# Disabilities Neg

# On Case

1NC Automobility

#### Automobility inevitable: capitalism, free choice, and environmental propaganda

Jennifer Bonham 2006 (Part Two Governing Automobility: Transport: disciplining the body that travels The Sociological Review Volume 54, Issue Supplement s1, pages 55–74, October 2006)

Over the past century, the place of the automobile in the city has been challenged on a number of grounds, most notably those of citizens’ rights, public safety, social justice and urban aesthetics. The most recent challenge to the automobile centred on the environmental impacts of different ‘modal choices’, in particular, the differential environmental effects of bus, bicycle, or automobile travel. This debate quickly reached a stalemate. While environmentalists drew on a variety of statistics to support the case for improvements in public transport services and cycling facilities, advocates of the automobile used other statistics to demonstrate that, given the right roads, traffic flows, speed limits, engines and fuels, cars could be environmentally-friendly ‘green machines’. More than a decade on, the use of automobiles in Australian cities, indeed in many cities, continues unabated. The persistent increase in automobile usage is often explained by reference to technological progress, increases in personal wealth and the considered choices of free individuals (eg, Adams, 1980; Donovan, 1996). Alternatively, it has been explained in terms of the power of particular fractions of capital and the shaping of individual choices by capitalist interests and liberal ideologies of self-interest (eg, Franks, 1986; Hodge, 1990). The former explanation operates to naturalize contemporary practices of mobility while the latter tends to position motorists as victims of automotive companies and their technologies (Bonham, 2002: 19–24).

#### Automobility can be made sustainable and is key to freedom.

William J. Mitchell, Christopher E. Borroni-Bird, and Lawrence D. Burns 2010 (Reinventing the Automobile Personal Urban Mobility for the 21st Century, google scholar)

For a century, the automobile has offered affordable freedom of movement within cities—the places where most of the world’s people now live, work, play, and pursue their social and cultural lives. It provides access to all of the benefits that cities have to offer; it is an object of desire; and it plays a cru- cial role in the U.S. and other economies. But it now requires radical reinvention. Through a complex coevolutionary process— involving interdependencies among vehicle engi- neering and design solutions, energy supply sys- tems, street and road infrastructures, urban land use patterns, economic incentives, and government policies—the automobile has become part of the ur- gent problem that cities now face. Cities currently consume too much of the Earth’s nonrenewable resources to remain viable and livable in the long term. Their supply lines are insecure and vulnerable to disruption. They are too congested with parked and moving vehicles to be safe, convenient, and pleasant. And they produce more waste—including the greenhouse gases associated with global warm- ing—than the Earth’s natural systems can absorb without undergoing unacceptable levels of damage. This book argues that a reinvented automobile can become a powerful part of the solution to these problems. While maintaining and even enhancing current levels of personal mobility within cities, the new kinds of automobiles and personal urban mo- bility systems that we’ll describe promise to reduce the overall energy and materials requirements of mobility systems; facilitate a significant shift from nonrenewable energy sources to clean, renewable ones; eliminate tailpipe emissions; enhance energy security; and generally improve the quality of urban life. These automobiles are also designed to have high consumer appeal—to be fun, fashionable, and affordable. This is crucial: It is only through very high-volume consumer acceptance that reinvented automobiles and mobility systems will make the large-scale contributions to urban sustainability that we need, create exciting new opportunities for the automobile industry, and help to establish a clean, green economy for the coming decades. The Need for Sustainable Personal Mobility Automobiles respond to our desire to move about and interact. Ever since our ancestors walked out of Africa, personal mobility has been recognized as a basic human need. The transportation of people and objects and the creation of systems for moving freely from one place to another have been a part of the human story from prehistory. From clans to cities, caves to skyscrapers, walk- ing to riding, and sandals to cars, we have a rich history of finding ways to grow our population and wealth by increasing our mobility and our access to various resources. The invention of the wheel en- abled hand-pulled and animal-drawn carts, and the domestication of horses extended the range of trav- elers. Horses remained a leading source of transportation power until they were supplanted, a hundred years ago, by mass-produced automobiles. While automobile

transportation has dramati- cally enhanced our personal mobility and helped us realize our aspirations for growth and prosperity, it has also created troublesome side effects. The free- dom and prosperity benefits have been substantial, including greater access to jobs, goods, and services, convenient and safer personal travel, and the abil- ity to go where we want, when we want, while car- rying the things that we need. At the same time, however, the side effects have also been significant and growing. In our pursuit of personal mobility, we have damaged our environment, consumed our natural resources, wasted our time in traffic,

harmed each other in collisions, and created disparities be- tween the haves and have-nots. The extrapolation of these side effects raises increasingly pressing ques- tions about the sustainability of today’s automobile transportation system. Fortunately, rapidly matur- ing and converging technologies promise to reduce, and in some cases eliminate, these negative effects while further enhancing our freedoms. This book provides a comprehensive vision for the future of automobiles and personal urban mobility based on this promise. The numbers are staggering. Over 6.7 billion people reside on Earth, with more than half of us now living in urban areas. This includes 26 cities with populations exceeding ten million people.1 We own 850 million cars and trucks, nearly all powered by internal combustion engines and energized with petroleum. Parked end to end, these vehicles would circle our planet nearly one hundred times—yet this represents a motor vehicle for just one out of every eight of us. In the United States, 85 percent of personal travel today is by automobile. Americans drive three trillion miles a year, on four million miles of roads, consuming 180 billion gallons of fuel each year dis- pensed from 170,000 service stations.2 Furthermore, we can expect significant increases in the number of cars being sold in emerging markets. With a sales growth rate of 3 percent per year, China’s vehicle population is projected to surpass that of the United States by about 2030.3 And as India’s economy ex- pands, it is poised to follow in China’s footsteps. Worldwide, we consume 18 million barrels of oil each day driving cars. Our vehicles emit 2.7 billion tons of carbon dioxide each year.4 Roadway collisions claim 1.2 million lives each year.5 And, in dense city centers, average urban speeds today can be well under 10 miles per hour.6 Have we reached the point where we now must seriously consider trading off the personal mobil- ity and economic prosperity enabled by automobile transportation to mitigate its negative side effects? Or can we take advantage of converging twenty- first-century technologies and fresh design ap- proaches to diminish these side effects sufficiently while preserving and enhancing our freedom to move about and interact? This book concludes the latter. It weaves together four big ideas that, when combined, hold the promise of sustainable automo- bility, even for dense megacities. Though some of the elements of these ideas are not new, we believe that it is now necessary—and entirely feasible—to develop and combine them in a radically new way. Four Ideas: A Summary The first idea, detailed in chapter 2, is to adopt a new automotive DNA that transforms the design principles that currently underlie automobiles. As summarized in figure 1.1, today’s cars and trucks are primarily mechanically driven, powered by internal combustion engines, energized by petroleum, con- trolled mechanically, and operated as stand-alone de- vices. In fact, they have essentially the same “genetic makeup” as automobiles pioneered by Karl Benz, Ransom Olds, and Henry Ford over a century ago. The new automotive DNA is created through the marriage of electric-drive and “connected” vehi- cle technologies. It is based purely on electric-drive, using electric motors for power, electricity (and its close cousin, hydrogen) for fuel, and electronics for controls. Electric-drive vehicles include battery elec- trics, extended-range electrics, and fuel-cell electrics. All three of these vehicle types have important roles to play in our future and differ from now-familiar hybrid electric vehicles, which add batteries and electric motors to improve the efficiency of today’s mechanically driven cars. The new automotive DNA also allows vehicles to communicate wirelessly with each other and with roadway infrastructure and roadside activities. When combined with GPS (Global Positioning System) technology and information-rich digital maps, “smart” cars will know precisely where they are relative to everything around them. Even with today’s technology, vehicle-to-vehicle (V2V) com- munications and GPS can allow us to determine the proximity of two vehicles to within a meter and predict where these vehicles will be during the next twenty milliseconds. Taking advantage of such ca- pabilities, connected vehicle technology will enable cars that can drive themselves and avoid crashes. The resulting reduction in crash protection require- ments means that cars can become lighter, making them more conducive to electric drive, and thereby encouraging the use of renewable sources of energy for personal transportation. It also means that cars can be even more fun to drive and can provide more freedom of expression and personalization. The second idea, the Mobility Internet, is dis- cussed in chapter 3. The Mobility Internet will do for vehicles what the Internet has done for com- puters. It will enable vehicles to share enormous amounts of real-time, location-specific data so that traffic can be managed optimally and travel times can be reduced and made more predictable. Just as today’s Internet servers manage extraordinary amounts of e-mail traffic, the Mobility Internet servers will manage vast amounts of vehicle traffic. This will integrate vehicles into the emerging “In- ternet of things.”7 Automobiles will become nodes in mobile networks. The Mobility Internet will also permit drivers to share information and remain seamlessly con- nected to their personal, social, and business net- works. Nondriving passengers will be able to do this soon. And, when automobiles begin to drive autonomously, even those in charge of automobiles will be able to safely use their travel time as they please, because there will no longer be the “distrac- tion of driving.” The combination of the automobile’s new DNA and the Mobility Internet, when applied within cit- ies and towns, will enable us to reinvent personal urban mobility systems for the twenty-first century. Vehicles designed for city use will have dramati- cally smaller spatial and carbon footprints and will be considerably less expensive to own and operate. Later, we will introduce two new personal mobility concepts based on the new automotive DNA. These concepts stem from work done at MIT and General Motors and illustrate just a couple of the many de- sign and styling opportunities made possible when electric-drive vehicles are connected and enabled to avoid crashes and drive autonomously. They are extremely mass, space, and energy efficient. They provide all-weather protection, are comfortable, and allow their occupants to socialize, both physi- cally and virtually. They are works in progress rather than fully designed and engineered products, but they clearly demonstrate the design directions that are possible. They are discussed in chapter 4. The third idea is smart, clean energy, discussed in chapters 5 through 7. This results from combining electric-drive vehicles with energy-efficient buildings and smart utility grids to create distributed, respon- sive energy systems. These systems will support the utilization of diverse and renewable (but intermit- tent) sources of electricity. In addition, because elec- tricity and hydrogen are interchangeable and hydro- gen can store energy more densely than batteries, smart energy systems will enable the optimal mix of batteries and fuel cells to facilitate both station- ary and vehicle uses of electricity. This includes the potential to efficiently distribute small amounts of energy precisely when and where they are needed. The final idea is to develop electronically man- aged, dynamically priced markets (discussed in chapter 8) for electricity, roads, parking, and ve- hicles. These markets are underdeveloped today, but stationary and mobile connectivity can help realize their potential. They will depend on ubiq- uitous metering and sensing, make use of powerful computational back-ends, provide price signals and incentives that regulate supply and demand, and motivate sustainable activity patterns within cities. The Combination of Transformative Ideas Taken individually, each of these four ideas offers significant individual and societal benefits. Each can be implemented more or less separately. When pursued together, though, they will have their great- est impact. They have the potential to radically transform personal mobility in cities. To illustrate their power in combination, chapter 9 explores their combined effect on cities, where we can ex- pect most of the world’s population, together with 80 percent of the world’s wealth, to be concentrated by 2030 (according to the United Nations). Cit- ies will continue to attract population because they provide the greatest access to resources and oppor- tunities. However, they are also the places where the energy, environment, safety, congestion, and access-inequality side effects of today’s automobiles are most strongly amplified. When effectively combined, the ideas behind this reinvention promise to enhance our freedoms and stimulate economic growth and prosperity while eliminating many, if not all, of the negative side effects of today’s automobile transportation sys- tem. Figure 1.2 summarizes this opportunity.

#### Automobility inevitable: convenience and values.

Lomasky 1997 (professor of philosophy at Bowling Green State University in Ohio. Autonomy and Automobility, The Independent Review, v.II, n.1, Summer 1997, ISSN 1086-1653, Copyright © 1997, pp. 5–28.)

Barring a radical reengineering of America, we will not soon toss away our car keys. As the primary vehicles for commuting, hauling freight, and general touring, cars (and trucks) are here to stay. But as the automobile enters its second century of transporting Americans from here to there, it is increasingly dubbed a public malefactor, and momentum grows for curbing its depredations. Construction of significant additions to the interstate highway system has ground to a halt. Designated lanes on urban roads are declared off-limits to solo motorists. Federal Corporate Average Fuel Efficiency (CAFE) standards require automakers to eschew selling vehicles as capacious as motorists may wish to buy and instead to alter their mix of products to emphasize lighter, less gasoline-hungry cars. Taxes on fuel have been increased only modestly, but if critics of the hegemony of the automo- bile have their way, America will emulate Europe, pushing the tax up by a dollar or more per gallon. Funds thereby generated will not be designated for motorist services—such earmarking is precisely what has exacerbated the current plague of overautomobilization—but will instead be directed toward more mass transit, pollution relief, and research on alternate modes of transportation.2 Some argue that employer-provided parking should be taxed as income to the employee or disallowed as a business expense to the provider. Others advocate following Amsterdam’s lead, barring nearly a l l automobiles from entry into the center city. Moral suasion supplements policy proposals. In the name of social responsibility, individuals are urged to carpool or avail themselves of public transportation, scrap their older, fuel-intensive vehicles, and eschew unnecessary automobile trips. Why this assault on the automobile? I have no wish to deny that it occurs at least in part because some of the critics’ charges are true. Auto- mobile carnage is indeed dreadful. The number of people killed each year on our roadways far exceeds the total who succumb to AIDS. Automobiles do pollute, all to some extent, some much worse than others. The cost of petroleum imports into this country exceeds the amount of the entire national trade deficit. And anyone who has ever been trapped in rush-hour gridlock, fuming inside at the delay while being engulfed by the fumes outside spewing from ten thousand tailpipes, knows that the simple job of getting from here to there in one’s automobile can be the most stressful part of the day. Cars are not always “user-friendly.” But all these criticisms seem insufficient for explaining the intensity of opposition directed toward the automobile. Any large-scale enterprise entails costs, and so a critique that merely reminds us of the nature and extent of these costs is only half useful. Also required, of course, is a state- ment of the benefits derived from the enterprise, and a plausible accounting of whether the benefits exceed the costs. Identifying and measuring the costs and benefits of automobile usage pose very difficult methodological prob- lems that I shall not consider here. I do note that the overwhelming popu- larity of the automobile is itself prima facie evidence that from the perspec- tive of ordinary American motorists, the benefits of operating a motor vehicle exceed the concomitant costs. Just as theorists speak of people “voting with their feet,” we can count those who vote with their tires. And this vote is overwhelmingly proautomobile. Critics may contend, though, that the election has been rigged. They can maintain that the absence of public transportation and compact neigh- borhoods in which commerce, industry, and housing are integrated forces us so often into our cars. People might like to be able to purchase a loaf of bread without buckling their seat belts, but in many parts of the country they cannot. And even if each of us values the options and mobility t h a t automobile transport affords, we might devalue yet more the stress, delay, and pollution imposed on us by others. Private use of automobiles so under- stood would approximate game theory’s Prisoner’s Dilemma, an interaction in which each player acts in his own rational self-interest but all parties are worse off than they would have been had someone impelled them to choose otherwise. And the critic contends that some such requirement, in the form of regulation or increased taxes or outright prohibitions, is needed to escape the tyranny of the automobile (see Hensher 1993, and Freund and Martin 1993). The critic’s case has at least this much merit: a purely behavioristic appraisal of automobile usage is insufficient for evaluating its normative status. We need also to think more intently about how to classify and under- stand as a distinctive human practice the action of driving a car. Opponents of the automobile argue that the most telling way to understand this is by equating the act with creating a public bad. I shall dispute that appraisal. My focus will not be on the many and varied instrumental uses to which the automobile is put (driving to work, carpooling the kids, buying groceries), though in no way do I mean to disparage these. Rather, I shall concentrate on automobility’s intrinsic capacity to move a person from place to place. As such, automobility complements autonomy: the distinctively human capacity to be self-directing. An autonomous being is not simply a locus at which forces collide and which then is moved by them. Rather, to be autonomous is, minimally, to be a valuer with ends taken to be good as such and to have the capacity to direct oneself to the realization or furtherance of these ends through actions expressly chosen for that purpose. Motorists fit this description. Therefore, insofar as we have reason to regard self- directedness as a valuable human trait, we have reason to think well of driving automobiles. I am not maintaining, of course, that all and only motorists are autonomous, that someone persuaded by the slogan “Take the bus and leave the driving to us” thereby displays some human deficiency. A liberal society is one in which people pursue a vast diversity of goods in myriad ways, and this variety accounts for a considerable share of that society’s attractiveness. So even if driving a car is an intrinsically worthwhile action, it does not follow that declining to drive is suspect. But neither am I claiming that automobiles are simply one among thousands of other products that individuals might, and do, happen to find attractive in a cornucopia of consumer goods. The claim is stronger. Automobility is not just something for which people in their ingenuity or idiosyncrasy might happen to hanker—as they have for Nehru jackets, disco music, hula hoops, pet rocks, pink flamingo lawn ornaments, Madonna, and “How many...does it take to change a lightbulb?” jokes. Rather, automobile transport is a good for people in virtue of its intrinsic features. Automobility has value because it extends the scope and magnitude of self- direction. Moreover, the value of automobility strongly complements other core values of our culture, such as freedom of association, pursuit of knowledge, economic advancement, privacy, and even the expression of religious com- mitments and affectional preference. If these contentions have even partial cogency, then opponents of the automobile must take on and surmount a stronger burden of proof than they have heretofore acknowledged. For not only must they show that instrumental costs of marginal automobile usage outweigh the corresponding benefits, but they must also establish that these costs outweigh the inherent good of the exercise of free mobility.

## 1NC Stigma

#### First, there are too many alt casues

#### A. Genetic Screening.

Shakespeare 05 [Tom, International Centre for Life, University of Newcastle. Sociologist, works at World Health Organization]

The first argument starts from the assumption that genetics is beneficial to families and societies. It may enable couples to prevent recurrence of serious genetic diseases which harm children and place a heavy burden on families and society. Research may eventually lead to gene therapies which will enable individuals affected by genetic disease to live longer, better lives, and ultimately to be cured entirely. The genetic endowment which an individual is born with is beyond their own control. Genes are a natural lottery, not a matter of individual responsibility. A just society might compensate individuals for any misfor- tunes they experience as a result of the genetic lottery (Buchanan et al., 2000). Access to genetic goods will therefore become another important dimension of social justice. This argument can be played out in different ways. It could be suggested that rich people will have more opportunities to rectify the genetic lottery than poor people. Rich people might be more likely to avoid having children affected by genetic disease. And poor people with genetic conditions could suffer a double jeopardy, unlucky to have the genetic disease in the first place, and doubly unlucky not to be able to access costly treatments. An egalitarian National Health Service may avoid this problem. But alter- natively, it could be suggested that people with rare diseases are more likely to lose out than people who experience common diseases. For example, if there is insufficient state funding or potential commercial profit to allow research into rare ‘orphan’ diseases then injustice will result to disabled people and to families of disabled people. Alternatively, if research is successful, leading to the production of pharmaceuticals, which are then rationed because of their expense and the rarity of their beneficiaries, then people with rare or complex conditions could lose out. These problems again represent forms of double jeopardy.

#### b. Group homes

New York Times ’09 [october 20, “Justice for the Mentally Disabled” http://www.nytimes.com/2009/10/21/opinion/21wed3.html?\_r=1]

The initiative is having its coming-out party in New York, where Justice Department lawyers are seeking to intervene in a closely watched federal lawsuit involving thousands of mentally ill people being held in privately run adult homes. A federal judge recently described them as “even more restrictive or ‘institutional’ than psychiatric hospitals” that they were intended to replace. In a ruling last month, the federal judge, Nicholas Garaufis, painted a dismaying picture of adult “homes” that in no way complied with federal law and that were more like jails than houses. In these places, mentally ill people who did not present a danger to themselves or to others had little of the privacy, freedom or enriching activities that would help them develop full, independent lives. That thousands of New Yorkers were still confined in this way is striking since the state already knows the right way to do it. New York is known nationally for vibrant, innovative housing developments where mentally ill people live successfully and independently while receiving mental health and other services from community-based groups.

#### c. Religion

Coleridge 2000 [Peter, Peter is an Adjunct Professor, Faculty of Health Sciences, Simon Fraser University; a Lecturer in the Department of Public Health Sciences, Faculty of Medicine, University of Toronto; an Associate of the Centre for Health Promotion, University of Toronto; a Special Advisor, Mental Health Promotion, "Disability and Culture", <http://www.aifo.it/english/resources/online/apdrj/selread100/disability\_culture\_coleridge.pdf]

No culture is inherently fairer than any other when it comes to defining the place of disabled¶ people. The Christian ethic which inspired the Western notion of individual human rights also equates¶ disability with sin, divine punishment and impurity. The notion of fairness and equality, and individual¶ human rights, may be very different in traditional societies because their belief system gives¶ prominence to such forces as fate, karma, and divine punishment which are beyond the reach of¶ human intervention. Thus the fact that some people are disabled may be regarded as the natural¶ order of things, and attempts to redress the balance in terms of ‘equality’ may be seen as misguided.¶ Both ‘Western’ and ‘traditional’ notions of equality have positive and negative features attached to¶ them.

While Western industrialised societies may place fairness and equality at the top of their¶ social agenda, a strong argument can be made for saying that what they actually espouse is uniformity¶ and conformity. Either fit in or be excluded, hence the pressure on disabled people to overcome¶ their impairment and be like everyone else. In traditional societies the recognition and acceptance¶ of intrinsic difference may actually lead to a more humane social life, while the passion for equality¶ (or sameness) in the West brings repression and rejection.¶ 14

#### 2. The aff’s focus on access to social opportunites ignores discrimination and abjection associated with disability. They leave stigma untouched.

Hall 2010 (Edward, professor of Geography, School of Social and Environmental Sciences, University of Dundee, Spaces of social inclusion and belonging for people with intellectual disabilities, Journal of Intellectual Disability Research volume 54 supplement 1 pp 48–57 april 2010 ID = Intellectual disabilities)

For people with IDs, the characterisation of their exclusion – absence from employment, living with families or in other dependent situations, and lack of control and choices – has swiftly become the identification of cause at the individual level – lack of educational qualifications and skills, limited opportunities to become a tenant or home owner, and the absence of self-directed care. Policy responses likewise (unsurprisingly) address this narrow identification of cause: although there is the call for people with IDs to be ‘better understood and supported by the communities within which they live’ (Scottish Executive 2000, p. iv), the policy solution is to provide ‘the same opportunities as others to get a job, to develop as individuals, spend time with family and friends, enjoy life and get the extra support they need to do this’ (Scottish Execu- tive 2000). The process of ‘social inclusion’ for people with IDs is to be guided by the ‘four key principles of rights, independence, choice and control’ (Department of Health 2001, p. 3), to be practically achieved through increased levels of paid employment, independent living and participation in communities (Christie & Mensah-Corker 1999). The initial stress on discrimination, prejudice and vulnerability, implying structural, institutional and sociocultural causes, has been replaced with a focus on individuals with IDs, and the steps they need to take to gain access to – to be included within – mainstream society (Burton & Kagan 2006). If people with IDs therefore do not take part in paid employment, live more independently and engage in community activities, they will become socially excluded and will, along with their families and carers, be largely to blame. The role of institutional structures, social and individual discrimination, and deep-seated abjection towards people of mental dif- ference, have seemingly been erased from the picture. Cameron (2005) examines the broader problem (noted above): that amidst the flurry of interest around social exclusion, there has been ‘relative silence over the meaning of social inclusion’ (p. 194), which is usually taken to mean ‘normal’ levels of participation in society, that is, the opposite of exclusion. By not defining inclusion and by paying no attention to what people are to be included into, Cameron (2005) goes onto argue, the focus is placed entirely on the excluded individuals and broader structural factors are obscured. So social inclusion becomes more about ‘a set of normative practices’ – of consumption and lifestyle, and iden- tity – than the transformation of society (Cameron 2005, p. 400). Bauman (1998) goes so far as to say that social inclusion is an exercise in ‘normative boundary setting’, where what is acceptable, moral, independent and competitive, is separated (by the clear line, as noted above) from what is unaccept- able, immoral, dependent and non-competitive. To be socially excluded therefore is to be an exception, to be deviant from the ‘universe of moral obliga- tion’ (Bauman 1998, p. 77). As noted above, the response to the identified social exclusion of people with IDs in ‘Valuing People’ and ‘The Same as You?’ was to emphasise the importance of affording ‘opportunities’ (rather than, significantly, outcomes) – to secure paid employment to live independently, and to partici- pate in community activities – and so become socially included into mainstream society. Macintyre (2008) has also identified access to education, health and service provision in mainstream contexts as central indicators of social inclusion. However, the ‘success’ of some people with IDs in gaining paid employment, living independently and engag- ing in their local communities, does not necessarily secure them an automatic status of social inclusion (and the benefits that is meant to imply). A study by Hall (2004) examined the experiences of a sample of people with IDs, some of whom had paid work; it was not commonly a positive experience. If they manage to gain employment (a significant achievement in itself, given that the employment rate for people with IDs is around 10%; Labour Force Survey 2008), people with IDs are more likely to be in low-paid, low-status jobs, and often experience neglect and abuse from their employers and fellow employees. As Hall notes, having paid employment ‘is spatial and economic inclusion, but this also includes the “normality” of discrimination, abuse and social isolation’ (Hall 2004, p. 303). From such studies, MacIntyre (2008) concludes that ‘the whole notion of employment as a route out of social exclusion for people with IDs needs to be problematized . . . [there is a] question as to whether employment does result in greater social inclusion for people with intellectual disabilities’ (p. 51). Also, Hall (2005) shows that to live indepen- dently as a person with IDs is not straightforward, and not just because of support needs; denial of tenancies by landlords, problems with benefits and reactions of neighbours can make living alone diffi- cult to sustain [of the 21 people interviewed by Hall (2005), five lived independently in rented or owner- occupied housing – significantly, all five had not accessed their accommodation through the open housing market, but via ID networks or friends]. The discourse of social exclusion/inclusion, which has informed all current UK social policy, has shifted to place less emphasis on the multivariate processes that cause poverty and marginalisation, and to put

greater emphasis on the individual, and their social engagement and activity. Cameron (2005) notes that this has been exemplified in the new language of ‘active citizenship’, the actions of individuals in their movement towards becoming socially included, centred on the New Labour axis of ‘rights and responsibilities’. MacIntyre (2008) has criticised this move to citizenship that has to be gained, arguing that ‘the link between citizenship rights and obligations has continued to emphasize paid employment as a key duty or obligation in order to gain entitlement to certain benefits or rights’ (p. 15). The implication for people with IDs (and all social groups deemed to be socially excluded) is that citizenship can only be claimed/ achieved if they participate in paid employment. As such, Walmsley (1991) has argued that ‘citizenship, as it has traditionally been conceived, has seemed an impossible status for people with intellectual dis- abilities’; with the narrow focus on paid employ- ment, this continues to be the case. To be a citizen, to be socially included, requires you to be active, participating, useful and self-reliant (in very specific ways) (MacIntyre 2008; Parr 2008), challenging for most people with IDs, and impossible for many.

### Ext 1NC #2 – Inclusion Turn

#### And, they don’t solve abejection. The aff can’t sovle for “normal” participation.

Hall 2010 (Edward, professor of Geography, School of Social and Environmental Sciences, University of Dundee, Spaces of social inclusion and belonging for people with intellectual disabilities, Journal of Intellectual Disability Research volume 54 supplement 1 pp 48–57 april 2010 ID = Intellectual disabilities)

The diagnosis of the marginalised social position of people with IDs as ‘social exclusion’ has generated a very limited and even damaging discourse and set of policy responses. The social inclusion of people with IDs, along with other social groups, has centred on the economic and moral expectation to move from dependency on welfare payments into paid employment, to live independently of the care system, and to be an active participant in ‘normal’ social activities in local communities. Fulfilment of these ‘obligations’ grants access for the individual to the rights of citizenship in society. The policy docu- ments that have followed the original ‘Valuing People’ and ‘The Same as You?’, culminating in ‘Valuing People Now: a new three year strategy for people with intellectual disabilities, making it happen for everyone’ (Department of Health 2009), acknowledge the limited progress on opportunities for employment, persistent health inequalities and lack of choices in care and housing, and absence of broader social participation, yet press ahead with the core strategies of social inclusion (centred on employment, independent living and community participation) and active citizenship. As noted above, these standards and expectations are very difficult, if not impossible, for many people with IDs to reach, such is the extent and degree of dis- crimination and abjection experienced within spaces of mainstream employment, housing and community (as well as the care and support needs of many). Just as significantly, many people with IDs have decided that they do not wish to be in paid work or in independent accommodation, for reasons of poor experiences of employment (Hall 2004), isolation and abuse suffered when living alone (Hall 2005), the complexity of welfare benefits, and the need for practical, social and emotional support. In response, many have begun (and indeed continued) to seek alternative spaces of inclusion.

#### Aff description of disability reifies a tragic understanding of disability: turns case.

Smith 2009 (Steven R. Smith is Professor of Political Philosophy and Social Policy at the University of Wales, Newport, and is a founding member of the Newport Social Ethics Research Group (SERG ), Social justice and disability: competing interpretations of the medical and social models in Arguing about Disability, eds. Kristjana Kristiansen, Simo Vehmas and Tom Shakespeare)

Regarding the discussion here concerning the social construction of 'deficiency' or 'dysfunction' (and their opposites 'talent' and 'capability'), there is a lack of recognition in respect to positive aspects of a disabled person's identity as related directly to their impairment. I will now explore how this lack of recognition can be understood in two distinct ways. First, aspects of the disabled person's identity that might be defined as talented, but occurring separately to an individual impairment, are ignored. This is relatively easy to comprehend. For example, Stephen Hawking has severe physical impairments which, according to the POD interpretation of disability, may or may not lead to a disability depending upon the social environment's accessibility. Nevertheless, whatever the impact of the social environment on his experience of disability, these physical impairments are separate from his talent for understanding maths and physics. For the DRM, disabled people's talents are often masked by dominant medical interpretations of their impaired condition (as reflected in the FEID and PEID above) which in turn lead to misjudgements about a particular disabled person's other talents or capabilities. More formally, a fallacy of composition has taken place, where a false conclusion is drawn about the whole person based on features of her constituent parts. Indeed, recognising this as a fallacy has now been accepted by mainstream policy-makers and governments who have, for example, sought to encourage and even ensure that employers think of disabled people as having talents (despite their medical impairments) through implementing various forms of anti-discrimination legislation. However, there is a second much stronger claim that can be made using the above SCOD interpretation of the social model. A particular medical condition, considered an impairment in some respects, may nevertheless be viewed as an unrecognised talent in other respects. The problem, according to this claim, is that the 'individual deficiency' axiom found in FEID and PEID starts with what appears as a closed tautology. That is, medical impairments in all respects necessarily signify a reduction of talents for an individual who possesses them. Following those within the DRM who promote the SCOD interpretation, this is only true through a spurious definitional process. According to SCOD, the assertion that certain medical conditions necessarily signify deficiency in relation to a person's experience and self-development is itself disabling. For example, the images of disabled people as tragic victims leading unfulfilled lives tend not only to reinforce limited expectations of what disabled people might do and achieve, but also to undermine any positive evaluation that might be made about having particular conditions of impairment. The problem is that the medical interpretations of impairment do not allow for this type of evaluation as it reduces the individual and the condition to highly narrow and disabling definitional categories. Whereas, the SCOD interpretation of disability unashamedly allows and encourages a disabled person to have a positive attitude to herself, her identity and her impairment, by in effect conceptualising the latter as a positive part of that person's

identity. To put it another way, possessing an impairment is in at least some ways something a person can be glad to have, and therefore is seen less as a handicap and more as a talent. I will argue below that once this more complex response to disability and impairments is understood, which permits the notion that having an impairment in certain respects at least may also signify talent-possession, then the possibilities of understanding 'impairments' in new and enabling forms are allowed. However, before exploring this claim further, Table 1.1 summarises the four interpretations of the medical and social models thus far outlined. Impairment viewed as talent? It is important to highlight that talents (however they are conceived substantially) are qualities or characteristics that can only be talents if not everyone possesses them to the same degree. Therefore, talent is associated with the differences between human beings rather than with their similarities. The question then is how do we value these differences including those that relate to physical and mental characteristics? Physical and mental differences between individuals might indicate the existence of talent if these differences are seen as having the potential of producing certain valuable forms of self-development that cannot be reproduced if there were no such diversity. If this point is conceded, certain medical conditions (whilst in some respects might be seen as a medical impairment) could be regarded as a talent in other respects. Indeed, I would argue that this conception of medical impairment is often promoted implicitly within the DRM. For example, Jenny Morris in her book Pride Against Prejudice cites various disabled interviewees who see their medical condition as a source of strength and personal insight or development which would not have been achieved without having that condition. So, according to one disabled woman: 'Not all of us view our disability as the unmitigated disaster and diminishment that seems expected of us ... [For me] it has brought spiritual, philosophical and psychological benefits' (Morris 1991: 187). She continues: If we can appreciate that to be an outsider is a gift, we will find that we are disabled only in the eyes of other people, and insofar as we choose to emulate and pursue society's standards and seek its approval ... Once we cease to judge ourselves by society's narrow standards we can cease to judge everything and everyone by those same limitations. When we no longer feel comfortable identifying with the aspirations of the normal majority we can transform the imposed role of outsider into the life-enhancing and liberated state of an independent thinking, constantly doubting Outsider who never needs to fight the physical condition but who embraces it. And by doing so ceases to be disabled by it. (ibid.: 187) There are three main points that require emphasis here and relate to the arguments above concerning how the medical and social models are variously interpreted. First, underlying her claims is the assertion that the talent is not the ability to produce these characteristics despite the medical condition (as with the FEID, PEID and POD interpretations), but rather that these characteristics are produced because of it. In other words, the condition is not a deficiency but a talent that is exploitable, given that it can lead to these diversities in characteristics and life insights. Second, these qualities underpin a much more inclusive and, by the interviewee's standards, a much richer society than exists now. This type of society would construct the concepts of normality and abnormality as merely statistical trends and not (as presently) to prelude erroneous value judgements about the diminished capability of persons with characteristics outside of these norms. Third, using the SCOD interpretation of disability, certain physical and mental conditions (usually defined as impairments) can be defined as talents because (a) they can be of benefit to the individual possessing these conditions, and (b) that this is appreciated and is of benefit to those without the condition. In respect to (b), for example, the capacity non-disabled people have for being liberated from conventional norms might be assisted by the particular insights gained by the disabled person above, who through her more immediate experience of being 'an outsider', is able to convey new possibilities for living unconstrained by these norms.

## 1NC: Justice

#### Their justice fails: the aff’s exclusive focus on physical disabilities excludes people with intellectual disabilities and instrumentalizes the value of people with disabilities.

Stein 2007 (Visiting Professor of Law, Executive Director, Harvard Law School Project on Disability Harvard Law School, Michael Ashley. “Disability Human Rights.” California Law Review 95, no. 1 (February 1, 2007): 75–121. 95 Calif. L. Rev. 75)

Second, by setting minimal standards, Nussbaum's list of central capabilities fails to acknowledge the full humanity and equality of individuals functioning below her idealized norm, especially those with intellectual disabilities. Initially, Nussbaum wrote that society ought to value individuals with intellectual disabilities on social justice grounds unrelated to a capabilities approach. n151 She pointed out the parallels between caring for the disabled and caring for the young or elderly, and noted women's unequal role as caregivers in those contexts. n152 Correspondingly, she maintained that in contrast to the purely reciprocal position embodied by social contract theory, social justice requires enhancing women's capabilities so they can provide care to persons with disabilities and others in need. n153 But Nussbaum left unaddressed the explicit question of whether the capabilities model is applicable to those with intellectual disabilities. On the one hand, inclusion of intellectually disabled persons seemed implicit. The capabilities approach emphasizes human dignity and values individuals as an end. On the other hand, inclusion of intellectually disabled persons seemed implausible. Persons with reduced cognitive ability to reason or perform other capabilities are not embraced by criteria viewing these processes as indicative of being "truly human." n154 In her latest book, Nussbaum attempts to resolve the problem of including intellectually disabled persons in her capabilities approach. In doing so she strikes a curious and undesirable compromise by excluding some persons with intellectual disabilities from her framework and including others only indirectly. n155 Because the capabilities list is "so [\*105] normatively fundamental," she explains, only those individuals who come close to attaining the enumerated functions live a "fully human life" that is "worthy of human dignity." n156 Those who are unable to reach these bottom lines, including some proportion of the intellectually disabled, are in Nussbaum's view "extremely unfortunate" and exist at a level "beneath which a decently dignified life for citizens is not available." n157 Thus, although a just society generally mandates that people with intellectual disabilities receive capabilities resources, n158 some will not; for some others, society must channel funds "through a suitable arrangement of guardianship." n159 With these assertions Nussbaum subtly alters her previous capabilities approach, requiring a minimal level of function as a prerequisite to full participation. Because certain intellectually disabled persons are without the ability to achieve each of Nussbaum's bottom lines, even dignity and justice cannot justify the direct allocation of resources for them to flourish. Thus, while Nussbaum's capabilities framework can apply to poverty - indeed, it derives from Amartya Sen's position on poverty alleviation - it cannot apply to certain instances of intellectual disability. This is ironic for three reasons. First, there is a strong factual and causal interrelationship between poverty and disability. Second, while Nussbaum's capabilities approach adheres to established norms of functionality, Sen's original capabilities approach does not require a threshold to guide or justify allocations to individuals with different needs. n160 Third, and consequently more perplexing, Nussbaum's analysis falls prey to the same error she identifies as plaguing social contract theory, (and especially Rawls) namely, that social goods beneficiaries are required to provide adequate contributions back to society to justify receiving equal distribution. n161 [\*106] Ensuring the dignity of disabled people requires an opposite approach. It entails recognizing them for their intrinsic value as people and not as a means towards other ends. This dignitary perspective compels societies to acknowledge that persons with disabilities are valuable because of their inherent human worth rather than their net marginal product. Such an integrated human rights approach asks about the qualities of an individual and how developing her talents can benefit both her and society. By amending Nussbaum's scheme to treat these problems of under-inclusion, it is possible to create a space within which to more fully understand the content of human rights. The next Section discusses how the disability human rights paradigm serves this goal.

#### Justice is a worthless concept for understanding politics.

Geuss, 2002 (Raymond, Reader in Philosophy, Cambridge, Liberalism and its Discontents, Political Theory)

Since my intention is to start from liberalism as a historical phenomenon, it is important to try as far as possible to avoid anachronism, that is, to avoid narrating the history of liberalism from an end-point in the present that is positively valued and assumed teleologically as the natural goal of the historical process. Precisely this kind of anachronistic view seems to me to have become increasingly common in late twentieth-century liberalism, especially under the impact of the work of John Rawls. Starting in the later 1950s, Rawls's work gave impetus to a revival of political philosophy, a discipline that had been pronounced moribund by some of its most distinguished practitioners a few years before, and his early achievement, especially as documented by Theory of Justice9 led to a corresponding attempt to reinterpret the history of liberalism retrospectively in the light of his position. This had some peculiar results, given that Theory of Justice (and the associated early writings) represented a significant departure from what had been the main line of liberal thinking in a number of important respects. First of all, as the title of Rawls's major early work indicates, he placed the concept of justice at the centre of attention. Since 'justice' for him is the chief virtue of a human society, it is understandable that he organises his political philosophy around a 'theory of justice'. This, however, is a rather surprising development. To be sure, justice was of great importance to a number of pagan thinkers in the ancient world-the qualification 'pagan' is important here because the Pauline strand of primitive Christianity once again demoted justice (and the 'law') in favour of 'grace' IO-but Ithink itis fair to say that no particular saliency had been attributed to 'justice' in the political philosophy of the modem period. The two originators of modem political philosophy, Machiavelli and Hobbes, set the tone. For Hobbes,

security and self preservation are the basic political virtues and the highest goals of politics. 'Justice' is a mere word, the content of which is given by the law laid down by the sovereign; it is thus a highly derivative and not very significant phenomenon. Machiavelli recognises the variety of disparate goals that humans pursue and a corresponding variety of different conceptions of the good and of the good life-there is the life of piety, of wealth accumulation, of politics. Even within the realm of politics, a political community is the object of praise on account of its 'greatness', not its justice (in the Discorsi), and an individual is 'virtuoso' by virtue of being able to attain fame, honour, glory, praise, and so forth, rather than for being 'just' in matters of the distribution of goods or the administration of given laws. The theoretical upshot of the work of these two theorists is that justice is a minor property of subordinate administrative systems rather than the chief virtue of a society as a whole, and that 'being just' is the appropriate defining character trait of the administrator, functionary, or bureaucrat rather than of the politician or citizen. To jump forward by several centuries from Hobbes, Marx, too, treats justice as an epiphenomenon. Each socioeconomic formation generates the conception of justice it 'needs' to allow production to proceed as smoothly as possible, and this conception remains dependent on and has no standing outside the mode of production in question. This relative theoretical insouciance about the concept of justice is not merely a general feature of much of the most interesting modem political philosophy, but it seems especially characteristic of classical liberalism. After all, for Humboldt, Constant, Mill, and de Tocqueville, toleration, freedom, and individualism were focal issues, but justice was either completely invisible (Constant), or at best a minor side-issue (J. S. Mill), or finally an object of some suspicion because it could be thought to presuppose a unitary, centralising view of society that was a danger to individualism (Humboldt). Prima facie, it seems highly unlikely that the analysis of a concept like 'justice' , which is so highly dependent on shifting forms of economic activity and on historically extremely variable conceptions of the good life, could give one any real grasp on the central phenomenon of politics. If this is correct, the Rawlsian project was headed in the wrong direction from the start, but even if Rawls's reorientation of political philosophy around the concept of justice was on its own terms a philosophically fruitful move, it represents a singularly unfortunate position from which to try to rewrite the history of liberalism, a movement whose members overwhelmingly had very different concerns.

### Justice EXT 1NC 1:

#### Justice can’t solve: theories will exempt people with disabilities as long as animals are exempt.

Jeff McMahan 1996 (“Cognitive Disability, Misfortune, and Justice” Philosophy & Public Affairs, Vol. 25, No. 1 (Winter, 1996), pp. 3-35)

It is worth pointing out that, if the cognitively impaired, like most animals, are outside the scope of justice, then we cannot have a duty of justice to provide them with cognitive enhancement if the necessary techniques ever become available.For,as we have noted, certain minimum psychological capacities beyond those possessed by the severely cognitively impaired are among the bases of worth on any subject- centered theory that excludes animals from the sphere of justice. But, if these capacities function as a boundary condition for the application of principles of justice, then they cannot themselves be regarded as a good that falls within the scope of those principles. It cannot be the case, in other words, both that one has to possess certain capacities in order to be owed duties of justice and that those lacking these capacities are owed them as a matter of justice. VI. THEMORALSTATUSOFTHECONGENITALSLEYVERELY COGNITIVELIMYPAIRED I have argued that the cognitively impaired are not badly off in the sense relevant to justice and indeed do not come within the scope of compar- ative (and, by extension, noncomparative) principles of justice. Not only do they not have special priority as a matter of justice, but their claims on us seem even weaker than those of most other human beings. And my arguments have explicitly compared them to nonhuman animals with comparable psychological capacities. Having made these radical claims, I should conclude by trying to clarify the status of the cognitively impaired within morality. This, however, is a large and difficult issue, and all I can do here is to sketch the broad outlines of a possible view. My remarks will be schematic and tentative.24

Justice Ext 1NC 2:

#### The aff’s attempt to replace politics with justice is futile and dangerous.

William Galston 2010 (Realism in political theory William A Galston

The Brookings Institution, USA European Journal of Political Theory 9(4) 385–411)

In this paper, realism will emerge as a kind of community stew where everyone throws something different into the pot. There is however a theme or sentiment that unites realists at the threshold – the belief that high liberalism represents a desire to evade, displace, or escape from politics. Three quotations, selected from dozens, reveal the flavor of this critique: ‘the major project in modern liberalism is to use ethics to contain the political’ (Glen Newey); ‘politics is regarded not only as something apart from law, but inferior to law’ (Judith Shklar, characterizing what she called ‘legalism’); and the concern of recent political philosophy was to state ‘the principles of an ideal liberal constitution’. The real subject of this effort, according to John Gray, ‘was not political. It was law.’1 Honig offers a succinct summary of this line of argument. She points to a ‘mys- terious phenomenon’ – namely, ‘the displacement of politics in political theory’, especially though not exclusively contemporary political theory: Those writing from diverse positions – republican, liberal, and communitarian – con- verge in their assumption that success lies in the elimination from a regime of disso- nance, resistance, conflict, or struggle. They confine politics . . . to the juridical, administrative, or regulative tasks of stabilizing moral and political subjects, building consensus, maintaining agreements, or consolidating communities and identities. They assume that the task of political theory is to resolve institutional questions, to get politics right, over, and done with, to free modern subjects and their sets of arrangements [from] political conflict and instability.2Realists reject this account of political theory on the grounds that it is utopian in the wrong way – that it does not represent an ideal of political life achievable under even the most favorable circumstances. Tranquillity is fleeting at best; conflict and instability are perennial possibilities. The yearning for a world beyond politics is at best diversionary, at worst destructive. As Elkin insists, There is no substitute for politics – if by politics we mean the various ways in which we arrive at collective, authoritative decisions in a world in which people legitimately hold different views about the purposes of government and the manner in which it should be carried on.3 I devote the bulk of this essay to laying out what I take to be the major differ- ences between these two ways of theorizing politics. In the final portion, I shift gears and weigh the competing claims concerning a key question – the utility of ideal theory. I conclude that there is more to be said for realism, and less for ideal theory, than most US theorists believe. I leave it to sociologists and intellectual historians to explain why realism appears to be more robust in the UK.

#### Justice is a ruse, dependent on economic formations without external validity.

Geuss, 2002 (Raymond, Reader in Philosophy, Cambridge, Liberalism and its Discontents, Political Theory)

To pass now from the history of liberalism to its present state and possible future, one sometimes hears the claim that liberalism differs from other po lit ical philosophies through its recognition of the plurality of potentially valuable modes of life. This is a highly misleading assertion. First of all, liberalism has no monopoly on the praise of pluralism. After all, Marx, too, was convinced that the capitalist economic formation made it possible for individuals to develop and participate in a wide variety of diverse forms of life. Second, the multiple forms of life which liberalism recognises are always assumed to be embedded in an overriding consensus that has a latent moral significance. What is distinctive about liberalism isn't, therefore, so much its openness to pluralism as its view that all societies should be seen as capable of attaining consensus, despite a lack of homogeneity in the manners, beliefs, and habits of their members. Can one give any reasons for adopting this attitude toward consensus? It is not completely clear what 'consensus' means. The term vacillates between descriptive and normative uses in a way that is confusing. One can distinguish four kinds of case. The first is the case of simple empirical agreement. We are both standing in the rain, and under normal circumstances I will assume that you too know it is raining. The second kind of case is that of adaptive behaviour, conformism, acquiescence, or modus vivendi. People do as others do in some particular area oflife without giving it much thought, or because they think they must bow to force majeure. Thus, certain Islamic groups in the United Kingdom no longer circumcise their young women because they don't want problems with the British police and courts, despite the fact that they by no means agree that they should give up this practice that they take, to use the now fashionable jargon, to be partly constitutive of their 'identity'. They just think they have no choice. A third group of cases concerns formal agreements, as in the paradigmatic case of contracting. In a contract all parties explicitly affirm that they will behave in a certain way, usually by transferring certain resources or performing certain services. However, all parties to a contract need not have equally good reasons to enter into it, and they certainly need not have the same reasons. Two people can agree on state-enforced vegetarianism, the one for religious, the other for medical or sociopolitical reasons. The fourth possible case of consensus is one in which the participants have the same reasons for agreement. Even if the agents have the same reasons for agreeing, it does not follow from that fact alone that the agreement has any particular normative value or standing. Two thieves can have the same reasons for wanting to cooperate in a burglary. If one agrees that increasing the number of persons involved does not change the standing of any agreement, it isn't clear that even the existence of universal consensus need be anything more than one fact among others. One standard liberal line of argument tends to run the notions of 'consensus' that are prominent in these different cases together. Effective coordination of action is highly desirable if humans are to survive and live a life any of them will find worth living, but coordination of action requires that some kind of at least minimal and tacit agreement in values and normative conceptions exist between the cooperating parties. If the parties did not share a large number of such values, cooperation would break down. Therefore, it is claimed, there exists in every society a basic consensus that can serve as the basis on which further agreements could be reached, thereby expanding even further the human social sphere in which freedom and normativity peacefully intertwine. From this the further conclusion is drawn that it is always possible and rational for humans to try reach consensus with their fellows, or at any rate with those with whom they must regularly deal.13 To be more precise, there are three variants of the liberal thesis. First an empirical version: in fact, in every functioning society there is, one way or another, a basic consensus. Second, the political thesis that it is always possible 'in principle' to elaborate the basic consensus on which social life rests so that peaceful resolution of conflicts is possible. The third moralising variant has a stronger and a weaker version. The stronger asserts that we are all in some sense obliged to reach consensus or that it is always rational for us to try to reach consensus; the weaker that it is always a good idea to try to reach consensus. Against these liberal positions, Marxists and Nietzscheans can make common cause. Nietzsche sees human society as a field of potential and actual conflict, although the' conflict' in question may not always be a matter of fisticuffs but may involve only the exchange of arguments and witticisms. In the real world, Nietzsche argues, any existing 'consensus' can be no more than a momentary truce entered into for pragmatic reasons and with no moral implications, and to expect anything more is a utopian hope. Marxists in any case have always been of the opinion that irreconcilable conflict, continuing disagreement, and social division are the normal states of all forms of society that have existed up to now. Apparent public consensus is merely the false (and thin) ideological cover that hides a chasm of division that is as deep and unbridgeable as anything in the human world can be. In its classic form, Marxism teaches that every class society is divided into groups that not only have no common good but have diametrically opposed basic interests. What is good for the capitalists is bad for the proletariat, and vice versa. Only a classless society could lack socially entrenched insoluble conflicts of interest. In capitalist societies, politics-as-usual is a pointless activity for members of the proletariat, and the only sensible way to act in the long run is active engagement in the class struggle.

## 1NC Solvency

#### 1. Removing barriers to political participation is insufficient - the fragmented nature of the disabled population prevents cohesive political change.

Oliver and Zarb 1989 [Mike and Gerry, professor of disability studies at the university of Greenwich, policy analyst at the disability rights commission in the UK, “The Politics of Disability: a new approach.”]

Even if these barriers to political participation were removed, it would not necessarily mean that the disabled population would cohere into an active political force to which all political parties would need to take notice. There are a number of reasons for this. To begin with there is a great deal of variety within the disabled population as a whole differences in social class, age, sex, family circumstances and clinical conditions-as well as the fact that disability may have developed after political commitments had been established. In addition, many disabled people do not necessarily regard themselves as disabled, or even if they do, would not contemplate joining an organisation of disabled people. Finally, as a consequence of disability, some people may disengage from political activity, either because their physical impairment poses limitations of a physical or psychological kind, or because they are aware that in many contexts they lack any basis for exercising power, e.g. through the withdrawal of their labour. (Oliver, 1984 p. 23) Extending this analysis, it has been suggested also that the medical approach to disability has fostered artificial divisions within the disabled population (Borsay, 1986). But these divisions do not arise simply from the medical approach, for the State also provides services in such a way as to foster divisions within the disabled population. Hence, it gives tax allowances to blind people but not to other categories of disability, mobility allowances to those who cannot walk but not for those who can, and higher pensions and benefits for those injured at work or in the services than for those with congenital disabilities or those who have had accidents. This is not an unintentional consequence of State provision but a deliberate tactic which the State has developed in its dealings with other groups and can be summed up as `divide and rule'. This idea of disabled people as a group divided amongst itself has obvious implications for any notions of class based political activity. The myriad of disability-specific programs and policies, the segregation of disabled people, the inability to gain access to organised society, to experience an integrated and adequate education, to obtain meaningful employment, and to socially interact and participate has resulted in a politically powerless and diffuse class of people who are unable to coalesce with other groups of disabled people on common issues, to vote, to be seen or heard. This class has accepted the stigma and caste of second-hand citizenship and the incorrect judgement of social inferiority. (Funk, 1987, p. 24) This description of the political situation fits in neatly with the `underclass thesis' developed to explain the political situation of black people. The usefulness of this idea of an underclass is still being debated and centres around the issue of whether an underclass is a subgroup of the working class or a group relegated to the margins of society on the basis of personal or group characteristics. In either case disabled people as an underclass are likely to remain powerless and marginalised, at least as far as organised political activity is concerned. Thus it is unlikely that disabled people can expect the party political process to serve their interests well. We take the issue of anti-discrimination legislation, as an example. While it is true that this issue has been forced onto party political agendas, and indeed, several bills have even been introduced in parliament, all of these have been defeated, usually covertly, but on one occasion overtly, through the operation of the party political system; that is through a sustained campaign by Conservative whips to ensure that their party members voted it down (Oliver, 1985). Hence, disabled people can hardly expect to articulate and achieve their political ends through the party system, and this raises the question of whether they can expect pressure group activity to serve them better.

#### 2. There is no such thing as truly universal design.

Vanderheiden, Professor in both the Industrial & Systems Engineering and Biomedical Engineering Departments at University of Wisconsin-Madison, in ‘96 (Gregg C., http://trace.wisc.edu/docs/whats\_ud/whats\_ud.htm)

Universal design is a process which yields products (devices, environments, systems, and processes) which are usable by and useful to the widest possi ble range of people. It is not possible, however, to create a product which is usable by everyone or under all circumsta nces. There are, for instance, people who simultaneously are deaf-blind, have cerebral palsy, and have severe cognitive impairments. We do not currently know how we would design a personal transportation system which could be independently used by an individual with such a combination of impairments. This is rather an extreme case, but it goes to make the point.¶ An equally important point, however, is the use of the word "currently" in the sentence above. Not long ago, it was not cle ar how we would create public computer-based

information displays that were accessible to individuals who were deaf-blind. :Today, we do (as noted later), and it can be done in a way that does not add to the cost of manufacturing the system. In fact, base d on developments within just the last couple of years, it is possible to make products very widely usable and accessible that would not have been possible even a short time ago.

#### 3. Legislative action cannot solve for universal design

Bringolf 08 (Jane, Urban Research Centre, University Western Syndney, "Universal Design: Is it Accessible?” Multi, Vol. 1, No. 2.)

The major disadvantage of taking the legislative route is that it has a focus on people with a disability. The benefits for others are lost in the quest to meet the requirements of regulations. Legislation encourages designers to think in terms of specialised designs—the very notion universal design is trying to prevent. From the designers’ creative perspective, regulations are not welcome because they remove opportunities for creative thought. The needs of people with a disability become just another legal problem. Legislation, codes and rules cannot cover all situations and events. When legislation is devised, every eventuality cannot be predicted and accounted for. Consequently, legislation can lead to mistakes, inequities, and poor design for everyone, not just people with a disability. Legislation sets design standards at a point in time and is counter-intuitive to the concept of continuously improving designs through an evolutionary process – one of the basic tenets of universal design. As each new design is implemented, it can be evaluated in practice and improvements incorporated into the next version. The alternative to legislation is education, but it is unlikely to be the guiding light of universal design in the near future.

#### 4. Their use of the word “disabled” reinforces a biological model of ability that naturalizes discrimination against people with impairments

Harpur 2012 (Paul, TC Beirne School of Law, University of Queensland, Brisbane, “From disability to ability: changing the phrasing of the debate,” Disability & Society Vol. 21, No. 2, http://dx.doi.org/10.1080/09687599.2012.654985.

Arguably the word ‘disabled’ has developed to support an ableist ideology. The labling of a person as disabled placed them in a category separate from the ablebodied population. This separating arguably contributed to the ableist ideology of exclusion and oppression. The use of the term ‘disability’ arguably portrays people with impairments as the binary opposite of people without impairments. Describing one normative state by relation to another can result in one normative state being regarded as inferior or undesirable. For example, de Beauvoir (1976) has argued that men are absolute human type and women are described as the polar opposite. de Beauvoir argues that men are the positive and the neutral and women are portrayed as the other (1976, 15). Through adopting the term ‘disabled’ it could be argued that some in members of society will use similar reasoning to de Beauvoir to discount persons with disabilities. Many people without impairments regard their corporeal state as the natural and correct state of being. Disabilities are seen to be different or the opposite of able-bodied, and accordingly regarded as something unfortunate and negative. The use of the prefix ‘dis’ arguably reinforces this erroneous understanding. While disability scholars have used the term ‘disabled person’ to politicise the causes of disablement, the actual word ‘disability’ was not developed by the disability community. The concept of politicising the causes of disablement, such as the social model, is a powerful model that explains how impairment is turned into a disability by the actions of the non-impaired majority. I argue that the notion of politicising disability should remain but the language should alter to explain this concept. The problem is that the term ‘disabled’, even when appropriated by the disability community, continues to serve ableist prejudices (Davis 1995, xv). To understand how the word ‘disabled’ serves two causes (ableist ideology and the disability community), it is critical to understand what is meant by the term ‘disability’. The term ‘disabled’ is associated with a period where society discounted the value and contributions of people with impairments. The Webster OnLine Dictionary (n.d.) defines ‘disability’ to mean: ‘The condition of being unable to perform as a consequence of physical or mental unfitness; “reading disability”; “hearing impairment”’. This meaning of ‘disability’ does not embrace the perception of disability under the social model. The definition of ‘disability’ in the Webster Dictionary entirely reflects the medical model as the meaning regards the person’s different ability is the cause of the disability rather than barriers created by society and society’s failure to take positive steps to ensure human rights are realised. The meaning of ‘disability’ reflects the notion that the person with

a different ability is the opposite of ‘able’. It could be argued that the prefix of ‘dis’ is even stronger than being the polar opposite. Historically, the term ‘dis’ has some very negative connotations. In Roman mythology, the word ‘Dis’ was in usage as an alternate label for Hades; and in Dante’s The Divine Comedy, the term ‘Dis’ was the name of the city that separated the fifth and sixth circles of Hell and was also used as an alternate name for Lucifer (Durling, Martinez, and Turner 1996, 111). Rather than just representing the opposite of

something, the word ‘dis’ arguably represents something stronger such as undesirable or perhaps even something evil. The use of the prefix ‘dis’ to distinguish between people with different abilities attracts a substantial amount of negative history. The medical model regarded people with impairment as something negative needing remedial interventions (Harpur and Bales 2010; Stein 2007). Perhaps the use of the prefix ‘dis’ was justifiable under this model. Under the social model the term ‘disability’ was not ideal, but considering the level of negativity with the previous labels the use of the term ‘disability’ was arguably an improvement. Society has now advanced and is far more accepting of persons with disabilities. Accordingly this paper argues that the time is right for disability advocates to refrain from describing able discrimination by a negative reference to a corporeal state that person does not have. There is no need to describe a person with different abilities by reference to what they are not.

#### And, this is particualy bad in the context of the affirmative because it means Universal design would becomes associated with disability and be dismissed and ineffective

Bringolf 08 (Jane, Urban Research Centre, University Western Syndney, "Universal Design: Is it Accessible?” Multi, Vol. 1, No. 2.)

At the same conference we heard the results of two research projects that focused on consumers and their preparation, or lack thereof, for ageing lifestyles. “Universal design” failed to register with consumers who had little, if any, idea of what it meant. This indicates that the term is still regarded as jargon and in marketing terms, lacks a brand. We also heard that consumers rarely purchase products based on efficacy alone because desirability is the key to making a sale. A product, therefore, labelled as a “disability” product has no appeal, even to people with a disability. The conclusions drawn were that the term “universal design” should be abandoned because it will have no appeal to consumers (or designers) regardless of how efficacious it is proven to be. (Wylde, 2008; Bright, 2008) Clearly those who wish to continue the promotion of universal design in its original form are in a fix. Lack of understanding and misusing “universal design” has created a void in which “accessibility” and “disability” now reside. As such, it has evolved from a process to a product; a disability product. This was unintentional, but we cannot turn back time. Universal design is a synonym for “disabled” design in the hearts and minds of disability rights activists, legislators and designers alike. From my perspective, the universal design movement has three choices. The first is to let the term “universal design” remain a synonym for “accessible design” for people with a disability, and make the best of the regulatory route. The second choice is to continue the fight for recognition of the original concept as designs for the whole of the population, and to work harder on branding and education. The third option is to give up the nomenclature battle but not the cause, and develop another “brand” that will carry forward the concepts of designing universally. I fear that the benefits of the conceptual process underpinning universal design will be lost unless the movement becomes more strategic about promoting and developing its own form and function. Perhaps the time has come for a “product recall”.

### Solvency Ext 2-3– Unviersal Deisgn Bad

#### **\_\_\_\_ Universal design is too abstract to be put into application**

Bringolf 08 (Jane, Urban Research Centre, University Western Syndney, "Universal Design: Is it Accessible?” Multi, Vol. 1, No. 2.)

The synonymous use of “universal” and “accessible” also stems from not knowing what constitutes universal design. This vacuum of understanding has allowed other words to inhabit the space and unintentionally hijack the original meaning. The term “universal design” was created in the United States of America, and is known as “Design for All” in Europe, and “Inclusive Design” in Great Britain. Each of these terms is based on the same underpinning concept —designing for the whole of the population bell curve by creating the maximum utility for the maximum number of people regardless of age, culture, and education or ability level. This apparently simple concept seems difficult to grasp, particularly when it comes to putting it into practice. In an attempt to explain in a more concrete fashion, the Center for Universal Design in North Carolina State University, the home of universal design, developed seven principles to assist designers (1997). Briefly the principles are: 1. Equitable use: people with diverse abilities can use it 2. Flexibility in use: can be operated in more than one way 3. Simple and intuitive use: easy to use without prior experience 4. Perceptible information: all users can “see” how to use it 5. Tolerance for error: unintended and adverse use is minimized 6. Low physical effort: can be used comfortably and efficiently 7. Size/space for approach and use: people of any size or posture can use it The principles, whilst generally explanatory, have not managed to span the yawning divide between designer knowledge and the diversity of the population. Critics claim the principles are too focused on function and do not address issues such as affordability, participation outcomes or social change. Those who are seeking practice guidelines cite lack of evidence and measurable guidelines, and that the language is unclear and somewhat contradictory (Steinfeld, 2008). These criticisms suggest that not only are the principles of little help, but also indicate the main flaw is buried within the concept itself—universal design is not universally designed —it is not easy to understand or simple and intuitive to use. The issue is not the nature of the principles per se but the nature of the underpinning concept. Universal design is difficult to put into practice because designers have no experiential reference point from which to begin their thinking.

Solvency Ext 4– Disability Rhetoric Turn

#### “Ableism” is the preferred nomenclature – it enables coherent political activity without prioritizing certain groups over others

Harpur 2012 [Paul, TC Beirne School of Law, University of Queensland, Brisbane, “From disability to ability: changing the phrasing of the debate,” Disability & Society Vol. 21, No. 2]

It is important for disability scholarship to deconstruct the threads of social commonality and divergence (Thomas 1999). How do we theorise difference? The categories of male and female are separated by definite biological boundaries. Disabled and able-bodied categories in contrast are not natural but are constructed by society (Corker and Shakespeare 2002). For example, when does a limp or poor eyesight become a disability? When society decides that the abnormality is sufficient to be labelled disabled. How can people with emerging disabilities advocate when many of their impairments do not come within society’s traditional perception of disabilities (Fox and Kin 2004)? Should arbitrary lines exclude those whose different abilities are not defined by the disability industry as disabled? For deconstructionists, the process of categorising people reflects imbedded values and social constructions (Thomas 2004). What do these categories mean for advocacy? Through focusing upon how ableism denies people their human rights and not focusing upon the category of disability, advocacy has the potential of significantly expanding the debate. Ableism emphasises the idea that everyone will become impacted by ability discrimination at some point in their lives. The temporary nature of ‘normalcy’ has been explored in detail by Davis (2002). Davis argues that ethically the ‘dismodern body’ contains care of the body, care for the body and caring about the body (2002, 27–28). Through these three caring areas people are required to view issues through the dichotomy of impairment and normalcy. Davis argues that impairment is the reality for most people and that normalcy is a fantasy. People are more likely to have some form of dependence (Davis 2002, 31). Bodies are rarely ‘normal’ and independence is transient. Even where a person has no dependents, they are not truly ‘normal’ but in a state best described as temporarily able-bodied. As a consequence Davis argues that humans ‘exist in varying degrees of imperfection’ (2002, 105). Davis argues for the value that legal protections offered to any class be offered to all classes (2002, 30). In essence, Davis encourages scholars to move away from categories of disability and start to focus upon interventions that focus upon abilities rather than upon disabilities. The focusing on the denial of human rights based upon abilities has the potential of expanding the stakeholders involved in the same

Solvency Ext 4– Disability Rhetoric Turn

struggle. Advocacy fighting against disability discrimination focuses upon helping a group of people who have impairments categorised as disabled. Advocacy fighting against discrimination focused upon ability, however, does not limit the beneficiaries of the advocacy to an artificial category of people. Many people in the community can confront discrimination based upon their abilities, which would not regard themselves or be categorised as disabled. For example, children have different abilities due to their age, pregnant women have different abilities due to their pregnancy, the elderly have different abilities caused by their aging bodies, people involved in workplace accidents may have temporary injuries, and the list goes on. What is significant about the people with different abilities in the previous list is that most would not regard themselves as disabled. If disability rights advocates phrased their arguments in terms of ableism, and thus render a greater number of people in the community stakeholders and beneficiaries of government interventions, then this increase in numbers could increase the strength of the advocacy. Through focusing upon different abilities, rather than upon disabilities, advocacy has the potential of identifying greater public policy benefits for interventions. For example, if disability rights advocates were advocating for wheelchair-accessible buildings, then this debate only impacts upon a small portion of the population. If the issue was turned to focus upon ramps or lifts to ensure all persons with limited ability could access the buildings, then this could involve parental groups fighting for parents ability to push babies in strollers, women’s groups advocating for the rights of pregnant women, groups representing the elderly who have limited abilities and industrial association who may have members with temporary impairments. If policy-makers assess the impact of reforms upon persons with disabilities, then this will benefit only a small group in society (see, however, Stein 2003, who argues that many reforms aimed at benefiting persons with disabilities may be economically neutral or actually benefit other groups in society). If the focus was upon all people who have abilities that differ from the norm, then the economic cost/benefit analysis of any reforms would significantly alter. Under the current model, interventions to assist people with disabilities are targeted at a relatively small group. If the focus was upon assisting any person with different abilities then the number of beneficiaries from architectural or other interventions would increase. The difference between utilising the label of ‘disability discrimination’ or ‘ableism’ is that disability discrimination unnaturally limits the focus to persons with disabilities. Focusing upon ableism, however, creates the possibility that the debate can be expanded and include other stakeholders and thus increase the impact of advocacy focused on avoiding ableism.

AT We Solve non-Disabilty Inclusivity

#### Their exclusive focus on disability ensures **that “universal design” only serves the interests of certain groups**

Bringolf 08 (Jane, Urban Research Centre, University Western Syndney, "Universal Design: Is it Accessible?” Multi, Vol. 1, No. 2.)

New ideas need a base point from which to build the new knowledge: they cannot be developed in a vacuum. Universal design is a new idea—a different way of thinking about design. From the vacuum created by this newness a reference point of understanding has emerged—that of disability, albeit by default. When I explain universal design to others it is not until I describe how it will help someone with a functional difficulty does a look of recognition dawn accompanied by phrases such as, “Oh it’s for the disabled!” almost suggesting that I should have said so in the first place. Clearly universal design cannot be understood without reference to disability. This is not an issue in itself: universal design automatically includes people with a disability, but the semantic difference is that it is not specifically for people with a disability thereby suggesting the exclusion of others. Once locked into the disability scenario, the knock-on effect is that designer thinking defaults to disability discrimination legislation, accompanied by fears of litigation. In this environment designers tend to focus on prescriptive answers rather than meeting the intellectual challenge posed by designing inclusively. This fear also has the power to truncate the advancement of the underpinning concept of universal design. As we can see, the domino effect of using one term to mean another has the power to fracture and distort a concept whether intentional or not. It has the power to remove universal design from the domain of being for everyone, to that of being disability specific. The vexed issue of word usage, as discussed earlier and the implications for universal design come sharply into focus at this point. Perhaps this is why science is being recruited to the cause.

### AT Aff🡪 PWD Activism

#### \_\_\_\_ Framing people with disabilities as a minority group reinforces the dichotomy between able and disabled

Oliver and Zarb 1989 (Mike and Gerry, professor of disability studies at the university of Greenwich, policy analyst at the disability rights commission in the UK, “The Politics of Disability: a new approach.”)

Using what she calls "an interpretive approach", based on the work of Foucault, Liggett takes her criticisms further than this and argues that the politics of disability is structured by certain discursive practices. Thus the minority group approach . . . is double-edged because it means enlarging the discursive practices which participate in the constitution of disability. In other words, the price of becoming politically active on their own behalf is accepting the consequences of defining disability within new perspectives, which have their own priorities and needs. The new perspectives then become involved in disciplining; disability. (Liggett, 1988, p. 271) Thus, accepting disabled people as a minority group also involves the accepting of the disabled-nondisabled distinction; accepting the `normalising' society. This has implications for disabled people seeking to gain control over their own lives for . . . in order to participate in their own management disabled people have to participate as disabled. Even among the politically active, the price of being heard is understanding that it is the disabled who are speaking. (Liggett, 1988, p. 273)

# Off Case

Pre-Natal Screening CP

1NC

#### Counterplan text: The United States federal government should prohibit the use of pre natal screening and testing.

#### And, the medical visualization of the fetus naturalizes disability and leads to a culture of abelist eugenics.

Tremain, was the 1997–1998 Ed Roberts Postdoctoral Fellow at the University of California, Berkeley, and the World Institute on Disability. From 1998 to 2001, she worked as a research associate and principal investigator at Canada's national policy research institute to promote the human rights of disabled people, in ‘6 [Shelley, “Reproductive Freedom, Self-Regulation, and the Government of Impairment in Utero”, Hypatia Vol. 21 no. 1, Muse]

In this article, I examine some of the discursive and concrete practices (bioethics, genetic counseling, the antidisability movement, and public policy) that surround the most publicly available form of genetic testing and screening: prenatal genetic testing and screening. I am concerned to point out what these practices presuppose, as well as to indicate their constitutive effects, and to suggest what prescriptions for action they put into place. In particular, I intend to show that these practices, and the testing and screening technologies themselves, contribute (each in its own way) to the naturalization and materialization of impairment, a relatively recent medico-juridical category that operates in the service of normalization. To motivate the argument that impairment effectively comes into being by and through these practices and procedures, I draw upon Michel Foucault's claims about biopower, which he defined as the endeavor (usually by "authorities" of some kind) to rationalize the problems that the phenomena surrounding a group of living human beings, when constituted as a population, pose to governmental practice. Such problems arise with respect to the birthrate of a population, its health and longevity, sanitation and other conditions of its environment, and so on. Foucault noted that since the late eighteenth century, such concerns have occupied an expanding place in the government of individuals and populations. These problems (and their management), he claimed, cannot be dissociated from the framework of political rationality within which they emerged and developed their urgency: namely, liberalism (Foucault 1997, 73, and passim). Biopower is, in short, the strategic movement of modern forms of power/knowledge that work toward maximization of the conditions conducive to "life." In other contexts (Tremain 2001; 2002), I drew upon Foucault's insights about biopower in order to show how impairment is naturalized and materialized in accordance with the requirements of the U.K. government's Disability Living Allowance and the identity politics of disabled people's movements. In what follows, I extend the line of argument that I took in the earlier work on impairment in order to demonstrate how biopower ensures that impairments are generated in utero. Barbara Duden and other feminists have argued that the formation of the fetus is, to a large extent, the history of its visualization in medical imaging techniques such as endoscopy and ultrasound (for instance, Duden 1993, 92). Lorna Weir has pointed out, furthermore, that the formation of the fetus is in addition the history of written statements, sampling technologies, and standardized blood tests, all of which impute a range of physiological and pathological properties upon a fetal body. From the mid-1950s, Weir explains, a number of key experimental articles appeared in print that multiplied knowledge of the fetus: articles about sex chromatin for the diagnosis of fetal sex (1955), ultrasound imaging of fetal skulls to determine fetal age (1963), the culturing of amniotic cells for chromosome, biochemical, and later genetic analysis (1966), and so [End Page 36] on. In short, the exponential increase in the number of "disorders" for which prenatal diagnosis became clinically available due to the introduction of these techniques amounted to a textual elaboration of the fetus as a discursive object (Weir 1996, 374–76). My analysis of the constitution of 'fetal impairment' builds upon this earlier

feminist work on reproductive technologies. In the first section of the article, I point out how descriptions of certain phenomena as fetal impairment have caused 'prenatal impairment' to emerge as an object of discourse and social existence. In particular, I show how a certain form of argumentation in disability theory and antidisability activism contributes to the constitution of this discursive object. In turn, I indicate how the presuppositions on which this manner of argumentation relies dovetail with claims made in mainstream bioethics and philosophy of science. In the second section, I argue that the expansion of prenatal testing and screening technologies, and the production of a discourse on risk in genetic counseling and prenatal diagnostics, also contribute to the reification of prenatal impairment. This discourse of risk implicates these practices and procedures in relations of power in ways that, for the most part, have not been critically interrogated. For while many feminists, bioethicists, and others have called for the development of protocols designed to maximize the extent to which testing and counseling situations will be noncoercive and value neutral, few of these theorists have sufficiently problematized the very notion of risk on which these practices and procedures depend.1 Furthermore, while most bioethicists, obstetricians, genetic counselors, and even many feminists claim that the availability of genetic counseling and technologies to test and screen prenatally—for impairment—enhances women's capacity to be self-determining and make informed reproductive choices, I contend that this emerging relation between pregnant women and reproductive technologies is a strategy of biopower. Indeed, my argument in what follows is, in sum, that the constitution of prenatal impairment (by and through these practices and procedures) is a widening form of modern government, that is, a calculated mode of influence that increasingly limits the field of possible conduct in response to pregnancy. Hence, I am concerned to show that the government of impairment in utero is inextricably intertwined with the government of the maternal body. Through the government of their own bodies, pregnant women are enlisted to facilitate the normalization of the fetal body.

#### And, Pre-natal screening reinscribes the liberal intolerance for the disabled body

Breckenridge & Vogler, Department of South Asian Languages and Civilizations at the University of Chicago & an associate professor of philosophy at the University of Chicago and codirector of the Master's Program in the Humanities, in ‘1 [Carol A. & Candace, “The Critical Limits of Embodiment: Disability's Criticism”, Public Culture 13.3]

The willed production of disability would be unrecognizable as having value in any understanding of a bourgeois or middle-class sensibility. The body is sacrosanct. The idea of willingly maiming people is abhorrent or aberrant. But at precisely this juncture, liberal social and political theory reaches an aporia of sorts. Choice, especially in such middle-class matters of intimacy and privacy as procreation, is likewise sacrosanct in liberal theory. Can liberal theory understand a middle-class woman's decision knowingly to carry a disabled fetus to term as [End Page 354] other than the willed production of disability? If not, then which forms of disability can she choose to nurture or risk in her offspring? Is a pregnant woman who is in a position to undergo multiple genetic screenings required, somehow, to take test after test to ensure that she will not give birth to a child with an impermissible disability? And what likelihood of impermissible disability would a woman be allowed to hazard? The specter of eugenics threatens here. But if liberal theory must respect timely reproductive choices in general, then it likewise must countenance the possibility of disabled modal citizens.

## 2NC Overview

#### The counterplan solves 100% of the case. Our Tremain in 6 evidence isolates pre-natal screening as the primary casue of the normalization of the body that constructs the bianray between able and disabled.

#### And, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is a net benefit because\_\_\_\_\_\_\_\_\_\_\_

#### And, CP solves better - screening practices are the root cause

Tremain, was the 1997–1998 Ed Roberts Postdoctoral Fellow at the University of California, Berkeley, and the World Institute on Disability. From 1998 to 2001, she worked as a research associate and principal investigator at Canada's national policy research institute to promote the human rights of disabled people, in ‘6 [Shelley, “Reproductive Freedom, Self-Regulation, and the Government of Impairment in Utero”, Hypatia Vol. 21 no. 1, Muse]

In sum, when the constitutive efficacy of risk is appreciated, the eugenic impetus behind prenatal testing and screening becomes evident. If analyses of prenatal testing and screening were to shift their emphasis to governmentality, that is, if theoretical analyses of these practices were redirected from their current location in the realm of bioethics and situated within the domain of biopolitics, the starting point of inquiry could shift from argumentative claims that take the 'impaired fetus' as a natural kind to a thick description of the administrative, medical, prenatal, scientific, and discursive constitution of 'impairment' by and through these technologies of normalization. Furthermore, the liberal governmentality that facilitates the birth of the practices of biopower also spawns reactions to that apparatus, some of which have been articulated in the language of reproductive freedom. Thus, a governmental perspective on prenatal testing and screening enables one to recognize that the feminist achievement of "reproductive choice" and the genetic counseling which is claimed to enhance that ostensible autonomy operate as effects of what Foucault called the "polymorphous character of liberalism," by which he meant liberalism's capacity to both foster and engage criticism of itself, as well as to subsequently recuperate that critique in the service of certain political ends (Foucault 1991; see also, Weir 1996).

#### And, prenatal testing necessitates the construction of disability as a negative risk and renders governmentality calculable. Elimination of these practices would undo the biopolitical web that produces and seeks to eliminate disability.

Tremain, was the 1997–1998 Ed Roberts Postdoctoral Fellow at the University of California, Berkeley, and the World Institute on Disability. From 1998 to 2001, she worked as a research associate and principal investigator at Canada's national policy research institute to promote the human rights of disabled people, in ‘6 [Shelley, “Reproductive Freedom, Self-Regulation, and the Government of Impairment in Utero”, Hypatia Vol. 21 no. 1, Muse]

One of the foundational premises of prenatal diagnosis and genetic counseling is that risks in pregnancy exist in reality, that is, have an objective, prediscursive existence. Without the tests that make prenatal risk calculable, however, there would be no risk in pregnancy per se. Risk does not exist apart from the rationalities, practices, and techniques that make risk calculable and attach it to certain objects, which the technologies effectively bring into being as those kinds of things. As François Ewald remarks: "Nothing is a risk in itself, but anything can be a risk; it all depends on how one analyses the danger, considers the event" (Ewald 1991, 199; emphasis in original). Risk is a means by which to order reality. The category of risk enables previously incalculable events to be represented in a form that makes them governable in certain ways, with certain techniques, for the satisfaction of certain goals. In particular, risk is one element of the diverse forms of calculative rationality that are deployed [End Page 48] "to [govern] the conduct of individuals, collectivities, and populations" (Dean 1999, 177). As calculative rationalities, that is, forms of risk assessment incite compliance with techniques and practices that regulate, manage, and shape human conduct in the service of specific ends. For to describe the possibility of a certain future event as a risk is to ascribe negative value to the actual occurrence of such an event and to imply that certain measures ought to be taken to avoid it. Since the possible courses of action from which people may choose are not independent of the descriptions available to them under which they may act, and since the available descriptions are embedded in a cultural matrix of (among other things) institutions, practices, and power relations (Hacking 1999), analyses of risk must consider the kinds of objects to which risk gets attached, the kinds of knowledge that risk makes possible, the techniques that are employed to identify and discover risk, the technologies that are mobilized to govern it, and the political rationalities and programs that deploy it (Dean 1999, 175–97).

#### Second, Pre-natal testing is increasing now. The CP would affect the perception of all new parents.

Dresser, is Professor of Law and professor of ethics in medicine at Washington University in St. Louis, in ‘9 [Rebecca, “Prenatal Testing and Disability: A Truce in the Culture Wars?”, Hastings Center Report, Volume 39, Number 3, May-June]

Brownback-Kennedy arrives at a time when prenatal testing is on the rise. In 2007, the American College of Obstetricians and Gynecologists (ACOG) recommended that prenatal screening and testing be offered to all pregnant women, regardless of age.2 With this recommendation, more women will undergo screening and testing, and more will receive a prenatal diagnosis. Now more than ever, it is essential that prospective parents be given accurate and balanced information about what a diagnosis could mean to them and their child.

#### And, Pre-natal screening is the root cause of eugenics from below. The CP solves all their impacts.

Tremain, was the 1997–1998 Ed Roberts Postdoctoral Fellow at the University of California, Berkeley, and the World Institute on Disability. From 1998 to 2001, she worked as a research associate and principal investigator at Canada's national policy research institute to promote the human rights of disabled people, in ‘6 [Shelley, “Reproductive Freedom, Self-Regulation, and the Government of Impairment in Utero”, Hypatia Vol. 21 no. 1, Muse]

German disability theorist Anne Waldschmidt (1992) assumes this conception of power to argue that genetic testing and prenatal diagnoses are elements of a new form of eugenics that is practiced with the active participation of the individuals concerned, once they have been informed of the supposed facts and have given their consent. "Neo-eugenics," Waldschmidt writes, has shed its past authoritarian roots and has developed an apparently democratic approach. Neo-eugenics does not need to operate through direct forms of coercion, pressure, open repression, or control. The state and society no longer need to intervene in order to urge people to do their eugenic duty, because now people "voluntarily" adhere to eugenic lines of reasoning individually, without having been expressly told to do so. Waldschmidt contends that neo-eugenics functions so well precisely because it is supported and practiced "from below," that is, by the average person on the street; it does not need to be enforced from above by the police and the authorities. Indeed, not even the human geneticists and genetic counselors appear to be acting on their own authority; rather, they seem merely to accord with the wishes of their own women clients (Waldschmidt 1992, 165; cf. Shakespeare 1998)

## Pre-Natal Screening 🡪 Nazi

**\_\_\_ Eugenic modifications aimed at preventing disabilities culminate in Nazi-style fascism and extinction**

Santini 02 [Joseph, “The Heart of Difference,” Last Mod Jan 7, http://serendip.brynmawr.edu/biology/b103/f00/web3/santini3.html]

**The connection between egg donation and heart transplants** for those with Down Syndrome is, **stated** simply, that **people decide who will live and who will die based on physical characteristics**. Laura Purdy remarks that while "Disability rights activists argue that attempting to prevent the birth of disabled children discriminates against the existing disabled population as well as the unborn" she finds this argument "founded on a mistaken confusion of the self and its properties. For parents to choose to increase the odds of a healthy baby should not in itself damage the self respect of the existing disabled, nor is it a form of discrimination against them." [**Purdy**] This argument, however, **fails to take into account the fact that "disabled" is not necessarily equivalent with "unhealthy;" what is really being argued is not the increased odds of a healthy baby but the increased odds of a "perfect" baby**, a baby conforming to a medical standard for the human physique. Disability rights activists have a right to be concerned, especially on a higher ideological level: for once the doctrine of perfection is established, soon even minuscle differences will loom powerfully in the minds of those who perceive them and conform to that standard.¶ **Purdy** then **proposes a "thought experiment**": "Suppose that before conception we could put in an order for our children's desired characteristics. Imagine a checklist of fatures that many of us would prefer our children not have. These range from the serious such as Tay-Sachs disease to the non-life threatening such as blindness, cleft palate, or club feet. Would anything be wrong with failing to order up these conditions? If not, **then it seems that the objections of disability rights advocates depend on positing a moral difference between failing to conceive and aborting**." [Purdy] Purdy never even considers the possibility that there might indeed be something wrong with failing to order up those "conditions." Granted they are not pleasant, to say the least, and granted they are conditions the child themselves might prefer not to have: we all desire to achieve some sort of state of normativity. They are, however, normative states for the genetic code of humanity; **diversity is precious, both its good and bad parts, and must be preserved if we are to continue to evolve as a race.** Science fiction is full of stories in which we (or They) become so physically alike to one another that a particular virus or one simple action can wipe us all out. Our genetic diversity is our protection against such an occurrence.¶ Purdy also fails to realize the implications of her own argument**. If we say that those conditions are not desirable and that it is acceptable to "not order" them, where is the line drawn**? **What's the difference, biologically, between a gene containing the information for Tay-Sachs disease, and a gene containing the information for black skin? What if a parent sincerely didn't want their child to face discrimination in the school system, and aborted every child they had which didn't conform to the blonde-blue eyed** denotation of perfection which exists as a monolith in our pleasure-oriented culture? This seems to be an unapproachable point from the medical view of biogenetics; they view humanity from a Western medical standpoint advocating an essential perfection, a uniform human state-of-being without differences.¶ Purdy is a bioethicist; presumably, her principles reflect modern thought on bioethics in relation to eugenics and these sorts of life/death choices. She focuses on disability, however, and I focus on the fact that "disability" really has no meaning in the world today; the focus is on 'good genes' and disabilities, different looks, and low intelligence are all lumped together under the disability tent. I believe that **the bioethical view is compromised by the medical view; unable to see past the temporary benefits to the individual, bioethicists have yet to focus on diversity as a means of survival.** Patricia J. Williams, a lawyer, notes that "our ultimate success, the test of our humanity, is in the tolerant, self-effacing extinction that comes from merging with all that is diverse, unexpected and exuberantly impure" [Williams] Williams discusses Darwin's "Origin of Species" and notes that "he seems to employ creationism as a central, if unspoken, metaphor... it is... an object lesson in how much what we call 'scientific' is deeply infused by the political, cultural and aesthetic valuations of the author. Similarly, today's genetic science, which so many shrug off as merely an improvement on 'natural selection,' is anything but." [Williams] **In an age where perfection has become a value beyond money, where the elite are the perfectly beautiful and often those who are made so, scientists born into and developing in this culture naturally and understandably see this perfection as a natural goal. The disabled aren't shown on television; race is shown to a limited extent: all that are seen en generale are the bouncing cleavages of surgically enhanced, tall blonde women and their masculine counterparts**. We are taught that that is what we want to be, and bioethicists absorb that as much as the rest of us. Their science does not provide them a protective shield against hypocrisy, stupidity or the engraving of social consciousness upon the personal consciousness.¶ Seen this way, **the general permissiveness of bioethicists regarding such things as the denial of heart transplants to needy patients with Down Syndrome and the almost Nazi-like eugenic focus of egg donation**: both actions are actions enforcing and reinforcing the doctrine of Heaving Chest and Clever Pecs: the creation of and belief in perfect people. These concepts are fallacies; in our Biology 103 course we have discussed how the individual is a result of diversity; there is no such thing as a perfect person, and indeed someone not considered "perfect" might well have the appropriate physiognmy to deal with a situation that the "perfect" person could not. The dangers of choosing any particular trait over another as "better" are patent and have been discussed by the likes of Stephen J. Gould and Carl Sagan, as well as Darwin. **Once you decide someone's life quality is better than another's and attribute that to a physical trait, you begin travelling the road to racist thought and ideology: Nazism, or fascist thought, is an inevitable result.**¶ One last aspect of culture affecting the bioethical thought on this subject is the public's view of genetics. Genes are something you "have" or can "get" through mystical and undefined processes. "Everything is genetics, for awhile, at least... violence is genetic, cancer is genetic, your personality is genetic. And [there is] extreme exaggeration and reification of genetics right now, which is being played out a little bit in the reproduction area, as well." [Annas] At the moment, would-be parents believe everything can be determined genetically, down to the child's favorite books (a question often asked of potential donors by interviewees.) This belief in the mystical power of genetics rivals that of natural selection, of magic in the middle ages, of philosophy in greece. Somehow able to resolve any problem, genetics in pop culture

promises not to cure what ails you but to give you a place within society based on your physiognomic setup. This fallacy is partially what causes the objectification of those with Down syndrome as well as fuelling the desire for "perfect" genes. In the movie "Gattaca" a world of genetically perfect people exist; people with imperfect genes are considered scum, unworthy of the world; this movie speaks to the subcutaneous fear of inability to break out of the powerful placing effect of eugenic thought, a fear which exists even as people fight to produce children who will be powerful pieces on that potential futuristic chessboard.¶ Diversity, however, is a biological gold mine. **"Too frequently, one group of human beings has justified oppression against another group on the grounds of allegedly biological arguments**," says Paul Grobstein in his essay on "Diversity and Deviance, adding that "any argument of this kind reflects a profound misunderstanding of basic principles of biological organization." [Grobstein] He supports my argument when he states that "The success of biological systems in general is due not to homogeneity but to heterogeneity: they depend critically on the existence of differences in the elements which make them up. The human species is no different, and this alone is enough to raise serious questions about any effort to rank one human or group of humans against another." [Grobstein] **The human desire for perfection, expressed through eugenics of both post- and pre-natal sorts, would seem to contradict this.** Just as Grobstein states that "It is meaningless to ask whether one lymphocyte is better than another," [Grobstein] so **is it meaningless to say that one person's "quality of life" or "wholeness" is better than another person's: all are necessary for the survival and optimal existence of the human race as a whole**. In other words, as Grobstein notes, **diversity is important not only for our interdependence now but for our ability to face new and diverse challenges in the future.**

### Screening High

#### Fetus's with Disabilities are disproportionately aborted-

SPUC 2003 (Society for the Protection of Unborn Children, Allison Davis, March 2003, "A Disabled Person's Perspective on Eugenic Abortion", <http://www.spuc.org.uk/documents/papers/e-0079b.pdf>)

¶ Abortion performed on the grounds that the baby has a disability is usually regarded as being ¶ one of the most publicly acceptable reasons for abortion. Some polls suggest that as many as ¶ 75% of British people think abortion should be allowed for disability.¶ 1¶ “Ground E” of the British Abortion Act (as amended by the Human Fertilisation and ¶ Embryology Act 1990) states that abortion is permissible if there is “substantial risk of the¶ child being born seriously handicapped.” In 2001, the latest full year for which figures are ¶ available, in England & Wales there were 1,641 abortions done under Ground E alone with a ¶ further 81 being Ground E combined with another ground. Of this number 127 were for spina ¶ bifida (the disability I have), and 347 for Down’s syndrome, six of these abortions being done ¶ after 24 weeks.¶ 2¶ In addition to these figures, there were 15 cases of “selective reduction” in which one of more ¶ disabled babies in a multiple pregnancy are killed by injecting poison into their hearts, while the ¶ other babies in the pregnancy are left to continue their lives and eventually be born. Some ¶ pregnancies were “reduced” by one baby, some by two and one by three.¶ 3¶ Under Ground E abortion is allowed with no time limit i.e. up to the moment of birth.¶ The discriminatory factor in these abortions is made clear by simple statistics. About 20% of ¶ all pregnancies are aborted, but about 90% of babies with spina bifida are aborted,¶ 4¶ as are ¶ 92% of babies with Down’s syndrome.¶ 5¶ This is, of course, in addition to the babies who are ¶ aborted for “social” reasons without their disability being detected. ¶ These deaths are sometimes dismissed as “only” 2% of the total. “Only” implies a value ¶ judgment that these lives are somehow less important because of their smaller absolute ¶ numbers, but the vastly greater discrimination is clear in the statistics.

### Pre-Natal Screening Root of Abortions

#### \_\_\_\_ Pressure to abort disabled babies is rooted in prenatal testing

SPUC 2003 (Society for the Protection of Unborn Children, March 2003, "A Disabled Person's Perspective on Eugenic Abortion", <http://www.spuc.org.uk/documents/papers/e-0079b.pdf>)

These eugenic abortions cannot be dismissed simply as women freely “choosing” to abort, just ¶ as the diagnosis of a disability does not just “happen.” ¶ Dr. Josephine Venn-Treloar wrote in the British Medical Journal of being given Nuchal ¶ Translucency ultrasound test without her knowledge or consent. This test measures the amount¶ of fluid at the back of the unborn baby’s neck, and can indicate Down’s syndrome. The test ¶ was simply presented as “the first trimester scan” with no indication of its true purpose.¶ 6¶ An Editorial in the BMJ admitted that “When first trimester scanning does detect an ¶ abnormality, there may be pressure for the decision to terminate to be made quickly to ¶ facilitate a suction termination.” No mention was made of the possibility that the woman might ¶ decide not to abort. ¶ In a survey ¶ 7¶ by the University of Leeds, only 32% of obstetricians reported counselling ¶ pregnant women non-directively, and two researchers recently concluded that all pre-natal ¶ counselling is, in reality, directive. A father of a baby aborted on grounds of disability said ¶ “Our consultant guided us through the decision making process … she made it easier to say ¶ yes (to the abortion) knowing it was the only way.¶ The Association for Improvements in Maternity Services reported¶ 8¶ having ¶ “a stream of complaints” from women who tried to refuse pre-natal tests and were “bullied or ¶ treated like pariahs.” They noted that this had the effect of some women choosing not to have ¶ any pre-natal care until 24 weeks to avoid pressure to be screened and to abort if a disability ¶ was detected.¶ The Dept of Health Advisory Committee on Genetic Testing issued a report in April 2000 ¶ suggesting that pregnant women considered “at risk” of having a disabled baby should be ¶ “encouraged” to notify their GP of their pregnancy as soon as possible, so that pre-natal ¶ screening could be organised. (Note here the use of the term “risk” rather than “chance” of a ¶ baby being disabled. Risk implies a bad outcome. Does anyone ever speak of the “risk” of ¶ something nice happening?) No mention was made of the fact that such women might well ¶ prefer not to have these tests. The report went on to say that “counselling about an abortion ¶ should be given as a matter of course if the fetus is found to be abnormal”¶ The report also called abortion “prevention of disability” and mentioned it as the first possibility ¶ after an “abnormal” test result. There was much mention of the need for “adequate support” ¶ for women who aborted their disabled baby, but NO mention of support for those who ¶ decided to keep their baby. The report went on to say that two photos should be taken of an ¶ aborted baby – one for the post-mortem, and one for the family to keep “as a memento”¶ 9¶ How sad that a photograph will be treasured, but the baby him or herself was rejected as “not ¶ up to standard.”¶ Sometimes, women are accused of being “selfish” if they refuse to be screened or to abort. ¶ For instance Caroline Armstrong-Jones, whose daughter India has Down’s syndrome was ¶ told by her doctor “you must do everything in your power to ensure you do not give birth to another Down’s child.¶ 10¶ ” Fortunately she resisted all the pressure, and did not have her baby ¶ tested. The baby did not have Down’s syndrome. ¶ Another doctor was reported as saying to a woman who had a child with Down’s syndrome ¶ “So, you’ll be having the tests, seeing you have a handicapped child already.” She refused, ¶ and “he looked up in horror and said ‘But of course you must! You can’t have two ¶ handicapped children’”¶ 11¶ Pressure to abort a disabled child is particularly apparent when the mother also has a ¶ disability.¶ 12

## CP Popular

#### \_\_\_\_ The counterplan is bipartisan and is supported by the Women’s Health Network and the Christian Coalition.

Dresser, is Professor of Law and professor of ethics in medicine at Washington University in St. Louis, in ‘9 [Rebecca, “Prenatal Testing and Disability: A Truce in the Culture Wars?”, Hastings Center Report, Volume 39, Number 3, May-June]

In politics and policy-making, many speakers claim a commitment to finding common ground with their adversaries, but in the end, partisanship tends to trump the collaborative commitment. In a rare exception, however, pro-choice, pro-life, and disability advocates joined to support a 2008 federal law called the Prenatally and Postnatally Diagnosed Awareness Act.1 In an unusual alliance, Kansas Republican Senator Sam Brownback and Massachusetts Democratic Senator Edward Kennedy cosponsored the bill that led to the legislation. In last fall’s presidential campaign, both Barack Obama and John McCain endorsed the bill. A surprising array of organizations—including the National Women’s Health Network, the Disability Rights and Education Fund, and the Christian Coalition—applauded its passage. Much of the Brownback-Kennedy bill’s success can be explained by its focus on information disclosure.

#### \_\_\_\_ The cp is popular - both republicans and democrats and the pope are opposed to pre-natal screening.

Harmon, national correspondent for the Times, in ‘7 [Amy, “Genetic Testing + Abortion = ???”, NYT, May 13]

Traditional anti-abortion advocates, from conservative politicians to Pope Benedict XVI, have in recent months criticized the growing use of prenatal testing as a subtle form of eugenics. But the specter of fetuses being selectively targeted for elimination also has the potential to disturb solid supporters of abortion right

#### \_\_\_\_ Disability rights and pre-natal screening bring an unprecedented alliance between the left and the right.

Bauer in ‘8 [Patricia E., Congress OKs Kennedy-Brownback disability diagnosis bill, http://www.patriciaebauer.com/2008/09/25/kennedy-brownback-3-3302/, September 25]

The House has joined the Senate in passing a measure that disability rights advocates hope will fundamentally change the conversations that are taking place between pregnant American women and their doctors. Passed on a voice vote on Thursday, the bill would provide for accurate, up-to-date information and support for parents who receive a diagnosis of Down syndrome or other disabilities such as spina bifida or cystic fibrosis either prenatally or up to a year after the birth of their child. President Bush is expected to sign it. Passage of the measure marks the culmination of an unprecedented bipartisan effort that has joined supporters of abortion rights, led by co-sponsor Sen. Edward M. Kennedy (D-Mass.), with opponents of abortion, led by co-sponsor Sen. Sam Brownback, and disability rights advocacy groups. Kennedy is also a longtime advocate for people with disabilities. While members of this loose coalition may have profound disagreements about what may be acceptable at the end of a pregnancy, they came together around another key question in prenatal care: What kind of information and support should be available to pregnant women if initial testing reveals the presence of a disability?

Prenatal Unpopular-Republicans

#### \_\_\_\_ Republicans hate pre-natal screening based on family value – Palin proves

Ben-David, writer for the Jerusalem Post, in ‘8 [Calev “Comparing the Olmerts & Palins. How 'family values' play out differently in the US and Israel” The Jerusalem Post, 9-2]

That view is complicated though by the fact that Palin's selection by McCain as his running mate was clearly based in part on her potential appeal as a "family values" candidate who would be viewed favorably by the Republican social-conservative base. Much has already been made by that segment of the American electorate over another of Palin's children - her infant son Trig who was brought to term earlier this year despite a prenatal diagnosis of Down's syndrome seen by her supporters as a testament to her opposition to abortion under any circumstances short of a threat to the mother's life.

### Prenatal Unpopular-Public

#### \_\_\_\_ Selective abortion is very unpopular -

Levin, writer for *New Atlantis*, Spring 2K8 [Yuval, “Public Opinion and the Embryo Debates” Pg. 47-62 No. 20 accessed via Nexis; 1-21-2010]

Another growing practice, selective abortion following prenatal screening, is also deeply unpopular, except in cases where the condition discovered would be swiftly fatal. Q.18 New in-utero testing technologies are allowing parents to know in advance some of the genetic characteristics of their developing child fairly soon after conception, such as its sex or if it has any medical conditions or genetic diseases such as Down syndrome. In some cases, parents may choose to terminate or abort a pregnancy after learning the results of these tests. In which, if any, of the following circumstances do you believe parents should be legally allowed to terminate the pregnancy? [These options were read and rotated, and multiple responses were accepted.] 57% IF THEY DISCOVER THE CHILD HAS A FATAL DISEASE OR CONDITION THAT WOULD LIKELY RESULT IN ITS DEATH EITHER BEFORE OR SHORTLY AFTER BIRTH 20% IF THEY DISCOVER THE CHILD HAS A SERIOUS, BUT NON-FATAL, GENETIC DISEASE OR CONDITION SUCH AS DOWN SYNDROME 3% IF THEY DISCOVER THE SEX OF THE CHILD IS NOT WHAT THEY WANTED -- FOR EXAMPLE, THEY WANTED A BOY AND THE CHILD IS A GIRL 30% NONE OF THE ABOVE (VOLUNTEERED) 1% OTHER (VOLUNTEERED) 3% DON'T KNOW/NOT SURE (VOLUNTEERED) \* REFUSED (VOLUNTEERED)

Prenatal Unpopular-Ethics

#### \_\_\_\_ Ethical issues around pre-natal testing lead to controversy now.

Henderson, science editor for the London Times, 10-11-2K8 [Mark, “Down’s side of knowing” London Times, FEATURES; Body & Soul; pg.8 accessed via Nexis]

For as long as it has existed, the prenatal test for Down's syndrome has stirred ethical controversy. As its main purpose is to allow women to decide whether to proceed with affected pregnancies, it has become a battleground in the abortion debate. Down's screening, however, is contentious for another reason: it endangers pregnancies. It relies on amniocentesis and chorionic villus sampling, invasive procedures in which a needle is inserted into the womb. These provoke a miscarriage in one in 100 women, and cause the loss of 300 healthy pregnancies each year. As a result, such tests are offered only to the one in 20 women who is at high risk. About 750 babies with Down's syndrome are born in UK ever year, 60 per cent diagnosed before birth. This week, American scientists announced promising results for a non-invasive blood test for pregnant women, which can detect Down's without risk to the foetus. Other groups are pursuing similar research, and while nothing is yet ready for clinical use, it is probable that a test will be available soon. On one level, this is good news. A safe replacement for the needle would prevent the loss of many healthy pregnancies. Another benefit is that testing could be done earlier than amniocentesis, which is performed between 15 and 20 weeks, allowing couples more time to make up their minds. A non-invasive test could be extended to all prospective mothers. This would give peace of mind to hundreds of thousands, while detecting hundreds of cases that are currently missed. But there is little doubt that it would also lead to more abortions. Some people regard this prospect with horror, including many parents of Down's children. While Down's causes learning difficulties, as well as heart defects and other health problems, they point out that most people with the condition lead happy and fulfilling lives. A routine test that leads to routine abortions, they say, would mean routine tragedy.

# Disability Nationalism K

1NC

#### First, the affirmative’s appeal to the state to securitize people with disabilities is co-productive with the formation of menace ideniteis that mark empire’s enemies for disposal.

McRuer, George Washington University, in '10 [Robert, “Disability Nationalism in Crip Times”, Journal of Literary & Cultural Disability Studies, Volume 4, Number 2]

In this geopolitical context, disability studies should continually ask questions about the risks that always attend our most urgent projects, questions about how or whether “the deferred death of one population” recedes in the wake of the securitization and valorization of another. My brief reading of Guantanamo in this final section is thus intended on one level merely as a caution—a call for vigilance and rigor, an attentiveness to the varied and contradictory ways in which our political and scholarly projects are taken up, resignified, made useful. More pointedly, however, I argue in this section that the receding or deferred death Puar theorizes is facilitated the more we depend on (and keep writing into Disability Studies 101 theses) identity and state-based appeals (appeals that may, of course, nonetheless remain indispensable—necessary but simply and always insufficient). There are innumerable examples of such appeals in disability studies; they are appeals that have arguably become foundational to disability studies as it is currently constituted. Consider, for instance, Rosemarie Garland-Thomson’s argument that the Americans with Disabilities Act marks a shift, now “requiring that disabilities be accommodated”; this shift that moves us “from a politics of sympathetic advocacy to a politics of affirmative identity” (106–7). Or Paul Longmore’s state- and nation-based demand for “an end to . . . discriminatory government policies,” when he writes, “We, like all Americans, have talents to use, work to do, our contributions to make to our communities and country. . . . We want access to opportunity. We want access to work. We want access to the American Dream” (258). Or, finally, of Tobin Siebers’s repeated positioning of disability identity politics as the answer: “Individuals begin to constitute themselves as a minority identity, moving from the form of consciousness called internal colonization to one characterized by a new group awareness” (19). All of these arguments have been incredibly generative to both the field and the movement. Can we at this point begin to trace the limits of the “new group awareness” for which Siebers argues, especially as that awareness is not simply dismissed but taken seriously, noticed, and utilized by state and market? How does “the group” grapple with those figures who do not, or cannot, or will never “constitute themselves as a minority identity”? And to translate Puar’s theorizing about queer times, how does the current geopolitical order, even as it very partially acquiesces in some locations to the targeting of certain disabled subjects for life, simultaneously crip other bodies (and I intend for crip here to mark both an ongoing metaphorical process of marking certain bodies as excessive and monstrous and the sometimes quite literal processes of physically and mentally debilitating certain bodies)? There are two figures from Guantanamo that haunt me as I ask these questions, figures that can never quite congeal or materialize around state and identity in the ways that, say, Mark Zupan and the other proud American athletes from Murderball do. In Brittain and Slovo’s production, a speaker named Mr. Begg introduces the first figure, his son Moazzam Begg, who is, eventually, interred at Guantánamo Bay. Reflecting on his son’s early years, Mr. Begg muses: Moazzam did his initial schooling [in the UK] and one day he said: “Dad I want to make a society” and I smiled [because he was too young to talk about society] and said: “what kind of society are you going to make son?” He said: “A society to help older people, feeble people, and people with disabilities and all that.” So, I said, “This is a very good thing, it’s a noble thing. I’ll not stop you doing that.” I don’t know how far he went. (7) Over the course of the production, we learn of Moazzam’s detention in Islamabad by Pakistani authorities, of his eventual transfer to American custody, and of the debilitating circumstances of incarceration at the Guantánamo Bay Naval Facility. Paradoxically, even as his father’s own health improves in the UK (he had been hospitalized earlier in the drama), Moazzam’s deteriorates. Initially writing from Guantánamo that “I am in good health and ok” (26), his situation rapidly shifts. We learn that his daughter back home, according to Mr. Begg, “gets at times nightmares. She says at times, ‘my father is being beaten up, his head is bleeding’” (37), and we learn that bodily and mental changes are, in fact, taking place. Moazzam himself writes to his family, “I am in a state of depression and am beginning to fight against depression and hopelessness. Whilst I do not at all complain about my personal treatments, conditions are such that I have not seen the sun, sky, moon etc. for nearly a year!” (56). There are, additionally, censored portions of this letter, which Brittain and Slovo represent by instructing the actor playing Moazzam to mouth words that have been removed by American authorities. Mr. Begg, as the story continues, begins to wonder whether Moazzam’s “hands are working, or his eyes are working or his brain is working” when he learns that “today I hear that they were giving injections to detainees” (57). And, eventually, around the time of an improbable confession that Moazzam was planning on using a drone aircraft (price tag 50 million dollars) to drop anthrax on the House of Commons, his solicitor reports, “We have very good reason to think he’s been driven into mental illness from oblique and unattributable comments that have been made to us. . . . We believe he’s in a very bad way” (57–8). The other figure is Ruhel Ahmed, who simply writes, upon arrival at Guantánamo, “I receive your letters and photos. Well about my eyes u can send me contact lenses. Get them from Sandwell hospital [Eye Clinic] and solution from Boots. It’s called [Boston advance care] . . . and I need protein tablets to clean them . . . [Total Care tablets for hard contact lenses]. Both solution and tablets for hard contact lenses. Its going to cost a total of £30.00” (30–31). Ahmed eventually is returned to Britain, although the negotiations are extended, and initially “there is no date given” (47). He waits, and waits, and waits, even though he has been officially “released.” His story ends in severe visual impairment, according to his solicitor: “And one of the young men had problems with his eyes, which require contact lenses, they require them to stop something horrible happen[ing] to the eyes, he hasn’t had them for two years. Ultimately the eye breaks if it isn’t held in” (50). According to Ruhel’s father, when he is reunited with his son, “he is my son, he is a young boy and I am old man . . . [and] . . . he could not see anything. So I am crying myself. And he said, don’t cry, this time is gone” (50). Guantánamo, external and internal to the

nation, has been a hypostasized site for practices associated with what Michelle Brown and others have called “the prison nation,” which is why I use Brittain and Slovo’s representation of it as a site for reflecting on and through, with and against, disability nationalism in crip times, and on the processes of quarantine and incorporation that have been sketched in queer theory but not so much, yet, in disability studies. Brown argues that “the sparse amount of research that addresses the psychology of supermax confinement provides evidence for increased problems with concentration, thinking, impulse control, and memory, as well as the development of severe anxiety, paranoia, psychosis, depression, rage, claustrophobia, and hallucinations” (988–9). One of my main arguments in this article is that such impairments, like Moazzam Begg’s and Ruhel Ahmed’s, are not exactly comprehensible as “disabilities” as we have come to think we know them. They are impairments that exist at the limits of both identity and the nation-state and thus for me raise important questions about disability movements’ and disability studies’ focus on both.

#### And, this smooths and consolidates the operations of empire, enshuring global violence and unending murder of abberent others.

Agathangelou et al, Political Science and Women's Studies at York University, Toronto, in ‘8 [Anna M. & Daniel Bassichis, and Tamara L. Spira, “Intimate Investments: Homonormativity, Global Lockdown, and the Seductions of Empire“ Radical History Review Issue 100, Winter]

To (re)consolidate itself, empire requires and solicits the production of certain ways of being, desiring, and knowing (while destroying others) that are appropriately malleable for what comes to be constituted as the so-called new world order.12 Just as the strategies of execution and criminalization are crucial to the practices of global war, including prisons, this strategy of creating and liquidating enemies is offered, quite importantly in the wake of trauma, as a solution for fear and insecurity. In other words, as the imperial hold grows all the more tenuous, more and more violence is required to maintain its virulent mirage.13 To deal with pain, fear, and insecurity, this logic tells us, the demonization and demolition of the racially and sexually aberrant other must be performed again and again.14 Moreover, within this imperial fantasy, this production, consumption, and murder of the other is to be performed with gusto and state-sanctioned pleasure, as a desire for witnessing executions becomes a performance of state loyalty.15 Likewise, in the case of prisons, it is the continual and powerful mobilization of discourses of “protection,” “safety,” and “victim’s rights” that elicit support for what seems to be limitless prison expansion.16 Lastly, it is our argument that this promise project is always reliant on a series of (non)promises to those on whom the entire production is staged. Offering certain classes of subjects a tenuous invitation into the folds of empire, there are always the bodies of (non)subjects that serve as the raw material for this process, those whose quotidian deaths become the grounding on which spectacularized murder becomes possible. Thus, while it is central to our thesis that the sexualized production of the racialized other holds together these ostensibly different moments, this is a variegated and heterogeneous process that simultaneously creates others as monolithic and draws up and exacerbates internal divisions within different communities. There are, thus, the “enemy Others” and the “other Others” whose life and death do not even merit mention or attention.17

## 2NC Ext

#### \_\_\_ State based tolerance for people with disabilities is part of a lrger biopolitical process that places menace identities wilthin the zone of necropolitcal empire building and violent nationalism.

McRuer, George Washington University, in '10 [Robert, “Disability Nationalism in Crip Times”, Journal of Literary & Cultural Disability Studies, Volume 4, Number 2]

Finally, and most importantly for the remainder of this article, disability studies does not yet have a necessary recognition of uneven biopolitical incorporation— an awareness, translating from Puar’s theorizing, of disabled subjects who in certain times and places are made representative and “targeted for life” even as others are disabled in different ways, or cripped, or targeted for death. The geopolitics of disability in our time nonetheless demands such a recognition. It’s telling to me, in fact, as I move towards spelling out in the next section what this dual recognition might look like, that Murderball—a documentary film that presents teams of disabled men competing in the contact sport of quadacclaimed in numerous locations, nominated for an Academy Award, and at this point endlessly debated in disability studies (largely because of the normative masculinity represented in the film), Murderball represents out and proud disability identities and fascinating integrationist moments, including a final scene at George W. Bush’s White House, with Mark Zupan, one of the “stars” of the U.S. Paralympic Team, receiving recognition directly from the former U.S. president. There are undoubtedly many reasons why disability studies has had a slightly different transnational trajectory, and to conclude this section I briefly mention two possibilities before turning in the next section to a consideration of Guantanamo. First, since the emergence of “the disability category” over the past two centuries, disability has arguably sustained a privileged relation to the state. As Stone, Snyder and Mitchell, and many others have demonstrated, it is largely at the level of the state that disability is “managed” (and Snyder and Mitchell’s analysis of what they call “the eugenic Atlantic” traces transnational state sharing of ideas even as disabled populations are, over much of the period they examine, increasingly immobilized, institutionalized, or otherwise controlled or eliminated). Given that fraught state-based history, it is perhaps not terribly surprising that the movement and the field have subsequently attempted to intervene or strike back at the level of the state: actions later in the twentieth century—such as the 1978 protests and sit-ins in Washington and San Francisco which intended to push enforcement of Section 504 of the U.S. Rehabilitation Act (which prohibited discrimination against disabled people by any agency receiving federal funding) or, of course, the Americans with Disabilities Act of 1990—provide important examples of such interventions. Second, the trajectory has perhaps been different for disability studies because we are simply quite used to locating disability as the necessary residue of processes of incorporation. In Contagious Divides: Epidemics and Race in San Francisco’s Chinatown, for instance, Nayan Shah’s important book on San Francisco and the consolidation of public health services in the nineteenth century, Asian and Asian American bodies are identified in the history Shah traces as “menace” first and “model minority” later. The unassimilable bodies in Shah’s story, however, the ones who do not make the cut, as it were, as menace becomes model minority, are perceived by various authorities as excessive, addicted, disabled, diseased, and contagious. And I would argue that as disability-studies scholars, reading such work, we tend to think, somewhat knowingly, “yes, no big surprise there.” Murderball, however, is just one prominent sign—whether marking at this point simply an emergent discourse or not—that something else is also goingon. And disability cultural studies in the academy is arguably another such sign—a multivalent sign, certainly, but a sign nonetheless. Disability studies, in other words (and this is of course bigger than any individual scholar or activist), is caught up in relatively new biopolitical processes; to call back Puar, disability studies does in fact seem concerned (and rightly so) with the “securitization and valorization” of various lives and populations. This vital political project, however, is inescapably non-innocent, caught up in the larger geopolitical processes Foucault describes in The Birth of Biopolitics: On the horizon of this analysis we see instead the image, idea, or the program of a society in which there is an optimization of systems of difference, in which the field is left open to fluctuating processes, in which minority individuals and practices are tolerated, in which action is brought to bear on the rules of the game rather than on the players, and finally in which there is an environmental type of intervention instead of the internal subjugation of individuals. (259–60) Puar’s contribution to transnational queer studies is not only her analysis of the ways in which new forms of “tolerance” are linked to securitization and valorization and thereby “optimized” by and for the neoliberal state and for Empire, but also of the ways in which this environmental intervention simultaneously masks ongoing necropolitical projects.

Politics

Bipart

#### \_\_\_\_ Bipartisan support for disability protection

Suter, 2007 (Sue, Associate Commissioner of Employment Support Programs at the Social Security Administration, Congressional Quarterly, June 21)

Thank you for the opportunity to discuss the Social Security Administration's (SSA) efforts to assist beneficiaries with disabilities in addressing the barriers that make it difficult for them to return to work. Providing opportunities forbeneficiaries with disabilities to return to work has been part of the disability program since its inception more than 50 years ago. In 1999, Congress **expressed its bipartisan support** for building on these efforts by passing the Ticket to Work and Work Incentives Improvement Act of 1999. This legislation has become an important tool in our ongoing return to work efforts. SSA's programs to reduce employment-related financial disincentives also support The President's New Freedom Initiative, which integrated all federal agencies in a process of including more Americans with disabilities into the workforce, through training, education, and reduction of programmatic barriers. The President and the Administration have put into place an array of supports, of which this program is one SSA serves a diverse population of individuals with disabilities through the Social Security Disability Insurance (SSDI) and the Supplemental Security Income (SSI) programs. SSDI and SSI beneficiaries represent various age groups and have different impairments, levels of education, work experience, and capacities for working. Assisting beneficiaries with disabilities to return to work has been among one of the most challenging issues facing SSA, and helping individuals with disabilities take advantage of employment opportunities remains one of SSA's highest priorities.

#### \_\_\_\_ The plan has bipartisan support

Heasley, 2012 (Shaun, Founder and Writer for DisabilityScoop.com – a leading news source for disability issues, “Disability Rights Treaty Gains Support”, May 29, http://www.disabilityscoop.com/2012/05/29/disability-treaty-support/15735/)

In a rare show of bipartisan support, a group of senators said they want the United States to ratify an international convention on the rights of people with disabilities. The U.S. already signed the United Nations Convention on the Rights of Persons with Disabilities in 2009, but approval from the U.S. Senate is needed to make the move official. President Barack Obama [transmitted](http://www.disabilityscoop.com/2012/05/18/obama-urges-senate-treaty/15654/) the treaty to the Senate earlier this month and asked the body to ratify it. Now, a group of seven senators representing both political parties is voicing support for the treaty as well. “All people deserve to be granted full and equal basic human rights, regardless of their physical or mental capabilities. I strongly support ratification of this critical treaty, and urge my colleagues to do the same,” said Sen. Chris Coons, D-Del. The treaty calls for greater community access and a better standard of living for the estimated 650 million people around the world with disabilities. In addition to Coons, other lawmakers coming out in support of the convention include Sen. Tom Harkin, D-Iowa; Sen. John McCain, R-Ariz.; Sen. Dick Durbin, D-Ill.; Sen. Jerry Moran, R-Kan.; Sen. John Barrasso, R-Wyo.; and Sen. Tom Udall, D-N.M. Currently, 153 countries have signed the disability treaty and 112 have ratified it, according to the U.N.

**The plan is politically popular**

Diament, 2012 (Michelle, Co-founder of DisabilityScoop.com – a leading news source for disability issues, “Congress Takes on Outdated Disability Terminology”, May 10, <http://www.disabilityscoop.com/2012/05/10/congress-outdated-terminology/15582/>)

More than a year after the federal government replaced “mental retardation” with “intellectual disability” in many laws, officials are looking to shift away from other terms also deemed offensive to those with disabilities. Under a bill proposed last month, two U.S. senators want to remove the word “lunatic” from federal law. The term, which originates from Latin and first referred to a type of insanity spurred by changes in the moon, is now considered derogatory by those with mental illness and other disabilities. Much like the 2010 passage of Rosa’s Law replaced “mental retardation” with “intellectual disability” without changing the meaning or intent of any laws, Sen. Mike Crapo, R-Idaho, and Sen. Kent Conrad, D-N.D., say their 21st Century Language Act is simply an effort to reflect more modern terminology. “The continued use of this pejorative term has no place in the U.S. Code,” Conrad said on the Senate floor, reports BBC News Magazine. “‘Lunatic’ is an unnecessary term and… its removal will have no impact on the broader federal law.” To read more click [here](http://www.bbc.co.uk/news/magazine-17997413).

Bipart

#### Empirically, Legislations for People with Disabilities Pass Unanimously Through Congress

Robert Pear ’08 (Reporter for New York Times) “Congress Passes Bill With Protections for Disabled” http://www.nytimes.com/2008/09/18/washington/18rights.html?\_r=1

Congress gave final approval on Wednesday to a major civil rights bill, expanding protections for people with disabilities and overturning several recent [Supreme Court](http://topics.nytimes.com/top/reference/timestopics/organizations/s/supreme_court/index.html?inline=nyt-org) decisions. The voice vote in the House, following Senate passage by unanimous consent last week, clears the bill for President Bush. The White House said Mr. Bush would sign the bill, just as his father signed the original Americans With Disabilities Act in 1990.

Popular – Public

#### \_\_\_\_ The plan has overwhelming support publically

Diament, 2010 (Michelle, Co-founder of DisabilityScoop.com – a leading news source for disability issues, “Poll Shows Public Support For Community Living”, April 28, http://www.disabilityscoop.com/2010/04/28/poll-community-living-act/7854/)

A Harris Interactive poll released Wednesday indicates that a majority of Americans support legislation that would allow people with disabilities to choose community-based care over nursing homes. The poll commissioned by the self-advocacy group ADAPT and the Coalition for Community Integration, gauged opinions on the Community Choice Act, a bill proposed in Congress that would mandate that states offer people with disabilities the option to use Medicaid funding to pay for community-based rather than institutional care. Findings from the poll indicate that 66 percent of Americans support the legislation without knowing what it would cost. When informed that the measure would likely add no more than $6 to a middle class taxpayer’s bill, 89 percent of respondents were supportive. Just 8 percent of those polled said they would not support the Community Choice Act. Cost estimates for the measure range between $1.44 billion and $3.81 billion annually, according to a 2007 study published in the Journal of Aging & Social Policy. Organizers of the poll used these figures along with the average tax paid by middle income Americans as compared to the federal budget to determine that the proposed law would likely add $2.40 to $6.35 to the average taxpayer’s bill in 2010 dollars. The poll was conducted in April after health care reform was signed into law. Initially, advocates had hoped the Community Choice Act would be included in the health care reform legislation. But while the new law does give states an incentive to offer people the opportunity to live in the community, it falls short of the mandate in the Community Choice Act. Under health care reform, a provision known as the Community First Choice Option allows states to receive increased federal matching funds if they agree to eliminate caps on the number of individuals who can live in the community. Disability advocates say the option is a step in the right direction, but the mandate in the Community Choice Act is needed to ensure that the civil rights of individuals in all states are met.

#### Plan popular

Percy, 2001 (Stephen, Ph.D., Indiana University A.B., Hamilton College, Political Science Professor at the University of Milwaukee, “Disability and Federalism: Comparing Different Approaches to Full Participation”, http://books.google.com/books?hl=en&lr=&id=q5F8Oqks7oUC&oi=fnd&pg=PA1&dq=Disability+and+Federalism:+Comparing+Different+Approaches+to+Full+Participation&ots=vhr2r60Sh2&sig=yknyDwNkcNyX66RQv7Zyl-ahnNQ#v=onepage&q&f=true,256-257)

Another explanation of state government acceptance of national gov-¶ ernment authority as articulated in the ADA is that states had themselves already¶ moved by the 1980s to create disability rights policies. Some states had laws¶ that surpassed the national government’s pre-ADA laws and policies in terms¶ of coverage and scope. The policy provisions of the ADA were often consis-¶ tent with elements of laws in most states allowing states to see the ADA not so¶ much as a rival but as a companion to state laws.¶ A final explanation of state acquiescence to national government power¶ in the context of the ADA concerns the depth of public recognition of dis-¶ crimination and growing public sentiments for strong protections. During the¶ two decades preceding the ADA. Americans not only witnessed greatly¶ expanded civil rights protections for many groupings of Americans but also¶ began to learn about the plight of people with disabilities, the limiting impact¶ of policies and design features. and the potential contributions that people with¶ disabilities can make to American life. These recognitions generated political¶ support for the ADA. support that was nationally, not regionally or state, based.¶ Civil rights protections designed and enforced by the national government were¶ therefore consistent with popular conceptions of how civil rights are to be de-¶ ﬁned and enforced within the overall federal system of the US

Plan Unpopular - Congress

#### Disability policies unpopular: Republicans, deficit hawks

Charlie Melancon May 29 2012 (Former Rep. Charlie Melancon, (D-La.) Misinformation fueling attacks on Disability program <http://thehill.com/blogs/congress-blog/economy-a-budget/229819-misinformation-fueling-attacks-on-disability-program>)

“Cutting waste, fraud and abuse” is Washington D.C.’s most tired cliché. But it is also becoming perhaps its most dangerous. Elected officials across the political spectrum widely accept that the federal government needs to eliminate some of its bloated and redundant programs. Entitlement reform will be crucial to any plan to balance the federal budget and pay down our national debt. But if you listen closely, the term “waste, fraud, and abuse” is code for something much more disturbing. The phrase provides budget hawks cover to conduct budgetary witch hunts and gut vital government programs that so many Americans depend on to survive. One such program, Social Security Disability Insurance (SSDI), may be next in their sights. America’s only hope to defeat this War on the Disabled is the resolve of Democratic leaders in Congress. And with powerful players, such as Senator Tom Coburn (R-Okla.) and the Cato Institute, leading the SSDI reform crusade, Democrats will have their hands full. But this fight is far too important to concede. Officially established in 1956, SSDI provides benefits to people whose mental or physical impairments prevent them from maintaining gainful employment for more than a year, or may result in death. To receive a modest monthly stipend, a “claimant” needs to have worked in recent years, paid into the FICA system and ultimately must provide objective medical evidence that clearly demonstrates an inability to work.

#### Disability programs unpopular: Congress refuses to engage disability.

Brian Faler - May 29, 2012 (Congress Unwilling to Address Disability Plan’s Shortfall <http://www.bloomberg.com/news/2012-05-29/congress-unwilling-to-address-disability-plan-s-shortfall.html>)

A U.S. government entitlement program is headed for insolvency in four years, and it’s not the one members of Congress are talking about most. The Social Security disability program’s trust fund is projected to run out of cash far sooner than the better-known Social Security retirement plan or Medicare. That will trigger a 21 percent cut in benefits to 11 million Americans -- disabled people, their spouses and children -- many of whom rely on the program to stay out of poverty. Enlarge image Social Security Disability Seen Insolvent Unless Congress Votes “It’s really striking how rapidly this is growing, how big it’s become and how D.C. is just afraid of it,” said Mark Duggan, a University of Pennsylvania economist and adviser to the Social Security Administration. Part of the reason for the burgeoning costs is that the 77 million baby boomers projected to swamp federal retirement plans will reach the disability program first. That’s because almost all boomers are at least 50 years old, the age at which someone is most likely to become disabled. The growing costs are also a result of the economy, because when people can’t find work and run through their jobless benefits, many turn to disability for assistance. “They’re desperate,” said Ken Nibali, a retired associate commissioner of the program. “Some who are marginal and struggling to have a low-paying job now literally have no options.” So, he said, “they figure, ‘I do have trouble working and I’m going to apply and see if I’m eligible.’” Senator Tom Coburn, an Oklahoma Republican, said he has tried to interest fellow lawmakers in the issue, so far without much luck. ‘Going Bankrupt’ “Nobody wants to touch things where they can be criticized,” Coburn said, adding, “the fund is going bankrupt” and “then what are we going to do?” Applications to the disability program have risen more than 30 percent since 2007 -- the last recession started in December of that year -- and the number of Americans receiving disability benefits is up 23 percent. More Americans receive disability benefits than 20 years ago though people are less likely to have physically demanding jobs, health care has improved and the Americans With Disabilities Act bans discrimination against the handicapped. “The weird thing is disability enrollment is going up like crazy” when “we should be able to help keep people in the workforce,” Duggan said. Two Programs Social Security is comprised of two separate programs: the retirement plan supporting 40 million senior citizens and 6 million survivors, and the disability insurance program created during the Dwight Eisenhower administration to prevent sick and injured workers from becoming destitute. The disability program currently pays benefits averaging $1,111 a month, with the money coming from the Social Security payroll tax taken out of workers’ paychecks. The program cost $132 billion last year, more than the combined annual budgets of the departments of Agriculture, Homeland Security, Commerce, Labor, Interior and Justice. That doesn’t include an additional $80 billion spent because disability beneficiaries become eligible for Medicare, regardless of their age, after a two-year waiting period. The disability program, which has been spending more than it receives in revenue for four consecutive years, is projected to exhaust its trust fund in 2016, according to a Social Security trustees report released last month. By comparison, the separate trust fund financing senior citizens’ Social Security benefits is projected to run out in 2035 while Medicare’s primary fund will be exhausted in 2024. $600 Billion The retirement portion of Social Security costs $600 billion a year, while Medicare costs $560 billion annually. Once the disability program runs through its reserve, incoming payroll-tax revenue will cover only 79 percent of benefits, according to the trustees. Because the plan is barred from running a deficit, aid would have to be cut to match revenue. Duggan said the disability plan has been running on autopilot for decades and lawmakers could find savings to help avoid the scheduled cuts. While federally financed, the program is administered by the states and disability rates among them vary widely. West Virginia topped the list in 2010, with 9 percent of residents between ages 18 and 64 receiving aid. Utah and Alaska had the lowest rates at 2.8 percent. Subjective Conditions People whose benefit applications are rejected can appeal to administrative law judges, and statistics show some judges are far more likely to approve benefits than others. One reason is that the program, which once focused largely on people who suffered from strokes, cancer and heart attacks, increasingly supports those with depression, back pain, chronic fatigue syndrome and other comparatively subjective conditions. “They’re very, very hard to evaluate,” said Nicole Maestas, director of the RAND Center for Disability Research. “Reasonable people differ about what constitutes a disability.” Statistics show that once people enter the program they are unlikely to leave, with fewer than 1 percent rejoining the workforce. Many worked “menial” jobs that didn’t offer health insurance and the program gives them an opportunity to join Medicare long before they might otherwise qualify, Nibali said. “Many want to be on the disability rolls not necessarily for the cash income but for the medical coverage,” he said. “That’s a real plus for them.” Review Backlog The agency faces a backlog of 1.4 million reviews it’s

supposed to periodically conduct to ensure beneficiaries are entitled to stay on the rolls. The agency has said it doesn’t have the money to do the reviews. Lawmakers haven’t made major cuts in the program since President Ronald Reagan’s administration, and Congress reversed those changes after a public outcry. Amid concerns about increasing disability rolls and wasteful spending, the agency in 1981 began stricter screening of beneficiaries. It halted aid to hundreds of thousands. Lawmakers were besieged with constituents’ complaints of unfairly being cut off. Some people lost their homes or killed themselves after being dropped. “Government Gets Tough on the Disabled,” the Miami Herald said on its front page on Jan. 16, 1983. “Vietnam-Era Hero Falls Victim to Cuts in Social Security,” the Washington Post reported in a May 27, 1983, article about a Medal of Honor winner who was dropped from the disability rolls. The veteran’s benefits were later reinstated by a judge who considered the case on appeal. Suicide Threats In 1983, the Social Security Administration developed guidelines for handling beneficiaries who threatened suicide if their aid was cut, the New York Times reported at the time. Congress reversed the cuts in 1984 and expanded benefits beyond what had been previously offered. Both parties are steering clear of the issue. Neither President Barack Obama nor U.S. House Republicans in their proposed budgets has addressed the disability program’s shortfall. “We’re not trying to fix every problem in America with this one document,” said House Budget Committee Chairman Paul Ryan, a Wisconsin Republican. “We’re trying to prevent a debt crisis and this is not a driver of our debt.” “The administration believes that disability insurance is a vital lifeline for millions of Americans,” Kenneth Baer, a spokesman for the White House budget office, said in an e-mail. “The president remains willing to work with Congress on a bipartisan basis to strengthen Social Security and protect the millions of beneficiaries.” Screening Beneficiaries He added that lawmakers didn’t fully fund the administration’s request for more money to screen beneficiaries. Senate Finance Committee Chairman Max Baucus, whose committee sets Social Security policy, said the program’s finances are less dire than they may appear. Congress can funnel revenue from elsewhere in the government to cover the program’s shortfall, he said. That’s what happened the last time the disability program faced insolvency. Congress voted in 1994 to increase the share of the Social Security payroll tax that supports disabled workers, which shored up disability payments at the expense of the retirees’ program. Baucus said lawmakers won’t consider broader changes any time soon. First, they must sort out what to do about George W. Bush-era income tax cuts scheduled to expire at the end of this year, automatic spending reductions that begin taking effect in January and overhauling the tax code, he said. “One thing at a time,” said Baucus, a Montana Democrat. “There are other things that are more imminent.”

Plan costs PC

#### Disability programs cost political capital: Education proves

Cory Weinberg 2011 (Congress unlikely to fully fund IDEA Act December 14th, 2011

<http://www.politifact.com/truth-o-meter/promises/obameter/promise/89/fully-fund-the-individuals-with-disabilities-educa/>)

President Barack Obama stood firmly alongside special education advocates during his 2008 campaign, supporting the full funding Individuals with Disabilities Education Act (IDEA). Obama's budget proposals have included gradual increases to funding the state grants for special education – including a small bump to $12.86 billion for 2012– but Congressional budget battles have made the prospects for full federal funding of the IDEA bleaker than ever. Congress's promise to shoulder 40 percent of each state's "excess cost" of educating children with disabilities has dogged the act's supporters since it was passed in 1975. Actual federal commitment to the costs has recently hovered between 17 percent and 20 percent of the total in recent years. That's certainly not going to change anytime soon, said Joel Packer, the executive director of the Committee for Education Funding, a nonprofit coalition of education funding advocates. "We support full funding, but the chance of that happening is close to zero,” said Packer. "They haven't said let's cut IDEA, but they haven't proposed significant increases in IDEA. The problem overall is that Congress is fixated on cutting funding for everything.” Senator Tom Harkin, D-Iowa, introduced legislation in July 2011 to fully fund IDEA at 40 percent, but it never left the Senate Finance Committee. Without full funding, special education costs are shifted to state and local governments, where budgets are also shrinking. Although Obama does not control Congressional purse strings, he emphasized his support of the full funding as part of his campaign. With long-term budget deficit issues, no one expects the appropriations to ever reach Obama"s goal, and since we rate the promises based on results rather than intent, we rate this Promise Broken.

# Kritiks

Capitalism K

#### \_\_\_\_ By separating ableism from class struggle, the affirmative remains entrenched within a capitalist mentality that precludes the possibility of actual change.

Oliver and Zarb 1989 (Mike and Gerry, professor of disability studies at the university of Greenwich, policy analyst at the disability rights commission in the UK, “The Politics of Disability: a new approach.”)

Both groups can also be criticised for taking a somewhat naive view of the political process in that their campaigning is based upon three assumptions: that evidence must be produced to show the chronic financial circumstances of disabled people; that proposals for a national disability income must be properly costed to show that the burden on the economy will be marginal; and that sustained pressure must be mounted to hammer these points home to the political decision-makers.' This approach has been called `the social administration approach' and has been criticised for its assumptions about consensual values, rational decision-making, its unproblematic view of the State and its failure to acknowledge, let alone consider the role of, ideology. Perhaps the only thing that can be said in its favour is that If the empiricist study of consensual solutions to defined social problems did not exist, it would be necessary to invent it: democratic welfare capitalism presupposes the social administration approach. (Taylor-Gooby &Dale, 1981, p. 15) What the income approach to disability fails to understand, therefore, is that political decisions are not made on the strength of particular cases, but in ways whereby the capitalist system itself benefits, regardless of the appearance of consensual values concerning the need for a national disability income. The establishment of such a scheme implies the paying of one group of people a sufficient income for not working to enable them to have a quality of life comparable to another group of people who do work. This, of course, has enormous implications for any system which requires its members to produce sufficient goods and services to sustain the material life of the population, and indeed for its ideological underpinnings which emphasise the value of those who do work and denigrates those who do not. In short, the fundamental question of whether a national disability income is achievable within capitalism has never been addressed. It is this failure to address fundamental issues which has brought criticism of both DIG and the Disability Alliance from the more `populist' organisation, the Union of the Physically Impaired Against Segregation (UPIAS). The two major criticisms of this approach are that it concentrates on a symptom (i.e. the poverty of disabled people) rather than the cause (i.e. the oppression of disabled people by society), and that both organisations have moved away from representing disabled people and instead presenting an `expert' view of the problem. The logical conclusion to this approach, according to this analysis, is to make things worse, not better. Thus in practice the Alliance's assessment plans, developed logically from the narrow incomes approach, can be seen to increase the isolation and oppression of physically impaired people. We would be required to sit alone under observation on one side of the table, while facing us on the other side, social administrators would sit together in panels. We would be passive, nervous, deferential, careful not to upset the panel: in short, showing all the psychological attributes commonly associated with disability. It would be the social administrators who would gain strength, support and confidence from colleagues on the panel. A token number of the more privileged physically impaired people might be included, as they are in the Alliance. But the whole approach would reinforce the historical and traditional situation whereby physically impaired people are made dependent upon the thinking and decisions of others. (UPIAS, 1976, p. 18) This debate about `expert or `mass' representation in respect of pressure group activity has continued into the 1980s, with Townsend (1986) claiming that these groups can only be `representative' in certain senses. But what they can do is commit themselves unreservedly to the interests of millions of poor people, call representative injustices to public notice and exchange blow with blow in an expert struggle with the Government over the effects, implications and constitutional niceties of policy. (Townsend, 1986, p. v) But like UPIAS before it, BCODP denies the claims of such groups to be representative in any sense, suggests that expert representation can only be counter-productive and argues that the only way forward is to fully involve disabled people in their own political movement. If this analysis is correct, then it is, perhaps, fortunate that a national disability income is likely to be unachievable within capitalist society. The crucial issue from a political point of view, however, is whether the traditional, single-issue, pressure group campaign for a national disability income is, any longer, a relevant tactic for the post-capitalist world to which we are moving. The following sections will suggest that the politics of disablement can only be properly understood as part of the new social movements which are a part of post-capitalist society and that this casts severe doubt on the relevance of single-issue pressure group politics.

#### \_\_\_\_ The concept of “disability” is a product of capitalism used to suppress lower classes-especially within car-based economies

Aldred and Woodcock 08 [Rachel Aldred and James Woodcock; School of Social Sciences, Media, and Cultural Studies University of East London and Department of Epidemiology and Population Health London School of Hygiene and Tropical¶ Medicine ‘Transport: challenging disabling environments’ Local Environment: The International Journal of Justice and Sustainability; pgs 3-4; http://www.informaworld.com/smpp/content~content=a901696392]

Many DS writers explicitly locate disablism materially and historically, linked to other forms of¶ oppression and exploitation. Oliver (1990) argues that the development of institutions under early¶ 2 industrial capitalism produced the modern concept of disability. While factories disciplined workers,¶ parallel institutions (prison, workhouse, asylum) were developed to discipline those excluded from¶ capitalist production (Foucault 1979). Terms such as handicap contained and explained those¶ defined as unable rather than unwilling to work. Gleeson has extended and developed this¶ approach to analyse how disablement “is deeply inscribed in the discursive, institutional and¶ material dimensions of capitalist cities” (1999:129).¶ In our view, part of the social model’s power lies in its transcending the disabled/non-disabled¶ binary to understand how categories are rooted in broader social forms, and subject to change.¶ This should mean resisting the temptation to see environments as unproblematically including¶ “non-disabled” people. Firstly, places that exclude disabled people may exclude other groups, such¶ as the poor (Davis 1990). If environments are made “in the image and likeness of non-disabled¶ bodies” (Hughes 2002:71), whose likeness is this? Not a working-class mother of three juggling¶ buggy, children, and shopping.¶ Secondly, using a life course approach “non-disabled” people may better be viewed as “temporarily¶ able-bodied” likely to experience disability at some point over their life (Lee 2002), especially given¶ growing elderly populations and more years lived with multiple chronic conditions. Longitudinal¶ survey research undermines the “common perception that disabled and non-disabled people make¶ up two entirely distinct and fixed groups” (Burchardt 2000:661-2). Moreover certain situations and¶ environments are inherently disabling to large numbers of people. Definitions of impairment¶ fluctuate and are socially produced, sometimes in order to justify disabling barriers (Goodley 2006).¶ Finally, the basis of inclusion should be questioned. Within car-based economies, those “included”¶ are often identified as car drivers, submerging their other identities as pedestrians, cyclists, and/or¶ public transport users. Policies to promote their interests “as motorists” may make their lives more¶ difficult, especially for those with limited car access.

#### \_\_\_\_ Re-Examining capitalism and current forms of knowledge is a prerequisite to initiating social change

Johnson 04 [Julia R.,assistant professor of communications at the University of Rhode Island. Pedagogy: Strategies¶ for Voice, Inclusion, and Social Justice/Change, Equity & Excellence in Education, 37:2, 145-153]

In general, critical pedagogy is an intellectual project designed to address how relationships of inequality are (re)produced and transformed within educational institutions (Freire, 1970a, 1970b, 1970c; hooks, 1994;¶ McLaren, 1986, 1995; Ng, 1993; Shor, 1986, 1992; Weiler,¶ 1991). Critical pedagogues’ desire to challenge domination is grounded in the belief that education is a primary location where oppressive social relationships are played out in “the lived culture of individuals and groups’’¶ (Mohanty, 1994, p. 147). As McLaren and Torres (1999)¶ elaborate:¶ Critical pedagogy is a way of thinking about, negotiating, and transforming the relationship among classroom¶ teaching, the production of knowledge, the institutional¶ structures of the school, and the social and material relations of the wider community, society and nation-state¶ (p. 66).¶ In addition to challenging the general oppressiveness¶ of educational structures, including how class inequalities are (re)produced in schools (Althusser, 1971; Bowles¶ & Gintis, 1976), critical pedagogues challenge the situated classroom practices that oppress students, beginning with the practice of “banking,’’ where teachers deposit information into passive subjects (Freire, 1970a,¶ 1970b, 1970c; Shor, 1992) and extending that analysis to¶ include the examination of how teachers and students interact in oppressive ways (Alexander, 1999; Cooks, 1993;¶ Ellsworth, 1989; Gore, 1993; Johnson, 1997).¶ 3¶ A primary focus of CP is dialogue for the development¶ of critical consciousness, or what Freire (1970b) calls,¶ “conscientization.’’ From a Freirian perspective, authority is radically altered when knowledge, and thus power,¶ are situated as the domain and capacity of all classroom¶ participants. The goal of dialogue is social transformation in the interests of social justice. It is through dialogue, Freire argues, that people learn to critically reflect¶ on the world in order to transform oppression and, thus,¶ realize their potential as human beings.¶ Working from this Freirian starting point, more

contemporary practitioners of critical pedagogy have concerned themselves with how teachers navigate authority¶ (Ellsworth, 1989; hooks, 1994), including how exercising authority can dehumanize students or be used to resist patriarchy and white supremacy when performed¶ by women and people of color (hooks, 1994; Weiler,¶ 1991). Critical pedagogues also have addressed issues¶ of student voice, or how student experience

and expression are incorporated into the substance and structure of classrooms, particularly for students who have¶ been traditionally excluded from educational structures and processes (Delpit, 1995, 2002; hooks, 1994; Nieto,¶ 1999).¶ What distinguishes (or should distinguish) critical¶ pedagogies from (liberal) pedagogies designed to involve students in the teaching and learning process, is a¶ continual focus on challenging unequal relationships of¶ power. When critical pedagogues incorporate students¶ into the teaching and learning process, it involves a critical assessment of how educational structures are set up¶ to privilege some voices and to silence others. Pedagogy¶ that engages pluralism for pluralism’s sake perpetuates¶ mainstream ways of being and knowing (McLaren &¶ Torres, 1999). In order to ensure that social justice remains a focus of pedagogical studies, critical pedagogues often use dialogic methods to engage students in an examination of power structures such as overconsumption and capitalism (McLaren & Torres, 1999), racism (hooks, 1994;¶ Johnson & Rich, 2004; Rich & Cargile, Forthcoming), sexism and heterosexism (Cooks & Sun, 2002; Johnson &¶ Bhatt, 2003), and globalization (Leonardo, 2002).¶ Although most UID scholars address UID as part¶ of the movement for inclusion, their focus is pluralism¶ without specifically examining manifestations of power.¶ Some disability educators have begun to make explicit¶ connections between their work and CP in order to address this gap. For example, Thousand et al. (1999) argue¶ that Freirian perspectives can be used to promote inclusive education by eliciting voice from “students with special educational needs [who] often feel disempowered, disenfranchised, or silenced in school’’(p. 324). Erevelles¶ (2000) contends that by expanding critical pedagogy to¶ address the insights of “materialist disability studies,’’¶ the experience and understanding of all bodies/persons¶ marked as “different’’ can be transformed. Gabel (2002)¶ explores the possibilities and limitations of CP for persons with disabilities by articulating fundamental concerns that should be addressed so that issues of disability are central to its theoretical and practical mission. All three of these essays highlight two absences: The absence of disability issues and identities in CP and the absence of power critiques in studies of inclusion. Furthermore, Thousand et al. (1999), Erevelles (2000), and¶ Gabel (2002) provide a necessary starting point for exploring how inclusive pedagogical practices can not only meet the immediate learning needs of students, but also lead to transformation and social justice.¶ There are important conceptual connections to be¶ made between UID and CP. For example, the movement¶ for inclusion is a movement for student voice and empowerment. The principles of UID are designed so that¶ not only are student needs met, but also that students can¶ articulate those learning needs in relation to educational¶ agents and structures. UID principles can be conceptualized as dialogic in nature and, if engaged by their nature,¶ in function as well. Furthermore, by centering student¶ needs, UID reconceptualizes teacher authority in ways¶ that can promote dialogic understanding between teachers and students: If educators are structuring classroom¶ interactions so that diverse student needs are being met,¶ and students are engaged in the decision-making process¶ about how they will learn, teacher authority is redefined¶ from an absolute source of power requiring student passivity to an identity that is continually (re)constructed¶ with students as all classroom participants navigate the¶ learning environment together. If educators use this dialogic framework to unpack how power is inextricably woven into classroom curricular practices, they can advance a critical pedagogy for social justice as well. Finally,¶ it is in the moments that we dialogue with each other that¶ we can critique the power imbalances that systematically oppress particular people—people with disabilities, people who identify as lesbian, gay, bisexual or transgender,¶ persons of color, people who are poor or working class,¶ persons marked as “foreign,’’ and so forth—that we can transform the discursive and otherwise material realities of oppression. One of the primary critiques of CP is that it is easier to discuss theoretically than it is to apply in specific¶ classroom contexts (Ellsworth, 1989). In the same vein,¶ the principles of UID are perhaps often easier to articulate than they are to apply. To the credit of UID scholars,¶ they have made clear efforts to outline specific strategies¶ teachers can use in the classroom to a greater extent than¶ educators have addressed the pragmatic application of¶ CP (Bruch, 2003; Strehorn, 2001; Teaching Support Services, University of Guelph, 2003). Hence, it is my goal¶ to discuss specific classroom engagements in which I attempt to combine the theories of UID and CP. To this¶ end, I offer two different “case studies’’ of the kinds of¶ assignments I use regularly in my classes, followed by¶ an examination of their strengths and limitations.

#### The historicization of capitalism is a prerequisite to furthering social justice

Fraser 97 [Nancy, American critical theorist, currently the Henry A. and Louise Loeb Professor of Political and Social Science and professor of philosophy at The New School in New York City; “Heterosexism, Misrecognition, and Capitalism: A Response to Judith Butler”; Social Text, No. 52/53, Queer Transexions of Race, Nation, and Gender (Autumn-Winter, 1997)]

What, then, is the conceptual status of the economic/cultural distinction? The anthropological arguments do shed light on this matter, in my view, but not in a way that supports Butler's position. As I read them, both Mauss and Levi-Strauss analyzed processes of exchange in pre-state, precapitalist societies, where the master idiom of social relations was kin- ship. In their accounts, kinship organized not only marriage and sexual relations, but also the labor process and the distribution of goods; relations of authority, reciprocity, and obligation; and symbolic hierarchies of status and prestige. Neither distinctively economic relations nor distinctively Nancy Fraser cultural relations existed; hence, the economic/cultural distinction was presumably not available to the members of those societies. It does not follow, however, that the distinction is senseless or useless. On the con- trary, it can be meaningfully and usefully applied to capitalist societies, which unlike so-called "primitive" societies do contain the social-structural differentiations in question.6 Moreover, it can also be applied by us to societies that lack these differentiations in order to indicate how they differ from ours. One can say, for example, as I just did, that in such societies a single order of social relations handles both economic integration and cultural integration, matters that are relatively decoupled in capitalist society. This, moreover, is precisely the spirit in which I understand Mauss and Levi-Strauss. Whatever their intentions regarding "the economic" and "the cultural," we gain less from reading them as having "destabilized" the distinction than from reading them as having historicized it. The point, in other words, is to historicize a distinction central to modern capitalism-and with it modern capitalism itself-by situating both in the larger anthropological context and thereby revealing their historical specificity. Thus, Butler's "destabilization" argument goes astray at two crucial points. First, it illegitimately generalizes to capitalist

societies a feature specific to precapitalist societies: namely, the absence of a social-structural economic/cultural differentiation. Second, it erroneously assumes that to historicize a distinction is to render it nugatory and useless in social theory. In fact, historicization does the contrary. Far from rendering distinctions unstable, it renders their usage more precise. From my perspective, then, historicization represents a better approach to social theory than destabilization or deconstruction.7 It allows us to appreciate the social-structurally differentiated and historically specific character of contemporary capitalist society. In so doing, it also enables us to locate the antifunctionalist moment and possibilities of countersystemic "agency" and social change. These appear not in an abstract transhistorical property of language, such as "resignification" or "performativity," but rather in the actual contradictory character of specific social relations. With a historically specific, differentiated view of contemporary capitalist society, we can locate the gaps, the nonisomorphisms of status and class, the multiple contradictory interpellations of social subjects, and the multiple complex moral imperatives that motivate struggles for social justice.

#### Structure ensures that Capitalism is the root cause of the discrimination of people with disabilities-not the other way around

Dingo 07 [Rebecca, Assistant professor in English and Women's Studies @ University of Missouri; Wagadu Volume 4 Summer 2007 • Intersecting Gender and Disability Perspectives in Rethinking Postcolonial Identities]

World Bank and its programs and policies are important to examine from a colonial and disability¶ perspective because as Harlan Hahn (1997) describes, “all aspects of the environment are molded¶ by public policy and […] policies are a reflection of pervasive attitudes and values” (p. 175).¶ Stefan Kuhl (1994) likewise suggests that contemporary public policies contain traces of eugenicist discourses that problematically frame our understanding of political and social intervention. The World Bank is a U.S. based international development organization and as¶ such puts forth public policies that reflect the interests of the United States and other leading¶ (post)industrial powers such as France, Britain, Japan, and Germany. Supporting neoliberal economics, whereby individuals become more responsible than governments for securing their personal and community well-being, the World Bank’s overarching programs and policies attempt to bring capitalism to third-world economies, and in doing so lock governments and citizens into a classed system sustained by an unequal global labor market.¶ Within capitalism, as Hahn points out, “the unemployment rate of disabled adults may be traced to broad economic forces rather than individual impairments” (p. 173). Although ¶ according to the film I examined above, the Bank appears to be trying to secure work for thirdworld citizens with disabilities, for most of these people, the labor they will be able to perform will not lift them out of poverty.¶ 7¶ In other words, the very global capitalist structure the Bank promotes poses a specific problem for people with disabilities since capitalism “conceptualizes equality as equality among workers rather than financial equality” (Davis, 2002, p. 110). How¶ then, do women and people with disabilities factor into this system that relies upon a¶ standardized and able-bodied work force? How does the Bank, in general, account for this contradiction?

#### Breaking down capitalism is a prerequisite to preventing the oppression of the people with disabilities-capitalism was the first system to segregate people with disabilities

Russel and Malhotra 02 [MARTA RUSSELL AND RAVI MALHOTRA; Writer on the political, social and economic aspects of disablement AND Malhotra-B.A. Joint Honours, Political Science/Law (Carleton), M.A. International Affairs (Carleton), LL.B. (Ottawa), LL.M. (Harvard), S.J.D. (University of Toronto), of the Bar of Ontario, Associate Professor. “CAPITALISM AND DISABILITY”; Socialist Register, Vol. 38]

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 212 SOCIALIST REGISTER 2002¶ 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

Ableism is a consequence of the capitalist construction of certain bodies as non-productive.

Mitchell and Snyder 2010 (David and Sharon, Associate Professor in the Curriculum, Instruction, and Technology in Education Department in the College of Education at Temple University, founder of Brace Yourselves Productions and the director of four award-winning films, “Disability as Multitude: Re-working Non-Productive Labor Power,” Journal of Literary & Cultural Disability Studies, Vol. 4, No. 2)

Who are the inhabitants of "non-productive bodies"? What do they have to do with disabled people? Why have they existed below the radar of radical labor theory for so long? Non-productive bodies are those inhabitants of the planet who, largely by virtue of biological (in)capacity, aesthetic non-conformity, and/ or non-normative labor patterns, have gone invisible due to the inflexibility of traditional classifications of labor (both economic and political). They represent the non-laboring populations—not merely excluded from—but also resistant to standardized labor demands of human value. As many recognize, the term disability was first coined in the mid-1800s to designate those incapable of work due to injury. This grouping identified disabled veterans of the Civil War as eligible for various governmental supports: a pension, prosthetics, life training, etc. Likewise, the diagnostic category of feeblemindedness in the same period defined those who, due to congenital "feature," were incapable of participating in a competitive market-based economy. This group also qualified for levels of public support largely received in centralized, carceral forms of institutional care. As we argue in Cultural Locations of Disability (2006), membership in this latter classification group resulted in the coercion of individuals to exchange their liberties for social supports. This designation as "non-productive" developed in spite of the fact that many institutional residents participated in laboring economies developed within institutional societies: residents farmed [End Page 184] the institution's land, provided housekeeping services to fellow inmates and administrators, supervised each other on behalf of the institution, produced products for the state—brooms, clothing, baskets, etc.—at excessively low wage rates. In many cases nothing more was provided in exchange for their labors beyond the "benefit" of living an excluded life within the walls of the institution. Within this context of disability as non-productive bodies lay an unseen network of labor practices where the presumably "insufficient" provided for themselves within the walls of an undetected economy. Institutions often operated as if they were small city-states that actively rendered the labor of the non-laboring classes invisible. In many cases by the early twentieth century, a majority of institutions could claim themselves as "self supporting." Ironically, such claims in effect disproved the theory upon which institutions were based: those who could not compete in a labor market should be sheltered from its demands in an institutional world that functioned as a closed circuit of dependency and care. Instead, institutional residents made an ideal labor force—those who could efficiently meet the needs of their own segregated society—when conditions could be adjusted according to the principle: from each according to their ability to each according to their need(s). The realization of Marx's famous formulation in his 1875 Critique of the Gotha within institutions consequently posed a threat to reigning orders of capitalism operating beyond the walls of the institution. In fact, historically, capitalists and bourgeoisie alike have sought remedies in legislatures across the country against institutional labor practices. Blind broom-makers in downtown Chicago were shut down because their efficiency undermined the ability of other broom manufacturers to make a profit during 1910. These workers with visual impairments, in turn, went on

strike and forced the city to re-open their place of employment on the basis of their status as an exceptional class of laborers.2 This is one of the great ironies of institutional life for those who were deemed "non-productive" on the basis of physical, sensory, and/or cognitive incapacity. The identification of hordes of people designated as "non-productive bodies" and located on the outermost fringes of productive economies replaces now antiquated categories such as "the masses." The potential for widespread civil unrest proved compromised because workers found themselves engulfed within networks of capital that kept them enthralled. Further, as modernity gave way to post-modernity, the antagonistic divisions between workers and [End Page 185] capitalists that were anticipated to fuel revolution became increasingly blurred. No longer did one participate in a simple, agonistic division of labor, but, for Hardt and Negri, David Harvey, Frederic Jameson, and other political theorists, late capitalism now saturated every nook and cranny of life and became increasingly confused with the natural order of things. One could find no outside to capitalist production given that the network of exchange had grown so diffuse and pervasive (here we find Hardt and Negri's concept of biopolitics, borrowed from Foucault). Capitalism's power came to be increasingly located in its ability to naturalize its own artificial economic context within every social interaction. This marked the birth of what Marx anticipated as social capitalism.

#### **Critique of capitalism most precede postmodern analysis – failure to acknowledge the material causes of ableism confines their project to the bounds of capitalist ideology**

Mawyer 05 (Rob, Heartland Community College, “The Postmodern Turn in Disability Studies,” Atenea, Vol. 25, No. 1.)

I see at least two limitations here. First, disability studies hopes to repair the status of disabled people within the framework of a global capitalist system. The politics suggested in Thomson’s work are at every point underwritten by notions of identity that are distinctly capitalist ways of knowing. Further, she underestimates the trenchant capacity for exploitation and oppression that capitalism fosters and needs. In fact, disability studies currently aims for the disabled to be slightly less exploited or, at worst, to join the ranks of exploiter, all of which seems incommensurate with a truly radical politics. Second, Disability Studies currently suffers from the logics of localization and particularization, which are also capitalist ways of knowing. In Empire Hardt and Negri write, In the decades of the current crisis of the communist, socialist, and liberal Left that has followed the 1960s, a large portion of critical thought, both in the dominant countries of capitalist development and in the subordinated ones, has sought to recompose sites of resistance that are founded on the identities of social subjects or national and regional groups, often grounding political analysis on the localization of struggles. (44) This localist position, Hardt and Negri maintain, must be critiqued, as must the “the social machines that create and recreate the identities and differences that are understood to be local” (45). Currently, the political project of disability studies suffers from the localization of struggles, which effectively prevents the plights of the disabled in overdeveloped areas of the world, say, from ever being theorized next to those of the disabled in disadvantaged areas. This is not to say, however, that disability studies does not enjoy a productive crosscontinental communication, for while clearly disability theorists in the US and abroad influence each other intellectually, as yet no political project has been posited linking the concerns of the disabled worldwide. 3 This lack is coterminous with currently insufficient accounts in disability studies of the complex sets of social relations determined by capitalist modes of production. At the heart of the matter, though, is a general abstraction of “disability” from its materiality—from its rootedness in daily life—and it is here that we must begin to make amends. Little is made, for example, of the “near total [economic] dependency” of the disabled and how that corresponds to the transformation in modes of production from agrarian to industrial, creating a workforce of interested individuals competing to sell their wage labor (Nibert 70). Or, for example, on how the concentration and centralization of wealth under capitalism underwrites the ideologies of the free individual while making increasingly difficult the possibility of self-reliance, social mobility, or true, lived equality (Nibert 75-76). To this end, I find promise in the works of Lennard J. Davis. In “Constructing Normalcy,” Davis too focuses on norms and analyzes the historical “invention” of “normalcy” in the nineteenth century.4 He locates the advent of body norms in industrialization and the concomitant set of practices and discourses linked to late-eighteenth and early-nineteenth century notions of race, gender, sexuality, nationality, and criminality. Whereas before industrialization in the Western world, Davis asserts, images of the ideal body are bound to divinity and artistic traditions working to visualize the gods’ bodies, processes of modernization establish a link between the body and industry and eventually result in the formulation of a “common man” (11). The pre-modern ideal body is the divine body and thus “not attainable by a human” (10); the assertion of an “average” or “normal” body, rationalized, Davis suggests, by the field of statistics and then disciplined and enforced by medico-scientific fields like eugenics, “implies that the majority of the population must or should somehow be part of the norm” (13). The establishment of a “norm,” then, divides bodies into standard and nonstandard categories. This new knowledge in the nineteenth century that bodies can be normed and standardized, according to Davis, carries with it harsh consequences. Davis emphasizes the consequences of one particular field legitimated by modernity—fingerprinting. Modern systems of fingerprinting for personal identification are founded on the notion that physical traits could be inherited, and fingerprints themselves were often thought to be physical marks of parentage. The fingerprint, then, suggests a body’s identity, which, Davis concludes, “coincides with its [the body’s] essence and cannot be altered by moral, artistic, or human will” (15). He writes, By this logic, the person enters into an identical relationship with the body, the body forms the identity, and the identity is unchangeable and indelible as one’s place on the normal curve. For our purposes, then, this fingerprinting of the body means that the marks of physical difference become synonymous with the identity of the person. (15) With this new discourse on the body in place, deviance from the norm soon can be identified with weakness, uselessness, and criminality. Thus suddenly and quite easily in the nineteenth century, “criminals, the poor, and people with disabilities might be mentioned in the same breath” (17). Davis picks up this idea again in his more recent book, Bending Over Backwards: Disability, Dismodernism, and Other Difficult Positions. This time, however, he ties the construction of normalcy more explicitly to social relations overdetermined by capitalist divisions of labor. Once again he draws upon “knowledge” rationalized by the field of statistics, which, he claims, following the logic of capitalism severed notions of equality among citizens from ethical considerations and placed them more fully within quasi-scientific considerations. Using Habermas’s delineation of the fundamental paradox in

Enlightenment thinking between the philosophical/ethical goal of establishing societies of equality, freedom, and liberty and capitalism’s drive to distribute wealth unequally, Davis traces how advances in math and science were used to rationalize this paradox. Statistics, which could posit the bell curve as a natural law, “proved” that the distribution of wealth must also fall along this same curve. Thus, “the very theory that allows the individual to be instantiated in the collective on an equal basis also allows for wealth to be unequally distributed” (111). Davis writes further that Once the ethical notion [of equality] is reconditioned by the statistical one, the notion of equality is transformed. Indeed, the operative notion of equality, especially as it applies to the working classes, is really one of interchangeability. As the average man can be constructed, so can the average worker. All working bodies are equal to all other working bodies because they are interchangeable. This interchangeability, particularly in nineteenth-century factories, means that workers’ bodies are conceptualized as identical. So the term “able-bodied” workers came to be interchangeable with able-bodied citizens. This ideological module has obvious references to the issue of disability. (111) Thus, in Bending Over Backwards Davis begins the much needed project in humanities-based disability studies of delineating how capitalism overdetermines social relations, bodily norms, and human ways of knowing. His work, like Hennessy’s in feminist studies, begins to theorize materiality as not just discursive and normative. While his theories are certainly open to critique—he consistently narrows his focus to deafness, which might suggest another instance of the localization of struggles—Davis steadfastly refuses to allow mere representations of disability to be the object of study.5 This aspect of Davis’s theories initiates, I believe, a truly progressive project. While Davis is among the best-known disability studies scholars, his conceptual framework is certainly not representative of the field as a whole. Indeed, Davis even repeatedly praises the work done by scholars like Thomson. Ultimately, I attribute this to the postmodern turn in theory, generally, and in disability studies, particularly, which would make causality problematic and unfashionable. Do I support a return to some of the nastier consequences of modernism’s totalizing logic? Of course not. What I propose, however, is a full and sustained critique of the limits of postmodern projects. Specifically, I want us to acknowledge, as Hardt and Negri and Hennessy suggest in various ways, how the localizing tendencies of postmodern thought effectively occlude the possibility of radical structural change. As Jameson writes, the unforeseeable return of narrative as the narrative of the end of narratives, this return of history in the midst of the prognosis of the demise of historical telos, suggests … the way in which virtually any

observation about the present can be mobilized in the very search for the present itself and pressed into service as a symptom and an index of the deeper logic of the postmodern, which imperceptibly turns into its own theory and theory of itself. How could it be otherwise when there no longer exists any such “deeper logic” for the surface to manifest and when the symptom has become its own disease (and vice versa, no doubt)? (Postmodernism xii) The time has come for disability studies to cease mobilizing its historicization in a search for the present—which ultimately is what cultural materialist projects undertake—and begin indexing what in A Singular Modernity Jameson refers to as an “ontology of the present.” The time has come for disability studies to enact a truly radical project first by critiquing capitalist ways of knowing and then by recovering a Utopian narrative outside of the current structures of oppression and exploitation. Capitalism makes all people “bend over backwards”; a truly radical disability studies can help us acknowledge that.

The construction of the disabled body is a product of the commodification of workers under industrialist capitalism.

Counsell and Stanley 2005 (Collin, London Metropolitan University, Peri, Action Disability, “Performing Impairment: The Cultural Enactment of Disability,” Atenea, Vol. 25, No. 1.)

From a broadly sociological viewpoint, perhaps the most significant effect of this redesign of the material world was exclusion. In requiring of its operators a set of precisely defined actions, even a simple machine like the Spinning Jenny made numerous assumptions about their physical being: that they were within a height range enabling them to crank the wheel, possessed the required flexibility and length of limb to reach the roving, and so on. Such assumptions were embedded in all the environments and processes workers had to negotiate, with machines, factories and processes, living arrangements and public spaces tacitly presuming their users possessed a given set of physical and sensory characteristics. Collectively, they sketched the shape of the new world’s preferred worker—with the verso consequence of excluding all who did not meet those expectations, banishing other physical types from the sphere of industrial production and denying them its economic benefits. This conclusion is by no means novel, of course, and if it evokes the much discussed but rather ill-defined “social model” of disability,14 it perhaps more usefully describes what Vic Finkelstein has termed “phase two” society.15 While those with impairments have always experienced economic disadvantage, Finkelstein argues, it is with industrialization that this became a structural feature of society, the need to fit man to machine fostering a fundamental socio-economic division. Another consequence, just as profound in its political effect, is of more pressing significance here. The narrowing of productive, somatic life fostered by machines in fact reflected a central impulse of industrial society. Industry’s drive was from the outset towards uniformity, its very rationalization of process favouring identical commodities— and, later, interchangeable components from which those commodities were built. The same impetus came to encompass consumers, and even the images they consumed, the “spectacle” of mid and late twentieth-century Western culture working to instill in individuals a common and uniform desire for the same, mass-produced objects.16 If the interchangeability of products and consumers has become a commonplace of social analysis, it is perhaps less apparent that this drive also favoured interchangeable workers. For as machines, processes and environments demanded of their users common attributes, they collectively described a new “user spec,” defining in very far ranging detail a notional worker-type on the basis of their capacity to be

productive in the new age. The same forces that led to uniform commodities also made for standardized employees. Crucial in this respect is the nature of the forces driving this process. Concerned as it is with bodily attributes, it is easy to assume that any standardization of human physicality resulted from some generalized impulse towards categorization or “norms.” 17 Dealing in somatic shaping, Foucault’s principle of “discipline” and Lacan’s concept of the homunculus on which notions of the “abject” ultimately rest also offer themselves as likely explanatory frames. In reality, however, the kinesic narrowing described, and the corporeal normalization resulting from it, were products of forces of an unequivocally economic order. In an industrial process that was segmented and behaviourally regimented, the value of all workers rested on their economic equivalence, an interchangeability founded precisely in their capacity to perform the same acts. With bodies divided into those “able” to invest the object with added labour value and those that were not in the specific circumstances of industrial production, a cognitive binary separating the exploitable from those resistant to exploitation was created.

Discrimination against people with disabilities is a consequence of the material realities of capitalism

Mawyer 05 (Rob, Heartland Community College, “The Postmodern Turn in Disability Studies,” Atenea, Vol. 25, No. 1.)

Of course, despite Thomson’s reading of Foucault and stigma theory together and her provocative discussion of disability within a feminist frame, the question of how norms actually get established remains. In fact, left unsaid here, but what underwrites Thomson’s logic, is the simple premise that, from a social systems perspective, disabled people merely look differently and act differently and therefore are stigmatized. Stigma theory would leave the matter at that, and Foucault’s historicization of docile bodies does not change this weakness. Thomson, however, does not need to understand why the norms are in place to commence with her analysis of cultural representations disability. Her analyses, of course, are informed by a postmodern logic that would have us disregard the project of developing a supple vocabulary to explain how, in Jameson’s words, “the interrelationship of culture and the economic … is not a one way street but a continuous reciprocal interaction and feedback loop” (xv). Thomson gives us here—even in her analysis of freak shows—an interrogation of cultural forms entirely divorced from capitalist divisions of labor and social structures. I agree that representations must be contended with within a broader, progressive political movement. However, I disagree with Thomson’s too easy assertion that representation structures reality. Rather, I would suggest that the structures of reality are apprehended through representation. Thus, we must not stop at the level of representation but rather must interrogate the reasons for the representations. For while Thomson’s theorization of disability in Extraordinary Bodies and in “Feminist Theory, the Body, and the Disabled Figure” is important for its exploration of heretofore uncharted territory, it is clearly limited in its scope. At no point does Thomson ask the “Why” questions. Why, for example, do these ideals exist? Why do negative representations proliferate? Thomson analysis lacks a firm grounding in the material, lived reality of disabled people. By focusing solely on cultural representation of disability, Thomson ignores the larger and more pressing issue of the extent to which “able” bodies are profitable ones in a capitalist economy and how certain “disabled” bodies are either tossed away as burdensome or, in the case of freak shows, are reincorporated when deemed profitable. The wage labor that disabled individuals sell as commodity, in this case, is their own “grotesque” appearance. Indeed, Thomson’s lack here ultimately goes far beyond a simple conceptual limitation but rather belies an entire ideology. As Hennessy so persuasively demonstrates, cultural-ideological frameworks, of which Thomson’s is certainly one, are actually conservative in that they abstract a “reality” out of the actual social relations at stake in global capitalism. The inability, or refusal, to ask “Why” questions—in short, the sole focus on representations of disability—guarantees that the unequal social relationships and exploitation necessitated by capitalism will not be fully engaged. Cultural studies such as Thomson’s, while at least initially useful, are truly a capitalist way of knowing that ultimately cannot enact a progressive politics. Thus, the grand aims of Thomson’s project—to unravel the complexities of bodily difference—and of Linton’s vision for disability studies—to demystify and disempower the symbolic uses of disability—are never fully realized precisely because they never attempt to go beyond the logic of capitalism.

## Biopower Link

#### The idea of normality takes its roots in biopower- not critical disability theory

Tremain 05[ Shelly. February 21. Philosophy Department of the University of Toronto at Mississauga. Foucault and the Government of Disability. The University of Michigan Press. <http://www.press.umich.edu/pdf/0472098764-intro.pdf>]

The importance of critical work on bio-power (bio-politics) to analyses of disability cannot be overstated. For during the past two centuries, in partic- ular, a vast apparatus, erected to secure the well-being of the general popu- lation, has caused the contemporary disabled subject to emerge into dis- course and social existence. Among the items that have comprised this expansive apparatus are asylums, income support programs, quality of life assessments, workers compensation benefits, special education programs, regimes of rehabilitation, parallel transit systems, prostheses, home care services, telethons, sheltered workshops, poster child campaigns, and pre- natal diagnosis. These (and a host of other) practices, procedures, and poli- cies have created, classied, codified, managed, and controlled social anomalies through which some people have been divided from others and *objectz'vzed* as (for instance) physically impaired, insane, handicapped, mentally ill, retarded, and deaf. Foucault argued that, in recent times, prac- tices of division, classication, and ordering around a norm have become the primary means by which to individualize people, who come to be understood scientifically, and who even come to understand themselves in this mode. Indeed, the power of the modern state to produce an ever-expanding and increasingly totalizing web of social control is inextri- cably intertwined with, and dependent upon, its capacity to generate an increasing specification of individuality in this way. As John Rajchman (1991) explains it, the "great complex idea of normality" has become the means through which to identify subjects and to make them identify them- selves in order to make them governable.