

# Guest Editor's Introduction: Disability Studies

## Quarterly Winter 2006, Volume 26, No. 1

Peter Blanck, Ph.D., J.D.  
University Professor & Chair, The Burton Blatt Institute  
Syracuse University  
Crouse-Hinds Hall, Suite 300  
Syracuse, NY 13244  
Email address: pblanck@syr.edu

### **Overview**

The pursuit of disability rights reflects a commitment by countries toward equality for persons with disabilities in such areas as employment, asset accumulation, housing, transportation, telecommunications, and individual human rights (Blanck, 2005). This commitment is evident within and across many nations' laws and policies designed to improve the status of persons with disabilities (Blanck, Hill, Siegel, & Waterstone, 2003, 2005). It is apparent, however, that there is a growing diversity of the definitions, causes, and consequences of inequality toward persons with disabilities. This special issue, which will be published in two parts, presents comparative legal, policy, and empirical scholarship necessary to further understanding of the underpinnings and evolution of disability law and policy.

There is relatively little systematic and comparative analysis of disability rights law and policy formulation, implementation, and evaluation. Policymakers implementing disability antidiscrimination policies have the opportunity to examine the effects of this new generation of civil and human rights laws. Such examination is necessary for ensuring the viability of disability rights. In countries implementing disability rights, fundamental questions must be examined from perspectives of people living with disabilities and their families: Will an increasingly diversified and aging global workforce include millions of persons with disabilities? What types of technologies and accommodations will enable persons with disabilities to live independently? And, how

will the changes that have occurred in disability, welfare, tax, health care, and transportation policy, among other areas, impact quality of life of persons with disabilities?

The first two articles in part one of this special issue examine the welfare model as a vital complement to economic empowerment strategies for people with disabilities. Parker and Cass review emerging paradigms of disability in social security law and policy. They explore income support laws and policies for people with disabilities in the Australian social security system. They identify a broad paradigm change that has tended to reinforce a medicalized model of disability within social security law, and they question whether this transformation will facilitate or impede social and economic participation for people with disabilities. Giliberti then charts a comprehensive reform proposal directed at economic policies and incentives in the U.S. that serve to institutionalize people with disabilities. Given the importance of Medicaid, a primary vehicle in the U.S. for health care for people with disabilities, Giliberti sets forth policy recommendations that transcend reference to funding levels and include review of program effectiveness. She particularly questions policies that encourage parents to give up custody of their minor children for access to Medicaid mental health benefits, or those in which individuals with disabilities and older Americans are forced to relinquish family and community ties and live in a nursing facility because it is the only living option funded by Medicaid.

From these broad social welfare challenges, the next two empirical studies focus on issues related to job opportunity and economic advancement for people with disabilities. Hendricks and colleagues study the nature of workplace accommodations. In one of the largest studies of its kind, these researchers track the nature and cost of workplace accommodations provided by large and small employers, showing their net benefit to employers. Klein and colleagues then present new findings from an ongoing study of web accessibility and state policy. They examine web accessibility in ten states, showing the importance of linking implementation to existing policy, and include implications for access to education and employment.

The two articles following examine the implementation of disability laws and policies in particular countries. Petersen presents an empirical study of Hong Kong's disability law, introducing its substantive provisions and enforcement model. She analyzes data

from a random sample of disability-related complaints, and finds that complaints alleging disability discrimination are both less likely to be conciliated and less likely to lead to a substantial remedy as compared to complaints of gender discrimination. The results challenge the broader assumption that Hong Kong Chinese people have a cultural preference for conciliation. Rimmerman and colleagues then review Israel's equal rights law for persons with disabilities. In 1998, the Israeli Knesset passed the first three sections of the Equal Rights for Persons with Disabilities Law (Employment, Public Accommodations and Commission for Equal Rights of Persons with disabilities), leaving seven sections for future legislation. Rimmerman and his colleagues find, however, that to date the law has been only partially implemented. They suggest it is not clear, without future analysis, whether this legislation will result in a significant change in employment and social opportunities for people with disabilities in Israeli society.

It has been my great pleasure to learn from and work with the authors of this special issue. I look forward to the Winter 2005 publication of part two of the special issue, which examines economic policy and the litigation context. Together, the articles in the special issue reflect diverse and emerging legal and policy issues effecting persons with disabilities, and they help to identify future solutions and opportunities for public policies. One striking theme throughout is that emerging disability laws and policies continue to do battle with outdated social constructions of disability (Blanck, in press). I hope this dialogue furthers empirical and comparative study on the evolving social construction of disability and its long-term impact on the equal inclusion into society of persons with disabilities through law and policy.

### **Author's Note**

Peter Blanck earned his Ph.D. from Harvard University, and J.D. from Stanford University. He is University Professor and Chairman of the Burton Blatt Institute at Syracuse University; and the *Charles M. & Marion Kierscht Professor of Law* (on leave) at the University of Iowa; the Director of the Law, Health Policy, and Disability Center (LHPDC) at the University of Iowa. This research was in part funded by grants from the U.S. Department of Education, National Institute on Disability and Rehabilitation Research. The views herein reflect only those of the author. For their usual and most helpful comments, I thank James Schmeling and Helen Schartz.

