

# Guest Editor's Introduction: Disability Studies Quarterly Winter 2006, Volume 26, No. 1

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## **Overview**

This is the second of a two-part special issue of *Disability Studies Quarterly* on comparative legal, policy, and empirical scholarship to further discussion and analysis of the underpinnings and evolution of disability law and policy. This second part focuses on economic policy and the litigation context.

The first three articles in this second part of the special issue address the economic reality that an unacceptably high proportion of persons with disabilities in the U.S. and abroad live in poverty. The goal of equal rights cannot be fulfilled in the absence of economic empowerment, and this requires analysis of asset development, wealth creation, and tax policy.

Phoebe Ball and colleagues first examine the effects of asset limits on people with disabilities. They argue that true equality and full community participation for Americans with disabilities cannot be attained without an understanding of the power of assets and wealth creation. Steve Mendelsohn next reviews U.S. tax policy and its impact on people with disabilities. He argues that use of asset-development strategies must be coupled with efforts to support people with disabilities in employment, and the creation of more sophisticated employer tax incentives. James Schmeling and colleagues then empirically examine the use of tax credits and asset accumulation strategies. They find that people with disabilities do not effectively use tax benefits and financial strategies.

The final two contributions to this special issue examine the social construction of disability rights in the litigation context. Fiona Campbell delves into the concept of "litigation neurosis," supposedly acquired when people with disabilities undertake injury-related civil litigation. Campbell discusses the social meanings of litigation neurosis and suggests an alternative reading of this phenomenon as a rational act of resistance towards a system that views disability as personal tragedy in terms of deficiency and pathology. Through qualitative study, Missy Morton then examines the meaning of disability in court cases that consider the admissibility of facilitated communication. She uses this study to examine contested meanings of science, research, ability and disability.

It has been our pleasure to learn from and work with the authors of this special *Disability Studies Quarterly* issue as well as the journal's general editors. Together, the two parts of this special issue reflect diverse and emerging legal and policy issues effecting persons with disabilities and 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 welfare constructions of disability. We 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.