

Abstract. Disability has recently become a central topic in discussions of distributive justice and social equality. This chapter provides an overview of the role of disability in these discussions, focusing on Rawlsian contractualism, luck egalitarianism, and democratic equality. It then proposes a novel interpretation of the claim that compensatory public policies for disability undermine respect for persons. Even if compensatory policies are not intrinsically disrespectful, they carry a significant risk of undermining respect for persons by promoting stereotypes about people with disabilities that obscure the existence or full importance of their non-medical interests.

DISABILITY, DEMOCRATIC EQUALITY, AND PUBLIC POLICY

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Introduction

Disability has recently become a central topic in discussions of distributive justice and social equality. This chapter provides an overview of the role of disability in these discussions, focusing on Rawlsian contractualism, luck egalitarianism, and democratic equality. It then proposes a novel interpretation of the claim that compensatory policies for disability undermine respect for persons. Even though compensatory policies are not intrinsically disrespectful, they carry a significant risk of undermining respect for persons by promoting stereotypes about people with disabilities that obscure the existence or full importance of their non-medical interests.

The chapter proceeds as follows. The first part distinguishes two very general ways of conceptualising disability: the medical model and the social model. The second and third parts trace the influence of these two models on discussions of disability within three approaches to justice: Rawlsian contractualism, luck egalitarianism, and relational egalitarianism. The fourth part focuses on one question that has been the subject of disagreement in these discussions – namely, whether compensating people with disabilities for the limitations associated with their impairments involves a failure of respect for persons. It suggests a novel answer to that question. Compensation may not be intrinsically disrespectful, but it carries a significant risk of promoting stereotypes about people with disabilities that indirectly undermine respect for persons by obscuring the existence or full importance of disabled people’s non-medical interests. This entails a *pro tanto* reason of respect to prefer accommodation to compensation. Finally, I conclude with some thoughts about the recent debate over whether disability is “bad difference” or “mere difference”. The basic idea is that we should distinguish the theoretical question of what descriptions are true of people with disabilities from the practical question of what descriptions should govern relationships between people of different ability statuses.

1. What is disability?

Let me begin by clarifying the scope of this chapter. This chapter focuses on physical disabilities. Although cognitive disabilities raise important questions of justice, it is beyond the scope of a single chapter to encompass both. Indeed, even within the category of physical disability, the conditions that are grouped together under that heading vary enormously with respect to both functional embodiment and phenomenology. To give just a few examples, blindness, deafness, rheumatoid arthritis, spinabifida, muscular dystrophy, cerebral palsy, and Parkinson's are all physical disabilities as that concept is generally understood. What if anything these different characteristics have in common is itself a matter of disagreement. Indeed, some dispute the philosophical utility of having a unified concept of disability in the first place (Beaudry 2016). Nonetheless, there are two characteristics that are generally associated with having a disability. The first is *impairment*: roughly, a physical or mental trait of the individual that represents a departure from species-typical functioning. The second is *limitation*: roughly, greater-than-average difficulty engaging in some or most human activities. To be sure, there is considerable disagreement about how to conceptualise both of these concepts (see, e.g., Shakespeare 2006; Tremain 2001; Arundson 2000; Wright 1983; Edwards 1997; Nordenfelt 1997). But the greatest controversies have centred on how to understand the relationship between impairment and limitations.

Here it is useful distinguish two general approaches to understanding disability: the *medical model* and the *social model* (for an overview, see Wasserman et al. 2011). Few would defend either of these models in their more extreme forms. Roughly, they mark endpoints on a continuum of views which differ in the degree to which they assign causal responsibility for disability-related disadvantage to the social environment as opposed to the impairment itself. According to the medical model, the limitations experienced by people with disabilities are primarily due to the functional characteristics of the impairment itself. This view suggests that the most obvious and direct way to respond to disability-related disadvantage is to correct the underlying impairment, just as the most obvious and direct response to illness is treatment of the underlying disease. Although the medical model has few explicit defenders, as many people with disabilities have themselves pointed out, it is the default way of understanding disability for many able-bodied people (UPIAS 1976). It also shapes many if not most representations of people with disabilities in popular culture (Hall 2013). For these reasons alone, it is worth making its presuppositions explicit.

A significant intellectual contribution of disability studies has been to articulate the social model of disability (Oliver 1990; Shakespeare 1998). Roughly put, the social model draws attention to the many ways in which the limitations experienced by people with disabilities are the product of an avoidably unaccommodating physical and social environment. One of the strongest political statements of the social model was enunciated by the Union of the Physically Impaired Against Segregation (1976), which identified 'contemporary social organization' (14) as the primary cause of disability-related disadvantage. Although many people regard this as a polemical overstatement (Shakespeare 2006), it is helpful in bringing out some of the morally relevant similarities between people with disabilities and other historically oppressed groups. This in turn points to a further distinction within the social model. The *minority group model* identifies stigma and deliberate exclusion as the principal causes of disability-

related disadvantage. On this view, anti-discrimination protections are the most appropriate vehicle for securing justice for people with disabilities (Hahn 1997; Oliver 1990). A paradigm example of the minority group model being put into practice is the preamble to the Americans with Disabilities Act, which characterises people with disabilities as a ‘discrete and insular minority’ who have been ‘subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society’ (EEOC 1990). By contrast, the *human variation model* focuses on the lack of fit between statistically unusual bodies and the social environment, where this mismatch need not be intentionally imposed or the product of overt disrespect (Scotch and Schriener 1997). On this view, reconstructing the social environment is the primary vehicle for securing justice for people with disabilities. The ADA incorporates this aspect of the social model in identifying reasonable accommodation as the appropriate form of protection against discrimination for people with disabilities.

The difference between the minority group model and the human variation model is primarily one of emphasis. They call attention to different ways in which the physical and social environment can fail to accommodate people with disabilities. Taken together, the medical model, the minority group model, and the human variation model underscore some of the major fault lines of normative disagreement about the implications of disability for ethics and public policy. In the next section, we will take a closer look at how disability has been understood in several prominent discussions about justice within the post-Rawlsian tradition. Needless to say, this overview will be selective and far from complete. I will focus on three approaches to justice that have received a great deal of attention in recent discussions, both in general and for their treatment of disability in particular: Rawlsian contractualism, luck egalitarianism, and democratic equality.

2. Disability in Rawlsian contractualism and luck egalitarianism

The publication of John Rawls’s *A Theory of Justice* (1971) marked a watershed moment in the recent history of moral and political thought. Among other things, it revived substantive theorising about justice from a period in which disagreements about the content of morality were widely regarded by philosophers as fruitless on meta-ethical grounds. But Rawls had very little to say about people with disabilities. What he did say has been widely criticised. One line of criticism applies to the level at which the principles of justice are conceived and justified. Rawls conceived of principles of justice as applying only to ‘normal and fully cooperating members of society’, which he took to exclude ‘temporary disabilities and also permanent disabilities or mental disorders so severe as to prevent people from being cooperating members of society in the usual sense’ (1993, 20). Within his theory, this meant that laws and policies regulating disability would be settled at the subsequent, legislative stage. Unsurprisingly, this aspect of Rawlsian contractualism has been criticised. Some have argued that the best interpretation of the full cooperation requirement entails that many if not most people with disabilities are fully cooperating members of society (Hartley 2009; Stark 2009), while others have argued that the full cooperation requirement is not an essential feature of the original position (OP) and that the interests of people with disabilities can be adequately accounted for by a variation of the OP that dispenses with it (Richardson 2006). The fact that Rawlsian contractualism has some difficulty accommodating the

interests of people with disabilities illustrates a more general challenge for contractarian or contractualist theories of justice, at least insofar as they depend on the idealising assumption that people are roughly equal in natural endowments or internal resources (Nussbaum 2006).

A second line of criticism takes aim at the substance of the principles of justice themselves. For Rawls, the metric of interpersonal comparisons is social primary goods: basic liberties, opportunities, and resources. But as Amartya Sen famously pointed out, two people can have equal shares of social primary goods and differ greatly in what they can do with those goods if one of the two has a significant disability (Sen 1980). Sen took this implication to support his own view that capabilities, or opportunities to achieve valuable functionings, are the proper currency of justice. Regardless of whether Sen is right about the currency question, the more general lesson is that when we ask how well off people are from the standpoint of justice, we should be sensitive to interpersonal variations in what people can do with the resources at their disposal, of which disability is one example. This is a straightforward implication of applying the human variation model to the first-order content of principles of justice.

Since the publication of *A Theory of Justice*, a family of approaches to egalitarian justice has taken centre stage which attaches fundamental normative significance to some interpretation of the distinction between *choice* and *circumstance*. Dubbed ‘luck egalitarianism’ by one of its critics (Anderson 1999, 289), these views share a core commitment to the idea that it is unjust when some people are made worse off through no fault or choice of their own (Arneson 1989; Cohen and Otsuka 2011; Dworkin 2000; Tan 2008; Lippert-Rasmussen 2015). Within discussions of luck egalitarianism, people with disabilities have figured primarily as *test cases* for different answers to the currency question. For example, in an influential article that inaugurated the luck egalitarian tradition, Ronald Dworkin presented people with disabilities as a puzzle for equality of resources. He argued that equality of resources can accommodate the claims of people with disabilities if it includes a hypothetical insurance scheme under which people with disabilities receive compensation equal to the amount by which the average person would insure herself against the possibility of ending up the disability in question (Dworkin 2000, 77–78). Similarly, the most discussed example of an individual person with a disability is Dickens’s Tiny Tim, who combines a high level of welfare with a low level of “internal resources” (Dworkin 2000; Cohen and Otsuka 2011). The question raised by Tiny Tim was whether justice for people with disabilities requires that he be supplied with a wheelchair or whether it would be unjust to do so because that would require taking resources from people who by stipulation enjoy lower levels of welfare (Lippert-Rasmussen 2015, Section 4.4).

For our purposes, several points are worth emphasising about the luck egalitarian treatment of disability. The first is that luck egalitarianism, *as such*, does not contain a principled rationale for preferring accommodation to compensation or correction (Wolff 2009, 114–115). Regardless of whether disability is analysed as a welfare deficit or a deficit of internal resources, its normative significance consists in the fact that somebody is worse off than others through no fault or choice of her own. Given the core commitment of luck egalitarianism, it follows that there is a reason of justice in favour of whatever measures would most effectively mitigate that inequality. Compensation is the measure preferred by most luck egalitarians. Luck egalitarians could certainly defend accommodation or social construction instead of compensation. But the luck

egalitarian argument for these alternative measures would presumably be instrumental, since nothing in the core commitment itself entails that one means is superior to another for mitigating unchosen inequalities.

Second, luck egalitarianism, *as such*, does not contain a principled rationale for distinguishing between equally unchosen disability-related disadvantages that reflect different causal contributions of the social environment. This is one implication of the recipient-oriented character of luck egalitarianism (Schemmel 2011). But there is a strong intuition that *collective responsibility* also matters: that it makes a difference, from the point of view of justice, whether otherwise identical patterns of unchosen disadvantage are intentionally imposed by institutions, merely foreseeably caused, merely uncorrected, and so on. To be clear, nothing in the core commitment of luck egalitarianism rules out the addition of a separate principle which ranks unchosen disadvantages according to the causal contribution of social institutions. But equally, nothing in luck egalitarians' core commitment provides any guidance on how to formulate such a principle, since it is exclusively concerned with the claimant's personal responsibility.

There is a more fundamental lesson here. It does not seem like an overstatement to say that at least until recently, luck egalitarianism, like Rawlsian contractualism, tended to analyse disability without serious consideration of the actual claims and concerns of people with disabilities. One consequence of this relative lack of attention is that luck egalitarianism has tended to tacitly incorporate the medical model, identifying compensation as the primary means of achieving justice for people with disabilities, while attributing no independent normative significance to the distinctions in collective responsibility on which the social model turns. To be sure, there are difficult methodological questions about how theorists of justice should take into account the claims advanced by real-world social movements (Fraser and Honneth 2004). But this incongruence in what considerations are identified as relevant and important raises a question about the practical applicability of luck egalitarianism to the policy challenges faced by actual people with disabilities.

3. Disability, democratic equality, and public policy

Both Rawlsian contractualism and luck egalitarianism stand in contrast with other areas of philosophy, where the concerns of people with disabilities have been treated as central. For example, there are a number of affinities between disability studies and recent work in feminist philosophy. Susan Sherwin has argued that medical authorities have often treated femaleness as a kind of disability (1992), while I.M. Young's "Throwing Like A Girl" makes the case that the male body is used as the standard for human functioning relative to which women's bodies are deemed deficient (1980). The idea that oppression often involves pathologising the bodies of people in the oppressed group represents a productive point of intersection between feminist philosophy, disability studies, and queer theory (Kafer 2005, 2013). At the same time, feminist philosophers writing from a disability perspective have also drawn attention to the ways in which mainstream philosophical feminism has tended to overlook the specific challenges faced by disabled women *qua* women (Asch and Fine 1988; Wendell 1989, 1996).

Within analytic political philosophy, one body of work that has been especially influenced by the social model of disability is *relational* or *democratic egalitarianism*. Perhaps more than any other text, Elizabeth Anderson's "What Is the Point of Equality?" (1993) introduced the social model to contemporary discussions of liberal egalitarianism. Although disability is not the primary focus of this piece, it includes a negative case against the luck egalitarian treatment of disability and a positive case for an alternative view. First, she argues that it is disrespectfully discriminatory to grant assistance to people with disabilities who are deemed not responsible for their condition while withholding assistance from those deemed responsible (Anderson 1993, 296). Second, with respect to disabled people who *are* granted assistance in the name of justice, she argues that the luck egalitarian rationale for doing so is inconsistent with respect for persons because it is based on *pity*, the judgement that they are defective simply in virtue of being the way they are (ibid.: 306). On these grounds, Anderson rejects luck egalitarianism as a credible theory of egalitarian justice. In its place she defends an interpretation of *democratic equality* under which justice requires all persons to have the capabilities they need to function as an equal citizen. For persons with disabilities, this implies that claims of justice are based on a demand for reasonable accommodation in public spaces and public accommodations. They are not claims to compensation for essentially private welfare or internal resource deficits (ibid.: 332).

In both its negative and positive aspects, Anderson's view can be seen as a rejection of the medical model of disability in favour of the social model. To that degree, democratic equality is arguably more responsive to the claims of justice advanced by the disability rights movement than either Rawlsian contractualism or luck egalitarianism. At the same time, it is also vulnerable to a number of objections. Two are worth underlining. First, it's not clear that compensation for disability is necessarily disrespectful or pitying. Among others, Linda Barclay makes a powerful case for the conclusion that it's not necessarily disrespectful to treat someone's unchosen circumstances, including her natural endowments, as grounds for compensation (2016). Second, there's a worry that Anderson's argument proves too much. If it's disrespectful to provide compensation to people with disabilities because that evinces pity, what about providing compensation to people who lose their homes in natural disasters? Indeed, is it *ever* permissible to compensate people for unchosen disadvantages if the respect objection to compensation for disability goes through? Perhaps there's something *special* about disability that distinguishes it from other kinds of unchosen disadvantages such that it is impermissibly disrespectful to compensate for the former but not for the latter. If so, an argument needs to be given to vindicate that premise.

Objections notwithstanding, Anderson's criticisms of luck egalitarianism initiated a lively conversation about the point of equality as a moral and political value that continues to this day. One author who explicitly takes up the project of integrating relational and distributive conceptions of equality with the aim of inferring concrete policy implications for people with disabilities is Jonathan Wolff (2009). In brief, he argues as follows. First, he defends the view that that justice requires every citizen to have *genuine opportunities for secure functionings*. This means, roughly, that every citizen enjoys reasonable access to valuable functionings free from undue risk of harm, where "functionings" include states of being, such as health, nutrition, education, and employment. This is the distributive component of his view. At the same time, Wolff argues that egalitarians should strive to create a *society of equals*, which implies that

‘differences between people should be accepted’ (ibid.: 116). This is the relational component of his view.

How can these two components be integrated into a conception of public policy for people with disabilities? Wolff begins by analysing disability as a condition in which a person’s internal resources do not provide her with genuine opportunities for secure functionings *given* the social and material structure in which she lives *and* the external resources at her disposal. On this view, the impairment is the lack of internal resources and the limitation is the lack of genuine opportunities for secure functionings. Given this analysis of disability, there are in principle three different ways of mitigating the limitations associated with disability: increasing someone’s internal resources (personal enhancement), increasing someone’s external resources (compensation or targeted resource enhancement), and modifying the social and material structure (status enhancement). On Wolff’s view, the relational commitment to a society in which people’s differences are accepted generates several *pro tanto* reasons in favour of status enhancement as the means of mitigating disability-related disadvantage. In brief, status enhancement is non-stigmatising, since it does not identify individual beneficiaries; it is inclusive, ‘welcoming people in their differences’; and it benefits everyone, by reducing the harms that would result from anyone’s acquiring a disability (ibid.: 135).

There are several things to be said in favour of Wolff’s approach. It is more fine-grained than other philosophical accounts of disability in distinguishing different ways of addressing disability-related disadvantage while indicating a principled rationale for preferring accommodation over other measures. It also incorporates some of the important insights of the social model by analysing disability as a relation between a person and the environment (human variation) and recognising the importance of reducing stigma (minority group). For these reasons, Wolff’s account is a promising point of departure for specifying the policy implications of securing justice for people with disabilities. At the same time, a number of key ideas need to be filled in. For example, it’s not clear what it means to create a society where “people are accepted in their differences”. Furthermore, as with Anderson’s claims about disrespect, there’s a worry about proving too much: does Wolff’s view entail a general *pro tanto* presumption against compensation as the means of addressing lack of genuine opportunities for secure functionings? If not, what’s special about disability?

The next section takes a few steps towards filling in these gaps. In brief, the thought is that compensation carries a contingent but significant risk of promoting certain *stereotypes* about people with disabilities that indirectly undermine respect for persons.

4. Against compensating “the cripple”

Let me begin by saying what I mean by a “stereotype”. Unsurprisingly, there is considerable disagreement about the metaphysical and normative status of stereotypes: what they are, and under what conditions they are harmful or wrong (Beeghly 2015; Brownstein and Saul 2016a, 2016b; Stangor 2000). But it is generally agreed that stereotypes have several features. First, they are *generalisations* to the effect that all or most members of some social group possess one or more attributes (Fricker 2007). Second, stereotypes are to some degree *resistant to revision* in light of the evidence. For example, someone who holds the stereotype that “all women are bad at math” will tend to hang onto that generalisation even if he meets a number of counter-examples. Third,

from the perspective of someone who holds a stereotype, membership in the stereotyped group and the presence or absence of the associated attributes both tend to be *perceptually salient characteristics*. For example, someone who holds the stereotype that “black people are criminals” will see black people first and foremost *as black*: the fact that their skin has that colour will be the first thing she notices. And any characteristics that could be construed as evidence of criminality will also be very salient to her (Eberhardt et al. 2004).

Many stereotypes are morally benign. But not all. Consider the stereotype that people with disabilities lead miserable lives dominated by the experience of their impairment. Call this the stereotype of *the cripple*. Many people’s perceptions of people with disabilities are to some degree coloured by that stereotype. This is reinforced by cultural representations in which people with disabilities are almost always depicted *as cripples*, if they are depicted at all (Jernigan 1974). Because this stereotype is so pervasive, when many people encounter a person with a disability, they perceive that person almost exclusively in terms of the needs they attribute to the relevant impairment: *as* a person who can’t walk, *as* a person who can’t see, and so forth. Indeed, the reduction of a whole person to a particular impairment is at the core of disability stigma (Asch and Wasserman 2005). Part of what gets lost in this reduction of a person to a particular impairment is a host of other characteristics, many of which ground important human interests. These include an interest in reasonable accommodation: having access to inclusive public spaces, working environments, and so on. But they also include the interests that just about any person has, regardless of disability: interests in having a satisfying career, rewarding interpersonal relationships, and all the rest. In short, by fixating people’s attention on the impairment itself, the stereotype of *the cripple* obscures significant dimensions of disabled people’s humanity. In that sense, it is a *humanity-obscuring stereotype*.

This brings us to respect for persons. It may be too strong to hold, as Raz does, that ‘Respecting a person consists in giving appropriate weight to his interests’ (1986, 188). But it is not too strong to hold that respect for persons entails giving appropriate weight to the interests of others. I fail to give appropriate weight to someone’s interests if I recognise the existence and full importance of that person’s interests but choose not to give them the weight they deserve in my reasoning about what to do. That would be *disrespect*. But I also fail to give appropriate weight to someone’s interests if I don’t recognise the existence or full importance of that person’s interests in the first place. That would be a *failure of respect*. Because the stereotype of *the cripple* obscures important human interests belonging to people with disabilities, if it is widely circulating in society, it will tend to increase the incidence of epistemic failures of respect, relative to a situation in which people with disabilities are not routinely regarded *as cripples*. In practice, these epistemic failures of respect could manifest in many different ways. In face-to-face interactions, someone who is disposed to regard people with disabilities *as cripples* might solicitously draw attention to their impairments, perhaps wishing to help, but failing to register a preference to be left alone; in political situations, she might not support pro-disability laws and policies, or assume that prevention and correction are always more important than accommodation; and so on.

If it’s true that the stereotype of *the cripple* has these consequences, then there is a *pro tanto* reason of respect against institutional arrangements that foreseeably increase

the rate at which people with disabilities are regarded *as cripples*. Hence, the question is whether a policy of compensating people with disabilities will tend to promote the stereotype of *the cripple* in that sense. Clearly, one threshold question is what's meant by "compensation". As Wolff points out, it's not always clear what that means: often "compensation" seems to be a place-holder for 'whatever justice requires' (2009, 113). Presumably whether a given redistribution is an instance of compensation depends in part on the considerations that are taken to justify it. Very generally, I assume that if resources are being redistributed to a group of people *on the grounds that* they are worse off in some morally relevant respect, then it is appropriate to describe that redistribution as motivated at least in part by compensatory aims. If that's right, then the question is whether a policy of transferring resources to people with disabilities *on the grounds that* they are worse off in virtue of being disabled will tend to promote the stereotype of *the cripple*. Of course there is no general answer to that question. But it does not seem outlandish to think that in a society where the stereotype of *the cripple* is already in circulation – that is, in most societies – a formal policy of compensating people with disabilities on the grounds that they are *as such* worse off will tend to promote the idea that people with disabilities are defined first and foremost by the disadvantages linked to their impairments. For example, it will presumably be common knowledge among a large subset of the population that people with disabilities receive state compensation because of their impairments. This will tend to make impairments an intersubjectively salient characteristic, more than they already are. At the same time, it will invite people to locate the source of disability-related disadvantage in the "tragedy" of the impairment itself, rather than in features of the social, cultural, and physical environment. Because the stereotype of *the cripple* generates epistemic failures of respect in virtue of obscuring the wide range of human interests that people with disabilities have, it follows that whenever a policy of compensation can reasonably be expected to promote the stereotype of *the cripple*, it can reasonably be expected to promote epistemic failures of respect.

Several qualifications are in order. First, this is a weaker and more contingent argument against compensation than arguments which purport to show that compensation for disability is intrinsically disrespectful. I am not suggesting anything as strong as that. Instead, I am underlining a few concerns about the *social meaning* of compensation that should be taken into account when we ask how to weigh compensation against alternative policy responses to disability. Second, when compensation would in fact promote the stereotype of *the cripple*, it does not follow from this argument that there is a decisive reason not to compensate. Rather, this argument identifies a *pro tanto* "thumb on the scale" against compensation and in favour of other measures that would chip away at the stereotype of *the cripple*. Importantly, one such measure is status enhancement. A benefit of reconstructing the social environment to make it more accommodating of disability is that people with disabilities are thereby enabled to present as *counterstereotypical exemplars* – they are seen going to work, socialising with friends, going on dates, and so on, implicitly undercutting the vision of the "sad cripple" whose life revolves around the limitations associated with her impairment. Third, this argument applies in the first instance to disabilities that are perceptible in ordinary interpersonal contexts and hence triggers for the application of stereotypes. To be sure, this not to deny the significance of invisible disabilities (Davis 2005) – only to clarify the scope of the argument's conclusion.

In the previous section, we saw that one objection to respect-based arguments against compensation as the vehicle for mitigating disability-related disadvantage is that they prove too much. If there's a reason not to compensate people with disabilities because doing so would undermine respect for persons, does it follow that there's *always* a presumption against compensating people for being disadvantaged? In a word, no. This argument applies only when compensation would tend to promote humanity-obscurating stereotypes about the beneficiaries. Which compensation schemes will have that effect is of course an empirical question. But it seems unlikely that, for example, a policy of compensating people who lose their homes in natural disasters will promote humanity-obscurating stereotypes about the beneficiaries of that policy. Losing one's home in a natural disaster is not normally a characteristic that is salient in interpersonal contexts, as with many physical disabilities. Consequently, the beneficiaries of such a compensation scheme would not normally have to face the prospect of moving through the social world and having their humanity effaced because they are regarded by others as *merely disadvantaged*. More generally, there seems to be an important distinction between compensating people for incidental misfortunes and compensating people for *personal characteristics* – that is, for characteristics *of* the person: how one senses, how one's body functions, and so forth. The worry about humanity-obscurating stereotypes is especially pronounced when compensation is offered to a class of beneficiaries *on the basis of* personal characteristics that are already the object of humanity-obscurating stereotypes. Note that “on the basis of” is an important qualification. Compensating racial minorities for a history of unjust treatment would apply to a class of beneficiaries united by personal characteristics that are the object of humanity-obscurating stereotypes. But it would not apply to them *on the basis of* those personal characteristics, but rather on the basis of the unjust treatment those characteristics occasioned. By contrast, given the dominance of the medical model in the popular imagination, compensation for disability would plausibly be seen by many people as compensation for the personal characteristics themselves: for being blind, for being paraplegic, and so on. Insofar as that's the case, there is a real risk of promoting the stereotype of *the cripple*.

Conclusion

Now is a good time to take stock. The first part of this chapter distinguished the medical model of disability from the social model, as well as the minority group and human variation interpretations of the social model. The second part gave a critical overview of the treatment of disability in recent work on justice from the perspective of Rawlsian contractualism and luck egalitarianism, suggesting that the tacit acceptance of the medical model is part of the explanation for why the justice claims advanced by actual people with disabilities have been largely absent from these discussions. The third part discussed the treatment of disability within the democratic equality tradition, highlighting the influence of the social model while raising an objection to the putative link between compensation and lack of respect. The fourth part proposed one interpretation of the claim that compensation undermines respect for persons: namely, by promoting stereotypes which generate epistemic failures of respect.

In the space that remains, I want to suggest a connection between the preceding discussion of stereotypes and a current debate about the link between disability and well-being. In a recent article in *Ethics*, Elizabeth Barnes distinguishes two views about

the link between disability and well-being (2014). According to what she calls the *bad difference view* of disability, being disabled is at least strongly correlated with being worse off, and this strong correlation would persist *even if* society were devoid of prejudice and as fully accommodating as possible. In contrast, the *mere difference view* is the denial of the bad difference view, along with its good-difference inverse. The current debate is about whether the mere difference view can be reconciled with the asymmetry of causing and preventing disability. Most people think that while it is permissible to prevent people from being disabled, it is generally impermissible to cause people to be disabled. At the very least, the two seem morally asymmetric. Barnes makes the case that proponents of the mere difference view can accommodate this intuitive asymmetry by appealing to non-welfarist considerations, like the wrongfulness of certain forms of interference. Against this, Guy Kahane and Julian Savulescu (2016) make the case that proponents of the mere difference view *are* saddled with a commitment to the moral symmetry of causing and preventing disability. From this, they infer a *reductio* of the mere difference view.

This debate raises a number of difficult issues which we cannot get into here. For now, I just want to underline what I take to be one of the main *motivations* for the mere difference view. Part of what motivates the mere difference view, I take it, is the recognition that constantly being seen as disadvantaged is *itself* a disadvantage. In particular, constantly being seen by others *as* a cripple means *not* being seen by others as having a host of other characteristics, including characteristics that generate important human interests. Insofar as a perception of the humanity-obscuring consequences of being regarded *as a cripple* is what motivates the mere difference view, the mere difference view is not fundamentally a claim about what descriptions of people with disabilities are *true*. Nor is it a claim about what follows from those descriptions. Rather, it is fundamentally a practical claim about what descriptions of people with disabilities should govern the interpersonal interactions between people with disabilities and their able-bodied counterparts.

If that distinction seems strange, consider the fact that a wide range of valuable interpersonal relationships are constituted in part by the considerations the parties *exclude* as reasons. This is one insight of the relational equality tradition (Vehoff 2014). For example, if you and I are friends, it would be inappropriate of me to treat the fact that you have more money than I do as a relevant consideration when deliberating about how much time to spend with you. Indeed, were I to do so, that would be strong evidence that I don't really regard you as a friend. If, on the other hand, I am a development officer at a non-profit and you are a prospective donor, it is not inappropriate for me to treat facts about your wealth as relevant considerations when it comes to allocating my time. Notice that the fundamental question here is not whether the consideration in question is true (whether you're wealthy). Nor is it, in any straightforward sense, a question about what follows from that consideration's being true. Rather, the fundamental question is what sorts of considerations it is appropriate to include or exclude from one's practical reasoning when relating to someone as a friend.

The fact that valuable interpersonal relationships are partly constituted by the considerations the parties exclude as reasons suggests that there is conceptual space for a reconciliation of the bad difference view and the motivation for the mere difference view. Suppose, for the sake of the argument, that the mere difference view is false. Instead, the bad difference view is true. Having a disability really does make people's

lives go worse, and it would make their lives go worse even in a world where able-bodied people were inclusive and accommodating. This does not tell us anything about when it is appropriate to treat the bad difference view as a normative reason in the context of relationships between able-bodied people and people with disabilities. It may be true that in the specific context of deliberation about whether to cause or prevent disability, the bad difference view would indeed be an appropriate consideration to take into account. Needless to say, that is not the context most of us find ourselves in. And when we turn to other, more familiar contexts – relationships between friends, colleagues, clients, neighbours, and so on – it is far from clear that we need to rely on the bad difference view in order to respond appropriately to all the relevant reasons. It seems more likely that we can limit ourselves to context-specific considerations about what needs to be done to accommodate a particular individual's impairment, prescinding from global assessments of well-being. Moreover, given the prevalence of humanity-obscuring stereotypes like *the cripple*, there are positive reasons to set aside the bad difference view when engaging in ordinary human relationships between people who have disabilities and people who don't.

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