# Ableism K

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#### Transportation infrastructure creates a world of efficiency leaving the disabled as outcasts – they become viewed as life threatening

[Celeste Langan](http://www.publicculture.org/people/view/celeste-langan); Associate Professor in the Department of English and Faculty Director of Programs at the Townsend Center; “Mobility Disability;”¶ Fall 2001; Volume 13, Number 3: Issue 35 ET

To think about mobility disability is to think about norms of speed and ranges of motion; perhaps also of desired ends. Rousseau long ago declared in The Social Contract that the cripple who wants to run and the able-bodied man who doesn’t will both remain where they are. But by focusing on internal resources and intentions, Rousseau forgot to mention all those whose mobility is affected by external constraints. To consider those constraints is to notice how the built environment— social practices and material infrastructures—can create mobility disabilities that diminish the difference between the “cripple” and the ambulatory person who may well wish to move.¶ Two examples, one from the United States, one from Turkey. Title VI of the 1964 Civil Rights Act appeared to sweep away legal obstacles to the mobility of African Americans. But in “The Legacy of Jim Crow in Macon, Georgia,” David Oedel (1997: 98) describes how the contemporary transportation infrastructure still has discriminatory effects:¶ A steady stream of seemingly innocuous funding and operational decisions . . . have, since 1964, quietly but effectively restricted the mobility of poor African-Americans and other disfavored minorities who do not own cars. Meanwhile, these same officials and citizens have simultaneously lavished public funds on transportation accommodations favored by the car-owning majority, who have used the new and improved roads, streets, and highways in effect to live free from close contact with poor African-Americans and others similarly situated.¶ The power of “funding and operational decisions” to create mobility disabilities becomes even clearer upon consideration of the Turkish case, where discrimination takes place under the sign not of race but of modernization: the homogenization and amplification of speed. Responding to (but also stimulating) the massive urbanization and mobilization of its population, Turkey has built new multilane highways with lowered gradients that allow traffic to move with greater efficiency. All sorts of traffic one encounters on other roads, however, are absent on the new freeways. Pedestrians, horse-drawn carts, and tractors are all prohibited; highway signs proclaim which forms of mobility are no longer “up to speed.” Those disqualified from travel on the new highways may soon discover that schools, stores, and other public facilities are more spread out and harder to reach, for such amplified norms of mobility alter the spatial dimensions of people’s lives.¶ Two Hollywood films of recent vintage offer contrasting representations of the mobility disabilities created by norms of speed in the United States. David Lynch’s The Straight Story (1999) chronicles the journey of sixty-eight-year-old Alvin Straight, whose visual impairment prohibits him from driving and whose antipathy to being a passenger—whether in his daughter’s car or on a bus—sets him on the unusual course of riding a lawn mower from Iowa to Wisconsin, at an average speed of three to four miles an hour (roughly the norm of walking). Lynch makes us aware, as we watch the film, of the extent to which even our visual experience of space has been transformed by speed—not only by the twenty-four-frame-per-second speed of film projection, but by the rate at which cameras usually move over the landscape. The deliberately slowed pace of the film creates the illusion of “real time,” and the return to a human scale implied in the title reinforces the film’s thematic suggestion that autonomy—figured as escape from the immobility implicit in mass-mediated consumption—is still possible. As Straight painstakingly repairs his mower, builds his trailer, and buys his prosthetic “grabber,” he seems to tap an interior resourcefulness—talents and industry—sufficient to restore the capacity for what might be termed automobility to his aging body. In its offbeat way, The Straight Story enshrines the appearance in the discourse of freedom and in the public sphere of a new political category: the “individuals with wheelchairs” recognized by the 1990 Americans with Disabilities Act (ADA).¶ But the film partly undermines, or at least complicates, its celebration of Straight’s independence in two scenes about failed automobility. On his first try, Straight gets barely five miles out of town before his mower breaks down. After having it towed home and finding it irreparable, he takes his shotgun and blows the defective mower to bits—as if it didn’t deserve to live. Using his savings to purchase a newer mower, Straight gets much farther the second time. But halfway toward his destination the old man has an accident that burns out his motor, and he must delay the completion of his journey until he receives enough money from his Social Security check to pay for repairs. There are, in other words, two aspects of Straight’s mobility disability—physical and economic; and two necessary conditions for the recovery of automobility—equality of opportunity (wheelchair- or lawn mower–accessible highways) and sufficient material resources to take advantage of that opportunity.[1](http://www.publicculture.org/articles/view/13/3/mobility-disability#n1)¶ The other road movie I have in mind is Speed (Jan De Bont, 1994). As the title indicates, the film’s sensibility provides a counterpoint to that of Lynch’s. Yet it too brings attention to what we might call prosthetic travel. The film’s distinctive contribution to the action genre is the substitution of the bus for the car as the lead vehicle; the bus seems unsuited to the role precisely because it relegates potential actors to the status of passengers traveling along a fixed route, whereas the conventional chase scene of action films represents the superior agency of the hero as the greater speed at which he or she negotiates the world. The frisson of Speed depends on the injunction (courtesy of the disabled villain, played by Dennis Hopper[2](http://www.publicculture.org/articles/view/13/3/mobility-disability#n2)) that the bus’s speed must not drop below fifty miles per hour; the reminder is that, in normal circumstances, buses go considerably more slowly than that, even when they travel on freeways.¶ The narrative mechanisms by which the bus is transformed into an action vehicle are mostly obvious. Two characters—clearly identified as infrequent users of mass transit—take over its navigation after the bus driver is shot. The character played by Sandra Bullock is heard frequently to declare “I love my car”; she is riding the bus only because her license to drive has been temporarily suspended for speeding. She drives the bus under the direction of the policeman, played by Keanu Reeves, who has left his SUV behind only to perform the requisite rescue. Keeping the speedometer above fifty requires them to perform all sorts of off-route maneuvers, including, in a climactic scene, the achievement of flight.[3](http://www.publicculture.org/articles/view/13/3/mobility-disability#n3)¶ But the film imagines the other bus riders much differently. They are almost entirely low-income people of color, with assorted others whose automobility is disabled by quasi-cognitive impairments: the white woman too nervous to drive the Los Angeles freeways, the white tourist who doesn’t know his way around. This imagining complicates the problem that Speed, as an action film, is supposed to solve. For the “hostage situation” that traps the bus passengers is virtually indistinguishable from their regular status as bus riders, or so the film implies. The status of passenger and the status of hostage are virtually conflated. And if the bus is abnormally forced by a villainous demand to go above fifty, the film suggests that going below fifty—the threat posed by congested highways—represents an equivalent loss of freedom. The injunction to speed is general.¶ One population of bus riders is not represented in Speed: physically disabled people. It’s too bad, in a way—not just because it might make the film more mimetically accurate or increase the visibility of disabled people in the public imagination, but because the ambiguous mobility that disabled people represent in that imagination (an ambiguity evident in that curious phrase, “confined to a wheelchair”) might capture the ideological contradiction that Speed exposes. Although the passengers have freely chosen—even paid—to ride the bus, the suggestion is that the bus (or mass transportation in general) is an imperfect form of mobility in its evident confinement of passengers to a fixed route and a speed regulated from elsewhere. And despite the contrast between bus and automobile on which the film depends for its originality, Speed suggests that the enforced community of hostages is generalizable to the population at large. We are at once hostages to speed and to a failure to maintain speed. The normative tyranny of this “express” bus threatens and is threatened by all those who cannot get out of its way quickly enough; as the bus barrels down the surface streets and through intersections where it would, under normal conditions, make regular stops, it cannot now even stop for traffic lights or pedestrians. The demand to pause in consideration of others is represented as life threatening.¶ The solutions the film poses to this conundrum are revealing: on the one hand, an expanded highway system with restricted access (the bus escapes highway congestion by bursting through to an as-yet-unfinished extension); on the other, a quicker completion of the L.A. subway system (Reeves and Bullock blast through a subway-construction wall in the last episode of the film). Subways, presumably, have the virtue of keeping slower citizens—mass-transit users—out of the public view, off the streets. These solutions are not unfamiliar to Los Angelenos; the city has already experimented with toll roads for the wealthy, and the controversial redirection of transit funds from the bus system to subway and fixed rail has been much in the news. It is as if this social stratification of transportation options is necessary to release the privileged minority—in this case, Reeves and Bullock— from what Ronald Dworkin (1981: 312) calls “the slavery of the talented”:the perception that one’s own mobility options have been hijacked by public policies that try to equalize mobility resources. Only such a stratified transportation system, ironically, seems to guarantee that mobility will be felt as freedom. And thus Speed, in its peculiar way, introduces an even newer category of political subject than the ADA’s “individuals with wheelchairs”: the mass-transit dependent.¶ Now, the segregation of transportation is widely deplored by the disability rights movement; perhaps one of the most familiar signs of that movement’s success has been the wheelchair lift on buses. The other familiar sign—the parking space reserved “For Handicapped Parking Only”—is more controversial. The two sites of conjunction—the wheelchair and the bus, the wheelchair and the (space of) the automobile—bring into focus two common attitudes toward disability law. Access to buses is often seen as a proper extension of civil rights, as a matter of equal opportunity and a provision of formal justice. But reserved parking spaces are greeted with far more ambivalence; to some they represent a denial of equal opportunity, an unwarranted “affirmative” action—even a quota system—and a distributive injustice. These attitudes also align in certain ways with the two films I have described. The Straight Story represents mobility disability as an individual problem—a problem of how to restore automobility, and thus a certain agency, to the individual. Speed, on the other hand, represents the danger of “prosthetic justice”: the bus so equalizes the mobility of individuals that it appears to threaten liberty.

#### Increasing technology and enhancing the current system seperates the haves and have-nots – the disabled become discriminated against and transhumanized

GREGOR WOLBRING; Senior Fellow at the Oakland Institute; 2008; “The Politics of Ableism;” Society for International Development; <http://www.gvsu.edu/cms3/assets/3B8FF455-E590-0E6C-3ED0F895A6FBB287/the_politics_of_ableism.pdf> ET

As more powerful, less invasive and more sophisticated¶ enhancements become available, the¶ market share and acceptance of enhancement¶ products will grow. For any given enhancement¶ product there will not be a bell curve distribution,¶ but rather a distribution jump from the ‘have nots’¶ to the ‘haves’, which will lead directly to an ability¶ divide. What will change - depending on the social¶ reality such as GDP of the economy, income levels¶ and other parameters - is how many people end¶ up as ‘haves’or ‘non-haves’ (intrinsic and external¶ techno-poor disabled). The ability divide will be¶ complex between high- and low-income countries¶ and between the poor and rich within every country.¶ Not everyone can afford enhancing one’s body,¶ and no society can afford to enhance everyone’s¶ body if everyone so wishes. Those deemed able by¶ most people today, but who cannot afford or do¶ not want the technological enhancements tomorrow¶ will became the new class of ‘techno-poor¶ disabled’. Billions of people, who today are seen as¶ able, will become disabled not because their¶ bodies have changed, but precisely because they¶ have not changed their bodies in accordance with¶ the transhumanist norm.¶ Such a future will lead to a transhumanized¶ version of disableism where those who do not have¶ or do not want certain enhancements (the intrinsically¶ techno-poor disabled) will be discriminated¶ against, given negative labels and suffer¶ oppressive and abusive behaviour and other¶ consequences.

#### Opening our cultural perspective is key to solve the apathy towards the disabled and the enablement of racism and sexism

GREGOR WOLBRING; Senior Fellow at the Oakland Institute; 2008; “The Politics of Ableism;” Society for International Development; <http://www.gvsu.edu/cms3/assets/3B8FF455-E590-0E6C-3ED0F895A6FBB287/the_politics_of_ableism.pdf> ET

How to address ableism and its

consequences

Ableism is one of the most socially entrenched and¶ accepted isms and one of the biggest enabler for¶ other isms (e.g. nationalism plays itself out¶ through sports, speciesism, sexism, racism,¶ anti-environmentalismy). Ableism related to¶ productivity and economic competitiveness is¶ the foundation of many societies and their¶ relationship with other societies, and is often seen¶ as a prerequisite for progress.¶ Judgement based on abilities is so ingrained in¶ society that its use for exclusionary purposes is¶ hardly ever questioned or even realized. To the¶ contrary, groups who are marginalized due to¶ some form of ableism and disableism often use¶ the sentiment to demand a change in status (we¶ are as able as you are; we can be as able as you¶ are with accommodations).¶ Ableism and disableism will become even more¶ prevalent with the anticipated ability of NBICS:¶ \_ to generate human bodily enhancements in all¶ shapes and forms with the accompanying ability¶ divide and the appearance of the external¶ and internal techno-poor disabled;¶ \_ to generate and modify ability and to enhance¶ non-human life forms;¶ \_ to separate cognitive functioning from the¶ human body;¶ \_ to modify humans to deal with the aftermath of¶ anti-environmentalism and with the appearance¶ of molecular manufacturing and its impact¶ on productivity and trade.¶ There is a need to address the nearly unconscious¶ acceptance of ableism and the new emerging¶ forms of ableism and disableism. There is a need¶ to look in a coherent fashion at ableism and¶ disableism. It is regrettable that the Convention¶ for Biological Diversity (Secretariat of the¶ Convention on Biological Diversity, 2006) covers¶ only non-human diversities, missing the boat¶ on an imminent threat related to NBICS¶ and human diversity (ability and otherwise) (Wolbring, 2007h, i).¶ We need to recognize that acceptance and support¶ for ‘ability diversity’ is as important as other¶ diversities and that ableism is as limiting as and¶ often the foundation for other prejudice-isms.We¶ have to look at the politics of ableism and disableism¶ in a much more coherent open way. It is time¶ to see ability not just within the context of¶ disabled people but to look at it from a broader¶ cultural perspective. I propose the new field of¶ ability studies (Wolbring, 2005), which would¶ cover among others:¶ \_ ‘traditional disabled people’;¶ \_ ‘techno-poor disabled’; people who gain enhancements;¶ \_ other non-human targets for ability¶ modifications;¶ \_ new life forms;¶ \_ other ableism-supported prejudices;¶ \_ ableism differences between cultures.

## Links

### General

#### The development of transhumanism does not take into account the disabled

Gregor Wolbring, Senior Fellow at the Oakland Institute, 2008, “The Politics of Ableism” Society for International Development, <http://secure.gvsu.edu/cms3/assets/3B8FF455-E590-0E6C-3ED0F895A6FBB287/the_politics_of_ableism.pdf>, CP

Up to this point in history a non-impaired person¶ is someone whose body functioning is seen as performing¶ within acceptable species-typical parameters.¶ This, however, is changing. The ability of¶ NBICS products to modify the appearance of the¶ human body and its functioning beyond existing¶ norms and species-typical boundaries allows for¶ a redefinition of what it means to be non-impaired¶ (Wolbring, 2005).¶ One transhumanized form of ableism is the¶ network of beliefs, processes and practices that¶ perceives improving the human body and functioning¶ beyond species-typical boundaries as¶ essential. The transhumanized version of ableism¶ sees all bodies as limited, defective and in need of¶ constant improvement beyond species-typical¶ boundaries.

#### People are devalued because of their disabilities

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

Psychologists studying attitudes toward people with disabilities report¶ widespread prejudice.46 "Studies show that only a bit more than half of¶ the population of the United States expresses slightly positive attitudes¶ toward the disabled. The rest openly admit to negative attitudes. They see¶ the handicapped as different and in some ways inferior to normal¶ people."47¶ Cultural images often reflect this prejudice by excluding or devaluing¶ people with disabilities.48 "Not only are disabled characters in fiction [for¶ example, Captain Hook and Captain Ahab] set apart from others but they¶ are often east as villains plotting demented revenge against pristine heroes¶ or heroines. Physical beauty, in these stories, symbolizes goodness, disability evil."49 This evidence of pervasive prejudice against people with disabilities invalidates the assumption that physical differences are the primary cause of disability discrimination. Instead, this widespread prejudice¶ has become deeply embedded in "normal" social institutions and concepts,¶ including traditional ideas about physical differences.

### HSR

#### Railways are awful for disabled people

Marilyn Field, director of Health and Disability Research Institute at Boston University, 2007 “The Future of Disability in America,” http://www.ncbi.nlm.nih.gov/books/NBK11434/pdf/TOC.pdf

The ADA requires heavy and light rail systems to make some or all of¶ their vehicles, stations, and transfer points fully accessible to people with¶ disabilities. New systems must be fully accessible, as must be new purchases¶ or new improvements on older systems (although there are some exceptions¶ even on new systems). However, older systems are required to rebuild or¶ retrofit only what are defined as key stations (for example, those with the¶ most traffic or serving major activity centers). Moreover, older rail systems¶ are required to make only a subset of their existing vehicles accessible to¶ people with disabilities, although all new cars must be accessible. As with¶ other travel modes, operators are required to provide accessible communications¶ in many formats, including individual-stop announcements.¶ Today there are only 685 of these key stations in the United States; this¶ number represents a fraction of the total number of rail stations in older¶ systems. Disability advocates had hoped that the ADA regulations would¶ require a larger number (or all) stations in older systems to be made accessible,¶ but the costs were so high that the number of key stations was a¶ political compromise (NCD, 2005). Clearly, then, the key station requirement,¶ even if it is fully met, does not address the significant rail restrictions¶ facing many travelers with disabilities in older systems, who can enter and¶ exit the system only at a limited number of stations, not necessarily at their¶ preferred origins and destinations; some trips cannot be made at all. As¶ the National Council on Disability has noted, “train travel has improved¶ greatly for people with disabilities, but the ADA’s limited key station requirement¶ has meant that some of the large, old East Coast rail systems in¶ particular, have few accessible stations” (NCD, 2005, p. 14).

### Highways

#### The development of automobiles has isolated the disabled, favoring those can drive over those who physically cannot

Karen Lucas, Senior Research Fellow in the Transport studies Group, 2004, “Running on Empty” The Policy Press, http://books.google.com/books hl=en&lr=&id=4GmeE8klB1YC&oi=fnd&pg=PR4&dq=Transportation+Disability+Exclusion&ots=GOUEOavlMW&sig=x41OaZ7SiqbOT7Fheo2A-ZVpHVM#v=onepage&q=Exclusion&f=false

It is important to recognise from the outset that many of the inequalities that this chapter identifies have arisen over time as the result of a complex set of interactions between transport and land-use patterns. Figure 2.1 demonstrates how this combination effect works to both perpetuate transport inequalities over time and encourage increased car ownership and use by low-income groups, with its associate economic, social and environmental effects. The overall effect is to create an 'accessibility deficit\* among many low-income and excluded groups, which serves to 'lo ck them out' of the activities that support a reasonable quality of life and thus both contributes to and reinforces their social exclusion. As a starting point, it is important to recognise the dramatic growth in both vehicle numbers and the distances driven in all advanced industrial societies over the last 30-50 years. Mass car ownership, combined with other economic and socio-demographic changes in our society, has encouraged more dispersed land-use patterns. This in turn has meant an increasing shift of both populations and industrial and economic activities from the centre of cities to edgc-of-town or out-of-town developments and, thereby, has demanded more travel intensive lifestyles (May and Trinder, 1991). The UK National Travel Survey (DIT, 2001) illustrates that, in both urban and rural areas, people are having to travel further in order to access basic goods and services. There has been a significant decline in the proportion of households living close to a local food store, from 68% to 57% within six minutes walk; in 1998, 5% had to walk more than 26 minutes, an increase of 3% from 1989/91. Traditional labour markets such as manufacturing, mining and farming have declined and there is now less overall employment in many parts of the UK, but especially low-skilled jobs. Technological developments have also served to change long-established working geographies, with new employment opportunities springing up in different locations, demanding different skills and providing more dispersed employment patterns than the more traditional industries. Hospital services have also been rationalised into fewer and larger units serving wide areas, and are often located in places that are difficult to reach without a car (Murray. 1998). A recent UK Office for National Statistics (ONS) Omnibus Survey conducted on behalf of the Social Exclusion Unit (SEU) (SEU. 2002) identified that: 15% of respondents say they have difficulty getting to hospital; (6% say they have difficulty getting to their doctors surgery; 5% have difficulty getting to the dentist. In the UK. changes in food retailing practices have also resulted in the number of shops falling by about 50% in the last 20 years; the growth of large hyper¬markets allow the benefits of cheaper food and the convenience of car-borne access but often result in less choice in price and quality to the already disadvantaged who cannot access them (Elkins et al, 1991). This dispersal of activities has been exacerbated by the extreme 'flight' of local services from many areas of deprivation (Mutton, 1996). Many low-income communities in the UK now lack even basic amenities such as a general food store or a doctors surgery (sec Figure 2.2). The facilities that are available are often of poor quality and the goods they provide can be over-priced. High crime and fear of crime in these areas make them unattractive to businesses and customers alike and help to fuel the decline (SEU. 1998). The UK government SEU's Policy Action Team on Jobs found a general lack of suitable local jobs within the deprived neighbourhoods it visited. However, there was rarely a lack of jobs within reasonable travelling distance of these areas, but unemployed people in the area did not necessarily take these up. A variety of reasons for this were offered, including a lack of skills among the resident population but also poor transport links and/or a reluctance to travel out of the area of residence. The governments Neighbourhood Renewal Unit noted that the boroughs of Kingston and Richmond have 50% more doctors than liarnsley and Sunderland (adjusting for age and needs), yet Barnsley and Sunderland arc likely to have far fewer people with access to a car given their income levels. This means that those in the greatest need of medical help are often least able to access it (SEU, 2(H)2).

### Public Transportation

#### Public transportation splits identification – it creates a hierarchy of transporation

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

Surely it is not merely coincidental that both the civil rights movement against race disability and the more recent (physical) disability rights movement should have focused particular attention on access to public transportation. Although I have been somewhat selective in my accumulation of examples, it is certainly the case that mobility is a far more frequent subject of disability scholarship than [End Page 474] sensory or cognitive difference. So much public funding and public property is devoted to transportation that the identification of citizenship with physical mobility is somewhat inevitable. But there is, as I have suggested, a split in that identification: the notion of freedom attaches to the automobile, symbol of privacy and relative social mobility, while mass transportation represents the bottom limit, or floor, of equality. This opposition is, of course, patently false, since the extent to which supposedly "private" modes of transportation are subsidized by public funding projects can be documented. But the conceptual hierarchy of transportation options also lends a particular affect to the figure of the bus, generally framed as the poorest relation.

#### We try to repress the “traveling cripple” – see them as mass-transit dependent

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

It is when we add to Tribe's list the development of mass transportation--including the mass transportation system of highways for cars--that we notice how Wordsworth's traveling cripple, like the familiar blue-and-white wheelchair symbol, is a figure that both threatens and promises to extend the concept of the political subject with rights beyond the supposedly natural boundaries of the [End Page 468] body, to include collateral objects that might be necessary to assure that subject's appearance in the public sphere. But it is not the physically disabled alone who require such collateral objects. I want to propose that the contemporary analogue of Wordsworth's traveling cripple, and a necessary supplement to the concept of "individuals with wheelchairs" that now structures the logic of accessibility, is that other category of mobility disability I have invoked: the category of the mass-transit dependent.

### Transportation Infrastructure

#### Choices in funding maintain ableism

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#### Funding choices enforce a homogenization of speed

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

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#### Hierarchies of modes of transportation segregate, and keep the disabled out of the public sphere

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The other road movie I have in mind is Speed (Jan De Bont, 1994). As the title indicates, the film's sensibility provides a counterpoint to that of Lynch's. Yet it too brings attention to what we might call prosthetic travel. The film's distinctive contribution to the action genre is the substitution of the bus for the car as the lead vehicle; the bus seems unsuited to the role precisely because it relegates potential actors to the status of passengers traveling along a fixed route, whereas the conventional chase scene of action films represents the superior agency of the hero as the greater speed at which he or she negotiates the world. 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#### Need access. Liberty is only assumed to be in the mobile body

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

Now, the segregation of transportation is widely deplored by the disability rights movement; perhaps one of the most familiar signs of that movement's success has been the wheelchair lift on buses. The other familiar sign--the parking space reserved "For Handicapped Parking Only"--is more controversial. The two sites of conjunction--the wheelchair and the bus, the wheelchair and the (space of) the automobile--bring into focus two common attitudes toward disability law. Access to buses is often seen as a proper extension of civil rights, as a matter of equal opportunity and a provision of formal justice. But reserved parking spaces are greeted with far more ambivalence; to some they represent a denial of equal opportunity, an unwarranted "affirmative" action--even a quota system--and a distributive injustice. These attitudes also align in certain ways with the two films I have described. The Straight Story represents mobility disability as an individual problem--a problem of how to restore automobility, and thus a certain agency, to the individual. Speed, on the other hand, represents the danger of "prosthetic justice": the bus so equalizes the mobility of individuals that it appears to threaten liberty.¶ What makes both films so potentially illuminating for disability criticism is the fact that their two representations of prosthetic travel--the wheelchair as (individually enabling) car, the wheelchair as (socially constraining) bus--call attention to a larger ideological conflation: freedom and mobility. When disability [End Page 463] scholars and activists speak of access, they have a wide variety of sites in view: access to educational opportunity, to jobs and services, to the public sphere. But the familiar blue-and-white wheelchair symbol predominates over other signs of disabled access because it so powerfully expresses the assertion of rights as o a desire for what we call social mobility. Social mobility is the product of a certain tension between what constitutional scholar Laurence Tribe (1988: 1436) describes well as the "warring tendencies" of democratic freedom: equality and liberty. 4 In the context of this war, we may say that mass transportation and the wheelchair are similar in that each works to equalize disparities in (social) mobility. The other term in the dialectic, liberty, tends to be imagined as an attribute of nature--of the unimpaired, unassisted body. The location of liberty in individual bodies (or "selves") is what is used to explain the different outcomes of supposedly equal opportunities.¶ This imagining of liberty is shared by people with widely differing attitudes toward the proper balancing of liberty and equality. In his seminal essay, "Energy and Equity," Ivan Illich (1978: 119) articulates a theory of democratic justice and just transportation that rests on the following claim: "People move well on their feet. . . . People on their feet are more or less equal. People solely dependent on their feet move on the spur of the moment, at three to four miles an hour, in any direction and to any place from which they are not legally or physically barred." More recently, when he was governor of Colorado, Roy Romer (recently appointed to head the Los Angeles school system) declared his willingness to consider "alternatives to reduce air pollution from cars that don't result in a loss of freedom or have prohibitive costs. One of the great privileges of being human is to be free" (Daly 1991: 370). Of course, we notice an odd torque in this latter declaration: the freedom that Illich located in the body has been alienated, reified, and commodified in the automobile.

### Citizenship

#### Modes of travel require one to fit the concept of citizenship – prosthetic citizen solves.

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

Precisely because Wordsworth associates the traveling cripple with a metropolitan traffic in moveables, the latter is a figuration that allows consideration of the historical difference mass culture makes both to the concept of the disabled body and to the concept of the citizen. For Wordsworth, London represents the dangerous capacity of the built environment to distribute goods--like mobility--conventionally thought to be the inalienable properties of the body. Such traffic in moveables--in mobility--signifies the transformation of the human being into a prosthetic subject. Moreover, it complicates the notion of political identity as well, for the concentration of technology and capital in the built environment of [End Page 467] the city and throughout the empire supersedes not only "nature," but also the authority of political institutions to determine the extent and limits of various freedoms--including that fundamental freedom of liberal democracies, "the freedom to come and go without permission." 6

### Speed

#### Speed has affected the physical experience of space – requiring automobility to be a part of the public sphere

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

Two Hollywood films of recent vintage offer contrasting representations of the mobility disabilities created by norms of speed in the United States. David Lynch's The Straight Story (1999) chronicles the journey of sixty-eight-year-old Alvin Straight, whose visual impairment prohibits him from driving and whose antipathy to being a passenger--whether in his daughter's car or on a bus--sets him on the unusual course of riding a lawn mower from Iowa to Wisconsin, at an average speed of three to four miles an hour (roughly the norm of walking). Lynch makes us aware, as we watch the film, of the extent to which even our visual experience of space has been transformed by speed--not only by the twenty-four-frame-per-second speed of film projection, but by the rate at which cameras usually move over the landscape. The deliberately slowed pace of the film creates the illusion of "real time," and the return to a human scale implied in the title reinforces the film's thematic suggestion that autonomy--figured as escape from the immobility implicit in mass-mediated consumption--is still possible. As Straight painstakingly repairs his mower, builds his trailer, and buys his prosthetic "grabber," he seems to tap an interior resourcefulness--talents and industry--sufficient to restore the capacity for what might be termed automobility to his aging body. In its offbeat way, The Straight Story enshrines the appearance in the discourse of freedom and in the public sphere of a new political category: [End Page 460] the "individuals with wheelchairs" recognized by the 1990 Americans with Disabilities Act (ADA).¶ But the film partly undermines, or at least complicates, its celebration of Straight's independence in two scenes about failed automobility. On his first try, Straight gets barely five miles out of town before his mower breaks down. After having it towed home and finding it irreparable, he takes his shotgun and blows the defective mower to bits--as if it didn't deserve to live. Using his savings to purchase a newer mower, Straight gets much farther the second time. But halfway toward his destination the old man has an accident that burns out his motor, and he must delay the completion of his journey until he receives enough money from his Social Security check to pay for repairs. There are, in other words, two aspects of Straight's mobility disability--physical and economic; and two necessary conditions for the recovery of automobility--equality of opportunity (wheelchair- or lawn mower-accessible highways) and sufficient material resources to take advantage of that opportunity. 1

### Capitalism

#### The oppression of the disabled and other socially denied groups is inherent in the capitalist system

Timothy Scott; University Of Massachusetts; 2011; “A Nation at Risk to Win the Future: The State of Public Education in the U.S.;” Journal for Critical Education Policy Studies, vol.9. no.1 ET

¶ Contextualizing the Struggle¶ The United States has always failed to live up to its declared ideals. The enslavement of African people¶ was encoded in the original Constitution, and remained institutionalized in various forms for more than a¶ century; and genocidal attitudes, policies and practices towards Native Americans have persisted¶ throughout U.S history. Racism and white supremacy was woven into the fabric of American society and¶ persists to this day. Women have been excluded from political and economic power for most of U.S.¶ history, while people who are disabled by dominant norms have persistently been deemed disposable.¶ Over all, working class oppression and economic inequality has always been a major component of the¶ American experience.‖ Oppression and exploitation on such a massive scale is a brazen betrayal of the¶ espoused values associated with freedom and democracy within the American narrative. Because¶ oppression and subjugation in the U.S. is entrenched both structurally and culturally, and social agency is¶ nonexistent or restricted for so many people; free-market doctrine becomes all the more deceptive in its¶ fundamental tenet that everyone has the same opportunities for success or failure based on individual¶ merit (Miller, 1990).¶ These systems of oppression have continuously been embedded within education practices, policies and¶ institutions in the United States. In the face of this, efforts by education reformers throughout U.S.¶ history, working to ensure that education is universally available to every child irrespective of race, class,¶ gender, ethnicity and ability made notable progress within the 20th century. Many liberal reformers,¶ believing that democracy and capitalism are compatible, posit that universal access to social justice¶ curriculum and student centered pedagogy can lead to equal opportunity for all within the existing¶ political and economic order.¶ It is indisputable that social justice concepts are crucial in understanding and disrupting attitudes and¶ beliefs that maintain white supremacy, patriarchy, homophobia, ableism, and other social identity based¶ oppressions. However, many critical educators also recognize that this is not enough since capitalism by¶ design demands human exploitation and degradation, therefore making universal liberation unachievable¶ within a capitalist society (Hill, 2009).African American scholar Manning Marable, an ardent critic of¶ capitalism, was well known for bridging identity-based liberation with structural solutions. Much of his¶ life‘s work documented how capitalism and U.S. political institutions are racist to the core and¶ deliberately structured to maximize Black oppression. According to Marable, many Black liberation¶ leaders understood this such as Malcom X, who before his death claimed, ―All my life, I believed that the¶ fundamental struggle was black versus white. Now I realize that it is the haves against the have-nots‖¶ (Black, 2009, ¶ 3).Marable goes on to state:¶ Malcolm came to the realization, King came to the realization, that the nature of¶ the struggle was between those who have and those who are dispossessed... we¶ were attracted to Marx because it helped to illuminate and make clear the¶ objective material circumstances of poverty, unemployment and exploitation in¶ black people‘s lives, which is why we became socialists or Marxists, because we¶ understood that there could not be a path toward black liberation that was not¶ simultaneously one that challenged the hegemony of capital over labor (Black,¶ 2009, ¶ 3).

### Nuclear

#### Nuclear rhetoric is ableist

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

The spokesperson's comparison of nuclear weapons to a car and the protester's rejection of the analogy are both relevant, I think, to the conceptualization of mobility disability. Though the bus riders sometimes feel a constraint on their movement that would not be apparent if each drove a car, they have consented to that constraint and have developed mechanisms for the ongoing negotiation of its severity. Although the car seems to offer a greater degree of agency, the isolation of each driver, the impossibility of negotiation and communication with other o drivers, makes that driver more vulnerable to decisions--to speed, to drop a bomb--in which he or she did not participate, but that may have injurious effects. The analogy between the car and the bomb, proffered first by the Los Alamos spokesperson, suggests that the amplification and reification of agency both terms represent mean the imminent demise of the space of publicity.

## Impacts

### Discrimination

#### Disability discrimination is viewed as a problem of physical difference not prejudice – this perpetuates prejudice against the disabled

Martha T. McCluskey; Professor, William J. Magavern Faculty Scholar; Apr., 1988; “Rethinking Equality and Difference: Disability Discrimination in Public Transportation;” The Yale Law Journal, Vol. 97, No. 5. pp. 863-880. ET

Despite the similarity of section 504 to race and sex discrimination legislation,¶ and despite the similar problems addressed by these laws, courts¶ and lawmakers interpreting section 504 have often departed from the race¶ and sex discrimination model. In contrast to race and sex discrimination¶ doctrine, disability discrimination law generally assumes that physical difference,¶ not prejudice, is the primary problem. This Note argues, however,¶ that prejudice is central to the problems faced by people with disabilities.¶ The failure to recognize this prejudice leaves disability¶ discrimination doctrine confused and inadequate.¶ This Note will focus on federal nondiscrimination regulations governing¶ public transportation as an example of the problems with current¶ disability discrimination doctrine. Public transportation has been a major¶ target of the reform efforts of disability rights groups.lS Access to public¶ transportation is crucial for assuring access to employment, political activity,¶ education, shopping, and recreation. Moreover, this is an area where¶ frequent changes in the law have heightened the questions concerning the¶ meaning of equality in the disability context.14¶ Section I of this Note will show how the emphasis on difference instead¶ of prejudice has shaped disability discrimination doctrine. This Section¶ will then draw on insights from sex discrimination theory to demonstrate¶ that pervasive prejudice against people with disabilities exists even though¶ it may be difficult to recognize, and that perceptions about difference are¶ socially constructed and influenced by this prejudice. Section I1 will argue¶ that biased assumptions concerning difference have resulted in the development¶ of inadequate public transportation regulations under section 504.¶ Finally, Section I11 will suggest that disability discrimination doctrine¶ would be strengthened by adhering more closely to the disparate impact¶ model, which can remedy the subtle prejudice that makes the "differences"¶ of disability so disadvantageous.

#### Ableism results in an ontology of central, standardized human ability

Scott DeShong, University of Nebraska, 1-8-2009, “The Nightmare of Health: Metaphysics and Ethics of Disability,” Project Muse, Vol 15, http://muse.jhu.edu/journals/sym/summary/v015/15.1-2.deshong.html, CP

I wish to examine what disability means, what the study of it entails,¶ in a way that moves beyond a critique of the word as joining with¶ ableism, with the constitution of categorical human ability. As Peggy¶ Phelan recognizes, any expression of disability—such as the categorical¶ phrase “people with disabilities”—will tend to develop an ontology of¶ central, standardized human ability, submitting performance to¶ articulations of competence already established in the sociocultural¶ imagination (322).2 Even in such expressions, however, we may hear¶ inflections of radical difference, desire for the unnatural priority of¶ ability to any conception of competence. Thus, we may consider how a¶ virgule marks any expression of disability as dis/ability, marking the¶ non-presence of ability by striking through the ostensibly simple¶ dialectic of articulated competence and the lack of access thereto.¶ Indeed, ability is never articulated and cannot be; all we have of ability is¶ what we have through signification. As language provides the inevitable¶ and impossible approach to its objects, the linguistic conditions of¶ possibility for approach are also the conditions of impossibility, hence¶ the im/possibility that marks dis/ability. It is redundant—if perhaps¶ heuristically useful—to point out that nature, being, and ability are terms¶ to be thought of as under erasure, caught as if logically posterior to¶ incomprehensible referents, even as the referents themselves nevertheless¶ cannot be though\*t of outside reference. As we view the discourse¶ of disability participating in the sociocultural signification of ability, we¶ concomitantly view ability as the possibility of signification. We¶ undermine the naturalization of the sociocultural as the origin of¶ articulation as we find articulation emerging in response to imperatives¶ to articulate and to disarticulate. We find the imperative of overcoming¶ the ontology of ability inherent in articulations of that ontology: we¶ recognize the denaturing in the heart of naturalization.

### Sexism/Racism

#### Ableism is the root cause of sexism and racism

Grgor Wolbring, Associate Professor Community of Rehabilitation and Disability Study, 2008, “The Politics of Ableism,” <http://secure.gvsu.edu/cms3/assets/3B8FF455-E590-0E6C-3ED0F895A6FBB287/the_politics_of_ableism.pdf>, CP

Sexism is partly driven by a form of ableism that favours certain abilities, and the labelling of women as not having those certain necessary abilities is used to justify sexism and the dominance of males over females. Similarly, racism and ethnicism are partly driven by forms of ableism, which have two components. One favours one race or ethnic group and discriminates against another. The book The Bell Curve (Herrnstein and Murray, 1994) judged human beings on their ‘cognitive abilities’ (their IQ). It promoted racismby claiming that certain ethnic groups are less cognitively able than others. The ableist judgement related to cognitive abilities continues justifying racist arguments. Casteism, like racism, is based on the notion that socially defined groups of people have inherent, natural qualities or ‘essences’that assign them to social positions, make them fit for specific duties and occupations (Omvedt,2001).The natural inherent qualities are ‘abilities’ that make them fit for specific duties and occupations.

## Impact Framing

#### In the context of transportation infrastructure, policymakers must confront ableism first

Martha T. McCluskey; Professor, William J. Magavern Faculty Scholar; Apr., 1988; “Rethinking Equality and Difference: Disability Discrimination in Public Transportation;” The Yale Law Journal, Vol. 97, No. 5. pp. 863-880. ET

Subtle and pervasive able-bodied bias, not simply physical difference,¶ leads to the socioeconomic disadvantages that attach to physical disability.¶ Thinking about the problem as an issue of eliminating prejudice rather¶ than simply accommodating difference would improve disability discrimination¶ doctrine.lo8¶ Disability discrimination doctrine should confront the prejudice that¶ makes the "differences" related to disability seem like abnormal, separate¶ problems that are necessarily disadvantageous. Instead of approving special,¶ segregated services, courts and policymakers should follow the disparate¶ impact model, which generally requires that unjustified policies with¶ harmful effects be changed as a whole, rather than remedied through sep¶ arate policies targeted at the adversely affected Consistent with¶ the disparate impact model's treatment of race and sex discrimination,l1°¶ the law should adopt a presumption that a program's adverse effects on¶ people with disabilities are discriminatory. Disability discrimination doctrine¶ should not assume that public programs can normally be designed to¶ be more effective for nondisabled people than for people with disabilities¶ as long as programs make some accommodations or do not completely exclude¶ people with disabilities."'¶ 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.lla Simply balancing¶ concerns such as cost against the interest of people with disabilities in¶ access to public programs,llg however, is inappropriate because these concerns¶ are likely to incorporate able-bodied biases."' 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.""¶ Several requirements would minimize subtle prejudice in assessing the¶ costs of making programs equally effective for people with disabilities.l16¶ 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,"'¶ and in many cases may actually be minimal.l18 For instance, in one case,¶ the cost of wheelchair-accessible buses was comparable to that of the inaccessible¶ buses the city had bought."'

#### Analyzing ableism with a wider perspective first is key to inclusive transport policy

Peter Roberts, Lead Specialist for Infrastructure Services, and Julie Babinard, Consultant; No Date; “TRANSPORT STRATEGY TO IMPROVE ACCESSIBILITY

IN DEVELOPING COUNTRIES;” The World Bank; <http://pdi.cnotinfor.pt/recursos/TransportStrategy.pdf> ET

Mobility and access requirements of people with disabilities should be understood in the¶ wider context when planning and designing barrier- free transport systems. This implies¶ an understanding and identification of the circumstances that create barriers for people¶ with disabilities (Meriläinen and Helaakoski, 2001). An inclusive transport environment¶ policy should be implemented using a combination of different practical access¶ approaches based on different cost features and development stages. In many situations¶ low cost improvements such as kerb insets at street corners, ramps to public buildings, and¶ larger letters on bus destination signs (Rickert, 2000) can bring disproportionate benefits.¶ Most interesting are those interventions which bring benefits to all passengers, creating a¶ “win-win” opportunity (Table 1, below).

#### Our impacts first – disability is central to questions of identity.

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

In "Energy and Equity," Illich (1978: 138) erroneously asserts that "people are born almost equally mobile." Disability scholars have not only made us sensitive to the error of this assertion and to the fact of corporeal variation. They have demonstrated that disability, far from merely describing marginal conditions, is central to imagining forms of identity. It would be infinitely more accurate, after all, to say that people are born almost equally immobile; infancy is a condition of mobility deficiency and social dependency.¶ The importance of this reconceptualization seems to me twofold. It draws attention to the social construction of mobility, and it preserves the category of equality as relevant to the imagining of social progress. We begin to recognize in public transportation systems only the extension of those conditions that allow the potential for mobility to develop. The consequence is that we may reject the extremity of Illich's distinction between pedestrian and prosthetic mobility, a distinction made evident in his description of the generalized disability of the prosthetic subject of mass culture:¶ To "gather" for him means to be brought together by vehicles. He comes to believe that political power grows out of the capacity of a transportation system. . . . He believes that the level of democratic process correlates to the power of transportation and communication systems. He has lost faith in the political power of the feet and of the tongue. (Illich 1978: 123) ¶ At the same time, however, we may uphold the validity of Illich's representation of mobility as the foundation of equity:¶ Citizens of a society founded on the notion of equity will demand the protection of this right against any abridgement. It should be irrelevant to them by what means the exercise of personal mobility is denied, whether by imprisonment, bondage to an estate, revocation of a passport, or enclosure within an environment that encroaches on a person's native ability to move in order to make him a consumer of transport. (Illich 1978: 138) ¶ In their new alliance, the mass-transit dependent and "individuals with wheelchairs" allow a richer understanding of the forms of mobility that democratic justice requires. It is only within such an alliance--a nonessentialist alliance that recognizes both potential conflicts of interest and the transitivity of identity--that the relative value of various forms of mobility can be adjudicated.

## Alternative

### Prosthetic Subject

#### Reject the premise of bodily equality as the basis of democratic justice in favor of the prosthetic subject

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 rest of this essay, I explore the implications of this metamorphosis--the ideology of freedom as automobility recoded as the freedom of the automobile--for disability studies. I suggest that the object of restoring automobility to individual bodies reinforces the model of liberal individualism, which is grounded in the false premise of bodily equality as the basis of democratic justice. I propose here to dispense with that false premise by recognizing in the artificial form of the citizen a prosthetic subject, whose capacities for liberty depend on the built [End Page 464] environment of the public sphere. I therefore wish to undertake a deconstruction of mobility disability--not to deny the difference between people with bodily impairments and those whose mobility is limited in other ways, but to develop a new account of what is required for just transportation. I propose that the reduction of mobility disparities depends on an omnibus model of rights--a model that may require abandoning the (always problematic) category of the "physically disabled" in favor of an alliance--a strategic nonessentialism, so to speak--among the (social) mobility-impaired. 5

### Bus

#### The bus is key to social progress

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

What Wexler calls his Bus Trilogy consists of three films made over the course of nearly forty years, each of which correlates the figure of the bus with a particular social movement. Each of the three Bus documentaries is, of course, an independent artifact with specific formal features and values as well as a distinct subject. None of them can be said to make a central issue of disability as it has been recently conceived--as bodily variations that become impairments in interaction with various socially constructed environments. But, as viewed together, the three documentaries sketch a history of the disabled civil subject that offers an [End Page 475] orientation for rethinking the demands of justice and reconstructing the public sphere.¶ The first film, The Bus, documents a bus trip from San Francisco to the March on Washington in August 1963. In the national imaginary, that march is remembered chiefly for Martin Luther King Jr.'s "I Have a Dream" speech. Wexler's documentary, on the other hand, foregrounds the preconditions for the achievement of such a powerful political speech act--the amassing of bodies that gave King's voice such representative power. Perhaps the single most relevant sound/ o image of the documentary occurs near its end, when the pedestrian march is just getting under way in the vicinity of the buses that have allowed this freedom of assembly. The spiritual "We Shall Not Be Moved" is the song of choice--but it is access to mass transportation that has enabled the marchers to exercise political will, to demonstrate the freedom to go and to return that is the precondition for consensual government.¶ The relevance of the bus as an icon of civil rights does not emerge immediately. The Bus begins with Wexler and his assistant arriving at the family residence of one of the participants in the bus ride, a California teenager. Her mother tells the filmmakers that "as far as walking for causes is concerned, it's nothing new with our family. I remember my grandfather, who was reared in western Virginia before the Civil War, always bragged that he'd walked forty miles to vote against secession. My family were abolitionists there. . . ." The fact that the teenager must take a Greyhound bus to exercise the kind of political agency her great-grandfather could accomplish on foot suggests the need to reimagine the very nature of the "freedom to travel" recognized by the U.S. Supreme Court as among the fundamental rights of personhood the Constitution guarantees. 8 Not only does the sheer geographical extent of the modern United States make it impossible for the vast majority of the population to travel to the capital under their own power, but the transportation infrastructure of the national space has been legally engineered to disable pedestrian travel, since most limited-access highways are closed to pedestrian traffic by statute. Even where pedestrian traffic on highways is permitted, that permission does not usually include the right to protest to the government for the redress of grievances. Indeed, this is a lesson [End Page 476] King himself would learn in 1965, when the intervention of a federal judge was required for the fifty-two-mile Selma-to-Montgomery march to proceed. 9¶ Given that The Bus documents a historical moment whose extraordinary optimism was driven by a faith in the ability of civil rights legislation to eliminate social injustice, it is perhaps unsurprising that the film represents the bus as a vehicle for the achievement of consensus. 10 In fact, much of the conversation caught by Wexler's microphone centers on one of the bus drivers, a Greyhound employee who is gradually converted to the virtues of the March on Washington. As with The Straight Story, the slow pace of the bus and monotony of the landscape seem to contribute to the possibility of such conversions. There is even room for disagreement, as when a young black man angrily complains that people "froze in their seats" rather than disembarking with him as he tried to buy cigarettes at an obviously hostile rest stop in Hagerstown, Maryland.¶ Wexler's intuition that the figure of the bus can be used to imagine social progress has radical implications that go beyond this liberal fantasy of bus-as-space-of-democracy, however. Not only does the fight about cigarettes suggest that the fantasy of interior consensus is sustained only by bracketing the world exterior to the discursive space of the bus; another conversation reveals the o limits of mobility imagined by the Civil Rights Act. A white man named John explains his reasons for undertaking the cross-country bus trip to Washington by recounting an earlier conversation he had had with a black civil rights activist named Artie:¶ "Artie, if I were you"--you know, you can't put yourself in another person's place, but I said, "if I were you, by God, I would be a Black Muslim." And he said, "No, you're wrong, John, because there is a [End Page 477] promise in this Republic. Once, I could not leave Alabama and travel to Texas and know that I could find a place to sleep, a place to eat, or even a place to buy gas. And now I think I know that I can travel that way and--at least buy gas!" The deep irony of this description of social progress is felt not only in its reduction of political freedom to the freedom to buy; it is also evident in its capitulation to the ideology of automobility. Wexler's films, by focusing on the discomforts of bus travel as the price of democratic deliberation, resist such a capitulation.

#### The aff trades off - Diversion of funds from bus

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

Bus Riders Union, the third film, makes explicit the suggestion of its predecessors that the citizen is a prosthetic subject, and that the exercise of political agency in a public sphere organized by capitalism requires the kind of transitive alliance described by a "bus riders union": an alliance forged among people who, whatever their differences in social and physical status, belong to the category o of the mass-transit dependent. 11 Whereas the earlier two Bus films focused on interstate travel--the form of mobility most strongly protected by constitutional guarantees--the subject of Bus Riders Union is the deteriorating bus system of Los Angeles. As the organizers explain, the L.A. Metropolitan Transportation Authority (MTA) devoted only 30 percent of its public funds to the bus system, even though 94 percent of mass-transit users are bus riders; the remainder of the budget was diverted to suburban light rail and a downtown subway running all of five miles. This discrepancy--and the effective undermining of equal protection it implies, given the fact that "people who ride the bus are by and large people of color, majority women; they're oftentimes elderly, they're disabled"--becomes [End Page 479] the basis of a successful lawsuit against the MTA. But the Bus Riders Union is not content to use the legal system; nor does the legal system prove entirely satisfactory. The group's lawyers initially capitulate to the MTA's demand for a "means test"--a test of economic disadvantage--for the proposed monthly bus pass. But as Eric Mann, the director of the Labor Strategy Center that organized the Bus Riders Union, declares, such a means test "would be exactly the opposite of what we want, which is a better bus system for everybody." The issue, of course, is that such a means test would mean marking buses as poor people's transportation and therefore adding institutional reinforcement to the transportation segregation and inequity the Bus Riders Union seeks to end. I hope the analogy to disability rights is clear: the Bus Riders Union rejects the identification of (auto)mobility disability with bodily lack, individual abnormality, and disadvantage and instead calls attention to the social policies and social constructions--constructions truly material in nature--that, as Illich (1978: 138) puts it, "cripple the power to move."

#### Bus key to participation in public sphere

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

The bus has a history of enabling and extending participation in the public sphere. We might invoke Washington Irving's (1864: 455) description of the 1832 Reform Bill--"the great reform omnibus moves but slowly"--as a particularly telling example, for although Irving may have meant to indicate nothing more than the generality and internal contradictions of the bill, the prototype of the modern bus was making its appearance concurrently in the streets of Paris; during the July Revolution, the Annual Register (1830: 188) reported, "A barricade was formed across the street by one of those long coaches to which Parisians have given the name omnibus." The bus is a singularly slow vehicle of transportation--a traveling cripple, one might almost say, when compared to other forms of mass transportation or even the automobile--because it has more interests to serve. Having usually a greater number of points for access and departure along its fixed route, the bus is more irregular in keeping its appointments; it is this openness to contingency that makes it, finally, not only a portion of the public sphere, but also a figure for the transitivity or progressive aspect of that public sphere. Or that is the lesson, I hope to show, of the remarkable series of documentaries by the filmmaker Haskell Wexler.

## Law

#### Status quo policies construct people as being unfixable and plagued with problems

CGK Atkins, Assistant Professor & Coordinator ¶ Law and Society Program ¶ Faculty of Communication and Culture ¶ University of Calgary, 2005, <http://muse.jhu.edu/journals/canadian_journal_of_law_and_society/v021/21.2atkins.html>, CP

Prior to WWII, efforts to include Americans with disabilities focused on¶ ways to mobilize those individuals whose impairments could be “cured.” In¶ fact, vocational programs were only open to those whose imperfections¶ could be medically treated. The legislation privileged those who were white,¶ male and injured as a result of workplace accidents. Women, individuals of¶ colour, the aged and those who had congenital disabilities were excluded¶ from consideration. Despite these shortcomings, the Smith-Fess Act of 1920¶ marked the beginning of American state interest in the vocational¶ rehabilitation of people with disabilities. As a result of this Act, funds were¶ set aside for programs that sought to educate, counsel and place individuals¶ who had recovered from their “handicaps.” In 1936, the Randolph-Sheppard¶ Act endeavoured to provide blind people with employment and economic¶ self-sufficiency through the provision of licences for them to operate¶ vending stalls in federal buildings. During WWII, rehabilitation expanded,¶ and in 1943, the Barden-Lafollette Act created the Office of Vocational¶ Rehabilitation which oversaw the reconditioning of the disabled population.¶ The statute meant that one no longer had to have had held a job prior to¶ becoming disabled in order to qualify for vocational rehabilitation. As well,¶ services were expanded to include those with mental and psychological¶ impairments. Nonetheless, the emphasis remained on working with those¶ who could be properly restored to society and continued to overlook¶ “incurables.”

#### Current legal practices aren’t enough to actually prevent discrimination

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

The equal access goal of the 1979 rules did not last long. In 1981,¶ American Public Transit Association (APTA) v. Lewis held that a section of the rules governing specific requirements for mass transit was be yond the scope of DOT's authority under section 504 because it mandated¶ expensive structural changes.75 The D.C. Circuit based its decision in this¶ case on Southeastern Community College v. Davis,76 the Supreme Court's¶ first decision interpreting section 504's substantive requirements. Davis¶ upheld a nursing program's rejection of an applicant with impaired hear?¶ ing, holding that section 504 does not require substantial modifications of¶ programs to accommodate people with disabilities.77¶ APTA and Davis were incorrect, however, in characterizing substantial¶ modifications for people with disabilities as burdensome affirmative steps outside the scope of a nondiscrimination requirement.78 Prejudice shapes¶ the perception that the needs of people with disabilities are "extra" needs¶ above and beyond the norm, and that meeting these needs is a form of¶ preferential treatment. Instead, major changes may be necessary to correct¶ the history of exclusion of people with disabilities from many benefits¶ generally available to nondisabled people.79 For years, people with disabilities have paid taxes that have funded public transportation programs¶ designed exclusively for nondisabled people.80 Professor MacKinnon de?¶ scribes American society as an affirmative action plan for white men; society could similarly be described as an affirmative action plan for able bodied¶ people. Without an understanding that inaccessible transportation¶ is a matter of prejudice, not just natural differences, however, lawmakers¶ are not likely to favor major changes such as those imposed by the 1979¶ rules.

#### Law relies on the medical model

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

As Wasserman points out, the issue of disability rights raises two central problems. First, as noted above, the problem is deciding among competing claims for the redistribution of resources. The second problem is the possibility that "securing the right of people with disabilities to 'live in the world' demands an indefinite commitment of resources" (Wasserman 1998:180). Even if it were possible (though I maintain it is not) to formalize a category of physical disability that did not depend on the rejected medical model but was still capable of distinguishing between socially constructed physical impairments and socially constructed poverty, the retrofitting of the public sphere to make it fully accessible to the disabled is not a one-time expenditure. Wasserman (1998: 179) quotes one judge distressed by this implication of the Rehabilitation Act of 1973:¶ What must be done to provide handicapped persons with the same right to utilize mass-transportation facilities as other persons? Does each bus have to have a special capacity? Must each seat on the bus be removable? Must the bus routes be changed to provide stops at hospitals, therapy centers, and nursing homes? Is it required that buses be able to accommodate bedridden persons?

#### The law can only replicate ableism through its policies – it codifies social choice, which can only be disadvantageous

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

In one powerful recent meditation on these issues, the philosophers Anita Silvers and David Wasserman debate how to resolve the warring tendencies of equality and liberty. Is disability rights activism a call for formal, or distributive, justice? Is its purpose to restore differential mobility to bodies unduly constrained by discriminatory practices, or does it seek to equalize mobility disparities? Silvers argues the former case, describing the Americans with Disabilities Act and similar legislation as a defense against discrimination, a case of purely civil rights. She works carefully to distinguish federal funds directed toward retrofitting the built environment from any redistribution of economic resources:¶ To illustrate, although public transportation systems must be made accessible, the disabled are owed only that level of mobility enjoyed (or deplored) by public transportation users, not the higher level achieved by private automobile users, despite the fact that many people with disabilities cannot drive and thus do not have the mobility equivalent to nondisabled car owners. The comparatively greater inconvenience of using public transportation is visited equally upon disabled and nondisabled nondrivers. Consequently, this is not an instance of disability incurring a discriminatory lesser level of service. (Silvers 1998: 124-45) ¶ In her response to Wasserman's criticism that the ADA "leaves most disabled people with a far greater burden of mobility than other people," Silvers (1998: 257) reveals the motive behind her insistence on formal justice: "To further compensate those whose residual transportation burden is due to their impairments, but not those for whom poverty, lack of language skills, or other deficient circumstances impose a similar degree of burden, is to privilege disability over other disadvantages without justification."¶ Silvers's ability to register here a variety of disadvantages that might impair mobility is characteristic; she does not insist on formal justice because she is insensitive to economic and cultural disadvantages. But she seems unwilling or unable to imagine a class to which all of these disadvantaged citizens would belong. The problem, as she understands it, is "the wide range and frequent incidence of disadvantage that is not traceable to social choice" (Silvers 1998: 254)--that is, to discriminatory policies and practices. While Silvers admits a point that Wasserman (1998: 157 n. 23) will make much more strongly--the revealing fact that "federal legislative support for the disabled intensified during an era of pronounced [End Page 471] welfare retrenchment"--she appears unable to reconcile the model of distributive justice to her idea of liberty. For example, she even imagines a Dworkinian "slavery of the talented" visited on disabled people by the demands of distributive justice: "if both the employed mobility-impaired individual and the unemployed one need to use wheelchairs, assessing the former to pay for the latter's mobility may prevent the employed person from purchasing her own wheelchair" (Silvers 1998: 260). We are almost reminded here of John Gray's (1986: 64) classic defense of private property in the liberal state as "an institutional vehicle for decentralized decision-making." But as we reflect on the extent to which the funding of transportation options and the determination of speed limits are indeed forms of social choice, it becomes more possible than Silvers imagines to trace a wide range of disadvantages to those choices.

## Answers

### A2: Perm

#### We can’t use the government – the Supreme Court is biased

CGK Atkins, Assistant Professor & Coordinator ¶ Law and Society Program ¶ Faculty of Communication and Culture ¶ University of Calgary, 2005, <http://muse.jhu.edu/journals/canadian_journal_of_law_and_society/v021/21.2atkins.html>, CP

While the Rehabilitation Act of 1973 created an atmosphere in which disabled activists could assert their civil rights, the judiciary did not validate these claims. The Supreme Court, in particular, remained hostile to the notion that Americans with disabilities had a rightful claim to employment in accommodated workplaces. Its stance was multivalent. At one level, the court believed that disabled people could work as long as they demonstrated equal strength in qualification with their non-disabled peers. Accommodation was not a part of the picture. On another level, the court ruled that institutions were only moderately responsible for making accommodations. Moreover, the recognition of reasonable accommodations did not include recognition of the historical disadvantaging of disabled persons and thus was not viewed as a means of creating equal opportunities by the judiciary. "The Supreme Court widely viewed people with disabilities as inferior to those without them, and expressed this view by having them shoulder the initial proof in disability law. Only after disabled people demonstrated they could work were any demands placed on employers."39 For example, in a precedent setting case, the justices ruled that a disabled student was, in their opinion, unlikely to benefit from a college program and thus the college was not obliged to accommodate her.40¶ Title I of the ADA was supposed to remedy these problems by making employers unambiguously responsible for accommodating persons with disabilities. Unfortunately the reality has evolved in a manner far removed from the original intent of the Act. Over a decade's worth of decisions has resulted in disabled people being placed in no-win situations. The courts seem to consistently challenge plaintiffs' claims of disability. If an individual has an impairment, s/he needs to demonstrate that the impairment "substantially limits a major life activity," but not in a manner that disqualifies them for the job. Rather than relying on medical documentation—the notion of major life activity comes from occupational therapy's model of "activities of daily living," which are functional activities [End Page 99] deemed essential to all human beings—the courts have become the interpreters of what constitutes a disability.41 In Rodriguez v. Loctite Puerto Rico Inc. (1997) and Deas v. River West (1998), the rulings held that chronic diseases that fluctuate, such as epilepsy, diabetes, multiple sclerosis, and arthritis, do not constitute disabilities because they do not affect individuals' function every day, thus individuals who have chronic conditions can still perform a broad range of functions and are thereby not disabled in the eyes of the courts. Even if an impairment limits a person from working a full work week, this doesn't qualify them as having a disability.42 They do not obtain protection under Title I. In another notable decision, Sutton v. United Airlines, Inc. (1999), the Supreme Court determined that people who can mitigate their disability through medication or other means cannot qualify as disabled under the ADA.43 While other decisions exist in which the mediating or ameliorating effects of medication or therapies have not excluded applicants from Title I protection,44 the judiciary often restricts the meaning of what constitutes a disability and refuses to be necessarily guided by the Equal Employment Opportunity Commission's advise in these matters (as the drafters originally intended).45 The final death knoll to the ADA is the 2001 Supreme Court ruling, Univ. of Alabama v. Garrett, which decided that Congressional lawmakers had over-stepped their jurisdiction and the ADA could not apply to states.46 These decisions have largely eviscerated the statute.

#### Can’t perm it… they’re still treating them like a different breed of people

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By incorporating the erroneous perception that the problem is one of¶ addressing "different" needs, disability discrimination law remains con?¶ fused and only partially successful. A closer look reveals that prejudice¶ against people with disabilities is widespread. This prejudice fosters the¶ perception that the particular needs of people with disabilities are necessarily "different" and disadvantageous. By using strategies from race and¶ sex discrimination doctrine designed to address subtle prejudice and its¶ effects, disability discrimination doctrine can better ensure that federally¶ funded programs are effective for all people, not just those who are able bodied.

#### Simply putting in access for disabled people isn’t enough to solve

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In contrast to both the race and sex contexts, most courts and commentators perceive that the real physical differences related to disability are¶ frequently relevant to the ability to function in society, and that real differences, not false, prejudice-based perceptions of difference, are therefore¶ the primary cause of the relative disadvantages of people with disabilities.24 Most agree that if section 504 simply required equal treatment of people with disabilities and nondisabled people, it would fail to address¶ the particular disadvantages faced by people with disabilities.28 For example, the predominant view is that equal access to public transportation¶ does not simply mean giving people who use wheelchairs equal opportunity to use the stairs on a bus. Accordingly, courts have generally adopted¶ a "reasonable accommodation" approach to section 504.26 Reasonable accommodation goes beyond a simple equal treatment principle to require¶ changes in some practices and structures to alleviate the disadvantageous¶ effects of physical differences, but does not require accommodations that¶ impose "undue administrative and financial burdens" or that would require a "fundamental alteration in the nature of [a] program."

#### “just transportation” mandates segragation

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

What are we to do, then, in the situation that now obtains, in which the privileging of "disability" over other disadvantages threatens to become a real issue? Shall we, because cuts in public transportation would appear to dispossess equally all citizens of that mobility option, decide that it is nondiscriminatory? Or do we weigh into the equation the fact--proved in the legal case the Bus Riders Union brought against the Los Angeles Metropolitan Transportation Authority (the subject of one of the Wexler documentaries, discussed below)--that cuts in the extent and frequency of service have disproportionately negative effects on a population that can be classified not in terms of race, gender, or physical disability, but rather as transit dependent? I want to insist that the development of what might be termed, after Bullard and Johnson 1997, just transportation, entails the continued attempt to diminish disparities in relative mobility, rather than (as Silvers and others would have it) merely maintain disparities of class across disabled and nondisabled populations. Otherwise, the problem of segregation--which disability activism makes the cornerstone of the claim for redress from discrimination--will not have been fully addressed. Even Silvers (1998: 21) suggests that paratransit fails to fulfill the spirit of the ADA on these very grounds. "We should recognize," she writes, "that both public and private special services programs for people with disabilities are aimed at individuals whose participation is feared to disrupt the efficiency of our ordinary transactions."

### A2: Framework

#### Communication emphasizes certain skillsets – amplifying one voice while stifling another

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

We might clarify the issue by reference to that other hallowed freedom of democratic liberalism, freedom of speech. A prominent opponent of campaign contribution limits, citing the cost of a New York Times ad, opiness that "in a democratic republic of 260 million, amplifying one's voice is just plain expensive" (Howd 2000: 20). This suggestion that networks of mass communication work to mute the voices of many and amplify those of a few has at least the virtue of suggesting that speech is a prosthesis enabling the citizen to participate in the public sphere. By contrast, Justice John Paul Stevens's almost nostalgic (and Wordsworthian) insistence, in Nixon v. Shrink Missouri PAC (528 U.S. 377, 398 [2000]: 398) that "Money is property, it is not speech," rests on the unexamined assumption that speech is inherently democratic because it is equally distributed among bodies. But the PAC-man and the speech-impaired citizen together testify to a different actuality. Capital-intensive technologies of amplification--not only of speech, but also of mobility--have so altered social being that even the unimpaired (but also unassisted) body has the character of a disabled subject. Tribe (1988: 1305) puts the dilemma thus:¶ The very idea of articulating constitutional constraints and obligations is threatened with incoherence by the same interdependence that has made liberal individualism of Mill's variety inadequate to the contemporary task of building doctrine. For it is arguable that the more human activity and human personality are shaped by the forces and pressures of homogenization spawned by mass industry and the mass media--the forces that define the culture and constitute the economy--the less sense it makes to spin out special limits and duties for government. ¶ While we might agree with Tribe's statement of the problem, the solution is not to abandon the field of political justice, but rather to abandon liberalism's dream of the autonomous subject.