

7 A Dialogue about Disability Praxis between a Deaf Law Professor and a Hearing Education Professor

Michael A. Schwartz and Brent C. Elder

As supervising attorney and director of the Disability Rights Clinic, Office of Clinical Legal Education, at Syracuse University College of Law, I held an extended dialogue with Professor Brent Elder of Rowan University's Interdisciplinary and Inclusive Education Department about disability in the classroom, including how a teacher with a disability navigates the educational setting.¹ Born profoundly deaf, I have taught law students since 2004 and bring a native's perspective to the classroom, while Professor Elder, possessing typical hearing, has experience teaching Deaf children in California schools and is conversant in American Sign Language (ASL). Our interview took place in Dr. Elder's Philadelphia apartment where, sitting over notes and coffee over a span of three days, the two of us ranged over a number of topics, and this chapter is organized as an interview probing the nature of "teaching Deaf" (appearing in front of law students as a Deaf teacher and interacting with faculty colleagues).² Dr. Elder and I bring our perspective and experiences to the discussion in a way that illuminates the challenges and opportunities for both teacher and student when the teacher in front of the classroom is Deaf. After the interview, we reviewed the transcript and inserted academic references in the narrative where applicable.

7.1 "We have main engine burn"

BRENT C. ELDER: Tell me about your background, Michael.

MICHAEL A. SCHWARTZ: I was born deaf due to maternal rubella in the 1950s, at a time when Deaf children were institutionalized in residential facilities away from their families or educated in segregated classrooms. My parents wanted me at home and educated in the public schools. My mother, a school social worker, was fond of saying, "I wouldn't send my dog away, why would I do that to my son?" (chuckle)

I should note my parents' determination to "mainstream" me in the public schools occurred long before the 1975 Education for All Handicapped Children Act (now termed the Individuals with Disabilities Education Act [IDEA] of 2004) required public schools to include children with disabilities in the general education curriculum.

ELDER: Describe how you learned to speak without having heard sound.

SCHWARTZ: The phonetic method of learning speech emphasized text, speech reading, and speech production. It was hard work, but I had some wonderful speech teachers—all female—ranging from a matronly grandmother type to a well-dressed attractive woman, the latter who, for an adolescent kid like me, was all the motivation I needed to take speech lessons.

ELDER: (laughs)

SCHWARTZ: I always tell people the hardest task of my life took place between ages 2 and 5, when I was learning to break the code of English, and luckily, I was too young to realize it. Not only did I learn to speak, I learned to read and write with native fluency by the time I reached elementary school; no mean accomplishment for someone who has never known sound.

ELDER: Did your family play a role in how you have turned out?

SCHWARTZ: Oh, yes, very much so. My parents were social work professionals. My father was professor of group work at Columbia University School of Social Work, and my mother was a school social worker in the White Plains, New York, school district. They had a clear vision for my future and gave me the resources and support I needed to master language and develop independent living skills. My older brother, Gil, who's hearing and with whom I remain very close, was my lodestar. He still is.

ELDER: Family is so important to a child's development, particularly a child with a disability.

SCHWARTZ: Yes. We were a middle-class family and had capital—financial and social—to help me acquire language at the early age of two, go on to get an education, and end up as law professor. As I always say, learning to read, write and speak English, that was main engine burn—boom and zoom, I was on my way! My family's support is a model for me as I teach my own students.

ELDER: Language development at the right age is crucial. What subjects do you teach?

SCHWARTZ: My subject areas are disability law, disability studies, and human rights. I've been teaching law since August 2004.³

ELDER: Describe the context of your classroom.

SCHWARTZ: I'm the supervising attorney and director of a disability law clinic, where 10 law students and I represent people with disabilities in employment, access to public and private entities, special education, and prisons. The students enroll in my clinic for the full academic year, and yes, they are nervous about working with a Deaf teacher.

ELDER: Why do you think they're nervous?

SCHWARTZ: The students are unsure how communication between us will happen. Most have had no contact with a Deaf person. Some are visibly uncomfortable looking at me and confused by hearing two voices:

my voice and the interpreter's voice. I tend to vocalize while signing, and my interpreter voices my signs. There is naturally an overlapping of voices.

ELDER: I suppose that can be confusing, even startling to them.

SCHWARTZ: Yes.

ELDER: Literature suggests that students in higher education arrive in the classroom with hidden biases and unexamined assumptions about disability and deafness (Davis, 2017). Do you find that to be your experience as a Deaf teacher?

SCHWARTZ: Yes. I do think ignorance and erroneous assumptions about disability are, by and large, unintentional, a byproduct of a society that is ambivalent about disability (Davis, 2017). Much of my work in the classroom and the clinic is to counter this ambivalence, to put my students at ease, and to share information that helps them come to terms with my deafness.

ELDER: What do your students think about your identity?

SCHWARTZ: (laughs) I think some assume—unconsciously or subconsciously—that I am deficient because I am deaf. As Goffman (2009) would say, my identity is spoiled. I can't help but see it mirrored in their eyes sometimes, but not always. It is not just students. Lawyers and judges unfamiliar with deafness also look at me askance.

7.2 Interacting with faculty colleagues: "Letting go"

ELDER: Is that a problem with your faculty colleagues, too?

SCHWARTZ: Oh, yes. I work in an all-aural, all-oral environment at Syracuse University where none of the faculty can sign, and most are unaware of Deaf culture. This shapes my interaction with hearing faculty. I notice how qualitatively and quantitatively different the interaction they have with each other is from my interaction with them. I see faculty colleagues talking with each other in their offices, chatting in the hallways ("the proverbial water cooler"), going out to lunch, even meeting after work for a drink or a celebration of someone's retirement. I do perceive, whether rightly or wrongly, the reluctance of my professional colleagues to stop by my office for a chat, whether it is to kibitz about the weather or discuss a tangled legal problem in a case.

ELDER: You said rightly or wrongly. Do you think your perception is spot-on?

SCHWARTZ: Well, by contrast, I notice the ease by which an outside lawyer who occasionally works with me converses with my colleagues. I'm the one who's around every day; that outside lawyer comes in once or twice a year. I can't help but wonder about the difference in the professional interaction.

ELDER: How does that make you feel?

SCHWARTZ: Mixed. On the one hand, I feel guilty that I don't do enough to build bridges, to overcome the distance established by my disability, to

reach out. On the other hand, damn, that's too much work, I haven't got the time or energy; I've too much on my plate.

ELDER: A sort of "letting it go"?

SCHWARTZ: Yeah. For me, the experience of speaking with faculty colleagues is all about the mode of communication instead of the development of the collegial relationship. For hearing faculty, the mode of communication is invisible; it's a given, no one gives it a thought. Their focus is on one another—relating, sharing, communicating, deriving meaning from words—whereas for me, the mode of communication is the proverbial elephant in the room. It takes work to disappear the elephant. It can be tiresome, and I'm not always up for it.

ELDER: I think that's true for others who feel like an outsider because they're Black or a woman or a gay man. Anyone not a young, white, Anglo-Saxon straight man without a disability has a sense of being on the periphery looking inside (Campbell, 2009).

SCHWARTZ: *Vérité!*

ELDER: You have lip-reading skills. Does that help?

SCHWARTZ: Certainly. However, the speaker needs to articulate clearly on the lips, and I need to know the context of the person's remarks. Obviously, people with mustaches, beards, or accents are a challenge for someone with my skills. Funny, people who speak English with a French accent are easier to lip-read than someone speaking English with a German accent.

ELDER: *Voulez vous venir avec moi à Paris?*

SCHWARTZ: *Mais oui, absolument!*

ELDER: (laughs) What about faculty meetings? My personal favorite.

SCHWARTZ: (sighs) At faculty meetings, the flow of communication happens effortlessly, but I don't share that ease and facility in interacting with non-signing people, and who may be difficult to lip-read. I see words flying across the room, lips moving, people nodding, laughing, listening intently, and none of it is decipherable to me. I feel like I stick out like a sore thumb. It's no one's fault, certainly not mine. It is what it is: an aural sea in which I waddle in the murky bottom while fish swim comfortably and effortlessly above and around me.

ELDER: (choking back tears) But you have a sign language interpreter with you, no?

SCHWARTZ: (offering a tissue) Yes, I do. I do have one, and the interesting thing is, as much as the interpreter facilitates communication, he or she is simultaneously a filter.

ELDER: Can you explain that a bit more? What is that duality? Facilitator and filter?

SCHWARTZ: Yes. It's a dialectic, isn't it? As Marx would say, a contradiction, really (Marx, 2011). The interpreter enables my hearing interlocutor and me to talk with each other, but at the same time the interpreter reminds us of the strangeness of a third party in the conversation—not a party

to the conversation, but a bridge enabling communication. You know, a bridge is a solid entity that doesn't melt into air (Berman, 1982); it's massively there, and it can inhibit conversation. At a minimum, it shapes it. After all, ASL represents a deviation from the norm of communication among my faculty colleagues. From my experience, the communication between an ASL signer and an English speaker facilitated by an interpreter can sometimes feel weird.

ELDER: I know what you mean. As you say, working with a sign language interpreter has its challenges as well as benefits (Dean & Pollard, 2001; Mindess, 2014). I know about the organization, Registry of Interpreters for the Deaf (RID); that's an accreditation organization, right?

SCHWARTZ: Yes. Interpreters who obtain their certification from RID are sign language professionals operating under a code of ethics.⁴ They must maintain strict confidentiality about their assignments and maintain the privacy of the parties. All the interpreters I work with at Syracuse take this code very seriously.

ELDER: From what I know about sign language interpreters, there's a variety of interpreters: educational, legal, community, and so on, right?

SCHWARTZ: Yes, and that raises an important point: not every interpreter is right for every situation. The interpreters I work with are experienced and skilled in handling high profile, highly contextual work such as interpreting in the law school environment. Not every interpreter can handle that kind of work. They are my ears to the world.

ELDER: (chuckles) I can see why that is. Getting back to the faculty meetings, what accommodations does the law school provide for the meetings?

SCHWARTZ: To facilitate communication with people not conversant in ASL, the law school provides me with two sign language interpreters. Each works two days a week, alternating days with each other. Faculty meetings are held one Friday a month, so I make arrangements to have an interpreter cover that. The law school also retains the services of a CART provider.

ELDER: CART?

SCHWARTZ: CART is short for computer-aided real-time transcription (Schwartz & Taylor, 2003). A CART provider works on a stenographic machine that is connected to a laptop computer and a screen. When people speak, the provider types on the stenographic machine; the computer's software translates the machine's shorthand to English and displays it on the screen. Now what is interesting about this is that when the screen is a wall screen, the display is visible to everyone in the room.

ELDER: Universal design.⁵

SCHWARTZ: Exactly. CART on a wall screen is a prime example of universal design—an accommodation that accrues to the benefit of every participant in the room. It is a service available to everyone, not just the Deaf attendees. Indeed, there are people who are losing their hearing due to age or illness, but do not know sign language; these people stand

to benefit and do benefit from seeing the dialogue on the wall screen. People with a learning disability or are not native users of English also benefit. Indeed, the universality of CART on a wall screen sends a powerful message to the community: “Everyone who attends the meeting or conference is welcome and included.”

ELDER: Let me ask you about your interactions with the office staff that run your program at the Office of Clinical Legal Education.

SCHWARTZ: Interestingly, my experience with my staff is qualitatively and quantitatively different from my experience with my faculty colleagues. It’s like night and day. Although they are hearing and do not sign, my staff and I communicate well with each other whether or not an interpreter is on hand. We talk daily, discussing office-related matters, cracking jokes, and generally asking after each other.

ELDER: Since the staff is technically lower on the totem pole than law faculty, do you think that has something to do with the difference between faculty and staff in terms of communicating with you, and you with them?

SCHWARTZ: That’s a very good question. I do suspect the difference has something to do with the power differential in roles. The staff is there to support the lawyers in the clinical program, so I suppose, like the law students, they’re a captive audience. They have to deal with me, and I have to deal with them. Necessity shapes the invention, to paraphrase an old adage, but what’s so nice about the staff is that there is a deep connection based on trust.

7.3 Students: It takes some getting used to

ELDER: The law students in your clinic do not have the option of avoidance. They have to work with you.

SCHWARTZ: Yes, that’s right. For many, if not all, I am their first Deaf teacher. I notice they are not used to having a teacher in front of the classroom who relies on ASL to communicate with them. At the outset, there is always an uncomfortable silence as they try to adjust to the new experience of seeing my signing while hearing the voice of the interpreter.

ELDER: This uncomfortable silence is the proverbial elephant in the room, eh?

SCHWARTZ: Yeah, and I need to deal with it. I name it at the beginning of the first class, and I assure them it takes some getting used to, and it goes both ways. Just as they’re tentative, so am I.

ELDER: Hmm...

SCHWARTZ: Interestingly the students’ silence is the same silence that greeted me when I started arguing criminal appeals on behalf of the People of the State of New York in the New York State Supreme Court’s Appellate Division, First Department, in Manhattan in the 1980s. At the outset, I would often be able to finish an argument without being interrupted.

ELDER: (laughs) That's hilarious. A panel of judges sitting in stunned silence. Not a usual position for them. The Deaf David versus the Hearing Goliath.

SCHWARTZ: (laughs) Right. But, after a while they caught on and started whupping me left and right every time I got up to argue.

ELDER: Didn't you say that's the same courtroom where Richard Nixon was sworn in as a member of the New York bar decades ago?

SCHWARTZ: Yes, and I was also sworn in in the same courtroom. Me and Nixon, we go back.

ELDER: (laughs) So, tell me, Michael, what do your students study, and how do they learn under you as a Deaf teacher, or is there no difference between you and a hearing teacher?

SCHWARTZ: Well, that's quite a bit to unpack. Let me start with the clinic: the focus is on American disability law, including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act. Every week is a close-up look at disability law and disability rights. Monday's seminar generally deals with black letter law and the nuts and bolts of practice: interviewing clients, investigating the facts, and theorizing legal claims. Wednesday's seminar, termed "case rounds," looks at specific cases in the clinic that implicate disability laws.

ELDER: Do the students actually practice law?

SCHWARTZ: Yes. The students are "admitted" to the practice of law under my supervision by order from the Appellate Division, Fourth Department, in Rochester. As supervising attorney, my job is to help the students get comfortable with representing live clients with disabilities. We're a firm, I'm senior partner, and my students are my junior partners. If they screw up, it's my screw up.

ELDER: The buck stops with you.

SCHWARTZ: Right. You asked how they learn under me. I think the same as with any other teacher: they have to own the material, using their own strategies—whether visual or auditory. They have to take responsibility for their work. What I think that I bring to the table that is unique are my experiences with discrimination. Indeed, I'm a magnet for discrimination!

ELDER: I'm sure.

SCHWARTZ: I've many experiences with discrimination. I remember my junior high school refusing to allow me to study French because the mode of teaching was aural. More recently, a major law school organization fell down on meeting my accommodation needs. Today, in-flight entertainment is largely inaccessible. I can share my frustrations, strategies, and goals with my students. I'm a full-fledged, card-carrying member of the Deaf community in the United States, fluent in ASL, and conversant in Deaf culture.

ELDER: How would you describe Deaf culture? What one word would you use to explain it?

- SCHWARTZ: If I can, two words: power relations. Due to the power differential favoring hearing people over Deaf people, Deaf culture is an expression of pride, belonging, and identity with a discrete community that serves to strengthen resistance to, and non-compliance with, hearing oppression. People have a term for it.
- ELDER: Audism (Bauman, 2004; Humphries, 1977).
- SCHWARTZ: Yes. ASL is the language of the oppressed, and it is a beautiful language.
- ELDER: I fully agree. Now, how do you handle the classroom as a Deaf teacher?
- SCHWARTZ: As a signer operating in an aural and oral environment with the facilitation of sign language interpreters, I avoid lengthy lectures. Instead, I try to blend a mixture of visual and aural media—films and videos, guest speakers, and discussion of questions on specific topics. I use a variety of approaches in teaching about Deaf people. I invite my students to “ask me anything,” including questions about Deaf people and Deaf culture. I screen videos about Deaf culture and offer panels of Deaf people talking about their experiences in hearing society.
- ELDER: You mentioned films and videos. What do you screen?
- SCHWARTZ: I’m a big fan of Charlie Chaplin, Marcel Marceau, Fred Astaire, Gene Kelly, Bill Irwin, Blue Man Group, and Mummenschanz, all artists who are universally accessible through the medium of dance, mime, or clowning.⁶ For Deaf people like me, these artists are readily accessible, and by screening clips of their work, I hope to inculcate an appreciation for visual art that is not dependent on sound to be enjoyed. A different way of looking at the world, if you will.
- ELDER: That’s great how you tie in the clips with an exposition on the lived experience of being Deaf.
- SCHWARTZ: Yes. I also work with sign language interpreters in the classroom and the clinic; and hold regularly scheduled meetings with the student attorney teams. Through interactions with my students over two semesters of the academic year, I teach my students about deafness and Deaf culture. It’s osmosis, really.
- ELDER: That sounds interesting. As a gay professor, I find it important to be similarly open with my students so they understand my perspectives and how I make sense of the world. It is a very critical aspect of my teaching, especially as I identify with a historically marginalized minority, similar to your experience as a Deaf professor. But, back to your students. Your students learn not only the law; they acquire some cultural competence when it comes to Deaf people?
- SCHWARTZ: Absolutely. My classroom immerses my law students in an environment that maximizes communication access: sign language interpreters, CART, captioned video, and visual aids like PowerPoint presentations. The crowning experience for my students and me is interaction with Deaf clients and clients with other disabilities. The students arrive nervous about

meeting disabled people and leave a year later a lot more comfortable with disabled people. To help them along, the students receive a dossier of key documents they need in order to navigate the clinic as student attorneys practicing law under my supervision. Elder: What about students with disabilities? How do you respond to them as a Deaf teacher?

SCHWARTZ: I know what it's like to be denied access. My teaching takes into account differences in learning styles, and you know, I'm a lawyer and a Deaf person, so on one hand, I'm keenly aware of complying with the law, and on the other hand, I want to fully accommodate students with disabilities because it is the right thing to do. I work closely with the University's disability services office to ensure that students with vision, hearing, and learning disabilities get the accommodations they need for full and equal access to the classroom and the clinic.

ELDER: It sounds like you work hard to accommodate.

SCHWARTZ: I call that 'going beyond compliance' with the law.⁷ The law is but a floor, a minimum. I see going beyond compliance as striving for effective and equal inclusion of all students in the classroom. It's an interactive process, and students with disabilities are wonderful teachers.

ELDER: How does your view on disability impact how the clinic is run?

SCHWARTZ: I try to apply a disability studies orientation to the mission and values of the clinic, which exists for two complementary purposes: one, to provide free legal representation to people with disabilities in the community, many of whom cannot afford a lawyer, and two, to provide law students with hands-on experience in working with this constituency, advocating on their behalf. My construction of disability envisions disability not as located in the human body, but as an outcome generated when a human condition, termed by the law as an "impairment," intersects with social policies and practices that operate to marginalize people on the basis of their condition.

ELDER: Do you feel you need to have a disability to run a disability law clinic?

SCHWARTZ: Absolutely not. It is not important that someone have a disability in order to qualify as teacher of a disability law clinic. Rather, the key is empathy. Nondisabled people who have the emotional capacity and maturity to put themselves in other people's shoes are perfectly capable of leading a disability law clinic. After all, that is what an ally is all about—being in touch with his or her humanity and capable of supporting without oppressing.

7.4 Professor Schwartz's professional identity: damaged goods?

ELDER: Let's talk about your professional identity.

SCHWARTZ: Oy vey!

ELDER: (smiles) What do you say to people who see your deafness as a private trouble instead of a public issue, as C. Wright Mills (1959) would say?

SCHWARTZ: Privatizing deafness or any other disability is a problem. I see deafness not as a disability but as a physical condition, a.k.a., impairment. Disability is not the same thing as impairment. No, you find disability at the intersection of the condition and social policies and practices that fail to accommodate the condition. Deafness doesn't disable me; it's the failure or, more perniciously, the refusal to provide sign language interpreters, open captioning, videophones, and other forms of assistive technology that disables me (Shakespeare, 2017).

ELDER: Disability is also the presence of an attitude that pathologizes deafness and Deaf people and stigmatizes Deaf identity.

SCHWARTZ: Bingo! I couldn't agree more.

ELDER: Are there any circumstances where you'd label yourself as "disabled"?

SCHWARTZ: Yes and no. On the one hand, accepting the label of disability is a political choice because the benefits accruing from the Americans with Disabilities Act (ADA) (accommodations, modifications, inclusion, and equality) are positive assets to be claimed, and the only way to claim these assets is to accept the label, "disabled." Since society throws up so many roadblocks for Deaf people, for example, lack of interpreters, lack of CART captioning, lack of assistive technologies, it makes sense for a Deaf person to consider herself disabled in order to qualify for benefits and advantages ("reasonable accommodations," "reasonable modifications") provided by the law. So, yes, I accept the label, "disabled," so I can benefit from the law.

ELDER: Right. The disabled person needs to be restored to a level playing field because of discrimination and oppression.

SCHWARTZ: Right. On the other hand, as I explained earlier, being deaf is a physical condition, which doctors and others term impairment, that does not become a disability until it interacts with a social policy or practice that results in lack of accommodations for the condition. The latter shines a light on society's responsibility for its role in disablement. Society shifts that responsibility when it claims the location of disability is in the human body, thus individualizing and isolating the person. It becomes a private trouble instead of a public issue.

ELDER: A question invariably comes up: if hearing people do not know sign language, are they disabled?

SCHWARTZ: To the extent that people with typical hearing enter the Deaf community, whether it is a club, a bowling league, a picnic, or a church mass, their lack of sign language will render them unable to communicate with individual members of this community. Unless a sign language interpreter is on the scene, the hearing person is cut off from interaction and thereby "disabled." Disability runs both ways, you know (Ortberg, 2003).⁸

ELDER: That's an interesting perspective.

SCHWARTZ: Yeah, I mean, it is not just the inability to sign that disables the hearing person, but also the attitude a typical hearing person has about

a Deaf person that not only hinders the Deaf person, but the hearing person, too. His ignorance gets in the way of realizing the Deaf person as a person first, that is, seeing beyond the deafness.

ELDER: Right. Okay, I have done a bit of a background check on you before this interview. You are a law professor at Syracuse University with five earned academic degrees: a B.A. in English, cum laude from Brandeis University; an M.A. in Theater Arts from Northwestern University; a J.D. from New York University School of Law; an LL.M from Columbia University School of Law; and a Ph.D. in Education from Syracuse University.

SCHWARTZ: (bemused) Where are you going with this?

ELDER: Bear with me. You're admitted to the State Bars of New York and Connecticut. Your first legal job was law clerk to the Hon. Vincent L. Broderick of the U.S. District Court for the Southern District of New York, followed by Appeals Bureau Assistant District Attorney, Manhattan D.A.'s Office; Trial Attorney, Civil Rights Division, U.S. Department of Justice in Washington, D.C.; Assistant Attorney General, NYS Department of Law in Manhattan; and teaching positions at Rochester Institute of Technology (RIT) and Syracuse University. Any lawyer with that kind of background would be justified in laying claim to an honorable professional pedigree.

SCHWARTZ: Yes, no argument there.

ELDER: But, you said earlier, as a Deaf man, your identity is spoiled. What's going on here? If a hearing person had these credentials, would you say their identity was spoiled?

SCHWARTZ: No. As I said before, notwithstanding my academic achievements and professional career, I am damaged goods in the eyes of people with typical hearing who know little or nothing about deafness and Deaf culture. Quick story: I applied to 135 law firms in New York City in 1994 when the ADA was already law, and in my cover letter I mentioned I was deaf. I received 135 rejections. Two years later I applied to a progressive law firm, also in New York City, and omitted a mention of being deaf. I received an invitation to interview. Go figure.

ELDER: It does seem like a mention of your disability made the difference.

SCHWARTZ: I have to admit, there was always a tiny voice in the back of my head: "You gotta beef up your credentials to compensate for being deaf." That's why I went for all these degrees. Some people just can't get past my being deaf; that is all they see when they hear me speak. I see it in their eyes. "Man's deaf," they're thinking internally, "Tch. Too bad. But for the grace of God, go I."

ELDER: Is it that bad?

SCHWARTZ: Sometimes. When someone realizes I'm deaf—opening my mouth is a sure giveaway—there is that little jump, a momentary startled glance that is suppressed in a millisecond, accompanied by the tell-tale redness of embarrassment.

ELDER: Is it different in Europe, Africa, or Asia?

SCHWARTZ: God, yes! Americans are so provincial when it comes to dealing with Deaf people. Europeans, Africans, and Asians are used to great influxes of people transiting their borders, so when I'm overseas, my deaf voice is just another accent.

7.5 Professor Schwartz's perspective as a Deaf Teacher: a barometer of comfort

ELDER: What is it like to be deaf?

SCHWARTZ: I live with being deaf every day. From the moment I wake up to the moment I go to sleep, I'm confronted with the inevitable duty of educating people on how to interact with a deaf person. I've no choice; I have to educate whether or not I'm in the mood to educate. Whether in the classroom or my office, by interacting with students and faculty colleagues with typical hearing, I'm illuminating something about what it is like to be deaf.

ELDER: That can contribute to "disability burnout,"⁹ correct?

SCHWARTZ: Absolutely. But that's not always the case for me. I do enjoy helping change people's understanding about disability. Isn't that what teaching is all about? My experiences provide me with a storehouse of information that I think my students find useful.

ELDER: Sure.

SCHWARTZ: Society doesn't see it that way, though; they blame the victim (Ryan, 1975). My being deaf is my problem; it's a private trouble. I am acutely aware of my Deaf body floating through hearing space, illuminating my condition. Indeed, I'm conscious of how different my voice sounds just by the reaction of those around me.

ELDER: I often think about this when I see Deaf people in public and watch hearing people interact with them.

SCHWARTZ: My deafness is a barometer of people's comfort level with themselves. People who are comfortable in their own skin are comfortable with human variation, while those who are not comfortable in their own skin struggle with others who are different from them.

ELDER: Self-disclosure of your deafness requires no effort on your part; once people hear you speak, they know you are deaf.

SCHWARTZ: Yes, that is true, although if I don't open my mouth, I pass for "normal." People don't know I'm deaf unless I speak or sign.

ELDER: Are there times when you opt to pass? If yes, why; if not, why not?

SCHWARTZ: Air travel is a perfect example. If I want to board an airplane before everyone else, all I have to do is ask for permission to board first. Why I do this is to secure my carry-on luggage in the bin above my seat instead of having to put it somewhere further away from my seat.

ELDER: Devious! And when do you opt to pass?

SCHWARTZ: If I want an exit row seat, I have to keep my mouth shut because they do not allow passengers with disabilities to sit there. Seriously, I like to pass when I can to preserve my privacy, but sometimes I just can't pass because I have to use my voice, which is a "deaf" giveaway, no pun intended.

7.6 Accommodations under the law: a bridge to somewhere

ELDER: How do you best conceptualize the idea of a disability-related accommodation?

SCHWARTZ: Accommodation is best conceptualized as a communication bridge between hearing and Deaf people. The interpreter and the CART provider are *our* accommodations, not just for the Deaf or hard of hearing person. Just as the Deaf signer needs an interpreter to communicate with people who do not know sign language, those without signing skills need an interpreter to talk with the Deaf person. When a Deaf or hard of hearing signer can't join an impromptu gathering of hearing people, whether it is to go out for a meal, hold a discussion, or join a class, the other participants have lost the person's contributions. We all lose.

ELDER: As a member of an oppressed minority group, what do you have to say to those in power when it comes to accommodation?

SCHWARTZ: As a person with a disability, my knowledge and experience with communication access accommodations must be utilized as a resource in crafting these accommodations. I know the "who, where, when, and how" of accommodations. Thus, I must play a central role in the decision-making that is entailed in providing effective communication access.

7.7 Conclusion: disability is a public issue, not a private trouble

ELDER: I have heard you say in the past, "No thought...afterthought...aforethought." Can you explain what you mean?

SCHWARTZ: Such is the sweep of history. For centuries, people with disabilities were neglected, deprived of education and meaningful employment, and even murdered because they were disabled. Up to the twentieth century, *no thought* was given to acknowledging the inevitability of human difference, adjusting policies and practices that marginalized people on the basis of the human condition, and accommodating disability so as to establish an even playing field for everyone. The 1960s saw the rise of the Civil Rights Movement and opposition to the war in Vietnam, which in turn birthed the Disability Rights Movement in the 1970s that ultimately led to the ADA of 1990. The law has generated a profound cultural transformation in America by forcing people to deal with disability as a public issue, not a private trouble.

ELDER: I think it's an ongoing process, this historical transformation that continues to play out over time and space.

SCHWARTZ: Yes, I agree. As American jurisprudence clearly demonstrates, employers, state and local governments, and private businesses open to the public still treat disability as an *afterthought*—"oops, forgot to put in a ramp when renovating...oops, dropped the ball on providing interpreters...oops, regarded someone as disabled when they were not" behavior that violates the ADA. America is still coming to terms with disability, and the cultural transformation wrought by both the disability rights movement and the ADA has yet to deliver on its promise of beneficence *aforethought*—not the beneficence of charity, but the beneficence of respect for the health, safety, and welfare of people irrespective of their human condition.

ELDER: That's the next phase in the struggle for equality and inclusion for people with disabilities.

SCHWARTZ: Beautifully put. Yes, I can see it now, a society that thinks ahead in a progressive and proactive way to acknowledge, adjust, and accommodate for differences in the body and the mind.

Notes

- 1 I wish to thank Professor Brent Elder for his insightful and creative collaboration in writing this piece. As a Deaf professional, I appreciated Brent's feedback as a sounding board. His ability to help me sharpen my thinking and writing was most invaluable.
- 2 When denoting deafness as a medical or physical condition, I use the lower case, "d," and when referring to deafness as a cultural phenomenon, I use the upper case, "D."
- 3 Prior to my position at Syracuse University, I was a teacher at Rochester Institute of Technology (RIT) from 1997 to 2001. RIT has a bilingual, bicultural environment because of the existence of the National Technical Institute for the Deaf, one of RIT's seven colleges. As a result, many students and faculty are fluent in ASL, and the experience of working in such an environment is radically different from that of Syracuse, where I am the only deaf professor and the only one fluent in ASL. For purposes of this chapter, I focus solely on my experiences at Syracuse.
- 4 See www.rid.org/ethics/ (last visited January 15, 2018).
- 5 Universal design (UD), according to the Center for Universal Design (CUD) at North Carolina State University, "is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design". See https://projects.ncsu.edu/ncsu/design/cud/about_ud/about_ud.htm (last visited January 15, 2018).
- 6 Charlie Chaplin's famous character of the Little Tramp reached its apogee in *City Lights* (www.youtube.com/watch?v=C_vqnySNhQ0); Marcel Marceau, a world-renowned French mime, created the masterpiece, *The Mask Maker* (www.youtube.com/watch?v=naXMPbd2pJ4); Fred Astaire and Gene Kelly were brilliant dancers (www.youtube.com/watch?v=ac6o8PXthzQ) and (www.youtube.com/watch?v=U5GKrmtCAgo); Bill Irwin took clowning to great heights in *Fool Moon* (www.youtube.com/watch?v=MUh0Wq4SLpU); and Blue Man Group (www.youtube.com/watch?v=CnGlsQUhqlg) and Mummenschanz

(www.youtube.com/watch?v=3eazq_8jCOg) each were a trio of mimes and clowns who eschewed speech in creating nonverbal stagecraft (all links last visited September 23, 2017). My point in screening these films is that, for me, these artists were part of the lived experience of being deaf.

- 7 I first heard the term “beyond compliance” when I was a graduate student at Syracuse University and helped found the Beyond Compliance Coordinating Committee (BCCC) dedicated to the idea that compliance with the law was the minimum, and that going beyond the law, that is, “beyond compliance,” was the goal of the University. <https://bcccsyracuse.wordpress.com/about/> (last visited January 15, 2018).
- 8 The idea that disability “runs both ways” suggests that there is no such thing as a “normal” human being. Depending on the circumstances, we are all disabled at one point in our lives.
- 9 See, e.g., www.disabilitytodaynetwork.com/dtn-blog/2993-auto-generate-from-title (last visited January 15, 2018). While not specifically referencing “disability burnout,” the article in this link describes the daily frustrations of a wheelchair user. When searching Google Scholar for literature on “disability burnout,” I noticed the citations referred to staff burnout—the stress that challenges caregivers of people with disabilities. None of the retrieved articles dealt with the stress challenging people with disabilities who have to deal not only with the limitations of their condition, but also with social policies and practices that marginalize or ostracize them on the basis of disability.

References

- Americans with Disabilities Act. (1990). Retrieved January 15, 2018, from www.ada.gov/
- Bauman, H. D. L. (2004). Audism: Exploring the metaphysics of oppression. *Journal of Deaf Studies and Deaf Education*, 9(2), 239–246.
- Berman, M. (1983). *All that is solid melts into air: The experience of modernity*. London, UK: Verso.
- Campbell, F. K. (2009). *Contours of ableism: The production of disability and abledness*. New York, NY: Palgrave Macmillan.
- Davis, L. J. (Ed.) (2017). *The disability studies reader*. (10th ed.). New York, NY: Routledge.
- Dean, R. K., & Pollard Jr., R. Q. (2001). Application of demand-control theory to sign language interpreting: Implications for stress and interpreter training. *Journal of Deaf Studies and Deaf Education*, 6(1), 1–14.
- Education for All Handicapped Children Act (1975). Retrieved January 15, 2018, from www2.ed.gov/policy/speced/leg/idea/history.html
- Goffman, E. (2009). *Stigma: Notes on the management of spoiled identity*. New York, NY: Simon & Schuster Inc.
- Humphries, T. (1977). *Communicating across cultures (deaf-hearing) and language learning* (Unpublished doctoral dissertation). Union Institute and University, Cincinnati, OH.
- Individuals with Disabilities Education Act. (2004). Retrieved January 15, 2018, from <https://sites.ed.gov/idea/>
- Marx, K. (2011). *Capital: A critique of political economy*. (Vol. 1). F. Engels (Ed.). Mineola, NY: Dover Publications. (Original work published 1867).

- Mills, C. W. (1959). *The sociological imagination*. New York, NY: Oxford University Press.
- Mindess, A. (2014). *Reading between the signs: Intercultural communication for sign language interpreters*. Boston, MA: Nicholas Brealey Publishing.
- Ortberg, J. (2003). *Everybody's normal till you get to know them*. Grand Rapids, MI: Zondervan.
- Ryan, W. (1976). *Blaming the victim* (Vol. 226). New York, NY: Vintage.
- Schwartz, M., & Taylor, S. J. (2003). To CART or not to CART...?: A brief for stenographic transcription. In R. Cory, S. J. Taylor, P. Walker, & J. White (Eds.), *Beyond compliance: An information package on the inclusion of people with disabilities in post-secondary education* (pp. 29–44). Syracuse University, NY: The Center on Human Policy.
- Shakespeare, T. (2017). The social model of disability. In L. Davis (Ed.), *The disability studies reader* (10th ed., pp. 195–203). New York, NY: Routledge.