

FRAGILE RIGHTS

DISABILITY, PUBLIC POLICY AND
SOCIAL CHANGE

ANNE REVILLARD

LAW | SOCIETY | POLICY



Studying disability rights (non-)realization at the individual level: the case of France

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AR: [The 2005 Act] placed a major emphasis on the **rights** of disabled people, on **citizenship**. What does that discourse mean to you?

CL: Well I think there's a lot of blather really. It's **a lot of hot air**. That's what they say on the face of it, in the media, but behind the talk there aren't necessarily things being put in place. I think there's still an overall mentality [...] there's **a real problem recognizing a person with a disability as a person**. (*Chloé Lamarche, 23-year-old blind student, April 2015*)

→ What difference does the recognition of rights in public policy make in the daily lives of disabled people? « Hot air » or real effects? What mechanisms?

Studying disability rights (non-)realization at the individual level: the case of France

- Theoretical framework: policy reception and rights realization
- Methodology
- Example of result: accessibility

Theoretical framework

A focus on how individuals experiences rights and policy:

- Rights realization at the individual level
- Policy reception

Theoretical framework

Studying rights realization at the individual level

How rights become real: a founding question of law and society scholarship (Scheingold, 1974)...

... Mainly studied at the meso-level of legal intermediaries (legal mobilization by social movements, courts, cause lawyers, administrations) (Haglund and Stryker, 2015; McCann, 1994; Scheingold and Sarat, 2004)

Theoretical framework

Studying rights realization at the individual level

Legal consciousness studies approach the question from an individual perspective... (Ewick and Silbey 1998; Marshall and Barclay 2003; Merry 1986; Sarat 1990; Yngvesson 1988)

... But with a focus on subjective rights *activation*, in the US context of « litigious policy » (Burke, 2002)

Yet rights do not necessarily need to be subjectively activated to become real → Need for a broader framework on rights realization at the individual level (Revillard, 2019)

Theoretical framework

Studying rights realization at the individual level

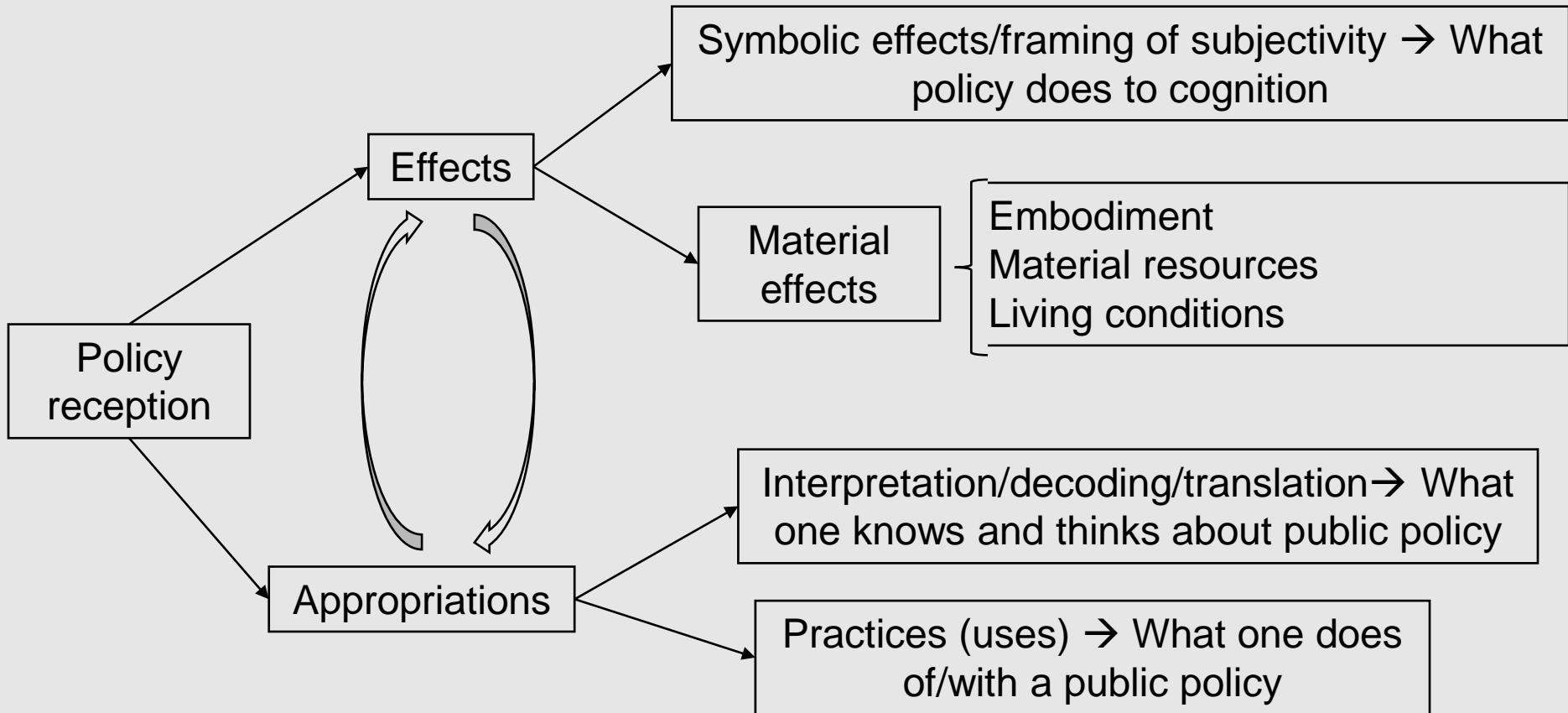
		Material dimension/ practices	Cognitive dimension
Rights realization	Rights implementation (Structure/Taken- for-grantedness)	How legal provisions impact one's material circumstances: resources, characteristics of the environment	How legal scripts/policymakin g frames individual rights consciousness
	Rights activation (agency)	Take-up, tactics to make one's rights real	Reinterpretations, original definitions of one's rights

Structure and agency in rights realization at the individual level. Source: Revillard, Anne. « Realizing the Right to Access in France: Between Implementation and Activation ». *Law and Society Review* 53, no 4 (2019): 950-82, table 1.

Theoretical framework

Policy reception= “the processes through which a public policy is appropriated and co-constructed by the individuals it targets, and through which it produces its effects on them” (Revillard 2018, 478).

Theoretical framework



Source: Revillard, Anne. « Understanding policy consequences from the perspective of its targeted beneficiaries: The reception of public policy ». *Revue Française de Science Politique* 68, n° 3 (2018): 469-91.

Methodology

- Biographical interviews with 30 persons with either visual (N=15) or physical (N=15) impairments
- 13 men and 17 women from diverse social backgrounds, aged 23 to 75
- Interviews conducted between November, 2014 and January, 2016

Overview of chapters

- Education
- Employment
- Social rights
- **Accessibility**

Accessibility : freedom of movement, a 'sweet dream'?

Accessibility: a context of rights regression in France

- 2005 law : All buildings and services open to the public, as well as public transportation, must be made accessible by 2015 (financial sanctions in case of non-compliance)
- 2014 ordinances postpone the 2015 deadline (3 to 9 years delay)

Accessibility

How is the right to access realized? Main findings:

- 1) Incomplete implementation**
- 2) In this context, individuals are very active in the realization of their rights
- 3) In the absence of a strong disability rights movement, policy feedbacks play a major role in the emergence of discontent regarding accessibility
- 4) The symbolic dimension of accessibility rights infringements

Accessibility: incomplete implementation

Several participants acknowledge progresses that have been made in this area

Marie Germain (60-year-old blind woman) reports feeling “soothed” by the increased security (“[tactile strips] really do make you feel safer”), and greater comfort : for example due to audible announcements in public transit stations, it is no longer necessary remain “perpetually vigilant” and guess subway stations based on other cues.

Accessibility: incomplete implementation

Yet incomplete implementation

- Differences between modes of transportation (subway vs bus)
- Partial implementation of a given accessibility device (ex. audible announcements in some subway lines, not others → excerpt on next slide)
- Inadequate accessibility provisions (ex. bells without the name of the street)
- Technical failures (random availability of elevators, escalators, etc.)

Accessibility

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Individuals are very active in the realization of their rights

Kader Zyebe (24 year-old blind man) was forced to remain as a boarder at the site of his training program for lack of adequate transportation offer from his residence either by the general public transportation system or by the specialized transportation services (PAM)

'I fight with them. I show the problems. I harassed the PAM. ... After that, it's always complicated because either they don't pay attention to you, because, well, "Who's this punk who comes up here ...", or when they do listen to you ... they hear you, but nothing changes. I can tell you that I really gave the PAM a hard time! I called the PAM departmental director – I got his direct number! And I called him for a week, every day. "Yeah, so what's the status? What are we doing?" And all he did was ask me "How'd you get my number?" And did things change after that? No!' (*Kader Zyebe, visual impairment, 24, March 2015*)

Kader then considered creating a blog to inventory all the difficulties people encounter with PAM

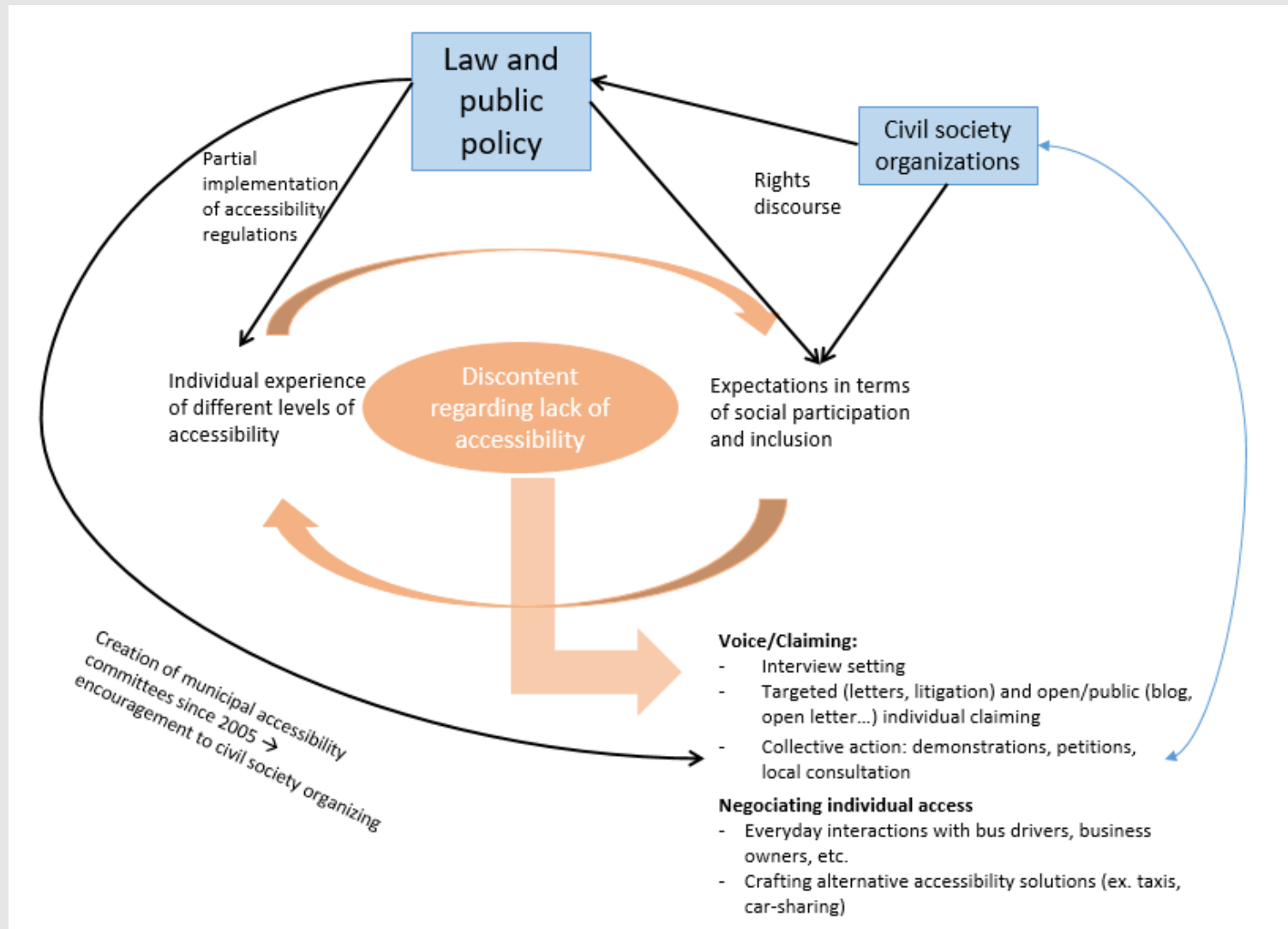
And finally developed a car-sharing app for blind people

Accessibility

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- 4) The symbolic dimension of accessibility rights infringements

Accessibility: policy feedbacks and the production of discontent



Accessibility

How is the right to access realized? Main findings:

- 1) Incomplete implementation
- 2) In this context, individuals are very active in the realization of their rights
- 3) In the absence of a strong disability rights movement, policy feedbacks play a major role in the emergence of discontent regarding accessibility
- 4) **The symbolic dimension of accessibility rights infringements**

The symbolic dimension of accessibility rights infringements

“The buses are OK. They’re accessible, but the Metro – you just can’t take it, except for Line 14, which is totally accessible. **The more time passes, the more marginalized we are**”. (Laëtitia Roger, mobility impairment, 40, November 2014)

Conclusion

- Major shortcomings in rights effectiveness
- Research participants play an active role in the realization of their rights
- Becoming a subject of rights: the importance of a statutory claim

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*Thanks for your
attention!*

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