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The Violence of Technicism

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Edited by **Nicole Brown**
and Jennifer Leigh

ABLEISM IN ACADEMIA

Theorising experiences of disabilities
and chronic illnesses
in higher education

UCLPRESS

Ableism in Academia

Ableism in Academia

Theorising experiences of disabilities and chronic illnesses in higher education

Edited by Nicole Brown and Jennifer Leigh

To everyone who is directly or indirectly affected by ableism in academia.
And to those who need to learn about it.
NB

To my wonderful, beautiful and miraculous family. All of you.
I could not have done any of this without you.
JL

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The violence of technicism: Ableism as humiliation and degrading treatment

Fiona Kumari Campbell

2017 was a ground zero year for me. I had decided, after working in universities in various countries since 1995, to no longer accept humiliating practices that were, for all intents and purposes, ableist in origination. This decision, which had been percolating in my consciousness for some time, was brought to a head by two events that occurred in close sequence. The first concerned a guest lecture in a module that I normally do not teach on under the responsibility of another academic. The class was scheduled in a location that had to be changed because the original venue was sequestered by management for an event. The new venue, however, had a teaching platform that was elevated and hence required a portable lift to access the stage. The equipment had not been used for a while and there was an issue locating the key to turn on the device. There was uncertainty about not only finding the key, but also whether the lift was in working order. Hearing this news tapped into an accumulated memory and panic about the possibility of something going wrong: the lift on the day might not work. For the first time in my long career as an academic I had decided that I was not going to do the heavy lifting around disability access and had left the responsibility for sorting out the logistics to the module leader. As time drew closer to the scheduled lecture, things were still very uncertain about the chain of command involved in checking the equipment. A series of emails ensued between the module leader, estates and the manager of the equality and diversity unit. Although it was never verbalised, the tone of

communications from some parties suggested that I should feel a sense of gratitude that action was being taken. Still, my anxiety about being humiliated in front of students if things should go wrong – bringing my disability to the foreground – persisted.

A few days later another incident occurred. The front entrance doors to our building were being repaired and would be out of order for one to two weeks. I was advised that I could access our building through a side pathway normally used as a fire door of an adjacent building. As this was a fire door there was no external access and I was told that I had to ring reception to get a staff member to come down and open the door. I had to do this every time I moved in and out of the building. News of this process induced an explosion in my head. I decided to put my foot down and inform my dean that I was working at home until the front entrance doors were fixed. Additionally, I had decided that I was not prepared to give the guest lecture given the uncertain circumstances regarding the lift to the stage. In discussing these two incidents with the dean on the telephone, I experienced a meltdown. Enough was enough – I had put up with these kinds of antics for years, but no longer would I be prepared to succumb by way of silence, to acquiesce as a party to humiliating practices and ultimately being complicit with my own experience of humiliation. Humiliation is quite an intangible experience because it involves emotions and an emotions management of daily microaggressions. Microaggressions such as these are experienced by disabled people in our private and work lives. Humiliation and ableism are intrinsically linked by technicist mentalities that govern our academic day. My lived experiences and those of others have shaped this chapter.

Ableism is everyone's business, not because of some ideological imperative but because we as living creatures, human and animal, are affected by the spectre and spectrum of the 'abled' body. Therefore, it is critical that ableism stops being thought of as just a disability issue. Ablement, the process of becoming 'abled', impacts on daily routines, interactions, speculations and, significantly, imagination. While all people are affected by ableism, we are not all impacted by ableist practices in the same way. Due to their positioning some individuals actually *benefit*: they become entitled by virtue of academic ableism.

This chapter brings together work I have done – Project Ableism – since 2001, which has explored the theorisation of ableism, the idea of internalising ableism, mitigating disability and using *Studies in Ableism* as a research methodology (Campbell 2019; 2017; 2011; 2009; 2001). Without wishing to duplicate work I have undertaken elsewhere, I first introduce the idea of ableism and then move onto

a discussion about ableism's relationship to technicism, a tactic that is endemic within universities. The second part of the chapter focuses on the (un)reasonableness of equality duties and ableism as a harm in the form of humiliation in the lives of disabled academics. Finally, the chapter refocuses the idea of humiliation as an effect of *ontoviolence*, a consequence of ongoing struggles by disabled academics for accessible environments. As a strategy of resistance, it is integral to understand the processes and practices of ableism, not only to foreground the violence of ableism, but also to develop tactics of intervention that expose and disrupt pervasive ablement in settings such as universities and government.

The idea of ableism

Disabled women started speaking and writing about ableism as early as 1981. Records of this work appear in a special themed 'women with disabilities' issue of *Off Our Backs*. These disabled women activists in the US sketched their experiences of border limits and aporias, championing an analysis of ableism as the source of social exclusion (Aldrich 1981; House 1981; Rae 1981). We see the re-emergence of an attempt at definition by Rauscher and McClintock (1997), who described ableism as a system of discrimination and exclusion. What was missing from this approach were any nuances about the processes and predilections of such systems. In 2001 I tried to locate ableism as a knowledge system, '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 then is cast as a diminished state of being human (Campbell 2001, 44).

Although I have previously pointed to the conundrum of ableism's 'limited definitional or conceptual specificity' (Campbell 2009, 5) in disability research, this challenge has not been fully addressed and concept stabilisation has not been achieved. In attempting to develop conceptual clarity and work on developing Studies in Ableism as a research methodology, I revised the definition of ableism as a

> system of causal relations about the order of life that produces processes and systems of entitlement and exclusion. This causality fosters conditions of microaggression, internalized ableism and, in their jostling, notions of (un)encumbrance. A system of dividing practices, ableism institutes the reification and classification of

populations. Ableist systems involve the differentiation, ranking, negation, notification and prioritization of sentient life. (Campbell 2017, 287–8)

The above-mentioned elements – differentiation, ranking, negation, notification and prioritisation – form a template for contemporary societal interventions as well as methodological enquiry. I will return to these dividing practices later in terms of ways they acclimatise with the operation of technicism within the academy.

Since I first began writing about ableism there has been a flurry of research claiming to use ableism as an operational concept. We have witnessed a plethora of usage on Facebook and Twitter that characterises ableism as a discriminatory slight without any sense of its properties and parameters – leaving vague any sense of what kinds of practices and behaviours can be considered ableist. Our task as ablement scholars is to unveil foundational presuppositions to ferment critique for building a robust intellectual enquiry. In this paper I use 'ablement' to express a productive relation: the ongoing, dynamic processes of becoming abled. Although ablement is often used interchangeably with ableism, I prefer to use ablement when I wish to emphasise its coupling with disablement. My approach contrasts with the terminology of ability/abled or able-bodied, which are assumed to be static states. Ablement scholars, then are researchers who focus on the dynamics of being abled, or ableism as a practice, rather than primarily looking at disability per se. These states are not self-evident and require problematisation. It is necessary to unimagine and disinherit the canon of pervasive binary thinking of disability/ability, which must be thought of as a problem, and instead to think about borders and passages, placed as aporias, where 'there can be no barrier that protects itself or separates itself from something else' (Abeysekara 2011, 24). For instance, the very divisions performed as silos, deemed as 'protected characteristics' (cf. Malleson 2018) in equalities law and policy, segregate and dissipate understandings of intersectionality – as in Athena SWAN's focus on abled gender identity to the exclusion of disabled women and to a lesser extent, women of colour.

Nearly all disability studies research and recent works on ability have a predilection towards the comparative, even if this aspect is not acknowledged (Campbell 2019). The research narrative or analysis moves within a binary comparative relationship of disability and its constitutive outside, ability. The comparison is so fundamental that thinking without comparison is almost unthinkable, particularly in the field of anti-discrimination law in which the idea of the comparator is

vital (see Baker and Campbell 2006 for a discussion of comparing a young school student with autism with an able-bodied 'disruptive' student). What does making comparisons involve – is it with a person with the presumed characteristics of able-bodiedness? This matter is complex and nuanced. However, the academic treatment of these hermeneutical questions is commonly uneven, as there is in many pieces of research a manifest lack of precision about the remit of the so-called 'object' or 'subject' under study – ontologically and conceptually.

The turn to the study of abledness and the idea of ableism rather than primarily focusing on disability per se provides a new intellectual playground, to map discourses of unencumbrance, academic productivity, citizenship and ethical norms, buttressed by configurations of the normative (endowed, extolled) and non-normative 'failed' bodies. The idea of 'ability' needs to be understood alongside its constitutive outside by considering those grey zones of uncertain populations that resist enumeration – the long-term ill, people with episodic/chronic illness and non-apparent disability. Deep diving is essential:

> ableism is deeply seeded at the level of epistemological systems of life, personhood, power and liveability. Ableism is not just a matter of ignorance or negative attitudes towards disabled people; it is a trajectory of perfection, a deep way of thinking about bodies, wholeness, permeability and how certain clusters of people are *en-abled* via valued entitlements. Bluntly, ableism functions to 'inaugurat[e] the norm'. (Campbell 2009, 5)

How does my approach differ in nuance from the statement below, part of an advertisement for the 'Ableism in Academia' conference held at UCL in 2018?

> However, as disabled, chronically ill, and neurodiverse academics know, ableism – discrimination in favour of able-bodied people – is endemic in academia.

At first glance, this marking of ableism seems reasonable and appears written in less academic language than my rendition. Read it again – you may notice that the formulation pivots upon a discrimination framework. A discrimination paradigm has been extremely influential, to the point, I argue, of normalisation: there is limited deep reflection on the *meaning* of discrimination and its attributes. Using a discrimination lens to study inequalities is just one of a myriad possible epistemologies. There is more

going on here – this statement is making a claim that it is discrimination that is the central problem: a choice, a preference towards 'able-bodied' staff. I would want to know if this 'favouritism' is of a generalised nature or is targeted in a form of positive action towards ablement. These are questions to ponder. Any strategy adhering to this definition of ableism implies that simply identifying the discrimination would be sufficient to remove it. It is not surprising that this approach to conceiving ableism has been adopted, as a discrimination framework underpins most human rights discourse. We are seduced into believing that non-discrimination is the mechanism for remedying many social ills.

My approach, while not rejecting a discrimination paradigm outright, starts from a different premise: namely, ableism is not simply about ignorance (or even unconscious bias, a concept that is very much the flavour of the month). Rather, ableism is soma-epistemological, configuring legitimised knowledges concerning normalcy, perfection and intense ontologies of bodies; that is, what it means to be *fully* human. Ableism rewards certain classes of people for their corporeal alignment through practices such as technicism, which I will discuss later. It is important to stop and think, *think*, *think* – about the nature of processes and practices of academic ableism; how to drill down to ableism's subtleties and hiddenness. It is imperative that we embrace this challenge. The battle over ableism is a battle of the mind and heart. Sometimes the tactics of this battle are reduced to gaslighting – denying the humiliating experiences of disabled academics and their consequences. Humiliation is a core outcome and effect of ableist practices. For the continuation of the academy, a lot is at stake!

Integrating studies in ableism into disability- and higher education-focused research represents a significant challenge not only to research practice but also to equality and diversity operations. Ableism moves beyond the more familiar territory of disability, social inclusion, and usual indices of exclusion to the very divisions of life. Ablement and the corresponding notion of ableism are intertwined. A symptom and outcome of ableist processes, compulsory ablement compels the inauguration of a dynamic promise that suggests ablement is in reach for all – it is possible and indeed desirable to be a 'superhuman' academic. Even those who benefit from certain forms of entitlement within the academy are hoodwinked by #FetishAbleism, for the norm is indeed a cloudy shadow that one cannot catch up with. Ultimately, ableism will even catch up with these folk, as they fail to win the battle of constantly shifting grades of endowed competencies deemed average or 'normal' by the very modes of social organisation to which they owe their complicity.

As a hegemonic referential category to differentiate the 'normal' from the 'dispensable', the concept of abledness is predicated on some pre-existing notion about the normative nature of species-typical functioning that is trans-cultural and trans-historical, yet varies in its presentation and processes and hence is not necessarily universal. Ableism does not just stop at promulgating the 'species-typical', which is assumed to be demarcated, stable and self-contained. An ableist imaginary tells us what a healthy academic's body means – a 'normal' mind, the pace and tenor of thinking, energy levels and the kinds of emotions and affect that are suitable to express – all played out in student evaluations, perceptions of what an academic looks like, feedback, ideas of 'objectivity' and scores. Of course, these fictional characteristics of corporeality are promoted as an ideal, conditioned and contoured by time and place. Occasionally certain deviations are exceptionalised, such as the trope of the eccentric male, nutty professor, which in some disciplines becomes legendary rather than a handicap.

An ableist imaginary relies upon the existence of an unconscious, imagined community of able-bodied and able-minded people, who are bound together by an ableist homosocial worldview that asserts the preferability of the norms of ableism, norms often asserted by way of political codes of citizenship, including nation, corporation building and the idea of the 'productivity of the multitude' (Hardt and Negri 2005). In other words, ablement, like whiteness, is rarely acknowledged, as it is so pervasive and thus not subjected to the exceptionalising processes of differentiation as are blackness, disability or homosexuality. Ableism still preserves privileged benchmark occupational profiles, where diversity is achieved through the insertion of protected characteristics into the domain by way of selective modifications such as 'guaranteed interviews' – disabled academics enter an elusive zone within 'a matrix of declared and hidden rules' (Morley 2011, 224). Even so, the legal definition of disability as being 'substantial and long-term' negatively affects the ability of disabled academics to undertake agreed 'normal' activities, leaving this choice to narrow the purview of disability intact.

It is important to be clear here that a choice is being made in the government of disability to narrow the remit of defining disability, rather than a more expansive choice. The decision to adopt a minoritisation approach – which sees disability as discreet and insular – keeps the disabled population in its place as an insignificant minority population. This fiction masks the reality that disability could be experienced by at least 40 per cent of the population, which, if accepted, has profoundly different political and legal implications about how governments

understand the diversity continuum. Indeed, there is a veiled subtext that disability is somewhat unsatisfactory, and that people should make attempts to 'ameliorate' their impairments. This ranking of assumed pre-set occupational activities, from proficient to impaired, maintains an alignment with the binary distinction between ablement and disablement. The leakiness and permeability of disability in different occupational contexts means that 'the law's conception of impairment as an *inherent feature* of an individual claimant's identity will be increasingly at odds with people's perceptions of their lived experiences' (Malleson 2018, 608). Prescribed systems of merit are not only clung to; Rosemary Deem argues that there is also a reluctance by UK universities

> to fully engage with equality policies for staff, either in rhetoric or reality, [which] may be partially explained by the extent to which many HEIs regard themselves as meritocratic institutions in which outstanding individuals are recruited on the basis of merit and where excellence in learning, research and teaching is actively fostered. (Deem 2007, 616)

Variability does not play an intrusive role in occupational remits; rather it acts as a residual ethical foreclosure. There are leakages in practices of ableism. Malleson (2018, 608) argues that 'it is quite possible that the conceptualisation of the distinction between able-bodied/disabled will follow that of sex, gender and sexual orientation towards increasing disruption of the binary categorisation'. Such ableist trajectories erase differences in the way humans express our emotions, use our thinking and bodies in different cultures and in different situations. In summary, then, able-bodiedness circulates and produces notions within a university environment of

- 'Health' – wholeness, enhancement/endowment
- Productive contributory citizens – the 'competent worker'
- 'Species-typical' functions – demarcations between human wellbeing, ill and injured workers
- Universalisms – objectivities that can be measured irrespective of university, campus and location
- Possessive individualism (ideas of autonomy, independence, being governed by reason) – the archetypical academic, although might vary by academic discipline
- Idea of human normativity (balanced, normalised functioning)

- Hegemonic proprioceptive lens (ways of sensing, experiencing university employment and relationships)

Ableism's relationship to technicism

> My dyscalculia rises like an ugly beast as I undertake the mathematical calculations for grading an assessment task. Who do I go to for help in working out the formula? I can't fulfil this part of the job description – no one in management must find out. (Campbell, diary entry, 19 January 2019)

Whether we like it or not, we must acknowledge that the acquisition of knowledge and skills also involves the acquisition of values about that knowledge and those skills (Goodnow 1990, 81). In this section I will show that ableist reasoning around the inclusion of disabled academics within universities, due to its reliance on various forms of technicism, leads to situations of *reductio ad absurdum*, rationalisations that slip into absurdity, whereby disabled academics experience forms of gaslighting through, for example, convincing them to believe that disability adjustments have been put in place, when in reality they have not, leading to feelings of confusion, frustration and a lack of recognition of the realities of lived experiences. In effect universities redirect the 'problem' of equalities compliance by way of communicating that the disabled employee is instead the problem (their attitude, flexibility, receptivity), creating a disjuncture with attributing systems failures. An obsession with *techne* or procedures can make the dynamics that happen in academic relational spaces invisible at best, or at worst erased, through the use of ableist tenors and tactics that leave in place an uncritical understanding of the productive 'academic' body, leading to doubt, despair or even self-induced death. However, I am getting ahead of myself.

Technicism, from the word *techne*, is not merely about an orientation towards technical detailing; it is a crafting of argumentation or pleading based on certain assumptions of the archetypal academic and bodyscapes. In this sense, its focus is in presenting overly instrumental views, giving primacy to scientific rationality based on a benchmark body (white, heterosexual, abled, male, Christian) that orders and structures workplace environments. A technicist mindset frames systems – and the people within them – in terms of *resources*. It is no accident that in many universities, equality and diversity units are located within

human resources departments. Viewing employees as resources through turning them into objects does not feature strongly in literature about equalities debates.

Resources, like other technologies, are *characterological*, in the sense of being fit for purpose – imbuing the technology with its creator's desires, which are reflected in the technology's design and purpose (cf. Campbell 2009, chapter 4). What is that purpose, you might ask? The academic is required to be flexible and able to be shifted about in different spaces (online, scheduled classes, meetings), in various inter-/ intra-campus locations and time zones – a body-for-hire that augments the delivery of education. The notion of time and temporality is filtered through these various spatial domains. Despite the rhetoric of personal-isation, fitting-for-purpose means that academics need to be *moulded* to fit standardised practices such as ratio of staff, work allocation formulas for marking, and built environment specifications (based on optimum benchmark bodies to fit furniture, etc.).

Bourdieu's (1977) work notes a gulf between technicist quantifi-cations of objective time – clocking in – and time as it is practised and subjectively understood. This chasm effectively becomes a misrecogni-tion, whereby those in power have the capacity to legitimise or withhold disabled academics' use and experiences of time. As Morley (2011, 224) puts it, such '[m]isrecognition is also perceived as a form of symbolic violence in so far as it harms members of socially subordinated groups, but in subtle or abstract ways that are often difficult to prove'. Social exclusion by way of geographical 'lock-outs' and technicism such as those mentioned at the beginning of this chapter, has a rippling effect, with hostile and humiliating inaccessible environments communally impacting all of us, as strangers and friends observe someone else's humiliation and exclusion. Inaccessible environments make and position disabled people as problematic bystanders – we, the disabled who look in, simply imagine another possibility or, because of the degree of inaccessibility, we become alienated from organisational environments.

Warin et al.'s (2015) work on temporality and the failure of health promotion campaigns among the poor can be adapted for our analysis of disabled academic experiences. They report a spatio-temporal disjuncture between ideas of future (planning) and the tension of dealing with the present. Due to daily struggles with disability and academic ableism, a disabled academic may exhibit a short horizon in their struggle to deal with immediate challenges, resulting in 'narrowed vistas of possibility and […] improvisational practices' which are situated and limited (Warin et al. 2015, 310). In negotiating prescribed time, disabled

academics may have to balance their activities with the embodied implications of fatigue, slowness and location (do they work better sitting at work or horizontally in bed at home?), to name just a few tensions.

The unencumbered, sex-neutral employee has replaced the sex rhetoric of the main (read, male) breadwinner. The able-bodied worker, inscribed as an 'unencumbered' worker, is a fictitious employee who behaves in the workplace as if he or she has a 'wife' at home full-time, performing all the unpaid care work that families require, able to be beckoned at call as a source of emotional support. 'This "gold standard" worker works full time, year round, is available to work overtime, and takes no time off for child bearing or rearing …' (Applelbaum et al. 2002, 8). Disabled academics rarely fit this mould: they may have bodily and emotional needs that cannot be mechanically routinised or normalised. Abled compensation for encumbrances is more veiled, often being absorbed by unpaid gendered care and support provided by a (female) spouse or the tactic of adaptation and morphing strategies. It then becomes challenging to deal with future goals when there is an ongoing disruption between the past, in the form of traumatic experiences, and perceptions of the present. This dynamic will be discussed in the final section of the chapter.

Professional development planning for academics embraces what Fendler (2001) refers to as 'technologies of developmentality', which promote values of choice and progressive efficiency. Here, 'technologies present as regulatory systems, the technologies of management that do not just structure the physical environment and make use of natural resources but treat people as a resource to be ordered' (Roder 2011, 65). Employers, corporations and town planners already engage in the unacknowledged process of accommodating the needs of their employees, citizens and visitors (without disability). Governments and other entities spend money and energy accommodating users 'without denominating it as such', and this is the hidden aspect of ableist models (Burgdorf 1997, 529).

An ordering of university life takes places across four domains, namely enterprise (employee opportunism, pragmatism and performance), administration (allocated roles of exchange between people, files and machines), vision (a blueprint of performativity) and vocation (capacity to be loyal and creative) (Law 1994, 75–81). These domains should not be conflated with ableism and bureaucracy; rather, the 'problem' is not restricted to a field within the uni(scape) but attends to the ableist mentality of technicism. As Manfred Stanley long ago argued, 'the true contemporary enemy of the human principle is

technicism, a form of social organization that is much more pervasive in its impact and influences than bureaucracy' (Stanley 1972, 913).

Another twin domain that interconnects with academic ableism is law. Here too we find pervasive technicist ableism. Black-letter jurisprudence is obsessed with rule-making and process through the dynamic of precedent. The rule entrapment of the law works against its beneficiaries through such ideas as 'reasonableness', 'substantially limited' or even the very denotation and purview of 'legal disability'. This technicism belies the fact that objectivity or seeming neutrality is not value-free; instead, as feminist and more recently disability scholars have argued, law's body is intrinsically partial and ideological. An example of juridical technicism concerns a statement made by a university that a building used for graduation ceremonies was deemed accessible even though there was no direct access to the stage from the floor in the main auditorium. This meant that staff with a mobility disability were unable to process up to the stage, and students with a mobility disability were unable to receive their certificates on the stage. As the building satisfied the legal accessibility requirements there was no case to answer – no more to be done. The disabled academic could not participate in the ceremony alongside their peers because it was *actually* inaccessible. Yet the technicist assessment was flawed and ableist presuppositions were exposed. Functionality was minimised – the student cohort was presumed to be abled; expansive abledness negates the reality that that there are disabled staff or students. Leaving aside the questionable dissonance around the weaponisation of law, any further complaint on the part of the disabled academic was responded to in the form of gaslighting – the basis of the 'complaint' was construed as being 'unreasonable', trivial or a personal gripe. These situations are all too common. Yet still there is a pervasive endurance of a belief in law's capacity to deliver justice (Burgdorf 1997; Campbell 2001; Hunter et al. 2010; Malleson 2018; Perlin 1999; Rovner 2001; Thornton 1996).

The reasonableness of equality duties

> [i]n order to get beyond [an individual's disability], we must first take account of [that disability]. There is no other way. And in order to treat some persons equally, we must treat them differently. (J. Blackman, in *Regents of Univ. of California v. Bakke* 438 US 265 (1978))

> Out of 170 heads of institutions only five (2.4%) disclosed as disabled while 5% of staff in support roles disclosed a disability. (Martin 2017, 7)

The UN Convention on the Rights of People with Disability (2006) promotes disabled people taking up leadership positions in their communities and understands that 'disability' is a concept founded on an evolving interaction between impairment and relational contexts. Under the Convention, '"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms' (Article 2).

Within the Convention, reasonable accommodation is not limited to employment, but covers education, accessibility, health, access to justice and legal capacity. The focus is on an individual's case and what needs to be done to ensure that the particular person can participate fully (though the adjustment may be of benefit to others). Reasonable adjustment can be denied if an undue or disproportionate burden or hardship is involved, reinstituting a conflation between disability and burden, thus making disability equality provisional. In taking into account of any characteristics related to disability that may impact on the job in order to accommodate the disabled academic's needs, employers need to de-ontologise impairment by reducing the impairment effects to 'immutable characteristics' to avoid any inferences of feigning disability or ennobling accommodations. The problem with the immutability argument is that it invokes ethically implicated divisions of 'innate' (unchangeable) and 'fluid' (how people make sense of who they are, implying 'choice' over disability). There have been moves in the United States to propose new categories in law around the idea of voluntary or elective disability, to describe individuals who 'choose' to remain disabled and resist therapeutic programs or medical interventions. This 'choice of disability' argument could be invoked by universities to justify refusals in disability accommodations (see Campbell 2009).

The current system in most universities in the United Kingdom is to corral us like wandering black sheep into a minimalist, grounds-based individualised (and hence privatised) reasonable adjustment process as determined under ss.20–1 of the Equality Act 2010 via disability support, a unit of student services (where such services exist), instead of a dedicated employee- and occupational-focused unit committed to the principles of universal design. Reasonable adjustment requires an

employer to take account of the characteristics related to disability, and to accommodate them by, for example, modifying the job or the physical environment of the workplace. As Sandra Fredman (2013, 127) argues, 'instead of requiring disabled people to conform to existing norms, the aim is to develop a concept of equality which requires adaptation and change'. Instead, what actually happens produces a distortion, by resorting to a reduction to the lowest common denominator, a form of procedural violence based on tables of impairment, often bearing little resemblance to actual contextualised needs. This dissonance between the lived and the tabulated recording process is an example of a humiliating practice that can contribute to physical and psychic harm. Furthermore, in workplaces, where time often means money, assessments run the risk of being reduced to functionality scripts, resulting in the codification of need. Hence 'accommodation' or 'adjustment' has a ring of exceptionality about it, an extra gesture for which there should be gratitude. This is because typical approaches to reasonable adjustment are often predicated on the basis of equality as sameness in contrast with substantive equality, that is, treating a disabled academic differently without suggesting it is a case of 'special rights'.

Much power resides in people I have termed technicians of certification (see Figure 12.1), who aim to furnish an enumerative passport, a document of truth-telling that becomes a form of 'notification', legitimising disability. The enumerative passport is founded on diagnosis to access services and in effect enables the credibility of a disability identity. There have been huge battles over the delimitation of disability, which has resulted in restricted access not just to services but even to coverage under disability provisions in equalities legislation (Campbell 2009). The enumerative passport further entrenches suspicions and doubts on the part of the disabled academic producing distancing-relations between them and 'professionals' about the embodied realities of disability experiences within the academy. Disabled academics surveyed by Martin (2017, 7) reported that they are *told* what support they will receive rather than being *asked* what they require. It is not surprising, then, to find low rates of disability disclosure within universities by disabled staff.[1] As Martin (2017, 7) puts it, 'the term "disclosure" is in itself viewed as problematic by some disabled people. Ambivalence about disclosure, evidenced here and elsewhere, points to the impossibility of gathering reliable information about the number of disabled leaders in the sector and beyond.' (On disclosure, see also Kerschbaum et al. 2017.)
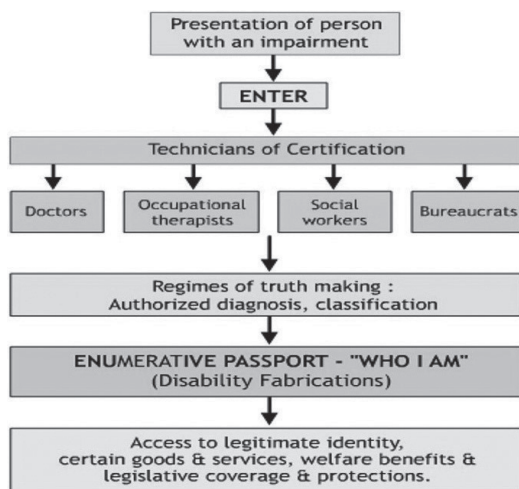
Figure 12.1: Technicians of certification. Source: Campbell 2001

Liisberg (2015, 126–7) has produced a model of three concentric circles that delineate approaches to anticipatory duties: (1): the smallest circle, a weak response, with a minimalist focus on technical standards; (2) the middle circle, a medium-strength duty where compliance with accessibility standards is not necessarily sufficient to achieve the necessary level of protection; (3) the biggest circle, ensures full accessibility with practically no limitations. Instead of a focus on individualised adjustments, anticipatory duties respond to disabled people as a group, whereby the duty is to anticipate *in advance* communal accessibility needs. Liisberg suggests that UK universities fit into the middle circle, whereas I would suggest most universities operate within the smallest circle. Very few universities instrumentalise the anticipatory duties requirement of the Equality Act 2010. When it does apply, the duty is towards students, in their capacity as customers utilising services (i.e. resources of the university).

A recent European Court of Human Rights case that may have a bearing on anticipatory duties towards not only students but also disabled academics is *Enver Şahin v. Turkey* (2018). *Enver Şahin* concerns obligations for adjustments within a university setting. The case has been included here as it provides an indication of the thinking of the courts about the provision of social care as accessibility. As a recent judgement, the case has been subjected to limited analysis. The university concerned argued that economic and time restraints presented difficulties for rectifying the inaccessible environment. Reading Article 14 of the European Convention on Human Rights (ECHR) on 'prohibition of

discrimination' alongside Article 2 of the UN Convention on the Rights of People with Disability ('reasonable accommodations'), the court found a violation of Article 14 as there was a failure (1) to identify Şahin's needs and (2) to explore the suitability of accessibility solutions that would provide conditions that were as equivalent as possible to his peers. Damamme (2018) argues that '*Enver Şahin v. Turkey* is a move towards the assessment of the suitability of solutions proposed to [disabled people] to provide them access to classrooms in light of the principles of autonomy and safety'. How *Enver Şahin* would apply to the circumstances of disabled staff around autonomy and safety and the anticipatory duties provided for in the Equality Act 2010 is unclear.

It is equally uncertain at law as to whether this anticipatory duty applies equally to disabled staff, who, while also utilising university resources, are nonetheless contracted as employees of the university. Referring to the definition of ableism that I provided earlier, technicism is weaponised to differentiate disability adjustment requirements of staff from students, through the practices of negation – that is, arguing that disabled employees are different in *genus* from disabled students, producing two different effects. The first is to prioritise disabled students' needs over disabled staff through making available support from an administrative unit that focuses principally on students. Disabled staff become an often-unnamed afterthought, invariably zoned out of assistive flowcharts. Secondly, technicism enables the instituting of academic ableism, which formalises a hierarchy of ranking strategies that enable equality measures. Deem (2007, 615) is quite forceful about this, arguing that her research data 'suggests that equality policies for staff and students are in tension with each other, that staff policies clash with other institutional policies'.

There is strong resistance to any perceived positive actions (affirmative action) within higher education to seriously deal with asymmetrical hiring practices and pay gaps for current and prospective employees from peripheral backgrounds (Davis and Robison 2016; Deem 2007; Morley 2011). It may not be well known that the Equality Act 2010 under ss.158–9 makes provision for positive action to supplement protected characteristics specified in the Act, especially in the areas of promotion and recruitment. Davis and Robison argue that these provisions act as a public-sector duty to have regard to the need to eliminate unlawful discrimination, which 'clearly points to the need for some pre-emptive action in cases where disparate impact has been clearly evidenced' (Davis and Robison 2016, 90–1). The reality is that in most higher education institutions in the UK there is an absence of positive

actions. This absence distinguishes our universities from those abroad, including low-income nations (Deem 2007, 629). Higher education institutions, as champions of the knowledge economy with real social capital, need to be brave in leading the way by promoting positive action initiatives around protected characteristics, especially disability.

Academic ableism: Humiliation as violence

> There is a need for us to separate Adele's little whims from her genuine [sic] problems. (Case notes of the agency nurse, *Price v. United Kingdom*, 2001, 34 EHRR1285, at para 16)

> Humiliation as claim does not choose its context. On the contrary, the context plays a far more determinative role in deciding the form and content of humiliation. It can be generally observed that society of the socially dead cannot provide the active context for the articulation of humiliation. Or, that a society with heaven on earth would make humiliation redundant. In fact, it is the context that decides the nature, level, and intensity of humiliation. (Guru 2011, 10)

In this final section, I turn to the sentiments expressed at the opening of this chapter and explore the humiliating effects of academic ableist practices within universities. There was something about the 2001 European Court of Human Rights case known as *Price v. United Kingdom*. Although this case had received little attention in the literature it rang bells for me. While I have never been to prison and do not have the degree of physical disability that Adele Price experienced, what I identified with were the synergies of humiliation, a process that would no doubt also be familiar to other disabled academics.

Price was brought under Article 3 of the ECHR by UK national Adele Price, a woman described as having a four-limb impairment and kidney illness due to thalidomide. As a result of refusing to answer questions in proceedings at Lincoln County Court she was committed to prison for seven days for contempt of court (with remissions, 3.5 days). The judge did not enquire where Price would be detained before committing her to immediate imprisonment in what turned out to be an inaccessible prison facility. Price was first taken to the cells at Lincoln police station overnight, then transferred to New Hall Women's Prison and placed in the prison's healthcare centre due to the general inaccessibility of the prison. During

her imprisonment, Price was unable to access the bathroom, toilet and bedding facilities and was initially deprived of a battery to use her power chair. While she was provided with some personal care, this was erratic and unreliable and as a result Price contracted a kidney infection. In this sense, the experience of Adele Price was unremarkable, as disabled people in and outside universities are daily challenged to negotiate environments that are not accessible to varying degrees and have their bodily and emotional health suffer.

We do not normally think of inaccessibility as a form of inhumane and degrading treatment. The Price case was a test as to whether inaccessibility came within the remit of Article 3 of the ECHR. Article 3 states that 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment'. This is an absolute right with no exemptions or limitations. The Court is required to take into account all the circumstances of the victim. In *The Greek Case* (1969) 'degrading treatment' is defined as 'deliberately causing severe suffering, mental or physical' and 'inhuman treatment' that 'grossly humiliates the […] individual before others or drives him to act against his conscience'. In *Tyrer v. the United Kingdom* (1978), the European Court of Human Rights stated that it was enough for the victim to be humiliated in his or her eyes and not necessarily in the eyes of others. Inaccessible environments are not benign: they occur through a lack of insight, conditioned by the practices of ableism, into the situation of difference being modelled on the illusory notion of the normative (benchmark) human being. In *Price* the court concluded that inaccessibility is *ipso facto* material and ontological violence – a form of degradation and debasement, even if the parties to the action did not intend to violate the psychic and bodily integrity of Price. This is an extraordinary judgment, a radical decision swept under the carpet, through a process of restricting the decisions to only prisons and psychiatric facilities.[2] Universities are, however, on notice, as inaccessible environments constitute humiliation and debasement. The European Court of Human Rights reaffirmed the decision in *Tyrer* (1979) and found that Price's Article 3 rights had been violated despite the lack of 'any positive evidence of an intention to humiliate or debase'.

Inaccessible relations hurt and as such constitute an assault on beingness and shape our ontological character. Humiliation caused by inaccessibility can lead to low self-esteem, social phobia, anxiety and depression, pointing to a link between humiliation and ableist practices as a form of harm (Hartling and Luchetta 1999; Torres and Bergner 2010). Torres and Bergner (2010) identify four key elements of humiliation on which there is general consensus in the literature, namely

- *Calling into question* a status claim
- There is a *public failure* of the status claim
- The *degrader has status* to degrade, highlighting asymmetrical power relations
- There is a *rejection of the status to claim a status*, that is, a disabled academic is denied recognition of their claim to discrimination

There is no room in the chapter to discuss the phenomenon of micro-aggressions: demeaning implications and other subtle insults against minorities that may be perpetrated against individuals due to gender, race and religious difference, sexual orientation, and disability status (Solorzano 1998). Suffice to say that there is an interconnectivity between microaggressions and humiliation. Relations that read differences as forms of subordination and signs of deficiency produce suffering that humiliates and debases.

I have used the term *ontoviolence* to capture these effects that literally seep into the interior spaces of a 'cast-out' person's beingness (ontological framing), producing instant, longer-term and accumulated effects of defilements of the body and mind. As Guru (2011) reminds us, humiliation always has a context, as does the Convention's preamble, which understands the production of disability to occur within the context of interactions. Context and responses of technicism within universities towards the disabled academic often mask humiliating practices. Indeed, acts of humiliation are a direct attack on equality measures and run counter to an ethos of celebrating diversity. This is because humiliation is only possible when an individual already possesses a sense of self-determination: it is an assault on the self-respect of the victim. As Parekh (2011, 23) puts it, disabled academics 'have a certain view of themselves and the kind of minimum treatment that is due to them. When this is denied and others' treatment of them falls below their expectations, their self-respect is violated.' The very existence of a system of equality law raises reasonable expectations on the part of the disabled academic; however, it is the negation of a disabled academic's experiences – an act of *ontoviolence* that results in the caustic harm of humiliation. Ableist practices erode confidence in institutional mechanisms to resolve inequalities and are manifested by accumulated experiences of ableist defilements. Interestingly, there is a school of thought that argues that when self-respect and a sense of entitlement are lacking, individuals do not experience of sense of humiliation (Parekh

2011). I am not convinced; internalised ableism means that in order to survive some disabled staff may accept or tune out ableist interactions.

Equally, from the perspective of perpetrators, it is difficult to prove intentionality where the norms around the debasing of disability are so insidious and commonplace that they may not even arise as a conscious form of negative intentionality – that is, how institutions respond to disabled people. We may ask whether intentionality *matters* in the final instance; should we instead be focused on the effects of the 'event'? One example given by Inckle (2019), a disabled lecturer at the University of Liverpool, in response to a request for reasonable adjustment, illustrates this point: 'The university might deem it reasonable for you to go downstairs on your bottom in some situations rather than schedule you into fully wheelchair accessible rooms.' I cannot even fathom a situation whereby the above-mentioned expectation would be considered reasonable. Again, Parekh (2011, 25–6) concludes that 'humiliation is most effective when it is so deep and pervasive that it is no longer recognised for what it is, but that does not gainsay its reality'. Humiliation can involve some not-so-self-evident ironies: a sense of technicism's *reductio ad absurdum*.

At my institution there is online diversity training about disability produced by an equality consultancy business that I believe contains certain offensive assumptions and viewpoints about disability, yet in order to comply with equality training protocols, disabled employees are required to complete these packages, to further submit to humiliating practices as part of their employment contracts. Inckle (2019) points to another one of these ironies: her academic department is the School of Law and Social Justice and the vice-chancellor of the university was awarded a damehood on the basis of services to equality. Bringing about complaints means being ushered into processes within the university that further humiliate and silence, where the onus of proof is on the disabled academic to prove the validity of discrimination. This *ontoviolence* has the effect of sanitising technicist ableism and redirecting attention away from a university's equality obligations. Ultimately it diminishes the contributions of disabled academics to the intellectual life of universities. This chapter has threaded together the practices of ableism within universities in spotlighting the forms of technicism engaged and weaponised to harm and humiliate disabled academics as they go about their work. It is clear from European case law that inaccessibility is a form of *ontoviolence* and that there is a direct relationship between accessibility and discrimination.

Notes

1 Schedule 8, s.20(1) in the Equality Act 2010 states there are limitations on the requirement to provide reasonable adjustments in circumstances where there is a lack of knowledge by the university of the existence of disability. The service is not subject to the duty if they do not know about a person's disability or could not be reasonably expected to know.

2 The test used by the European Court of Human Rights in assessing Price's complaint is summarised as follows: (1) The ill treatment must attain a level of severity; (2) any assessment of this minimum level of severity is relative; and (3) depends on all the circumstances of the case, including (4) the 'duration of the treatment, its physical and mental effects, and in some cases, the sex, the age and state of health of the victim', and (5) the intention to degrade 'whether its object was to humiliate and debase the person concerned, although the absence of any such purpose cannot conclusively rule out a finding of violation of Article 3'.

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