# Ableism K – Aff Answers

[Ableism K – Aff Answers 1](#_Toc331431702)

[Perm 2](#_Toc331431703)

[Transportation Turn 3](#_Toc331431704)

[Tradeoff 4](#_Toc331431705)

[Alt Cause – Capitalism 5](#_Toc331431706)

## Perm

#### Doing the plan with considerations to the disabled solves

Martha McCluskey, Professor, William J. Magavern Faculty Scholar, 1988, “Rethinking Equality and Difference: Disability Discrimination in Public Transportation,” Yale Journal of Law, <http://www.jstor.org/stable/pdfplus/796517.pdf>, CP

Presuming that programs should be equally effective for both people¶ with disabilities and able-bodied people does not necessarily preclude consideration of competing interests such as cost savings.112 Simply balancing¶ concerns such as cost against the interest of people with disabilities in¶ access to public programs,113 however, is inappropriate because these concerns are likely to incorporate able-bodied biases.114 Instead, the disparate¶ impact model's presumption of equal effects should be used to encourage¶ careful scrutiny of justifications for adverse effects to ferret out bias.115¶ Several requirements would minimize subtle prejudice in assessing the¶ costs of making programs equally effective for people with disabilities.116¶ First, courts and policymakers should carefully examine actual evidence of¶ costs of making programs fully accessible. Estimates of the cost of providing access to programs such as public transportation often vary widely,117¶ and in many cases may actually be minimal.118 For instance, in one case,¶ the cost of wheelchair-accessible buses was comparable to that of the inaccessible¶ buses the city had bought.119¶ Second, the contribution of past discrimination to current high costs¶ should be considered. Cutbacks in service for able-bodied people may be¶ justified because of past burdens imposed on people with disabilities and¶ because policymakers refused to design programs that would have been¶ accessible in the first instance.120 Third, less costly alternatives should be¶ carefully investigated121 in consultation with disability rights groups.122¶ Fourth, cost should be treated similarly for both people with disabilities¶ and nondisabled people.123 For example, to save costs, agencies should not¶ simply limit service for people with disabilities, but should make cuts¶ which equivalently affect people with disabilities and nondisabled people.124

#### Perm – law key

Celeste Langan, associate professor of English at the University of California at Berkeley, 2001, “Mobility Disability,” Public Culture, Volume 13, Number 3 LV

What kind of justice disability demands has been a vexed issue for scholars both within and outside of disability studies. Physical disability often serves as a kind of limit case for philosophical reflections on formal justice and as an occasion to produce feelings of responsibility or charity in political arguments defending welfare or advocating some other form of (private) distributive justice. In other words, disabled bodies have often been employed in the political discourse of liberalism as occluding figures for class. But more recently, as disability scholars [End Page 470] themselves debate appropriate kinds of legal remedy, the relation between physical disability and other conditions that constrain opportunity has been addressed more directly.

## Transportation Turn

#### Turn – public transportation is key to allow the disabled opportunity for work, education and overcoming the bias of the majority

Anita Silvers, PhD in Philosophy in 1967 from [Johns Hopkins University](http://en.wikipedia.org/wiki/Johns_Hopkins_University)., David T. Wasserman, Research Scholar with the Institute for Philosophy and Public Policy, located at the University of Maryland, and Mary Briody Mahowald, Ph.D. in philosophy and Professor Emerita at the University of Chicago.; 1998; “Disability, Difference, Discrimination: Perspectives on Justice in Bioethics and Public Policy;” Rowan & Littlefield Publishers, Inc. p.127

Failure to provide instrumentally effective accommodation illegitimately impinges on the negative freedom of disabled program users and workers. To illustrate, absence of access to public transportation limits impaired people’s freedom to be employed, be educated, be refreshed by recreation. The limitation is arbitrary: access to this social necessity is absent only because impaired people happen to be a disregarded minority rather than an influential majority. For were a majority rather than a minority of users disabled, the initial designs of public transportation would have had to accommodate them, or there would have been too few riders.

## Tradeoff

#### Tradeoff with route expansion

Celeste Langan, associate professor of English at the University of California at Berkeley, 2001, “Mobility Disability,” Public Culture, Volume 13, Number 3 LV

This barely suppressed rant demonstrates the ambiguity of what the ADA will later identify as "reasonable accommodation." There are, of course, different ways of imagining what constitutes a "reasonable" expenditure to facilitate the full participation of disabled people. But the issue has real effects. In her review of the impact of the ADA on accessible transportation, Rosalyn Simon (1996: 300) establishes two important trends: "paratransit services grow steadily to meet increasing demand and utilization of increasingly accessible fixed-route systems remains low." It is difficult to reconcile this apparent preference and growing diversion of resources with the premise of the ADA, for as Simon (1996: 306) goes on to point out (and as Silvers would undoubtedly insist),¶ The ADA is a civil rights statute, not a transportation or social service program statute. The ADA clearly emphasizes non-discriminatory access to fixed-route service, with complementary paratransit acting as a safety net for people who cannot use the fixed route system. Under the ADA, complementary paratransit is not intended to be a comprehensive system of transportation for individuals with disabilities. ¶ Moreover, Simon (1996: 319) suggests, the unintended expansion of paratransit is having a measurably negative effect on what we might call a general "social progress" in mass transportation: "Paratransit is becoming a disincentive to fixed [End Page 473] route expansion, as transit systems admit limiting the expansion of fixed route service because of the corresponding paratransit service area implications."

#### tradeoff with automobility

Celeste Langan, associate professor of English at the University of California at Berkeley, 2001, “Mobility Disability,” Public Culture, Volume 13, Number 3 LV

Of course, what this focus on the possibly negative effects of ADA provisions on the availability of mass transportation in general risks leaving out of consideration is the far larger public funding of automobility for the (ostensibly) nondisabled. We do not frequently consider federal spending on new or retrofitted highways in the same light in which expenditures on curb cuts, ramps, or wheelchair lifts for buses are regarded--either as a luxury or as a questionable redistribution of resources. Yet, spending on highways does amplify the mobility of some, and it may decrease the free range of others. But this means that spending on curb cuts, chair lifts, and accessible bathrooms might also affect the mobility of others. It suggests the inadequacy of imagining the repair of social injustice on the model of automobility.

## Alt Cause – Capitalism

#### Cap k – alt solves disability

Celeste Langan, associate professor of English at the University of California at Berkeley, 2001, “Mobility Disability,” Public Culture, Volume 13, Number 3 LV

To think through the relation between the figure of the traveling cripple and the condition of the mass-transit dependent is, I realize, a potentially controversial move, since my object is, primarily, to use disability studies to reconceptualize class as a category relevant to equal protection under the law. The chief attraction of such a project may be its counterintuitiveness. If we recognize the affinity of disability rights activism with earlier movements for racial and gender equality, it is because we have become attentive to the ways in which the body is variously marked to naturalize legal exclusions and social hierarchies. But the relation between the body and class is far more tenuous. And that, precisely, is the potential value of the analogy for disability studies. Class is a category of identity that draws attention to the socially constructed character both of mobility norms and mobility disabilities.¶ Using class as a category through which to understand what I call the prosthetic subject has two significant advantages. First, it properly marks mobility disability as a contingent rather than an essential aspect of identity. What distinguishes class from race or gender as a form of identity is its transitivity. Indeed, class as an identity is only lived in this transitivity; you are only made coincident with your class identity in the act of distancing yourself from it, as Pierre Bourdieu (1984) argues. Class therefore offers a powerful tool for imagining an identity for disabled subjects that rejects, on the one hand, the permanent status of the victim, and, on the other, the fantasy of a cure or rehabilitation that would dissolve the identity itself.¶ Second, to invoke the category of class is to represent this transitivity as the unclosed space between equality and liberty. We might say that class is the "remainder" that Nancy Fraser (1997: 77) identifies in her critique of the Habermasian model of the public sphere: "the question of open access cannot be reduced without remainder to the presence or absence of formal exclusion." For, as she points out elsewhere, economic dependency is increasingly vilified once political rights are guaranteed by statute: "Absent coverture and Jim Crow, it has become possible to declare that equality of opportunity exists and that individual merit determines outcomes" (Fraser 1997:136). One might think of the ADA, and [End Page 469] its emphasis on individuals with wheelchairs, in this light as an attempt to delegitimate the category of class altogether by appearing to eliminate the most stubborn remainder of inequality--bodily difference. 7 But for that very reason, the ADA sets the stage for a radical program of justice, since the calcification of economic subordinations--their resistance to abolition--suggests the inadequacy of merely formal equality.

#### The breakdowns of disability mechanisms demonstrate the breakdown of capital

Celeste Langan, associate professor of English at the University of California at Berkeley, 2001, “Mobility Disability,” Public Culture, Volume 13, Number 3 LV

In the person of Della Bonner, then, we behold the near impossibility of distinguishing between physical and economic disability, since the sign of the latter--her "public-transportation dependency"--is induced by her intimate relation with someone who is physically disabled.¶ But one need not have a disabled family member to recognize such a relation. A'isha Salaam describes the continuing difficulty confronting wheelchair users who ride "accessible" public transportation, explaining that "most places I wanted to go, I had to take a minimum of three buses to get there. That means a minimum of three times that I'd be told that the lift equipment is not working." Shortly after interviewing Salaam, Wexler captures just such a moment on film. Members of the Bus Riders Union organizing at a bus stop are themselves unable to board the bus because of a lift equipment failure. One organizer explains:¶ The bus broke down. I think what happened was: he was trying to take the wheelchair lift up and it must have gotten stuck and so now he had to empty out the bus because it broke down, so that all these people have to wait for the next bus, which will probably be overcrowded anyway, so only a few will fit in and then they'll have to wait for the next one after that. ¶ One of the unlucky would-be passengers--a black woman not in a wheelchair--angrily comments: "I'm late to work right now, you know, just because of this. You know they're not going to keep having me late, and they're not going to pay my bills, and you know, then what? Can I sue them? I'm sick of this." The indeterminacy of the referent "this" leaves unclear whether the woman regards the cause of her temporary immobilization as the inoperative wheelchair lift or the inadequate public transit system in general.¶ But the symbolic problem here is precisely that ambiguity. Some might read the scene as suggesting a breakdown in the machinery of equal rights, an overburdening of the concept of formal justice by substantive demands. It is the goal of the Bus Riders Union, on the contrary, to expose how the organization of the public sphere by corporate capital--the disproportionate investment in "transportation accommodations" to facilitate commerce and the mobility of the car-owning majority of the wealthy suburbs--have constrained the mobility, at once, of both wheelchair users and the mass-transit dependent. [End Page 481]