# Ableism Aff

This was a new aff we had for TOC, but never broke. It was similar to some of the other ableism affs people were reading, but implemented in Australia, not the US.

#### Background info

GFM 14 [Global Freedom Movement “Sweatshops In Australia: The Lucky Country Exposed” October 21, 2014] AT

Currently there are over 20,000 people with disability in Australia who are employed by Australian Disabilty Enterprises (ADE) previously called “Sheltered Workshops”. The majority of these people do not receive equal pay for work of equal value, or have access to the same industrial protections as workers without disability doing the same job at the same statutory pay grade (‘Award’). This is because they are subject to the Business Services Wage Assessment Tool (BSWAT) that unfairly discounts their wages. The BSWAT mainly affects employees with intellectual disability who make up over 75% of the ADE workforce.

# 1AC/Substance Frontline

## Australia Aff

### Harms

#### Contention 1 is SEPARATE but NOT EQUAL

#### Despite the declaration of productivity scaling as discriminatory and illegal, Australia continues to exclude disabled people from minimum wage laws, relegating disabled people to positions of inferiority – lower minimum wages constitute a new system of segregation

GFM 14 [Global Freedom Movement “Sweatshops In Australia: The Lucky Country Exposed” October 21, 2014] AT

We were utterly shocked when we read this information, initially posted on The Stringer. As people committed to consciously purchasing and supporting products with a minimal impact on our planet and its people, we are disgusted to discover that not only is slavery a very real occurrence in modern Australia, but also that those being highly exploited are our most vulnerable. We had no idea that there was such a thing as sweatshops (dubbed “sheltered workshops”) in Australia, but what is particularly offensive is their disingenuous and specious (at best) claim to “assist those with disabilities”, by paying them slave wages of a mere $2.50 an hour. Disgusting. On 5 September 2013 the Australian Human Rights Commission received an application for a temporary exemption from the Disability Discrimination Act 1992 from the Commonwealth. The application sought a three year exemption under the Disability Discrimination Act for the Business Services Wage Assessment Tool (BSWAT). The application was also made on behalf of all the Australian Disability Enterprises (ADEs) who use the BSWAT. On the 29th April, the Australian Human Rights Commission granted the Department of Social Services (DSS) a temporary exemption from the operation of sections 15, 24 and 29 of the Disability Discrimination Act to allow the payment of wages to ADE employees, based on assessments already conducted with the BSWAT, for a period of 12 months, subject to conditions. We are of the opinion that any application to “suspend” an Act put in place for the specific purpose of upholding and protecting basic human rights is deplorable and inexcusable. It reeks of “The Intervention” yet again. We used to call them sheltered workshops. That’s a thing of the past – they’re now branded as ‘Australian Disability Enterprises’, places where people with disability are routinely placed and where you can earn as little as $1.79 an hour. A kinder term, but ‘lipstick on a pig’ in the eyes of many. Workers are scaled by ‘productivity scaling’ – despite the fact that the government’s own productivity scaling tool (BSWAT) was declared discriminatory and illegal last year, productivity scaling in different forms continues in sheltered workshops around Australia. Sheltered workshops using the BSWAT tool have three years to stop using it, but their employees, or ‘participants’, are routinely paid far below the minimum wage. That’s the picture in Australia, not in countries like the UK. In England, a social enterprise approach is used, where the organisation trades in the market and takes on a degree of business risk, as well as receiving a subsidy in compensation for possible reduced productivity of disadvantaged workers in order to allow it to compete on a level playing field with conventional organisations. Workers are paid the minimum legal wage, £6.50 ($11.80 AUD). But a scandal hit the UK yesterday, where a welfare reform minister offered a ‘full and unreserved apology’ after information was leaked that he told a conference that some disabled people were ‘not worth’ the minimum wage. He faced immediate censure from charities, disabled persons groups and the Prime Minister and offered an immediate apology. From a news report; “You make a really good point about the disabled. There is a group where actually, as you say, they’re not worth the full wage,” Freud said. “…without distorting the whole thing, which actually if someone wants to work for £2 an hour, and it’s working can we actually…” In a statement issued by the Department for Work and Pensions, Freud said: “I would like to offer a full and unreserved apology. I was foolish to accept the premise of the question. To be clear, all disabled people should be paid at least the minimum wage, without exception, and I accept that it is offensive to suggest anything else.’ An outraged Downing Street distanced itself from the minister by saying there could be no exceptions to the minimum wage. The Prime Minister said, “Of course disabled people should be paid the minimum wage and the minimum wage under this government is going up and going up in real terms. It is now at £6.50. We will be presenting our evidence to the low pay commission, calling for another real-terms increase in the minimum wage.” Come again? A scandal because a politician holds views that people with disability should be paid under the minimum wage? But our country does that every day! Two pounds an hour – well over double what Australia legally pays people with disability working in Australian Disability Enterprises – is a cause for national outrage in Britain, but causes barely a murmur in Australia. We speak with disdain about Indian sweatshops, but buy the shoes that disabled workers have packed and paired at Kmart with nary a word. We segregate people with disability into ‘special’ employment settings and exploit them financially, with a menu of work options that generally include menial, tedious and repetitive work. And we use meaningless phrases to validate our abrogation of our responsibilities – ‘dignity of work’ to justify paying people a few dollars an hour, ‘Australian Disability Enterprise’ instead of sheltered workshop. So what does that look like for people with disability in Australia, where those with a disability earn wages equivalent to those paid in third world countries? I sat next to a man last night who struck up a conversation with me. He was intelligent, casually dressed, personable. I did not know that he had a disability until he told me. And eventually the conversation turned to his past employment, which included a stint in a sheltered workshop, being paid $2.50 per hour. “And the work,” he said. “The worst kind of work. The most boring stuff you could imagine, and people have worked there for years. No wonder they are bored and unproductive – who in the real world has the same job for forty years?” That view is reinforced by disability rights organisations, who say that packing goods, pairing shoes and sorting recycled clothes for decades in an ADE is isolating, financially exploitative and does not allow people to be able to progress in employment in the same way others do. Samuel R. Bagenstos, the Principal Deputy Assistant Attorney General in the U.S. Department of Justice, agrees. “[W]hen individuals with disabilities spend years — indeed, decades —in congregate programs doing so-called jobs like these, yet do not learn any real vocational skills, we should not lightly conclude that it is the disability that is the problem. Rather, the programs’ failure to teach any significant, job-market-relevant skills leaves their clients stuck. As a recent review of the literature concludes, “[t]he ineffectiveness of sheltered workshops for helping individuals progress to competitive employment is well established.” A 2011 report – “Segregated and Exploited: The Failure of the Disability Service System to Provide Quality Work.” – argues that people with disability have the right to spend their lives in the most integrated setting appropriate for them as individuals and that this could just as sensibly be applied to the employment setting. A full and equal life in the community can’t be achieved without a meaningful, integrated way to spend the day. All of this means nothing without listening to the stories and understanding that this is about real life for a community of Australians, who deserve to be afforded the same basic human rights as other Australians. I hear them every day, those stories. Not just from people with disability – from their families and government and from those who run sheltered workshop operations. I can see the competing interests and the frustrations and understand the tensions. That does not abrogate our responsibility to treat people with disability as equal citizens with workers’ rights. Is it possible, shutting sheltered workshops and moving people to integrated employment within the general workforce? Without a doubt. In the US state of Vermont, a quiet revolution has been taking place. The abolition of sheltered workshops has seen more than a third of Vermont’s disabled citizens employed, with average pay rates more than $2 above the federal minimum wage. All that is needed is a change in attitude and a collective will to make it work. At the heart of it all lies the great dilemma – that treating people as second, or third, or fourth class citizens suits our agenda. We do not have to pay for people’s disability care and support when they are at ‘work’, and it is easier to segregate and isolate and exploit people than to change cultures and environments so that people can enter mainstream, competitive employment. They are out of the way, and happy – they love their ‘mates’, they’ve worked alongside them for twenty or thirty or forty years. And at the end of the day – our shoes are cheaper when we buy them from Kmart. People with Disability Australia (PWDA) are running a wage justice campaign around this topic. PWDA believe that people with disability, irrespective of age, gender, cultural or linguistic background, religious beliefs, geographic location, sexuality, or the nature, origin, or degree of disability: have a right to life and to bodily integrity; are entitled to a decent standard of living, an adequate income and to lead active and satisfying lives; are people first, with human, legal, and service user rights that must be recognised and respected; are entitled to the full enjoyment of our citizenship rights and responsibilities; are entitled to live free from prejudice, discrimination and vilification; are entitled to social support and adjustments as a right and not as the result of pity, charity or the exercise of social control; contribute substantially to the intellectual, cultural, economic and social diversity and well-being of our community; possess many skills and abilities, and have enormous potential for life-long growth and development; are entitled to live in, and be a part of, the diversity of the community; have the right to participate in the formulation of those policies and programs that affect our lives; and must be empowered to exercise our rights and responsibilities, without fear of retribution.

#### Sub-minimum wages assume disabled people are INHERENTLY LESS CAPABLE of meaningful work than able-bodied people who are produced as the norm – the paradigm of productivity excludes disabled people – a living wage is needed to confer EQUAL VALUE on disability

EFG 01 [(contibrutors include The Georgia Advocacy Office (GAO) is a non-profit corporation. Its mission is to work with and for oppressed and vulnerable individuals in Georgia who are labeled as disabled or mentally ill to secure their protection and advocacy) “The Productivity Fallacy: Why people are worth more than just how fast their hands move”] AT

It is estimated that approximately 425,000 individuals with significant disabilities are in services that use sub-minimum wage as the basis of pay in the USA. For the first time in the history of the disability field, concerted efforts are being made to remove Section 14 (c) from the FLSA. Conversely, those who favor its continued use are stating their case. What seems to be occurring is less of a debate around sub-minimum wage payments than focusing on the continued existence of the industry of organizations that use Section 14 (c) as an essential ingredient of their viability. It has been suggested that the payment of sub-minimum wages is somehow connected to the national value that, disability is a natural part of the human experience, as stated in the Americans with Disabilities Act. How can the case be made that disability is being treated as a natural part of our human experience when people with disabilities are virtually the only segment of society for whom it is legal to pay sub-minimum wages? In fact, this beautifully stated national value seems to argue strongly for the removal, not the continuation, of sub-minimum wage. At this point, only the most traditionally devalued segments of our society are allowed to receive less than minimum wage. This is especially critical in that in recent years there has been an increasing focus on the concept of asset development and access to a living wage for persons with disabilities. How can persons with significant disabilities ever be expected to build assets and earn a living wage if they must start in the hole created by sub-minimum wage? In the Americans with Disabilities Act (ADA), Congress provided that "the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals." Equality of opportunity to earn a living wage that results in economic self-sufficiency is only possible for all Americans if they are guaranteed access to at least the minimum wage as payment for their work. Another argument by those in favor of continuing Section 14 (c) is that of personal choice – persons with disabilities should have the right to choose to be employed in services that typically pay less than the minimum wage. However, if disability is to ever be seen as an aspect of life potentially associated with all citizens, not just an aberration associated with a small portion of society, personal choice should be over-ridden as it is for all citizens on the issue of pay. Job seekers without disabilities do not have the choice to apply for a job for pay of less than the minimum wage. There seems to be a legitimate concern voiced by the organizations that use 14 (c) as the primary basis of employee pay that its removal from FLSA would be negative, resulting in the loss of sheltered employment for many of the 425,000 individuals who are paid sub-minimum wages. This concern seems to be linked with the observation that the access to employment at regular wages offered by Customized Employment are relatively new and not widely accepted and understood by traditional providers of competitive employment services. Both of these points should signal a cautious and measured approach to any effort to remove 14 (c) from FLSA. However, these concerns should provide the framework for a long term plan to gradually reduce the use of 14 (c) as more and more individuals receive regular (possibly customized) jobs in the community rather than a rationale to keep this outmoded concept. As the arguments pro and con emerge regarding sub-minimum wage payments it seems of fundamental importance to separate the issues of pay and programmatic services. It is the position of this paper that the value of the contributions made by individuals with disabilities to employers goes far beyond how fast their hands and bodies move. By focusing on employer needs, it is possible to achieve pay at or above minimum standards for all people. The fact that thousands of sheltered workshops depend on sub-minimum wage payments is a different issue. While no one wants tens of thousands of individuals to be dumped back non-activity, sitting at home (or worse), this doesn’t have to happen. Providers of sheltered employment could embrace these new concepts and partner in a plan to gradually reduce reliance on 14 (c) as they increase customized, supported employment outcomes or, if locally desired, to recast their business model based on a minimum wage threshold for payments to individuals who choose a sheltered form of employment. At the end of the day, it all boils down to a decision as to how we wish to view the issue of disability and life. Do we see people with disabilities, including all people with the most significant disabilities, as co-workers, neighbors, friends, citizens and contributors in the regular sense, with support and accommodation as necessary, or do we see them in a special sense as individuals who are not expected to join society fully, living lives apart and different from the rest of us. The positive concept of moving beyond productivity as the primary indicator of human worth in the workplace provides a pathway to follow. Contribution can then be the basis of legitimizing typical pay in typical settings.

#### This produces disability as disqualifying defect – the view that disability is a sign of a lesser quality being – that results in VIOLENCE and SPILLS OVER to other forms of oppression

Siebers 09 [Tobin, Co-Chair of the Initiative on Disability Studies and Professor of English at the University of Michigan, October 28, “The Aesthetics of Human Disqualification, pg. 3-10/AKG]

Disqualification as a symbolic process removes individuals from the ranks of quality human beings, putting them at risk of unequal treatment, bodily harm, and death. That people may be subjected to violence if they do not achieve a prescribed level of quality is an injustice rarely questioned. In fact, even though we may redefine what we mean by quality people, for example as historical minorities are allowed to move into their ranks, we have not yet ceased to believe that nonquality human beings do exist and that they should be treated differently from people of quality. Harriet McBryde Johnson’s debate with Peter Singer provides a recent example of the widespread belief in the existence of nonquality human beings (Johnson). Johnson, a disability activist, argues that all disabled people qualify as persons who have the same rights as everyone else. Singer, a moral philosopher at Princeton University, claims to the contrary that people with certain disabilities should be euthanized, especially if they are thought to be in pain, because they do not qualify as persons. Similarly, Martha Nussbaum, the University of Chicago moral philosopher, establishes a threshold below which “a fully human life, a life worthy of human dignity,” is not possible (181). In particular, she notes that the onset of certain disabilities may reduce a person to the status of former human being: “we may say of some conditions of a being, let us say a permanent vegetative state of a (former) human being, that this just is not a human life at all” (181). Surprisingly little thought and energy have been given to disputing the belief that nonquality human beings do exist. This belief is so robust that it supports the most serious and characteristic injustices of our day. Disqualification at this moment in time justifies discrimination, servitude, imprisonment, involuntary institutionalization, euthanasia, human and civil rights violations, military intervention, compulsory sterilization, police actions, assisted suicide, capital punishment, and murder. It is my contention that disqualification finds support in the way that bodies appear and in their specific appearances—that is, disqualification is justified through the accusation of mental or physical inferiority based on aesthetic principles. Disqualification is produced by naturalizing inferiority as the justification for unequal treatment, violence, and oppression. According to Snyder and Mitchell, disability serves in the modern period as “the master trope of human disqualification.” They argue that disability represents a marker of otherness that establishes differences between human beings not as acceptable or valuable variations but as dangerous deviations. Douglas Baynton provides compelling examples from the modern era, explaining that during the late nineteenth and early twentieth centuries in the United States disability identity disqualified other identities defined by gender, race, class, and nationality. Women were deemed inferior because they were said to have mental and physical disabilities. People of color had fewer rights than other persons based on accusations of biological inferiority. Immigrants were excluded from entry into the United States when they were poor, sick, or failed standardized tests, even though the populations already living there were poor, sick, and failed standardized tests. In every case, disability identity served to justify oppression by amplifying ideas about inferiority already attached to other minority identities. Disability is the trope by which the assumed inferiority of these other minority identities achieved expression. The appearance of lesser mental and physical abilities disqualifies people as inferior and justifies their oppression. It is now possible to recognize disability as a trope used to posit the inferiority of certain minority populations, but it remains extremely difficult to understand that mental and physical markers of inferiority are also tropes placed in the service of disability oppression. Before disability can be used as a disqualifier, disability, too, has to be disqualified. Beneath the troping of blackness as inbuilt inferiority, for example, lies the troping of disability as inferior. Beneath the troping of femininity as biological deficiency lies the troping of disability as deficiency. The mental and physical properties of bodies become the natural symbols of inferiority via a process of disqualification that seems biological, not cultural—which is why disability discrimination seems to be a medical rather than a social problem. If we consider how difficult it is at this moment to disqualify people as inferior on the basis of their racial, sexual, gender, or class characteristics, we may come to recognize the ground that we must cover in the future before we experience the same difficulty disqualifying people as inferior on the basis of disability. We might also recognize the work that disability performs at present in situations where race, sexuality, gender, and class are used to disqualify people as physically or mentally inferior. Aesthetics studies the way that some bodies make other bodies feel. Bodies, minimally defined, are what appear in the world. They involve manifestations of physical appearance, whether this appearance is defined as the physical manifestation itself or as the particular appearance of a given physical manifestation. Bodies include in my definition human bodies, paintings, sculpture, buildings, the entire range of human artifacts as well as animals and objects in the natural world. Aesthetics, moreover, has always stressed that feelings produced in bodies by other bodies are involuntary, as if they represented a form of unconscious communication between bodies, a contagious possession of one body by another. Aesthetics is the domain in which the sensation of otherness is felt at its most powerful, strange, and frightening. Whether the effect is beauty and pleasure, ugliness and pain, or sublimity and terror, the emotional impact of one body on another is experienced as an assault on autonomy and a testament to the power of otherness. Aesthetics is the human science most concerned with invitations to think and feel otherwise about our own influence, interests, and imagination. Of course, when bodies produce feelings of pleasure or pain, they also invite judgments about whether they should be accepted or rejected in the human community. People thought to experience more pleasure or pain than others or to produce unusual levels of pleasure and pain in other bodies are among the bodies most discriminated against, actively excluded, and violated on the current scene, be they disabled, sexed, gendered, or racialized bodies. Disabled people, but also sex workers, gay, lesbian, bisexual, and transgendered people, and people of color, are tortured and killed because of beliefs about their relationship to pain and pleasure (Siebers 2009). This is why aesthetic disqualification is not merely a matter for art critics or museum directors but a political process of concern to us all. An understanding of aesthetics is crucial because it reveals the operative principles of disqualification used in minority oppression. Oppression is the systematic victimization of one group by another. It is a form of intergroup violence. That oppression involves “groups,” and not “individuals,” means that it concerns identities, and this means, furthermore, that oppression always focuses on how the body appears, both on how it appears as a public and physical presence and on its specific and various appearances. Oppression is justified most often by the attribution of natural inferiority—what some call “in-built” or “biological” inferiority. Natural inferiority is always somatic, focusing on the mental and physical features of the group, and it figures as disability. The prototype of biological inferiority is disability. The representation of inferiority always comes back to the appearance of the body and the way the body makes other bodies feel. This is why the study of oppression requires an understanding of aesthetics—not only because oppression uses aesthetic judgments for its violence but also because the signposts of how oppression works are visible in the history of art, where aesthetic judgments about the creation and appreciation of bodies are openly discussed. One additional thought must be noted before I treat some analytic examples from the historical record. First, despite my statement that disability now serves as the master trope of human disqualification, it is not a matter of reducing other minority identities to disability identity. Rather, it is a matter of understanding the work done by disability in oppressive systems. In disability oppression, the physical and mental properties of the body are socially constructed as disqualifying defects, but this specific type of social construction happens to be integral at the present moment to the symbolic requirements of oppression in general. In every oppressive system of our day, I want to claim, the oppressed identity is represented in some way as disabled, and although it is hard to understand, the same process obtains when disability is the oppressed identity. “Racism” disqualifies on the basis of race, providing justification for the inferiority of certain skin colors, bloodlines, and physical features. “Sexism” disqualifies on the basis of sex/gender as a direct representation of mental and physical inferiority. “Classism” disqualifies on the basis of family lineage and socioeconomic power as proof of inferior genealogical status. “Ableism” disqualifies on the basis of mental and physical differences, first selecting and then stigmatizing them as disabilities. The oppressive system occults in each case the fact that the disqualified identity is socially constructed, a mere convention, representing signs of incompetence, weakness, or inferiority as undeniable facts of nature. As racism, sexism, and classism fall away slowly as justifications for human inferiority—and the critiques of these prejudices prove powerful examples of how to fight oppression—the prejudice against disability remains in full force, providing seemingly credible reasons for the belief in human inferiority and the oppressive systems built upon it. This usage will continue, I expect, until we reach a historical moment when we know as much about the social construction of disability as we now know about the social construction of race, class, gender, and sexuality. Disability represents at this moment in time the final frontier of justifiable human inferiority.

#### Equal economic justice is key to disability justice – status quo sees disabled people as less valuable

Brown 14 [(Lydia, autistic woman, experience in grassroots organizing, public policy advocacy, and outreach on disability rights issues) “Can we end subminimum wage for people with disabilities?” 07 FEBRUARY 2014]

Achieving economic justice is critical for achieving disability justice. When companies contracted to the federal government are legally permitted to engage in wage discrimination by paying disabled workers less than the minimum wage, this sends a strong message that the labor of disabled people is considered to be less valuable than the labor of non-disabled people. Since the de-institutionalization movement, more and more disabled people have been able to find work in the community, yet many of us still struggle with unemployment. We should not face the prospect of having to choose between unemployment and jobs where we will earn a mere pittance—sometimes, less than one dollar an hour—on the fundamentally inaccurate and prejudiced presumption that disabled status somehow renders the work of a disabled person lesser and less valuable.

### Econ Adv

#### Contention 2 is MAKING A LIVING

#### Economic disadvantages disproportionately affect disabled workers

Vallas 15 [Rebecca Vallas is the Director of Policy for the Poverty to Prosperity Program at the Center for American Progress. Shawn Fremstad is a Senior Fellow at the Center and a senior research associate at the Center for Economic and Policy Research. Lisa Ekman is the director of fed- eral policy at Health & Disability Advocates. “A Fair Shot for Workers with Disabilities.” Center for American Progress. 1/28/15] AJ

The poverty rate for working-age adults with disabilities is nearly three times higher than that of working-age adults without disabilities. In 2013, the poverty rate for people ages 18 to 59 with work-limiting disabilities was 34.5 percent compared with 12.2 percent for those in the same age group without disabilities.16 Large disparities persist when comparing part-time and full-time workers with and with- out disabilities. In 2013, 21.7 percent of part-time workers with disabilities were poor compared with 16.7 percent of part-time workers without disabilities.17 For full-time workers with disabilities, 8.9 percent had incomes at or below the poverty line in 2013, nearly twice the rate—5.2 percent—of full-time workers without disabilities.18 People with disabilities are also much more likely to be economically insecure. In 2013, 61.2 percent of working-age adults with disabilities had incomes below 200 percent of the federal poverty line compared with 28.8 percent of working-age adults without disabilities.19 And rates of economic insecurity are much higher for both part-time and full-time workers with disabilities than for their counterparts without disabilities: 47.1 percent of part-time workers with disabilities and 37.7 percent of full-time workers with disabilities had incomes below twice the poverty line in 2013, compared with 26.8 percent of part-time workers without disabilities and 18.7 percent of full-time workers without disabilities.20 Furthermore, recent research finds that half of all working-age adults who experience at least one year of poverty have a disability, and nearly two-thirds of those experienc- ing longer-term poverty have a disability.21 In addition to income poverty, people with disabilities are also nearly twice as likely to lack even modest precautionary savings in case of an unexpected expense or other financial shock. According to analysis by the National Disability Institute of the 2012 Financial Industry Regulatory Authority, or FINRA, National Financial Capability Study, fully 70 percent of individuals with disabilities reported that they certainly or probably could not come up with $2,000 to meet an unexpected expense, compared with 37 percent of individuals without disabilities.22 Individuals with disabilities are also much more likely to be unemployed. The Bureau of Labor Statistics, or BLS, put the unemployment rate for working-age individuals with disabilities at 12.4 percent in the third quarter of 2014—twice the rate of working- age individuals without disabilities.23 Additionally, the labor-force participation rate for working-age people with disabilities is substantially lower than for people without disabilities: In 2013, the rate was 31.1 percent for people with disabilities ages 25 to 64 compared with 81.3 percent for those without disabilities.24 Moreover, people with disabilities who are employed may earn less than their nondis- abled counterparts. Recent research by Michelle Yin and others documents a stark pay gap between disabled and nondisabled workers: For every dollar paid to workers with- out disabilities, those with disabilities earn just 63 cents on average.25 What’s more, people with disabilities are much more likely to experience material hardships—such as food insecurity; inability to pay rent, mortgage, and utilities; or not being able to afford needed medical care—than people without disabilities at the same income levels.26 Of working-age adults with incomes under 200 percent of the federal poverty line who experience material hardships, roughly half have a disability.27 Barriers to employment and economic security Workers with disabilities face elevated rates of unemployment and economic insecurity for a number of reasons. Despite the progress made through civil rights legislation such as the ADA, myths and stereotypes persist, and many employers remain reluctant to hire people with disabilities—a challenge not easily solved. Yet other barriers faced by people with disabilities can be more readily addressed through public policies. Added costs of living with a disability Living with a disability comes with additional, often significant costs, many of which may not be covered by health insurance.28 Expenses such as home modifications, personal attendant care, adaptive equipment for the home and car, assistive technology for communication and other purposes, special clothing and shoes—which may also wear out faster due to braces or particular walking patterns—and food for special diets are but a few examples. A report released in 2014 by the U.S. Senate Committee on Health, Education, Labor and Pensions, or HELP—then chaired by Sen. Tom Harkin (D-IA)—documents how these additional costs can act as barriers to employment and economic security.29 For example, Toya, a woman in her 30s living with cerebral palsy who was interviewed for the report, describes needing to buy new shoes each month because of her walking pattern.30 Another woman with a physical disability talks about the need to purchase “special clothes because of my body distortions ... and lots of day-to-day adaptive equipment that insurance doesn’t cover.”31

#### Only a living wage can allow disabled people to become independent of government support – the status quo traps disabled people in poverty

NDRN 11 [(National Disability Rights Network (NDRN), is the nonprofit membership organization for the Protection and Advocacy (P&A) system and Client Assistance Program (CAP). The P&A/CAP network was established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education) “The Failure of the Disability Service System to Provide Quality Work”] AT

The lack of a true minimum wage for many workers with disabilities keeps them in a life of perpetual poverty. It leaves them dependent on family or government programs just to meet their basic needs of food, shelter, and medical care. It denies them the opportunity to take advantage of the pleasures—continuing education, vacations, restaurants, and hobbies—that many people take for granted. It prevents them from achieving true independence. Worse, once in this system, it’s almost impossible for workers with disabilities to get out. They become trapped in a vicious cycle. Due to an exception in labor laws discussed earlier, workshops can pay less than minimum wage to people with disabilities.67 This forces them to continue to rely on federal benefits such as SSI and Medicaid which themselves require recipients to be poor. This circular system is responsible for creating a class of citizens permanently dependent on public benefits and subsidies because their employers pay less than the minimum wage and provide no benefits. Earning at least the minimum wage, if not a living wage, would allow workers with disabilities to support themselves and reduce the amount of aid they receive from government sources. The majority of workers in sheltered workshops that are paid less than the minimum wage receive incredibly low pay. According to a 2008 study of 291 individuals with disabilities from 40 sheltered workshops, the average hourly earnings were $2.30 and average monthly earnings were $175.69.68 A recent University of Indiana study indicated that, in May 2009, people in sheltered workshops in Indiana earned an average of $1.59 per hour.69 Additionally, employees who receive housing, food or transportation from their employers often find fees for these services deducted from their weekly wages—leaving them even less money for necessities. And even worse, at some sheltered workshops, employers serve as the Representative Payee of their employees’ Social Security benefits, giving them even more control over the finances of their employees. Conversely, people with disabilities in competitive employment earn much more. The 2008 study followed the 291 individuals as they moved from sheltered employment into supported employment, and found that their average hourly earnings increased to $5.75, with average monthly earnings of $456—more than twice what they earned in the sheltered workshops.70 Another report titled, ―Sheltered vs. Supported Employment,‖ found workers with disabilities in traditional jobs paired with support services earn two to three times more than their counterparts in sheltered work. A worker making just the minimum wage would earn $270 each week compared to the $100 that a sheltered worker would make working full time at $2.50 an hour.71 Hypothetically, if a sheltered workshop did pay the minimum wage, you would expect a worker with a disability to earn a decent living in this situation. This is not the case. Yet another characteristic of sheltered work prevents workers from ever escaping a life of poverty. Sheltered workshops survive on contract and piece work. They, however, do not secure the number of necessary contracts needed to run the workshop at full capacity resulting in substantial down-time and periods of inactivity. Some of these hours are supposed to be spent improving skills, the reality of life in a sheltered workshop consists of sitting around idle waiting for the next contract or order to come in. Most workers in sheltered workshops work less than part-time. Some work just a few hours a week. The GAO found that 86% of workers being paid less than the minimum wage were also working part-time.72 Further, with no opportunity to work full time for people who want to, nor any opportunities to advance internally through regular raises or promotion, workers with disabilities are left with nothing but the fear, stress, depression and despair that comes with poverty.

### Solvency

#### Plan text – Resolved: The Commonwealth of Australia and the Government of New Zealand should require all employers to pay their employees a living wage, indexed to regional variations in the cost of living, regardless of productivity scaling.

#### UK proves – the plan tackles discrimination and increases income

Burchardt 03 [(Tania Burchardt and Abigail McKnight ESRC Centre for Analysis of Social Exclusion London School of Economics) “Disability and the National Minimum Wage: A Special Case?” April 2003] AT

Exempting disabled employees from the NMW would be likely to increase discrimination against disabled people by giving a clear signal to employers and others that disabled workers can be treated less favourably. This is in direct opposition to the Disability Discrimination Act. The vast majority of disabled employees earning less than the NMW before it was introduced did not lose their jobs following its introduction (if there was an effect it was very small). The NMW, therefore, led to an increase in the wage of these low paid disabled employees, and increase in their earnings and, depending on the interaction with any benefit/tax credit receipt, an increase in their net income.

#### Low paid work undervalues disabled people – full employment that truly values disabled people is feasible

Smerdon 14 [(Xavier Smerdon, Nonprofit Organization Management at Pro Bono Australia) Aussie Employers Urged to Lift Disability Wages” Pro Bono Australia Dec 1, 2014] AT

“All it will take is one in 100, just 1 per cent, of Australia’s businesses to provide proper waged jobs to the 20,000 Australians living with disability currently disadvantaged in very low paid sheltered workshops,” Williams said. Williams said it would be wrong to conclude the Senate’s decision will lead to thousands of people being stuck at home with nothing to do because of the consequential demise of Australian Disability Enterprise model. “I don’t think it would be fair to scare people like that because it’s not true; fear should not be the reason to keep these sheltered workshops going. This is about replacing the ADE model with a more effective mechanism,” he said. “Though well-intentioned, ADEs can be harmful to a person’s life chances because that person can get trapped into a cycle of very low paid work that dramatically undervalues their potential contribution to Australia’s economy and society.” Williams said there were two main problems; first that ADEs pay very low wages. “It is a reasonable hope and expectation that every adult Australian can find their way to employment where a fair wage then funds their life choices. But this simply doesn’t happen for many Australian adults living with disability,” he said. “I have seen many people living with disability become trapped in ADEs their entire adult working lives, earning maybe three or four dollars an hour, and never having a proper opportunity for a fair living wage and the life choices this can fund.” He said the second problem was about workplace diversity, because a person living with disability working at an ADE will generally only be working alongside other people living with disability on the same low rates. “This is a multi-million dollar industry that routinely puts people living with disability into groups where, apart from other workers living with disability, the main people in their working lives are those paid to be with them,” Williams said. “Most working Australians are in workplaces that give much stronger opportunities for broader social connection and belonging, and this brings the possibility of a much richer life. “In the Australian economy there are over two million trading entities. If just one in every hundred of these businesses – that’s just one percent – were to offer one fair-waged job to a person living with disability currently at an ADE, that would result if 20,000 job opportunities and we would no longer need ADEs. “That’s all it would take – one job for every one hundred Australian businesses.” Meanwhile the Abbott Government was spruiking that Disability Employment Services (DES) providers would be able to directly offer the Restart wage subsidy for mature-age workers to the employers they deal with from 7 December onwards. “More than 500 job seekers aged 50 or older have signed up to Restart since its inception across Australia on 1 July this year, which is a terrific result,” Minister for Employment Senator Eric Abetz. “The programme provides employers with up to $10,000 (GST inclusive) if they hire an eligible 50-plus job seeker and retain that person for two years. “The Australian Government believes that mature-age workers – including those with disability – have an enormous amount to offer, so we’re doing all we can to encourage employers to give those people a go. “The change we’re announcing today allows job seekers and employers to apply for the Restart programme through the employment service providers with whom they have already built up strong links.”

#### The plan transitions to a model of customized employment that breaks out of the model of productivity and allows all individuals to contribute, regardless of disability

EFG 1 [(contibrutors include The Georgia Advocacy Office (GAO) is a non-profit corporation. Its mission is to work with and for oppressed and vulnerable individuals in Georgia who are labeled as disabled or mentally ill to secure their protection and advocacy) “The Productivity Fallacy: Why people are worth more than just how fast their hands move”] AT

When Congress passed the sub-minimum wage components of the Fair Labor Standards Act (FLSA) of 1938 [Section 14 (c)], it is clear the intention was to assure that workers who were not able to meet employer productivity standards, because of the impact of disability on work performance, would not be excluded from earning a wage. Unfortunately, the consequences of this well-intended legislation have been far more negative than positive in the 71 years since its passage. From its onset, the provision was based on an outmoded concept that the FLSA sought to replace – reliance on an absolute connection between pay and productivity. In the years prior to the FLSA, employers were free to connect pay and productivity in a way that too often placed productivity targets far outside the reach of even the most ardent efforts by workers. Theoretically, one could make a decent wage if one’s production was high enough, but workers wore themselves out trying to meet impossibly high standards. Congress sought to remedy this through the FLSA by establishing a minimum wage for most workers. Of course employers could still set production standards and even offer incentives for increased productivity but, at the end of the day, employees could expect to receive at least the minimum wage for their hours worked. But what happens when disability affects productivity? Congress chose to use a strategy common in the Industrial Revolution to address this issue – to pay workers only what they produced. On one hand, Section 14 (c) might have resulted in the integration of hundreds of thousands of workers with disabilities making less than minimum wage working alongside workers earning full minimum or commensurate wage. This outcome would be less than acceptable, but at least those workers would be integrated in typical workplaces. But instead of the impact being individually focused, the sub-minimum wage provisions of FLSA have resulted in the development and growth of a “separate but equal” industry of alternative employers whose business it is to employ individuals with disabilities and to use Section 14 (c) as the centerpiece of their business model. Today 95% of all sub-minimum wage certificates are held by human service organizations. By their own admission, the only way these organizations can remain viable is to link pay with worker productivity. Both sides agree that there are individuals who, as a result of the significance of their disability, will not meet productivity standards regardless of training, matching or assistive technology. But how can those individuals ever expect to earn at least the minimum wage and to work in regular community workplaces if the only indicator of contribution is the speed of their productivity? At least one answer to this dilemma is to confront the presumption that pay and productivity are inextricably linked. While it is important to say that productivity is of critical importance to business and that every reasonable effort should be made to assist individuals with significant disabilities to enhance their productivity, there is an alternative construction to resolve this dilemma -- that of contribution. The concept of contribution offers a richer and broader perspective to solve the equation of employee pay than a sole reliance on productivity. Of course one aspect of employee contribution is productivity but it is of critical importance to understand that employers do not use the productivity yardstick to gauge all facets of employee contribution in typical workplaces. Indeed, many tasks performed in the workplace are simply accomplished episodically, once a week, every other day, or once or twice a day. Yet others are performed in a manner that counting productivity is neither economically or logistically feasible. What matters most in those cases is that the task gets done and gets done correctly. The concept of pay for productivity used by Congress for sub-minimum wage is based on the strictest interpretation of employer expectations. Employers always expect, rhetorically at least, high productivity from employees and compensate them at a reasonable rate less than the value of the productivity. It is true that unless the value of the employees’ productivity exceeds pay offered, a for-profit entity cannot stay in business for long. Even non-profit and governmental entities must strike a balance, theoretically, between pay and productivity to remain viable and successful. The traditional formula has been that employee pay must be equal to or less than the employer’s productivity demands. However, this tight formulization does not take into consideration that, beyond the demand for productivity, businesses have needs. The concept of adding value by meeting business needs allows for a focus on those aspects of a business that bring added value to the workplace. When the value equation shifts from meeting demands to meeting needs, pay at or above the minimum wage becomes possible. The most common way to add value to a business, beyond typical productivity, is to meet unmet needs. The concept of unmet needs refers to a host of workplace tasks that need to be performed, theoretically at least, but that, in actuality, are not being performed. By targeting unmet business needs as an organizing concept, individuals with disabilities who have specific contributions to offer can move beyond the demands associated with productivity standards. Since 2001, the Office of Disability Employment Policy (ODEP) of the US Department of Labor has been promoting this strategy through its initiative on Customized Employment. Through a series of nearly 40 multi-year implementation projects, the Customized Employment (CE) Initiative has set pay of at least the minimum wage as the threshold for a successful job. This initiative has shown that the contribution of meeting an unmet need is valued differently by many employers than that of the original task that was not performed. In other words, CE provides a strategy to broaden the pay for productivity equation to an enhanced, pay for contribution equation. Beyond addressing unmet needs, customized employment allows for additional strategies to unbundle the demand of employers. For instance, many employers assign episodic duties to highly paid employees that could easily be performed by workers at a much lower (though at or above minimum wage) pay grade. It has been demonstrated clearly from the days of Marc Gold’s ground-breaking research to the present-day examples of individuals in customized, supported employment that individuals with even the most significant disabilities have discrete contributions to offer to employers if the demand of pre-set productivity standards is not present. Gold found it was possible to teach virtually any individual, regardless of severity of intellectual disability, to perform tasks in a quality manner. This finding fits perfectly with the concept of customized employment that allows a business-friendly strategy to remove the barrier of productivity. Another perspective regarding the presumed need for sub-minimum wage pay is that individual performance is neither a static nor a general concept. A colleague from the University of Massachusetts, John Butterworth, notes the following: The regulations regarding sub-minimum wage clearly indicate that it is intended to be contextual in nature, and that even if an individual is paid sub-minimum wage for a particular type of job at a particular time there should be no assumption that the individual is incapable of earning minimum wage or higher in a different position, or in the same position, with the benefit of experience. In practice, it appears that the contextual nature of sub-minimum wage has often been ignored. Anecdotal evidence and observation indicate that when an individual is incapable of working at a rate to meet the requirements of the prevailing wage for a certain position, this is often used as evidence by service providers that the individual is incapable of working in the community at minimum wage or higher.

### Framing

#### The liberal subject constituted by the traditional ethics is assumed to be able-bodied – a focus on disabled people is key

Breckenridge 1 (Carol Appadurai and Candace A Volger, “The Critical Limits of Embodiment: Disability's Criticism”, Public Culture, Volume 13, Number 3, Fall 2011)

Disability studies teaches that an assumed able body is crucial to the smooth operation of traditional theories of democracy, citizenship, subjectivity, beauty, and capital. By assuming that the normative human is an able-bodied adult, for example, liberal theory can conflate political or economic interests with desires, political representation with having a voice in policy-making, social organization with voluntary association, and so on. Liberal theory naturalizes the political by making it personal. And the “person” at the center of the traditional liberal theory is not simply an individual locus of subjectivity (however psychologically fragmented, incoherent, or troubled). He is an able-bodied locus of subjectivity, one whose unskilled labor may be substituted freely for the labor of other such individuals, one who can imagine himself largely self-sufficient because almost everything conspires to help him take his enabling body for granted (even when he is scrambling for the means of subsistence). However, the mere possibility of a severely cognitively disabled adult citizen disrupts the liberal equations of representation and voice, desire and interest. Advocacy for the severely cognitively disabled is not a matter of voicing their demands. More generally, the intricate practical dialectics of dependence and independence in the lives of many disabled people unsettle ideals of social organization as freely chosen expressions of mutual desire.

#### Public policy often reproduces values like productivity that constrain and exclude disabled people – if society ignores the needs of disabled people, they cannot be truly free – it’s important to consider the values embedded in our policies to resist hegemonic categories of disability

Imrie 14 [Rob, Professor of Sociology at Goldsmiths University of London, May, “Space, Place And Policy Regimes: The Changing Contours Of Disability And Citizenship,” *Disability, Spaces and Places of Policy Exclusion*, pg. 25-7/AKG]

Harvey (2008:38) observes that the right to the city is increasingly the preserve of private interests, characterised by elite groups controlling who can gain access to, and consume, different parts of the urban environment. Public policy is entwined with the (re-)production of elite spaces, or places that reflect the primacy of market values, and the commodification of the public realm. Such commodification extends to the valuation of the body, and the interplay between bodily aesthetics, corporeal performance and processes of inclusion or exclusion from public goods, services and spaces. The embodied nature of the consumer, for consumer is what people are regarded as, is based on a reductive understanding of the body that fails to recognise, in any significant sense, corporeal complexity and the omnipresence of impairment in society. Spaces, and the places that ensue, are vested with disabling values, and shaped by processes of disablement that, far from freeing up disabled people, require them to conform in ways that constrain rather than enable them. This feels a long way from liberal ideals of freedom and, for many disabled people, being required to ‘self-activate’, and take responsibility for the limitations imposed by impairment is the reality of emergent neo-liberalising policy regimes. From housing to transport and urban public space, policy reflects a (re-)conceptualisation of the citizen that is shifting from what Kumar (2012:363) describes as collective-based understandings of citizenship to more individual ones. This revolves around the marketisation of everyday life, in which the facilitation of freedom requires one to gain access to, and participate in, the market, while, simultaneously, freeing oneself from the shackles of the state. The difficulty for many disabled people is at least twofold, one, that their participation in markets requires a ‘market presence’, including access to jobs, money and resources, which many do not have, and, two, in a world where impaired bodies are devalued, or nonrecognised, it is unclear how disabled people can be rendered ‘free’. This is compounded by the embedded nature of disabling discourse that fails to recognise the intrinsic nature of impairment in society, and that operates with a reductive logic that measures bodily capacity, hence capability, through the lens of economic criteria, such as performance, productivity and efficiency. The elision between impairment and pejorative representations of the body, relating to lack of capacity, inefficiency and non-productivity, is part of socio-cultural conditioning of/about corporeality that constrains the nature of market provision or, at least, does not encourage responsiveness to the needs of disabled people. For many providers of goods and services, disability is an irrelevant category, and disabled people do not, in their views, constitute the basis of/for a market. It is rare to find, for instance, house-builders that have knowledge of impairment, or are likely to design a dwelling to incorporate the micro-designed features to enable ease of use by people with different types of mobility and sensory impairments. This returns to the focus of the chapter, and the book, that is, disabling spatialities and the role of policy regimes in the (re-)production of disablism in society. Why is disabling discourse with(-in) spatial practice so resistant to change? In spatial practice, such as architecture and planning, disability is underpinned by a spatial logic of separation that is rarely a focus of a body politics or a progressive politics of well-being. For Lefebvre ( 1991 ), and others, the consequential socio-spatial marginality of particular groups, such as disabled people, needs to be described, documented and politicised as part of the rights of citizens to exercise autonomy, and to be empowered not only to imagine the possibilities of alternative, counter-mainstream, spatialities, but to enact them by being able to access, and influence, the means by which spatial relations are conceived, conceptualised and translated into place-based experiences. The realisability of a radical politics of space, in which impairment and a critique of disabling spatialities is at its heart, is not easily achievable, yet is core to the task of creating a non-disabling society. Despite much research about disability and impairment, we are still at formative stages in understanding the complexities of disabling socio-spatial formations. There are some instructive works for guidance, including Emery ( 2009 ) who outlines how Deaf communities draw attention to the phonocentric nature of citizenship that assumes that hearing is normal. In doing so, they highlight how spaces are socially constructed around ‘hearing places’ that exclude those that do not hear. Likewise, vision impaired groups have described, in the case of shared space, and other places, the dominance of visuality in shaping spatial relations (Guide Dogs for the Blind Association, 2006 ). Documentation of such experiences is important to show how impairment interacts with(-in) socially constructed spaces as part of disablement in society. In and of itself, such documentation of hegemonic spaces, and their crafting around the ‘body normal’, is insufficient, and a politics of disablement must, simultaneously, be a politics of space that has regard to the different ways in which disablism is manifest in and through place. This politics is necessarily one of resistance to hegemonic conceptions, representations and categories of/about disability and the body, and will assert the normalcy of impairment, or the body as a dynamic and transient subject, never fixed nor stable.

## 1AR Extensions

### Framing – A2 Libertarianism

#### Breckinridge- traditional theories assume able-bodied norm when they don’t explicitly account for the needs of disabled people.

#### A. Able-bodied people are assumed to want universal values of freedom from intervention – but in a world constructed for able bodies, some intervention is needed to ensure equal access for disabled people

#### B. Libertarianism might make sense if we can ignore disabled people – self-sufficient individuals interacted freely seem possible UNTIL we realize there are some people who can’t be totally self-sufficient

## Framework

### Silence Bad [Power]

#### Inaction on the issue of disability only reinforces disciplinary silences that prop up ableism – action is needed

Power 1 [Marcus Power, Lecturer in Human geography at the University of Durham, Fall 2001]

The complex relationships between space and disability have received increasing attention in recent years as it is become necessary to explore how social and spatial processes can be used to disable rather than enable people with physical disabilities. Brendan Gleeson talks about the `long disciplinary silence' in Geography and writes that geographers were `absent without leave' from the broader intellectual campaign around disability issues: A failure to embrace disability as a core concern can only impoverish the discipline, both theoretically and empirically. (Gleeson 1999: 1) Debates about how space informs experiences of disability have expanded considerably in the 1990s, but largely urban, Anglophone, western societies remain the predominant focus of attention. Much of this work does however highlight the heterogeneity of physical conditions and social experiences that are commonly lumped together under the disability rubric. Some researchers have criticised approaches that have avoided or understated these differences, but there is arguably also a political need for inclusive theorisations that illustrate the range of social forces that bear down upon “impaired bodies” and explore the possibility of collective responses. Gleeson (1999, 2001) has referred to the need to bring about ‘enabling environments and inclusive social spaces’. Instead, many development organisations arguably construct elaborate `landscapes of dependency'. Geographies of Disability begins by expressing the author's hope that eventually no geographer will be able to claim that disability is irrelevant to their work. As geographers interested in development, it is absolutely crucial to play our part in bringing an end to these disciplinary silences through an illustration of the discipline and power of development and dependency and by exploring the possibility of alternatives.

### Root cause [Siebers]

#### Social constructions of disability are the root cause of other forms of oppression. Challenging these assumptions is key – true politics is impossible within the paradigm of ableism – the role of the ballot is to endorse the best disability scholarship.

Siebers 10 [Tobin, Professor of English at the University of Michigan, Disability Aesthetics, pg. 58-63]

These two episodes may seem worlds apart, their resemblance superficial. The first turns on questions of aesthetic taste. The second is about political inclusion. But they express with equal power the current struggles in the United States about the ideal of a common culture. Do certain kinds of bodies have greater civil rights than others? Which is more important, the baby's body or the mother's body? Who should bear the cost to make public buildings accessible to people with disabilities? Who gets to have sex with whom? Whose bloodlines will Americans claim as their birthright? These are political questions for the simple reason that they determine who gains membership, and who does not, in the body politic, but the apparent oddity of the culture wars consists in the fact that the debates over these questions have used aesthetic rather than political arguments. The flash points in the battle are not on the senate floor or in the chambers of the powerful but in classrooms, museums, theaters, concert halls, and other places of culture. Opposing sides tend not to debate political problems directly, focusing instead on the value of reading certain books, the decency of photographs, paintings, and statues, the offensiveness of performances and gestures, the bounds of pornography, the limits of good taste. The culture wars are supposed to be more about who gets into the culture than who has culture, and yet it is difficult to raise one issue without raising the other. Aesthetics tracks the emotions that some bodies feel in the presence of other bodies, but aesthetic feelings of pleasure and disgust are difficult to separate from political feelings of acceptance and rejection. The oppression of women, gays and lesbians, people with disabilities, blacks, and other ethnic groups often takes the form of an aesthetic judgment, though a warped one, about their bodies and the emotions elicited by them. Their actions are called sick, their appearance judged obscene or disgusting, their mind depraved, their influence likened to a cancer attacking the healthy body of society. Such metaphors not only bring the idea of the disabled body to mind but represent the rejected political body as disabled in some way. The culture wars appear to be as much about the mental competence to render judgment, the capacity to taste, and the physical ability to experience sensations as about a variety of controversial judgments, tastes, and feelings. They are as much about the shapes of the individual bodies accepted or rejected by the body politic as about the imagination of a common culture. The status of disability, then, is not just one controversy among others in the American culture wars. Disability is in one way or another the key concept by which the major controversies at the heart of the culture wars are presented to the public sphere, and through which the voting public will eventually render its decisions on matters both political and aesthetic. For to listen to opposing sides, the culture wars are about nothing more or less than the collective health of the United States. The culture wars not only represent minority groups as mentally and physically disabled-and demand their exclusion from the public sphere as a result-they reject works of art that present alternatives to the able body. Only by understanding that health is the underlying theme of the culture wars may we understand that thes,e two trends are related. The most scandalous artists in recent controversies about arts funding, for example, give their works an organic dimension that alludes to bodies gone awry, and these allusions are largely responsible for their shock value. They summon an aesthetic revulsion equivalent to the disgust felt by many persons in face-to-face encounters with people with disabilities, thereby challenging the ideal of a hygienic and homogeneous community.' Karen Finley's avant-garde performances confront the audience with a spectacle of errant body fluids: spermatozoaic alfalfa sprouts and excremental chocolate ooze over her body. In one performance, Lamb of God Hotel, she plays Aggie, a woman using a wheelchair having her diaper changed. Andres Serrano's notorious Piss Christ immerses a day-glow crucifix in a vat of the artist's urine, capturing the startling contradiction of Christianity's all-too-human son of God defiled by a mortal body and its waste fluids. Other photographs by Serrano present abstract expressionist patterns composed of blood and semen, stilllifes arranged with human and animal cadavers, and mug shots of the homeless, criminal, and aged. Robert Mapplethorpe's most memorable photographs capture the homoerotic body and serve it up to a largely heterosexual population. Perhaps his most outrageous work is a self-portrait revealing a bullwhip stuck up his rectum. It summons ideas of the devil as well as S/M practices, of course, but it also presents the image a man who has grown a tail, invoking a body whose deformed shape is less or more than human. These stunning works make a contribution to the history of art by assaulting aesthetic dictates that ally beauty to harmonious form, balance, hygiene, fluidity of expression, and genius. But their shock value owes less to their quibbling with certain aesthetic principles than to the bodies and organic materials presented by them. They represent flash points in the culture wars not only because they challenge how aesthetic culture should be defined but also because they attack the body images used to determine who has the right to live in society. People with disabilities elicit feelings of discomfort, confusion, and resentment because their bodies refuse cure, defy normalization, and threaten to contaminate the rest of society. We display bodies objectionable to the body politic, disrupting the longstanding association between instances of aesthetic form and what Fredric Jameson calls the political unconscious. The political unconscious, I want to argue, enforces a mutual identification between forms of appearance, whether organic, aesthetic, or architectural, and ideal images of the body politic. It accounts for the visceral and defensive response to any body found to disturb society's established image of itself. Jameson, of course, defines the political unconscious as a collective impulse that situates the experience of the human group as the absolute horizon of all interpretation. In fact, the existence of the group is for him so much a part of human experience that he considers the consciousness of individuality itself as a symptom of estrangement from collective life. Notice, however, that the political unconscious has no content other than its ability to reference human community as a formal totality. It exists to ponder social totality, but what it refuses to ponder a vision of community as less than perfect. To conceive social totality at the level of form envisions both objects of human production and bodies as symbols of wholeness. The political unconscious establishes the principle of totality as the methodological standard of all human interpretation. It installs the image of an unbroken community as the horizon of thought, requiring that ideas of incompetent, diseased, defective, or incomplete community be viewed as signs of alienation. This means that the very idea of disability signals the triumph of fallen or defective consciousness, despite the fact that there are no real, existing communities of human beings unaffected by the presence of injury, disease, defect, and incompleteness. In short, the political unconscious is a social imaginary designed to eradicate disability. The political unconscious upholds a delicious ideal of social perfection by insisting that any public body be flawless. It also displaces manifestations of disability from collective consciousness, we will see, through concealment, cosmetic action, motivated forgetting, and rituals of sympathy and pity. Advertisements, media images, buildings, and habitats work to assert the coherence and integrity of society, while public actions like telethons and media representations of heroic cripples mollify the influence of disability. Bodies that cannot be subsumed by ritual and other public action represent a blemish on the face of society, and they must be eliminated, apparently whatever the cost. Diane DeVries provides a familiar account, unfortunately, of the political unconscious at work, of the visceral disgust and accompanying violence often directed at people with disabilities. She reveals that observers of the disabled body often feel compelled to fly into action, to cure or kill the ungainly sight before their eyes. De Vries was born with short arms, no hands, and no legs: once when I was a kid, I was in a wagon and we were in this trailer park, and some kid came up to me with a knife. He said, "Aw, you ain't got no arms, you ain't got no legs, and now you're not gonna have no head." He held me right there, by the neck, and had a little knife. It was one of those bratty kids that do weird things. (Cited by Fine and Asch 48).

### Disability Reps 1st [Berube]

#### As students participating in political debates we must put disability at the center of our discussion – what we debate about here says a lot about human conduct on a larger scale – this is central to change the way that disability is represented and conceived

Bérubé 03 (Michael, Paterno Family Professor in Literature at Pennsylvania State University, “Citizenship and Disability”, Spring)

It is striking, nonetheless, that so few leftists have understood disability in these terms. Disability is not the only area of social life in which the politics of recognition are inseparable from the politics of redistribution; other matters central to citizenship, such as immigration, reproductive rights, and criminal justice, are every bit as complex. Nonetheless, our society's representations of disability are intricately tied to, and sometimes the very basis for, our public policies for "administering" disability. And when we contemplate, in these terms, the history of people with cognitive and developmental disabilities, we find a history in which "representation" takes on a double valence: first, in that people who were deemed incapable of representing themselves were therefore represented by a socio-medical apparatus that defined—or, in a social-constructionist sense, created—the category of "feeblemindedness"; and second, in the sense that the visual and rhetorical representations of "feebleminded" persons then set the terms for public policy. One cannot plausibly narrate a comprehensive history of ideas and practices of national citizenship in the post-Civil War United States without examining public policy regarding disability, especially mental disability, all the more especially when mental disability was then mapped onto certain immigrant populations who scored poorly on intelligence tests and were thereby pseudo-scientifically linked to criminality. And what of reproductive rights? By 1927, the spurious but powerful linkages among disability, immigration, poverty, and criminality provided the Supreme Court with sufficient justification for declaring involuntary sterilization legal under the Constitution. THERE IS AN obvious reason why disability rights are so rarely thought of in terms of civil rights: disability was not covered in the Civil Rights Act of 1964. And as Anita Silvers points out, over the next twenty-five years, groups covered by civil rights law sometimes saw disability rights as a dilution of civil rights, on the grounds that people with disabilities were constitutively incompetent, whereas women and minorities faced discrimination merely on the basis of social prejudice. Silvers writes, "[t]o make disability a category that activates a heightened legal shield against exclusion, it was objected, would alter the purpose of legal protection for civil rights by transforming the goal from protecting opportunity for socially exploited people to providing assistance for naturally unfit people." The passage of the Americans with Disabilities Act (ADA) in 1990 did add disability to the list of stigmatized identities covered by antidiscrimination law, but thus far the ADA has been interpreted so narrowly, and by such a business-friendly judiciary, that employers have won over 95 percent of the suits brought under the act. Perhaps if plaintiffs with disabilities had won a greater number of cases over the past thirteen years, the conservative backlash against the ADA-currently confined to a few cranks complaining about handicapped parking spaces and a wheelchair ramp at a Florida nude beach-would be sufficiently strong as to spark a movement to repeal the law altogether. But then again, perhaps if the law were read more broadly, more Americans would realize their potential stake in it**.** In 1999, for instance, the Supreme Court ruled on three lower-court cases in which people with "easily correctable" disabilities—high blood pressure, nearsightedness—were denied employment. In three identical 7-2 decisions, the Court found that the plaintiffs had no basis for a suit under the ADA precisely because their disabilities were easily correctable. As disability activists and legal analysts quickly pointed out, this decision left these plaintiffs in the ridiculous situation of being too disabled to be hired but somehow not disabled enough to be covered by the ADA; or, to put this another way, plaintiffs' "easily correctable" disabilities were not so easily correctable as to allow them access to employment. One case involved twin sisters who were denied the opportunity to test as pilots for United Airlines on the grounds that their eyesight did not meet United's minimum vision requirement (uncorrected visual acuity of 20/100 or better without glasses or contacts) even though each sister had 20/20 vision with corrective lenses (Sutton v. United Airlines, Inc.); another involved a driver/mechanic with high blood pressure (Murphy v. United Parcel Service); the third involved a truck driver with monocular vision (20/200 in one eye) who in 1992 had received a Department of Transportation waiver of the requirement that truck drivers have distant visual acuity of 20/40 in each eye as well as distant binocular acuity of 20/40 (Albertson's, Inc. v. Kirkingburg). Because, as Silvers argues, "litigation under the ADA commonly turns on questions of classification rather than access," all three plaintiffs were determined to have no standing under the law. The question of whether any of them was justly denied employment was simply not addressed by the Court. Indeed, in writing her opinion for the majority, Justice Sandra Day O'Connor explicitly refused to consider the wider question of "access," noting that 160 million Americans would be covered by the ADA if it were construed to include people with "easily correctible" disabilities (under a "health conditions approach"), and since Congress had cited the number 43 million in enacting the law, Congress clearly could not have intended the law to be applied more widely. "Had Congress intended to include all persons with corrected physical limitations among those covered by the Act, it undoubtedly would have cited a much higher number of disabled persons in the findings," wrote O'Connor. "That it did not is evidence that the ADA's coverage is restricted to only those whose impairments are not mitigated by corrective measures." It is possible to object that O'Connor's decision was excessively literalist, and that the potential number of Americans covered by the ADA is, in any case, quite irrelevant to the question of whether a woman can fly a plane when she's got her glasses on. But I've since come to believe that the literalism of the decision is an indirect acknowledgment of how broad the issues at stake here really are. If the ADA were understood as a broad civil rights law, and if it were understood as a law that potentially pertains to the entire population of the country, then maybe disability law would be understood not as a fringe addition to civil rights law but as its very fulfillment. Rights can be created, reinterpreted, extended, and revoked. The passage of the ADA should therefore be seen as an extension of the promise of democracy, but only as a promise: any realization of the potential of the law depends on its continual reinterpretation. For the meaning of the word, just as Wittgenstein wanted us to believe (in order that we might be undeceived about how our words work), lies in its use in the language. Similarly, the Individuals with Disabilities Education Act of 1975 (originally the Education for All Handicapped Children Act) was not some kind of breakthrough discovery whereby children with disabilities were found to be rights-bearing citizens of the United States after all, and who knew that we'd had it all wrong for 199 years? On the contrary, the IDEA invented a new right for children with disabilities, the right to a "free and appropriate public education in the least restrictive environment." And yet the IDEA did not wish that right into being overnight; the key terms "appropriate" and "least restrictive" had to be interpreted time and again, over the course of fifteen years, before they were understood to authorize "full inclusion" of children with disabilities in "regular" classrooms. Nothing about the law is set in stone. The only philosophical "foundation" underlying the IDEA and its various realizations is our own collective political will, a will that is tested and tested again every time the Act comes up for reauthorization. Jamie Bérubé currently has a right to an inclusive public education, but that right is neither intrinsic nor innate. Rather, Jamie's rights were invented, and implemented slowly and with great difficulty. The recognition of his human dignity, enshrined in those rights, was invented. And by the same token, those rights, and that recognition, can be taken away. While I live, I promise myself that I will not let that happen, but I live with the knowledge that it may: to live any other way, to live as if Jamie's rights were somehow intrinsic, would be irresponsible. Of course, many of us would prefer to believe that our children have intrinsic human rights and human dignity no matter what; irrespective of any form of human social organization; regardless of whether they were born in twentieth-century Illinois or second-century Rome or seventh-century central Asia. But this is just a parent's—or a philosophical foundationalist's-wishful thinking. For what would it mean for Jamie to "possess" rights that no one on earth recognized? A fat lot of good it would do him. My argument may sound either monstrous or all too obvious: if, in fact, no one on earth recognized Jamie's human dignity, then there would in fact be no human perspective from which he would be understood to possess "intrinsic" human dignity. And then he wouldn't have it, and so much the worse for the human race. In one respect, the promise of the IDEA, like the promise of the ADA, is clear: greater inclusion of people with disabilities in the social worlds of school and work. But in another sense the promise is unspecifiable; its content is something we actually cannot know in advance. For the IDEA does not merely guarantee all children with disabilities a free appropriate public education in the least restrictive environment. Even more than this, it grants the right to education in order that persons with disabilities might make the greatest possible use of their other rights-the ones having to do with voting, or employment discrimination, or with life, liberty, and the pursuit of happiness. IDEA is thus designed to enhance the capabilities of all American children with disabilities regardless of their actual abilities-and this is why it is so profound a democratic idea. Here again I'm drawing on Nancy Fraser, whose theory of democracy involves the idea of "participatory parity," and the imperative that a democratic state should actively foster the abilities of its citizens to participate in the life of the polity as equals. Fraser's work to date has not addressed disability, but as I noted above, it should be easy to see how disability is relevant to Fraser's account of the politics of recognition and the politics of redistribution. This time, however, I want to press the point a bit harder. Fraser writes as if the promise of democracy entails the promise to enhance participatory parity among citizens, which it does, and she writes as if we knew what "participatory parity" itself means, which we don't. (This is why the promise of disability rights is unspecifiable.) LET ME EXPLAIN. First, the idea of participatory parity does double duty in Fraser's work, in the sense that it names both the state we would like to achieve and the device by which we can gauge whether we're getting there. For in order to maintain a meaningful democracy in which all citizens participate as legal and moral equals, the state needs to judge whether its policies enhance equal participation in democratic processes. Yet at the same time, the state needs to enhance equal participation among its citizens simply in order to determine what its democratic processes will be. This is not a meta-theoretical quibble. On the contrary, the point is central to the practical workings of any democratic polity. One of the tasks required of democrats is precisely this: to extend the promise of democracy to previously excluded individuals and groups some of whom might have a substantially different understanding of "participatory parity" than that held by previously dominant groups and individuals. Could anything make this clearer than the politics of disability? Imagine a building in which political philosophers are debating, in the wake of the attacks of September 11, 2001, the value and the purpose of participatory parity over against forms of authoritarianism or theocracy. Now imagine that this building has no access ramps, no Braille or large-print publications, no American Sign Language interpreters, no elevators, no special-needs paraprofessionals, no in-class aides. Contradictory as such a state of affairs may sound, it's a reasonably accurate picture of what contemporary debate over the meaning of democracy actually looks like. How can we remedy this? Only when we have fostered equal participation in debates over the ends and means of democracy can we have a truly participatory debate over what "participatory parity" itself means. That debate will be interminable in principle, since our understandings of democracy and parity are infinitely revisable, but lest we think of deliberative democracy as a forensic society dedicated to empyreal reaches of abstraction, we should remember that debates over the meaning of participatory parity set the terms for more specific debates about the varieties of human embodiment. These include debates about prenatal screening, genetic discrimination, stem-cell research, euthanasia, and, with regard to physical access, ramps, curb cuts, kneeling buses, and buildings employing what is now known as universal design. Leftists and liberals, particularly those associated with university humanities departments, are commonly charged with being moral relativists, unable or unwilling to say (even after September 11) why one society might be "better" than another. So let me be especially clear on this final point. I think there's a very good reason to extend the franchise, to widen the conversation, to democratize our debates, and to make disability central to our theories of egalitarian social justice. The reason is this: a capacious and supple sense of what it is to be human is better than a narrow and partial sense of what it is to be human, and the more participants we as a society can incorporate into the deliberation of what it means to be human, the greater the chances that that deliberation will in fact be transformative in such a way as to enhance our collective capacities to recognize each other as humans entitled to human dignity. As Jamie reminds me daily, both deliberately and unwittingly, most Americans had no idea what people with Down syndrome could achieve until we'd passed and implemented and interpreted and reinterpreted a law entitling them all to a free appropriate public education in the least restrictive environment. I can say all this without appealing to any innate justification for human dignity and human rights, and I can also say this: Without a sufficient theoretical and practical account of disability, we can have no account of democracy worthy of the name. Perhaps some of our fellow citizens with developmental disabilities would not put the argument quite this way; even though Jamie has led me to think this way, he doesn't talk the way I do. But those of us who do participate in political debates, whether about school funding in a specific district or about the theory and practice of democracy at its most abstract, have the obligation to enhance the abilities of our children and our fellow citizens with disabilities to participate in the life of the United States as political and moral equals with their nondisabled peers-both for their own good, and for the good of democracy, which is to say, for the good of all of us.

### Intent Bad [Bryan]

#### The guise of acting with good intentions while in fact doing harm to disabled people perpetuates harmful ableist norms.

Bryan 10 [(Willie, disability theorist) “Sociopolitical Aspects of Disabilities”] AT

In contrast to earlier times in history, it is not considered appropriate to speak or act negatively toward persons with disabilities. In America, as is the case in most developed countries, we have developed a paternalistic approach to inter- acting with persons with disabilities. We tend to take action we believe will protect them; this action too frequently has resulted in isolation, segregation, and denial of opportunities. To the credit of many nondisabled individuals, their intentions are not meant to be negative; however, the results tend to be negative. Most people have convinced themselves that they are doing the right thing for people who cannot adequately do for themselves. Quite often their actions represent doing what makes them feel most comfortable, thus psychologically they convince themselves that they have acted in good faith and did the most humane things that they could be expected to do. As an example, an employer contributing money to a charity drive for “the handicapped” rather than offering employment opportunities to persons with disabilities.

#### You are responsible for participation in an overarching system of ableism – good intent does not justify ableism

Sethness 13 –bracketed for ableist language Javier Sethness (Writer and rights advocate; his articles have appeared in Climate and Capitalism, Counterpunch, Dissident Voice, MRZine, Countercurrents, and Perspectives on Anarchist Theory), “The Structural Genocide That Is Capitalism”, Truthout 2013

Transitioning then to consideration of the question of whether the large number of avoidable deaths observed under conditions of capitalism should in fact be considered genocidal, Leech concedes that the UN's 1948 Convention on the Prevention and Punishment of the Crime of Genocide excludes mass death resulting from one's pertaining to a given social class as constituting genocide. However, he notes that an initial draft of the Convention from 1947 did include death or injury resulting from "lack of proper housing, clothing, food, hygiene and medical care, or excessive work or physical exertion" within the definition of genocide. Hence, while such a formulation did not appear in the final version with which we are all familiar, Leech does not accept legal positivism in this case as final; in this vein, he could have done well to have also mentioned that Raphael Lemkin, inventor of the concept of genocide, himself believed the charge should include mass murder of persons following from their belonging to particular classes. Leech nonetheless does mention that the 1998 Rome Statute defines the crime of extermination in part as "the intentional infliction of . . . deprivation of access to food and medicine calculated to bring about the destruction of part of a population," so in this sense has the weight of international law behind him. Leech's only remaining theoretical difficulty, then, is to argue that intentionality exists within the context of the perpetuation of capital-induced genocide: This proves an easy task, for the question of intent in judging capitalism is not one of examining the actions of particular persons or states (as in most traditional cases of the charge of genocide) but rather of judging the "logic" of the system as a whole. Hence, structural genocide - defined by Leech as "structural violence that intentionally inflicts on any group or collectivity conditions of life that bring about its physical destruction in whole or in part" - can be said to be an intentional outcome of adherence to norms which govern a social system that by nature "inevitably results in . . . death on a mass scale," as does capital. For Leech, the proffered defense of willful [ignorance] ~~blindness~~ - "such was not our intention," the system's managers might exclaim - is no defense at all. Or, in Jean-Paul Sartre's words: "The genocidal intent is implicit in the facts. It is not necessarily premeditated."

## Inherency FL

### A2 BSWAT Illegal

#### 1AC GFM evidence answers this – the BSWAT was declared illegal, but now businesses are using OTHER tools to flaunt Australia’s minimum wage requirements and not pay a living wage

#### Also – the BSWAT being illegal doesn’t mean it’s gone – the government is currently in violation of the Human Rights Commission ruling, and the plan would bring them in line with it

### A2 BSWAT Payment Scheme Solves

#### Doesn’t solve

PWDA 14 [(People With Disabilities Australia Incorporated, national disability rights and advocacy organisation. Our primary membership is made up of people with disability and organisations primarily constituted by people with disability) “Top 5 problems with the BSWAT Payment Scheme” April 2014] AT

What’s wrong with the BSWAT Payment Scheme? The BSWAT Payment Scheme Bill does not deliver justice for workers in ADEs who have experienced discrimination and/or lost wages as a result of having their wages assessed by the BSWAT. Will the BSWAT Payment Scheme mean that I will be paid more in the future? NO! The BSWAT Payment Scheme Bill does not put an end to the use of the BSWAT assessment tool. People will still be assessed by the BSWAT and will continue to receive sub award wages until the BSWAT system is replaced with a fair alternative. For example, a person with intellectual disability assessed by the BSWAT who earned $1.86 per hour for the last 5 years may receive a payment under the scheme, but they will continue to earn $1.86 an hour until the BSWAT is abolished. Will the BSWAT Payment Scheme mean that all people affected by the BSWAT are eligible for a payment? NO! Only people with intellectual disability will be eligible for the BSWAT Payment Scheme. There are many people without intellectual disability that have had their wages unfairly assessed using the BSWAT and these people are excluded from the scheme. For example, a person with a sensory or psychiatric disability may have been unfairly assessed using the BSWAT. This person may work at the same ADE, doing the same job, and earning the same unfair wage as a worker with intellectual disability. However, the scheme does not recognise that these other people with disability have also been treated wrongly. It is unfair and discriminatory for people without intellectual disability to be excluded from strategies intended to right the wrongs that the BSWAT created. Will the BSWAT Payment Scheme pay me all the money I am owed? NO! The BSWAT Payment Scheme will only offer an eligible person a proportion of the wages they should have been paid. They may not receive the full amount. Moreover, it will not compensate workers for the lost social and economic opportunities they experienced as a result of being paid less than they had earned. The more money a person has the more life choices they have - choices about the food, clothes and accommodation they can afford; choices about whether to save or spend money; and choices about what they do in their spare time and where they go. People with disability assessed using the BSWAT have had their life choices reduced because their incomes have been unfairly low. Will the BSWAT Payment Scheme provide compensation for the discrimination I experienced because I am a person with disability? NO! The Payment Scheme will only give money to an eligible person if they give up their legal rights to complain about how they have been treated. In December 2012 the Federal High Court of Australia said that the BSWAT tool was unlawful because was discriminatory. People with disability have a right to a remedy for this discrimination, and a right to ask a court to decide how much compensation they should receive for being treated unfairly by the government and their employers. However, if a person accepts a payment under the scheme, it means that the government does not have to apologise for the discrimination that they have allowed to happen, or to make up for the harm that it has caused.

#### Hasn’t passed yet

Taylor 15 [“Abbott government likely to ask for deadline extension on disability wage” The Guardian Australia, March 25, 2015] AT

The bill implementing the back pay deal – the Business Services Wage Assessment Tool Payment Scheme Bill 2014 – was rejected by the Senate in November. It was to be voted on again this week but has now been dropped down the priority list and won’t be voted on until June. Crucial crossbenchers remain undecided.

### 2/17 Inherency

#### Inherency

PWDA 2/17 [(People With Disabilities Australia Incorporated, national disability rights and advocacy organisation. Our primary membership is made up of people with disability and organisations primarily constituted by people with disability) “Wage Justice Campaign” 2015] AT

Currently there are over 20,000 people with disability in Australia who are employed by Australian Disabilty Enterprises (ADE) previously called "Sheltered Workshops". The majority of these people do not receive equal pay for work of equal value, or have access to the same industrial protections as workers without disability doing the same job at the same statutory pay grade (‘Award’). This is because they are subject to the Business Services Wage Assessment Tool (BSWAT) that unfairly discounts their wages. The BSWAT mainly affects employees with intellectual disability who make up over 75% of the ADE workforce. Recent: 17 February 2015: Update on Variation of Supported Employment Services Award United Voice, Health Services Union and National Peak Disability and Advocacy Organisations — Communique, Tuesday, 17 February 2015 Variation of Supported Employment Servces award. On 23rd December 2013, United Voice and the Health Services Union made a joint application to the Fair Work Commission to vary the Supported Employment Services Award 2010.This Award covers employees with disability working in Australian Disability Enterprises (ADEs, formerly known as Sheltered Workshops). The application was made following the decision by the Full Federal Court in Nojin v Commonwealth which found that the Business Services Wage Assessment Tool used to determine wages unfairly discriminated against workers with intellectual disability. The application also seeks to deal with the extent to which other Wage Assessment Tools listed in the Award are discriminatory against workers with disabilities. On 20 June 2014 the full bench of the Fair Work Commission decided that in an effort to find a solution that there be a Conference of the parties led by Deputy President Booth. There has been a series of meetings held at the Fair Work Commission since 1 September 2014. Conference proceedings are conducted as a confidential process and without prejudice basis. On 16 February 2015 the parties agreed to conduct a study using the Supported Wage System with modification in a sample of ADEs. This will consider the impact of using historical productivity data on the productivity wage assessment rates of workers with disability. The parties will discuss the results of this study at the next scheduled meeting on Monday 27 April 2015 National Peak Disaiblity and Advocacy Groups supporting the joint application and parties at the conference include - AED legal centre; Inclusion Australia (formely the National Council on Intellectual Disability); and People With Disability Australia. 25 November: Joint Media Release: National Peak Disability and Advocacy Organisations applaud Senate Vote to Block BSWAT Payment Scheme Bill 2014 In blocking the Bill, the Senate has shown support for the human rights of people with disability to seek fair and full compensation for lost wages through the Federal Court. The rights of these employees to the same employment terms and conditions as employees without disability continues to be unrealised for thousands of workers with disability across Australia.

## A2 Econ DA

### A2 Unemployment - empirics

#### Empirics prove no unemployment Effect

Burchardt 03 [(Tania Burchardt and Abigail McKnight ESRC Centre for Analysis of Social Exclusion London School of Economics) “Disability and the National Minimum Wage: A Special Case?” April 2003] AT

The national minimum wage was introduced in the UK in April 1999 in a period of labour market expansion. Trends show that disabled employees experienced rising levels of employment up to the time the NMW was introduced and these rates held firm after its introduction. Rising levels of employment were accompanied by improved employment retention rates for low paid disabled employees but more detailed analysis reveals that disabled employees earning less than the NMW rates before they were introduced did not enjoy the same improvement. Comparing the experience of low paid disabled employees with low paid non-disabled employees reveals that the NMW had a greater negative impact on employment retention among disabled employees. However, modelling the employment retention probabilities for men and women separately, and taking into account differential rates of attrition, reveals that these differences are not statistically significant. When men and women are pooled there is a statistically significant fall in relative employment retention rates which suggests that sample size may be a problem. There is evidence that low paid disabled men changed their hours around the time of the introduction of the minimum wage (relative to other groups), but the crosssectional data and the extended longitudinal analysis into the ‘Post NMW’ period indicate this may be part of a longer-term trend rather than a result of the NMW itself. Given the change in the pattern of working hours the most likely explanation is the introduction of WFTC and DPTC in October 1999. This theory is supported by the emergence of a 16-hour and 30-hour spike in the distribution of low-paid disabled men’s hours (low paid workers have to work a minimum of 16 hours per week to qualify and are paid a bonus if they work 30 hours per week or longer). Low paid disabled women seem to have been less affected by these policy changes, perhaps because they were already working fewer hours than men and claiming Family Credit (WFTC replaced FC which had similar incentives to work 16 or 30 hours a week).

#### Prefer this ev – it’s the only large quantitative assessment

Burchardt 03 [(Tania Burchardt and Abigail McKnight ESRC Centre for Analysis of Social Exclusion London School of Economics) “Disability and the National Minimum Wage: A Special Case?” April 2003] AT

To our knowledge there has been no large scale quantitative assessment of the impact of minimum wages on disabled people. What evidence is available on the impact of the NMW on disabled people in the UK is largely qualitative and small scale. Early evidence from the Association for Supported Employment (AfSE), based on interviews with agencies and individual disabled workers, was mixed: some disabled workers with previously low earnings had experienced an increase in income after the introduction of the NMW, while those who combined some work with receipt of Income Support had generally reduced their hours in order to minimise loss of benefit (AfSE, 2000; Schneider et al., 2001). Evidence submitted to the Low Pay Commission also identified confusion among managers of employment projects for disabled people (in day centres and other venues) as to whether their clients were employees and hence covered by the NMW, and difficulties in reconciling minimum wage legislation with benefit rules and funding constraints (Hudson, 2001). The introduction of a minimum wage in the UK in 1999 provided a good opportunity to test the impact of minimum wages on employment. In this paper we focus on the impact of the NMW on disabled people. This group of workers is chosen because a number of features make them a particularly interesting group to study. Firstly, they were disproportionately working for wages beneath the proposed NMW level prior to April 1999. Secondly, some disabled workers can have reduced productivity as a result of their impairments and therefore a minimum wage can price them out of the market. Thirdly, there is evidence that disabled workers are discriminated against in the labour market and therefore a legal minimum wage could greatly help this group by correcting a situation of underpay without any loss in employment. Finally, policy makers have considered a special exemption for disabled workers but lack evidence to support or reject such an exemption.

### A2 Employment DA

#### The idea that some people are unemployable at a higher minimum wage is rooted in the paternalist assumption I critique. There are enough possible occupations to avoid an employment effect.

Roulstone 12 [(alan, Professor of Disability Studies) “Understanding Disability Policy”] AT

￼For the first time, some disabled people were viewed in policy terms as deserving of policy attention to support access to the mainstream of working lives. The Act only went halt way, however; Section 2 of the Act noted that some workers were too far from the labour market and would be better suited to sheltered employment. Critics point to this development without questioning the wider paternalist assumptions that lay behind such a forced compromise (Moreton, 1992). What is often not acknowledged was the symbolism of Section 2 employment, its historic attempt to intervene between the values of free market capitalism and paternalist protection, while the labour shortages of the 1940s led to a highly interventionist stance that went beyond voluntarism (Roulstone, 2002). The Tomlinson Report (see Box 1.3 below) made clear that most disabled people should be working in mainstream employment. Box 1.3: Excerpt from the Tomlinson Report (1943) In a highly industrialised country such as Britain, the number of separate occupations is so large and their demand on physical activity so varied it is possible to find an occupation within the physical capacity of all save a minority of the disabled. This does not mean that the problem is easy of solution; it means only that disablement need not be a bar to economic employment Not all disabled people could work, either because employers were unwilling to employ them or because they had impairments (or perceived impairments) that made employment very difficult. Beveridges 1942 report. Social insurance and allied services, acknowledged that for those people ￼unable to build up a contributory record, provision needed to be made. The National Assistance Act 1948 laid out provisions for disabled people with no insurance history or capacity. Interestingly, despite the evidence that disabled people faced problems accessing paid work, the principle of 'less eligibility enshrined in the Poor Law continued to underpin the very meagre benefits available and in part helped perpetuate the links between poverty and disability (Harris et al, 1971; Disability Alliance, 1975). In the field of education, developments were also taking place which served to perpetuate the divisive and categorical approach to disability. The Education Act 1944 (MM Government, 1944b), the product of the then Education Minister ‘Rab’ Butler, is best remembered for ushering in the tri-partite system of education and for its philosophy of education best suited to a child stability, age and aptitude'. ￼While on paper a promising development for disabled people, the Act did however spawn the parallel and now infamous categories applying solely to disabled people of educationally subnormal (KSN). Notions of mild, moderate and severe subnormality were applied uncritically throughout from the 194<>s through to the early 1980s in education and health settings, only being repealed in health policy with the Mental Health Act of 1983 and the Education Act o\ I9S0. Ic is worth pointing out that children with less significant physical and sensory impairments were entering some mainstream contexts, while many blind, deaf and significantly impaired children were and continue to be educated in the mainstream. As with employment, disabled people were to live in carefully segregated contexts. In many ways the policy imperatives for education were influenced by wider employment policies which often assumed that disabled people were unable to work. In this way, segregated provision was at best a distraction from established curricula, and at worst a form of warehousing. Special schools were at worst brutal and at best highly regimented (Westcott, 1991; Humphries A\K\ Gordon, 1992).

## Living Wage key

### A2 Transition to Regular Employment

#### Transition fails and increasing the minimum wage is key to transition

Thornton 6 [(Patricia Thornton and Neil Lunt, Commission of the European Communities DGVE.3, Integration of Disabled People within the framework of the HELIOS II programme International Labour Office Social Policy Research Unit, University of York) “Employment Policies for Disabled People in Eighteen Countries: A Review” Social Policy Research Unit University of York] AT

The goal of transition to the open labour market, intrinsic to the Weissenberg Concept of 1977, appears not to have been met. According to a secondary source (Lindebner, 1989, cited in Samoy and Waterplas, 1996) between 1986 and 1988, only 49 disabled employees found a job in open employment. Blumberger and Jungwirth (1996) report that in 1992, 28 employees found jobs in open employment, a transition rate of 2.9 per cent. According to BMAS, about five to seven per cent advance to the open labour market each year. A secondary source (Sinkovics, 1992, cited in Samoy and Waterplas, 1996) identified as contributory factors the lack of financial incentive for an employee earning the minimum wage in a secure job and the loss of social services and privileges associated with sheltered work. Workshops are also reluctant to let their most productive workers move on. The 1993 Disability Concept emphasised that integration in the open labour market is preferable to employment in special institutions. One of the expressed goals was to increase the transition of employees from sheltered workshops to the open labour market. Recent new government initiatives have aimed to increase transition. A three-month trial arrangement, whereby the person tried out work on the open market and was paid the firm’s usual wage but remained a sheltered workshop employee, reportedly did not show very encouraging results (Samoy and Waterplas, 1996). Now employees from sheltered workshops may work in mainstream enterprises on a long-term basis while staying on the payroll of the sheltered workshop (Leichsenring and Strümpel, 1995). Research has indicated that a number of workers in sheltered workshops are capable of working on the labour market but lack preparation and help from their workshops. Currently, the policy focus is on improving the level of qualification of sheltered workshop employees. Plans have included 18 month training courses for groups of selected employees (Samoy and Waterplas, 1996). A transition rate of eight to ten per cent is the ultimate objective (Samoy and Waterplas, 1996).

### A2 Abolish MW

#### Reinforces productivity view of employment which excludes disabled people – no regulations means disabled people will be underpaid – only a living wage shifts to the customized employment model, that’s EFG

#### Cutting minimum wages doesn’t help and creates poverty traps for the disabled

Quiggin 6 [(John, ARC Federation Fellow in Economics and Political Science at the University of Queensland) “Does a higher minimum wage mean fewer jobs?” Australia Policy Online 21 August 2006] AT

Conditions in Australia are not the same as those in the United States, however. In particular, minimum wages are higher, both in absolute terms and relative to average or median wages. Some economists, most notably Phil Lewis of the University of Canberra, have argued that in Australia the adverse employment effect of minimum wages is substantial. Lewis derives estimates of the effect by observing that minimum wages have risen more slowly than the general wage level in recent years, while employment in minimum wage jobs has grown more rapidly than general employment. By comparing these differences, Lewis concludes that a 10 per cent increase in minimum wages will reduce employment of minimum wage workers by between 5.5 and 7.3 per cent. But this estimate takes no account of the fact that reducing minimum wages gives employers an incentive to substitute minimum wage workers for more highly skilled and highly paid workers, perhaps by changing the organisation of employment or simply by accepting lower quality work for less money. The failure to take account of this effect means that Lewis’s estimates overstate the total employment effects of changes in minimum wages. In thinking about minimum wages, it is also necessary to look at interactions with the social welfare system. For those with dependent children, minimum wages in Australia are only marginally higher, after tax, than the social welfare benefits paid to unemployed or disabled workers. Hence, a reduction in the minimum wage could create or intensify “poverty traps.” Advocates of substantial reductions in minimum wages have generally favored “reform” (usually unspecified) of the social welfare system. There are potential reforms of the tax-welfare system and of labour market policy that could improve the employment prospects of workers seeking jobs in the low-wage sector. These include an earned income tax credit, wage subsidies, payroll tax concessions, and direct job creation. Some of these policies, such as wage subsidies and direct job creation, would achieve many of the beneficial employment effects claimed for reductions in minimum wages. Others, such as an earned income tax credit might offset, at least in part, the increase in poverty that would otherwise result from lower minimum wages. The relationship between minimum wages, poverty and inequality has been debated at length. Supporters of a cut in minimum wages have argued that many minimum-wage workers are members of middle-income or high-income households -teenagers undertaking part-time work, for example. On this issue, however, the international evidence is unambiguous. In countries where minimum wages have been cut in real terms, including the United States, the United Kingdom and New Zealand, inequality has increased drastically. In particular, wage inequality has increased and the proportion of households with relatively low incomes has risen. In the United States, there has even been an increase in absolute poverty, measured by the proportion of households unable to afford a poverty-level expenditure budget estimated in the early 1960s. On the other hand, and despite claims to the contrary, there is no evident correlation between labour market regulation and the success of the economy in generating jobs, as measured by the ratio of employment to population. Countries like the United States have low measured rates of unemployment, but this conceals a dramatic increase in the number of workers (particularly prime-aged and older men) drawing disability benefits. Moreover, the development of a large class of “working poor” has been accompanied by a reduction in economic and social mobility in the United States. Whereas descriptions of the United States as a “land of opportunity” were once justified by the evidence, they now reflect an aspiration, contradicted by statistical evidence and by the emergence of increasing class barriers in access to higher education, jobs with career paths and other traditional routes out of the low wage sector. Increasing the United States resembles a dual economy, delivering huge benefits to the top 20 per cent of the population, moderate growth for the middle class and very little for those at the bottom. The absence of any strong case for cutting minimum wages appears to have been recognised. All of the submissions to the Fair Pay Commission from government, business groups and unions call for some increase in minimum wages, though not, in all cases, an increase in real terms. It is important to remember that minimum wages represent only a small part of a coherent labour market policy. The primary focus must be on managing the tax-welfare system to achieve a more equitable distribution of income while generating incentives to work. Minimum wages should be set with the same goal in mind. •

## A2 NC

### A2 Levinas NC

#### The WHOLE aff proves no minimum wage also endorses a specific view of disabled people

### A2 Freedom NC

#### Extend Breckinridge – liberal theory takes for granted an able-bodied norm where people are free whenever they are not interfered with. This is not true of disabled people – Ripstein does not apply in a world with disabled people in it

Yankah 12 Ekow Yankah (Professor of Law @ Cardozo School of Law; New York democratic politician; holds degrees from UMich, Columbia, and Oxford). “Crime, Freedom, and Civic Bonds: Arthur Ripstein’s Force and Freedom: Kant’s Legal and Political Philosophy.” Criminal Law and Philosophy. Springer. March 4th, 2012.

Likewise, it is not clear how a government focused solely on protecting one’s freedom from interference with others could mandate special considerations to provide disabled citizens with access to buildings or private facilities. Of course, greater ability to negotiate the world despite being in a wheelchair can increase one’s ability to pursue their life goals. But it does not seem obvious that it is an action which frees you from another imposing on you asserting themselves as your master - rather than taking into account a disability which we collectively believe should not dominate your life choices to the extent possible. This strikes me as especially true given Ripstein’s earlier arguments against a legal right to necessity even in one’s life is in danger. So long as the threat to one’s life (and thus freedom) is not imposed by another person, it is not an interference with one’s freedom. Likewise, the countless ways in which a disability can interfere with a person’s life plans strike me as similarly beyond the reach of a government which can only be justified by the protection of freedom.

### A2 Communitarianism

#### Extend Breckinridge – liberal theory takes for granted an able-bodied subject who organizes himself politically and engages in rational discussion to reach agreement – in assuming we can all step into each others’ subjectivities, it ignores alternative viewpoints and paves over difference

Secomb 2K (Linnell, a lecturer in Gender Studies at the University of Sydney, “Fractured Community,” Hypatia – volume 15, Number 2, Spring 2000, pp. 138-9//shree)

This reformulated universalist model of community would be founded on "a moral conversation in which the capacity to reverse perspectives, that is, the willingness to reason from the others' point of view, and the sensitivity to hear their voice is paramount" (1992, 8). Benhabib argues that this model does not assume that consensus can be reached but that a "reasonable agreement" can be achieved. This formulation of community on the basis of a conversation in which perspectives can be reversed, also implies a new understanding of identity and alterity. Instead of the generalized other, Benhabib argues that ethics, politics, and community must engage with the concrete or particular other. A theory that only engages with the generalized other sees the other as a replica of the self. In order to overcome this reductive assimilation of alterity, Benhabib formulates a universalist community which recognizes the concrete other and which allows us to view others as unique individuals (1992, 10). Benhabib's critique of universalist liberal theory and her formulation of an alternative conversational model of community are useful and illuminating. However, I suggest that her vision still assumes the desirability of commonality and agreement, which, I argue, ultimately destroy difference. Her vision of a community of conversing alterities assumes sufficient similarity between alterities [End Page 138] so that each can adopt the point of view of the other and, through this means, reach a "reasonable agreement." She assumes the necessity of a common goal for the community that would be the outcome of the "reasonable agreement." Benhabib's community, then, while attempting to enable difference and diversity, continues to assume a commonality of purpose within community and implies a subjectivity that would ultimately collapse back into sameness. Moreover, Benhabib's formulation of community, while rejecting the fantasy of consensus, nevertheless privileges communication, conversation, and agreement. This privileging of communication assumes that all can participate in the rational conversation irrespective of difference. Yet this assumes rational interlocutors, and rationality has tended, both in theory and practice, to exclude many groups and individuals, including: women, who are deemed emotional and corporeal rather than rational; non-liberal cultures and individuals who are seen as intolerant and irrational; and minoritarian groups who do not adopt the authoritative discourses necessary for rational exchanges. In addition, this ideal of communication fails to acknowledge the indeterminacy and multiplicity of meaning in all speech and writing. It assumes a singular, coherent, and transparent content. Yet, as Gayatri Spivak writes: "the verbal text is constituted by concealment as much as revelation. . . . [T]he concealment is itself a revelation and visa versa" (Spivak 1976, xlvi). For Spivak, Jacques Derrida, and other deconstructionists, all communication involves contradiction, inconsistency, and heterogeneity. Derrida's concept of différance indicates the inevitable deferral and displacement of any final coherent meaning. The apparently rigorous and irreducible oppositions that structure language, Derrida contends, are a fiction. These mutually exclusive dichotomies turn out to be interrelated and interdependent: their meanings and associations, multiple and ambiguous (Derrida 1973, 1976). While Benhabib's objective is clearly to allow all groups within a community to participate in this rational conversation, her formulation fails to recognize either that language is as much structured by miscommunication as by communication, or that many groups are silenced or speak in different discourses that are unintelligible to the majority. Minority groups and discourses are frequently ignored or excluded from political discussion and decision-making because they do not adopt the dominant modes of authoritative and rational conversation that assume homogeneity and transparency.

## Counterplan

### A2 New Zealand PIC

#### EVERY AFF ARGUMENT is a massive solvency deficit to this – New Zealand also discriminates against disabled people

Jeffs 14 [(Sam, is a BA/LLB(Hons) student at the University of Auckland) “Minimum Wage Exemption Permits: Sanctioned Discrimination” April 29] AT

It may come as a surprise to learn that the minimum wage is not the “minimum” at all, particularly if one has a disability. A Labour Inspector has jurisdiction to issue a “minimum wage exemption permit” that allows an individual with a disability to be paid less than the minimum wage. The latest data shows there are 897 exemption permits in force as at 11 February 2014.[1] Of those, 660 allow individuals to be paid less than $5 per hour. This article briefly discusses the historical situation that led to the minimum wage exemption permit regime, and the process used to issue an exemption permit. The data we have received on current exemption permits is then presented. A final discussion is then outlined, summarising the dominant arguments for and against the use of exemption permits. While there is some value in having the exemption permit, it is unsettling and perceptively discriminatory to pay workers with a disability less than the minimum wage. A Brief Background The Minimum Wage Amendment Act 2007, which introduced exemption permits, followed the repeal of the Disabled Persons Employment Promotion Act 1960 (DPEP Act). The Human Rights Commission’s paper Tracking Equality at Work for Disabled People cites the Disabled Person’s Assembly, who described the system under the repealed Act as “utterly improper and an abuse of human rights”. The DPEP Act provided all workplaces that employed disabled people with blanket minimum wage exemptions. These workplaces — known as “sheltered workplaces” — also restricted disabled employees’ access to holiday and sick leave entitlements. It is not difficult to see why this system was regarded as so repugnant to the rights of disabled employees. As these systems are all enacted by Parliament, they are all considered legal despite any inconsistency with the New Zealand Bill of Rights Act 1990 (NZBORA) or any other rights instruments. As s 4 of NZBORA makes clear, legislation inconsistent with rights — here, the right against discrimination in s 19 — is not affected. However, just because an Act is legal, does not make it morally right. Minimum Wage Exemption Permits The Amendment Act of 2007 introduced s 8 into the Minimum Wage Act 1983. Section 8 allows a Labour Inspector to grant an exemption permit to an employee if the inspector is satisfied that: (a) The worker is significantly and demonstrably limited by a disability in carrying out the requirements of his or her work; and (b) Any reasonable accommodations that could have been made to facilitate carrying out the requirements of the work have been considered by the employer and the worker; and (c) It is reasonable and appropriate to grant the permit. To be eligible for an exemption permit, an employee must have a “disability” within the meaning provided by s 21(1)(h) of the Human Rights Act. The exemption permit is not permanent, but will typically last two years. A Labour Inspector can revoke the exemption permit if he or she considers it no longer reasonable and appropriate for the exemption permit to remain in force. There are two departures from the prior regime worth focusing on. First, exemption permits in s 8 apply to individual employees. An employer with multiple employees with a disability will have to have exemption permits for each individual worker if he or she wants to pay multiple workers below the minimum wage. It is also unlikely that exemption permits will provide for the same wage. Individual employees are assessed so that the exemption permit will allow payment at an hourly rate or at a percentage of the minimum wage rate that reflects individual productivity (Ministry of Business, Innovation & Employment Labour Inspectorate: Minimum Wage Exemption Guidelines at 16–17). Secondly, an exemption permit does not affect an employee’s other employment rights. An exemption permit purely affects one’s pay, whereas the past regime also removed access to holiday and sick leave entitlements. This is a positive step forward as it seems difficult to ever justify restricting one’s access to holiday and sick leave entitlements on the basis of having a disability. Thankfully, this restriction no longer applies. A Snapshot of Exemption Permits There were 897 exemption permits in force before the recent increase to the minimum wage. As noted, 660 of those exemption permits allow payments of less than $5 per hour. This is notably lower than the then minimum wage of $13.75, which itself had been subject to criticism for falling well below an ideal “living wage”. The Human Rights Commission noted that some workers are paid as low as 15 cents per hour (Tracking Equality at Work for Disabled People at 9). Pay rates allowed under the exemption permits are set out below. Those exemption permits are spread over a number of industries. The below information on exemption permits issued in particular industries relates to all of the 8,195 exemption permits granted to employees between 28 March 2007 and 11 February 2014. Some of those exemption permits, it should be remembered, are likely to be renewals that apply to the same employee. The ten most common jobs occupied by employees subject to exemption permits as at 11 February 2014 — which likely provide a better idea of the work being done than an industry breakdown — are shown below. It is quite clear that most of the exemption permits are being issued to process and production workers, who are likely to be employed across multiple industries. While paying an employee with a disability less than the minimum wage seems inherently repugnant to values of equality and non-discrimination, it must be accepted that this debate is not quite so simple. The death of the sheltered workplaces and the regime that sustained them was a welcome change. Progress was made. However, the use of exemption permits introduced a new controversy; one contested by its proponents and detractors. Speaking at the third reading of the Amendment Act 2007, Ruth Dyson claimed that the exemption permits were a “pragmatic, straightforward option that ensures that real paid employment opportunities exist for as many people as possible.”[2] For Ruth Dyson, the exemption permits reflect the quality of the work being done. It is legitimate to pay people less, if they are unable to work at the same capacity as an able bodied employee. There is force in this argument. Labour Inspectors have a set of criteria that must be met before a permit will be awarded (s 8(1)(a)–(c)). The exemption permits also have value, as it is important the employers can afford to employ workers with a disability. An increase in wages may reduce employment, and that is an outcome far more damaging than being paid less than the minimum wage. However, there is some difficulty in continuing the exemption permit regime. An exemption permit is based on productivity, and the exemption permit reflects the reduced productivity of a disabled worker. The difficulty is that this allows employees to be paid less than the minimum wage, which therefore seems to suggest that the employee that is subject to that exemption permit is of less value. Symbolically, this is a difficult concept to swallow.

#### [more ev]

New Zealand Ministry of Business, Innovation, and Employment [“Minimum wage exemptions for people with disabilities”] AT

The Minimum Wage Act 1983 provides that Labour Inspectors from the Ministry of Business, Innovation & Employment may issue minimum wage exemption permits to workers who are limited by a disability in carrying out the requirements of their work. This means a lower minimum wage rate is set for a particular person in a particular job for the period in the permit.

#### More ev if you really don’t believe me

New Zealand Ministry of Business, Innovation, and Employment [“Minimum wage exemptions for people with disabilities: Information for employees and their support people”] AT

Every employer has to pay at least the minimum wage unless an employee has a minimum wage exemption permit. Your employer can apply to a Labour Inspector for an exemption permit if you both agree there is a good reason why you should be paid less than the minimum wage. Labour Inspectors will issue a minimum wage exemption only if they think it is reasonable and appropriate to do so. They can refuse to issue one if they think you should be paid the minimum wage, or if the wage offered is unfair. (View the current minimum wage rates). Before a Labour Inspector will issue a minimum wage exemption permit, they will make sure that: your disability really stops you from earning the minimum wage you have been given the opportunity to have an independent support person or advocate with you when you are talking about your wages with your employer the work is suitable for you and you get appropriate supervision and training you are offered a written employment agreement that meets all employment rights, such as paid holidays and sick leave, and adequate health and safety conditions (except minimum wage) the wage rate relates to your ability to do the work the wage is consistent with the wages paid to other people whose circumstances are similar to yours, and who have exemptions your employer has done everything they can reasonably be expected to do to help you do the job well.

### A2 CP For disabled people only

#### The idea that disabled people need a special protection reproduces the paternalistic assumption that segregates and isolates disabled people

Bryan 10 [(Willie, disability theorist) “Sociopolitical Aspects of Disabilities”] AT

The paternalist role that society developed toward persons with disabilities, although well intentioned, has led to segregating persons with disabilities from the nondisabled. Institutionalization of persons with mental disabilities, special education classes for children with learning disabilities, and sheltered workshop employment are examples of the perception that persons with disabilities cannot function and/or compete with their nondisabled counterparts, thus they must be protected from failures. There can be no question that there are cases in which, for a number of reasons, persons have to be institutionalized, and special education and sheltered employment are appropriate; however, not many years ago this practice was the norm rather than the exception. Today, in too many cases, this perception remains, and the previously mentioned institutions serve as a convenient response to a difficult rehabilitation case. These types of placements too frequently are used in lieu of looking for ways of including the persons with disabilities into gainful private industry employment, independent living environments and/or regular classroom settings. Stated more succinctly, we should invest time in ﬁnding ways to adapt the environment to meet the client’s needs rather than separating and isolating the person from mainstream society. Whereas perception is the input process of becoming aware, attitude is the output process of reacting to our perceptions. Attitudes may be positive, negative, and, in rare instances, neutral. However, rarely does one encounter neutral attitudes about disabilities and persons who possess them. The subject of disabilities is often emotionally charged thus causing one to have either a positive or negative attitude. It is accurate to say that many, if not the majority, of attitudes toward disabilities are considered positive, at least by the standards of the possessor.

#### Reinforces separate and not equal – that’s NDRN 11

### A2 Wage Subsidy CP

#### Different wages for disabled people is a massive solvency deficit – the counterplan does NOT require employers to pay disabled people a living wage like all other Australians have which reinforces disability as innately less valuable

#### Productivity is a solvency deficit – wage subsidies don’t link wages to LIVING rather than PRODUCTIVITY so they don’t solve the way disabled people are seen as inferior

#### CP causes unemployment – wage subsidies are a stigma for lower productivity for disabled people

Baert 14 [Baert, Stijn (2014) : Wage Subsidies and Hiring Chances for the Disabled: Some Causal Evidence, IZA Discussion Papers, No. 8318] AJ

In this study, we presented the results of the field experiment we conducted to evaluate the effect of wage subsidy entitlement on the hiring chances for the disabled. Two applications of graduates, identical except that one revealed a disability, were both sent out to 768 vacancies in the Flemish (Belgian) labour market. In addition, we randomly disclosed the entitlement to a substantial wage subsidy in the applications of the disabled candidates. Statistical analyses of our experimentally gathered dataset indicate the following. First, when not revealing wage subsidy entitlement, the disabled candidate had a 47% lower chance to receive a positive reaction from the employer side compared with the non-disabled candidate. Second, when revealing wage subsidy entitlement, the disabled candidates had a 49% lower chance to receive a positive reaction. The difference between both statistics is not significantly different from zero. Thereby, our results show that the likelihood to receive a positive response to a job application, being a disabled candidate, is not influenced by revealing wage subsidy entitlement in Belgium. Ergo: at least in this stadium of the recruitment process, this wage subsidy instrument does not sort the desired effect. Apparently, the positive financial stimulus implied by the subsidy is compensated by signalling effects (subsidies as a signal for lower productivity) and the fear of red tape. Given, however, that all of the disabled in our experiment could, based on their particular disability, apply for the subsidy on the one hand and that administration duties related to the subsidy are very limited, from a policy perspective, we believe that investments in a better communication of the limited administrative burden of the Flemish Supporting Subsidy are needed.

#### This reinforces the idea that disabled people are inherently less capable and less productive so the government has to support them

Thornton 6 [(Patricia Thornton and Neil Lunt, Commission of the European Communities DGVE.3, Integration of Disabled People within the framework of the HELIOS II programme International Labour Office Social Policy Research Unit, University of York) “Employment Policies for Disabled People in Eighteen Countries: A Review” Social Policy Research Unit University of York] AT

The use of wage subsidies has been referred to as individual sheltered employment in the ordinary labour market. A regulation adopted in 1980 required employers to bear at least 60 per cent of the wage costs of disabled employees with a reduced output, with the municipal and county authorities making up the remainder. This was known as the ‘60 per cent - 40 per cent’ system. The proportions have been revised to become 50 per cent - 50 per cent from 1 January 1995. The arrangement must be reviewed every year. In some cases, such an arrangement proves to have a rehabilitation effect and the persons may later be taken on at a normal wage (Ministry of Social Affairs, 1992). It is a precondition that the person concerned does not meet the qualifying conditions for an anticipatory pension (an early retirement pension). Seyfried and Lambert (1989) reported the unofficial belief that most jobs under the 60 per cent - 40 per cent rule are held by physically disabled persons. An alternative arrangement is for a disabled person to retain his or her pension and in addition earn one-third of the lowest wages at the place in question (the ‘one-third’ system). In 1994, 5,077 protected workers were assessed under the 50/50 formula (the old 40/60 formula) and 350 under the one-third formula. Isling and Wiederholt (1994) note that the persons assessed are assumed to have a reduced productivity and the subsidy is used as an incentive for employers. Disabled people employed with a wage subsidy enjoy some, but not all, of the normal employment rights of workers in Denmark. They may receive cash benefits from the municipality but they cannot join unemployment funds and are not entitled to early retirement pensions. Some concerns have been raised about the implications of people retiring or losing a job under the 50-50 system and the effect this may have on their benefits (Commission for Jobs on Special Conditions, 1995). There are also some concerns that wage subsidies may push some people out of jobs and exert downward pressures on wages. The Commission for Jobs on Special Conditions (1995) believes that more research and evaluation is required around the impact of wage subsidy schemes. Some commentators express the need for more part-time work options and better use of technology to encourage the integration of disabled people in the labour market (Isling and Wiederholt, 1995).

#### This segregates and isolates disabled people

Bryan 10 [(Willie, disability theorist) “Sociopolitical Aspects of Disabilities”] AT

The paternalist role that society developed toward persons with disabilities, although well intentioned, has led to segregating persons with disabilities from the nondisabled. Institutionalization of persons with mental disabilities, special education classes for children with learning disabilities, and sheltered workshop employment are examples of the perception that persons with disabilities cannot function and/or compete with their nondisabled counterparts, thus they must be protected from failures. There can be no question that there are cases in which, for a number of reasons, persons have to be institutionalized, and special education and sheltered employment are appropriate; however, not many years ago this practice was the norm rather than the exception. Today, in too many cases, this perception remains, and the previously mentioned institutions serve as a convenient response to a difficult rehabilitation case. These types of placements too frequently are used in lieu of looking for ways of including the persons with disabilities into gainful private industry employment, independent living environments and/or regular classroom settings. Stated more succinctly, we should invest time in ﬁnding ways to adapt the environment to meet the client’s needs rather than separating and isolating the person from mainstream society. Whereas perception is the input process of becoming aware, attitude is the output process of reacting to our perceptions. Attitudes may be positive, negative, and, in rare instances, neutral. However, rarely does one encounter neutral attitudes about disabilities and persons who possess them. The subject of disabilities is often emotionally charged thus causing one to have either a positive or negative attitude. It is accurate to say that many, if not the majority, of attitudes toward disabilities are considered positive, at least by the standards of the possessor.

### A2 UBI CP

#### UBI is a neoliberal policy that seeks to privatize all social services

**Ben and Bert 13**

The dangers and potentials of shared ground: A plea for caution October 5, 20Opinions 8 CommentsDavid Jenkins In this article of Manchester Plan C discuss the potential dangers of the shared ground surrounding possible defences of a basic income. They argue that we should be careful to keep the more transformative potentials of basic income firmly in view.

Consider the following scenario: Every citizen is handed their stipend which they are free to spend as they please. Whether we choose to spend it on healthcare, libraries, education, sports and recreational activities or trash-collection, our consumption of services becomes a matter of personal choice. Rather than the unequivocal socialized demand for healthcare, playgrounds and libraries that currently pertains, we instead expose these services to the vagaries of individualized consumption. Rather than a service that is provided free to all at the point of consumption, the viability of a service becomes measured according to people’s willingness to purchase it using their UBI. The UBI is therefore potentially compatible with the extension of neoliberal reforms across the entirety of social services. It is not hard to imagine the total privatization of all social provisions in the name of ‘increasing quality through competition’. After all, if there is a demand for a ‘public’ library, people will use their stipend to pay for it, and the ‘success’ of the library becomes measured by its ability to attract UBI expenditure. Those services which offer ‘substandard’ services will thus fall by the way side, as more ‘competitive’ libraries manage to gain the dominant market share.

#### **Neoliberalism is linked to ableism – it defines people as entrepreneurial actors and maintains the able-bodied norm**

Kumar 12

Home > Vol 32, No 3 (20) > Trapped Between Ableism and Neoliberalism: Critical Reflections on Disability and Employment in India Arun Kumar Independent Development Consultant, Anand, India E-mail: a-kumar@hotmail.co.in

Neoliberalism has major implications for persons with disabilities; however, disability research and discourse in India have paid insufficient attention to these changes. From the information available, privatization has led to mixed outcomes for persons with disabilities **in** the employment sphere (see Hiranandani & Sonpal, 2010). While technological advances have reduced job opportunities for persons with disabilities (for example, telephone operators, stenographers, and typists positions once available to persons with visual impairments have declined (ILO, 2003)), privatization has opened new avenues for employment of people with disabilities in highly-skilled and service jobs. Nonetheless, opportunities are limited to those with access to higher education and adequate training. Most training programs do not match their services to respond to actual service sector demands, leaving most persons with disabilities unequipped and unable to qualify for highly-paid jobs (ILO, 2003). Furthermore, the growth of the informal economy and the resultant increased participation of persons with disabilities — particularly women — within this economy has further marginalized people with disabilities. The effects of neoliberalism, however, are not restricted to the economic sphere. Neoliberalism, according to Brown (2006), has come to establish itself as an "achieved and normative" (p. 694) political rationality whose values and influences are far more pervasive. This political rationality involves "extending and disseminating market values to all institutions and social action, even as the market itself remains a distinctive sphere" (Brown, 2005, p. 40). This form of neoliberal governmentality has come to re-organize governance practices and citizenship (Brown, 2005; Rose, 1996). Individuals are conceived of as entrepreneurial actors in every sphere of life […] whose moral autonomy is measured by their capacity for "self-care" — the ability to provide for their own needs and service their own ambitions […] [T]he rationally calculating individual bears full responsibility for the consequences of his or her action no matter how severe the constraints on this action, e.g., lack of skills, education, and childcare in a period of high unemployment and limited welfare benefits (Brown, 2005, p. 42). This hyper-individualized conception of citizenship casts the individual into the roles of "consumer" and "producer" within markets and posits individual rationality as the site and basis for mediating one's citizenship (Dagnino, 2003). In this way, neoliberal economic policies have not only resulted in further marginalization; they have recast individual citizens into consumers, with rights to be earned in exchange for individual economic contribution to the market. These consumers must make little demands on the rapidly shrinking state as well as bear full responsibility for their own actions, inactions, and care. Discussing the effects of this neoliberal governmentality on disability, Galvin (2006), drawing on the work of Michel Foucault, suggests that neoliberal reforms appear to offer emancipatory potential by facilitating the restoration of passive, dependent individuals to their roles as active citizens in the economic sphere. However, in reality, neoliberal mechanics remain individualistic, paternalistic, and perpetuate the norm of the able-bodied rather than challenge it. Since the outset of modernity, the concept of work has been key to organizing and dividing disability from normality. It has focused on "what disabled people can do rather than on what they cannot do" (Galvin, 2006, p. 507). Neoliberal policies and practices have entrenched the individualization of normative values which necessitate a dichotomous 'other' in order to build the notion of the ideal self, thereby maintaining the disabled identity. Thus, the conditions of employment of persons with disabilities in India is affected by the underlying ableist conceptions, the embedded theory of karma in Hinduism which perpetuates dependence and neoliberalism: both as a set of policies and as neoliberal governmentality. It is within this framework, that we wish to examine the employment outcomes of persons with disabilities in India.

## US Version

### Harms

#### The status quo relegates disabled people to positions of inferiority – lower minimum wages for disabled people constitute a new system of segregation that SEPARATE and NOT EQUAL

NDRN 11 [(National Disability Rights Network (NDRN), is the nonprofit membership organization for the Protection and Advocacy (P&A) system and Client Assistance Program (CAP). The P&A/CAP network was established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education) “The Failure of the Disability Service System to Provide Quality Work”] AT

The central arguments against segregated and sheltered work, and the sub-minimum wage can be summarized as the following:  Segregated Work, Sheltered Environments, & Sub-minimum Wage Directly Contradict National Policy. The passage of the Americans with Disabilities Act (ADA) in 1990 was a major step in correcting past wrongs faced by people with disabilities. It provides broad protection in employment, transportation, public accommodations, telecommunications, and public services for people with disabilities. In the following two decades, more laws, legal decisions, and state and federal regulations came to be, all making a very clear statement: people with disabilities should live and work independently in their communities. Segregated and sheltered work—by definition—goes against this very principle. But more than that, it keeps people with disabilities marginalized and hidden in the shadows and these environments create opportunities for abuse and neglect to occur. While good national disability policy exists that could remedy this, there is an incomprehensible lack of oversight and enforcement of these good policies.  Work Segregation of People with Disabilities is Damaging. Segregated work facilitates feelings of isolation for many people and impinges on the natural desire to connect with others. Sheltered workshops have replaced institutions in many states as the new warehousing system and are the new favored locations where people with disabilities are sent to occupy their days. People with disabilities deserve the right to live and work independently in their chosen communities. These work settings violate statutes passed to encourage just that.  Sub-minimum Wages Reinforce a Life of Poverty for People with Disabilities. Labor law exemptions for employers of people with disabilities have created jobs that pay as little as 10% of the minimum wage with most workers earning only 50%. Reports on sheltered workshops often show that workers take home about $175 each month, while those working in traditional jobs take home about $456 each week. Few workers receive health or other employment benefits typical for the average American worker, and since workers do not have a voice, there is little opportunity to improve their conditions. Yet their employers are reaping the benefits of their labors.  Sheltered Workshops Lead Nowhere. Sheltered workshops are predominantly set up as a type of ―job training program‖ that teaches valuable skills and prepares people to compete for traditional jobs. Unfortunately, the reality is vastly different. They are often taught skills that are not relevant or transferable to traditional work environments. Even with the dramatic improvements in competitive employment, there remains three individuals in segregated day programs for every one person working in competitive employment.  Sheltered Workshops Profit Greatly from the Status Quo. While many sheltered workshops argue that the cost to provide work for people with disabilities is higher than similar worksites with a labor force consisting largely of people without disabilities, the facts do not support it. Not only are their profit margins protected by statutes allowing them to pay workers far below the minimum wage, they also receive sizeable subsidies from the local, state and federal governments equaling as much as 46% of their annual revenue. Since sheltered workshops don’t have to compete in the open market to earn income, they also don’t have to do the things other businesses must do like innovate, adapt, and evolve. Sheltered workshops today are not very different than they were when they were started more than 170 years ago—and that is the problem. Sheltered workshops are often celebrated for providing an altruistic service to their communities while neglecting the fact that in reality they provide workers with disabilities with dead-end jobs, meager wages, and the glimpse of a future containing little else. Considering these stark realities, it is clear that segregated and sheltered work no longer provides workers with disabilities an opportunity for life, liberty, and the pursuit of happiness.‖ They may no longer be warehoused in institutions without meaningful daily interactions, but the change may merely be logistical. Segregation—whether it be in an institution or at work—is still segregation. Separate is still not equal.

### US Version

#### The United States Federal Government should phase out section 14(c) from the Fair Labor Standards Act and require employers to pay a living wage to disabled people.

EFG 1 clarifies [(contibrutors include The Georgia Advocacy Office (GAO) is a non-profit corporation. Its mission is to work with and for oppressed and vulnerable individuals in Georgia who are labeled as disabled or mentally ill to secure their protection and advocacy) “The Productivity Fallacy: Why people are worth more than just how fast their hands move”] AT

There seems to be a legitimate concern voiced by the organizations that use 14 (c) as the primary basis of employee pay that its removal from FLSA would be negative, resulting in the loss of sheltered employment for many of the 425,000 individuals who are paid sub-minimum wages. This concern seems to be linked with the observation that the access to employment at regular wages offered by Customized Employment are relatively new and not widely accepted and understood by traditional providers of competitive employment services. Both of these points should signal a cautious and measured approach to any effort to remove 14 (c) from FLSA. However, these concerns should provide the framework for a long term plan to gradually reduce the use of 14 (c) as more and more individuals receive regular (possibly customized) jobs in the community rather than a rationale to keep this outmoded concept.

# Kritik Frontlines

## A2 State Bad

### State Solves Ableism

#### Focus on institutional change is empirically successful for the disabled

Winter 3 [(Jerry Alan Winter Allyn Professor Emeritus of Sociology Connecticut College) “The Development of the Disability Rights Movement as a Social Problem Solver” Disability Studies Quarterly Vol 23, No 1 (2003)] AT

The history of the efforts of the disability rights movement on behalf of legislation which would facilitate the attainment of its twin goals of the inclusion and empowerment of persons with disabilities can be said to begin in the 1950s. Specifically, it can be traced (Varela 1983: 35) to the "paralyzed veterans . . . fighting for more parking spaces, and for more accessible commodes . . ." and to the fight by people with disabilities "for local and state accessibility laws throughout the 1950s." The first significant federal legislation advancing the goals of the movement came in 1965 with the creation of the National Commission on Architectural Barriers to the Rehabilitation of the Handicapped. The Commission was to "study the problems involved in making all federal buildings accessible to disabled citizens" (Varela 1983: 36). However, the import of the work of the Commission on such problems is not limited to problems of access. As Varela (1983: 36) observes, "the work of the Commission, and, more importantly, of disabled activists . . . [changed] attitudes toward disability . . . ." The change was from "an emphasis on services (that is, on doing something about 'those people')" to "an emphasis on civil rights (that is, the notion that once certain obstacles were removed, disabled people would be able to do a lot more for themselves than society had imagined)" (Varela 1983: 36). In short, efforts to include those with disabilities became efforts to empower them as well. Moreover, the notion that environmental obstacles and not just the impairment of individuals were worthy of attention rendered it plausible to seek the enactment of laws and regulations that would do so. In other words, "environmental variables, unlike individual characteristics can be rectified through legislativeand administrative action" (DeJong 1983: 25). In 1968, the Architectural Barriers Act was passed. It stipulated that any facility built with or merely receiving federal funds had to be accessible to all. However, enforcement was minimal (Varela 1983: 36). Fortunately, the Rehabilitation Act of 1973, in a provision welcomed by the disability right movement, established the Architectural and Transportation Barriers Compliance Board (A&TBCB) to investigate and enforce compliance with established standards. Unfortunately, it "never received the funding it needed to enforce the law or even to investigate all . . . violations . . . reported by disabled consumers" (Varela 1983: 37). Nevertheless, the fight for accessibility did advance the cause of the disability rights movement. It helped make it clear that barriers included "social, political and intellectual obstacles, as well as physical ones" (Varela 1983: 37). Moreover, the 1973 Rehabilitation Act contained provisions in addition to the establishment of the A&TBCB which were important to the movement (Varela 1983: 40-41). It required the establishment, by state rehabilitation agencies, of selection methods that would ensure that people with severe impairments were not excluded from the agency's programs. In effect, then, the Act made it clear that no impairment, no matter how severe, was to be allowed as a consequences of a state agency's denial of services to become a disability. In addition, the 1973 act included provisions for client rights and for civil rights. Specifically, Section 504 prohibited discrimination against persons with so-called disabilities by any federally supported program. Thus, Section 504 was important to persons with so- called disabilities "who were looking for jobs . . . who wanted to use the same clinic as everyone else, who wanted the same choice of apartments, and who wanted to get into the polling places on election day" (Varela 1983: 42), who wanted simply to be an autonomous, contributing member of society. The next step in the history of legislation to empower and include people with impairments was the passage of Individuals with Disabilities Education Act (IDEA, originally called the Education for All Handicapped Children Act of 1975, P. L. 94-142). IDEA set "forth a comprehensive scheme" to ensure "two basic substantive rights of eligible children with disabilities . . . ." These were: "(1) the right to a free appropriate public education, and (2) the right to that education in the least restrictive environment" (National Council on Disability 2000: 28). The law applied in every state that receives federal funds under IDEA and to all public agencies authorized to provide special education and related services in a state that receives such funds. The Act was amended and reauthorized in 1997 (NCD 2000 30-31). In 1978, the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments (P. L. 95-602) of the 1973 Rehabilitation Act were passed. The amendments evinced Congress' endorsement of the autonomy premise of the social model described above. That is, the Amendments acknowledged that persons with disabilities should be involved in forming the policies and practices which affect their lives. Specifically, it mandated that a grant for an independent living center "provide assurances that handicapped individuals be substantially involved in [the] policy direction and management of such center, and will be employed by such center" (P. L.. 95-602 as quoted by Varela 1983: 46). Many, if not most, however, view the enactment of the Americans with Disability Act (ADA) in 1990 as the crowning achievement of the disability rights movement. That act (P. L. 101-336) extended provisions of the Rehabilitation Act of 1973 and the 1978 amendments well beyond the earlier application to federally supported programs and the state rehabilitation agencies and of the IDEA to special education. Indeed, it "codified into law important principles that would henceforth govern the relationship between [American] society and its citizens with disabilities . . . [and] altered public discourse about disability and about the role of people with disabilities in American society" (National Council on Disability 1997b: 4-5). It did so, first, by, in effect, making the marginalization, the exclusion of people with impairments from the mainstream of society in the United States, illegitimate. Specifically, it declared that "people with disabilities are an integral part of society and, as such, should not besegregated, isolated, or subjected to the effects of discrimination" (National Council on Disability 1997b: 4). Furthermore, it sought to enable "people with disabilities to take charge of their lives . . . by fostering employment opportunities, facilitating access to public transportation and public accommodation, and ensuring the use of our nation's communication system" (National Council on Disability 1997b: 4). Moreover, the principles of the ADA can serve as a basis to test and challenge public policies and practices not consistent with those principles and even to demand they be changed. The ADA, then, "upholds the principle that each individual has the potential, and deserves, the right to participate in, and contribute to, society" (National Council on Disability 1997b: 5).

## A2 Cap

### TL Disability Turns cap

#### Case is a DA to the alt; class movements can’t solve ableism

Kitchin 10, Director of the National Institute of Regional and Spatial Analysis, served on a number of government boards and consultative panels, doctorate from the University of Wales, Lecturer in the School of Geosciences at Queen's University of Belfastand the Department of Geography at the National University of Ireland, (Rob, 7/1/10, “ Space, power and the exclusion of disabled people”)

It is increasingly clear that the relationships between disability and society cannot be framed within either strict economic and political terms or purely socio-cultural processes, but must encompass a mixture of the two. In a mixed approach, disabled people are excluded not only because of capitalist mode of production, but also because of socially constructed modes of thought and expression enshrined in cultural representations and cultural myths. The neo-Marxist might claim that such representations and myths are a particular manifestation or expression of capital. Such claims can be rejected: all behaviour and action are not predicated upon capital concerns. For example, exclusionary processes within Northern Ireland between Nationalist and Unionists are predominantly predicated upon territory and power, not capital. Whilst it could be argued that the sociospatial nexus in Northern Ireland was a result of feudal capital relations, the current con¯ ict has shifted in emphasis. Class, whilst important, is only one axis of oppression within society with disability, gender, race, sexuality, religious beliefs and nationality providing the context in which other power relations operate: there are multiple, interacting ®elds of power (Pile, 1997). Processes of oppression can arise out of the social mobilisation of groups of individuals with con¯ icting interests. The focus of attention should therefore shift from capital and class to power in its various manifestations.

#### Disability rights are key to challenge capitalism

Russell 02 [(Russell\* and Malhotra\*\* 2 - \* writes on the political, social and economic aspects of disablement her socio-economic analysis has been published in the Berkeley Journal of Employment and Labor Law, the Review of Radical Political Economy, the Journal of Disability Policy Studies, Disability & Society, Monthly Review, Disability Studies Quarterly, Left Business Observer, Real World Micro, 9th edition, Socialist Register 2002, and the Backlash Against the Americans with Disabilities Act: Reinterpreting Disability Rights (Corporealities, Discourses of Disability) University of Michigan Press, 2003.\*\* is a Canadian disability rights activist and a member of the New Democratic Party. He will be commencing graduate legal studies at Harvard Law School. ( Marta and Ravi 2002 “ CAPITALISM AND DISABILITY]

While new social movements fighting against racism, patriarchy and homophobia were gaining prominence in many Western countries in the 1960s,45 movements of disabled people, with more or less coherent programmes and ideologies, also slowly emerged. Unlike other social movements, the various disability rights movements46 to date have received relatively little attention from socialists, union activists or academics, even in the USA, which arguably has one of the strongest and oldest disability rights movements.47 Yet an examination of their various trajectories suggests useful insights that those seeking to challenge capitalism in other struggles can learn from and incorporate in them. To the extent that widespread accommodation to the needs of disabled workers would necessarily transform the workplace and challenge expectations of ever increasing productivity rates, the disability rights movement can be seen as radically democratic and counter-hegemonic in potential and scope.

#### Case outweighs and turns the kritik because ableism is the root cause of classism; that’s Siebers. Unskilled workers can be oppressed because they don’t fit the able-body imperative.

### A2 Wage labor link

#### No link – the aff isn’t a wage struggle but a struggle for EQUALITY for disabled people

#### Turn - EGF 01 proves the aff disconnects pay and productivity, challenging the logic of wages based on how much labor produces that allows capitalists to steal surplus value

### A2 Cap Turns Productivity

#### Capitalism did not create productivity – even Communist societies can have views favoring productive workers contributing to the commons over unproductive ones

#### Disability subjection existed long before capitalism – before capitalism spread disabled people were still regarded as “feebleminded” and excluded – proves cap isn’t the root cause

## A2 Eugenics

### 1AR Eugenics K

#### Perm do the aff and alt as a combination of intellectual stances – that solves

#### Their impact stems from disability subjection – only the aff’s stance against disability as less valuable can challenge eugenics

Burch and Patterson 13 [Susan, Associate Professor of American Studies and Former Inaugural Director of the Center for the Comparative Study of Race and Ethnicity at Middlebury College, and Lindsey, Assistant Professor of History at Elmhurst College, Winter, “Not Just Any Body: Disability, Gender, and History,” Journal of Women’s History, Vol. 25 No. 4, pg. 124-5/AKG]

Understandings of and anxieties about gender and disability played a central role in the eugenic story. Expectations of what bodies and minds should do—at work, in family and daily life, in social settings, and the like—figured as central factors in the calculus of eugenics. Qualifying and quantifying individuals inspired intense speculation, particularly along the borders of “worthy” and “unworthy” citizens. For example, eugenics advocates regularly invoked “the feebleminded” as a great menace to civilization.8 By the 1910s, the concept, according to the Oxford English Dictionary, described individuals with the physical capacity to labor (under [End Page 124] “favorable circumstances”) but who were inherently defective mentally. In the race of life, such people could never compete equally with their “normal” counterparts; feebleminded individuals, the definition followed, were incapable of full citizenship.9 The malleability of this concept provided considerable leeway for interpretation and response. Poverty, perceived moral and sexual deviance (or actual transgressions of socially prescribed boundaries including homosexual desires and relationships), race, ethnicity, cross racial relations, and “intelligence” frequently became “evidence” of a person’s inherent genetic flaws. In this context, as the disability studies scholar Anna Stubblefield has argued, eugenicists created elaborate racial and ethnic hierarchies in which “pure” white Americans (particularly men) with class privilege were presumed to have normal and above normal intellectual capacity and genetic worth, along with greater moral strength; racial, ethnic, and gender minorities and women (many of whom shared multiple identities simultaneously) were read as biologically subnormal and vulnerable to moral depravity. Regularly pointing to sexual delinquency, early twentieth-century American eugenic “experts” institutionalized white women as feebleminded far more than men of diverse races and ethnicities, setting in motion a path to forced institutionalization and sterilization.10

### A2 Productivity Link

#### EFG is a link turn – the aff is a direct challenges notions of productivity by de-linking pay and productivity

#### Imrie is a link turn – ideas of incapable bodies are a CORE PART of productivity – the aff’s stance against ableism is simultaneously a stance against productivity

### A2 Standard of Living Link

#### Siebers turns this – by affirming disabled people as equally valuable, the aff challenges existing ideas that there is 1 normal identity of the human to judge other people against – this is the ideology used to exclude other people and legitimize biological racism

## A2 Wilderson/Race

### Top Level

#### This is proven by the historical parallels between marginalization of blacks and marginalization of the disabled---the only difference is that ableism has stifled the creation of non-ablist counter narrative and has been rendered invisible

Kriegel 69, Leonard Kriegel is an author, The America Scholar, United Chapters of Phi Beta Kappa, "Uncle Tom And Tiny Tim: Some Reflections On The Cripple As Negro" *Modified to avoid use of the words “cripple” and “negro”---we do not endorse this language*

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| --- |
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|  |
|  | What Nietzsche wrote is especially applicable to the cripple, and to those men and women who inhabit, however partially, the cripple's world. It is noteworthy that, at a time when in virtually every corner of the globe those who have been invisible to themselves and to those they once conceived of as masters now stridently demand the right to define meaning and behavior in their own terms, the cripple is still asked to accept definitions of what he is, and of what he should be, imposed on him from outside his experience. In the United States alone, spokesmen for the Negro, the Puerto Rican, the Mexican, the Indian have embarked upon an encounter with a society that they believe has enriched itself at their expense, that has categorized them by cataloguing their needs and desires, their hopes and fears, their anguish and courage, even their cowardice. What all such encounters share is the challenge they offer to the very limited idea of humanity that the oppressor society grants its victims. And, however insufficiently, the society does respond in its ability to see its victims anew. Late-night television interviewers vie with one another in the effort to titillate their viewers with "militant" after "militant" who rhetorically massages whatever guilt resides in the collective consciousness of white America with threats to burn Whitey's cities to the ground. It is a game that threatens to erupt into an industry, and the nation eagerly watches while David Susskind battles Allen Burke for the privilege of leading nightly sessions of ritual flagellation -- all of them no doubt, designed to enrich the national psyche. |
|  |  |  |
|  | The cripple is conspicuous by his absence from such programs. And the reason for that absence is not difficult to discover. The cripple is simply not attractive enough, either in his physical presence, which is embarrassing to host and viewers, or in his rhetoric, which simply cannot afford the bombastic luxuriance characteristic of confessional militancy. If a person who has had polio, for example, were to threaten to burn cities to the ground unless the society recognized his needs, he would simply make of himself an object of laughter and ridicule. The very paraphernalia of his existence, his braces and crutches, make such a threat patently ridiculous. Aware of his own helplessness, he cannot help but be aware, too, that whatever limited human dimensions he has been offered are themselves the product of society's largesse. Quite simply, he can take it or leave it. He does not even possess the sense of being actively hated or feared by society, for society is merely made somewhat uncomfortable by his presence. It treats him as if he were an errant, rather ugly, little schoolboy. The homosexual on public display titillates, the gangster fascinates, the addict touches – all play upon a nation's voyeuristic instincts. The cripple simply embarrasses. Society can see little reason for recognizing his existence at all. |
|  |  |  |
|    | **And yet, he asks, why should he apologize? My crutches are as visible as a black man's skin, and they form a significant element, probably the most significant element, in the way in which I measure myself against the demands of the world.** And the world itself serves as witness to my sufferance. A few years ago, the mayor of New York decided to "crack down" on diplomats, doctors and cripples who possessed what he described as "special parking privileges." I single Mr. Lindsay out here because he is the very same mayor who has acted with a certain degree of sensitivity and courage when dealing with the problems of blacks in the ghettos. He soon rescinded the order preventing cripples from using their parking permits, but one notes with interest his apparent inability to conceive of what such an order would inevitably do. Cripples were instructed to drive to the police station nearest their place of work, leave their cars, and wait until a police vehicle could drive them to their destination. One simply does not have to be Freud to understand that a physical handicap carries with it certain decisive psychological ramifications, chief among them the anxiety-provoking question of whether or not one can make it -- economically, socially and sexually -- on one's own. Forcing a man who has great difficulty in walking to surrender his car, the source of his mobility, is comparable to calling a black man "boy" in a crowd of white onlookers. The mayor succeeded only in reminding me, and the thousands of other cripples who live in New York, that my fate was in his hands and that he controlled my destiny to an extent I did not wish to believe. He brought me once again face-to-face with what Fanon means when he writes, "Fervor is the weapon of choice of the impotent." Fanon, of course, was writing about being black in a psychologically white world, but the analogy is neither farfetched nor unusual. Uncle Tom and Tiny Tim are brothers under the skin. |

#### And we challenge the belief of “ideal bodies” that allowed for things like Nazi eugenics, forced sterilizations, and prohibition of interracial marriage

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Whereas ableism can be associated with the production of ableness, the perfectible body and, by default, the creation of a neologism that suggests a falling away from ableness that is disability. Harlan Hahn (1986) testified that there is a close link between an attitude of paternalism, the subordination of disabled people and the ‘interests’ of ableism: Paternalism enables the dominant elements of a society to express profound and sincere sympathy for the members of a minority group while, at the same time, keeping them in a position of social and economic subordination. It has allowed the nondisabled to act as the protectors, guides, leaders, role

models, and intermediates for disabled individuals who, like children, are often assumed to be helpless, dependent, asexual, economically unproductive, physically limited, emotionally immature, and

acceptable only when they are unobtrusive. (Hahn 1986, 130) Jones’ (1972, 172) seminal work on racism argued that race-based power relations are galvanized ‘with the intentional or unintentional support of the entire culture’. However, Richard Delgado (2000) claimed that the situation of members of racial minorities is akin to persons with a (physical) impairment. In support of this conclusion Delgado cited the work of Oliver Cromwell Cox

(1948), who exclaimed that a: rebuff due to one’s skin color puts [the victim] in very much the situation of the very ugly person or one suffering from a loathsome disease. The suffering … may be aggravated by a consciousness of

incurability and even blameworthiness, a self-reproaching which tends to leave the individual still

more aware of his [sic] loneliness and unwantedness. (Cox 1948, cited in Delgado 2000, 132)

Despite the remarkableness of Cox’s proposition no further exploration was made by Delgado to explore intersections between the experiences of racism and ableism. As a conceptual tool ableism transcends levels of governance related to the procedures, structure, institutions and values of civil society and locates itself clearly in the arena of genealogies of knowledge. Ableism is deeply and subliminally embedded within the culture. At the outset it is important to refute an essentialized understanding of ableism. The intention here is not to propose ableism as another explanatory ‘grand narrative’, a universalized and systematized conception of disability oppression. Rather, my approach indicates a convergence of networks that produce exclusionary matrices and ontologies. Focusing on the study of ableism instead of disability/disablement may produce different research questions and sites of study. Whilst the players in the government of disability may change, other formations, such as the use of regimes of law and medicine, remain constant. Campbell (2001, 44) maintained that ableism is: a network of beliefs, processes and practices that produces a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human. Disability is cast as a diminished state of being human. The corporeal standard has an illusory self-evident permanence but is always in a state of flux. Commenting on a recent dictionary definition of ableism as a kind of discrimination in favour of able-bodied people, Simi Linton (1998, 9) added that this definition also ‘includes the idea that a person’s abilities or characteristics are determined by disability or that people with disabilities as a group are inferior to non-disabled people’. Linton, however, pointed out that, unlike discourses of racism and sexism, there is little consensus amongst the general public (and scholars) as to what practices and behaviours constitute ableism. The nuances of ableism close off certain aspects of the imagination. As Judith Butler put it:

The operation of foreclosure is tacitly referenced in those instances in which we ask: what must

remain unspeakable for the contemporary regimes of discourse to continue to exercise power? (Butler

1997a, 139)

#### Oppression is justified by “biological inferiority”---think SOCIAL DARWINISM and SKULL MEASURING---our advocacy destabilizes a PROTOTYPE and VEHICLE of racial exclusion

Siebers 9 (Tobin, University of Michigan, Professor of Literary and Cultural Criticism, “The Aesthetics of Human Disqualification”, Oct 28, Lecture, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCoQFjAA&url=http%3A%2F%2Fdisabilities.temple.edu%2Fmedia%2Fds%2Flecture20091028siebersAesthetics\_FULL.doc&ei=LWz4T6jyN8bHqAHLkY2LCQ&usg=AFQjCNGdkDuSJkRXMHgbXqvuyyeDpldVcQ&sig2=UCGDC4tHbeh2j7-Yce9lsA, accessed 7/7/12)

Oppression is the systematic victimization of one group by another. It is a form of intergroup violence. That oppression involves “groups,” and not “individuals,” means that it concerns identities, and this means, furthermore, that oppression always focuses on how the body appears, both on how it appears as a public and physical presence and on its specific and various appearances. Oppression is justified most often by the attribution of natural inferiority—what some call “in-built” or “biological” inferiority. Natural inferiority is always somatic, focusing on the mental and physical features of the group, and it figures as disability. The prototype of biological inferiority is disability. The representation of inferiority always comes back to the appearance of the body and the way the body makes other bodies feel. This is why the study of oppression requires an understanding of aesthetics—not only because oppression uses aesthetic judgments for its violence but also because the signposts of how oppression works are visible in the history of art, where aesthetic judgments about the creation and appreciation of bodies are openly discussed.

One additional thought must be noted before I treat some analytic examples from the historical record. First, despite my statement that disability now serves as the master trope of human disqualification, it is not a matter of reducing other minority identities to disability identity. Rather, it is a matter of understanding the work done by disability in oppressive systems. In disability oppression, the physical and mental properties of the body are socially constructed as disqualifying defects, but this specific type of social construction happens to be integral at the present moment to the symbolic requirements of oppression in general. In every oppressive system of our day, I want to claim, the oppressed identity is represented in some way as disabled, and although it is hard to understand, the same process obtains when disability is the oppressed identity. “Racism” disqualifies on the basis of race, providing justification for the inferiority of certain skin colors, bloodlines, and physical features. “Sexism” disqualifies on the basis of sex/gender as a direct representation of mental and physical inferiority. “Classism” disqualifies on the basis of family lineage and socioeconomic power as proof of inferior genealogical status. “Ableism” disqualifies on the basis of mental and physical differences, first selecting and then stigmatizing them as disabilities. The oppressive system occults in each case the fact that the disqualified identity is socially constructed, a mere convention, representing signs of incompetence, weakness, or inferiority as undeniable facts of nature.

#### Yes, it is much worse for people living in the intersections of disability and race but that’s why the 1AC’s coalition politics are so important because only in that frame can this be addressed---the newest empirical studies prove

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Recent research correlates the experience of racism to low socio-economic status and acquisition of physical and psychological impairment (Williams and Collins 1995). The subjectifying experiences of racism as racism not only cause distress but impact on mental health

status (Kreiger 1999). Pyke and Dang argued that because internalized racism is an adaptive response to racism, compliance and resistance which in their own ways reproduce or replicate

racism are interrelated processes (Pyke and Dang 2003, 151). One of the approaches of CRT is

storytelling – counter storytelling in combination with the ‘historical triangulation of facts that

have an impact on present-day discrimination’ (Parker and Stovall 2004). The silence of

disabled people has been inverted with the emergence of a disability rights movement and the development of critical disability studies. Speaking otherwise about the lived body with impairment needs to extend to spaces exploring the personal costs of living under ableism beyond the dominant genre of biography into theory. In this respect a study of ableism, especially internalized ableism, moves outside the narrow confines of an individualized phenomenology and Disability & Society 155

squarely locates the analysis within a collectivist history of ideas and the field of discursive

practices.

#### That means ONLY our SYNTHESIS of both approaches can solve internalization

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1. Mapping the project

From the moment a child is born she/he emerges into a world where she/he receives messages that to be disabled is to be less than, a world where disability may be tolerated but in the final instance is inherently negative. We are all, regardless of our subject positions, shaped and formed

by the politics of ableism. This paper is about theory – it is an attempt to theorize about the way

we as disabled people live with ableism. My exploration occurs through a theoretical assessment

of critical race theory (CRT) and examines the contribution CRT can make to thinking through

the processes, formation and consequences of ableism as well as the project of speaking otherwise about disability. In particular the paper explores the concept of internalized racism, its deployment in CRT and application to critical disability studies. The paper’s focal interest is working

through points of difference between the ways internalized racism/ableism is mediated in the processes of subjectification and identifying points of convergence that can benefit dialogue across sites of scholarship. First, I will outline the purview of CRT; second, the conceptual framework of ableism will be addressed. The paper then discusses internalized racism and considers

the connection to the phenomena of internalized ableism. CRT has not only problematized the notion of race as a permanent and abiding classification,

but also made a contribution to race as a subjectifying practice resulting in internalized racism studies (Frankenberg 1993; McClintock 1995). CRT considers racism not aberrant but rather a natural part of American (and no doubt western) life. Expanding on this stance, Richard Delgado

and Jean Stefancic (2000, xvi) declared:

#### Coalition politics are key to **social change**---fear of “co-option” causes their project to devolve to **policing**

Grossberg 92 (Lawrence, Morris Davis Professor of Communication Studies at the University of North Carolina at Chapel Hill, “We Gotta Get Out of this Place: Popular Conservatism and Postmodern Culture”, page 396)

Above all, rethinking the possibility of a Left politics will require a new model of intellectual and political authority which does not begin by confidently judging every investment, every practice**,** every articulation and every individual. It will have to measure both intel­lectual and political progress by movement within the fragile and contradictory realities of people's lives, desires, fears and commit­ments, and not by some idealized utopia nor by its own theoretical criteria. It will offer a moral and progressive politics which refuses to "police" everyday life and to define a structure of "proper" and appropriate behaviors and attitudes. An impure politics—certainly, without the myth of a perfect reflexivity which can guarantee its authority (for authority is not an intellectual prize).A contaminated politics, never innocent, rooted in the organization of distance and densities through which all of us move together and apart, sometimes hesitatingly, at other times recklessly. A politicsthat attempts to move people**,** perhaps just a little at first,in a different direction**.** But a politics nonetheless, one which speaks with a certain authority, as limited and frail as the lives of those who speak it. It will have to be a politics articulated by and for people who are inevitably impli­cated in the contemporary crisis of authority and whose lives have been shaped by it. A politics for and by people who live in the contemporary world of popular tastes, and who are caught in the disciplined mobilization of everyday life**.** A politics for people who are never innocent and whose hopes are always partly defined by the very powers and inequalities they oppose. A modest politics that struggles to effect real change, that enters into the often boring challenges of strategy and compromise. An impure politics fighting for high stakes.

## A2 ID Politics Bad

### New K Link

#### Their claim of identity politics de-legitimizes real attempts for policy change – it’s a new link

Kubic 8 [(Micah, has won national and international acclaim as a community builder, non-profit administrator, scholar, and activist, Program Officer at Greater Kansas City Local Initiatives Support Corporation, Legislative Director for former Kansas City, Missouri Councilman Troy Nash) “Metaphorical Modes of Blackness: James Cone, Ronald Walters, and the Barack Obama Phenomenon” MicahKubric.com, Oct 2008] AT

Arguments of this nature have often been dismissed as shallow “identity politics.” But the modes of blackness described above are no such thing, predicated as they are on a set of behaviors and ideas, not arbitrary standards or biological qualities. The term identity politics has been increasingly used to attack the claims made on the system by blacks, Latinos, women, gays and lesbians, and other marginalized groups. Such posturing paints legitimate calls for policy action to remedy inequality as mere self-interest in pursuit of special privilege, obscuring the self-interest that is the primary reason that dominant groups resist those demands. In any event, the demonization of “identity politics” distracts from the fact that all politics is identity politics. Identity, in all of its 14 many forms, is the very foundation of political behavior, with conflict arising when the ideas and values inherent within identities clash or when different identities are activated against one another, at both the individual and communal levels. Indeed, even policy perspectives widely thought to be divorced from identity politics are quite closely tied. All political actions are closely bound up in individuals’ perceptions of themselves, their priorities, and the actions subsequently required of them – in a word, in their identities.

### You Link

#### And you link too – all politics is identity politics

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## A2 Speaking for Others

### 1AR TL Speaking for Others

#### Not speaking for others – the 1AC cites and quotes multiple disabled authors as well as organizations that are comprised of disabled people – if that’s a link, their alternative makes change IMPOSSIBLE since it means THERE ARE NO ALLIES to disabled people – the status quo’s marginalization of disabled voices means allies are key

#### Your argument destroys the possibility of critique in public debate – that’s key to social change

Sells 97 [Laura Sells, Instructor of Speech Communication at Louisiana State University, “On Feminist Civility: Retrieving the Political in the Feminist Public Forum”, this paper was presented at a Roundtable on "Public Speaking and the Feminist Public Sphere: Doing Difference Differently," at the Western States Communication Association conference, 1997]

In her recent article, "The Problems of Speaking For Others," Linda Alcoff points out the ways in which this retreat rhetoric has actually become an evasion of political responsibility. Alcoff's arguments are rich and their implications are many, but one implication is relevant to a vital feminist public forum. The retreat from speaking for others is politically dangerous because it erodes public discourse. First, the retreat response presumes that we can, indeed, "retreat to a discrete location and make singular claims that are disentangled from other's locations." Alcoff calls this a "false ontological configuration" in which we ignore how our social locations are always already implicated in the locations of others. The position of "not speaking for others" thus becomes an alibi that allows individuals to avoid responsibility and accountability for their effects on others. The retreat, then, is actually a withdrawal to an individualist realm, a move that reproduces an individualist ideology and privatizes the politics of experience. As she points out, this move creates a protected form of speech in which the individual is above critique because she is not making claims about others. This protection also gives the speaker immunity from having to be "true" to the experiences and needs of others. As a form of protected speech, then, "not speaking for others" short-circuits public debate by disallowing critique and avoiding responsibility to the other. Second, the retreat response undercuts the possibility of political efficacy. Alcoff illustrates this point with a list of people--Steven Biko, Edward Said, Rigoberta Menchu--who have indeed spoken for others with significant political impact. As she bluntly puts it, both collective action and coalition necessitate speaking for others.

#### Disability is a contingent and constantly shifting identity, which makes it unique – able-bodiedness is not a permanent status but something that can be changed at any moment – since we are all only temporarily able-bodied we ought to speak out against ableism

#### We benefit from ableism and exercise able-bodied privileged – that creates a special obligation to speak for others – my entire position acknowledges my own complicity in ableism, and it is from here kritik should begin – once this recognition is made speaking for others is a form of empowerment

Kothari 1, Rite, Professor of Post Colonial Studies at St Xaviers, interventions, V1 N1, p35-6

Now to some of the more specific questions raised by Young: the issue of representation of minorities and recognizing them, a crucial aspect of postcolonialism, invests elite sections with an opportunity and onus of doing the recognizing.  That is what happens in practice.  Baldly stated, the postcolonial predicament is academic capital for metropolitan theoreticians in the first world, or for Third World theorists now resident in the metropolis.  Similarly, the situations of groups within the postcolonial nation-spaces are fodder for theorization by mainstream groups within that nation-space. If a member of the ‘oppressive’ group is engaged in the recognizing, chances are that she appropriates the voice of the colonized, representing them—thus engaging in another quasi-orientalist activity. The crucial difference is that the recognition is not only of the subaltern by the mainstream or oppressor group, but also a recognition by the oppressor of herself as complicit in the structure of oppression. This recognition points to an exercise of the imagination, and a sympathetic entry into the other life-world. The representation that follows such a preliminary recognition is not appropriation of a voice but a description of how that voice might sound once it begins to speak. The balance between facilitating voice to the silent ones while remaining invisible is a delicate one and yet it is important to tread this path.

## A2 Word PICs

### Word PIC Bad

#### The neg may not read a counterplan that competes solely because it uses different language than the plan text or AC does.

#### Clash – it forces a debate over words and euphemisms to replace them uses rather than how to best improve the lives of disabled people which robs debate of its critical potential

Vaughan 97 [(C. Edwin Vaughan, Professor Emeritus of Sociology at Univ of Minnesota) “People-First Language: An Unholy Crusade” National Federation for the Blind, 1997] AT

I wonder if the proponents of people-first language believe that putting disabled people first on the printed page accomplishes anything in the real world? Does it alter attitudes, professional or otherwise, about disabilities? What is their evidence? The awkwardness of the preferred language calls attention to a person as having some type of "marred identity" (Goffman, 1963). But the misconceptions that diminish the lives of disabled people must still be countered directly. <continues> But isn't it pretentious to make such convolutions the preferred or even the only acceptable constructions? Is this not rather the effort of some misguided professionals who, without listening, are trying to change the world of those they purport to serve? I know that many well-meaning professionals will disagree and wonder how anyone could question the benevolence of the preferred language crusaders. To me, however, this is a measure of their isolation from the very thinking and actions within disability groups that hold the greatest prospect for changing attitudes and behavior. The concept of preferred language is merely academic--in the worse sense of the term. It means very little with respect to anything of consequence in the everyday world. We can only hope that the day will come when editors will retreat from their misguided demands and once again allow language to become the carrier of positive images as well as letting it reflect the wishes of disabled people themselves.

#### Their form of clash prevents policy discussions – discussing and learning about how government policy can affect disabled people promotes awareness of disability needs and empowers disabled people

Harris n/d [(Sarah Parker Harris, DHS/Applied Health Sciences) “Civic Engagement and Disability: using advocacy and technology to advance the political participation of people with disabilities” University of Illinois at Chicago College of Liberal Arts & Sciences] AT

Article 29 (Participation in Political and Public Life) of the United Nations Convention on the Rights of Persons with Disabilities acknowledges the right of people with disabilities to participate in political and public life on an equal basis with others. Despite a strong history of civil and human rights for people with disabilities there continues to be significant barriers in accessing all aspects of the policymaking process. Disability policies have typically been developed on behalf of people with disabilities, rather than with their direct participation, and people with disabilities continue to have restricted opportunities to participate in public domains. Advocacy and technology are two core strategies used by the disability community to advance the rights of people with disabilities, and to increase participation in public domains. While there have been important successes, further understanding of how these strategies and tools empower people with disabilities to connect government is needed. Methodology The research aimed to develop and enhance civic knowledge and practices of people with disabilities. It undertook empirical qualitative analysis examining the role of various advocacy strategies and use of technologies to facilitate the full expression and needs of people with disabilities in policy debates. Specifically, it explored the following specific questions: • How do people with disabilities engage with government; and what is the role of policy knowledge, technology and advocacy strategies in this engagement process? • Why do people with disabilities to engage in policy debate; and what are the perceived barriers and facilitators to increasing civic participation? • What is the role of augmentative and alternative communicate devices, accessible information technology in enabling and increasing access to government for people with disabilities? • How do disability organizations build advocacy knowledge, enhance civic awareness and responsibility, and increase development of technology skills to enable people with disabilities to participate in policy debates? 2 To answer these questions, the researchers collaborated with four Chicago-based disability organizations to recruit people with disabilities and organization staff to join us in a participatory process to collect empirical data through multiple methods: community resource assessment involving informal interviews with key staff (n=3) and secondary analysis of organizational data (i.e. public meetings and advisory boards; training and education programs; textual and promotional materials; teleconferences, webinars and websites; social networking and listservs); civic engagement training, pre-post evaluation and focus groups with a broad range of adults with developmental, physical and sensory disabilities, including people who use augmentative and alternative communication devices (n=22); and interviews (n=8) with key stakeholders from disability organizations. Results After the training sessions, more participants reported understanding the policy process, including how they can become involved in making an impact in the decision making process. Participants also agreed that taking part in the training sessions strengthened their understanding and sense of efficacy related to civic engagement. Education and awareness raising were key strategies to encourage civic engagement in people with disabilities. The advocacy strategies cited as most successful for promoting empowerment and civic engagement included face-toface meetings, letter writing/phone/e-mail campaigns, self-advocacy trainings, mentoring, and training in the use of technology. Major barriers included attitudinal obstacles such as lack of information about and receptiveness to the disability message, especially on the part of the government, and a lack of outreach to the disability community. Disability organizations were considered powerful facilitators for civic engagement, as was technology, provided people with disabilities could afford and use it. An individual summary of the three stages of data are presented below. Community Resource Assessment: Disability organizations are a major facilitator to civic engagement and for application of the goals contained within Article 29 of the Convention on the Rights of Persons with Disabilities. The organizations in this research build advocacy knowledge through trainings, community education and organizing, technical assistance, and research publications. Advocacy is a core service for many of these organizations; advocacy efforts included education workshops, direct action, community outreach, and organizing interest 3 groups. Direct action such as face-to-face meetings with legislators were viewed as most effective, though some preferred to utilize technology to reach a larger number of decision makers more efficiently. The organizations tended to utilize technology and social networking to communicate with consumers, build awareness, and coordinate efforts. Some organizations provided technical training workshops and assistance to consumers to help develop their skills. Training Evaluations: Although a post-evaluation was not conducted for PCIL, for the others, training was shown to have a positive impact before and after. For the six statements that were used across the evaluations the number of people who either strongly agreed or agreed with each statement increased following the training. The results suggest that the trainings were successful in teaching people with disabilities about becoming more involved in policy. Across all of the post-evaluations, only two of the responses disagreed (2.3%) with and three (3.5%) responses neither agreed or disagreed. This means that, in the end, over 94 per cent of the responses either agreed or strongly disagreed with the statements that the trainings covered. To summarize: • After the training, more people understood the policy process, how to be involved and had the belief that they could make an impact. • For people who agreed with the statements before the training, participating in the training strengthened their understanding. • The trainings were an effective way to bring groups up to the same level of understanding. Focus Groups and Interviews: Civic engagement was viewed as an essential for participation in civic society. Because policy knowledge was seen as key for effecting change, advocacy efforts focused on educating and empowering consumers, and raising awareness among the general public through media outreach. Staff emphasized the role of mentoring in empowerment and shared advocacy strategies they have found successful. Staff and participants largely viewed the government as unreceptive to their message and generally lacking in knowledge about disability policy. Many participants preferred to advocate in person, though the enormous potential benefits of using technology in advocacy were discussed. A lack of accessible online media, inability to afford technology, and limited technology skills were seen as major barriers to civic engagement. To summarize: • Education and awareness raising were key for increasing policy knowledge and reducing feelings of apathy and disempowerment among people with disabilities. • Successful advocacy strategies included in-person direct action, self-advocacy skills training, mentoring systems, and using technology for outreach. • A lack of government accessibility, awareness of disability issues, and outreach to the disability community were seen as major obstacles to civic engagement. • Technology was widely considered a useful tool, provided that people with disabilities had access and skills to use it. Conclusion The research provides important policy, advocacy and technology insights into the civic engagement experiences of people with disabilities and disability advocacy organizations. It draws on Article 29 of the CRPD to further our understanding of the effective tools and strategies so that people with disabilities can increase their involvement in public life. Increasing the political engagement of people with disabilities will ensure that new policies do not continue the cycles of oppression and marginalization historically experienced by this population. Parity of participation in civic engagement enables marginalized groups to be agents of social change. Through a community resource assessment, civic engagement trainings and empirical data gathered through pre-post evaluations, interviews and focus groups, this project identified key facilitators and barriers to developing and enhancing civic knowledge and practices of people with disabilities. The collaboration between individuals, disability advocates, researchers, scholars and service providers both with and without disabilities enabled an important participatory approach to research; thereby offering a unique and diverse perspective on an important public policy issue. The research provides individuals, advocates, disability organizations and policymakers a better understanding of how to increase, advance and support civic participation of all citizens. It is through advancing our understanding of the effective tools and strategies to increase involvement of people with disabilities, including adults who use augmentative and alternative communication devices, that we can ensure the rights of all citizens.

### Material Focus 1st

#### Their argument blocks meaningful reform by nitpicking rhetoric – only the aff is a material action to create change

#### Their focus on euphemism satisfies people with criticism but does nothing to address the second-class status of disabled people in the status quo

Jernigan 9 [(Kenneth, leader of the National Federation of the Blind, the principal blind people's organization in the United States) The Pitfalls of Political Correctness: Euphemisms Excoriated” Braille Monitor March 2009] AT

As civilizations decline, they become increasingly concerned with form over substance, particularly with respect to language. At the time of the First World War we called it shell shock—a simple term, two one-syllable words, clear and descriptive. A generation later, after the Second World War had come and gone, we called it combat fatigue. It meant the same thing, and there were still just two words—but the two syllables had grown to four. Today the two words have doubled, and the original pair of syllables have mushroomed to eight. It even has an acronym, PTSD—post traumatic stress disorder. It still means the same thing, and it still hurts as much, but it is more in tune with current effete sensibilities. It is also a perfect example of the pretentious euphemisms that characterize almost everything we do and say. Euphemisms and the politically correct language which they exemplify are sometimes only prissy, sometimes ridiculous, and sometimes tiresome. Often, however, they are more than that. At their worst they obscure clear thinking and damage the very people and causes they claim to benefit. The blind have had trouble with euphemisms for as long as anybody can remember, and late twentieth-century America is no exception. The form has changed (in fact, everything is very "politically correct"), but the old notions of inferiority and second-class status still remain. The euphemisms and the political correctness don't help. If anything, they make matters worse since they claim modern thought and new enlightenment. Here is a recent example from the federal government: United States Department of Education Washington, D.C. May 4, 1993 Memorandum TO: Office for Civil Rights Senior Staff FROM: Jeanette J. Lim, Acting Assistant Secretary for Civil Rights SUBJECT: Language Reference to Persons with a Disability As you know, the October 29, 1992, Rehabilitation Act Amendments of 1992 replaced the term "handicap" with the term "disability." This term should be used in all communications. OCR recognizes the preference of individuals with disabilities to use phraseology that stresses the individuality of all children, youth, and adults, and then the incidence of a disability. In all our written and oral communications, care should be given to avoid expressions that many persons find offensive. Examples of phraseology to avoid and alternative suggestions are noted below. "Persons with a disability" or "individuals with disabilities" instead of "disabled person." "Persons who are deaf" or "young people with hearing impairments" instead of "deaf people." "People who are blind" or "persons with a visual impairment" instead of "blind people." "A student with dyslexia" instead of "a dyslexic student." In addition, please avoid using phrases such as "the deaf," "the mentally retarded," or "the blind." The only exception to this policy involves instances where the outdated phraseology is contained in a quote or a title, or in legislation or regulations; it is then necessary to use the citation verbatim. I hope this information has been helpful to you. If you have any questions about any of these favored and disfavored expressions, feel free to contact Jean Peelen, Director, Elementary and Secondary Education Policy Division, at (202) 205-8637. That is what the memorandum says, and if it were an isolated instance, we could shrug it off and forget it. But it isn't. It is more and more the standard thinking, and anybody who objects is subject to sanction. Well, we of the National Federation of the Blind do object, and we are doing something about it. At our recent national convention in Dallas we passed a resolution on the subject, and we plan to distribute it throughout the country and press for action on it . Here it is: Resolution 93-01 WHEREAS, the word “blind” accurately and clearly describes the condition of being unable to see, as well as the condition of having such limited eyesight that alternative techniques are required to do efficiently the ordinary tasks of daily living that are performed visually by those having good eyesight; and

### A2 “Disabled” Bad

#### Their censorship replicates the abeleist biomedical model---it attaches stigma to the “disabled identity” by asserting one proper way of dealing with and even DISCUSSING disability---our term is crucial to subvert stigma

Caroline Gray, ‘9 (PhD candidate in sociology at Yale, “Narratives of Disability and the Movement from Deficiency to Difference”, Cultural Sociology 2009 3: 317)

New, politically correct terms for disabled people, such as ‘physically challenged’ or ‘hearing impaired’, assume that disability poses a challenging problem that one must overcome. For this reason, many disability activists oppose these terms. Terms like ‘physically challenged’ reaffirm the disability as inability model. By using supposedly more sensitive and neutral language, these terms also mask and blur the identity of disability itself, failing to capture the genuine ‘essences’, in this case, positively valued essences, of disabilities. Alternatively, many disabled persons prefer that more straightforward terms like ‘blind’ or ‘deaf’ be adopted and used because they bring the disabled identity to the fore (Linton, 1998). Sometimes these terms may even be substituted with formerly pejorative terms, much in the way that other stigmatized groups have salvaged previously derogatory terms (Fletcher, 1993). Just as gays and lesbians have reappropriated the term ‘queer’, in many non-mainstream disability rights publications, for example, terms such as ‘crip’, ‘invalid’, or ‘gimp’ are used freely and often. In her treatise entitled On Being a Cripple, Nancy Mairs explains why she prefers ‘cripple’ to the more common ‘disabled’ or ‘handicapped’ (1986). This appropriation of traditionally offensive terms signals an attempt to subvert the stigma of disability. By invoking these terms, one can ironically comment on the marginalization of disabled identities and offer an affirmation of the positive features of disability, which is, I have argued, a core distinguishing characteristic of the emerging multicultural narrative of disability.

#### Their argument assigns shame to disability status

Jernigan 9 [(Kenneth, leader of the National Federation of the Blind, the principal blind people's organization in the United States) The Pitfalls of Political Correctness: Euphemisms Excoriated” Braille Monitor March 2009] AT

WHEREAS, there is increasing pressure in certain circles to use a variety of euphemisms in referring to blindness or blind persons―euphemisms such as “hard of seeing,” “visually challenged,” “sightless,” “visually impaired,” “people with blindness,” “people who are blind,” and the like; and WHEREAS, a differentiation must be made among these euphemisms: some (such as “hard of seeing,” “visually challenged,” and “people with blindness”) being totally unacceptable and deserving only ridicule because of their strained and ludicrous attempt to avoid such straightforward, respectable words as “blindness,” “blind,” “the blind,” “blind person,” or “blind persons;” others (such as “visually impaired,” and “visually limited”) being undesirable when used to avoid the word “blind” and acceptable only to the extent that they are reasonably employed to distinguish between those having a certain amount of eyesight and those having none; still others (such as “sightless”) being awkward and serving no useful purpose; and still others (such as “people who are blind” or “persons who are blind”) being harmless and not objectionable when used in occasional and ordinary speech but being totally unacceptable and pernicious when used as a form of political correctness to imply that the word “person” must invariably precede the word “blind” to emphasize the fact that a blind person is first and foremost a person; and WHEREAS, this euphemism concerning people or persons who are blind--when used in its recent trendy, politically correct form--does the exact opposite of what it purports to do since it is overly defensive, implies shame instead of true equality, and portrays the blind as touchy and belligerent; and WHEREAS, just as an intelligent person is willing to be so designated and does not insist upon being called “a person who is intelligent” and a group of bankers are happy to be called bankers and have no concern that they be referred to as persons who are in the banking business, so it is with the blind―the only difference being that some people (blind and sighted alike) continue to cling to the outmoded notion that blindness (along with everything associated with it) connotes inferiority and lack of status; now, therefore, BE IT RESOLVED by the National Federation of the Blind in Convention assembled in the city of Dallas, Texas, this 9th day of July, 1993, that the following statement of policy be adopted: We believe that it is respectable to be blind, and although we have no particular pride in the fact of our blindness, neither do we have any shame in it. To the extent that euphemisms are used to convey any other concept or image, we deplore such use. We can make our own way in the world on equal terms with others, and we intend to do it.

### A2 “People With Disability”

#### “Disabled person” best coheres with the social model which avoids stigmatizing disability and treating it as an inherently negative status which their alt re-inscribes. This social model also solves the “person first” argument

Egan 12 [(Lisa, disability rights activist, occasional writer, and disabled woman) “I'm Not A "Person With a Disability": I'm a Disabled Person” Xojane Nov 9] AT

I am disabled. More specifically, I am disabled by a society that places social, attitudinal and architectural barriers in my way. This world we live in disables me by treating me like a second-class citizen because I have a few impairments -- most obviously a mobility impairment. Two ways of looking at disability What’s the difference between “having a disability” and “being disabled”? It all comes down to two sociological theories: the medical/individual model of disability and the social model of disability. The medical model -- the idea that a person has a disability -- is the dominant notion in our society. It’s the idea that a person is prevented from functioning in our society by their body or brain and it’s just that person’s tough luck. If they can’t blend into this world, it’s not the world’s problem. The social model is the way I prefer to view the world. It’s the idea that a person with an impairment or illness is disabled by the society we live in because of all the barriers that are put in our way. Society disables me. I live in London, which has a world famous underground train network. Only around 20% of the stations have wheelchair access. Someone with a medical/individual perspective would state that I am prevented from getting around my city because I’m a person with a disability and it’s tough luck that the Tube is so inaccessible. If I want to use the Tube then I’m just gonna have to find a new skeleton from somewhere. The way I see it is that I’ve been disabled when it comes to travelling around my city by the architects that installed stairs and escalators instead of ramps and lifts at the majority of Underground stations. Stairs and escalators are man-made barriers put in the way by a discriminatory society that excludes me because I have impaired mobility. I continue to be disabled by a Mayor who has set the budget for improving access on the Tube to £0 for the next 3 years. Most people look at the word “disabled” and assume it means “less able.” It doesn’t. It means “prevented from functioning.” When I turn the wireless connection off on my computer, I get told that the connection has been “disabled”: Does this mean that my wifi has suddenly become less able or broken? Has my wifi acquired a disability? Of course not. It has been prevented from functioning by an external force. In a very similar way to how I’m disabled by bus drivers that just won’t stop if they see me -- a wheelchair user -- waiting at the bus stop. Hannah Cockroft is not someone you’d describe as “less able.” The woman is an unstoppable force on an athletics track. But she is disabled when it comes to travelling around London because of the man-made stairs and escalators at Tube stations. As a person with a mobility impairment I am disabled by steps, stairs, escalators, being denied computer access as I can’t write by hand, inaccessible housing, and so on. To me a flight of stairs without a lift as an alternative is the equivalent of right-clicking me and selecting “disable Lisa.” Once I learned about the social model, I realized that my body wasn’t the problem at all. There are many who would argue that they do have a disability. They point out that even if all barriers put in place by society were removed, they’d still have things they can’t do. Firstly in response to that: It’s a person’s right to identify however the hell they want. If they’re more comfortable as a “person with a disability” than as a “disabled person” then that’s nothing to do with me. Secondly, most of these people haven’t noticed the social model’s distinction between “impairment” (the things you can’t do because of your body/brain) and “disability” (the social barriers disabling you on the grounds that you have an illness or impairment). I have a mobility impairment and because of that society gets all right-clicky and prevents me from functioning to my full potential. Some people state that the social model is just a sociological theory; it doesn’t make a bit of difference in one’s everyday life. For me that’s just not true. I was about 17 when I learned about the social model and it radically changed how I thought about my own body. When I was a child I would wonder “why me?” on a daily basis. I would wonder why my spirit had been put into this body that hurt so much of the time. I hated my body when I was not allowed on school trips or when I was left in the classroom on my own while my classmates were doing something more fun. I’d get left in the classroom on my own with a math textbook -- anything is more fun than that. Once I learned about the social model, I realized that my body wasn’t the problem at all. The reason I spent so much time in pain was because I’d get half a paracetamol1 every 4 hours for multiple broken bones. There was no need for me to be in pain; effective painkillers existed by the 1980s. I just wasn’t given any. Denying someone needed pain meds is an attitudinal barrier making their life needlessly difficult. I may have been a smiley child, but those broken bones all hurt. I may have been a smiley child, but those broken bones all hurt. It also made me realize that the reason I was treated like crap at school wasn’t my body’s fault at all. It was disablist discrimination. With hindsight, it seems so odd that I just accepted that my impaired body was to blame for all the misery I put up with during primary school2, but it was the only difference I could see between me and all the other kids. No one stopped and told me that I was being discriminated against, that it didn’t have to be happening, and that it wasn’t my body’s fault. The main argument in favor of the phrase “person with a disability” is that it’s “person first.” Whaaaat? No one has ever told me that I should describe myself as a “person with gayness” or a “person with womanliness.” I’m gay and I’m a woman -- no need to qualify that I’m a person too. But I have been told that I’m wrong for calling myself “disabled” rather than a “person with a disability.” Unsurprisingly my response either tends to be about as long as this article or a short string of expletives. We had the Paralympics here in London 2 months ago. During the games, it became the cool thing for unimpaired celebrities to tweet that the word disabled is “ridiculous” and needs to be replaced. I’d love to see if they still feel the same once they’ve been denied access to transport, housing, medical care and educational opportunities. “Disabled” is the best word in the world for describing the barriers I confront and no nondisabled person has the right to try and take that from me.

#### Person-first discourse assumes disability is inherently negative and dehumanizes disabled people

Sinclair 99 [(Jim, autistic man, guest contributor to Autism Mythbusters) “Why I dislike “person first” language” Autism Mythbusters] AT

3) Saying “person with autism” suggests that autism is something bad–so bad that is isn’t even consistent with being a person. Nobody objects to using adjectives to refer to characteristics of a person that are considered positive or neutral. We talk about left-handed people, not “people with left-handedness,” and about athletic or musical people, not about “people with athleticism” or “people with musicality.” We might call someone a “blue-eyed person” or a “person with blue eyes,” and nobody objects to either descriptor. It is only when someone has decided that the characteristic being referred to is negative that suddenly people want to separate it from the person. I know that autism is not a terrible thing, and that it does not make me any less a person. If other people have trouble remembering that autism doesn’t make me any less a person, then that’s their problem, not mine. Let them find a way to remind themselves that I’m a person, without trying to define an essential feature of my personhood as something bad. I am autistic because I accept and value myself the way I am.

#### Turn – this construction focuses on the disability, not the person

Vaughan 97 [(C. Edwin Vaughan, Professor Emeritus of Sociology at Univ of Minnesota) “People-First Language: An Unholy Crusade” National Federation for the Blind, 1997] AT

There are at least two ways to look at this issue. First, the awkwardness of the preferred language focuses on the disability in a new and potentially negative way. In common usage positive pronouns usually precede nouns. We do not say, "people who are beautiful," "people who are handsome," "people who are intelligent," etc. Under the guise of the preferred language crusade, we have focused on disability in an ungainly new way but have done nothing to educate anyone or change anyone's attitudes.

#### Can’t separate the person from the disability – it is an important part of many people’s identity

Sinclair 99 [(Jim, autistic man, guest contributor to Autism Mythbusters) “Why I dislike “person first” language” Autism Mythbusters] AT

1) Saying “person with autism” suggests that the autism can be separated from the person. But this is not the case. I can be separated from things that are not part of me, and I am still be the same person. I am usually a “person with a purple shirt,” but I could also be a “person with a blue shirt” one day, and a “person with a yellow shirt” the next day, and I would still be the same person, because my clothing is not part of me. But autism is part of me. Autism is hard-wired into the ways my brain works. I am autistic because I cannot be separated from how my brain works. 2) Saying “person with autism” suggests that even if autism is part of the person, it isn’t a very important part. Characteristics that are recognized as central to a person’s identity are appropriately stated as adjectives, and may even be used as nouns to describe people: We talk about “male” and “female” people, and even about “men” and “women” and “boys” and “girls,” not about “people with maleness” and “people with femaleness.” We describe people’s cultural and religious identifications in terms such as “Russian” or “Catholic,” not as “person with Russianity” or “person with Catholicism.” We describe important aspects of people’s social roles in terms such as “parent” or “worker,” not as “person with offspring” or “person who has a job.” We describe important aspects of people’s personalities in terms such as “generous” or “outgoing,” not person first language as “person with generosity” or “person with extroversion.”Yet autism goes deeper than culture and learned belief systems. It affects how we relate to others and how we find places in society. It even affects how we relate to our own bodies. If I did not have an autistic brain, the person that I am would not exist. I am autistic because autism is an essential feature of me as a person.

#### Their kritik abstracts away from the real experiences and wishes of disabled people

Vaughan 97 [(C. Edwin Vaughan, Professor Emeritus of Sociology at Univ of Minnesota) “People-First Language: An Unholy Crusade” National Federation for the Blind, 1997] AT

Second, we are told that preferred usage will cause us to focus on the whole person. In the best of all possible worlds, where ignorance, stereotypes, and advantages over others do not exist, this might be the case. But until we reach that condition- -and that will be a long time coming--might it not be preferable to use language that reflects the actual experiences of most disabled people? In interaction with others, disabilities are almost never ignored. Disabled people learn to manage such situations. If we are going to expend this concentrated effort, why not launch a broader-based, more substantive crusade which would change images and ideas about conditions that are sometimes frightening and seldom well understood? For example, why not work on changing the connotations of what it means to be blind--to challenge old understandings with new insights about blindness? Many blind people are proud of the accomplishments of their brothers and sisters. Just as black became beautiful, blind is no longer a symbol of shame. To say, "I am blind" or "I am a blind person" no longer seems negative to many, particularly those groups with existential interest in the topic. Finally, in the broadest sense this issue is a political one. From the first book of the Judeo/Christian Bible to the work of Michel Foucault, giving a name is important and suggests domination (Vaughan, 1993, pp. 115-142). There are many different kinds of people with various disabilities. Some groups may have progressed more than others in their effort to redefine their situations in the wider society. Some individuals and groups of individuals wish to name themselves (or at least not have new labels, preferred usage, created for them by experts who would do them good.) So why the current people-first language crusade? Why not respect the wishes and diversity of many directly involved individuals and consumer groups? Is this not in part what empowerment is about? No one objects to other people's use of awkward phrases such as "persons with blindness," if they want to be tedious writers.

# wip

### Recut

#### Ableism is perpetuated by the low wages that make up the sheltered workshops

Smith 14 [(s.e., essayist, journalist, and activist on social issues; cofounder of FWD/Forward: Feminists with disabilities for a way forward, I continue to contribute to feminist discussion at Tiger Beatdown and am a member of the Guardian Comment Network. Additionally, I maintain a personal website, this ain’t livin’, with regular posts on a spectrum of topics from Chinese-American history to environmental justice. I serve as the Social Justice Editor at xoJane and am the Editor in Chief of Disability Intersections, an online intersectional disability magazine) “Blogging Against Disableism Day 20: Sheltered Workshops” 1 May, 2014 meloukhia.net] AT

Historically, the attitude towards employment for people with moderate to severe impairments has been highly patronising. Disabled people were placed in ‘sheltered workshop’ environments, where they completed extremely simple, basic, repetitive, and often dull tasks for very low wages, and in some cases no wages at all. The argument in defense of sheltered workshops was that they provided a form of occupational therapy, gave disabled people something to do, and gave them a sense of value in their lives. The disability rights movement has fought back long and hard against this model of employment. We resist the notion that some people should be paid less than others on the basis of disability status (a highly discriminatory pay scale like this is offensive and illegal), and we also resist the idea that disabled people should be isolated from society in sheltered workshop environments where they can’t interact with people or develop rich community ties. The pushback against sheltered workshops is part of the larger community-based living movement, which defends our right to live (and work) in communities, not institutional environments. As it turns out, evidence suggests that being employed in sheltered workshops actually offers no real benefits; people with a history of working in sheltered workshops need to be ‘untrained‘ before they can enter the broader work force, for example. Meanwhile, many disability rights groups have pointed out that such environments, such as Goodwill Industries, pay disabled people pennies on the dollar and allow nondisabled officials higher up in the organisation to profit from their labour. Frustratingly, federal benefits aimed at helped disabled people participate in the workforce often end up with sheltered workshops, in direct opposition to mandates to support community-based living. Thanks to the highly active Obama Administration, the DOJ has taken a closer look at sheltered workshops over the last two years, and it appears poised to pressure state agencies to focus on community-supported living, which includes community-supported employment. Such agencies often argue that sheltered workshops are necessary because people with severe impairments need aides for support, often in a way that suggests these disabled people can’t engage with society or aren’t full human beings. In community-supported employment, disabled people fill job positions in the community, and their aides work with them in programmes funded by regional agencies. Such programmes have shown clear benefits for employers and disabled people alike — they make people more independent, help people develop life skills, and connect disabled people with their communities. Additionally, seeing disabled people working and interacting with the community on a daily basis tackles ableism and hateful attitudes about disability, as observers are forced to reevaluate their attitudes and beliefs in the face of encounters with real human beings. Such employment offers more benefits in the long term, actually complies with laws regarding work benefits for disabled workers, and offers disabled people an opportunity at dignity and respect. As I reflect on labour issues this May Day, I seethe on behalf of my disabled siblings working for far less than minimum wage in degrading and sometimes dangerous conditions. They, too, deserve justice, and they, too, are part of the growing class war — because structural systems used to keep them poor are the same systems used to induce poverty in society in general. Sadly, misinformation about benefits has fed confusion and resentment surrounding disabled people, with nondisabled members of the public mistakenly under the belief that being disabled confers special treatment or provides one with a monstrous government stipend. Nothing could be further from the truth: disabled people with moderate to severe impairments are often exploited in sheltered workshops, or they’re kept in a degrading state of poverty by their ‘benefits,’ which don’t cover basic needs.

#### Customized employment good

NDRN 11 [(National Disability Rights Network (NDRN), is the nonprofit membership organization for the Protection and Advocacy (P&A) system and Client Assistance Program (CAP). The P&A/CAP network was established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education) “The Failure of the Disability Service System to Provide Quality Work”] AT

One alternative is customized employment. Customized employment means individualizing the relationship between employees and employers in ways that meet the needs of both. It is based on a determination of the strengths and interests of the person with a disability, and the needs of the employer. It may include employment developed through job carving, self-employment, or entrepreneurial initiatives, or other job development or restructuring strategies that result in job responsibilities being customized and individually negotiated to fit the needs of individuals with a disability. Customized employment assumes the provision of reasonable accommodations and supports necessary for the individual to perform the functions of a job that is individually negotiated and developed. Customized employment works because it is person-centered, and driven by the interests, strengths and conditions for success of each individual. It is real work for real pay in integrated settings. It is not based solely on job development techniques to secure existing work through a competitive employment process. A customized job is a set of tasks that differ from the employer’s standard job descriptions but are based on actual tasks that are found in the workplace and meet the unmet needs of the employer. Practitioners and innovators in customized employment accomplish customized job descriptions through job carving, negotiated job descriptions, and job descriptions specifically created to meet the employer’s unmet needs. Unlike traditional day and employment programs for people with disabilities, that often encourage an employment path of stereotypic work options, customized employment begins with the assumption that the job seeker is ready for work, and has a valuable contribution to make that is based on their unique skills, interests and preferences. Customized employment does not occur in segregated settings.

#### Recognition of disability creates ruptures in status quo thinking

Campbell and Kumari 9

, Griffith University, 9 (Fiona Kumari, 2009, "Contours of Ableism: The Production of Disability and Abledness," page 12-13, Date Accessed: 7/7, JS)

Georges Canguilhem (1978, p. 69) states, ‘every generality is the sign of an essence, and every perfection the realisation of the essence ... a common characteristic, the value of an ideal type’. If this is the case, what then is the essence of normative abled(ness)? Such a question poses significant conceptual challenges including the dangers of bifurcation. It is reasonably easy to speculate about the knowingness of life forms deemed disabled in spite of the neologism disability’s catachresis orientation. In contrast, able-bodied, corporeal perfectedness has an elusive core (other than being posed as transparently average or normal). Charting a criterion of abled to gain definitional clarity can result in a game of circular reductionism – saying what it is in relation to what it isn’t, that which falls away. Disability performances are invoked to mean ‘any body capable of being narrated as outside the norm’ (Mitchell, 2002, p. 17). Such an analysis belies the issue whether, at their 10.1057/9780230245181 - Contours of Ableism, Fiona Kumari Campbell Copyright material from www.palgraveconnect.com - licensed to Feng Chia University - PalgraveConnect - 2011-04-01 July 23, 2009 9:46 MAC/COA Page-11 9780230\_579286\_02\_cha01 The Project of Ableism 11 core, women’s, black and queer bodies are ultimately ontologically and materially disabled. Parsons (1999) commented, Women talk about being proud of who they are – proud because they are women; aborigines talk about being proud because they are aborigines; gay men and lesbians about being proud because of their sexuality. But throughout the disability movement we are much more likely to hear people with disabilities talking about pride in themselves despite their disability (p. 14). Inscribing certain bodies in terms of deficiency and essential inadequacy privileges a particular understanding of normalcy that is commensurate with the interests of dominant groups (and the assumed interests of subordinated groups). Indeed, the formation of ableist relations requires the normate individual to depend upon the self of ‘disabled’ bodies being rendered beyond the realm of civility, thus becoming an unthinkable object of apprehension. The unruly, uncivil, disabled body is necessary for the reiteration of the ‘truth’ of the ‘real/essential’ human self who is endowed with masculinist attributes of certainty, mastery and autonomy. The discursive practices that mark out bodies of preferability are vindicated by abject life forms that populate the constitutive outside of the thinkable (that which can be imagined and re-presented) and those forms of existence that are unimaginable and therefore unspeakable. The emptying (kenosis) of normalcy occurs through the purging of those beings that confuse, are misrecognisable or as Mitchell (2002, p. 17) describes as ‘recalcitrant corporeal matter’ into a bare life (see Agamben, 1998) residing in the/a zone of exceptionality. This foreclosure depends on necessary unspeakability to maintain the continued operation of hegemonic power. For every outside there is an inside that demands differentiation and consolidation as a unity. To borrow from Heidegger (1977) – in every aletheia (unveiling or revealedness) of representation there lies a concealedness. The visibility of the ableist project is therefore only possible through the interrogation of the revealedness of disability/not-health and abled(ness), Marcel Detienne (1979) summarises this system of thought aptly: [Such a] ... system is founded on a series of acts of partition whose ambiguity, here as elsewhere, is to open up the terrain of their transgression at the very moment when they mark off a limit. To discover the complete horizon of a society’s symbolic values, it is also necessary to map out its transgressions, its deviants (p. ix). 10.1057/9780230245181 - Contours of Ableism, Fiona Kumari Campbell Copyright material from www.palgraveconnect.com - licensed to Feng Chia University - PalgraveConnect - 2011-04-01 July 23, 2009 9:46 MAC/COA Page-12 9780230\_579286\_02\_cha01 12 Cogitating Ableism Viewing the disabled body as simply matter out of place that needs to be dispensed with or at least cleaned up is erroneous. The disabled body has a place, a place in liminality to secure the performative enactment of the normal. Detienne’s summation points to what we may call the double bind of ableism when performed within Western neo-liberal polities. The double bind folds in on itself – for whilst claiming ‘inclusion’, ableism simultaneously always restates and enshrines itself. On the one hand, discourses of equality promote ‘inclusion’ by way of promoting positive attitudes (sometimes legislated in mission statements, marketing campaigns, equal opportunity protections) and yet on the other hand, ableist discourses proclaim quite emphatically that disability is inherently negative, ontologically intolerable and in the end, a dispensable remnant. This casting results in an ontological foreclosure wherein positive signification of disability becomes unspeakable. I’ve always believed that within tragedy, there is incredible life and emotion. So my condition is not something I think of as sad; I think it’s something so beautifully human. It doesn’t make me less of a human being. It makes me so rich ...I see my life as an active experiment; to grasp at greatness I must risk failure. I put instinct before caution, ideals before reality and possibility before negativity. As a result, my life is not easy but it’s not boring either. (Byrnes, 2000) Disability cannot be thought of/spoken about on any other basis than the negative, to do so, to invoke oppositional discourses, is to run the risk of further pathologisation. An example of this is the attempt at desiring, or celebrating, disability that is reduced to a fetish or facticity disorder. So to explicate ourselves out of this double bind we need to persistently and continually return to the matter of disability as negative ontology, as a malignancy, that is, as the property of a body constituted by what Michael Oliver (1996, p. 32) refers to as, ‘the personal tragedy theory of disability.’ Returning to the matter of definitional clarity around abled(ness), Robert McRuer (2002) is one of the few scholars to journey into ableism’s non-axiomatic life. He argues that ableism (McRuer refers to compulsory abled-bodiedness) emanates from everywhere and nowhere, and can only be deduced by crafty reductionisms. Contra the assertions about the uncontainability of disabled bodies which are (re)contained by the hyper-prescription and enumeration, the abled body mediated 10.1057/9780230245181 - Contours of Ableism, Fiona Kumari Campbell Copyright material from www.palgraveconnect.com - licensed to Feng Chia University - PalgraveConnect - 2011-04-01 July 23, 2009 9:46 MAC/COA Page-13 9780230\_579286\_02\_cha01 The Project of Ableism 13 through its assumption of compulsion is absent in its presence – it just is – but resists being fully deducible. Drawing on Butler’s work, McRuer (2002) writes, Everyone is virtually disabled, both in the sense that able-bodied norms are ‘intrinsically impossible to embody’ fully and in the sense that able-bodied status is always temporary, disability being the one identity category that all people will embody if they live long enough. What we might call a critical disability position, however, would differ from such a virtually disabled positions [to engagements that have] resisted the demands of compulsory able-bodiedness (pp. 95–96). My argument is that insofar as this conception of disability is assumed within discourses of ableism, the presence of disability upsets the modernist craving for ontological security. The conundrum, disability, is not a mere fear of the unknown, or an apprehensiveness towards that which is foreign or strange. Rather, disability and disabled bodies are effectively positioned in the nether regions of ‘unthought’. For the ongoing stability of ableism, a diffuse network of thought depends upon the capacity of that network to ‘shut away’, to exteriorise, and unthink disability and its resemblance to the essential (ableist) human self. This unthought has been given much consideration through the systematisation and classification of knowledges about pathology, aberration and deviance. That which is thought about (the Abled norm) rather ironically in its delimitation becomes vacuous and elusive. In order for the notion of ableness to exist and to transmogrify into the sovereign subject, the normate individual of liberalism, it must have a constitutive outside – that is, it must participate in a logic of supplementarity. When looking at relations of disability and ableism we can expand on this idea of symbiosis, an ‘unavoidable duality’ by putting forward another metaphor, that of the mirror. Here I argue that people deemed disabled take on the performative act of mirroring in the lives of normative subjects: ... To be a Mirror is different from being a Face that looks back ... with a range of expression and responsiveness that are responses of a Subject-in-Its-Own-Right. To be positioned as a Mirror is to be Put Out of Countenance, to Lose Face. (Narayan, 1997, p. 141) 10.1057/9780230245181 - Contours of Ableism, Fiona Kumari Campbell Copyright material from www.palgraveconnect.com - licensed to Feng Chia University - PalgraveConnect - 2011-04-01 July 23, 2009 9:46 MAC/COA Page-14 9780230\_579286\_02\_cha01 14 Cogitating Ableism In this respect, we can speak in ontological terms of the history of disability as a history of that which is unthought, to be put out of countenance; this figuring should not be confused with erasure that occurs due to mere absence or exclusion. On the contrary, disability is always present (despite its seeming absence) in the ableist talk of normalcy, normalisation and humanness (cf. Overboe, 2007, on the idea of normative shadows). Disability’s truth-claims are dependent upon discourses of ableism for their very legitimisation. Disability imaginaries – reconceptualising the human? Phenomenological studies have long recognised the importance of focusing on the experience of the animated living body (der Leib), in recognition that we dwell in our bodies and live so fundamentally through them. This intensity is captured by Kalekin-Fishman (2001): Before every action, there is a pause ... and a beginning again. The pause is for description, for mulling over the requirements of balance, for comparing the proposed action with movements that are familiar, and for explaining to myself why I can or cannot do what is at hand ...In the course of daily living, the thinking is not observable; the behaviour just happens, part of what this person does naturally. The physiology of ‘a slight limp’ is part of the unmediated expression of what my ‘I’ is (p. 36). In short, we cannot ‘know’ existence without being rooted to our bodies. To this extent, it is problematic to speak of bodies in their materiality in a way that distinguishes between emotions and cognition. This generative body is shaped by relations of power, complex histories and interpreted through a bricolage of complex interwoven subjectivities. This approach to perceiving the body in terms of geist or animation can be applied to re-thinking peripheral bodies deemed disabled. It is this body that infuses the discourses and animates representations. Refusing able(ness) necessitates a letting go of the strategy of using the sameness for equality arguments as the basis of liberal freedom. Instead of wasting time on the violence of normalisation, theoretical and cultural producers could more meaningfully concentrate on developing a semiotics of exchange, an ontological decoder to recover and apprehend the lifeworlds of humans living peripherally. Ontological differences, be that on the basis of problematical signifiers of race, sex, sexuality and dis/ability, need to be unhinged from evaluative ranking and be 10.1057/9780230245181 - Contours of Ableism, Fiona Kumari Campbell Copyright material from www.palgraveconnect.com - licensed to Feng Chia University - PalgraveConnect - 2011-04-01 July 23, 2009 9:46 MAC/COA Page-15 9780230\_579286\_02\_cha01 The Project of Ableism 15 re-cognised in their various nuances and complexities without being represented in fixed absolute terms. It is only then, in this release that we can find possibilities in ambiguity and resistance in marginality. Instead of asking ‘how do you manage not being like (the non-stated) us?’ (the negation argument), disability imaginaries think/speak/gesture and feel different landscapes not just for being – in-the-world, but on the conduction of perception, mobilities and temporalities. Linton (1998a, p. 530) points out that the ‘kinaesthetic, proprioceptive, sensory and cognitive experiences’ of disabled people as they go about their daily life have received limited attention. Nancy Mairs (1996) notes that a disability gaze is imbricated in every aspect of action, perception, occurrence and knowing. In order to return bodies back to difference – in-the-human – a re-conceptualisation of knowing (episteme) is paramount. Only this knowledge is of a carnal kind, where thinking, sensing and understanding mutually enfold. Whilst ever present in ableist normalising dialogue, disability’s veracity is undeniably contingent upon conversations of ableism, its production and performance, to confer validity

#### The 1AC speech act is uniquely key to challenge ableism in the status quo

Barnes 92 Colin Barnes, Professor of Disability Studies in the [School of Social and Health Sciences Halmstad University](http://www.hh.se/english/research/professors/colinbarnes.8675.html), 1992, “DISABLING IMAGERY AND THE MEDIA” KL

This section has demonstrated how the vast majority of information about disability in the mass media is extremely negative. Disabling stereotypes which medicalise, patronise, criminalise and dehumanise disabled people abound in books, films, on television, and in the press. They form the bed-rock on which the attitudes towards, assumptions and about and expectations of disabled people are based. They are fundamental to the discrimination and exploitation which disabled people encounter daily, and contribute significantly to their systematic exclusion from mainstream community life. It is also clear that recent attempts by some elements in the media to remedy the situation and 'normalise' disabled people will only partly resolve the problem. The only solution with any hope of success is for all media organisations to provide the kind of information and imagery which; firstly, acknowledges and explores the complexity of the experience of disability and a disabled identity and; secondly, facilitates the meaningful integration of all disabled people into the mainstream economic and social life of the community. Failure to adopt such an approach has important implications for both disabled people and society as a whole. At present around twelve per cent of Britain's population are disabled people. It is highly likely that this figure will increase dramatically in the next few years due to several factors including medical advances and an ageing population - the likelihood of acquiring an impairment increases significantly with age. Disablism in the media is no longer simply morally and socially reprehensible it is economically inept.

#### The role of the ballot is to crip the debate community – it creates new ways to resist ableism and opens the debate space to do so

Chandler 2011 (Eliza, “Cripping Community: New Meanings of Disability and Community”, <http://nomorepotlucks.org/site/cripping-community-new-meanings-of-disability-and-community/>)

As a noticeably disabled “walkie” who frequently traverses the streets of my city, Toronto, I have a strong sense that ableist logic dominates and circulates (Clare, 2007, p. 127). This sense comes from the ever-present possibility, or indeed actuality, of being stared at, avoided, or commented upon when I am in every crevasse of public culture. This sense also comes from my knowledge that all noticeably disabled people I know share similar experiences. My sense that ableism floods dominant culture is further secured every time I notice stairs to a building without an accompanying ramp or elevator, with every heavy door I struggle to open, and every time I hear words like “crazy” or “lame” lazily appear in our everyday parlance. As someone working in the discipline of disability studies, I have a strong sense that disability is discursively produced through ablest logic under the “regime of truth,” wherein discrimination against disabled people makes sense; it is collectively tolerated and collectively responded to, if at all, with apathy (Foucault, 1980). As a disabled person who embodies disability with a mixture of pride and shame (Chandler, 2010), who experiences disability as communally binding, culturally important, and even a desired way of living, I wish to tell stories that are not only of this flavour—stories flecked with discrimination, violence, and fear, stories in which disability is culturally produced as nothing more or less than a problem in need of solution—though there are many. Rather, I am concerned with how disability can be understood differently, specifically, how disability can be taken up as communally binding and desirable, and how communities bound together by disability—crip communities—can “crip” community. I use “crip community” to refer to any time that community is enacted through mutual motivation or desire to dwell with disability, a desire which is antagonistic to the normative desire to cure or kill disability. In order to think about how crip community can “crip”[1] community, I use crip as a verb. To crip is to open up desire for what disability disrupts (Fritsch, forthcoming). As I have said, my research takes interest in how disability is done differently, communally. However, I recognize that crip communities do not, cannot transcend ableism. As ableist logic is pervasive, we cannot transcend the normative terrain in which ableism circulates. Crip communities, rather, occur within normative culture, “unworking” and reworking our understandings of community and disability in their enactments (Nancy as cited in Walcott, 2003). Therefore, in order to think about the possibilities (and also limits) for embodying crip identities and recognizing crip communities, I must first explore how we normatively understand disability and the normative cultural terrain wherein crip communities are enacted. I say this in tune with Stuart Hall, who urges that thinking about culture is absolutely central for crafting out political identities. For culture, he says, “constitutes the terrain for producing identity, for producing social subjects” (1997, p. 291). Thinking with Katherine McKittrick, who uses “geography” to refer to “space, place and location in their physical materiality and imaginative configurations” (2006, p. x), I attend to the normative places and spaces we find ourselves in, or, as Hall puts it, to the terrain. In my dissertation research, I follow McKittrick’s use of geography in order to think through the “normative geography” of disabled people and people of the African diaspora; a geography which is most often one of containment, containing disabled and racialized bodies, as well as our cultural understandings of those bodies (2006, p. x).[2] People of the African diaspora and disabled people are “analogous” for the way that we both relate to our national “home” from the “contradictory social position of belonging and not” (Wittgenstein, as cited in Bannet, 1997, p. 655; Walcott, 2008). From this position of not belonging, diaspora and disabled people enact communities of alterity in which their identities can mean, and they can belong, differently. Diaspora and disabled people are also analogous in that the geography in which they do belong within the nation-state is often one of containment. These geographic containers—historical sites, such as slave ships, plantations, and asylums, as well as contemporary sites, such as institutions, prisons, government housing, ghettoized neighbourhoods, and the Canadian North, all of which contain racialized, disabled, and racialized disabled people—work to ensure that all other spaces are geographies of normativity—places without slaves, without “the insane”: geographies of safety. More than this, and again following McKittrick, such normative geographies are “infused with ways of knowing” or interpreting the humanity of those who are geographically contained in such spaces (2006, p. x); this “knowing” is enforced as such cultural containers become naturalized as the rightful place of belonging for disabled and racialized people within the nation-state. McKittrick’s entanglement of humanness and geography begs us to attend to how racialized and disabled people’s placement in such geographic containers is dependent upon a particular understanding of their humanness, namely the denial of it. That disability is culturally understood as the denial of humanity is also discursively evident and discursively perpetuated. Person-first language (“people with disabilities”) is used by the Canadian government to refer to “us,” and bureaucratically perpetuated as the nomenclature of political correctness. “People with disabilities” is a phrase that is meant to distinguish itself from, as Tanya Titchkosky writes, the “relentless parade of insults” historically associated with the language of disability (2000, p. 128). Following Titchkosky, we can see that disability is understood as a condition that prevents, or at least significantly jeopardizes, one’s recognition as human and, therefore, we must remove “disability” as far away from “people” as possible. “Disability” and “people” become separated by a “with”; we are people despite our disabilities. Person-first language, then, makes people. Ableism, to be sure, is pervasive. And although stories of how ableism is felt and how it persists are not necessarily the ones I want to tell, I believe that these are the stories with which we must begin. Again, I follow Hall (1997) when he says that we cannot think about how identities are constituted without thinking about how social subjects are represented. We know that disability is represented in a myriad of ways and by a myriad of social functions as a problem in need of a solution. And I can tell you as a disabled person who is communally connected to other disabled people, that disability is not experienced as a problem, by everyone, all of the time. To recognize that my experience of disability does not match its representation is, first of all, likely not surprising, but also not reason for me to disengage with how my embodiment is represented. As Hall says, “culture lays the terrain in which identities are formed” (1997, p. 291). And, given that ableism informs our cultural sensibility, the pronouncement or arrival of disability identities and the enactment of crip communities with disability as their binding tie, is not yet recognized as sensible (Titchkosky, 2002). Disability identities and crip communities are formed despite of or maybe because of disability’s pervasive cultural understanding as a condition to be cured or killed.[3] In the beginning of this article, I cited my experience on the streets as one of the ways that I strongly sense or, I would even hazard, that I “know” that ableism circulates. My experience is also one of the ways that I sense/“know” that disability is done differently, communally. I experience crip community in different ways, in different places, and with different people. But for this article, as I do in my research, I wish to focus on how crip community is formed through unstructured enactments. I attend to the emergence and experience of community through enactments for I believe that such attention explicates how crip community “crips” community. This is to say that rather than being tied to a structure, institution, or common identity, crip communities are structured by and through communal enactments. In other words, they happen anytime people come together through the common desire to dwell with disability. In this way, crip community can be enacted anytime, in any place, with anyone, disabled or not.[4] In the preface to his book, Community, Zygmunt Bauman writes, “Out there, on the streets, all sorts of dangers lie in ambush; we have to be alert when we go out, watch whom we are talking to and who talks to us, be on the look-out every minute” (2000, pp. 1-2). In the space of the streets, enactments of disability as violence lie in ambush. The geographies of the street may feel unsecure, unsteady, hostile, and even unfamiliar. In these inhospitable spaces, I may feel unwelcomed, undesired, uncommon. I expect these enactments of disability as violence, but I don’t know when or where or how they will occur, and, in this sense, they “lie in ambush.” Because being on “alert,” that is, expecting the enactment of the normative meaning of disability, feels so familiar, when disability is enacted otherwise, when I feel that people are drawn to me by a desire to dwell with disability, it feels different. In these communal enactments, I feel safe; I feel comfortable; I feel desired; I feel secure, I feel differently from how I commonly feel when I am in the normative terrain, whether or not I am being ambushed or anticipating being ambushed by a normative enactment of disability. Recall my earlier description of the verb “to crip”: to open up desire for what disability disrupts. Crip communities disrupt the assumption that we can “know,” unquestionably, who our communal members are, and therefore, who they are not. We assume that communities are bound by members who share the same or similar identities. However, the unpredictable and ever-shifting character of disability requires us to consider its identity as also instable. As Hall asserts, “one thing identity does not signal is a ‘stable core’ of the self, unfolding from beginning to end through all the vicissitudes of history without change” (1996, p. 1). In crip community, one member may experience their disability as progressing or as a “becoming” (Deleuze and Guattari, 2004), an ever-shifting embodiment that allows them to relate to their community and their communal others in different, never stable ways. Another may not currently be disabled, or currently be disabled in a particular way, and become disabled, or become disabled differently, either with time or through an accident. Another may have a disability that comes to them one day or moment, and leaves the next, ever-returning and ever-leaving. Still, another may be disabled and not be easily identifiable as such. And in community motivated by a desire for disability, disability can be an “inter-subjective experience” that is, enacted between two members, one disabled the other not, owned by no one, cradled by both (Weiss, 2008, p. 4). Disability teaches us that just as embodiments shift, so, too, do our communal experiences and relations. Ableist logic circulates, it is pervasive within the normative terrain, and traversing this terrain through an embodiment that is so often recognized as a problem in need of solution can be uncomfortable, even dangerous. However, as poet Dionne Brand tells us, “different geographic stories can be told,” and through them, we can achieve a different “sense of space” (Brand quoted in McKittrick, 2006, p. xxvii). I propose that crip communities, as we make them, are spaces in which we can create and perpetuate new stories of disability and new ways for disability to matter. More than this, attending to the ways that crip communities “crip” community, and to be open to that which disability disrupts, can unwork and rework how we ‘know’ community and how we understand communal structures beyond and against iterations of them as assuredly knowable, predictable, identifiable, or constant. Instead, we can imagine community as fleeting, boundless, and productive. Crip communities, unstable as they are, can open us up to new ways of understanding what it is to be crip and what it is to be in community

### Harms

#### An inability to earn a living wage harms disabled people’s dignity

Heffernan 13 [(Shannon Heffernan is a WBEZ reporter) “Labor laws allow workers with disabilities to earn less than minimum wage” WBEZ May 28, 2013] AT

But even worse, were the wages. Ada S. McKinley has a special license called a 14c, which allows them to pay workers with disabilities below the minimum wage. The license was originally written into the Fair Labor Act of 1938. The agency said it allowed them to hire people for jobs they otherwise might not get because of their disabilities. Under the license worker's wage is calculated based on their individual ability. For Grice, it was less than a dollar an hour. “To buy the essential things was impossible," Grice said. "To buy clothes, to get a haircut, to buy hygiene products. It was just impossible to do.” Grice’s pride in his appearance was compromised. He also couldn’t afford to go to movies, or out to dinner, so he was rarely out in public. He says that made him feel isolated and the wages made him feel unworthy. “I was embarrassed to cash a check that was $5.40 for 2 weeks," Grice said. "I didn’t even bother to cash my check. It was, believe me, very degrading.” Grice’s wages aren’t that unique for workers with disabilities. According to the National Core Indicators, the majority of people in Illinois facility-based jobs (jobs in workshops separated from the general public) earned less than $2.50 an hour. Less than 10 percent earned at least the Federal Minimum wage.

#### The view that disabled people are worth less is the EXPLICIT justification for an unequal minimum wage and devalues disabled people

Lyons 14 [(James, deputy political editor for the Daily Mirror) “Lord Freud says disabled workers don't deserve minimum wage - but Tories WON'T sack him” 15 October 2014 Mirror UK] AT

David Cameron is facing fury after refusing to sack a controversial minister who said disabled workers are “not worth” the minimum wage. The remarks of millionaire former banker Lord David Freud sparked outrage today, causing even the Tories acute embarrassment. Charities accused Lord Freud, now a welfare minister, of insulting the disabled by saying he would look at paying them just £2 an hour. That's 30.7% of the minimum wage! The Prime Minister ordered the architect of the hated Bedroom Tax to make a grovelling apology after being confronted with his comments by Labour leader Ed Miliband in Commons. But Mr Cameron kept the 62-year-old in his job. Labour’s Rachel Reeves said that the row had become an issue of the PM’s judgment. “It is pretty outrageous you have ministers with these views still in their jobs,” she stormed. Lord Freud has a long track record of remarks about people living on benefits, once claiming that welfare is a “lifestyle choice” for many. His latest outburst came at the Tories’ annual conference in Birmingham two weeks ago. The peer was taped speaking at a fringe meeting about a disastrous benefits reform he is overseeing entitled: “Universal Credit: How do we make it work?” Tory councillor David Scott from Tunbridge Wells asked him about getting “mentally damaged individuals” into work claiming that bosses were not willing to pay them the £6.50 minimum wage. He replied: “There is a group, and I know exactly who you mean, where actually as you say they are not worth the full minimum wage and actually I’m going to go and think about that particular issue, whether there is something we can do nationally without distorting the whole thing, which actually if someone wants to work for £2 an hour.” Mr Miliband raised the outrageous remarks at Prime Minister’s Questions yesterday, saying: “The nasty party is back. “In the dog days of this Government, the Conservative Party is going back to its worst instincts – unfunded tax cuts, hitting the poorest hardest, now undermining the minimum wage,” he added. Mr Miliband demanded to know whether the PM agreed with Lord Freud. And he said: “Surely someone holding those views can’t possibly stay in your Government?” Mr Cameron, whose severely disabled son Ivan died aged just six, insisted he did not agree with the comments and said he did not need lectures on caring for the disabled: Mr Cameron said: “Of course disabled people should be paid the minimum wage and the minimum wage under this Government is going up and going up in real terms.” Lord Freud’s fate had seemed sealed as Tory MPs joined charities in condemning what he said. Dan Scorer, of Mencap, said he was “shocked”. Richard Kramer, of deafblind charity Sense, said the peer had shown “a complete lack of understanding of the challenges faced by disabled people”. He added: “It is utterly disrespectful to suggest that disabled people should be happy to earn less than the minimum wage or that their contribution to society is of less value.” Clare Pelham, of Leonard Cheshire Disability said she the charity was “dismayed”. And he added: “Suggesting that some people should be paid at below the minimum wage – the level that society has decided is the very minimum that anyone should expect – is deeply saddening and ill-informed.”

### Democracy Good

#### We must consciously work towards a truly participatory democracy, which requires actively addressing structural exclusions and inequalities

Scott 4 [Jerome Scott, Director of Project South: Institute for the Elimination of Poverty & Genocide and Walda Katz-Fishman, board Chair of Project South and prof @ howard univ..10-26-‘4 “Popular Democracy - a vision for our movement”]

When people talk about "democracy" we immediately think of "democracy for whom?" It's really important to say whose interests democracy serves - the interests of the rich and powerful or the interests of working and poor people. We, of course, are struggling for a democracy that puts the needs, interests and voices of all working and poor women, children and men at the center of the process - and this is what we call popular democracy. When we look deeper into popular democracy several principles and processes emerge as essential for understanding and organizing in our current moment - equality, participatory decision-making, struggle and liberation. Equality means the equal sharing and access to all the resources and goods and services we must have to satisfy our material, intellectual, cultural and spiritual needs. It also means that all people are valued and treated equally and have equal rights regardless of race/ethnicity, nationality, gender, sexuality, age and disability, etc. Going from the extreme polarization of today's wealth and poverty to equality among all peoples is an ongoing process as well as an essential principle of popular democracy. Participatory decision-making involves full bottom-up and active participation in making decisions that affect the lives of all of us - but especially of working and poor people. The involvement of those most adversely affected is key to this process. For this to happen we must all prepare ourselves through practice, education and information gathering and then come together to share our analysis and reach collective agreements. Struggle is the real fight we are in for our very lives against those who are pushing us into joblessness, poverty, homelessness, hunger, violence, incarceration, war and death. It is like being in a burning building and being chained to the walls and floor. Our struggle to beat these odds, to collectively break free and to survive and thrive is what drives us. Our independent path to fundamental social change is rooted in our vision of another world and a strategic plan to get there. Liberation is what we are fighting for. It is what we will have when we are truly in control of our own collective destiny as working and poor peoples around the world. We will have full access to the resources, the goods and services necessary for a quality life - and this is within our reach because today's electronic technology makes it possible to create a vast abundance of all the goods and services we need. We will also be in control of decision-making as we reorganize society - locally, nationally and globally - to value all people and our human rights and to respect nature and the ecological system we share on this earth. Popular democracy has no economic exploitation, political and cultural oppression, poverty, genocide or war and militarism. Rather, it is the opposite - it embodies and expresses the principles and processes of equality, participatory decision-making by all, our struggle to be free and liberation for humanity. Democracy = electoral politics ...What's wrong with this picture? The big lie? The American revolutionaries in 1776 thought they had arrived at "democracy" because they had defeated the British monarchy. Little did they know that the capitalists - the rich and powerful - had other plans. Who "took power" - who voted, held political office, and had the major say in all important decisions - was this economic elite, not the people who were the majority of those who had fought and won. Democracy has often been equated with electoral politics. We believe it is much more and this is why. To begin with, in the early days of the United States voting was the privilege of the exclusive few - white men who owned property - about 15% of all the American people. Working people of all racial/ethnic groups, including and especially peoples of color, and women were denied the right to vote and participate in the political process. During reconstruction - the brief period following the Civil War and before Jim Crow or southern apartheid was the law of the land - black men gained the vote. But with Jim Crow southern blacks and working class whites were again excluded from voting. American women - primarily white women - won the right to vote with the ratification of the 19th amendment in 1920. Most African Americans and other oppressed racial and ethnic peoples finally got the vote with passage of the 1965 Voting Rights Act. Even voting rights - the most minimal of democratic rights - were won for the vast majority only after intense political struggles and popular movements, e.g., the Civil War, the women's suffrage movement and the modern civil rights movement. Today many immigrants - documented and not - are also in a struggle for their voting rights. Also in a fight for voting rights are the 1000s of ex-felons who are currently denied the right to vote even after "serving their time." When the US Supreme Court ruled in Buckley v. Valeo in 1975 that money equals free speech and this is "democracy," they made clear the class/wealth nature of the US political and electoral system. Our struggle for participatory democracy must be part of a struggle for a political, economic and cultural system that values all people rather than maximizing profits and transforms power relations fundamentally. From colony to empire - the world's people strike back It took a long time - 500+ years - to perfect the evil of today's US empire. Rich white men - mostly slave owners - articulated a vision for post-colonial America in the late 1700s of manifest destiny. What this meant was their pursuit of absolute control and domination of the entire North American continent south of Canada and from ocean to ocean primarily through military might. They set about the business of accomplishing this task through the genocide of millions of indigenous inhabitants of the continent and the stealth of the land and resources. They also enslaved millions of Africans and African descent peoples whose labor generated untold value and wealth. The additional exploitation of all working women, children and men further sealed the deal. With the declaration of the Monroe Doctrine in 1823, the US ruling class laid claim to the entire western hemisphere as their sphere of influence. This set the basis for the Mexican American War in which the US grabbed all of Mexico north of the Rio Grande in 1848, fulfilling the vision of the early elite to extend the US territory from "ocean to ocean." In the Spanish American War of 1898 - at the turn of the 20th century - the US finally gained some "colonial" and "neocolonial" possessions. Cuban resistance to direct occupation was so powerful the US had to make it a neocolony - but with rights to have a permanent US military presence at Guantanamo Bay. The US also annexed Puerto Rico, Guam and the Philippines; but Philippine resistance was also strong and the Philippines became another US neocolony. Throughout our history the American peoples have struggled against political and cultural domination and economic exploitation by a small rich and powerful elite - from indigenous resistance, the abolition and black liberation struggles to labor, women's and immigrant workers' struggles, and the fight for equal and human rights for all, etc. In the 20th century the American people have fought for and won many reforms and new laws that we are seeing eroded and eliminated in the 21st century. Labor laws in the 1930s granted workers' rights to some workers - mainly white men. Civil rights laws recognized the rights of racial/ethnic peoples and women in the 1950s-60s and made it illegal to discriminate. The anti-poverty laws expanded the social safety net for working and poor people, including people of color and poor women in the 1960s-70s. And environmental laws in the 1970s-80s led to greater environmental protections. We have voted and elected to office politicians we thought would serve our interests. And some, with great bottom-up popular pressure, supported policies that improved our condition, at least for the time being. But we have never won a transformation of fundamental power relations and gotten rid of the overwhelming interests of the rich and powerful in the political, economic and cultural system that shapes our daily lives. The earliest forms of political repression and economic exploitation - genocide and slavery, forced labor and poverty - continue to be expressed in today's property and wealth privilege, white supremacy, male and heterosexual dominance, and anti-immigrant prejudices and practices. The welfare state reforms - flawed though they were - of the 20th century have been transformed into the growing police state and prison industrial complex at home and empire and war around the globe. In the 21st century electronic age of globalization and neoliberalism we find many of the reforms of the 20th century - laws and policies we fought so hard to win - rolled back or gone altogether. Throughout US history the rich and powerful have indeed practiced and experienced a "democracy" that serves their needs and interests. But for working and poor women, men and youth of all racial/ethnic peoples here and around the world, US democracy is a myth that has been used to set in motion wars of conquest and occupation abroad and perpetuate the big lie that "this is the best of all possible worlds" at home. Working people have never held power and had access to the resources, goods and services needed for a full and satisfying life. Once every four years we get to vote for one of two pre-selected representatives of the ruling class. Never have we had the opportunity to vote for a candidate who truly represents working peoples' interests. What would this look like? Today's movement moment - winning popular democracy & keeping it Today our movement is challenged to learn for these lessons of our history and struggles and to chart a path to a victory that we can win and hold onto. We think there are two key lessons for this moment - "how we build our movement" and "why it's possible to build our movement and win." How we build our movement Too often in the past our movement has not recognized as important or tried to embrace, practice or struggle around the principles and processes of popular democracy for building our bottom-up movement for justice, equality and liberation. This has resulted in a lack of sufficient internal struggle around the privileges of wealth, white supremacy, legal status, male dominance, heterosexism, language, ability and age, etc. This has kept us divided and has weakened our movement. Clearly in this movement moment we must challenge and struggle against all forms of privilege and oppression within our movement, as well as in the larger society, and move forward together on the basis of equality and collectivity. A related task is to develop a broad and diverse collective leadership so that our movement is not dependent on a single "leader" or "founder." How we build our movement is the very foundation of the new society we are struggling to bring into being. So we must walk the talk - or we will not be able win. Why it's possible to build our movement and win The second key lesson is that the electronic technology now available to humanity can provide for the material and cultural needs of our communities world over. In the past we struggled to reform an unjust and unequal system, but one that was based on material scarcity. We did not have within our grasp the real solution to the problem of how to meet the needs of all humanity. To collectively share the resources and things we need and realize our principle of equality truly requires abundance - so all of us can get what we need. Today's new technology - automation, robotics, computers, digitization, etc. - makes it possible to have an abundance of all the goods and services we need - food, housing, education, health care, transportation, cultural expressions and time for family and friends. The technology is also available to do this in a safe and sustainable way that respects the total environment we live in and share with nature. This abundance means an end to scarcity and an end to the inequality and power domination that comes with it and that we have known too long. For us popular democracy - equality, participatory decision-making, struggle and liberation - is an essential set of organizing and educating principles and processes for growing our movement for justice, equality and liberation and for transforming our society and reconstructing the new world we are visioning and fighting for. Make it happen!

### Old Blocks

#### Perm do both as a combination of intellectual methods

#### Perm solves best – critiques of Ableism and capitalism can be combined at the level of ideology to combat Ablenationalism

David T. **Mitchell and** Sharon L. **Snyder, ’10** (PhD Michigan and executive director of the Institute on Disabilities, AND Assistant Professor of Disability and Human Development at the University of Illinois, Chicago, “Disability as Multitude Re-working Non-Productive Labor Power” Temple University and Independent Scholar, Journal of Literary & Cultural Disability Studies 4.2 (2010), 179-194)

A key conflation of nation and able-ism has been emerging since at least the late eighteenth century in countries enduring processes of industrialization and post-industrialization. With a nod to Jasbir Puar's influential formulation of homonationalism,[1](http://muse.jhu.edu.turing.library.northwestern.edu/journals/journal_of_literary_and_cultural_disability_studies/v004/4.2.snyder.html#f1) we call this convergence "ablenationalism"—the degree to which treating people with disabilities as an exception valorizes able-bodied norms of inclusion as the naturalized qualification of citizenship. Disability Studies critiques are based on an analysis of the repetition of human predicaments—or, more precisely, a parsing through of the ever multiplying modes of non-normalcy—as people with disabilities encounter the inflexibilities of key social institutions such as healthcare, religious gatherings, communities, work places, schools, families, etc. These sites of interaction exclude some populations inequitably based on differences that cannot be adequately accommodated.¶ Yet, while disability has been recognized as a social, material, and manufactured terrain, its basis in bodies as well as ideologies also provides opportunities for unique combinations of social becoming. Attention to the lived intricacies of embodiment offer alternatives to normalization efforts aimed at homogenizing social outsiders. As such, the interactions of disability cultures, as Anne Finger emphasizes in the film *Vital Signs: Crip Culture Talks Back* (1995), will always be self-consciously generated around the politics of exclusion and the alternatives that such exclusions precipitate.¶ The historical development of ablenationalism results in the modern formation of disability as a discrete, sociological minority. In order to locate people with disabilities under market capitalism one must often look beyond the margins of surplus labor to those classified as "deserving poor" by national regimes. In emphasizing severity of incapacity as primary to a devalued identity, discourses of policy, economics, health, [rehabilitation](http://muse.jhu.edu.turing.library.northwestern.edu/journals/journal_of_literary_and_cultural_disability_studies/v004/4.2.snyder.html), and citizenship support [End Page 113] practices of charity as voluntary instances of conspicuous contributions to sustain them and the bureaucratic provision of supports and services. Whether nation-state or market-supplied, ablenationalism's calculated provision (and non-provision) of services based on principles of detecting and qualifying bodies as "too impaired" for meaningful labor underscores the degree to which the category of "deserving poor" is a highly guarded space of ostracization. The best result, from the perspective of the modern state, may be to have hordes of individuals not fully recognized as part of the "deserving poor" while simultaneously existing on the social scales of impoverishment.¶ Disability Studies maps the coordinates of these populations in order to deepen an understanding of the degree to which disabled people find themselves "locked in or locked out" of meaningful cultural interactions with others. This mapping imperative involves the advent of alternative outlines of human existence not formally recognized within systems of ablenationalism. One result of this effort is the ability to [**begin**](http://muse.jhu.edu.turing.library.northwestern.edu/journals/journal_of_literary_and_cultural_disability_studies/v004/4.2.snyder.html) undertaking necessary comparisons and contrasts between people with disabilities around the globe. This is not in order to draw up universalizing conclusions about duplicative states of social rejection (the forms of social rejection experienced by people with disabilities are often quite unique), but rather to gain an understanding of the nuances of ablenationalism's tactics on a global scale.¶ Geo-politics, then, draws upon identifications of shared predicaments of exclusion and isolation while also allowing ways of revaluing the demographics of disability as counterinsurgent opportunities to resist the dictates of ablenationalism. In part, these resistance strategies manifest themselves as necessitated survival strategies in response to violence and orchestrated campaigns of neglect. The contributors in this special issue of JLCDS seek to parse through the particularities of exclusions (both within and without the borders of post-industrialization) in order to lay the groundwork for alternative responses to transecting forces of globalization.¶ Alternatives to Consumptive Lives¶ By and large the disability professions determine that disabled populations merit rescue from labor force exclusions through the enactment of anti-discrimination policies and the provision of near-subsistence level medical and social services. Within these neo-liberal intervention strategies disabled bodies are relegated to the ranks of surplus [**employment**](http://muse.jhu.edu.turing.library.northwestern.edu/journals/journal_of_literary_and_cultural_disability_studies/v004/4.2.snyder.html) that may indeed drive labor costs down. Yet, at the same time the particularities of bodily accommodations [End Page 114] necessarily send people with disabilities into circulation as consumers of medical and social services assistance. This entry of disabled "consumers" into market systems becomes an odd and nuanced affair in that the basis of those classified as consumers usually requires "purchasing power," the one thing that the majority of disabled people do not possess.¶ Furthermore, and perhaps most to the purposes of understanding disability experience from the inside out, is the demand to circulate as a paradigmatic patient-consumer with significant needs. Efforts to operate in this circuit of basic creature needs results in bureaucratic onslaughts of other creatures' rights to determine the coordinates of one's care, supports, inclusion, reproductive life, value, and, perhaps, accompanied by low-level treatment, as one whose payment is actually debated and negotiated among third parties (such as medical service organizations, assistive technology suppliers, and insurance companies). At the utopian end of progressive democracy, self-pay policy initiatives without remunerated labor power constitute the luxury addendum to this order of things, whether in the form of "money follows the person" or enrollment on a regular "dole" under social-democratic regimes. Within the interstices of the geo-politics of Disability Studies we become all too aware that urgent questions of wartime economies and the perpetual resort by governments to declarations of a state of emergency quickly displace even the acute phases of peacetime negotiations among groups seeking to secure necessary augmentative equipment.¶ The advent of disability, then, plays a critical role in predominantly aesthetic efforts to represent the nation as synonymous with a narrow array of acceptable body types. Bodies that function across a range of variations are characterized by their possession of a fluid, adaptive ease among inflexible, human-made environments. Puar names this set of relations "assemblage," in the sense that the emphasis moves from an additive concept of devalued essences encountered in theories of intersectionality to a locus of interchanges and exclusions (174). In recent theories of corporeality highlighted by social theorists of the body such as Eve Sedgwick, Elizabeth Grosz, and Brian Massumi, environments are sculpted by corporeal creativity as much as they deterministically channel expressions into acceptable circuits of hetero-normative outputs. Their work collectively provides some tools that Disability Studies may adopt for ways to recognize the active give-and-take between the virtual (prosthetic) and organismic (affective) as they constitute sites of promise for cultural renewal rather than merely yielding further examples of social determinism (what Sedgwick calls the products of "paranoid criticism" [125] and Massumi refers to as "the cultural solipsism" of constructivism [39]). [End Page 115]¶ Likewise, in Disability Studies, while the national body displays generic characteristics of race, gender, sexuality, class, and ability, its analysis has more often than not given way in Cultural Studies to further entrenchments of embodied difference as truly needy and indicative of real inferiority. Disabled bodies have had a tendency to fall short of modernity's lowest qualification bar of citizenship as an unsalvageable biological—rather than socially produced—deviancy. Their incapacities render them too objectionable to be understood as unfairly barred from citizenship as opposed to justifiably relegated to special class options. The contributors to this special issue wrestle with formative theoretical tendencies to write off disability as yet another constructed phenomenon while not losing track of alternative opportunities to re-value disability. Within these approaches are some key models for articulating disability experiences as potential escape routes out of—or, at least, as alternatives to—the fashionable linguistic and aesthetic straightjackets social constructivism has produced to date.¶

#### Alt overdetermines structure and reinscribes norms of ablebodiedness

Bill Hughes, ‘99 (Department of Social Sciences, Glasgow Caledonian University , “The Constitution of Impairment: modernity and the aesthetic of oppression”, Disability & Society, Vol. 14, No. 2, 1999, pp. 155± 172, EBSCO)

This position suggests that personal tragedy theory is culturally produced and, therefore, part of the superstructure of capitalist society, that is an ideological re¯ ection of a particular mode of production, a distortion that arises from a particular set of economic conditions. Yet, despite the considerable emancipatory value in this mode of explanation, impairment (the body) is left out of its frame of reference and has no part to play in the constitution of (disability as) oppression. The explanatory focus is on the economic rather than the intercorporeal on how the ideology (of personal tragedy) is naturalised and becomes common sense rather than on the role of visual perception as an act of rejection and invalidation. The aesthetic and existential anxie ty (Hahn, 1986) that is the emotional re¯ ex of the ideology of tragedy which is, in turn, the re¯ ex of economic conditions is not related to the disablis t nature of perception. Emancipation, therefore, rests on the elimination of those economic conditions and the massive project of reconstituting the despotism of the visual, is left unchallenged. Disabled people are seen as dependent and deserving of charityÐ ocularly constructed, day in and day out, by a way of seeing which has become common sense, authoritative , naturalised. The problem with the structural account of tragedy adopted by the social model is that it does not give due recognition to the intercorporeal relationships (the bio-politics) that are constitutive of it. It does not recognise the aesthetic moment in which the gaze is disfiguring and discriminatory. The connection between impairment and oppression is lost to the social model of disability because impairment is regarded as something that is constituted entirely in the domain of nature and is, therefore, a natural fact beyond contestation. In other words, the social model concedes that impairment is a dis® gurement and therefore accepts the medicoaesthetic distinction between valid and invalid bodies. This position actually lends legitimacy to accounts of impairment that are shaped by notions of tragedy and pity. Such a position hinders the theoretical and practical basis for a politic s of pride and difference.

## Misc

#### Notes:

Status quo wage in Australia is a living wage – disabled people are just not included; plan only affects disabled people

ADEs are subsidized by government – wage subsidy CP is the squo

## Disability Aff WIP

### Shitty cards

#### Ableism outweighs

Tran 13 [(ngọc loan trần is a Việt/mixed-race immigrant, queer and gender weird disabled writer, storyteller and aspiring educator.) “revolution from my bed” November 29, 2013] AT

for the past few years i’ve been organizing with really amazing folks around struggles that i care deeply about. when i started experiencing really intense back pain and spasms, i started to fall off of the face of the earth. every single time my back was in literal crippling pain, every time i could not leave bed, every time i could not get up i was directly tying it with my inability to “stand up and fight,” to “take to the streets” and to “show up” for my people. i am writing this today knowing that i am not at fault; being disabled is not a fault. i am writing this today also knowing that it’s not my community’s fault that i have felt and still often feel alienated and erased by virtue of my disability and the discomfort i bring up in others. it’s not my community’s fault but i still want to offer compassionate, critical dialogue about what it has meant so far to be disabled, to have been an organizer and to be a part of a community so often invoking visions for transformative change by exploiting the internalized ableism and capitalism in all of us. ableism tells us that unless you are normative with a normative body then you are not capable of participating in society. capitalism tells us that unless you are always producing and always doing then you are not participating in society. and when these two systems come together unless you are a normative person with a normative body producing and doing so in very particular ways then you are not capable of participating in society. i felt these systems translate into my body and tug on my pain. my body and my disability became a host for all of the ways capitalism and productivity use ableism in order to force people into feelings of unworthiness. i felt unworthy, i felt unvalued and i felt that if i couldn’t stand up for the revolution then the revolution would leave me behind, in my bed, in crippling pain. i felt so unvalued that i started to believe that i could deny my disability in order to access these organizing communities again. a line like, “those other people are disabled and i am not” would repeat in my head every time i managed to be present in the ways others had desired for me to be. but the reality was that i am disabled and others were too and they just weren’t visible; i did not "see" them in the communities i frequented. when i was starting to fall off of the face of the earth, when i couldn’t be the power organizer i felt like i was before, there were not many people there to receive me, partly because i did not reach out and partly because no one and nothing signaled to me that i would still be valuable after the confession that i could no longer do all that i’ve done before. at the decline of my participation in the offline world, in physical spaces: at meetings, at protests, at strategy sessions i was met with a lot of questions that folks actually didn’t want responses for. for every honest answer i gave about my pain and why i now limp around with a cane, i was given a distanced look of discomfort and some wishes that i will recover or get well soon. truthfully, there is nothing for me to recover from. i am disabled with no way out and that’s okay. but i do want to heal all of the silences that have communicated with me that disabled people cannot be actively participating in the communities that share this journey of internalized ableism and capitalism. this internalized ableism and capitalism has looked like inaccessible spaces without elevators or wheelchair ramps. it has looked like the expectation that unless we can give our all to the point of breaking (and breaking our bodies or denying parts of our bodies broken, physically and metaphorically and spiritually) we are not doing enough. it has looked like minimal or no efforts to address the possibility that disabled people may want to show up at our meetings but are barred out by lack of captioning, chemical and scent awareness or ASL interpretation. it has looked like demands to keep silent when we are hurting, in pain, sick, unstable, unaligned and never to be aligned with a system that values non-disabled, non-sick and neurotypical people. we can start some of this unlearning and relearning of how ableism and capitalism operates in our lives by first addressing the very concrete and logistical needs of disabled people. it can be as simple as creating checklists for ourselves about the in/accessibility of the spaces we are meeting and convening at, the places we are demonstrating and working at, the places we are taking action and building at. but ultimately, a lot of the concrete and logistical needs of disabled people come into place, are easier to identify and become increasingly important to accommodate when we start working on the inside. when we start working within ourselves: questioning the moments when we are making demands for a certain kind of involvement that requires lots of energy, lots of commitment and lots of movement. we have to start questioning the moments when we are disappointed that we are missing people. who are we searching for and why aren’t they here? and when we - disabled folks - show up, are we going to be centered or counted as moving numbers up in our base? i want to clarify that centering sick and disabled folks in justice work is and is more than the logistical accommodations that need to be made; centering disability is recognizing the vast wisdom that comes from sick and disabled communities experiencing explicit forced normalization of our bodies and our minds and that forced normalization is administered to all of us through systems of racism, sexism, heterosexism, cissexism, fatphobia and so, so, so much more. i’m also actually not very interested in receiving or facilitating individual confessions of non-disabled privilege. because changing our organizing culture to value all types of participation as molded by the ways we experience our bodies, by the ways our bodies experience the world is not contingent upon whether or not i receive affirmations from non-disabled people assuring me that i have a place in the movement - this i know. but what i am uncertain about yet hopeful for is that we can challenge the ways we have internalized and perpetuated ableism, alienating folks in our communities who cannot show up in the ways we have narrowly defined. we can theorize and make abstract as much as we want systems like ableism and capitalism in order to trick ourselves into believing that it’s impossible for us to enact that sort of violence against one another. but it is possible and we know that. committing to changing our organizing culture is making a commitment to each other. committing to kindness for one another, tenderness, care, critical compassion, love, fearless visioning and hopeful resistance for one another. whether or not we are committed to changing our organizing culture and whether or not we do so successfully is indicative of whether or not we can be truly committed to transforming society as a whole. i've spent this past year really unpacking what i have narrowly defined to be "the work." i have joined others who have carved a space out for writing, storytelling, art and creation to be just as important - if not more than - phone calls, direct action, protests, long meetings and even longer conference calls. i have finally come to a place where i don't ask myself everyday whether i am doing enough for "The Revolution" or whether i am doing anything at all; finally feeling truly secure in the strength of my vulnerability, honesty and visions to carry me forward alongside others in this long journey home. i write this acknowledging and honoring fellow sick and disabled folks who have been showing up with one another. i write this protecting our right to be with one another exclusively, to affirm each other, to recognize each other. i write this knowing also that we have lots to learn from each other and others have lots to learn from us. i am hopeful that our role in the revolution, whatever it may be, rolling and limping in the streets or sleeping and writing from bed transforms others just as much as it transforms us. sick and disabled folks have been “showing up” and we have been “in the streets” and we do “stand up” and sit down and stay put to kick ass. so, i hope what i’ve shared has been taken to heart; i hope it’s clear that i can no longer be left behind and i don’t want to leave you behind, either. i believe in our collective power, in our visions, in our dreams and i believe that we can do it all together. and if you value my camaraderie then show me. if you value my camaraderie, show me.

#### Meh card

Young 14 [(Stella, editor of ABC's Ramp Up website) “It's hard to feel dignified in underpaid work” ABC Jan 20, 2014] AT

The Federal Government has threatened to crack down on Disability Support Pension recipients, but it's hard to earn a living while being paid less than $2 an hour, writes Stella Young. Around this time of year, work is on the minds of many Australians. Whether you've already returned to the hum-drum, or you still have a few more days left on the beach, the end of January typically brings a return to routine. No matter how fulfilled we are by our work, paid annual leave and sleeping in until 10am is always pretty hard to give up. I know I struggled! Nonetheless, we all have to earn a living, right? Even those among us who are lucky enough to love our jobs would have to admit that at least part of the reason we work is to earn money. In between all this work, we like to eat out at restaurants, go on trips, buy nice things, not to mention pay rent and meet the cost of living. But what if your job didn't pay you enough to enjoy those things? What if you were paid so little that you still had to rely on welfare to survive? What if you were paid, say, $1.79 an hour? This is the actual hourly rate received by Tyson Duval-Comrie, a 25-year-old employee of an Australian Disability Enterprise (ADE) in Melbourne. Duval-Comrie has an intellectual disability and works at a packaging centre undertaking tasks such as placing sugar sticks in boxes and securing lids on herb containers. In case you're confused about the terminology, Australian Disability Enterprises used to be called 'sheltered workshops'. We got rid of the crappy name but unfortunately the crappy system didn't follow. Many of these organisations employ people with intellectual disabilities full time. So how can someone who is working full time in a legal business be paid as little as $1.79 an hour? Because of a little thing called the Business Services Wage Assessment Tool (BSWAT). Employees assessed using BSWAT are evaluated using a two-pronged approach based on productivity and competency. The productivity component is pretty straightforward. Let's say the basic wage for a job like, oh, I don't know, placing sugar sticks in boxes, was $10 per hour. (The minimum wage for non-disabled workers in Australia is actually $16.37 per hour, but rounding down makes the maths manageable for my non-maths brain). Let's say the person who was most productive at this job could pack 100 boxes per hour. And because of your disability, you're only able to pack 30 boxes in an hour. You would be paid, based on your relative productivity, $3 per hour. Pro-rata systems like this actually exist in many places across the labour market, but the BSWAT takes this one step further by assessing an employee's competency. As a person with an intellectual disability, in this part of the assessment, you would be asked questions such as, "What are some other jobs that people do here?" or, "What should you do if you see something unsafe in the workplace?" Funnily enough, I recall answering similar questions in my online employee induction here at the ABC. Fortunately for me, a wrong answer (of which I'm sure I gave many) had no impact on my salary. In contrast, an incorrect or inadequate answer to one of these questions while being assessed using the BSWAT could see your $3 per hour reduced to something like $1.79 an hour. In December 2012, the Federal Court ruled the BSWAT was discriminatory under the Disability Discrimination Act in the cases of two intellectually disabled men, Gordon Prior and Michael Nojin, who were employed in two different ADEs. The court decision only applied to these two individuals and their specific cases, which means other people with intellectual disabilities are still being paid wages decided by their assessment under a tool that is known to be unfair. Last week the Government announced that intellectually disabled workers who could prove they had suffered economic loss while working under their BSWAT assessment in an ADE would be eligible for a one-off payment. However, claiming the payment would also exclude workers from taking legal action against the government. Law firm Maurice Blackburn is currently representing thousands of workers who have been underpaid, taking legal action to try and stop the Federal Government's plan to address the underpayments. Of course, nothing happens in a vacuum. We need to look at this scheme and the very fact that sheltered workshops still exist in the context of an education system that offers extremely poor outcomes for disabled students. Disability Discrimination Commissioner Graeme Innes has been known to talk about the fact that people with disabilities "carry the soft burden of low expectation". A friend of mine, who now has a PhD, told me that when he was still enrolled at special school in Victoria, students were driven to the local sheltered workshop (sorry, Australia Disability Enterprise) and told that's where they would work when they were older. There were no "what do you want to be when you grow up?" conversations for these kids. One of the arguments I often hear in support of the abysmally low wages paid to people with intellectual disabilities is that it actually serves the employee, as it means they can still claim the DSP. Meanwhile, Governments continually threaten to 'crack down' on DSP recipients, making it harder to access payments, but still maintain a system that keeps people with disabilities in need of the pension. And all the while, we're drowning in media coverage that paints people with disabilities as bludgers and drains on the system. Speaking in support of ADEs last week on Radio Adelaide, Assistant Minister for Social Services Mitch Fifield said that these organisations afford people with intellectual disabilities "the dignity of work". I'd agree with Minister Fifield; dignity is an important part of work. Many of us, particularly those of us with disabilities who have faced persistent discrimination throughout our lives, not least when trying to find employment in the first place, take enormous pride in our hard-fought jobs and careers. It is, however, much easier to feel dignified when you're paid more than token pocket money that might not even cover your transport costs for the working week.

#### No unemployment

Quiggin 6 [(John, ARC Federation Fellow in Economics and Political Science at the University of Queensland) “Does a higher minimum wage mean fewer jobs?” Australia Policy Online 21 August 2006] AT

THE creation of the Fair Pay Commission as part of the government’s WorkChoices legislation has led to a debate about the role of minimum wages for Australian workers. Whereas the Industrial Relations Commission set award wages for most workers, the Fair Pay Commission focuses exclusively on minimum wages and conditions. The first element of the debate is the relationship between minimum wages and employment. Most attention has focused on the question of whether higher minimum wages will lead employers to reduce the number of workers they hire. The general view of economists has been that an increase in minimum wages will have a negative effect on employment, but that this effect will be relatively modest. Typical estimates are that a 10 per cent increase in minimum wages will reduce employment by between 3 and 5 per cent. Recent research in the United States has suggested that the effect of minimum wages, if any, may be even smaller than this. Studies of employment by fast food chains, undertaken by David Card and Alan Krueger, found that employment grew just as fast in states that increased minimum wages as in those that did not - in fact, if anything, employment responded positively to higher minimum wages. Not surprisingly, this finding produced a stream of rebuttals and rejoinders, but the general view of the economics profession is now that, under the conditions prevailing in the United States, the adverse employment effects of minimum wages are probably quite small.

### misc

#### Disability + historical materialism

Galer 14 [(Dustin, Doctor of Philosophy Department of History University of Toronto)“HIRE THE HANDICAPPED!” DISABILITY RIGHTS, ECONOMIC INTEGRATION AND WORKING LIVES IN TORONTO, ONTARIO, 1962-2005” June 2014] AT

What did economic liminality and exclusion look like for many people with disabilities and why did a relatively small cohort of disability activists and their allies stand against these conditions? Written in the tradition of social history and utilizing a critical disability history approach, the present dissertation seeks to recover the histories of working people with disabilities in Canada while situating these accounts in a wider context of social, political and economic developments. As with the broader classification of critical disability studies, disability history shares social history’s methodology of writing history from the “bottom-up,” concerned primarily with the liberation of disabled characters and subjects from invisibility in the historiographical record. As Douglas Baynton famously remarked, “Disability is everywhere in history, once you begin looking for it, but conspicuously absent in the histories we write.”5 Baynton suggests our knowledge of disabled people as historical subjects and as an analytical category for historical inquiry is seriously lacking and he challenges historians to be more attentive to disability in the historical record. Disability history operates from the perspective that disability is a social category that can be incorporated into the historian’s analytical toolbox alongside such categories as race, class and gender. In doing so, important questions can be raised which warrant thoughtful consideration: is disability a stable-enough identity for drawing historically contiguous lines between different eras? How can we equate physical impairment and mental health in the same category when each has its own particular history and infinitesimally variable subcategories that define the lived experience of disability? In the past, such concerns have perpetuated the scholarly disambiguation of disability and disabled people according to separate medical pathologies while preventing historians and other scholars from pulling back to take a more holistic approach. In her case for “another ‘Other’” in a survey piece on disability history, Catherine Kudlick demonstrates the power and possibilities for approaching disability as a social category, reminding us that “disability cuts across all races, classes, genders, nationalities, and generations because it can potentially happen to anyone at any time; an accident, a degenerative disease of the limbs, eyes, ears, or nervous system, can instantly transport someone into a new category of existence.”6 Such was the argument made by many disability activists who maintain that we are all simply “temporarily able-bodied” (or “TAB”) and that disability likely seeps into other social categories with the result that it destabilizes one’s identity and social status.7 A historical materialist approach to the study of working people sheds light on the causes of economic marginality among disabled people. Labour profoundly shapes the experience of health and impairment, particularly among middle- and working-class subjects where the exchange of labour for wages is a defining feature in capitalist societies. Working bodies have been conceived as cultural constructs in industrial capitalist societies, classified and subjugated by a strictly utilitarian evaluation of physical and mental abilities.8 Ava Baron and Eileen Boris demonstrate how disability can be integrated into historical studies of the working-class and working bodies. They argue that a critical analysis of disability can reveal new insights about social roles and structures such as gender, race, and sexuality which surround corporeal and signified worker bodies.9 Baron and Boris propose, “For working-class historians traditionally concerned with issues of agency, such an approach holds promise, for it enables us to examine the ‘fleshy body’ in interaction with its world.”10 Disability studies scholars have borrowed an historical materialist approach from working-class historiography and identify the birth of industrialization and rise of the working-class as a key historical moment associated with the economic dislocation of disabled people.11 Recent contributions to the historiography of the body, including Paul Lawrie’s examination of the proletarianization of African American workers during the onset of industrialization, further our understanding of the body as a category of analysis during this period.12 Cultural ideals surrounding physical and moral capabilities were heightened by the introduction of industrial capitalism as workers were forced to compete with each other for wages in the labour market. This economic arrangement tended to marginalize people with disabilities rated unfavourably against other “able-bodied” workers with the result that other social and legal systems were introduced to deal with the social and economic problem of disabled people.13 The “logic of capitalism” thus asserted itself in the classification and oppression of people with disabilities whose bodies are thought to exclude them from the principal means of survival in a wage labour economy.

### productivity

#### The mindset of making wages commensurate with productivity produces disability by relegating certain bodies as unworthy of inclusion within a legislative infrastructure.

Gullì 10 (Bruno, philosophy at Long Island University, "Sovereign, Productive, and Efficient: The Place of Disability in the Ableist Society" in "Earthly Plentitudes: A Study of Sovereignty and Labor," 2010, p.132-155)

In his book on queerness and disability, McRuer offers a critique of productivityas compulsory able-bodiedness, “which in a sense produces disability” (McRuer 2006: 2). The alternative to able- bodied dogmas is that “a disabled world is possible and desirable” (p. 71). The idea that a better world is a disabled world is very provocative, but it is the necessary outcome of a critique of productivity. Of course, what this means is that disability must stop being “the raw material against which the imagined future world is formed”(p. 72)— an idea, McRuer says, typical of liberationist models. Whenever able-bodiedness is the goal**,** perhaps unwanted, the specters of normalization, in dependence, productivity, and sovereignty also linger**.** For McRuer, the construction of able-bodiedness is linked to the construction of hetero sexuality: “The institutions in our culture that produce and secure a heterosexual identity also work to secure an able- bodied identity” (p. 151). These normalizing identities, essential to the logic of the same, are not differences among differences, nor do they open up the realm of the universal. They are not differences because they have closed the gap between the norm they have established and the moments of anxiety that brought them to establish the norm. Indeed, they are not different from that anxiety, as in having moved away from it. Rather, that anxiety no longer exists, and it has never existed. They are what they have always been; what they will always be. Difference to them is a matter of indifference. Yet, they are not universals because they are incapable of the leap into what they are not, incapable of reaching into the univocal and neutral structure that connects the one to the other, the structure of otherness as such. They have lost their contingency, no longer able not to be. McRuer speaks of “those [desirable] disabled/queer moments” as of “temporary or contingent universalization” (p. 157; emphasis added), that is, moments in which, as I understand it, we are what we have not been and would not be, able not to be what we are, and thus, able to reach into the other. However, it is not the idealized other that we encounter, nor ourselves as and in the other; rather, we encounter our own otherness, which is the same with what is different from us, for it is difference itself— not merely what- is, but what- could- be. The universalizing potentiality present in this, that is, in the “dis-” of disability**,** just as in the “ab-” of the abnormal (the abyss surrounding the norm), subverts the logic of the contract and of a multitude united under the sovereign sign**.** The disunited multitude feared by Hobbes (1994: XVIII) the multitude that commits injustice, reaches, through the “dis-” of its disunity, and bears witness to, the most extreme.

#### Thus we affirm the 1AC as a site to undo and unlearn ideals of productivity as they are applied to disabled bodies. Any attempt to reform legislation or repeal 14c would merely be an accomodation – an attempt to bring disability into the fold rather than alter able-bodied society.

Gullì 10 (Bruno, philosophy at Long Island University, "Sovereign, Productive, and Efficient: The Place of Disability in the Ableist Society" in "Earthly Plentitudes: A Study of Sovereignty and Labor," 2010, p.132-155)

She reviews various critiques of equality before speaking of the dependency critique. They are the difference critique, the dominance critique, and the diversity critique. Generally speaking, however, the traditional concept of equality proves incapable of becoming common, for it entails the idea of “man as the measure of humanity”(p. 5). It is then equalities, if anything, that might reach into the common with a view to the fundamental aspect of difference: “We are different from another and we are equal to another” **(p. 11). Indeed,** difference is a relative category**,** whether understood together with identity or with equality. In the former case, every being is different from any other in virtue of being identical with itself; but precisely in this there is commonality. In the latter, a being is different from those to which it is not equal in virtue of being equal to those that are not different from it. Obviously, the former situation is, ontologically speaking, more fundamental and common than the latter, of which it must constitute the inner structure.10 Of the latter, Kittay gives an example that might be useful to quote: For instance, to insist that difference is the property of a deaf child in a class of hearing children— and so the deaf child must accommodate herself to her hearing peers— is to ignore the fact that the hearing child is also different from the deaf child. Neither hearing nor deafness is inherently a difference. Instead the difference is in the relation these children bear to one another. (Ibid.; emphasis added) The last two sentences show that the most fundamental and common reality is given by a being’s self- identity, or rather by it singularity, its thisness, which points to the commonality of difference as a relational concept, as well as to the problematic nature of a hastily posited equality. For Kittay, it is only the dependency critique that moves toward “an appreciation of the inevitable variety of human interaction and a more adequate understanding of what is morally acceptable in asymmetric relations” (p. 15). This critique addresses the question of a gendered labor and the necessity of its redistribution; it also challenges the traditional logic of inclusion and exclusion, typical of the distribution of labor and justice**.** In particular, Kittay argues, it highlights the contingent nature of the difference that has historically assigned women the role of dependency workers and caregivers (p. 16). However, she also notes that even among women the work of de pen den cy has not been evenly distributed (p. 28), for class and race are equally fundamental moments in the division of labor. Obviously, dependency work “must be done by someone” (ibid.). The question for Kittay is how to end the stigmatization of this type of work and of those who do it. One of the main reasons for this stigma, particularly in modern, capitalist societies, is that the work of care is not productive. In this sense, the critique of productivityand sovereignty becomes fundamental. Kittay says: Rather than ask if women’s care of dependents results in them being marked as different, we need to ask whether doing dependency work excludes those who do it from the class of equals, and if so, what we must understand and do to end this exclusion. (Ibid.) It is here that the concepts and realities of productivity and sovereignty show their persistence, here that their critique must be incensed and their danger exposed. Thus, for Kittay, the “dependency critique considers … the inescapable fact of human dependency and the ways in which such labor makes one vulnerable to domination” (ibid.). In this sense, a formal discourse on justice remains far from creating the structures of true equality, which only an emphasis on non- productive, non- sovereign, care can bring about.In other words, the truth of a fundamental inequality cannot be altered by a formal positing of the principle of equality (who is equal to whom?) that operates through a logic of inclusionand exclusion. True equality cannot be established empirically; that is, the standard of the equal must be a transcendental and univocal concept, such as the dignity of individuation— certainly not man as the measure.11 Otherwise, as in Aristotle, justice would remain equality for equals and in equality for unequals (Politics 1280a10– 15). When the latter are excluded from the society of equals, the semblance of equality obtains; so does the shadow of in equality. Merely demanding equality does not solve the problem of who will do the work that generates in equality in the first place: the labor of support and care, the labor without which there could not be a human community. As Kittay says, what is important is a new and fairer distribution of this labor “across the population” (1999: 19). Care and equality are to be brought into “a dialectical relation” (ibid.). In this sense, equality is not a reduction of difference to the same, with the consequent exclusion of the irreducible one(s). Rather, it is the neutrality of subject and object, of carer and cared for— the substance and product of care. It is “being with,” in Nancy’s sense (see Chapter 1). It is also care in Heidegger’s sense, as “being- ahead- of- oneself- already- in (the world) as being- together- with (innerworldly beings encountered)” (1996a: 180).

### Plan?

Czech Republic, France, Slovakia and Spain

#### Must end segregated minimum wage to end segregation of disabled people

NDRN 11 [(National Disability Rights Network (NDRN), is the nonprofit membership organization for the Protection and Advocacy (P&A) system and Client Assistance Program (CAP). The P&A/CAP network was established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education) “The Failure of the Disability Service System to Provide Quality Work”] AT

In 1990, the ADA was passed to end the segregation and other types of discrimination, including in employment, against individuals with disabilities that was a serious and pervasive social problem. The ADA integration mandate as expressed in the Olmstead decision and other federal laws have also recognized the importance of integration over segregation. Yet, there are still far too many situations in which our nation’s goal of integration for people with disabilities has not been realized. In addition to being segregated in their employment environment, many people with disabilities also face employment discrimination in the wages they can earn—an act of outright discrimination that is sanctioned by the current law—leading to situations where some people with disabilities are earning pennies an hour for their labor while their colleagues without disabilities earn a prevailing wage doing the same job. In 2011, it should not be permissible to pay what can be considered exploitive wages based on a person’s status of having a disability. It should also not be permissible to segregate people with disabilities at work—or home. NDRN believes that the sub-minimum wage and segregated employment environments violate the spirit of the ADA, the Olmstead decision, and the national policy of inclusion—and they must come to an end. As society progresses, archaic policies must be abandoned, and replaced with forward thinking ones. We, as a nation, must move forward and realize the promise of the laws already passed that recognize and protect the civil rights of people with disabilities. We must work together to end segregated and sheltered employment. We must end sub-minimum wage. However, just seeking to end those practices addresses only part of the problem. At the same time we seek to end these archaic policies, we need to focus our efforts on ensuring the availability of integrated employment options that include support, services, and equal pay. To achieve these goals, NDRN makes the following broad public policy recommendations.