



*Ableism: A Theory of Everything?*

Keynote for

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WORK IN PROGRESS

## **Introduction**

This keynote builds upon over a decade of work around developing the concept of ableism, its nuances and theoretical application in the lifeworld of people with disability. My work draws upon a diverse range of theoretical approaches; actor network theories of John Law and Bruno Latour, Martin Heidegger, Ervin Laszlo's general Systems theory and the Buddhist theory of dependent origination (*paticca samuppada*)<sup>1</sup>. I extend the theoretical scoping developed in my major work *Contours of Ableism* (2009), especially around matters related to relationality – causality, progressive change and social exclusion. The grounded context of my discussion is situated within the discipline of law and workplace relations (reasonable adjustment). The paper is divided in two Parts. Part 1 outlines *ableist terrains*, scoping disability as relational, a synopsis of studies in ableism, the building blocks of theory about ableism and social exclusion. Part 2 concerns the *application of ableism* in workplace arrangements by considering reasonableness of disability accommodations.

### ***Disability produced in the relational***

There has been an assortment of ways to think about and designate disability and corporeal difference. We are perhaps familiar with the biomedical approach (a first wave approach to disablement) and more recently the concept of the social model of disability (the second wave of disability paradigm) which links the designation 'disability' to capitalist economy and social organisation. Hence both the first and second wave of studies towards disability operates along the lines of a linear unidirectional causal paradigm where there is a proximity linkage between exact causes and extant effects. The rehabilitation model, architectural design, the economy or the adoption of prognosis diagnostics is indicative of a paradigm that proposes that "similar causes yield similar effects, and that different effects derive from difference causes" (Macy, 1991, 9). An exemplar of this manifestation is the rise of actuarialism and nosologies of disease.<sup>2</sup> Much of the research around the world especially in Western countries, has taken as its focus disability as a *problem* and has studied the disabled person in individualised modes, promoted assimilation instead of uncovering the

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<sup>1</sup> I am indebted to the work of Joanna Macy (1976; 1991).

<sup>2</sup> See Campbell 2011 and Hacking (1990).

processes of abledness that sustain the existence of disability as an operational difference (Campbell, 2011, Goodley, 2012).

In the past decade or so these approaches have been revised and developed into what can be described as a *relational-cultural model* which sees disability in terms of an evolution; an interaction between the impairment and the environment, the person and others. Known as the third wave of disability studies, this relational-cultural model is drawn from a French view of disability (*situation de handicap*) which understands the formation of the neologism of disability as a relational, intersubjective confrontation:

Disability as a *confrontation* between the ability of a person and situations she encounters in life 'macro-situations', such as work or schooling, or 'micro-situations' such as cutting meat or using the keyboard of a computer. The disabling situations are not only structural and material, they are also (especially) cultural [my emphasis & translation].<sup>3</sup> (Hamonet, 2006, p. 1)

The perspective moves beyond abilities and limitations and embraces subjectivity (*Ce dernier aspect représente, pour personne, sa façon de percevoir différences de son corps*<sup>4</sup>) acknowledging the person's perception of difference in his /her body. Taking on board the conceptual notion of disability as a relational concept means that the production of disability must not be a by-product of our faulty interaction with differences in mentalities and corporealities. This third configuration of disablement is reflected in the framework of the *Convention on the Rights of Persons with Disabilities*.<sup>5</sup> The *Preamble* states:

disability is an *evolving concept* and that disability *results from the interaction* between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. (*Convention on the Rights of Persons with Disabilities*, 6 December 2006, at [e], my emphasis).

The strength of the Convention is that its formulation of disability transcends functional and medical orientation of traditional disability models which remain fixed and

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<sup>3</sup> Un nouveau concept s'est progressivement imposé qui définit le handicap comme étant une confrontation entre les aptitudes d'une personne et les situations qu'elle rencontre dans la vie : "macro-situations", comme le travail ou la scolarisation, ou "micro-situations" telles que couper sa viande ou utiliser le clavier d'un ordinateur. Les situations handicapantes ne sont pas que structurelles et matérielles, elles sont aussi (et surtout) culturelles. Bien des rejets sont le fait des "autres" et de leurs préjugés.

<sup>4</sup> How one perceives the impact of difference in their body.

<sup>5</sup> United Nations General Assembly, *Convention on the Rights of Persons with Disabilities*, 6 December 2006, <<http://www.un.org/esa/socdev/enable/rights/convtexte.htm>> (29 April 2008) at [e]

predictive. Instead the Preamble proposes a dynamic definition, full of fluidity and permeability. Article 1 of the Convention goes on to list the more usual type of functional and classificatory approaches to disability, yet there is room to even interpret these categories through the lens of an intercultural understanding as made possible through the emphasis of the Convention's *Preamble*.

This 3<sup>rd</sup> wave notion of disability as a relational concept is extended by Studies in Ableism (a fourth wave of disability studies) which insists that *all* corporeal relations (animate –human/non-human and inanimate (objects/nature<sup>6</sup>) are produced within a *matrix of ableist causal relations*. One result of causal relations being the creation of the subjective beingness referred to as, disability created through interactions.

### ***Studies in Ableism (a fourth wave paradigm in Disability Studies)-***

What is meant by the concept of *ableism*? The literature suggests that the term is often used fluidly with limited definitional or conceptual specificity (Clear, 1999; Iwasaki and Mactavish, 2005). One of the earliest definitions was developed by Rauscher and McClintock (1997) and is commonly cited in American educational literature (Hehir, 2002; Koppelman and Goodhardt, 2011; Kress-White, 2009). Here ableism is understood unidirectionally, meaning;

...A pervasive system of discrimination and exclusion that oppresses people who have mental, emotional, and physical disabilities...Deeply rooted beliefs about health, productivity, beauty and the value of human life, perpetuated by the *public and private media*, combine to create an environment that that is often hostile...(emphasis added). Rauscher and McClintock (1997, 198).

Whilst the term *Ableism*<sup>7</sup> appeared in the literature before 2001 (Clear, 1999; Chouinard, 1997; Rauscher and McClintock, 1997, 1998) with the exception of Chouinard, a Canadian geographer whose definition of ableism continues to be cited; the work of Carlson (2001)<sup>8</sup> and Campbell (2001) represented a turning point in bringing attention to this new site of subordination not just in terms of disablement but also ableism's application to other devalued groups. Ableism is deeply seeded at the

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<sup>6</sup> See Heidegger's notion of nature standing-in reserve as a technological effect (Heidegger, 1977).

<sup>7</sup> The OED suggests that ableism originated in the USA in 1981, and demoted discrimination in favour of the able bodied.

<sup>8</sup> Carlson (2001) focuses on feeble-mindedness and women.

level of epistemological systems of life, personhood 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 and permeability. Bluntly ableism functions to “inaugurat[e] the norm” (Campbell, 2009, 5). As such integrating ableism into social research represents a significant challenge to practice as ableism moves beyond the more familiar territory of social inclusion and usual indices of exclusion and the very divisions of life (speciesism).

Bringing together ontology and episteme, ableism is difficult to pin down, it is a set of processes and practices that arise and decline through sequences of causal convergences influenced by the elements of time, space, corporeal inflections and circumstance. Ability and the corresponding notion of ableism are intertwined. *Compulsory ablebodiedness* is implicated in the very foundations of social theory, medicine and law; be it in terms of a jurisprudence of deliberative capacity or the foundational notion of the reasonable ‘man’ of law or in cartographical mappings of human anatomy. Summarised by Campbell (2001, 44) *Ableism* refers to;

...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.

Writing today (2013) I add additional caveats to this definition: ‘The ableist corporeal configuration is immutable, permanent and laden with qualities of perfectionism or the enhancement imperative orientated towards an atomistic improvability’. Sentiency applies to not just the human but the ‘animal’ world (see Taylor, 2012). A feature of modernity is its focus on the regulation of bodies, resulting in what Bryan Turner (1992) calls a ‘somatic society’ wherein the body has become a central site of consumption and contestation.

As a referential category to differentiate the normal from the pathological, 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. Ableism does not just stop at promulgating the species typical. An ableist imaginary tells us what a healthy body means – a normal mind, the pace and tenor of thinking and the kinds of

emotions and affect that are suitable to express. Of course these 'fictional' characteristics then are promoted as an ideal. An abled imaginary relies upon the existence of an unacknowledged imagined shared community of able-bodied/minded people held together by a common ableist homosocial world view that asserts the preferability and compulsoriness of the norms of ableism. Such ableist trajectories erase differences in the ways humans express our emotions, use our thinking and bodies in different cultures and in different situations. This in turn enacts corporeal Otherness rendered sometimes as the 'disabled', 'perverted' or 'abnormal body', clearly demarcating the boundaries of normal and pathological. As Canguilhem (1978: 69) puts it, 'every generality is the sign of an essence, and every perfection the realization of the essence ... a common characteristic, the value of an ideal type.' A critical feature of an ableist orientation is a belief that impairment or disability is *inherently* negative and at its essence is a form of harm in need of amelioration, cure or indeed exculpation. Studies in Ableism (SiA) inverts traditional approaches, by shifting the gaze and concentration to what the study of disability tells us about the production, operation and maintenance of ableism.

In not looking solely at disability, we can focus on how the abled able-bodied, non-disabled identity is maintained. Disability does not even need to be in the picture. SiA's interest in abledness means that the theoretical foundations are readily applicable to the study of difference and the dividing practices of race, gender, location and sexual orientation. Using the same measures of 'sameness,' as a stand-in for ordinariness creates significant problems in achieving substantive equality at law as the 'non-ordinary' is postured as a state of exception (Moran, 2007).

The instance of ableism<sup>9</sup> as a robust explanatory framework has subsequently been applied to *interrogations of counselling strategies* (Hodge, 2012; Morgan, 2012; Smith et al, 2008), *curriculum exclusion* (Ellman, 2012; Hehir, 2002; Eisenhauer, 2007; La Com, 2012; Kress-White, 2009; Gent 2011; Koppelman and Goodhardt, 2011; Storey, 2007), *intersections of whiteness and racism* (Kumar, et al, 2012; La Com, 2006; Campbell, 2008a, 2008b; Stubblefield, 2009; El-Lahib and Wehbi, 2011), *political theory* (Campbell, 2008a, 2008b, 2009, 2011; Kress-White, 2009; Stubblefield, 2009; Kafer, 2003; Wolbring, 2012a), *gender* (Kafer, 2003; Paludi, 2011; Chen, 2012; Stevens, 2011),

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<sup>9</sup> In 2011 and 2012 there appeared to be an avalanche of papers on ableism.

*violence* (Stevens, 2011), *ableism and queer* (Campbell, 2013a; McRuer, 2006; Chen, 2012; Sandahl, 2003; Thompson, 2004), *nanotechnologies and transhumanism* (Wolbring 2007, 2012a, 2012b; O'Connell, 2011) *the area of sport* (Wickman, 2007; Wolbring, 2007), *law and jurisprudence* (Baker and Campbell, 2006; Campbell, 2001, 2005, 2012, 2013a, 2013b; Harpur, 2009, 2012; O'Connell, 2011; El-Lahib and Wehbi, 2011; Wolbring, 2012a ) and *children, youth and parenting* (Hodge and Runswick-Cole, 2013; Neely-Barnes *et al* 2010; Slater, 2012).

It would be easy to construe SiA as merely the study of non-disabled identity, given its shift in focus on non-disability (Carlson, 2001; Loja et al, 2012). However to stop analysis at 'non-disability' would be to miss the *critical insights* of ableist relations; namely that the concept of ableism examines the production of binary mutually constitutive categories of disability and abledness (Campbell, 2009; Hughes, 2008; Kafer, 2003; Runswick-Cole, 2011; Williams and Mavin, 2012). SiA is about contestations over *abledness* and not the rather vacuous categories of non-disability or ability. In exploring the nuances of abledness we need to continually ask what does the non-disabled, the *par excellent* unencumbered body 'stand-in for'—what kinds of sentience are privileged and what other kinds are demoted or subordinately ranked? How do these hierarchies effect workforce relations and the limits of tolerance? What effect do these understandings have on social policy interventions especially the interpretation of notions of 'risk' and 'vulnerability'? Indeed does the state of 'non-disability' exist and if so what exactly does *non-disability* denote? Non-disabled identity is not the same as abledness.

Reframing our study from disability to ableism prompts different preoccupations: what does the study of the politics of 'intellectual disability' or autism tell us about what it means to be 'intelligent'? Indeed how is the very conceptualisation of 'knowingness' framed in the light of discourses of 'intellectual disability'? SiA examines the ways that concepts of wellbeingness and deficiency circulate throughout society and impact upon economic, social, legal and ethical choices. SiA is not about the study of 'ability' which is held in a binary relationship with 'inability', rather SiA are concerned with the more productive nuance—*abledness as a constitutive centre*. Abledness is generative of new fields of corporeal optimism; hence where there are new forms of idealised beingness this in turn produces instabilities and extensions in

abnormalcy. More particularly SiA foregrounds the limits of tolerance and hence the creation of objectionable lives that reside outside of the bounds of society becoming outlaw disabilities (extending to refugees, ethnic and religious minorities) or being reduced to 'bare life.' Extending the theorisation of disability, studies in ableism can enrich our understanding of the production of difference and the terms of engagement in civic life and the possibilities of social inclusion. I now turn to unpacking the nuances and structure of a theory of ableism.

## **The Building Blocks of Ableism**

### ***Stage One (The Divisions)***<sup>10</sup>

The formation of an ableist epistemology occurs on the basis of relationships shaped by binaries that are mutually constitutive. For example I propose that it is not possible to have a fully inclusive notion of 'health' without a carefully contained understanding of not-health (we call this disability or sometimes chronic illness). Central to a system of ableism are two elements, namely the notion of the *normative* (and normal individual) and the *enforcement* of a *divide* between a so-called perfected or developed humanity (how humans are supposedly meant to be) and the aberrant, the unthinkable, underdeveloped and therefore not really-human. The ableist divide can also capture asymmetrical relations based on differences of sex, (not white) race, and animality which in different ways, in epistemology and social practices has been constituted as sites of aberrancy or disability. There are two features that produce ableism relations:

(1) The idea of *normal* (normative individual); and

(2) A *Constitutional Divide* - a division enforced between the 'normal' and the 'aberrant' enacted through the processes of purification and translation.

*What Normal?* Whilst it might be easy to speculate about the kinds of people that maybe regarded as disabled and their interior life, when thinking about the essential aspects pertaining to able-bodiedness this task becomes difficult and elusive. Being able-bodied is always relational to that which is *considered its opposite*, whereas disability involves assigning labels to bodies and mentalities outside of the norm. Hence relations of ableism are based on an *ontology of negation*. As a practice, ableism

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<sup>10</sup> As detailed in *Contours of Ableism* (Campbell, 2009).

demands an unbridled form of individualism that is pre-occupied with self-improvement and corporeal enhancement that struggles with the reality of illness, disability and misfortune. Ableism is married to a sense of permanency of the idealized human form. With the development of enhancement technologies (cosmetic neurology and surgery for instance) the notion of the norm is constantly sliding, maybe creating a larger pool of 'abnormal' persons who because of 'choice' or limited resources cannot *improve* themselves and hence lapse into deficiency. A counter-ableist version of impairment might explore what the experience of impairment produces and ask how does disability *productively colour* our lives?

The second feature is a *constitutional divide* between the normal and pathological at the "levels of ontology, materiality and sentiency" (Campbell, 2009, 7). Many readers will know of this even if they have not up until now had a name for it or find the language of constitutions a bit bristly. Constitutions are related to the structure or attributes of an entity which shapes a characterisation. Constitutions are concerned with jurisdiction and boundaries between persons, things and actions (typical of Roman civil law) and the ways that each of these elements assemble and interpenetrate (Mussawir, 2011). As such constitutionality is linked to cosmography and order the terms of relations. Constitutions (rule matrices) establish the terrain, the ground rules for governance, processes for clearance and right relation (*samma ditthi*, (Pali) literally 'view'), and how things are or how they are meant to be. Whilst constitutionality and codification are the default inference of jurisdiction, an alternative rendering is to conceive of jurisdiction and constitutional divides as a "relation that is immanent, practical and 'lived'." (Mussawir, 2011, 6).

Divisions of constitutionality requires people to identify with a category – 'are you disabled or not?' 'Oh, no I am not disabled, I am ill or depressed!', or 'I am able-bodied.' For the ease of conversation we often feel the need to minimise any confusion. "I have a hunch that you as the reader already know that such a clear divide is blatant propaganda that supports the argument developed by philosopher Bruno Latour (1993, 10 - 11) who states "...these two independent practices of normalising and pathologising] ... must remain distinct in order for them to work/function." If the definitions of *abled-bodied* and *disabled* become unclear or slippery the business of legal

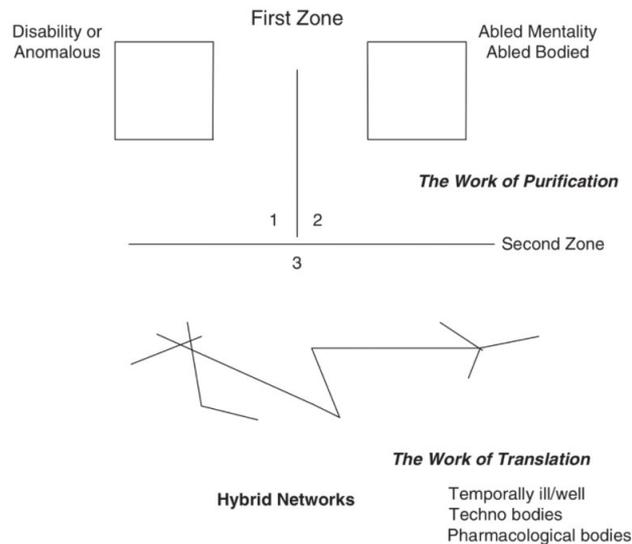
and governmental administration would have problems functioning. Alarm would arise due to uncertainty as to how to classify certain people and in which category.

Social differentiation produces difference: the abled and disabled which in turn are products of our ways of looking and sensing, that is it is not merely comparative “but rather co-relationally constitutive” (Campbell, 2009, 6). People are made different by a process of being seen and treated as disabled, as outlawed disability or abled (Lawson, 2008, 517). Western political theory attest to constitutionality divides. As Campbell (2013) notes “The political concept of people enshrined in the documents of the French Revolution<sup>11</sup> and subsequent human rights instruments foreground two different conceptions – people *as a whole*, the social body cast against multiple excluded bodies (the aberrant) or in the alternative, an inclusive whole without outsiders. (Stewart, 1951).” Already embedded within these divisions are “fundamental biopolitical fracture[s] [In other words] ... what cannot be included in the whole of which it is a part as well as what cannot belong to the whole in which it is always already included” (Agamben, 2000, 31.12).

Clarification of this perceived ‘uncertainty’ is achieved through a division called *Purification*, the marking of distinct archetypes. Ableism assists in the government of disability ensuring that populations that appear dis-ordered (maybe even causing social disorder) become ordered, mapped and distinct. The notion of inclusion is not all that it seems, for normative inclusion to be enacted one must have a permanent under-cohort of the excluded. As Campbell (2013b) remarks “Claiming one’s own identity must be done always in reference to that from which one is distinguished. The queered project then must also develop *potentialities of shame* as part of its genealogy.” Purification is essential to be able to count populations even if this counting and classifying does not reflect and in fact distorts reality, in any event demeanours and lives are judged according to constitutional arrangements (Altman, 2001; Mussawir, 2011). As impairment effects are relational, disability is not always present in the environment and within the realm of an individual’s subjectivity.

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<sup>11</sup> Stewart, (1951).



Source: the author

**Figure 1: The Constitution of Ableism: Purification and Translation** (Campbell, 2009, 8)

Turning to the realm of tacit knowledge gained from social relations, the second aspect to enforcing a constitutional divide is *Translation*. Let's take a look at this. No human is self-contained and our lives are constantly changing and (trans)formed through the context in which we move. Humans are endowed by their relations with technologies (cars, clothing, implements, time, communications devices, prosthesis and drugs etc.). Relations between human and non-human entities (actors) are *already* hybridised and made up of changeable aspects neither are they obvious or self-contained. Our relationship to context (people, environments, mental and bodily changes) means that human typologies are endless and shifting. The character of impairment can change through interfaces with behaviour modifying drugs and the use of apparatus (speech, hearing and mobility enhancing). Most of us rarely fit into the definitive classifications of *Purification* – yet such confusion or 'grey zones' of daily life are neaten up into zones of distinction ~ he is 'this' and she is 'that'. Enshrined in ableism is a metaphysical system which feeds into an ethics of disability.

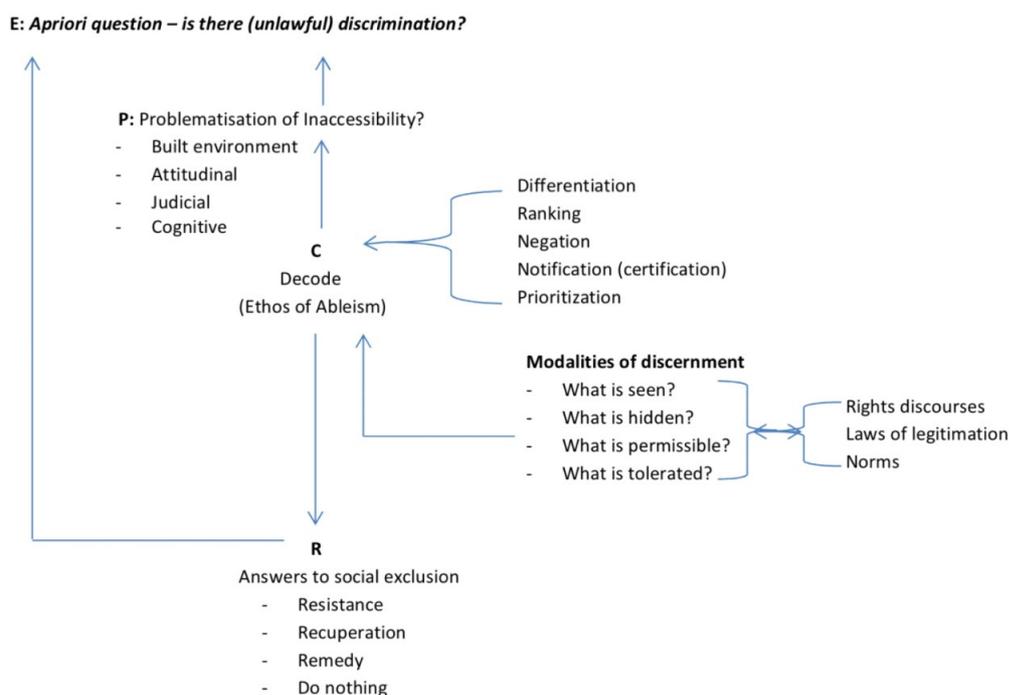
## Stage 2: (The processes)

A relational understanding of ableist formations is built around bringing together and adapting General Systems Theory (GST) and the Buddhist doctrine of *Paticca samuppada* (*dependant origination*). *System* literally means ... patterning, 'synhistanai' (from the Greek), 'to place together'. Systems are enclosed or are enclosed by other systems (Laszlo, 1972; McMahon, 2008) as all elements are part of a vast network of being. GST's lead theorist Ervin Laszlo (1972) has developed the concept of *interdetermination* to express the elusiveness and changeability of life systems.

Accordingly the universe (a relational frame) is described as "an interdetermined network of mutually qualifying causes and effects" (Laszlo, 1972, 246), where each causal action is reciprocally transmogrified by the effect it produces. Hence autonomy and resistance is dispersed 'to particular entities in processing their inputs ('prime causes') and producing outputs ('reciprocal causes')" (Laszlo, 1972, 247). *Interdetermination* is a useful binder in the study of ableist relations and can assist in the plotting of often elusive relations of perfection and aberration. Supplementing Latour's (1993) refusal of the nature/culture division through his study of the work of purification, Laszlo argues for the abolition of the subject object distinction as a frame for a hermeneutics of experience, as 'experience' itself as a referent is shifting, changing, moving: "[experience is] .... a continuous chain of events, from which we cannot, without arbitrariness, abstract an entity called 'organism' and another called 'environment' (Laszlo, 1972,63).

The system this paper is observing and mapping relates to ableist relations and GST would indicate that it is not possible to escape the system but that our capacity to continually refuse, resist, shape and provide counter codes that modify the ableist environment is possible. Systems theory can fill in the gaps and create space for glimpsing the somewhat elusive dynamic of ableist relations. From this perspective input into the network is from the *environment* (E) by way of *percepts* (P) which act as hermeneutical drivers. P's are in turn decoded through the lens of a systems *code* (C). These ableist systems involve the *Differentiation, Ranking, Negation, Notification and Prioritisation* of sentient life and synthesises messages "from noise through [*modalities of discernment*] which order sensory apprehensions and through constructs which permit conceptual apprehension" (Macy, 1976; 26). In the circulation the system, the

network acts upon the environment (E), to produce subsequent P's, through its output or response (R). *Figure 2* is an attempt to plot ableist relations within a system relating to the issue of Access.



**Figure 2: Ableist Systems Relations (environment, percepts, systems code, responses).**

**P** – We might ask the question what is ‘access’ or ‘accessibility’? There are certain presumptions in this question which shape and form the basis of the environment (built environment, cognitive, attitudinal, and juridical). Responses relate to notions of differentiation between and among humans: described as non, partial or full citizens. The hermeneutic filters of **P** give rise to the consideration in **E** of whether there is unlawful, lawful or indeed no discrimination. The interpretative lens of **P** occurs in the system code, an ableist ethos (**C**). The code is informed by such aspects Differentiation, Ranking, Negation, Notification (legitimizing regulations of law and diagnostic prescriptions) and Prioritisation. In the swirl of **C**, our systems response (**R**) suggests some possible responses: (1) *there is no social exclusion*, or the exclusion is at least arguable and there is no need for response involving change, except the response of

affirming the status quo; (2) *responses of exceptionality*, to allow for parallel approaches or differential access (e.g. special facilities, restricted access to toilet facilities for women); (3) *a resistant response* which is suggestive of the need for norm and code changes, by way of example law reform. In the presentation of any of these responses there will be some kind of remedy even if that remedy comes in the form of recapitulation. Much of Figure 2 is speculative as there is nothing predetermined in the game of causality, there is always choice and a specificity of events. These systems are animated when conditions converge, when matter, information and energy are exchanged that create the environment and ensure its sustainability (Macy, 1991; Ying Shen, 2007).

Within Buddhism, the concept of *Anichcha* (impermanence) naturalizes the implications and manifestations of impermanence including impairment which is often subject to change and leakiness. Adoption of *Anichcha* to studies in ableism enables an epistemological shift of the positioning of impairment from abnormality to reality (Nānananda, 2004). In Buddhism, all phenomena are dependently arisen (*paticca samuppada*). *Paticca samuppada* studies conditions that arise at the atomistic level and absences that produce cessation. As such, embodied existence is unstable, uncertain, tentative and conditional (Jayasuriya, 1988). Ying Shen et al (2007) provides an excellent summary of the presuppositions underpinning mutual causality:

The belief is that everything, mental and physical, comes into being owing to certain conditions, and disappears when the conditions disappear, so nothing is independent. Reality is viewed as a dynamically interdependent process. Everything exists in a web of mutual causal interaction, and nothing, whether mental or physical, whole or part, is immutable or fully autonomous. ... A cause can only produce an effect given the right conditions (Ying Shen et al, 2007, 171).

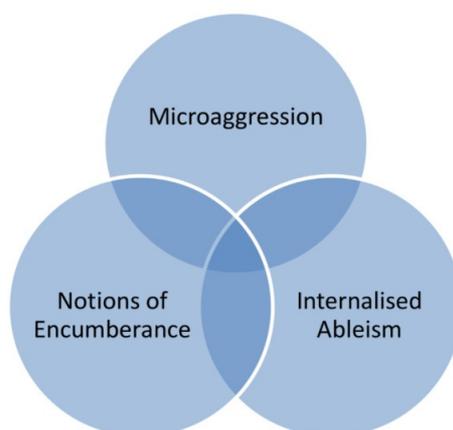
Buddhist embodiment is an unstable assemblage of mutually dependent aggregates (Rahula, 1984; Ching, 1984; Bodhi, 2005a,b), a process rather than a fixed entity (Remon, 1980). It is a process that precludes divisions of inside/ outside, self/ other, as it is the inter-dependent interaction and contact between Name and Form (including 'external' objects) which leads to conscious existence (Muzika, 1990). The arising and conditioning of phenomena has its own texture and conditioning and these two aspects depend upon *specific conditions*. These conditions produce *specific types* and relate to structures:

...the texture of being is through and through relational. Whatever comes into being originates through conditions; *stands with the support of conditions*, and ceases when its conditions cease. (Bodhi 2005a; 2, emphasis added).

Buddhism offers an additional field for the investigation of the conditions that induce ableist relations in examining the *dependent condition* and how it

- originates (*samudaya*),
- its source (*nidana*),
- processes of generation (*jatika*),
- how being emerges (*pabhava*),
- is nourished (*ahara*),
- how the condition acts foundationally (*upaniisa*) and
- induces a flow (*upayapeti*). (S.XII, 11, 23, 27, 66, 69 – Niddesa/Mahaniddeṣa).

This approach to theorising incites the inquiry and micro analysis as to what is the *nature of conditions* present that produce ableist relations? My own work has identified that at ableism's core is a form of *ontoviolence* (see Figure 3) that demands a compulsory sameness. (Campbell, 2012). This causality fosters the conditions of microaggression, internalised ableism and in their jostling with notions of (un)encumbrance.



**Figure 3: Mechanisms of Ontoviolence**

There is a particularised relationship between conditions and the 'types' of phenomena or modalities that emerge to configure bodies and subjectivities (Gunawardena, & Campbell, 2012). In their emergence, clipping and unfolding *patterns* are formed

(actions/reactions). Indeed ableist relations of *co-dependence* can involve co-nascent conditions (*sahajata – paccaya*) whereby disability and abledness are “animated in mutuality and presence.” Work undertaken by Skyttner (2001, 59) around systems indicates that systems environments exist in a *space* and it is in that space that a micro focus can be adopted to study the workings of ableist relations more closely. He divides his spatial philosophy into five realms, namely;

- *Pragmatic space*: (physical action which interfaces a living system with its environment);
- *Perceptual space*: (the immediate positioning for the identity of a conscious being);
- *Existential space*: (forms a stable and sensing image of an individual environment and connects their identity to the larger matrix),
- *Cognitive space*: (conscious experiencing of the material world) and
- *Abstract space*: (these are the naming /discursive worlds of abstract tools to help the individual make sense of others and objects).

The concept of *paticca samuppada* is quite specific in that the shaping of conditionality arising corresponds with specific conditions or typologies. As Macy remarks “...there is no immutable essence other than that definitive of process itself; no realm or entity stands over against the process of change. All is in motion, all is subject to ceaseless flux and transformation, arising and passing away” (Macy 1976, 22). We can then propose that one of these structures or patterns that emerge and effect can be called ableist relations or patterns which are also conditional and not necessarily repetitive replicas.<sup>12</sup> Disrupting the round of existential suffering is possible by way of eliminating the causal force or conditions in their *particular circumstance that sustain*. As Bodhi explains:

...though the round has no first point, no cause outside itself, it does have a *distinct generative structure*, a set off conditions internal to itself which keeps it in motion. (2005a, 3, emphasis added).

Figure 2 shows that there is no inevitability to how the system addressed the ‘access’ issue, with the introduction of different conditions disruptions can occur. This process could well be used to foreground the rising and declining of very specific ableist relations, which texture mental-materiality. As Macy notes it is not the input that determines its action, but what *happens* to the input within the system. This space of

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<sup>12</sup> Such an insight is important in order to avoid paranoid readings or theorising.

happening undermines the “linear concept of causality ... that similar conditions produce similar results and that different conditions will produce different results”. (Macy, 1991; 93). This generative effect is not dissimilar to that argued by Campbell (2009, 6 - 10) in her discussion of structures of ableist relations which simultaneously operate through the interfusion and interactivity of translation and purification replicating and fabricating points of illusion and ignorance about the perfected and dispatched entity.<sup>13</sup> It is vital to drill down to the space of interactivity in translation, the interrelationality of cause and effect to “investigate what this interactivity clarifies and obfuscates’ (Campbell, 2009, 9). Indeed where there is a persistence of anomalies, discontinuities and mismatches in the codes, such changes in conditions interrupts incoming precepts destabilising the sovereignty of the system code as the principle hermeneutic. In the next section I shift focus to study the workings of reasonable adjustment in workplace relations.

## **Part 2: Workplace relations**

### ***Lex Crip* – Performances of Disability in Law**

*Compulsory ablebodiedness* is implicated in the very foundations of law whether that is in terms of a jurisprudence of deliberative capacity or the foundational notion of the reasonable ‘man’ of law. Drawing upon Judith Butler’s theories of performativity I argue that through repetition, ablebodiedness sets itself up as the ultimate achievement for disability, the goal to strive for. Ablebodiedness repetitively establishes itself as the origin and the ground of all imitation and any distraction from this normative compulsion automatically arouses suspicion and characterological doubt. Discursive practices actively produce the disabled subject at law (*lex crip*) and the impaired body becomes visible through an arrangement of meanings and social knowledges which in turn determine legitimacy, fraudulency or indeterminacy of a cause of action (see Figure 2 for an example of discrimination and access). Legal discourses through the performance and enactment of disability subjectivities play a critical role in maintaining these structures of purification between those designated as ‘sick’, ‘well’, ‘deserving’ and

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<sup>13</sup> Campbell mainly discusses humans but leave open space for these processes to apply to other kinds of sentience.

'undeserving'. These kinds of signifiers foreground the processes and differentiation and ranking in an ableist systems code. Whilst discussing mental disability law, Michael Perlin refers to such processes as *pretextuality* which defines ways courts accept *testimonial dishonesty*, "the fiction", which distorts testimony, (the disability story) in order to achieve a desired end (1998, 621). This distortion of the disabled litigants experience fits well into the framework of purification, which insists on the maintenance of distinct zones of abled and disabled (Campbell, 2009) and the prioritisation of voice and legal agency. Notions of normalcy and abledness prefigure conceptual frameworks of law.

Law itself not only regulates the constitutional compartmentalization of abledness and disability, juridical systems of thought in effect bring into being what is sayable about differences and also proffer limits of citizenship and social inclusion in the realm of domestic and international laws. Non-discrimination laws have moved away from a traditional compartmentalized minority identity approach towards generic and comprehensive legislation. What are the possibilities, challenges, losses or dangers in vacating the more familiar theoretical axis of gender and race and subsuming them into a more expansive and fluid notion of ableism which attempts to act as an explanatory framework of asymmetries of difference? Indeed does the state of 'non-disability' exist and if so what exactly does *non-disability* denote?

Disabled peoples' interactions with law necessitate that disabled performativity and its ensuing subjectivities are iterated in accordance with discourses mediated within a norm of ableism. These performances of disability in law, the fabricated legal fiction of disability, produce subjectifying discourses where disabled subjects are brought into being, not just for themselves, but for the rest of those engaged in the judicial process (including the 'text', reports of law) inaugurating what can be said and what is unsayable about disability and which kinds of bodies are 're-cognised' as the protected class known as disabled. In this process Name and Form produces the existence of the disabled through a prescription in ableist systems codes that notify through regulations, legal definitions and diagnostic classifications (enumerative passports).

The work of Laura Rovner (2001) is instructive in shedding light on *lex crip* who is validated and the consequences of any resistive action by disabled litigants who do not play the game. In law the complex and contradictory stories of people's lives are

reduced to 'stock stories', a simulation that is woven together to create a particular impression of wrongdoing, entitlement and remedy. Elizabeth Cain (1994) refers to the role lawyers as symbol traders, as they act as translators who 'black box' complex and contradictory facts into smooth, targeted, persuasive argument. Stock stories invest stereotypes: both negative and even positive. Boxes and stereotypes conceptualise stories and enact, perform and corral identities. The usage of negative stock stories in law & can reinforce negativity & create passivity. Disabled litigants need to self-identify with the law's definition of who is a 'genuine' disabled person (usually a statute, but also in court judgements). These stock stories resonate with dominant values (they tap into and draw upon explanatory frameworks) of disabled people as victims, unfortunates, ruined lives, lives not worth living, damaged goods, and sufferers. Clients who embrace dominant narratives often face difficulties in shedding that representation once a case is over.

Two dominant but not exhaustive narratives, which act as differentiating practices, provide 'legitimated' performances of disability are the helpless *cripple* who is a victim or the *cheerful overcomer* (Rovner, 2001 265). The trope of victim as an evaluative ranking that is saturated with an ableist outlook of culpability. *Innocent victims* are to be contradistinguished with *victims as manipulators*. Innocent victims although deserving pity have their claims to personal agency undermined. They are reduced to the permanent infantile – they are passive actors. Hence Rovner suggests:

The 'cripple' is expected to accept her role of inferiority outside of society. She is assumed to be unable to work, and her subsequent failure to produce is interpreted as proof of her inferiority. She engages in little social activity, bears what is seen as a bleak existence, and is socially devalued. Society responds to the cripple with pity, fear and quite often repulsion, although cripples also take on the image of the 'deserving poor' nor morally blameable for their 'unfortunate circumstances' Most charitable activities to people with disabilities are premised on the notion of the cripple (Rovner, 2001, 265).

Negation as an ableist strategy contrasts, victims as *manipulators* – those who do not measure up. This derelict class are characterologically suspect and jeopardise all the good work towards the disabled. These people are psychically wounded, theirs is a criminal intonation, and they are the dangerous client. An alternate narrative, the *overcomer*, engages in a strategy of disability disavowal. Here the disabled litigant literally attempts to make her disability *disappear*. This is an erasure which produces an

assimilation of *disability irrelevance*, an evacuation of corporeality and its significance for the lived body. The overcomer is a hero of ableism because she puts her impairment *back in place* – because it has *no* place (or according to Mary Douglas (1984), it is *matter out-of-place*) and the harm being postured is that the impairment is about to be visualised and made to matter. The overcomer spends an inordinate amount of time going in circles in performing abledness, displacing her impairment and engaging in defensive othering. Rovner explains:

The overcomer ... seeks to minimize the visible symptoms of her disability and exhibits the 'proper' attitude. She learns to deny her disability and frequently dissociates herself from her own disability or other people with disabilities. This might be evidenced by foregoing a wheelchair even if using one would be more efficient, or by maintaining a general wariness of being spotted with other individuals with disabilities for fear of being associated with such inferior 'deviants'. The overcomer is often proud when people regard her as 'not really disabled', and society applauds her for not giving in to personal constraints and for 'conquering' her handicaps. Society thus views her as inspirational, although she is still patronised, pitied, and excluded for being different. (Rovner, 2001, 260).

Because of these two orientations the litigant with disability, if she wishes to present another approach to living with impairment, say an affirmative approach coloured with a mixture joy and despair, held in simultaneous tension, - a representation that is diametrically in opposition to dominant cultural narratives of disablement as catastrophe, "law's constraints make it impossible for [those] stories ... to be heard and recognized" (Rovner, 2001, 277). Furthermore, fabricated are particularised sites of blame that constitute certain legal subjects (and events) as responsible for the 'injury' of social subordination that other subject's experience. Through the codification of case law trauma and its performance of disability at law, institutes certain harms as "morally heinous in the law" (Brown 1995: 27). What kinds of 'harm' have legitimacy before the law? The statutory language of disability (proof of identity) is according to Rovner hard wired into assessment, underpinned by a fraudster motif wherein the disabled people is seen as characterologically suspicious. Accordingly, "when law cannot hear 'clients stories [it]... loses any hope of tackling the real issues behind inequality and discrimination" (Rovner, 2001, 253).

### *Prioritisation – alienating workplace terrains*

Earlier in this paper I mentioned that ableist system relations are engaged in a constant chain of ranking and prioritisation of sentient life which determines access to resources, space and even liveability. Employers, corporations, town planners and environmentalists *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 hidden ablest relations (Burgdorf, 1997, 529). However, like the situation of women these accommodations are based on a narrow construction of the abled characteristics and the benchmark needs of employees, customers and citizenry. In response to the perception that employers, governments and the economy are financially disadvantaged by a perceived financial burden inherent in reasonable adjustment measures for the Other (who are often the majority – aged persons, children, women and disabled people), we can argue that the Othered multitude simply seek the *same* type of accommodation reserved to other ‘abled’ citizenry.

Inhospitable environments produce instances of exile and strangeness to one’s beingness through reflection on being physically and psychically ‘locked out’. Social exclusion by way of geographical ‘lock-outs’, has a rippling effect with hostile and humiliating inaccessible environments communally impacted in that we citizens, strangers and friends observe someone else’s humiliation and exclusion (Klein, 1991). The subaltern in their exclusion are typically corralled into ‘special’ spaces (economic zones, homelands, special parking, and red light districts), so called *anomalous zones* that although permissible are tightly regulated and policed (Razak, 1998). Inaccessible environments make and position disabled people<sup>14</sup> as *bystanders* – we, disabled who look in, or if unable to do that simply imagine another possibility or are indeed because of the degree of inaccessibility confinement we are simply alienated from the beingness or relationality to the build environment.

Consider the paradox of reasonable adjustment or accommodation (in the built environment, the workplaces or in the matter of how things are done (processes and

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<sup>14</sup> Other indigent populations extend to the profoundly poor (homeless people and beggars).

procedures). The lived effects of disability are foreclosed by also effectively *discounting the embodied experiences* of the disabled person through the reduction of the disability problem to an accommodation to *functionality tasks* (exteriorization of difference) rather than also re-cognizing integration and barriers effects (and the difference of exclusion). The focus of law under this mentality is the regulation of *prescriptive* standards and cultures of compliance (e.g. accessibility codes are an example).

### *Characterological Narcissism?*

A psychology of narcissism asserts that disabled people are exemplary narcissists. In not being able to be cured, disabled people turn away from love of others towards themselves in a neurotic, disengaged form of self-gratification. Yet as I have argued, it is the processes of ableism that produce the reified category of disability and ontological difference! Indeed ableist narcissism can desubjectivise, by reducing the human to a mere organic state, functional, pliable and improvable. Ableism as a mentality and as a practice is *inherently* narcissist. As a practice, ableism demands an unbridled form of individualism that is pre-occupied with self-improvement and corporeal enhancement.

In law such narcissism plays out as the disabled litigant who is portrayed as opportunistic, or is a faker or malingerer. Presumptions of the cognitive, the *sanist myths* as Michael Perlin (1998; 1999) puts it involves stereotypes, typification, de-individualisation, and trivialise clients problems and solutions. Combined with a reliance on a non-reflective “ordinary common sense” (OCS). As a heuristic of the intolerability of disability it becomes possible to represent disabled litigants especially those who use non-discrimination laws for remedies against injustice, as “opportunists, malingers, shameless shirkers’ and laws as providing a “lifelong buffet of perks (and special breaks)”. (1998, p, 635). Perlin spent several years providing individual and class action representation to institutionalized persons with mental disabilities, and was used to observing “asides, snickers, and comments from judges; to eye rolling from [his] adversaries; and to running monologues by bailiffs and court clerks (about [his] clients’ ‘oddness’).”

In the US case of *Forrisi v Bowen*<sup>15</sup> (1986), statutory protections were described as being manipulated by ‘chomeleonic litigants’ (p. 538) who debase laws to protect

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<sup>15</sup> 794 F.2d 931, 934 (4<sup>th</sup> Circ, 1986).

those “truly handicapped”. In this section *Lex Crip* I have attempted to show that having differences and ignoring differences not only turns on a politics of difference but these ableist relations have a subtext of translation and purification, clear ontological zones of differentiation, in essence and fiction. Social differentiation produces difference: the abled and disabled which in turns are products of our ways of looking and sensing. In the next section I examine the concept of reasonable adjustment.

### **Reasonable Adjustment**

“[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”, Blackman J, in *Regents v Bakke* 438 U.S. 265 (1978)

The commitment to equality has followed a model based on equality as sameness where the orientation of anti-discrimination law has been on reducing differential behaviour attributed to presumed differences (e.g. gender, race). Trends in reasonable adjustment/accommodation (RA) shed light on antidiscrimination law generally and act as tools for laws of legitimation about permissible inclusions and exclusions (see Figure 2). In the *sameness model* discrimination occurs when individuals (assumed to be fundamentally the same) are treated differently for illegitimate reasons. Conversely, the *difference model*: assumes individuals who possess the quality or trait at issue are different in a relevant respect from individuals who don't and that treating them similarly can itself be a form of oppression. Facilitating the entry of disabled people into the labour market means that the applicant is required to negotiate and *foreground difference*, the difference that impairment might make to productivity. In doing so, the disabled employee or applicant provokes a flashpoint interface between acts of disavowal of disability (and we are trained well in this) and acts of avowal (an unfamiliar action of claiming corporeality and entitlement ~ unfamiliar territory).

The UN *Convention on the Rights of People with Disability* (CRPD) (2006) promotes people with disability 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 (CRPD), Article 2:

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. . .

Under the CRPD, reasonable accommodation is not limited to employment, but covers education, accessibility, health, access to justice, legal capacity and others. A focus on an individual 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), see Figure 3 for example). It is *reasonable* accommodation or adjustment that is required – if an undue burden/hardship or disproportionate burden is involved, then it is not ‘reasonable’. These percept questions are decoded by the workforces relations system that has already inbuilt discriminator concerns the reach of tolerability and permissibility as well as spaces of exception. In taking into account of any characteristics related to disability that may impact on the job in order to accommodate the disabled employee’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.

**Figure 4: US/UK accommodations to meet the needs of disabled employees<sup>16</sup>**

ACCOMMODATIONS:
Made existing facilities accessible ***
Restructured job or modified work hours
Reassignment to vacant positions
Acquired/ modified equipment devices **
Acquired/modified examination or training materials
Been flexible with HR policies ***
Changed supervisory methods
Parking or transportation accommodations**
Provided written job description**
Modified work environment**
Provided qualified readers/interpreters

<sup>16</sup> Source: Bruyere, Erickson & VanLooy, 2004, p17, table 1

Reasonable accommodation recognizes the relevance of “impairment” - if one ignores the impact of an impairment, and treats a person with a disability in exactly the same way as one treats a person without a disability, a de facto situation of inequality will arise. Reasonable adjustment requires an employer to take account of the characteristics related to disability, and to accommodate them by, e.g. changing the job or the physical environment of the workplace. As Fredman (2005) explains “instead of requiring disabled people to conform to existing norms, the aim is to develop a concept of equality which requires adaptation and change.” (Fredman, 2005, 203). Furthermore in workplaces where time often means money, assessment runs to risk if being reduced to ability and/or functionality scripts resulting in the codification of need, based classification and prioritisation (see Campbell 2011). This obligation to accommodate is not unlimited and is subject to the requirement that the accommodation does not result in a disproportionate burden. Hence ‘accommodation’ or ‘adjustment’ has a ring of exceptionality about it, an extra gesture for which there should be gratitude. The ableist system does not need to have profound change to its code/core as a mode of exceptionalising has been adopted, but there has been not profound disruption to the core ethos.

There is a need for research to generate new knowledge about the negotiation of disability employment concerns and will provide evidence from workplace stakeholders about the veracity of reasonable adjustment as a mechanism for addressing the low participation of disabled people in the workforce. This research needs to investigate how *robust is the mechanism* in withstanding challenges around unjustifiable hardship? How has the concept been *received* by disability advocates, employers groups and lawyers and what jurisprudence has been *generated* by usage of the concept as a mechanism for delivery equality of employment opportunity? In terms of the workplace there is emerging literature on disability relations.

### **Workplace Performances**

The coming together of bodies in the workplace involves an intercorporeality where there is an implicit anxiety about loss of self-definition and the unveiling of vulnerability. For people with disability to continue to have successful, inclusive lives it is critical to uncover factors that may militate against full and long term workforce

participation. Earlier in this paper I presented a schema to examine the dependent conditions of ableist relations in order to assess the nature of conditions that produce flourishing or deadening workplace environments. I have mentioned earlier the issue of workplace bullying (Vickers 2008) and note that a growing interest in workplace harassment (Thompson, 2004). The literature on reasonable adjustment in the workplace (Colella, 2001; Bruyere, Erikson, VanLooy, 2004; Schur, Kruse and Blanck, 2005) indicates to following inhibitors to recruitment, retention and career pathways for disabled employees (See Figure 5).

- Inflexible work environment (psychiatric disability & episodic illnesses)
- Lack of knowledge about how reasonable adjustment principles actually operation (combined with a grateful posture)
- Risk aversion – loss of pension, or being seen as potentially unproductive
- Failure of disability support services (inappropriate referrals, capped services, no support, information about funding)
- Disability vilification and harassment in the workplace by co-workers and/or management
- The stress of integration, integration shock e.g. negotiating different daily, leading to heightened drug& alcohol usage, secondary depression or suicide.
- Additional communication hurdles for culturally and linguistically diverse people
- Double discrimination that women with disability can face (parenting, carer issues).
- Employers - Intricacies, accessibility and adequacy of government assistance, Occupational Health and Safety mythologies, insurance actuaries ?

**Figure 5: Workplace 'effects' on employees:**

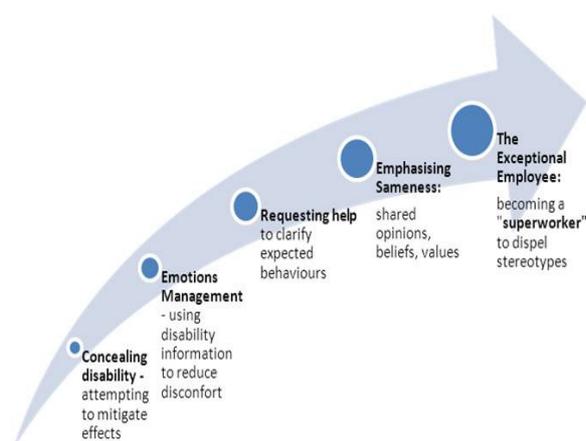


The environmental systems code that is associated with Figure 4 is driven by percepts including notions of special measures (favours), notions of fairness and merit. These

effects on disabled employees occur within the context of relations with other co-workers where beliefs about fairness, management attitudes and coworker reactions come into play. Adrienne Colella's work (2001) demonstrates the necessity to have coworkers as stakeholders in any reasonable adjustment process, to facilitate integration and good workplace relations. A lack of focus on the costs of ableism combines poorly with insufficient research into potential areas of concern for workers with disability. Such individuals may appear to be successful but may be experiencing stress, trauma, bullying, marginalisation and exclusion at work.

From the perspective of studies in ableism, the workplace can be characterised as a *wild zone*, as an arena for the playing out of tensions between normative compulsions and the showing of disabled difference. The office can be a minefield of abled-relations where the dramas of internalised ableism (entitlements and disavowal), anti-violence, gratitude and the politics of envy are played out. The work of Schur, Kruse and Blanck (2005) has identified a number of strategies adopted by employees with disability to that shape their workplace expectations (Figure 5) which foreground not only some of the complexities but the heightened ambivalence about how to best portray one's "impairment effects".

**Figure 6: Strategies adopted by employees with disability to shape their workplace expectations**



People with disability have been identified as engaging in emotion and impression management, perhaps resulting in an appearance of indifference and reserve. However, such an outcome may be a direct consequence of careful emotion management, rather

than an absence of emotions (Cahill & Eggleston, 1994). Dealing with barriers to employment and advancement ensures disability vulnerability may remain a problem even if not evident. Being an employee with disability, without similarly situated peers, can be a lonely place. The passion to insert the absent, *speaking otherwise*, disabled voice back into disability discourse is as rewarding as it is draining due to needing to negotiate what I call the “guess who’s coming the dinner” syndrome. Two principle conceptual drivers which produce ‘ontoviolence’<sup>17</sup> are ‘internalised ableism’ and the ‘unencumbered worker’ dialogically interface to shape workplace relations (Campbell, 2008):

**The Unencumbered worker:** The unencumbered, gender-neutral employee has replaced the gendered rhetoric of the main breadwinner. The ‘unencumbered’ worker’ is an 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. This ‘gold standard’ worker works full time, year round, is available to work overtime, and takes no time off for child bearing or rearing ... (Appelbaum *et al*, 2002: 8). People with disability rarely fit this mould; they may have bodily needs that cannot be mechanically routinised or normalised without responsive adjustments. Aabled compensation for encumbrances are more veiled often being absorbed by unpaid gendered care and support provided by a (female) spouse. Unencumbrance is an occupational fiction based not only on an atomistic formulation of the individual but also unscored the role of *priorisation* in the worker’s life and existence of a domestic gendered economy to make things happen (his dinner, laundry undertaken etc).

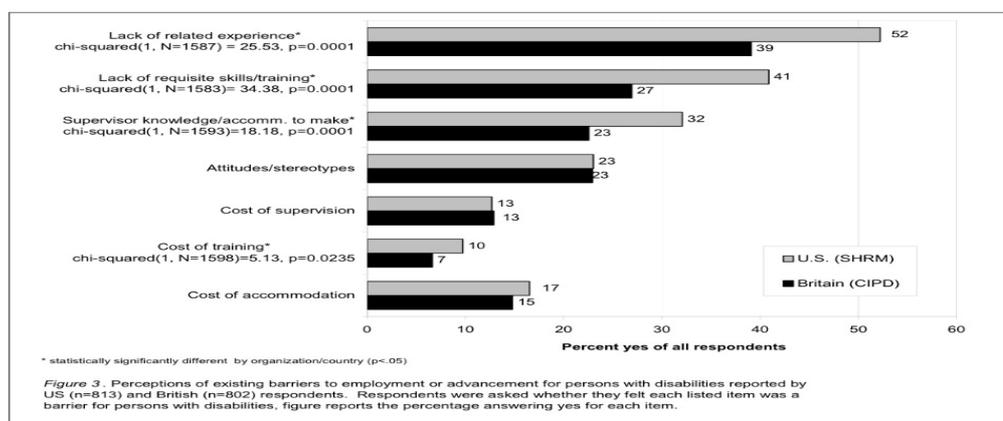
**Internalised ableism** is a reaction to subordination that originates outside one’s ‘group’ and which results in members loathing themselves, disliking others in their group, and blaming themselves for their disadvantage – rather than realizing that these beliefs are constructed within them by oppressive, socio-economic and epistemological systems. Internalised ableism can compel disabled people to adopt strategies of disability disavowal in the hope that this may lead to “enjoyment or privileges we accrue are by virtue of abandoning our identity to approximate that of the extolled group. (Watts-Jones, 2002; 592-593). Disavowal promotes the casting of disability into the background through a re-emphasis on a disembodied personhood (e.g. person-first language). Consequently, internalised ableism means that disability is commonly erased

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<sup>17</sup> See also Figure 3.

or mitigated. In effect this non-recognition of ableism suggests that disability does not matter and makes it difficult to enquire as to the ways that different knowledge standpoints place us in different relationships not just to disability, but also power and marginality. The themes of suicide, drug and alcohol use and additional mental health stressors among ‘successful’ disabled people have not generally been explored (the exception being work on microaggression). What we do know, in a parallel vein, as that studies on internalised racism have identified that people of colour who experience ‘business as usual’ racism on a daily basis experience high levels of stress, secondary depression, coronary disease and low levels of educational attainment (Kreiger, 1999).

Although tacit knowledge exists among people with disability about the pressures and consequences of their ‘successful’ inclusion in work, this aspect has not featured significantly in scholarly research. Turning to the work environment, success stories around reasonable adjustment in the workplace and its capacity to support the leadership development of disabled people needs to be driven by senior management and nurtured in an environment of co-worker support to tackle barriers to retention in employment (Figure 7), (Schur, Kruse and Blanck, 2005, Colella, 2001; Bruyere, Erikson). A survey of both UK and US employers about the seven barriers to workforce participation found that money issues relative to other concerns such as a lack of experience by the disabled applicant a significant barrier did not feature highly. Other areas included stereotypes, discomfort around disabled people, strain caused by communication difficulties, personality factors and prior contact with people with disability.



**Figure 7: Barriers to Employment and Advancement for Disabled people<sup>18</sup>**

<sup>18</sup> Source: Bruyere, Erickson & VanLooy, 2004, p. 10, figure 3

## The Reasonableness of Disability and Abled relations

The paradigm of *reasonableness* introduces a normative quantum into the discussion. Shifting the burden of proof of reasonable adjustment from employers to disabled people raises questions about the nature of asking for help and the ramifications of foregrounding “impairment effects.” Much of the processes of rehabilitation encourage the concealment of impairment or to at least appear to mitigate its effects. The agency of foregrounding “impairment affects” potentially disrupts disability disavowal, disability minimisation, internalised ableism and mitigation strategies. Lisa Waddington (2004) argues that disabled people bear the burden of showing a reasonable adjustment is feasible and employers then need to show a disproportionate burden. Reasonable adjustments have certain imputations in which ableist norms circulate in asking ~ what have you done to minimise your impairment and is it enough? What can the employer do for me? Is it *reasonable* to trump human rights so that employers can consider what *they* find unreasonable about disability laws in general? As Robert Burgdorf (1997) has argued reasonable adjustment as a legal mechanism was not designed to be a self-contained disability program, rather the concept has roots in the making tasks and programs more flexible (p. 529).

The paradox of reasonable adjustment forecloses disability by also effectively discounting the embodied experiences of the disabled person by reducing accommodation to tasks (exteriorisation of difference) rather than also re-cognising integration and barriers effects (and the difference of exclusion). In the U.S., case of *Vande Zande v. State of Wisconsin Department of Administration*<sup>19</sup> (1995) it became clear that some courts sees *reasonable* accommodations as *favours* to disabled people and utilise a “bent over backwards’ test. *Obiter Zande* introduced the notion of ‘trivial improvements’ in the lives of disabled people to buttress an argument that an employer is released from a duty (Oakes, 2005), here industrial rights are truncated as *special* rights. In a number of US cases, the tensions on the limits of reasonable adjustment as an intervention are revealed when the accommodation is pitched against an alleged

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<sup>19</sup> 44 F.3d 538, 542–43 (7th Cir. 1995).

narcissism. These cases disability has been trivialized (Vande) or rendered as an opportunistic misrepresentations of trickery (Gluckenberger<sup>20</sup>).

Burgdorf (1997) in response to the perception that employers are financially put out by a perceived financial burden inherent in reasonable adjustment measures convincingly argues that employers *already* engage in the unacknowledged process of accommodating the needs of their employees (without disability). Governments and employers spend money and energy accommodating users “without denominating it as such” and this is the hidden aspect of hidden ablest relations. However, like the situation of women workers of the past, these accommodations are based on a narrow construction of the abled characteristics and the benchmark needs of employees. Burgdorf’s (1997) stance has merit; he argues that disabled employees simply seek the *same* type of accommodation reserved for other ‘abled’ employees.

Although the policing of disability status through the regulation of the legal definition of disability varies across jurisdictions, the evicting of people with outlaw impairments (either too minor or too severe) does not enable further judicial scrutiny of not just an individual entitlement to reasonable adjustment but also prevents a testing of the parameters of the accommodation overall (Lawson, 261). Judicial refusal is a form of non-action or silence about the limits of social injury remedies as a neo-liberal intervention into the marketplace. In cordoning off reasonable adjustments to certain groups, under certain circumstances (reasonableness, undue burden, unjustifiable hardship), courts in their legal reasoning establish anomalous zones of entitlement that veil any discussion on the limits of exclusion and reasonableness through drawing upon a discourse of unreasonableness (the truly disabled).

By rendering certain classes (through negation and prioritisation) as eligible for adjustments, and making those people ‘special’ a charity and not a rights discourse is invoked. This in turn feeds a belief that the disabled person as an “inauthentic worker” is getting exceptional entitlements that potential takes away entitlements of other co-workers. Baroness Hale in *Archibald v Fife Council*<sup>21</sup> (2004) talked in terms of the *Disability Discrimination Act* (UK) is “concerned with addressing the special needs of those with serious handicaps” and not the prohibition of discrimination towards people with ‘minor’ impairments. Such unsettling assumptions place disabled peoples claimed

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<sup>20</sup> 957 F. Supp. 306, 974 F. Supp. 106 (D. Mass 1997)

<sup>21</sup> [2004] UKHL 32.

in terms of moral worth and the effect of legal discourse is to scrutinise their soul and character and shifts attention away from ableist relations that exclude the participation of disabled people in social life.

### ***The nature of social exclusion***

The dominant discourse in late modernity has been normalisation and more recently social inclusion. In the former, emphasis has been on modification or morphing to mitigate or to *spunk up* impairment. The latter, although promulgating diversity, actually induces ambivalent performances that reinforce the constitutionality of a health- not/health binary and leaves the ableist ethos intact. Although disability characterizes a significant portion of the multitude (between 20 – 40% of the population on some reckoning) it is driven down through a process of actuarial reductionism to be ‘discreet and insular’ (appended to around 13% of the population) – becoming exceptional rather than usual. The performative acts of the ‘logic of identity’ reduce the disparity and difference of disabled bodies to a unity (see Foucault, 1980, 117). In plain language, we disabled are all the same, capable of being slotted into diagnostic types. Disability studies has identified some enduring presuppositions that underpin geographies of disability and undercut the development of legal strategies aimed at social inclusion. The *elephant in the room syndrome*: Despite the significant presence of world citizens with disability, disability remains largely invisible on the policy and equity agendas of governments and is viewed largely as a *state of exception*.

The disabled person is rarely viewed as a normative citizen, rather as a (vulnerable) minority, an afterthought and hence ‘special interest’ group or an actuarial nightmare due to a perceived lack of identity cohesion. Disabled people are made *partial citizens* given the availability of economic reservations on equality claims in ways that would be unthinkable if the accommodations were gender or race related. We, disabled are even described as burdens by organs of the United Nations through the continued usage of metaphors of deficiency and liability in the delineation the World Health Organization method of disability-adjusted life year (DALY) which conceptualizes the impairment as the *cause* of loss of (economic) expectation and not the *conditions* of geographies of relational environments (Menken, Munsat & Toole; 2000).

I have proposed the notion that disability within an ableist polity should be understood as a *state of ambivalence*. This ambivalence relates to a perennial uncertainty, an oscillation between the degree of investment one must have in normalcy and the daily business of negotiating alterity, responding to normative shadows.<sup>22</sup> The disabled body is profoundly compromised.<sup>23</sup> ... Like the queered body, the experiences of microaggression and psycho-emotional ableism whilst conjuring onto-thoughts of imminent threat can also act as a sign of vitality and the becoming of the disabled life (Stanley, 2011). Transgression does not need to focus on the exceptional; rather a meditation on such encounters enables the activist disabled body to 'plunge into' the ordinary as a font of resistance and agency (DiFruscia, 2010).

Social exclusion involves a lack of hospitality and civility towards other persons and sentient beings. Cosmopolitan hospitality is not a virtue of sociability and does not regulate relationships between 'insiders', that is, members with features in common; rather hospitality is based on a negotiation of *difference* between peoples. As Benhabib (2004, 27) remarks hospitality

... regulates the interactions of individuals who belong to different civic entities who encounter one another at the margins of bounded communities. A cosmopolitan ethic acts as a reminder of belonging to humanity beyond a singularity of identity. The right of hospitality is situated at the boundaries of the polity; it delimits civic space by regulating relations among members and strangers.

The point then in promoting an authentic form of civic hospitality is to *anticipate* and become *mindful* of what is necessary to provide warm, welcoming and diverse spaces. Examining ableist relations in terms a system of causal relations enables the study of linkages between conditions, problems and effects. A hospitality ethos, as a vehicle for open thought forms should be the driver for (re) thinking accessibility. What I have attempted to do in the presentation is to focus on and expand my thinking about ableist processes in order to explore mechanisms of exclusion through the introduction of a new methodology aimed at prompting new preoccupations and questions. It is my hope that this preliminary piece can be expanded by the application of the epistemology

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<sup>22</sup> See Overboe, (2007).

<sup>23</sup> This is a fiction posited under ableist relations and does not necessarily bear any resemblance to the material body of individuals.

developed in the paper in the research concerning those people living liminally in society.

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