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Edited by Barbara Arneil , Nancy J. Hirschmann
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Disability and Political Theory: An Introduction

*Barbara Arneil and Nancy J. Hirschmann**

> *The study of disability is experiencing significant changes which have affected all of the social sciences, but relatively little attention has been devoted to this subject by political scientists.*
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> (Hahn 1985)

When political scientist and disability scholar Harlan Hahn wrote this sentence in 1985, he seemed to expect the field of political science to take the lead on many of the issues he addressed in his essay. Yet, 30 years later, political science has actually fallen behind other disciplines in analyzing disability in our society. In the subfield of political theory, the problem is even more acute. While philosophers, historians, sociologists, and literary scholars have all recognized the importance of disability to their disciplinary inquiries, political theory has for the most part ignored it. The pre-eminent journal in the field, *Political Theory*, has published only one article on disability (by one of the editors of this volume). The *American Political Science Review*, the flagship journal in the discipline, has published no articles from a theoretical perspective; and while some political theorists include disability along with gender, race, and class as categories of exclusion, they do not present any sort of analysis of disability itself. The Americans with Disabilities Act of 1990 (ADA), the ADA Amendments Act of 2009 (ADAAA), and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), adopted by the UN General Assembly in 2006 and ratified by 127 countries (although not the United States), all of which raise issues of rights, citizenship, entitlement, and justice, are rarely if ever mentioned in political theory journals or books.

One might well ask: Why should political theorists care about disability? The first reason is a basic demographic one – disability is not a

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phenomenon limited to a small minority, but a significant social issue. It was recently estimated that in the United States alone, 51.2 million Americans are disabled, as defined by the Americans with Disabilities Act, approximately 18 percent of the population, and United Nations Enable estimates around one billion people or 15 percent of the world's population are disabled, as defined by the World Health Organization's International Classification of Functioning, Disability and Health (Steinmetz 2002). Disability affects people of all races, ages, religion, ethnicity, nationality, class, gender, and professions. Simply stated, one out of every five or six individuals (including political theorists!) is likely to be disabled; when we include family members, particularly children and elderly parents, and add the number of people closely affected by disability, this figure rises further. Moreover, with an aging population worldwide, the rates of disability are also increasing, thereby making disability a social problem that will affect even those who do not have an immediate experience of it.

But beyond simple demographics, there are substantive reasons for political theorists to take up disability as a central concern of their analyses. Those engaged in liberal and democratic theory who depend on "reason" and "capacity" to underpin their analyses of citizenship and even personhood will, by definition, exclude a certain number of the disabled from both categories either explicitly, as several of the key canonical thinkers have done, or implicitly, as is more often the case in contemporary theory. If the objective of any liberal or democratic theory in today's world is to create a universal theory that is fully inclusive, the very terms of the debate as currently defined simply make this impossible as shall be discussed in several of the chapters in this volume. For more critical political theorists who use a poststructural, postmodern, or postcolonial framework for their analyses, despite the fact they are engaged in theorizing power, disability has also been ignored and the power exercised over the disabled, including discursive power, has simply not been addressed. The failure of political theorists to engage this subject is particularly obvious when we compare our subdiscipline to the work done by colleagues in the disciplines of English literature, history, and philosophy.[1]

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[1] It would be impossible to document fully, but for good overviews in history, see Longmore and Umansky (2001) and Kudlick (2003). In philosophy, Nussbaum (2006) and the journal *Ethics* published a special issue in 2005, *Symposium on Disability* (vol. 16, no. 1, October, 1–213) with articles by prominent philosophers such as John Deigh, Eva Kittay, Lawrence Becker, Anita Silvers, David Wasserman, and Jeff McMahan. In English, two leading texts are Thomson (1997) and Siebers (1995). Many of the works cited throughout this chapter, the reader will note, are by scholars of philosophy, history, and English including Shelley Tremain, Alasdair MacIntyre, Jonathan Wolff, Anita Silvers, C. F. Goodey, Mark Jackson, James Trent, and Lennard Davis.

As our philosophy colleagues in particular show us – and some philosophers, such as Martha Nussbaum and Eva Kittay, are cited widely by political theorists – disability involves theoretical questions of justice, power, entitlement, care, and freedom, whether that means allocation of resources to provide care, accommodation or medical treatment, alteration of the built environment to facilitate access to public space and avenues of public participation, or setting public policy and legislative agendas to support caregiving and receiving in a way consistent with equality and dignity of all. And as Foucauldian philosophers have shown, disability can also be theorized through an alternative theory of power (Tremain 2002). These issues, and how they are dealt with, in turn impact the citizenship status and empowerment of disabled individuals.

Put simply, to the degree that many liberal and democratic political theorists adhere to fundamental modernist notions of freedom and the basic moral equality of all human beings, these questions, and scholarship that reveals the ways in which the disabled are excluded in substantive terms – much like analysis around gender, race, class, and sexual orientation challenged previous theory – are relevant to political theory. Political theorists regularly attend to issues of recognition and inclusion, membership and citizenship for various marginalized peoples and disabled people simply need to be included in these studies and incorporated into theorizing the intersecting nature of inequality and/or oppression rather than (if at all) as an afterthought or add-on. Similarly, postmodern or poststructural political theorists have as much reason to attend to disability, as our colleagues in literary criticism, critical philosophy, and new historicism show us. Questions of the relationship of the body and 'rational' mind to subjectivity and identity, the ways in which minds, bodies, and bodily experience are interpreted by and through medical and social discourses, and the ways in which "disability" as a concept and category is produced through relationships of power are all significant questions for political theorists.

As many of the chapters that follow will illustrate, the history of political thought displays a close correlation between abject definitions of disability and exclusionary understandings of citizenship and rights. Disabled identities are deployed to delimit and define citizenship, freedom, equality, and rationality, raising the question: how can we redefine disabled subjectivity and politics in order to facilitate the inclusion of disabled persons in society as full citizens; indeed, as full persons under the Enlightenment ideals of natural freedom and equality? Correspondingly, how can we redefine citizenship and the foundational concepts within politics to be more inclusive of disabled identities? Several promising answers are given in this collection of articles that engage not only a redefinition of disability but also a redefinition of the principles of political theory such as equality, freedom, justice, right, and citizenship (Hirschmann and Linker 2015).

Political theorists bring a unique set of scholarly tools to this field of study. Often missing from analysis by philosophers and disability scholars from other disciplines is a complex understanding of politics and the workings of power. The study of power is where political theory particularly excels, and this is key to why we maintain that political theory has a distinct contribution to make, beyond that of mainstream philosophy, by enlarging our understanding of the different ways in which the subject's relationship to public space, public resources, and public power are expressed, compromised, enabled, and restricted. The tools, texts, concepts, and arguments that several of the authors make in this volume are generally familiar to political theorists, even if they use them in a different frame and put them to different use, pertaining to the specific subject of disability as opposed to other forms of oppression and discrimination.

Thus, while political theorists ought to be engaging in disability for both demographic and substantive reasons, what makes this volume important at this particular historical juncture is the fundamental shift over the past 40 years in the definition of disability from an individual medical defect to something that is, wholly or partially, in the social and political domain. Within disability studies, what is known as the "medical model of disability," in which disabilities are viewed as individual defects arising from flawed bodies or minds, and must be "prevented" through reproductive technologies or "fixed" through surgery, drugs, or other medical interventions, has been challenged by a "social model of disability" in which "impairments" or "health conditions" such as blindness or paraplegia only *become* "disabilities" due to particular kinds of linguistic, physical, and political social arrangements that favor the certain kinds of bodily attributes that are considered "normal" or "able-bodied" and penalize or exclude other kinds of bodies and abilities. Disability in the social model is not simply about biology or physicality or even bodies, but rather about power and politics.

For example, it is not the fact that I am unable to walk that disables me from participating in society – such as entering a building to take a class, attend a meeting or go to work – but the fact that the building has stairs instead of ramps or that the elevator is not working today. Similarly, it is not the fact that I cannot hear that disables me from using a telephone at work, but the fact that my company refuses to install TDD technology. These social arrangements are a function of power and constitute, as Mairian Corker (1999: 631) says, "a form of social oppression" since it is these structures, rather than whatever health conditions or impairments one might have, that prevent the individual from being a full participant in his/her own life and in the wider society. In addition to these two examples of visible disabilities, the emergence of "invisible" disabilities create an additional set of power relations and social structures that make the transition of impairment to disability more complicated as the necessary accommodations may not be as apparent or seemingly necessary (Hirschmann 2015).

The introduction of the social model of disability pushes disability squarely into the arena of politics, both in relation to the broader notion of power relations in society but also the degree to which states provide the accommodations necessary to remove barriers to the full inclusion and participation of disabled persons. Ultimately, as the definition has evolved to the current understanding of disability as the *interaction* between the particular physical conditions of individuals *and* the environment they must navigate in their daily lives, it only underlines the fact that political theorists have much to learn about and contribute to these new debates.

Ultimately, the political implications of what we have been arguing leads us to believe not only that disability is a critically important subject to incorporate into political theory, but also that political theorists have important specific contributions to make in theorizing the meaning of citizenship, freedom, equality, and rights on the one hand, and the constitution of power on the other. Such theorizing has a broad scope, including the constitution of disability as a category of political identity and conceptual meaning and the distribution and constitution of public goods and resources in the social/political realm in response to the changing understanding of disability that political theory can enable. Such theorizing should in turn help contribute to the ongoing political project of theorizing "diversity" and "difference" within the democratic polity by helping produce a broader theory and practice of politics in relation to the full diversity of human minds and bodies.

Thus, this book is a clarion call and, we hope, a catalyst to the discipline of political science and in particular to the subfield of political theory to fully engage in disability in the fundamental and sustained way that we have begun to engage in the politics of gender, race, ethnicity, multiculturalism, indigeneity, colonialism, and sexual orientation over the past half century, and put this understudied but critically important issue at the center rather than the margins of our studies of citizenship and power. To this end, we have invited some of the leading political theorists working in the discipline today to think about and develop their own insights on disability and political theory rooted in their theoretical and methodological perspectives, along with a few emerging political

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theory scholars, part of a younger generation entirely focused on disability, to contribute chapters to this volume. Between these two groups, we believe this volume not only spans a generation of scholars but also brings new insights from a variety of perspectives.

Finally, the co-editors of this volume are feminist scholars who have published in the area of gender and political theory, and we have been struck in our own research and in developing this volume, how the second-wave feminist adage "the personal is the political" is as true of disability as it is of gender politics. One cannot present a paper at a conference on disability without experiencing, in the questions or conversations that follow, individuals talking about their own or their family's experience with disability. For one of us, the experience of living with diabetes and other impairments and the accommodations necessary to ensure equity, full participation, and individual health are very much part of the impetus and shaping of this book. For the other, watching, as many of us do, the last few weeks of her father's life as he became increasingly disabled – largely physically but eventually mentally – raised profound questions for her about the nature of care, human dignity, and accommodation within a hospital and hospice setting that sometimes reinforced insights gained from the disability community and in other instances raised different questions. The point is that disability is both political and personal; and it is in a very real sense universal, as we are all likely to face disability at some point, either ourselves or in our families, within our lifetime. But while the experience of disability may be in some ways universal, we are equally cognizant of the adage, "nothing about us without us,"[2] meaning it is also critically important that the voices of those who are living with disability are included in this volume. To this end, some contributors have disabilities or have family members, specifically children, who are disabled.

The essays that follow, although dealing with the largely unfamiliar (to our subfield, that is) topic of disability, engage very familiar approaches and strategies, ranging from analysis of canonical figures to engagement with contemporary theory and topics and application of theoretical concepts and categories to contemporary political issues. We have sought to bring together a range of scholars who deploy analytical, historical, critical, and/or liberal theoretical approaches to address a broad array of topics ranging from the social contract and citizenship to care for disabled persons to the meaning of central political theoretical concepts to

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[2] This phrase is one often used by disability advocates and activists and refers to the long history of non-disabled people speaking on behalf of the disabled and defining for them what they need and want. See Charlton (2000).

strategies of alliance between disabled persons and other groups. The range of topics is certainly not exhaustive given space limitations but also because, as articulated earlier, few political theorists view disability as a significant topic for consideration. In particular, we think it is critically important to take up the issue of intersectionality in relation to disability, which while included in this volume at various points deserves much greater study and elaboration. Exactly because political theory lags behind other disciplines, however, there is less diversity in approach than we would want, and we therefore hope this volume will serve as an invitation to other scholars to take up the study of disability from every possible vantage point.

In the narrative that follows, we lay out the order of the essays in a way that hopefully draws the reader in through some familiar approaches to the broad diversity of topics that are possible within a political theory approach to disability. Two major concerns emerge in the chapters that open the volume. The first is the problematic binary constructed through modern political theory between rights and charity, independence and dependence. The citizen, as a presumed signatory of the "social contract," has rights guaranteed through the principles of justice, freedom, and equality, but is constituted in opposition to disabled dependents, outside the contract, who have needs that must be attended to as determined by the principles of charity or welfare. The second related concern is the centrality of reason to modern political thought and its impact on the disabled. If reason is crucial to central political theory notions such as consent, freedom, justice, equality, and the will, as the first several authors maintain, then it follows that these central ideas will be constituted in opposition to the cognitively disabled in society, sometimes explicitly and other times implicitly (and sometimes including the physically disabled as well). If the key concepts in the modern canon have all been built on ableist assumptions that in their very definitions excluded the cognitively disabled from them, then political theorists will need to fundamentally rethink the meaning of such concepts in ways that include disability.

In the first chapter, "Disability in Political Theory versus International Practice: Redefining Equality and Freedom," Barbara Arneil contrasts the definitions of disability found in such key canonical thinkers as John Locke, David Hume, and John Rawls with those proposed by modern disability advocates and in recent international disability documents. Arneil argues these key founders of Western political thought developed principles of citizenship that explicitly excluded people with both mental and physical disabilities, and indeed used these excluded persons to create the boundaries for their key concepts of freedom, equality, and justice

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respectively. These exclusions in essence established a binary between the rational and physically able autonomous public citizen with rights governed under the principle of freedom, equality, and justice in opposition to and mirrored by the mentally and/or physically disabled dependent person with needs governed under the principle of charity. Arneil maintains that this binary is rooted in a naturalized idea of disability as a pre-political individual negative defect within the body or mind caused by nature, thereby precluding (1) a social model that locates disability in the environment, (2) disability being simply one component of human diversity, and (3) the possibility of disabled persons being capable of citizenship and rights. Thus, Arneil juxtaposes the assumed why, what, and where of disability in the history of political thought with current international practice to show how the premises precluded by political theory are now foundational to international documents. This suggests that contemporary political theory needs to pay greater attention to international disability practice if they are to avoid perpetuating previous exclusions and contradictions.

Lucas Pinheiro echoes Arneil's critical analysis of disability in the history of political thought in his chapter, "The Ableist Contract: Intellectual Disability and the Limits of Justice in Kant's Political Thought." Framed as a critical intervention in contractarian theory, Pinheiro critiques the exclusionary logic of Kant's *Metaphysics of Morals*. Following in the tradition of Carole Pateman's sexual contract and Charles Mills' racial contract, Pinheiro argues that social contract thinkers simultaneously construct an "ableist contract" that explicitly excludes disabled identities from citizenship because of their impairments. Focusing on Kant, he argues that the exclusion of disabled identities from modern political theory was not a mere omission or procedural mishap but the result of deliberately constituted definitions of the disabled as delimitation on the key principles of citizenship. Against their negative accounts of disabled identities as the embodiment of a "lack" of reason and "failure" of morality, Kant is able to constitute his vision of freedom, personhood, and morality. Second, Pinheiro critiques the false binary constituted in political theory that holds autonomy and reason in the civic realm situated in opposition to dependency and charity in the realm of nature. Third, Pinheiro argues that this relegation of disabled identities to an unidentified natural space outside the social contract naturalizes impairment and precludes a social model of disability. Kant's social contract fails to actualize universal justice for all, since his definition of persons is predicated on the exclusion of disabled identities, which in turn allows for their further marginalization and abjection on the margins of political theory and citizenship.

Pinheiro does not conclude that we must throw the baby out with the bathwater and dispose of the social contract altogether in Kantian theory. Rather, the question is how to disband the *ableist* contract, and the answer seems to lie in challenging the naturalization of disabled identities in order to constitute the citizen. Pinheiro also draws a clear line between Kant and Rawls, claiming both early and later contract theory exclude the disabled in the same way and for the same reasons. Pinheiro argues while Kant *explicitly* excludes disabled identities through his overt definitions of the disabled subject, Rawls does so on procedural grounds.

By contrast, Stacy Clifford Simplican's chapter, "Disavowals of Disability in Rawls' Theory of Justice and his Critics" challenges Pinheiro's assertion that Rawlsian exclusion is procedural and argues that Rawls' reliance on "compulsory capacity" to define the subjects of justice necessarily excludes those who do not match up to a Rawlsian conception of 'normal'. Clifford's "double disavowal" analysis suggests that Rawls intentionally omits disabled identities, first when he evokes disability to delimit the "normal" intellectual capacities of moral agents, and second when he in turn excludes disabled people from social membership and claims to justice.

According to Clifford, evoking compulsory intellectual capacity as the basis for inclusion in the social contract stigmatizes disabled identities and fails to propel political theory beyond a hierarchical understanding of human abilities toward one that values diversity both among individuals and throughout lifespans. The legacy of this disavowal parallels the critical interventions on Rawls' political theory by contemporary gender and race theorists but adds another critical dimension to their critiques. Clifford uses feminists' and critical race theorists' critiques of Rawls as a model for her own analysis, but also critiques them for failing to eschew their own ableist assumptions, upholding notions of citizenship that hinge on an ideal universal intellectual capacity that is not reflective of the reality of diversity.

Like Pinheiro, who does not think the social contract should be dismissed entirely, Clifford does not conclude that Rawls' theory of justice is irredeemably flawed. Rather, she argues that its reliance on compulsory capacities creates a fictional ideal account of the citizen that deliberately and effectively allows so-called citizens to continue to disavow disabled identities, and thus continue to marginalize them. Thus, a radical rethinking of Rawls' reliance on compulsory capacities is called for. An inclusive foundation for citizenship would not be based on ideal theory, but rather on the diversity of human abilities and the universality of dependence. Thus, while Pinheiro and Clifford disagree about *how* Rawls excludes disabled identities, they both arrive at the same conclusion that social contract theory can be salvaged and put to better use for all citizens, as Arneil argued that the modern concepts of freedom and equality might be salvaged if imagined in different ways that are fully inclusive rather than exclusive of disability.

Nancy Hirschmann's chapter, "Disabling Barriers, Enabling Freedom," also seeks to disrupt the idealized notion of the independent, autonomous individual so central to the Western canon of political thought. Starting with standard accounts of "negative" liberty from Hobbes through Berlin and Flathman, Hirschmann critiques the juxtaposition of freedom and ability, and considers how the social model extends the notion of "external barriers" to include aspects of the built environment, such as stairs, and ableist attitudes against disability, that most able-bodied people consider "normal" and not barriers at all. Political theory's shortsightedness in its conceptualizations of the concept of freedom, the free subject, and ideas concerning what constitutes an "obstacle" or "barrier" to freedom leads to consideration of the meaning of "the will," a key element of the modernist mind/body duality. Hirschmann critiques both Hobbes and Locke for upholding the Cartesian mind/body dualism that causes us to reject the will of our body or see it at odds with reason, and thereby at odds with freedom. The modernist association of the mind with reason and the body with irrationality denies freedom to disabled bodies and thereby further marginalizes disabled identities. In contrast to standard feminist approaches that value emotion and the non-rational, however, Hirschmann expands the definition of the will to include *both* rational and physiological desires, and in doing so bridges the gap between "normal" and "disabled" identities.

All of these chapters in the first part of the volume illustrate that past and current definitions of disability within modern Western political theory are problematic for many reasons. Moreover, problematic definitions are shown to have dire consequences for the political rights and membership of disabled people. But other chapters take up how disability might be reframed, moving beyond "defect" toward a positive capability – or simply another aspect of human diversity. Eileen Hunt Botting's chapter draws on Hobbes and Wollstonecraft to consider the place of "anxiety" in disability discourse. As a universal state that is nevertheless framed differently for women and men, Botting particularly considers how the medical community's contemporary understanding of anxiety might negatively influence how women approach their struggles with it, preventing women – and indeed, thereby all "patients" – from recognizing anxiety's productive potential. Her chapter disrupts the contemporary narrative, which warns of a rising "epidemic" of female anxiety, as well as negative definitions of anxiety deployed by the medical community,