4010946 – Option 2

Political Philosophy

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Inequality for Those With Disabilities

The ADA, or American Disabilities Act, is a piece of legislation that aims to correct inequality of opportunity in the workplace for those with disabilities. In terms of Cohen’s Why Not Socialism, the ADA aims to adhere to a blend of what Cohen describes as bourgeois equality of opportunity and socialist equality of opportunity. In terms of Rousseau’s Discourse on the Origin of Inequality, Rousseau may argue that the ADA may accommodate disabilities that are the result of choice. Through an exploration of Cohen’s and Rousseau’s views on equality, we can see that the ADA most aligns with Cohen. I will begin by describing Cohen’s definition of bourgeois equality. He writes that bourgeois equality “removes socially constructed status restrictions, both formal and informal, on life chances” (Cohen, 15). Formal status restrictions are restrictions in the form of rules or law that restrict equality of opportunity. A few examples of formal status restrictions are: slavery, a wealth requirement for voting, and women not being allowed the right to vote. Informal status restrictions go further than just legislation, they deal with societal viewpoints. An example of an informal status restriction is the prevalence of racism – although the formal status restriction (slavery) may be eradicated, if a society possesses racist thought, those with the “wrong” skin tone will still face constraints concerning opportunity. This relates to the ADA with informal status restrictions. If a society possesses the judgment that those with disabilities cannot possibly do as good a job as those without, those with disabilities will obviously face inequality of opportunity in the workplace. Because the ADA specifically outlaws discrimination in recruitment and hiring, it addresses the informal restriction of a society that thinks of those with disabilities as less valuable. Cohen’s second exploration of opportunity is left-liberal equality. Left-liberal equality contains all of the aspects of bourgeois equality while also correcting social disadvantage. Social disadvantage is different than inherited or inborn disadvantage addressed in bourgeois equality. An example of social disadvantage can be explored through education – a child born into a poor family will receive worse education if their family cannot afford things like tutors, private schooling, or college. Thus, a social disadvantage deals with the situation you are born into – in contrast with something like a race or sex you are born into. Socialist equality of opportunity is what Cohen calls the third type of equality of opportunity. Socialist equality of opportunity includes the previous two, but unlike bourgeois and left-liberal equality of opportunity it “seeks to correct for all unchosen disadvantages” (Cohen, 18). For example, a professional basketball player makes a much higher salary than the average worker, but we do not all have the talent to become professional basketball players. An example of a solution to these inequalities is equal pay for all work. In an ideal world for Cohen’s idea of socialist equality, differences in income should only reflect differences in your desire for how much to work. The ADA acts to enforce a type of socialist equality of opportunity as well as bourgeois equality of opportunity. That is because a disability is an unchosen disadvantage that the person is born with and has little control over. In Discourse on the Origin of Inequality by Jean-Jacques Rousseau, he argues, “among the differences that distinguish men, several of them pass for natural ones which are exclusively the work of habit and of the various sorts of life that men adopt” (Rousseau, 41-42). By stating this, Rousseau is explaining that some of the inequalities we see as natural are actually the result of man’s choices. He uses “mental powers” as an example, stating that differences in education create giant differences in the intelligence of man (Rousseau, 42). Rousseau briefly describes differences based on what people are born with. He states that, “thus a robust or delicate temperament, and the strength or weakness that depend on it, frequently derives more from the harsh or effeminate way in which one has been raised than from the primitive constitution of bodies” (Rousseau, 42). This develops the argument that societal upbringing plays a larger role than the characteristics you are born with. By this standard, we can understand that those with disabilities can work to overcome them, and must have the capacity to be equal to their non-disabled counterparts. Through this logic, there is no reason not to hire them. Part of what the ADA protects are the rights of workers with HIV/AIDS. Before the ADA was passed, gossip in the workplace resulted in many workers being fired for being rumored of having AIDS, even if this was not true. After the ADA was passed, workers could not face hiring discrimination or be fired for having HIV/AIDS. It is possible that Rousseau would argue that those with the disability of HIV/AIDS do so because of life choices they have made regarding sexual preferences (rates of this disease are higher in gay men) and protection (one chooses whether they have protected sex or not). Although some could argue this, the disability of HIV/AIDS is not a choice. Just as nobody tries to get cancer, nobody tries to get AIDS - it is simply a misfortune. Regardless of if someone chooses to be homosexual or have unprotected sex, his or her rights in the workplace should be protected. This relates back to Cohen’s idea of bourgeois equality of opportunity – homophobia in the workplace offers inequality of opportunity because employers will discriminate against workers for their sexuality. Rousseau believes that almost all inequality is a result of choice. This cannot be true in relation to the HIV/AIDS example above, because human sexuality is not a choice. To not act on human sexuality would directly violate Rousseau’s concept of amour-propre, or our human desire for companionship and love, as well as amour de soi, or our more animalistic desires including food, shelter, and sex. This also cannot be true with more traditional disabilities because humans are born with them. In conclusion, we can directly see how the ADA relates to Cohen. It represents bourgeois equality of opportunity because it aims to eradicate the informal status restriction of prejudice against those with disabilities. It also represents socialist equality of opportunity because some people with disabilities are born with those disabilities. The lines become blurred when relating the ADA to Rousseau’s work. On one hand, in situations like HIV/AIDS, it could be argued that getting that disability was a choice. After careful consideration, we can understand that many factors lead us to believe that while unfortunate circumstances, obtaining a disability was not a direct choice. This being said, we can see that the ADA most directly lines up with the principals of Cohen’s bourgeois and socialist equalities of opportunity.

Works Cited

Cohen, G. A. *Why Not Socialism?* Princeton: Princeton UP, 2009. Print.

Rousseau, Jean-Jacques, and Donald A. Cress. *Discourse on the Origin of Inequality*. Indianapolis: Hackett Pub., 1983. Print.