How Not to End Disability

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I. THE ARGUMENTS

When advances in genetic technology offer the chance of preventing or curing disease and disability, it is one thing to recommend caution on the grounds that these obvious benefits may be outweighed by associated harms. It is quite another to deny even that there are benefits to be outweighed, and that attempts to prevent disability by these means should be resisted outright. That, however, is a view that is increasingly widespread in the disability rights movement.

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The underlying idea is that to try to cope with the social exclusion of disabled people by preventing them from coming into existence, or by changing them once they do exist, carries the implication that the disabled are of *less worth* than the nondisabled. In fact, however, according to this view of things, it is discriminatory social arrangements that do the disabling, and we should try to eliminate disability not by preventing the existence of the people themselves, or by making them different, but by recognizing disability as a social construction, and changing social arrangements and attitudes until it no longer exists. Ideas of this kind are unevenly sustained and vary in detail, but extreme exponents of the social construction theory claim to "celebrate" their natural condition and to object when disabled people (particularly high-profile figures such as Christopher Reeve) publicly long for a medical breakthrough.

The authors of *From Chance to Choice: Genetics and Justice*[1] regard this line of argument as serious and important, but think it can nevertheless be rebutted. First, they argue that trying to prevent the birth of disabled people in no way implies that once they do exist they are less worthy of respect than other people.[2] Of course the disabled are entitled to the same consideration, dignity, and rights as everyone else. Second, they argue directly against the "change society, not people" approach by saying that even though some disabled people may have legitimate interests in taking this society-changing course, those are outweighed by the interests of others whose disabilities might be ended by technical means, and by the legitimate interests of the nondisabled in not making the changes that would be necessary.[3]

It is not entirely clear how these two lines of argument are meant to fit together. The rationale for the "change society, not people" approach is that attempts to change the people would imply that they were of less value than the nondisabled, but if this claim has already been refuted, as the authors take it to have been,[4] that seems to dispose of the main premise of the argument for doing things this way round. Perhaps the existence of the second argument suggests uncertainty that the equal worth issue really has been adequately disposed of.

That, at any rate, is part of my contention here. I shall argue the authors are right in their overall conclusion that the radical disability movement cannot justify its opposition to the use of genetic means to lessen disability, but that their arguments do not reach the roots of the

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1. ALLEN BUCHANAN ET AL., FROM CHANCE TO CHOICE: GENETICS AND JUSTICE (2000).
2. *Id.* at 274–81.
3. *Id.* at 288–98.
4. *See id.* at 274–81.

matter. On the one hand they dispose too quickly of the accusation that they regard the disabled as of unequal value; on the other they accept too much of the society-as-disabling thesis. Recognizing this is crucial for questions not only about the use of genetic technologies, but about all other issues of disability and discrimination.

This argument also points towards the importance of a more general topic of enquiry for the subject of genes and social justice: that of identifying what improvements in life are beyond the reach of any possible social manipulation, and will need genetic or pharmacological change if they are to be achieved at all.

II. THE TRADITIONAL VIEW: DISABILITY AS INDIVIDUAL MISFORTUNE

There used to be in Britain two long-running radio programs about disability, one called "*Does He Take Sugar?*" and the other, "*No Triumph, No Tragedy*."[5] These titles are not bad exemplars of two opposed approaches to problems of disability and justice, which may usefully be called the traditional, or common sense view on the one hand, and the radical, or social construction view on the other.

The common sense view of disability is the one according to which disability is a characteristic of the disabled person, and a straightforward misfortune. And, as with other misfortunes, moral questions arise about how much effort society as a whole ought to put into trying to prevent or alleviate them and what forms that effort should take.

The moral question of *how much* in the way of resources should go toward improving the situation of the disabled, either from individuals or from public organizations, is as difficult and disputed as all other questions about social justice, and it is to be expected that different moral and political principles will support quite different conclusions. The traditional approach to disability allows for both conservative and radical opinions about the just distribution of resources and organization of society.

The question of what *form* the attempts at remedy should take seems, in contrast, to have fairly clear answers. The first aim should be to

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5. *Does He Take Sugar?* (British Broadcasting Corporation 1977–1987) (discussing various disability issues in order to educate the nondisabled public); *No Triumph, No Tragedy* (British Broadcasting Corporation 1999–2000) (interviewing well-known disabled achievers).

eliminate the problem at its roots by trying to eliminate disability, either by preventing the existence of disabled people in the first place, or by using our increasing skills to cure their disabilities. To the extent that we cannot do that, we should supply devices (including human and animal helpers) that provide substitutes for the missing ability. And finally, for the disabled whom we cannot enable properly by any of these means, we should minimize the impact of disability as far as practicable by adapting the environment, by making a range of special concessions, and by improving interactions between able and disabled people—so that we know exactly how to ask the man in a wheelchair, rather than some helper, whether he takes sugar. The varieties of remedy clearly come in that order, because if the disability is a misfortune of disabled people, the best situation is for it not to exist at all, the next is for it to be removed, and the least good is for it to be merely alleviated. This is why most people regard the prospect of preventing disability as an enormous good.

This common sense approach is in line with what we already do to improve the situation of the disabled, even though it may reasonably be said that far more is needed. We do modify the environment, and we make special legal provisions for disabled people. This is what much so-called antidiscrimination legislation amounts to. But we do a good deal more in the way of providing gadgets and helpers—human or animal—to lessen the impact of disability on individuals. And increasingly, as far as possible, we use genetic counseling, preimplantation screening of embryos, and fetal monitoring to anticipate and prevent disability, and whatever technical means are available to remove the disabilities of people who already exist.

It is worth commenting that even within this traditional way of looking at things, according to which the prevention or cure of disability is unequivocally good in itself, it is not necessarily good all-things-considered. The good might be outweighed by unwelcome side effects. For instance, if parents can easily avoid having disabled children, those who choose not to do so—perhaps for religious reasons—may be increasingly exposed to criticism, and disabled people themselves may be made to feel, even more than at present, that other people would rather they had not been born. While (as the authors argue) it is implausible that if there were smaller numbers of disabled people that would result in a lessening of support for them,[6] there are many ways in which smaller numbers would be a disadvantage. The fewer people there are with a particular kind of disability (such as deafness), the more difficult it will be for them to form self-contained communities in which their

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6. *See* BUCHANAN ET AL., *supra* note 1, at 266–67.

disability does not lead to social exclusion. Smaller numbers also means that the able will have less experience of interacting with the disabled and may be less well equipped to avoid the "does he take sugar?" mistakes.

So there are some real questions about whether all intrinsically good applications of genetic technology should actually be used. Nevertheless, according to the traditional view of disability, there is no doubt about their intrinsic value, and therefore a strong presumption in their favor.

III. The Radical View: Disability as Social Construction

According to this traditional way of thinking, the disabled are people who have an *inherent* disadvantage that should ideally be prevented or removed. But the radical view is quite different. According to this way of thinking, the disabled are disadvantaged not by nature but by society, in the way that women and different racial groups have traditionally been disadvantaged. Their apparent inferiority comes from their social position and treatment. "Woman feels inferior," Simone de Beauvoir claimed, "because, in fact, the requirements of femininity do belittle her"[7]; and George Bernard Shaw commented famously on "the haughty American nation [which] makes the negro clean its boots and then proves the moral and physical inferiority of the negro by the fact that he's a shoeblack."[8] In both cases the disadvantages are real but have nothing directly to do with sex or color, and for women or blacks to accept otherwise would be to collaborate in their oppression. They should want not to change their race or sex, but rather to overthrow the social organization that demeans them.

The claim of the radical disability movement is that disability should be understood in the same way. On this view, disability—which is indeed a disadvantage—should be seen not as inherent to the members of the group but rather as a function of their interaction with an uncongenial environment. So-called disabled people are not disabled by nature, but merely "impaired," and how much that impairment disables them depends on their environment. To try to improve the situation of the disabled by preventing the birth of impaired children, or by "curing"

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7. SIMONE DE BEAUVOIR, THE SECOND SEX 408–09 (H.M. Parshley ed. & trans., Alfred A. Knopf 1952) (1949).
8. G. BERNARD SHAW, MAN AND SUPERMAN: A COMEDY AND A PHILOSOPHY xviii (1903).

any that were born, would be like trying to remedy the problems of women and racial minorities by testosterone injections and skin bleaching. Disabled people should not fall into the trap set by an oppressive society, and act as though the problems were their own. They must insist that the change should come in society, not in themselves.

This view of the nature of disability leads to political conclusions quite opposed to those of the traditional common sense view, in two ways. First, it completely inverts the preferred *order* of attempts to prevent disability. The very last thing you should do is to try to prevent impaired people from existing at all. You should also not try to prevent or cure their impairment, because that would be to imply that they were naturally of lesser worth. Impaired people should be valued just as they are, and society should be changed to remove the disability that devalues them.

The approach also represents a quite different account of the *force* of the claim for remedy, as is implied in the rhetoric of the "construction" of disability. This term implies both that disability need not have existed and that, because it is an illegitimate construction, the people who did the constructing have a duty to dismantle it. The existence of disability, as opposed to impairment, is a straightforward injustice like race and sex discrimination, and should therefore be abolished. This way of viewing the matter makes the disability rights issue far more straightforward than it is for people who hold the traditional view, which allows unlimited scope for disagreement—and indeed serious moral puzzlement—about how many resources should be put into improving the situation of the disabled. The moral clarity of the radical case is obviously one of its advantages from the point of view of campaigners, in providing a justification for blame, anger, and demands.

It is important to stress that the contrast drawn here between two approaches to disability is intended as a tool of clarification, not as a description of two groups of *people*. Most people would probably find, if they considered their views in detail, that they were a mixture of the two. In particular, very few individuals would find that they held a consistent version of the radical view, but the rhetoric is nevertheless widespread—to the extent of having become required for political correctness in many places.

But the two approaches are not compatible, and any confusion is serious because they have such different implications. Anyone concerned about policy needs to sort out the basics before moving on to the details, and must decide which of these diametrically opposed approaches to the question is the right one to take.

IV. LESSER WORTH

As already suggested, the basis of the radical, social construction objection to the traditional approach is that attempts to remedy the problems of disability by preventing the existence of disabled people depends on their being regarded as less valuable than the nondisabled. The same applies to attempts to remove their disabilities, because this implies that the disabled are inadequate as they are.

The authors, who have a good deal of sympathy for the radicals in spite of coming down against them, reply directly to this point.[9] They certainly do not think of themselves as regarding disabled people as any less valuable than others. They insist that existing disabled people must be recognized as having exactly the same human dignity and rights as everybody else, and that nothing less should be implied by their position.[10]

For instance, it is no part of their case to claim that a disabled life is not worth living.[11] This is an argument commonly used by people who think that children of certain kinds should never come into existence: when a deaf couple recently set out to have a child who was deaf (by finding a sperm donor with the requisite genetic make up), there was a public outcry about how terrible it was to deprive a child of such an important ability. But that particular child was not deprived of anything, because if the parents had not chosen to select a congenitally deaf child, that child would never have existed at all. The authors agree that the worthwhileness of a disabled life is obviously a matter to be decided by whoever is living it, and because nearly all disabled people say emphatically that they are glad to have lived, preventing the existence of a disabled child cannot—except in the limiting case of one whose life is likely to be worse than nothing—be for the sake of the child. If the parents of the deliberately deaf child acted wrongly, it was not because they wronged the child.

The authors also claim that their view does not imply that the disabled have no right to life.[12] Of course, they insist, disabled lives should have just the same protection as nondisabled lives; but this is compatible with genetic counseling that may lead to the avoidance of conception,

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9. BUCHANAN ET AL., *supra* note 1, at 274–81.
10. *Id.* at 274–76.
11. *See id.* at 274–81.
12. *Id.* at 274.

because in those instances there are as yet no people to have rights.[13] And it is compatible even with embryo screening and selective abortion, because normal embryos and fetuses do not have the (legal) right to life either, and only people who think that abortion is morally acceptable in itself think that abortion on grounds of disability is morally acceptable. Disabled and nondisabled rights remain the same throughout.[14]

On what basis then can the authors defend measures designed to ensure the birth of able rather than disabled children? Their claim is *in effect* that although most disabled lives are worth living, disability is a serious disadvantage, and—other things being equal—it is better to bring into existence a life without such a known disadvantage than with one.[15] Of course, it is not necessarily true that any particular nondisabled person will be happier and more useful than a particular disabled person. But if you have the choice between two possible people to bring into the world, of whom you know nothing but that one has a major disadvantage which the other lacks, it is perfectly rational—not to say morally necessary—to choose the one without the disadvantage. And this has nothing to do with infringing anyone's rights, since there is as yet nobody in existence to have their rights infringed.

So policies of preventing disabled children from coming into existence, according to the authors, involve no suggestion that disabled people are of lesser dignity, or less entitled to full human rights, than the able.[16] It is simply better to bring into existence people without, than with, known disadvantages.[17]

But is this really an adequate reply to the accusations made by radical disability campaigners? It seems to me that it is not, for two reasons. First, although the authors do not make the mistake of saying that a disabled life is not worth living, they do say that it is better to bring a nondisabled than a disabled life into the world.[18] In other words, they are saying that a disabled *life* is worth less to its possessor than a nondisabled life would be. The radical campaigners do agree, of course, that a disabled life is worse (other things equal) than a nondisabled one, which is why they are campaigning to remove disability by changing society. But because the point at issue between the two sides is whether disability is a natural or a socially-constructed state, the authors claim that it is objectively better for nondisabled rather than disabled children to be *conceived* or *born* is straightforwardly question begging. It

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13. *Id.* at 276–78.
14. *Id.* at 274–78.
15. *Id.* at 278–79.
16. *Id.* at 272–81.
17. *Id.* at 272–79.
18. *Id.* at 267.

presupposes that disability is something one is born with.

Second, even though the authors claim that you can justify trying to have nondisabled children because nondisabled *lives* are more worth living, they insist that disabled *people* are completely equal in value to other people.[19] But do they, and others who say the same thing, really believe it? Consider, as an extreme case that presents the matter starkly, the situation of would-be parents who decide that if their children would be disabled, they would rather have none at all. A woman at the end of her childbearing years might decide to abort a Down syndrome fetus even though she was unlikely to conceive again, or a couple might be persuaded by their genetic history that it would be better for them not to have children. The argument about preferring a life without disadvantages to one with them does not apply in these cases where there will be no life at all, so the conclusion must be that having a disabled child is being regarded as having *positive disvalue*—as worse than nothing. But if disabled lives are themselves worth living, as has been conceded, this disvalue is not to the potential child. This means it must be the potential parents for whom having a disabled child is regarded as having positive disvalue; and that in turn means there is some sense in which they regard disabled people as of less value than others. And the same is true of everyone who feels sympathy with their decision—as the authors, and many others, presumably would.

As the radical disability movement well understands, no amount of protestation about full human rights for disabled people can alter the fact that there is *some sense* that most people—probably including the authors—regard disabled people as having less value than others. If the root of the problem is to be reached, it is necessary to establish precisely what that sense is.

V. Disentangling Equal Worth

The meaning of the claim that people are of equal worth or value is clear enough in a religious context: people are equally valuable in the sense of being equally valuable to God. Because that view of things often accompanies the idea that people should welcome whatever children God sends into the world, a religious view of equal human worth may lead to conclusions similar to those of the radical disability movement. However, most of the claims about the equal worth of

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19. *Id.* at 276–78.

disabled people have nothing to do with religion, so it is necessary to examine secular ideas of worth.

A useful starting point is an old essay by Gregory Vlastos.[20] It is particularly useful because he actually used the term, "equal worth," and like the authors, thought that equal worth is something that everybody has. He explains the kind of worth he had in mind by contrasting it with what he describes as people's *merit* as part of the social machinery: in effect their *instrumental* worth.[21] Instrumentally, the clever usually (not always—it depends on context) have more worth than the stupid, the fast than the slow, and the skillful than the clumsy. But that does not imply that they have unequal worth in the sense Vlastos is concerned with. People have equal intrinsic worth in the sense that their happiness and their freedom *matter* equally. The suffering of a stupid person is, intrinsically, exactly as important as the same amount of suffering in a clever person. There may sometimes be instrumental considerations that allow the interests of some people to be placed before the equal interests of others; for example, the statesman negotiating a treaty of benefit to millions may reasonably be helped in preference to an unskilled laborer in equal need, because of the good he can achieve for others. But this is not because he is of greater intrinsic importance.[22]

When intrinsic value, or worth, is spelled out in this way, it is immediately recognizable as part of a familiar set of loosely related ideas about the fundamentals of ethics: the Benthamite idea that in a utilitarian calculation everyone should count for one and nobody for more than one,[23] Nagel's claim that considered objectively—from nowhere—everyone's life matters enormously and equally,[24] and Kant's view that we all have absolute, unconditional dignity and worth.[25] There are innumerable variations on this theme but they are all about equality in some kind of objective entitlement to consideration and respect, and it is clear that in some such sense of equal worth there is no problem at all in regarding disabled and nondisabled people as equal. Value in this sense is not about personal preference—it is not dependent on being valued *by* anyone—but about something like equal objective mattering, or equal fundamental rights. This is the kind of thing that the authors seem to mean when they discuss equal respect, concern, and dignity, and

20. Gregory Vlastos, *Justice and Equality*, *in* KENNETH E. BOULDING ET AL., SOCIAL JUSTICE 31 (Richard B. Brandt ed., 1962)
21. *Id.* at 45.
22. *Id.* at 51.
23. JEREMY BENTHAM, A FRAGMENT ON GOVERNMENT §1.4–7 (F.C. Montague ed., Oxford Univ. Press 1951) (1776).
24. THOMAS NAGEL, EQUALITY AND PARTIALITY 12 (1991).
25. IMMANUEL KANT, FUNDAMENTAL PRINCIPLES OF THE METAPHYSIC OF MORALS § 2 (Thomas K. Abbott trans., Bobbs-Merrill Educ. Publ'g 1949) (1785).

they are right to claim that this kind of equality of value is entirely compatible with the traditional view of disability.

However, Vlastos's clarification of worth in this sense was made by contrast with a different kind of value: value in the social machinery, value *to* other people—not impersonally, but personally.[26] This offers a much more natural understanding of the idea of value. If you *value* someone, you are usually taken to be doing something much more than regarding them as objectively entitled to have their interests taken equally into account at some point in moral and political thinking. (This is why the idea that everyone is of equal intrinsic worth is easy to understand if you can appeal to the idea of equal value to God, but is more difficult to interpret in a secular way.)

If people value you in this more natural sense rather than just thinking that you have value in some impersonal way, it means they want you— rather than other people—because you are better as a means to fulfill their own ends. They may value you as a friend, a lover, a spouse, a child, a colleague, an employee, a role model, a source of entertainment, or an ally in their struggle against globalization. There are endless possibilities. The ends in question need not be selfish; they can be connected with commitments to other people or wider projects. But what links them is the fact that if people value you in this way, your loss would be felt as a *personal* loss. If someone you do not know or do not personally care about dies you may feel some kind of abstract regret, but if someone you really value dies you suffer because of *your own* loss. You value such people in part as means to your own (broadly understood) ends, rather than just as ends in themselves.

This seems to be what must be going on in the case of people who would rather have no child at all than a disabled one. Perhaps they think that a disabled child would take far more time and effort than they are willing to give. Perhaps they think that the reward will not be worth the effort because their interest is in a child who will eventually be fully functioning and independent. Perhaps they think that a disabled child will be a burden to the rest of the family, or the community, or the state. Whatever the details, they must regard a child with disabilities as something that would be bad *for them*, or for other people and things they care about. They are seeing a disabled child as being of *instrumental* disvalue.

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26. Vlastos, *supra* note 20, at 48–49.

It is hard to doubt that most people must regard disability as having negative value. However strong their all-things-considered commitment to any or all existing disabled people, however willing they are to do all they can to make life as good as possible for them, and even though they would not change their existing disabled child or spouse or colleague for any able-bodied person in the world, the fact remains that most people would think it better *for themselves* if their disabled friends and relations and employees were not disabled.

This instrumental way of thinking about people's value—which is the one we use all the time when we are not trying to grapple with theories of justice—is the one that is not taken into account by the authors' protestations of the equal value of everybody, disabled or not. Their analysis, though of course right as far as it goes, does not recognize what the disability rights campaigners recognize all too well: that however much impartial value disabled people may be allowed by the traditional approach to disability, everyone must regard a disabled person as worth less *in this instrumental way* than an otherwise identical nondisabled person. Even if it does not result in all-things-considered negative value, disability must usually be a lessener of positive instrumental value.

So, in any discussion of people's value, it is necessary to distinguish between their intrinsic and instrumental value: their value as ends in themselves and their value as means to other people's ends.

VI. Instrumental Value as the Central Issue

It may be said—it is certainly often implied—that people's instrumental value should not matter, and that we should consider only their intrinsic value. If disabled people are, qua disabled, of lesser instrumental value for all kinds of purposes, we should be attacking the whole idea of people's being valued in this kind of way.

It is, however, a view that is impossible to sustain. Even Kant said that people should not be treated *only* as means to ends.[27] Whatever your purposes in life—even if you are a perfect altruist and your whole concern is to maximize other people's well-being with no concern for your own—you will still value instrumentally people who are best at advancing that purpose and regard as having disvalue people who hinder it. It is impossible to imagine a world in which we did not care about the characteristics and abilities of people we worked with or chose as our friends and lovers.

Furthermore, perhaps more strikingly, nobody would want to be the friend or employee of someone who had no such concern. We do not

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27. KANT, *supra* note 25, at 46.

want people that employ us or spend time in our company to express their impartial concern for us. We want their personal valuing of us to be *selfish*. We want people to feel *personal* regret if we leave our work, move away, or die—not just a kind of abstract regret. We want to be wanted. The idea that people's instrumental value should not, or even could not, matter to other people does not survive five minutes' reflection.

However, this is a slippery subject; and fortunately there is no need for present purposes to prove the point. The subject at issue here is the difference between radical and traditional approaches to disability; and when that difference is considered in the light of the distinction between intrinsic and instrumental value, it becomes clear that all the special concerns of the radical approach have to do with instrumental value.

This is shown partly by the fact that the intrinsic kind of worth—equal moral importance—is fully allowed by the traditional view, as the authors (in effect) argue.[28] However, it is shown directly by the fact that everything that is distinctive about the radical view—everything that cannot be expressed in traditional terms, even when those are combined with strongly egalitarian theories of justice—is about instrumental value.

Both radical and traditional camps accept the fact that a disabled person is of lesser instrumental value to other people in many contexts, and also that disability is instrumentally disadvantageous to disabled people themselves. Both recognize that one of the problems of being disabled is that it makes you less valuable to other people. Both want to lessen this disvalue by preventing the disability from existing or remedying it in some way. The difference comes in their accounts of what *makes* someone disabled, and how that disability might be removed. Traditionalists think that the disability is an aspect of the disabled person, and try to prevent, cure, or find means to alleviate it. Radicals regard disability as a social construct that exists not in the individual but in the interaction with society. On the radical account, impairment as such does not make people of lesser instrumental value, either to other people or to themselves. It is the social circumstances in which impaired people find themselves that create the disability, which is why disability should be regarded not as a natural misfortune but as a ground for grievance.

Concern with instrumental value is also implied by much of the

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28.   *See* BUCHANAN ET AL., *supra* note 1, at 266–81.

politically correct terminology insisted on by radicals, such as "wheelchair user" and "sign language user." Why is "wheelchair user" preferable to "wheelchair bound" (which enrages some disability activists)? The point of "wheelchair bound" is to emphasize that the person cannot move without a wheelchair. "Wheelchair user" is presumably meant to make it sound as though it is a mere difference—something the person chooses to do—rather than a limitation. That implies that it is regarded as objectionable to see a limitation in the person. The point shows even more in the ultra-correct term "differently abled." The purpose is to insist that people with impairments are merely different in what they can do, rather than lesser. The insistence is on being regarded as of equal instrumental value not on equal impersonal mattering.

This is why the radical disability movement is, and indeed, by its own standards should be, unmoved by the insistence of the authors that their policies do not imply any inequality of worth between disabled and nondisabled people. Those arguments are about impartial value, or mattering; the radical disability concerns are about instrumental value. You cannot solve the problem by what amounts to an *ignoratio elenchi*: answering the radical arguments by proving that the traditional approach allows equal intrinsic value to disabled people, when the special concern of the radical social construction approach is instrumental value. You might just as well try to console your rejected lover by saying that of course you love him; you love everybody.

The radical disability movement has a genuine concern, not obviously met by the traditional approach, and which seems to me entirely understandable. A social animal could not fail to be concerned about its value to other members of its species. Whether this can justify the movement's resistance to traditional policies that involve trying to change people, and its insistence on changing society instead, seems to depend on an assessment of how much could possibly be achieved by these means. That is the next question.

VII. THE LIMITS OF SOCIAL CONSTRUCTION

To some extent the authors seem to go along with the idea of disability as socially constructed.[29] They waver between two positions: the obviously reasonable one of saying that you can improve things for the disabled by modifying the environment, and the strong one that environments—what they call cooperative frameworks—can remove or

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29. *See id*. at 284–302.

make disabilities.[30] The radical approach requires the second of these. The authors have no need to clarify the matter, however, because their objection to going down the society-changing road is that of unfairness to the able, who themselves have legitimate interests, and to the disabled who would rather take the person-changing route. They argue that changing society to make a full integration of everyone would involve a kind of leveling down—like making everyone play games that children could join in[31]—that might be good for the people who were thereby included, but would be bad for the people who could play more difficult games. (I am reminded of an aesthetics seminar in which a blind woman protested every time the rest of group made any reference to paintings.)

In making this objection, however, the authors seem to be conflating two issues. One is the familiar one of whether equality matters so much that it is legitimately achieved by leveling down, or whether the only acceptable method is to try to level up—even if greater inequality remains. The other is whether we should try to achieve the relevant kind of equality by changing the people or changing the society. The authors argue against the social change method by claiming that leveling down—making the society such that everyone can join in—is unjust to other people. However, the leveling down objection applies just as much to the people-changing and the society-changing methods. It cannot work as an argument against the society-changing method, in particular, without separate evidence about what could be achieved by leveling up and leveling down in both people-changing and society-changing approaches.

Before the question arises of which direction you should do your leveling in, there is the prior question of how much you could possibly achieve by either method; and there is an interesting difference of implied expectations between the two. The technological, people-improving approach does not depend on any assumption that disability could ever be eliminated by those means; it requires only the belief that the less disability there is, the better things are. The social construction theory, on the other hand, does seem to imply that disability need not have been constructed and could be eliminated by social change. That is what needs investigation.

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30. *Id.* at 288–98.
31. *Id.* at 293.

A. Disabling the Able

The idea that society determines who will be disabled implies claims in two directions: that we could, by changing our social arrangements and values, disable the currently able, and that people who are naturally impaired would not be disabled if we made the appropriate changes. The idea that circumstances can disable the able is one that comes in H.G. Wells's well-known story, *The Country of the Blind*,[32] in which a sighted man, mindful of the saying that in the country of the blind the one-eyed man is king, comes across an isolated community of blind people and expects to become the most powerful member of the community. But he is not used to their arrangements, and blunders around with such incompetence that he is reduced to serfdom. The others want to remove his eyes, which they take to be the cause of his delusions. He escapes back to the world in which his sight is an advantage, not a drawback.

This kind of theme is pursued by some radical disability campaigners. One, for instance—one of the disabled who claims to celebrate his condition—imagines a Wells-type situation in which able-bodied people found themselves in an environment designed by a community of wheelchair users, with low doorways and ceilings.[33] They kept banging their heads on lintels and suffering back problems through being bent double all the time. Eventually,

> . . . the wheelchair-user doctors, wheelchair-user psychiatrists, wheelchair-user social workers etc. were involved in the problems of the able-bodied villagers. . . . They saw how the bruises and painful backs . . . were *caused* by their physical condition. . . . They said these able-bodied people suffered a "loss or reduction of functional ability" which resulted in a handicap. This handicap caused a "disadvantage or restriction of activity," which made them disabled in this society.[34]

They were given special aids such as helmets and braces, and "some doctors even went so far as to suggest that there was no hope for these poor sufferers unless they too used wheelchairs."[35]

But in fact, as this last sentence shows, the thought experiment proves just the opposite of what is intended. The able people of course have problems in their new environment, but they are capable of doing everything the natives can, and there is nothing to stop them from learning to use wheelchairs. They are not yet experienced in the new

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32. H.G. WELLS, *The Country of the Blind*, *in* THE FAMOUS SHORT STORIES OF H.G. WELLS 163, 163–88 (Doubleday, Doran & Company 1937) (1895).

33. Vic Finkelstein, *To Deny or Not to Deny Disability*, *in* HANDICAP IN A SOCIAL WORLD: A READER 34, 34–35 (Ann Brechin et al. eds., 1981).

34. *Id*.

35. *Id*.

ways of doing things and will be permanently inconvenienced by not being able to use their extra abilities, but they are not disabled. Wells's hero could have learned his way around his new society and refrained from talking about the things that made others think he was mad. Nearly all of us could learn to use a wheelchair. But the blind cannot learn to read printed books, nor paraplegics to walk up stairs.

The simple fact is that you cannot turn an ability into a disability, whatever you do with the environment. Particular abilities may be drawbacks in some circumstances, and might even lead to social exclusion. (We probably would not want to spend much time in the company of an accurate reader of minds, if there were such a thing.) And, of course, different abilities have value in different environments. But they can never be disabilities.

A less extreme version of this is idea is that any lack of ability is a potential disability, and that whether it becomes one or not depends on the environment. Currently unimportant absences of ability might, with a change of environment, become disabilities. Perhaps there are some impairments—not currently seen as disabilities but potentially such—though we shall not know what they are until changed environments make them appear. However, it seems unlikely that there could be many of them because it is certainly not true that *any* impairment could become a disability in some context. It would not be a disability unless *most* people had the corresponding ability *and* it was crucial to normal functioning. The first of these alone makes it almost certain that most people could not be disabled by any possible social change. They could be inconvenienced or disadvantaged relative to their previous position, but not disabled.

B. Abling the Disabled

The main question, however, is about the possibility of changing the environment so that the currently disabled—the people with impairments—would be, as they say, "enabled."

This calls for clarification of what counts as environmental change. If you cannot prevent or remove an impairment, the most obvious way to get disabled people properly functioning in ordinary society is to find a technological substitute for the missing ability: aural implants, spectacles, wheelchairs, speech synthesizers, and so on. All of these are designed to make the disabled more like other people by remedying the impairment. Next comes the provision of help with various animal and

human assistants: guide dogs, signers, wheelchair pushers, and so on. These are things that, as it were, follow the disabled person around. Finally, there are aids scattered around the environment, such as ramps and beepers on crossings and notices with Braille translations.

In that list there is a difference between things that work as modifications or extensions of the person (things you take around with you) and modifications to the environment (things which stay there all the time in case you encounter them). At the moment we go much more for the first, and regard the others as supplements or inferior substitutes. But if you take the radical idea seriously, you should not be going for the ones that improve the abilities of individuals because these are all aimed at making the disabled more like other, nondisabled, people. If you are going to take this approach, you would obviously do better to remove the impairment altogether—which gets you back to the common sense approach to disability. A serious social constructionist should think disability could be eliminated without any need for either the rectifying tools people take around with them, or the dedicated help of other people and animals.

However, when this is clarified, the idea of removing disability by redesigning the environment is manifestly a nonstarter. If this is not obvious, think of any disability (such as blindness or paraplegia) and then imagine the world as full as you like of ramps, Braille, beepers, moving walkways, and other contraptions. There may be a few contexts where a particular disability does effectively disappear, as long as you consider very limited environments. But it is hard to think of many even then; and as soon as you went beyond a specially designed locality, the disability would become significant again because abilities are open-ended in their application. No matter how conveniently a paraplegic might move around in a town there would be problems about trying to keep up with a party climbing in the Himalayas—and it would be difficult to attribute this to any kind of social construction. And if such problems appear in thought experiments about only one particular disability, they appear far more when you consider the endless types and degrees of disability that exist, and imagine trying to construct environments that could cope with them all.

Filling the social space with enabling devices would be the leveling up option. So if that is hopeless, perhaps more could be done by the version of the arrangement the authors object to: leveling the environment down so that the able were not at an advantage. If everyone lived in the dark, the sighted could not exchange glances that the blind were unable to see. But even if the moral objection to leveling down seems inconclusive, the thought experiment once more fizzles out as soon as you think about the details. If you wanted to eliminate the disadvantages of blindness, you

would have to darken the whole world. And if you start to consider more than one disability, the thought experiment degenerates into chaos. We would have to suppress sounds, or the deaf would be left out; the deaf would not be able to use sign language because that would leave the blind out; everyone would have to go around in wheelchairs. Or perhaps, because there are some who cannot even do that without assistance, everyone might just have to stay in bed. The mind boggles.

The authors' reply to the "change the society" line is that it would be too hard on the nondisabled, but the danger is not one that can arise.[36] They concede too much in saying that social arrangements determine who shall be disabled. Social arrangements can make some differences, but they can no more turn disabilities into abilities than vice versa.

VIII. ATTITUDES

That was about the physical environment, but problems about moving around and seeing are of course not the only aspect of integration. The essence of the disability issue is rightly seen by the authors as the matter of social inclusion. This is why it is often said that we need to change values and attitudes, and remove disability that way.

Often what people have in mind are perfectly reasonable (traditional, common sense) measures to make the disabled better integrated—in particular, familiarizing the able population with disabled people so that they learn how to interact with them. This is undoubtedly one of the most important elements of all. One of the greatest problems of integration of the disabled is that there are hardly any clearly established conventions, and when we do not know what the rules are in some situation, we often try to avoid it altogether.

However, it is often said that we should change values rather than just manners: that we should "value diversity" or "celebrate difference," and think of impaired people as differently abled. Such claims carry the implication that if we did not have such narrow values, we should value disabled people just as they are. Once again, however, there is the question not only of what *should* be valued but of what *could* be.

The idea of an increasing diversity of values is in itself understandable. If I am hooked on Georgian architecture and unable to see beauty in Sixties brutalism, you may try to persuade me to appreciate both. I may think your project ridiculous, but there is no difficulty about

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36. *See* discussion *supra* Part VII.B.

my understanding what you want me to do.

But this kind of idea runs into serious problems with disability. Lacking an ability is not a way of having another ability. I do not have an ability, lacked by Glenn Gould, to bungle Bach; I simply lack his ability to play Bach properly, and no amount of diversification of values can make my inability valuable.

You may say that people who lack some abilities have others instead, that I can do many things that Glenn Gould could not. I trust that is true; but there is no necessary connection. Some people are high on the scale of many abilities; many are high on none. Some disabled people of course have abilities that most able people have not, and their not being able to do some things will leave them freer to concentrate on others. Perhaps Art Tatum might not have been such an outstanding pianist if he had not been nearly blind. But it is possible to lack an ability without having anything else to compensate. Disability can affect people of any ability, and although some disabled people have, all things considered, far more abilities than many nondisabled people, some of them will have naturally very few. If you suddenly become disabled, you quite simply have fewer abilities than you had before.

You *can* value people for a lack of ability. You may value eunuchs in your harem, or you may value colleagues with lesser abilities than yours because you look better by comparison. (It is said that first class academics want to make first class appointments and second class academics want to make third class appointments.) But that is not the kind of valuing the radical disability movement has in mind. Your disability might be valued because your jealous spouse wanted someone immobile to keep an eye on you but you would not like your disability "celebrated" for that reason.

The fact is, trying to cope with disability by turning it into different abilities can be done—to the extent that it is even theoretically possible—only by doing exactly what the radical disability movement does not want: playing a huge, patronizing charade of pretending that a disability everyone knows is intrinsic to the person is just a matter of society. How disabling any disability is in practice does indeed depend on context, but disability is still an attribute of the disabled person.

IX. CONCLUSION

It may be said that these arguments constitute another *ignoratio elenchi*—this time by exaggeration—because nobody in the radical disability movement is advocating the ridiculous social changes I have been discussing here. However, as I said earlier, the point was not to describe people's actual thoughts and arguments, but to test the social

construction theory of disability. If disability were socially constructed, it should be possible to imagine changes in social arrangements that would get rid of it—or at least move it to a different group of people. We cannot do this. Disability remains a species-relative natural phenomenon.

It is important to press the radical theory to its limits, because if it is expressed only at a superficial level it may sound plausible, and that may have serious effects on policy. It has already permeated a good deal of political thought and language, and the harm that can be done is illustrated by the case of the deaf parents who deliberately produced a deaf child. They claimed this as a positive act—giving the child access to a special culture—but it was no such thing. A hearing child could easily have access to deaf culture; anyone who can see can learn sign language. All that is achieved by making a child deaf is *preventing* its access to mainstream culture, *confining* it to deaf culture. This has advantages for the deaf parents, no doubt, but it is a straightforward disadvantage for the child. If this kind of corkscrew thinking were allowed to prevail, to the extent of putting a halt to our attempts to minimize disability by technical means, it would be a tragedy.

The radical view that disability is a social construction is underpinned by seriously important concerns, but it is in itself an intellectual and moral disaster. It is bad for everyone, including disabled people themselves—and especially for the enormous numbers of them to whom the "differently abled" label must seem as absurd and patronizing as it does, really, to many of the able people who try to take it seriously.

Because being patronized is regarded by many disabled people as one of the most serious afflictions they face, that is yet another reason for abandoning the social construction view, and for embracing the technology which may help to prevent or alleviate disability.