Disability Visibility Podcast

Episode 43: Disabled “Fakers”

Guest: Doron Dorfman

Host: Alice Wong

Transcript by Cheryl Green

For more information: https://disabilityvisibilityproject.com/podcast/

Introduction

[radio static, voices singing with hip-hop beat]

LATEEF MCLEOD: This is the *Disability Visibility Podcast* with your host, Alice Wong.

ALICE WONG: Hello, friend! Welcome to the *Disability Visibility Podcast*, conversations on disability politics, culture, and media. I’m your host Alice Wong. Thinking about the disability community, who is deserving of rights and access? Who gets to make those judgments about others in public spaces? There are many stories of people with apparent and non-apparent disabilities labelled as “fakers” in parking lots or movie theaters, people who are deemed “not disabled enough” in order to receive the *special perks of accommodations*, and I’m saying that sarcastically.

Today’s episode is about the phenomenon of disabled fakers and I talk with Doron Dorfman, a graduate student at Stanford Law School who conducted two case studies on this subject. We talk about his research and a little about disability studies at Stanford and the campus initiative that made it happen. Are you ready? Away we go!

[electronic beeping]

ELECTRONIC VOICE: 5, 4, 3, 2, 1.

ALICE: Doron, thank you so much for being on my podcast today. Why don’t you share a little bit about yourself, if you don’t mind.

DORON: Sure. I am doing my doctorate at Stanford, at Stanford Law School specifically. I’m doing a JSD, which is a PhD in Law. And I work in the intersection of Disability Studies and Law and Psychology all around disability rights and the way we in this society interact with disability rights whether in the courts or in everyday life.

ALICE: So, what drew you to this kind of subject as a area of interest in your scholarship?

DORON: I identify as a non-disabled person. I’m originally from Israel. When I was a teenager, I used to work as an art instructor in all kinds of art rooms, specifically with people with disabilities. I used to be a painter later in my life, and still, I used to work with people with disabilities a lot. And they were kind of all around me, but I didn’t really pay attention to it. And then later, I became an art teacher for a Jewish agency, and I went abroad. And I taught art in Jewish communities around the U.S. And even then, I encountered a lot of people with disabilities who used to come to my classes, and I used to think a lot about inclusivity and whether they should join the classes, whether I should do a different class for them. And those questions kind of raised. And then I went, and I did my Law degree. I was chosen for the annual Moot Trial that is a big law tradition in law school.

ALICE: Mm, it's a big deal, right?

DORON: Yeah, it's kind of a big deal. And the person who ran it back here was Professor Dr. Sagit Mor, who is a law professor at Haifa University, my alma mater. And she also works in Disability Studies and Law. She chose me, and I never look back. It was 12 years ago. In retrospect, everything kind of fell into place about my relationship with Disability Studies.

ALICE: Shout-out to your professor. That's awesome.

DORON: Uh-huh! Shout-out to Sagit Mor.

ALICE: Woohoo!

DORON: [laughs]

[mellow guitar music break]

Doron's research on stereotypes of disabled people as fakers.

ALICE: So, you write about the stereotypes of disabled people as "fakers" and how this intersects with disability rights. Please tell me more about what you discovered in your two case studies on disabled parking placards and the policies at theme parks regarding waiting in lines.

DORON: I write my dissertation about what I call the public fear about the disability con, and that's another term that was coined by Ellen Samuels, who's a Disability Studies scholar. I actually think that the main driving force in disability law in the U.S. and maybe the world is these perceptions of fakery, this perception of abuse, this idea that a lot of people are committing disability cons, so to speak. And I ran a few online experiments around this topic, and I also ran a big survey about it, and I interviewed over 40 people with disabilities in the Bay Area that talked to me about how this fear of disability con play in their everyday life and the way they experience disability law and the way they negotiate their rights in the everyday. And I ran two experiments specifically about Disneyworld and about disability parking placards.

We tend to think that the reason people are suspicious of people with disabilities abusing the law, or people that they view as non-disabled taking advantage of disability rights, is because they take away some resources that the non-disabled people would like to have. All of us have been in the situation when we go somewhere: there is no parking anywhere, and we're really looking for that spot. And then we see a person with a disability taking that spot. We think to ourselves, huh! Even though the non-disabled person could not park there, in their head, they're thinking, "Well, they're taking the resource that I would like." And in theme parks, we can think about this idea about going in front of lines. And if the line is really, really long, and you can see someone cutting the line who's right next to you, you're starting to think, "Well, I could be that person too, and I would like to have that privilege!"

[plucky strings music break]

So, you would think that people are suspicious because they're losing something, because there's a scarcity of resources that we would all want, and people who are pretending to be disabled are taking them away. Well, is that really what's going on, or is there something else here? And the other thing that I was thinking about was the issue of deservingness. The issue of deservingness is more about who do we think is a deserving disabled person who should enjoy this special right or this accommodation or disability right.

I expected that both of those issues—the deservingness and the scarcity of resources—to play a part in the level of suspicion of disability con. What I found is that there is no difference in the level of suspicion in situations where there's a big scarcity of resources or there is no scarcity of resources. What really influenced people's suspicion was a sense of deservingness. So, people really wanna know that the person who's using a disability right deserves it and he really needs it according to their judgment, right? And we make those judgments on a daily basis, and courts and judges make those decisions also when they go and they look at a disabled person in the courthouse. And I think it's really fascinating that this fear of disability con is not about self-interest. It's more about an ethics issue.

Power to grant or deny access and looking for symbols of disability

ALICE: Yeah, I think a lot of it is about power, this idea that non-disabled people have in terms of being able to assess and judge and frankly, question and harass disabled people based on their very much misunderstandings of the very varied lived experience of people with disabilities. I have friends who are semi-ambulatory who use scooters and wheelchairs who can still stand and walk, and they are accosted when they use a parking spot. In a previous interview on this podcast with Lia Seth, she has an invisible disability, but she needs to sit in the designated spot on a bus. She said one time, somebody spat on her. 'Cause she's young, somebody that looks non-disabled sitting in a spot that she deserves, that she needs access to, and somebody spit on her.

DORON: I talked with a lot of people with disabilities who shared very similar stories about being harassed all the time, whether it's in a parking lot or at a park or when they're using their service dogs. And I just wanna say: there are court decisions by federal courts who actually talk a little bit about it, and they talk about situations where people are so zealously enforcing disability laws, but they really don't have any authority to do so. It's a self kind of authority. It really talks a lot about how this fear of disability con is so entrenched in people that they feel themselves as the rescuers or the enforcers of the law. Yeah, and I think if authorities will invest some resources in preventing such harassment of people with disabilities by these "enforcers" instead of always talking about how many people really abuse the law, we would live in a much healthier and much safer place for people with disabilities in the U.S.

So, when we think about disability rights and accommodation, we usually think about the international symbol of access as being a wheelchair user, always on this blue background which is known as "handicapped blue." But we never really think about the diversity of disability within it. So, I do think that a law that has some kind of ideas about signaling disability in a different, more nuanced way would be very sufficient here. And you know, the law really lacks those kind of signs today. Even with service dogs, we really don't need—and the law doesn't really require—a person to have a vest or an ID or something like that. It's the norms around the law that created that. If people with disabilities actually purchase a vest for their dog, they're considered to be fakers because you don't need the vest! So, people cannot really win. So, if the law really will have some kind of a regulation of signs to really signal to other people compliance, that might be helpful.

[plucky guitar music break]

The Americans with Disabilities Act, disability rights, and civil rights

ALICE: It's 28 years after the passage of the Americans with Disabilities Act. The ADA didn't magically make our society better. There's still a lot of difficulties and a lot of challenges and a lot of threats to these civil rights with, for example, the ADA Education and Reform Act. So, I think this gets to a fundamental misunderstanding about the ADA and accessibility and accommodations because they're not really seen as a civil right.

DORON: So, I really agree with you that the ADA was really successful in raising public awareness of disability rights. And you know, now, lay people and a lay person that you ask, he at least seems to be familiar with the general issue and basic concepts of public accommodations. However, what the ADA didn't really do is really change the perception towards disability in the courthouse and in the public sphere. People with disabilities and disability rights are considered by many as special rights. And special rights discourse is a situation where people, as you said, see minority groups gain some kind of an unfair advantage by disguising their demands as striving to achieve equal rights, but they're actually seeking extra benefits. And I think that goes into people from the LGBTQI community and people of color and labor unions and all of those minority groups or special interest groups.

With disability law, it's a little different, right? It's a little bit more covert. I really like Mary Johnson's book, *Make Them Go Away*, and she states this mantra there, "Nobody hates disabled people or nobody wants to say that they hate them." But I think it's really, really there. I think people do think of disability rights as special rights, as you alluded to. I don't hear a whole lot about police going to talk with a person or to investigate a person who actually is harassing a person with a disability using their rights, and I think we should have something like that. We do have hotlines for people to report abuse on disability laws, but we don't ever hear anything about people who harass people with disabilities because of this fear of the disability con.

And the last thing that I would think is that really to increase inter-group knowledge and the value of disability law in law schools and universities. So, you know, nowadays we really do think about disability law and Disability Studies as a niche. If we think about it, disability rights and disability surrounds us all the time wherever we go. And what we see is that there's so many misconceptions in the media telling us that there's so much abuse, telling us all kinds of wrong things about the law. And I can give an example. *The Washington Post* had those series about Social Security benefits.

ALICE: Oh! That was so horrible.

DORON: Yes! And you know, it had so many misconceptions. One of the misconceptions there was that people can apply for Social Security benefits over the phone, which is completely ridiculous. It's really not the way things work. And no wonder that people think that it's so easy to get Social Security benefits. I'm just gonna give you a statistic. In 2017, less and less people applied for Social Security, and the trend that people talked about, about more people applying actually reversed. Social Security made it so much more difficult to attain disability benefits nowadays, so people stopped applying. And some people would say, "Oh, we stopped the abuse." I would say, we didn't stop the abuse. You created more poverty, and you created more people who are not applying because they're afraid of being rejected. And they know they will be rejected.

ALICE: Part of the attack on our safety net programs is the idea that disabled people are not productive, they bring no value, and they're eating up these resources. Again, this idea of people being consumers of taxpayer dollars versus having inherent worth whether you can work a 9-to-5 job or not.

[mellow, sweeping electronica plays through the next paragraph]

And I think this again, it's about culture change and trying not to demonize people with disabilities because of their bodyminds. And this is one of the limitations of laws, right? Laws can have a limited impact on changing the way really people think and behave, but it's what we have as a guideline, a basic guideline. And that's where, again, it's really kind of the long road ahead in terms of the work that needs to be done.

Recent media on opioid use and on university accommodations

DORON: I just wanna give another example. So, *The Wall Street Journal* described recently a really sharp increase in the number of students with learning disabilities in colleges and how now, colleges are lowering the bar to accommodate all those people. And there was a response letter by doctors from University of Michigan Medical School about that. And I thought that's another really a manifestation of this fear of the disability con, that there's a great epidemic of horrible people pretending to be disabled, trying to take away our resources. And I just see it everywhere in the law and the way the law is enacted in everyday life. And I can see it also, you know, the social construction of social problems really, it also influences health policies pertaining to people with disabilities. And we can think about the opioid crisis and what that does to people with chronic illness who wants to get their medicine, right? It's also a perception of people abusing the system of opioids, where in reality, there's people who really need those drugs to be alive, basically.

ALICE: And I think what you said about the recent really horrible piece about students with disabilities and requesting accommodations, if you think about it, what would be so horrible if more students needed accommodations? You know, yes, there may be more resources needed, but what is the danger? What is the threat to institutions? And I think part of the reason why there are more people disclosing and requesting services is just the natural evolution of where we are now, where there is great greater visibility. There is greater pride related to having a disabled identity so that people feel comfortable and are confident in asking and expecting accommodations with the understanding that that's part of their civil rights. And I think this is where it ruffles a lot of non-disabled people's feathers because it's like suddenly they're so used to a landscape where it's very much centered on non-disabled people that suddenly now we're seeing 5, 10, 15, 20 disabled people, and suddenly like, oh my god! This is an epidemic! A tsunami! When really, we've been here the whole time.

DORON: You know, I think nowadays, this new fear of disability con is actually not new. As I said, it's been there through history, but it now really is in a point where it really threatens the great impact that the ADA could have or any other disability laws could have.

There's scholars, really great scholars like Rabia Belt and Professor Susan Schweik. Professor Rabia Belt is at Stanford Law School, and she's a disability historian. Professor Susan Schweik, she's at Berkeley in English and in the Disability Studies program. And they both do work on the history of disability and exposing how this idea about fakery and about the true disabled versus non-true disabled or the true disabled versus the faker really comes across in history as well. And that's what really drew me to this project. I really wanna show, empirically show, how this fear of abuse really surrounds us all the time, and it influences people's lives on a daily basis.

[mellow guitar music break]

Disability Studies at Stanford Law School

ALICE: So, earlier you mentioned the need to have more disability law taught in law school and also Disability Studies. And I heard you've been teaching the first-ever introductory course in Disability Studies at Stanford and that it's been renewed for another year thanks to a coalition of students, faculty, and staff at Stanford. So, can you tell me a little bit about your involvement with Disability Studies at Stanford and the initiative that really helped renew it for the next year?

DORON: In the previous academic year, I taught the first ever, as you said, Disability Studies course at Stanford. It's actually Disability Studies and Disability Rights, so it has a strong legal element in it as well. You know, I was very surprised that Stanford doesn't have a Disability Studies course. So, I, as I said, am from Israel, and I came across oceans to come to the U.S. And when I chose a school, I wanted a school in the Bay Area because it was the birthplace of the disability rights movement. Again, Professor Rabia Belt now is in Stanford, but she was hired only three years ago, I think. And there was really no one who will teach Disability Studies, and I kind of proposed it, and it was taken. And it was very successful. I had a great time. I thought the students were terrific. And it got a lot of press. We also met a lot of people with disabilities. We took a field trip to the Ed Roberts Campus in Berkeley. And then for the second year, it wasn't really sure if Stanford will have the funding to have the class again, and enters the wonderful students at Stanford who created what is now known as the Stanford Disability Initiative. And those really terrific students created this petition that was circulated around campus to alumni and to staff and faculty and students, and over 700 people signed the petition urging the school to make the Intro to Disability Studies and Disability Rights course part of the permanent curriculum at Stanford. It's now housed in the program for Human Rights and International Justice, the HANDA Center, but it's also cross-listed with other programs at Stanford.

I think it's very reminiscent of what happened in Berkeley in the '70s with groups of students really pushing for disability rights, and it's so exciting for me and it's really moving to see another movement of students that has really initiated a grassroots movement that really created something, I think, special. And hopefully this course would continue for years and years to come, and Disability Studies scholar will be hired at Stanford to teach it after I leave Stanford.

ALICE: So, you're a trailblazer.

DORON: [laugh] It's me and the students, right?

ALICE: Well, I think it works both ways because there has to be an enthusiasm and demand and an interest. And it's really just, for me as a disabled person, just incredibly heartening to see the students really campaign for this, and I hope it's instructive to other universities where I think especially Ivy League elite universities that may not really think of Disability Studies as a actual discipline or as something that really deserves resources. But I really do hope it's a signal to other universities that this should be taught.

[upbeat strings music plays through next paragraph]

The role and value of Disability Studies on campuses

ALICE: Thinking broadly, what is your opinion about the role and value of Disability Studies? It took a campaign by students and other allies on campus. But why should all universities offer courses on Disability Studies, and why is it so damn difficult garnering support for this?

DORON: I grapple with that question a lot. First of all, people with disabilities are the largest minority in the US today, right? They're the largest minority. It's 23% according to recent Census Bureau research and surveys. And really, talking about 23% of the population, I think, is enough of a reason to have a Disability Studies class, at least one if not many or a program. But if you really don't think about that, you can really see how Disability Studies and a disability perspective really informs your view of the world. It really is an avenue to study a lot of different complex issues from parenthood to voting to rights to immigration to really everything in life has a disability angle. So, Joe Shapiro, Joseph Shapiro in his wonderful book, *No Pity*, says, "I have a disability angle to every story I tell." And I really think there is a disability angle to every story, and it really illuminates things you wouldn't have expected before. Who would've thought that the lack of scarcity or having abundance of resources will not actually influence people's suspicion of abuse of rights? So, I think Disability Studies, if you don't really wanna talk about people with disabilities and their lives—which I think is a very important and crucial topic and critical topic—if you wanna take disability, you can take it and talk about everybody's lives and illuminate interesting and important angles through using a Disability Studies lens.

ALICE: I couldn't agree with you more. And I think again, this is where education and having especially even before college, like high school, junior high, segments on disability history is so important. Because I think most people when they grow up, they really don't have a sense of our actual community, that there's a history. And I think this is where again, why scholarship and why media is so important.

Is there anything else you'd like to share with me as we wrap up?

DORON: So, I talked a lot about my dissertation. I had the best dissertation committee, I think, ever. I haven't graduated yet, but hopefully this year. I just wanna give a shout-out to my doctoral committee, my dissertation committee, which includes Professor Rob MacCoun, who's my Chair—he's at Stanford—and Professor Bernadette Meyler, Professor Hazel Marcus, and Professor Susan Schweik, who really supported me in my research. Some of them are Disability Studies scholars, but some of them are not. But they were open enough, and they saw the value of doing Disability Studies research. I'm very thankful for that.

Wrap-up

ALICE: Thank you so much for talking with me today, Doron.

DORON: Thank you.

[hip hop]

♪ How far will they go
Oh yeah, yeah…. ♪

ALICE: This podcast is a production of the Disability Visibility Project, an online community dedicated to creating, sharing, and amplifying disability media and culture. All episodes including text transcripts are available at DisabilityVisibilityProject.com/Podcast.

You can also find out more about Doron's research and Disability Studies at Stanford at our website.

The audio producer for this episode is Cheryl Green. Introduction by Lateef McLeod. Theme music by Wheelchair Sports Camp.

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Thanks for listening, and see you on the Internets! Byeee!!

♪ Rock it to the blast off
Stop drop dance off ♪