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Title: The Abled, Disabled, and Enabled: Is Seeing the Difference a Learning Disability or Merely a Crime?

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Abstract. This article identifies many of the Issues underlying the controversy over providing special accommodations for people who state that they have learning disabilities.

In the United States (US), the Rehabilitation Act of 1973--especially Section 504--the Individuals with Disabilities Education Act of 1975, and the Americans with Disabilities Act of 1990 seem to have engendered a growing controversy. Do learning disabilities actually exist? If so, what do they constitute? Can they be accurately identified? Effectively prevented? Treated? Managed? Where should responsibility lie for helping people with learning disabilities? And what are the political and social consequences of all the above?

Lately, the controversy is centering upon legislative interpretation and legal adjudication related to special accommodations. When should accommodations be provided and how extensive should they be?. In analyzing the controversy, one quickly can discern a discourse encompassing basic questions about the nature of knowledge and the distribution of political power.

The Nature of Knowledge. 1. Deliberation over the existence of learning disabilities and reaching some consensus seems to be more difficult and complex than for some other disabilities, e.g., blindness or paraplegia. Part of the problem is that these others comprise definitional components that often can be identified and explicated in a manner completely independent of putative consequences. For example, one may diagnose blindness without requiring that a person walk into a wall. And walking into a wall may be suggestive of inebriation, preoccupation, or even a sense of humor, as well as blindness. In contrast, the proponents of learning disabilities often (a) conflate definitional components and putative consequences or (b) infer definitional components which are ontologically shaky. Simply put, it's too easy for the opponents of learning disabilities to claim that proponents really are engaged in circular argument--learning disabilities lead to educational difficulties and educational difficulties validate the existence of learning disabilities.

2. More often than not, people seem to more easily believe in the existence of some disability if there's some direct, observable evidence. They assert that seeing is believing and exclaim the need to touch it to see if it's real. However, most proponents of learning disabilities posit various biological substrates as ultimate causal factors that are almost always not accompanied by direct, observable evidence, e.g., scans from magnetic resonance imagery, computerized axial tomography, or positron emission tomography. And when there are direct, observable data, the actual causal linkage--ultimate, proximal, distal, efficient, etc.--between biology and educational performance is almost always absent or based on correlations fatally weakened by the lack of an adequate (a) search for intermediary, moderating, or modifying variables or (b) look at whether the linkage may involve biology as epiphenomenal or unrelated to educational performance or even intermediary psychological phenomena.

3. Do all educational problems necessarily suggest some disability, especially some medical dysfunction. With the concept of learning disability has one lost the possibility of being slow, stupid, or just not good

International Bulletin of Political Psychology

at something? Has one lost the possibility to have affinities and predilections for certain educational pursuits and not others without the required explanation of some ipsative or normative pathology?

4. Given that there are biological or other medical factors underlying problems in educational functioning, does the label of "learning disabled" further handicap or help an individual? Should learning disabilities instead be termed learning "styles?" To nurture therapeutic and educational progress, should the learning disabled be termed the learning challenged or people who just don't get it?

5. Given a prima facie assumption that all of us have stronger and weaker points, do we all necessarily have learning disabilities--normatively or, at least, ipsatively? And, if so, does learning disability remain a legitimate concept or hypothetical construct. (It certainly would be good for business in the health professions. In fact, if we all have learning disabilities, we're all entitled to special accommodations and to be treated as the special people we truly are. But isn't this what a government of the people, by the people, and for the people is supposed to be doing anyway?)

6. Given that all of us have stronger and weaker points--whether the latter qualify as learning disabilities or not--is the choice of a course of study or of a career requiring strength in an area in which we are weak itself evidence of a learning disability? (And if we choose the most difficult path, does that entitle us to special treatment?)

7. Many psychologists conceive of behavior as a function of ability, personality, and motivation within an environment. If problematic educational functioning is the behavior, do learning disabilities comprise that behavior's non-ability aspects? That is, do the learning disabled include people who don't like to be with other people, who are lazy, who live or work in environments that are too hot, too noisy, too quiet, too "just right?" Do special accommodations include coercing faculty members to be more entertaining or appealing under threat of losing tenure or of arrest? How about enforcing no-honk areas around university facilities in urban areas?

8. Applying the learning disability concept to educational performance also suggests that there has to be an ontologically valid explanation for every perceived phenomenon. Is this necessarily so? Does there always have to be a reason? Can events occur without reason? (Listen to some political deliberations.)

9. Even given the validity of learning disabilities, a dirty little secret may be their shoddy substantiation by mental health and educational professionals. For example, the claim is often made that a student is not achieving as much as documented ability would predict and, thus, a learning disability must be the causal explanation. This claim has several problems--which ignores other possibilities, such as incompetent educators, fragmented and chaotic family life, or substance abuse problems that these days may merely be the smoking guns of learning disability.

For example, there is significant professional controversy whether one can derive an ability estimate independent of an achievement estimate. The second may inevitably be contaminated with the first. (This contamination strengthens claims that all ability tests are biased due to differential experiences and achievements of the test takers.)

A second problem is that predictions from ability scores--or any psychometric scores--are almost always based on nomothetic research, on samples from populations. When making a prediction for an individual, the predictor must be cognizant of standard deviations, standard errors of the mean, and other measures of variance. Advocates of the claim that equates violation of a group prediction by

specific individuals with the existence of a learning disability for these individuals are ignoring the most basic interpretive strategy when employing psychometric data. They are discounting, ignoring, or not perceiving that some number of individuals will inevitably be overpredicted or underpredicted through nomothetic research. Some of these predictive problems will have to do with issues concerning the ability and its correlates. Others will involve error factors and still other aspects not well understood by psychometricians.

A third problem is that--at least theoretically--a learning disability may positively or negatively affect the ability estimate employed to predict achievement. The positive effect may occur by limiting the contribution of a psychological function that itself may hinder an ability or by directly and benignly affecting the ability itself. The negative effect may occur by increasing the contribution of the same psychological functioning or by directly and adversely affecting the ability itself. Either way, an ability cannot so readily be considered independent of achievement or of other abilities.

Other mental health and educational professionals merely document a low or undesired (by the student or parents) level of achievement or even a student's claims of "having a learning disability" as "smoking gun" evidence of a learning disability. (And still other professionals may be solely advancing ideological or financial concerns, as may be inferred by their extremely high rates of identifying learning disabilities.)

The Distribution of Political Power. 1. Hypocrisy and the proponents and opponents of learning disabilities. (a) There are students and their parents--as well as others in the work environment--who seek to use federal legislation on handicaps and learning disabilities to their advantage regardless of whether they believe they or their loved ones "have" a learning disability, regardless of whether they have a disability, regardless of whether they believe in or whether there are learning disabilities. (b) Proponents of learning disabilities often advocate that students who do poorly still have the same potential as students without disabilities and will be as competent as others. Accommodations will see to it. This, perhaps, is an admirable ideology. Yet, how many of these proponents who need to resolve their own problems voluntarily employ lawyers, physicians, engineers, and others who graduate and become credentialed through special accommodations? (c) There is a huge learning disability industry--teachers with specialized training, developers of diagnostic instruments, special therapists, and advocacy groups that have a huge vested interest in protecting the concept of learning disabilities. These vested interests affect--not only unconsciously but consciously--research funding, formal acceptances for presentations and publication, and the credibility of alleged outcomes of assessments and treatment evaluations. How quiescent are these interests likely to be towards even the most painstaking applications of the scientific method seeming to illustrate serious problems with the notion of learning disabilities or of special accommodations? (d) There are opponents of learning disabilities whose notions of elitism, meritocracies, and the like lead them to castigate virtually all notions of habilitation, rehabilitation, affirmative action, and other forms of special allowances as virtual crimes against nature. Some of these people view variations of eugenics as effective social policy and compatible with nature through a bizarre evolutionary psychology comprising crude distortions of survival of the fittest, natural selection, inclusive fitness, and the like.

2. The same vested interests that fuel hypocrisy also promote scientism by ideological true believers.

3. Given the validity of learning disabilities, does the individual have the right to be provided with accommodations at all? Irrespective of the individual rights of others? Of other costs to others? Is there a limit to how much individual rights may compromise collective rights?

4. Even given the validity of learning disabilities and the moral, ethical, and legal requirements for special accommodations, one quickly notices that there's little if any research or even discourse on whether accommodations may do more than make up the difference for a learning disability by affording the student or worker a significant advantage over others. Or whether accommodations are associated with significant negative consequences--be they overridden by larger positive ones or not.

5. Going back to Issue #6 (The Nature of Knowledge above), one might ask why some people should receive accommodations and not all? After all, all people exhibit ipsative, if not normative decrements. Several biases appear to be at work here. (a) There appears to be a social preference for providing assets towards exceptionally low-functioning people rather than the exceptionally high-functioning--even if some of the latter contribute inordinately to the collective welfare. (b) Students are expected to learn adequately based on one or several educational approaches provided by their teachers. Yet a reasonable hypothesis based on educational research is that there is probably a uniquely optimal educational approach for each student to maximize strengths and minimize weaknesses. This hypothesis poses a huge threat to most educational facilities that value or cherish their own approaches for largely bureaucratic or even arbitrary reasons. The other shoe dropping would be a mandate that education is really all about special accommodations for everyone.

6. Does a society really want all its citizens to function optimally--more than that, to all function without weaknesses? To arrive at a condition in which there are no distributions of performance but the same level for everyone? The problem with this is purely political. In a world with infinite need and finite resources, there must be socially acceptable methods to justify unequal allocations of resources. The alternative of a formal, arbitrary, unequal allocation to equals would subvert much of what is now consensually validated as imperfect implementation of good and just goals.

7. What many proponents of learning disabilities may be after--whether they know it or not--is an ideal state wherein all people will have according to their needs and desires, and all will contribute according to their abilities. This sort of thinking--as embodied in variants of socialism, Marxism, and Maoism--was advocated in quite a few countries throughout the 20th century. Apparently, to the proponents of learning disabilities, the results of implementing this thinking have not been not clear-cut.

Conclusion. The controversy will continue. Some of the abled will feign being disabled to obtain special accommodations. Some of the disabled will feign being abled to avoid the stigma and shame of being labeled as disabled and of being provided special accommodations. The existing legislation on handicaps and learning disabilities that is intended--one hopes--to enable the disabled also is enabling pathologies as diverse as irresponsibility, narcissism, and the victimization of self and other. And the same analysis can be applied not only to learning disabilities but other legally defined handicaps--from lowered tolerance for noise, square rooms, or green doors to equally lowered tolerance for no noise, no square rooms, and no green doors.

Unfortunately, a salient tenet of liberal democracy to help the needy may result in further stigmatizing and psychologically harming them as it concurrently facilitates success for other people who need the help much less. Of course, this already has occurred via the related tenet of helping ethnic minority groups through implementation of many affirmative action programs. As we approach the next Millennium, a pessimist might shudder when contemplating who will be the next target of help and what the consequences will be. You ain't seen nothing yet. (See Banja, J.D. (1996.) Ethics, values, and world culture: The impact on rehabilitation. Disability and Rehabilitation: An International

Multidisciplinary Journal, 18, 279-284; Brown, B. M. (1995.) A bill of rights for people with disabilities in group work. *Journal for Specialists in Group Work*, 20, 71-75; Clark, M.D. (1997.) Teacher response to learning disability: A test of attributional principles. *Journal of Learning Disabilities*, 30, 69-79; Morrison, G.M., & Cosden, M.A. (1997.) Risk, resilience, and adjustment of individuals with learning disabilities. *Learning Disabilities Quarterly*, 20, 43-60; Renna, R. (1997.) Special education and the quality school: Are we above the law? *Journal of Reality Therapy*, 16, 3-11; Wiersma, D. (1996.) Measuring social disabilities in mental health. *Social Psychiatry and Psychiatric Epidemiology*, 31, 101-108.) (Keywords: Learning Disability, Special Accommodation, Disabilities.)