, University of Kansas, “Understanding emerging disabilities” Disability and Society Journal, Volume 19, Issue 4, 2004, pg. 323-337, <http://www.tandfonline.com/doi/full/10.1080/09687590410001689449#tabModule> SS]

The barriers faced by individuals from emerging disability groups often prevent experiencing the benefits of participation in society. Lack of awareness regarding the limitations of some conditions newly recognized, such as chronic fatigue syndrome (Jason et al., 1999); society's lack of acceptance of some impairments, such as multiple chemical sensitivity (Michaels, 1999) and substance abuse (Moore & Li, 1998) as disabilities, and the existence of both prejudice and fear regarding some conditions, such as violence‐induced spinal cord and/or traumatic brain injury (Groce, 1998), can frequently lead to difficulty in accessing needed social and medical services. Lacking understanding of the unique needs and circumstances of these populations may hinder an appropriate response from service agencies.

While the disability rights movement has won victories over the past 20 years, the emphasis for much of this effort has been on improving access for persons with mobility disabilities, focusing, for example, on eliminating environmental barriers to independence, such as curbs and access to public transport. This emphasis has created a schism within the disability community that has made for much more modest rewards for persons with cognitive, emotional or behavioral disabilities, or more poorly understood disabilities. Shakespeare & Watson have described this phenomenon as ‘identify politics’ (Shakespeare & Watson, 2001). Examples of landmark Federal legislation in the United States that has led to greater independent living for persons with mobility disabilities include the Architectural Barriers Act (P.L. 90–480), which requires buildings constructed with federal funds or leased by the federal government to be made accessible:

#### Public involvement key

Litman 12 [Todd Litman, Victoria Transport Policy Institute, 25 May 2012, “Evaluating Transportation Equity” <http://www.islandnet.com/~litman/equity.pdf> SS]

Equity refers to the distribution of impacts, and whether they are considered fair and appropriate. Transport planning decisions often have significant equity impacts. These can be difficult to evaluate because there are various types of equity, categories people, impacts, and ways to measure impacts, as summarized in Table 9. A particular decision may seem equitable evaluated one way, but inequitable evaluated another.

These factors must be carefully defined. Many people fall into multiple categories and change status over time. Some impacts must be explained to help stakeholders understand their transportation equity impacts. New equity issues emerge over time, reflecting changing needs, values, and understanding of impacts. The large number of categories may be intimidating. It is not generally possible to evaluate all possible permutations of perspectives, impacts and groups. However, it is useful to recognize the full universe of possible issues and select those most important in a particular situation.

New analysis tools and information resources are available to better evaluate equity and incorporate equity objectives into transport planning. There is no single correct methodology. It is generally best to consider a variety of issues and perspectives. A planning process should reflect each community’s equity concerns and priorities. Public involvement is therefore important for transport equity planning.

#### Communicative Rationality Important for social conclusion

Shaw et al 4 [Steve Shaw, Ruth Sims and Graeme Evans, 2004, “The Design of Transport Systems”, Accessibility and User Needs in Transport, Scoping Study, Transport Research and Consultancy, London Metropolitan University and Loughborough University, http://www.aunt-sue.org.uk/PDF% 20Versions/Design%20of%20Transport%20Systems,%20Discussion%20Paper.pdf, last accessed 2006-05-28, SS]

More challenging will be the development of structures to involve individuals and socially excluded 'communities' that may be spatially and/or identity-based. The very concept of social inclusion implies empowerment and involvement of ‘socially excluded’ people in interventions to reduce their isolation from desired activities. With reference to land use planning, the idea of facilitating social action and meaningful dialogue between 'expert', technocratic ways of 'knowing', and the life-worlds of people's everyday lives has been termed 'communicative' or 'collaborative planning'. As yet, however, the theory has seldom been put into practice, and its application to planning for socially inclusive transport and public spaces in city-regions is an important theme to be addressed by the AUNT-SUE consortium in the Main study.

#### Social Concerns must occur in the grass roots.

Shaw et al 4 [Steve Shaw, Ruth Sims and Graeme Evans, 2004, “The Design of Transport Systems”, Accessibility and User Needs in Transport, Scoping Study, Transport Research and Consultancy, London Metropolitan University and Loughborough University, http://www.aunt-sue.org.uk/PDF% 20Versions/Design%20of%20Transport%20Systems,%20Discussion%20Paper.pdf, last accessed 2006-05-28, SS]

As yet, however, the principles of social inclusion are difficult to put into practice. Most fundamentally, policy-makers, designers and operators lack tools to identify reliably people who experience transport-related exclusion, or to understand their life- worlds. Nor are there reliable tools to measure the impact of interventions designed to reduce transport-related exclusion. As Hine and Mitchell (2001) conclude, the difficulties of defining the fundamental concepts of mobility, access and accessibility pose problems for their operationalisation. Furthermore, transport planning in the UK has become a multi-agency, multi-sectoral, multi-modal process which must balance and engage with a wide range of interests, issues and policy arenas (Nijkamp and Blaas 1994; Booth and Richardson 2001). With reference to land use planning and urban governance, Healey (1997:285) has emphasised the importance of 'collaborative strategy-making processes' for inclusive institutional capacity building, especially for Local Authorities. This, she argues, must be based upon the "grass roots" of the real concerns of specific stakeholders as they react with each other in a particular place and time. Implementation will thus requires re-engagement, participation and consensus building: informal processes as well as formal co- ordination procedures.

### Intersectionality Link

#### Aff links to intersectionality

Litman ‘3

[Todd is the founder and executive director of the Victoria Transport Policy Institute, “Social Inclusion As A Transport Planning Issue in Canada” April 4, http://www.vtpi.org/soc\_ex.pdf]

A major risk to addressing social exclusion problems is the possibility that planners will

focus on a few small groups of transport disadvantaged people, and governments will

implement token solutions that only address a small portion of the total problem. For

example, a government might introduce special paratransit services with only enough

funding to meet a small portion of demand, or they may introduce universal design

standards that meet the needs of wheelchair users, while ignoring the mobility problems

facing other mobility disadvantaged groups, such as lower-income suburban non-drivers.

A related risk is that a particular government will establish special mobility services, and

after vulnerable populations become dependent on it, future governments reduce or

eliminate funding. For example, suburban public transit service may encourage nondrivers

to move to outlying suburbs and planners to locate public facilities (such as

schools or hospitals) at the urban fringe, but future funding cutbacks may make these

locations even less accessible to people who are transport disadvantaged.