

Persons with Disabilities: Entitled to Beg, not to Work. The Argentine Case

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Abstract

The article analyzes the structural unemployment that characterizes persons with disabilities from a social, economic and political perspective. As long as persons with disabilities continue to be defined as unable to perform productive work, they will remain condemned to poverty, begging, dependency and a life without projects to fulfill. With reference to the history and struggles of the disability rights movement in Argentina, it focuses on understanding this struggle as a collective endeavor, aimed at establishing the right to earn a living by working, i.e. via paid productive employment. It concludes by positing that in the long run, social inclusion can only be realized in a society that is organized so that each individual can contribute what he or she is capable of, with the necessary means put at his and her disposal; and that in return, his and her needs (as they may evolve over time) will be met.

Keywords

sociology, political economy, disability rights, Marxism, employment, poverty, equal opportunities, social inclusion

Introduction

‘Not working is perhaps the truest definition of what it means to be disabled.’ (Harris, 1986: 76. Cited in *Business Week*, 30 May 1994)

High unemployment rates for persons with disabilities¹ represent a problem for Latin American societies and, in particular, for Argentine society. In Brazil, there is a 10 percent gap in the rate of occupation of persons with disabilities versus the population as a whole (IBGE, 2000).² In Mexico,

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there is a 17 percent gap in the rate of salaried employment of persons with disabilities versus the population as a whole (INEGI, 2004).³ Argentine society is no exception to this. In effect, three out of every 10 working age persons with disabilities have a job or seek one, whereas this is the situation for six out of every 10 persons in the population at large (CELS et al., 2004).

The need to generate equal opportunities in access to employment has been highlighted in various international documents, such as the United Nations *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* (1993) and the more recent *Convention on the Rights of Persons with Disabilities* (CRPD) (United Nations, 2006) signed by Argentina on 30 March 2007 and ratified on 2 September 2008, Law 26378. However, this need has not been properly addressed via effective public policies. In effect, the gap between current legislation on disability and actions to materialize it motivates the demands of organizations and individuals, and has been addressed in studies that seek to portray the clash of interests that perpetuate this status quo. According to Acuña et al. (2010), the difficulty in uniting the various actors involved in disability postpones the realization of a comprehensive approach to disability in public policies, which, among other problems, neglect the employment of persons with disabilities.

Thus, persons with disabilities not only face disregard in their symbolic recognition, but are also excluded from the material distribution of wealth (Kipen and Vallejos, 2009). On the one hand, they are classified as 'abnormal' and in possession of illegitimate bodies (Ferrante and Ferreira, 2007) and, on the other hand, they are excluded from the labor market and the productive system when denied their condition as workers. Both aspects do not operate separately but rather constitute two complementary and interwoven ways of effectively denying the civil, socio-economic and political rights of persons with disabilities.

Kipen and Vallejos (2009) refer to the 'inclusive exclusion' that persons with disabilities encounter; being that once excluded from the productive system, a complex set of mechanisms includes them in circuits of consumption in addition to diverse manifestations of assistentialism. Whereas consumption (industry of rehabilitation) is designed to normalize and correct, assistentialism (sheltered workshops, subsidies, etc.) favors the conformation and consolidation of ghettos that contribute to undermining the linking of demands with other sectors, mainly productive ones.

In this context, and in line with prevailing social imagery, persons with disabilities tend to be seen as 'objects' of charity rather than associated with productive roles. Persons with disabilities are entitled to beg, i.e. to solicit money without having to deliver anything in return. It is a 'right' they have never had to struggle for and has remained unquestioned over time. Silberkasten (2006) refers to this particular legality as the 'Ideology of Charity,' which implies the attribution of rights with no obligations expected or demanded in return. This implication subverts the status of persons with disabilities as citizens in liberal states, where a basic premise is the assumption of rights and guarantees along with obligations.

So, in this scenario, how does one fight and overcome the chronic unemployment of persons with disabilities? Is the public redress of grievances an effective means to this end? Or, perhaps, can an analysis of the workings of the capitalist mode of production provide an answer to this condition and guidance in effecting change? In agreement with Russell (2002), the expulsion of persons with disabilities from the productive system is rooted in the very foundations of the capitalist system. Therefore, it is not a matter of correcting discriminatory hiring practices, based on prejudice, via legal recourse. These procedures prove insufficient and inadequate, as they fail to recognize that within societies construed on the basis of social class inequality the idea of 'equal opportunities' is a contradiction that exceeds the reach of legislative frameworks. Both from a macro and micro economic perspective, the employment of persons with disabilities is not profitable to the interests of capital.

Notably, not all jobs are paid; housework is considered marginal to the economy given that it is not conceived as 'productive' labor. In this regard, feminist studies have contributed to a broader understanding of work by questioning the break between the productive and the reproductive spheres, and by conceiving of house chores as work. Likewise, the integration of Marxist and feminist thinking led to a conceptual debate on the nature of household work as the locus of twofold exploitation under a capitalist and patriarchal order (Borderías and Carrasco, 1994).

Cognizant of the different forms of labor and their effective contribution to the economy, this article nevertheless focuses on labor carried out within the productive sphere, as commonly understood, as the latter enjoys widespread social and state recognition, thus enabling unquestioned access to citizenship. In specific capitalist societies, salaried employment appears as a requisite for gaining access to social rights. There is an inescapable relation between salaried labor and citizenship, as the former is a precondition to access a variety of social benefits and healthcare. Thus, the expulsion of persons with disabilities from the labor market doubly harms them: on the one hand they cannot access a wage and the diverse social benefits that accrue to salaried workers, and on the other hand they are denied social and symbolic recognition.

In this light, and in addressing the Argentine case, this article analyzes the social, political and economic factors that explain the structural unemployment suffered by persons with disabilities. It focuses on work as paid employment, i.e. on earning one's living, in the context of a capitalist society, and analyzes the structural limitations capitalism imposes on workers with disabilities.

This analysis brings together two perspectives:

- 1) a sociological one and, more specifically, an historical materialist one, and
- 2) a militant praxis in favor of the rights of persons with disabilities.

The line of argument is organized as follows. First, we present the Argentine situation, addressing the following elements: non-compliance with legislation currently in force, the role of the state as expressed in its public policies and the demands of organizations of persons with disabilities. To reconstruct this last point, we interviewed various members of organizations of persons with disabilities that hold a human rights perspective, taking them to be key informants. These testimonies are cited throughout the text.

Secondly, we present an historical review of the place persons with disabilities have occupied across different modes of production as these evolved in what is commonly referred to as western civilization.

Thirdly, we analyze the chronic unemployment of persons with disabilities from the perspective of political economy and the implications for their education. Finally, we present concluding remarks.

The Argentine Situation

During the 1990s, in the midst of neoliberal state policies and the extension of what has been called globalization, 400,000 jobs were destroyed in Argentina (Kicillof, 2008).⁴ Not surprisingly, national legislation on labor quotas and sheltered workshops, constitutional mandates and anti-discriminatory legislation⁵ did not lead to hiring persons with disabilities. Following the 2001 crisis, 3 million new jobs were created (Kicillof, 2008), mostly in the informal sector where 40 percent toil deprived of job-related health coverage or access to unemployment or related social security benefits (Gak, 2008). Despite this extraordinary growth in employment, there is no evidence that persons with disabilities entered the workforce. It should be noted that in those years

two fundamental laws concerning job quotas for persons with disabilities came into effect: one at a national level, with a 4 percent quota applicable not only in the public administration in all its forms, but also for the outsourcing of public services (Boletín Oficial, 2003);⁶ and another in the City of Buenos Aires, which called for a 5 percent quota applicable to permanent government posts, outsourcing of public services and mixed capital firms (Convención, 1996; Legislatura, 2004).⁷ So far, the national government has not regulated its national law, even though eight years have passed since it was enacted. The City of Buenos Aires government has chosen to provide non-specific labor training courses (i.e. for non-existent jobs), instead of incorporating persons with disabilities in the public administration. It also succeeded in suspending the application of the law for a full year (Legislatura, 2009).⁸ Still another law in effect at the time stipulated that national government had to assign an earmarked budget to cover the operating deficit of the 300 sheltered workshops throughout the country, concentrating over 10,000 workers with intellectual disabilities (Boletín Oficial, 1992).⁹ Nearly 50 percent of these workers are under contract to private firms, earning less than one third the minimum wage. Likewise, this has not been complied with, despite favorable court rulings, thereby compromising the viability of these enterprises (Dones, 2005).

Argentina has committed itself to enforce various international conventions, such as the United Nations Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Inter-American Convention for the Elimination of all forms of Discrimination against Persons with Disabilities, and the United Nations Convention on the Rights of Persons with Disabilities (CRPD), all three with controlling mechanisms in place.¹⁰ However, when persons with disabilities and their representative organizations have litigated to force job quota compliance, the state has chosen to systematically oppose such enforcement, clearly demonstrating that its policy is against employing persons with disabilities.

We could then conclude, in agreement with Ferreira, a lawyer in charge of disability cases at the Buenos Aires Ombudsman's Office (Joly, 2008, 2009a: 5), that current legislation is no more than an expression of good intentions, systematically violated by whoever is in government at the time. The strategy of litigating to force the definition and implementation of public policies reveals the absence and ineffectiveness of these policies, demanding the necessary political intervention of people with disabilities so that they become part of the political agenda.

Marcelo Morgenstern, an Argentine disability rights activist who was tortured into blindness during the military dictatorship that ruled from 1976 to 1983, put it succinctly:

The challenge of disability concerns our right to earn a living, to assert ourselves as workers against those who wield political and economic power, with an argument that goes to the root of the problem of unemployment and precarious employment among the most stricken sectors. (Joly, 2009a: 5)

Makers of their Destiny

Argentine disability organizations, usually led by persons lacking disabilities, are nearly always informed by a medical perspective and have mainly focused on 'assistant services' – that is, performing tasks and chores for persons with disabilities rather than creating the conditions that would enable them to function autonomously. This is no surprise. Prevailing attitudes treat disability as if it were an illness and persons with disabilities as if they were chronic patients requiring lifelong care.¹¹ As a result, persons with disabilities have been grouped by type: the deaf, the blind, the physically handicapped, the mentally or intellectually disabled, and so on.¹²

In Argentina, the first break with this categorical thinking took place in the 1970s, when activists with disabilities first established a group called the Crippled Peronist Front (FLP/Frente de

Lisiados Peronistas), aimed at redressing the grievances of persons with disabilities and defending their rights.¹³ From its inception, the FLP's political program focused on housing and jobs. Its members were mainly of lower middle to working class in origin, enrolled in technical trade schools, where they trained for such positions as tailors, welders, lathe operators, mechanics, radio and TV or watch repairpersons. Their families were not rich. Basic needs were largely unmet. And this explains why they struggled for labor legislation that would assure them the opportunity to earn their living via paid employment. Their militancy included sit-ins at sheltered workshops demanding better pay, and the election of delegates from these workshops, trade schools and job-training centers that met in assemblies to define political strategy and actions.¹⁴ This activism, in addition to ties to the labor movement and to leftwing political organizations, made them a target for the Argentine Anticommunist Alliance, also known as the Triple A (a rightwing para-police force), which not only broke up public demonstrations but also threatened to kill several of their leaders, prompting the group's dissolution.¹⁵ Many, however, continued their struggle within the National Socioeconomic Union of the Crippled (UNSEL/Unión Nacional Socioeconómica del Lisiado), which included representatives from organizations of the deaf, the blind, hemophiliacs and the physically disabled, as well as of the mentally ill (as they defined themselves at the time). This umbrella organization, UNSEL, drafted and successfully lobbied for what is perhaps the most advanced employment legislation ever conceived by and for persons with disabilities: a 4 percent mandatory job quota for hiring workers with disabilities in both the public and private sectors alike.¹⁶ This law, passed in 1974, also established a National Commission of the Disabled, with half its board comprised of representatives of organizations of persons with disabilities, and a mandate to oversee compliance, thereby materializing the notion of 'nothing about us without us.' This law was a clear expression of the emergent social model of disability, which was not only taking shape through the contributions of UPIAS in England, but also through struggles elsewhere in the world, Argentina included. Two years later, when the military came to power in 1976, one of their first measures was to revoke this job quota law and proceed to kidnap, torture, and 'disappear' key leaders of the disability rights movement (Abuelas de Plaza de Mayo, 2001; Ferrari, 2010; González Bonet, 2010).

In this context, and in response to mainstream disability assistance services organizations, in 1981 the military dictatorship agreed to legislation geared to 'protect' those with disabilities (in stark contrast with the politically assertive posture assumed by FLP and then UNSEL). This legislation included an article on employment that limited the job quota exclusively to the public sector and which, in effect, has never been enforced. The only article of this law that has been consistently complied with since then regulates the importation of vehicles for persons with disabilities, a measure that has particularly benefited those belonging to the upper middle class.

The military regime succeeded not only in annihilating the disability rights movement, but also in reinforcing the ideology of dependency and the medical model of disability.

It was not until the mid-1990s, at least 10 years after the end of the dictatorship in 1983, that a militant disability rights movement began to take shape once again. Its membership was mainly middle class, although ideologically leftist, but with a quite different background from the lower middle to working class background of its predecessors, FLP and UNSEL. Its most prominent leaders were wheelchair users (Garmendia, 1999).¹⁷ These differences may explain why at first its political platform primarily focused on accessibility and not on the struggle for jobs.

In 1998, people with the most diverse disabilities and their sympathizers established the Disability Rights Network REDI (Red por los Derechos de las Personas con Discapacidad).¹⁸ It began by pressuring the Buenos Aires City Legislature to ensure that elevators be accessible to wheelchair users. An ordinance mandated that building owners replace old elevator doors with

presumably safer ones, but it did not take into account the amount of space required to accommodate wheelchairs. As a result, many of the city's wheelchair users remained locked inside their homes, unable to go to work, visit relatives, or attend rehabilitation (Coriat, 1998a, 1998b). The next year the Buenos Aires City Legislature passed a law requiring wheelchair accessibility in elevators, but REDI, backed by other organizations in the disability field, had to press for a second law for it to be enforced immediately (Legislatura, 1999a, 1999b). Finally, in 2003, the city's building code was revised to include accessibility guidelines for all buildings to be built in the future (Legislatura, 2003). This included apartment buildings, guaranteeing at least one bathroom and bedroom to be wheelchair accessible in each apartment as well as general building access (entrance, elevators, and hallways). However, the City Legislature imposed limits on accessibility guidelines for low income housing projects, discriminating against the poorest sector of the population with disabilities.

Shortly thereafter, REDI launched a national campaign for accessible cities¹⁹ and extended its demands to include accessible public transportation and the recovery of federal funds destined for disability programs, funds that were illegally diverted to the national budget. The demand for jobs was also on the agenda, but lacked a critical mass of activists to bring it to the forefront.

The Argentine economic crisis of 2001–2, in which unemployment skyrocketed, proved to be a decisive moment for disability rights activists. 'We recognized that our issues were not insulated from broader political and economic ones and that our fundamental demands converged with those of other organizations of the unemployed and of those who are structurally left out of the productive system,' says Carolina Buceta, a blind psychologist and president of REDI. 'So, in the middle of the 2001 crisis, we came up with the following idea: 'Joining other struggles, we advance our own'' (Joly, 2009a: 6). Henceforth, REDI began seriously pushing for job quota legislation.

REDI called on prominent human rights organizations, including the Permanent Assembly for Human Rights APDH (Asamblea Permanente por los Derechos Humanos), the Center for Legal and Social Studies CELS (Centro de Estudios Legales y Sociales), and the Mothers of Plaza de Mayo, to gain support for specific demands and, at times, to join forces. The economic crisis exposed the intimate relationship between disability and poverty, and how these are grounded in the way capitalism 'produces' both. The crisis led REDI to establish ties with the Social Forum on Health (Foro Social de Salud), the National Assembly of Employed and Unemployed Workers ANT (Asamblea Nacional de Trabajadores Ocupados y Desocupados), and the neighborhood assemblies that emerged during the period of 'Throw them all out!' (*¡que se vayan todos!*).

These relations with non-disability-related organizations helped REDI break with the traditional image and tendency to form disability ghettos, and brought once again into the limelight the concept of 'nothing about us without us,' reaffirming the role of activists with disabilities in defining pertinent public policies and programs. Seeking to guarantee a plurality of experiences, voices and perspectives, REDI sought to include people with the most diverse disabilities among its leaders. In addition, REDI sought to remain economically independent from both the state and the private sector. For Facundo Chávez Penillas, a lawyer and wheelchair user: 'This economic independence has allowed us to be critical of Government, private companies and international organizations, and explains our leading role in the Argentine disability rights movement' (Joly, 2009a: 6).

Members of REDI actively participated in the worldwide movement to draft and lobby in favor of the CRPD. Recently ratified,²⁰ the UN Convention comes into this scenario with some novel propositions, in particular addressing the safeguarding and promotion of the right to work, 'including for those who acquire a disability during the course of employment' (Art. 27.1), the protection of rights of persons with disabilities 'on an equal basis with others, to just and favorable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and

healthy working conditions, including protection from harassment, and the redress of grievances' (Art. 27.1.b.) (United Nations, 2006).

The CRPD, along with national and local legislation in force, and the National Constitution itself, base themselves on the concept of equal opportunities, as the key to social inclusion for sectors historically relegated and marginalized. However, the CRPD faces, as does the rest of the current legal framework, the limits imposed by the political economy.

The Place of Persons with Disabilities throughout History

While there have always been persons with physical, sensory or cognitive limitations, their place under the different modes in which societies have organized their productive systems has changed over time (Oliver, 1990).

For instance, under slavery (and slaves were either conquered following a military defeat or bought as such), people worked, healthy, ill or injured until they died and were replaced. There were literally disposable. Tasks were largely manual, simple, demanding physical strength. How they were treated depended on whether they were conquered or bought, or the ease with which they could be replaced.

Under feudalism, people worked for their subsistence and owed a significant part of their production to their feudal lords. Those who had some limitations contributed whatever they could to the family economy; some even displayed skills as artisans (Oliver, 1990). And those who did not, were either taken care of within the subsistence possibilities of the home or abandoned.

Meanwhile, what was happening in the American continent and its islands during its conquest and colonization? Slavery played a very important role for both the colonial and European economies. It was a very different kind of slavery than observed in ancient Greece, and it coexisted with the period in which capitalism emerged in Europe. According to Williams (1964) and Genovese (1967), the enslavement of blacks responded to strict economic demands, and eventually led to racism. It concerned finding the hands required by the great plantations from the very foundation of the 13 British colonies in the 18th century. And this facilitated the accumulation of capital that gave birth to the industrial revolution in Bristol, Liverpool and Glasgow in the ensuing century. According to Spanish historian Andrés-Gallego (2005: 18–19), nearly 9.4 million black slaves reached the Americas between 1492 and 1870. Of these, 1.5 million reached Spanish America, to replace the indigenous population when it became evident that they could not resist the conditions of exploitation imposed by Spanish colonizers and miners. The price paid for a slave might vary by age and physical condition, but all were bought and forced to work 'from sunrise to sunrise' (Andrés-Gallego, 2005: 87–89). Under slavery, the discrimination between those considered capable or incapable of working had not yet arisen. For physical labor, for extracting minerals or harvesting cotton or sugar cane, it sufficed to be alive and mobile. Those who had some difficulty in doing so or evidenced any other limitation, but were capable of performing other kinds of work, were also exploited as slaves (Mintz, 1974, 1985).²¹

With the emergence of industrialization, which demanded a technical division of labor and set the basis for the capitalist mode of production as we know it today, employment of labor power in exchange for a salary developed. Owners of the means of production sought to hire only those they considered capable of carrying out repetitive tasks and enduring long working hours, under often dangerous, subhuman conditions.

In this regard, one of the earliest studies on the living conditions of the working class, written by Engels states: 'The Commissioners mention a crowd of cripples who appeared before them,

who clearly owed their distortion to the long working-hours. This distortion usually consists of a curving of the spinal column and legs' (1987 [1887]: 171–184).²²

Engels goes on to cite physicians who refer to malformations and deformities, relating them to labor practices, brilliantly coining the phrase 'physiological results of the factory system' (1987 [1887]: 181). This phrase is equally applicable to current day labor practices, as reported in a 1988 Argentine newspaper article on young female factory workers in the outskirts of Buenos Aires City who suffered irreparable damage to their hands in a matter of months on the production line, leading to their firing. Upon evidence of early symptoms, factory doctors or nurses would inject them with anti-inflammatory and painkilling medication so they could continue working, with total disregard for a disabling and irreversible injury (Videla, 1998).²³

In this context, during the emergence of industry and the capitalist mode of production the concept of disability evolved to mean the inability to work productively or, more pointedly, to be exploited and produce profits for factory owners (Russell and Malhotra, 2002).²⁴

This system demands that workers toil not only enough hours to generate a value equivalent to their wage, but also additional hours to generate a surplus value, which is largely converted into profits. To augment these profits, the capitalist makes sure that most of the workday consists of surplus labor. This is achieved by different means: extending the workday, applying technological improvements, imposing faster rhythms of production, and paying the lowest possible wage. When workers are suspected of being incapable of satisfying these conditions, they are discarded as useless.

Thus, with the development of capitalism, we witness the emergence of a population in which poverty and disability converge. This sector includes not only those who cannot join the workforce as wage laborers, but also those who are expelled from the workforce as a result of job-related injuries and illnesses, or by substandard living conditions, overcrowding and malnutrition.²⁵

Today we verify, and current legislation allows for this, that when workers become disabled, employers attempt to get rid of them via early retirement. Employers pretend that the family and the state take care of those who have lost their full productive faculties. Employers suspect that these workers will no longer be able to generate with their labor the value of their wages, the contributions both must make in social security and taxes, and most importantly the profits expected from their labor. This expulsion from the labor market, negating their right to earn a living by working, clarifies the meaning of disability and explains why working age persons with disabilities do not find jobs despite labor quotas and economic stimuli to employers in the form of tax breaks and lower social security contributions (Biblioteca AFIP, 1983; Portal CAPyME, 2009).²⁶

This twofold movement of exclusion and expulsion from the workforce defines workers with disabilities as remnant workers, in what classical political economy defined as the relative surplus population, or industrial reserve army. This surplus population is structural to the system, its size responds to the cycles of economic expansion and retraction, and it grows with the technical development of the conditions of production, that on the one hand expels labor power replacing it with increasingly advanced machinery/technology, and on the other, occupies the employed workforce during more hours per day (today this is known as job flexibility).

This relative surplus population assumes different modalities, and all workers belong to it, even when unemployed or when working part-time. However, there is a sector that is so marginalized from the active exercise of labor, that it ends up living in the most abject poverty or pauperism.²⁷ When analyzing this dynamic in *Das Kapital*, Marx described this sector as made up by: 'those able to work' (their mass increasing during economic crises and diminishing when trade prospers), 'the orphans and pauper children' (candidates to the industrial reserve army and enrolled as active workers in periods of great economic activity), and the 'demoralized and ragged and those unable

to work,' those one would today refer to as 'disabled' (Marx, 2001 [1867]: 543–549). They are the 'victims of industry,' 'the mutilated, the sickly,' the 'paupers.' They are products of capitalism and at the same time a condition of capitalist production and for the creation of wealth. They are the discarded part of the working class, and 'capital knows how to throw these, for the most part, from its own shoulders on to those of the working class and the lower middle class' (2001 [1867]: 546). We could add, on to the shoulders of the state as well.

According to Marx, the rapid development of capitalism, of the means of production, of labor productivity, and of the productive population becomes its opposite, whereby the working population grows faster than capital's need for exploitation, and thus generates this relative surplus population. It is in this context that Marx relates the accumulation of wealth by the capitalist class with the accumulation of misery by the working class. In other words, the wealth of the few is built upon the misery of the majority, and within this majority, the greatest of miseries befalls those members of the relative surplus population that the system itself turns into 'the demoralized and ragged and those unable to work' (2001 [1867]: 545).

In this respect, disability is a socially created category that derives from work relations, a product of the economic structure of capitalism, that creates the notion of the 'disabled' body as a condition that allows for the accumulation of wealth. It creates disabilities insofar as it does nothing to prevent them via adequate fetal and child nutrition, vaccines, early care, job safety and hygiene, among other measures. Today, worsening working conditions are encouraged by watered down on-the-job accident legislation that fails to protect workers and makes it cheaper to indemnify for disabling injuries or illnesses, or their families in the event of death, than to implement preventive measures.

This critical understanding of disability, which focuses on work relations, has been questioned by Abberley (1998) who has criticized Marxist thinking for perpetuating the disadvantage of persons with disabilities. According to this author, the Marxist utopia is predicated on work ceasing to be a means of subsistence to become an end in itself of human life. And this would preclude the inclusion of persons with disabilities who cannot work. In this utopian scheme, inequalities would be rooted in biological determinants, given the different possibilities that human beings display in metabolizing with nature, and that would constitute the Marxist definition of work. In this respect, the author proposes to struggle for a society that does not predicate the inclusion of its members on performing work, and as a precondition for their right to humanity, since not all can work.

Abberley's interpretation does not contemplate that work, as a social category, and the social relations thus derived, cannot be reduced to the biological conditions of specific individuals. Likewise, he further glosses over Marx's discussion of alienated labor, which implies working for others and not for oneself as workers. The category of individuals is a social construct of capitalism to define those capable of producing surplus value for others, i.e. of performing alienated labor for the benefit of others, in which this labor is no more than a means to satisfy 'animal' needs, such as food, clothing and shelter, rather than as a means to realize oneself as subjects that dialectically recognize themselves in their work. When Marx addresses the utopia, he is referring to humanity having reached a stage in which it has superseded subsistence, in which labor is no longer a burden or experienced as punishment, but rather as a stage in which those who labor are remunerated not by what they produce and how much, but in accordance to what they need.

In Marx's discussion of alienated labor (already present in the *Economic and Philosophic Manuscripts* of 1844), non-alienated labor covers all kinds of activities (material and intellectual, as well as artistic), and the enormous capacity that human beings have to realize themselves as such (Marx, 2004 [1844]). Work endows persons with their humanity, as in the labor process, in the products of labor, people recognize themselves as universal beings and as belonging to the human

race. Humans are defined by what they do, by their everyday praxis. In a society free of alienation from labor, the social recognition of such labor extends to all practices that imply the realization of the subject. Thereby, the limitations of capacities do not exclude the possibility of non-alienated labor, as succinctly expressed by Marx in his *Critique of the Gotha Program* of 1875, in the phrase, 'From each according to his [or her] ability, to each according to his [or her] needs' (Marx, 2000 [1875]: 28–29). Moreover, those who cannot perform any kind of work, material, intellectual, artistic, or otherwise, be they children, retirees, or disabled, in principle, are not excluded from the benefits of societal production.

In the transition period, from capitalism to socialism, it is conceivable that the needs of those with disabilities may remain unmet. However, one would expect that the opportunities that such a period may provide for social inclusion will be greater than under capitalism proper.

Persons with Disabilities as Chronically Unemployed

If there is something that characterizes persons with disabilities, it is their condition as chronically unemployed. Metaphorically, one could even say it is the 'illness' they share regardless of the disabling limitations individuals may have.²⁸

According to the International Labor Organization (ILO, 2003), 80 percent of working age persons with disabilities are unemployed. According to Argentine Ministry of Labor and Argentine Worker's Union CTA (Central de Trabajadores Argentinos) data, at best one out of every 10 working age persons with disabilities has a job, and the state itself recognizes that the labor quota assigned to such persons in government agencies hardly reaches 1 percent when by law it should be 4 percent (CELS et al., 2004).²⁹

With the notable exception of persons with disabilities belonging to the upper and upper middle strata, the rest, i.e. the overwhelming majority, survive without working, thanks to social charity sustained first of all by their families, insofar as these become their main supporting social network (Venturiello, 2009),³⁰ further impoverished by the presence of a person with a disability at home (one income less and extraordinary expenses in personal assistance and healthcare),³¹ and secondly by the limited social programs provided by the state (when persons with disabilities and their relatives become aware of the existence of such programs and when they succeed in obtaining their benefits),³² thirdly by begging, and finally by what comes from charitable and religious institutions.

According to the national disability survey, known as ENDI (INDEC and CONADIS, 2005: 100–119), 20.7 percent of people with disabilities enjoy an ordinary retirement pension, 13.6 percent a pension due to death of a parent, 5.6 percent a retirement pension due to total disability whereby it is presumed that such a disability 'produces a diminishment of 66 percent or more in the working capability of the individual,' while 7.2 percent receive a non-contributive pension based on their disability. In addition, this survey points out that until they reach 65 years of age, the majority of persons with disabilities enjoy no social security benefits. Moreover, 40 percent of persons with disabilities surveyed have no labor union or private health plan coverage (INDEC and CONADIS, 2005: 78). It should be noted that access to disability-related coverage is not automatic. Persons with disabilities are often forced to litigate in this respect (REDI, 2005).

A comparative study of INDEC and CONADIS (2005) data for 2002–3 on job placements of persons with disabilities and the Permanent Household Survey EPH (*Encuesta Permanente de Hogares*, second semester of 2003), a main source of information on the Argentine labor market (see Fara, 2010), reveal the disadvantages experienced by the population with disabilities versus the total population. According to this study, the activity rate – defined as the proportion of persons

with jobs or actively seeking jobs out of the total population – of persons with disabilities aged 14 to 49 years old is 37.3 percent, noticeably lower than for the total population in the same age bracket, where it is 67.3 percent (Fara, 2010: 112).

Likewise, the coefficient of dependency, which measures the relation between the inactive population and the unemployed vis-à-vis those who are active, constitutes a significant indicator of the obstacles persons with disabilities face when attempting to enter the labor market. Whereas within the total population aged 14 to 49 this relation is 0.8, within the population with disabilities in the same age bracket this relation is twice as large: 1.6 do not work for each person who works; and it is three times larger in the 30 to 49-year-old age bracket (Fara, 2010: 113).

The difficulties persons with disabilities encounter in becoming salaried workers is also expressed in the fact that whereas 73.4 percent of the total employed population aged 14 to 49 are employees or industrial workers, this drops to 47.5 percent within the population with disabilities in the same age bracket. Likewise, this population (42.5% versus 20.9%) is twice the total population in the self-employed category (Fara, 2010: 114).

In this regard, the data coincides with ILO (2007) data: people with disabilities suffer high rates of unemployment, face prejudices regarding their productivity and discrimination at the hiring stage, being mainly recruited through temporary job agencies as a way to minimize risks for employers.

In positing equal pay for equal work, the CRPD addresses a problem people with disabilities face when they exceptionally find a job: the pay tends to be significantly lower than that received by persons without disabilities, and the working conditions tend to be worse.³³ This reality can be verified internationally to the extent that the general orientation of the leading developed states goes in detriment of the social advances obtained following the Second World War – threats to retirement benefits, social services, public health and education, with loss of job stability and precarious employment (Chomsky, 1996).

Unfortunately, in Argentina there are no statistics that measure or describe the level of income for persons with disabilities, or that describe the working conditions they labor under. The Permanent Household Survey, which measures household income nationwide, does not specify whether or not household members have disabilities. This contributes to cloud the extent and reach of the problem and to perpetuate it.

How Do Current Day Economists Conceive Disability?

According to Haveman and Wolfe (1999), disability involves mental and physical characteristics that either limit normal daily activities or result in a substantial reduction in job productivity. The usual criterion concerns the ability to carry out tasks of a standard occupation, i.e. the ability to perform enough work to ‘earn a living.’ The criterion that applies is a performance and not a structural one relating to the characteristics of the person.

What matters here is the ‘deviation from the norm,’ that is, from what is expected. One criterion is that a person with a disability is one who can work no more than 10 hours per week (Haveman and Wolfe, 1999). Another criterion is that he/she works no more than 52 hours per year, that is, four hours per week, or 16 hours per month (Houtenville and Adler, 2001).

The US Current Population Surveys started defining persons with a disability in 1981 as those who reported having a health problem or disability which prevented them from working or which limited the kind or amount of work they could do (US Census Bureau, 2012). According to Houtenville and Adler (2001: 3), ‘This definition puts disability in the social context of work,’ wherein a key ingredient

... is the inability to perform or a limitation in performing socially expected roles and tasks. Market work is a socially expected role. Hence, those who are unable to perform or are limited in their ability to work are considered to have a disability. (2001: 5)³⁴

For Haveman and Wolfe (1999), this economic perspective on disability focuses on the interactions of physical or mental limitations with non-medical characteristics, such as age, occupation, and work experience, resulting in a person's inability to adjust to his/her work environment.

Inspired in this line of thinking, the Disability Certificate issued by the Argentine Ministry of Public Health portrays percentages of disability, considering the individual's ability to perform productive labor, meaning in other words if the person has or does not have the ability to generate profits for his/her employer. Physicians determine how much disability individuals have, attributing more or less value depending on their measured physical or mental limitations. The body is rated in terms of its functional parts, and the score is higher if the person has all his/her fingers, arms, legs, eyes and ears. But this value drops notably if any of these parts does not 'function' according to capitalist production standards (Ferrari, 2010). This criterion is also applied in life and health insurance policies, as well as to determine if a person will be retired based on disability, and in the refusal of private or labor union health plans to recognize pre-existing conditions. Paradoxically, whereas under slavery, physical characteristics were used to put a price tag on slaves in the market, under capitalism they are used to exclude those defined as disabled from the workforce.

When speaking about performance and adapting to the work environment, this discourse casts a veil on the meaning of productive labor under capitalism, which concerns the ability to work not only to 'earn one's living' but especially to generate profits for employers. Unless this condition is met, employers will not hire. In this respect, Conesa (1997) argues that companies will only create new job opportunities if doing so will prove profitable.

Equal Opportunities: Limits to Materializing Them

Despite paradigmatic demands for accessibility, employers are not convinced that the working environment should adapt itself to those who will work there. In other words, if workers cannot adapt, they cannot work. Equal opportunity restricts itself to providing an opportunity to work, but without creating the working conditions so that a concrete person may realize the tasks required on the job. Within this framework, potential employees are seen to be at fault, not employers. However, within the capitalist mode of production, workers can only offer their labor, whereas employers offer the necessary means of production including the conditions of production.

According to the CRPD, the concept of 'reasonable accommodation' is eminently economical,³⁵ and as such concerns a business decision based on criteria of profitable investment, or in the case of government employers based on the existence of earmarked budgets. In fact, the CRPD reveals that when a right becomes too 'expensive' it can be ignored.³⁶

Even when companies may decide to make such accommodations to portray an image of social responsibility, this does not necessarily lead to hiring employees with disabilities. Making accommodations in the work environment may imply tax-deductible investments and thereby not affect the rate of profit, whereas hiring employees with disabilities is usually perceived as impinging on making a profit. In the City of Buenos Aires, for example, article 43 of its 1996 Constitution specifies a labor quota of 5 percent in public administration and in every contract where services or activities are outsourced to the private sector (Convención, 1996). However, the law regulating this

article (Law 1502) limits its application in the proportion that the state has a share in mixed capital companies, thus freeing the private sector from satisfying the quota.³⁷

Nevertheless, one must ask oneself why the state fails to comply with those quotas, considering that it need not make a profit with the labor of its employees. One could argue that, in its allegiance to dominant ideology, the state prioritizes its function as a guarantor of the functioning of the capitalist system. According to Pierangelo Garegnani (see Crespo and Lazzarini, 2011), one of the leading critical economists of the second half of the 20th century, capitalism is characterized by persistent unemployment, in Marxist terms by the existence of ‘an industrial reserve army,’ not as an undesirable effect but as a structural condition for its very existence. The capitalist state, which is above all responsive to the needs of the ruling class, is called on to guarantee this persistent unemployment. Job quotas that would provide employment to the lowest echelon of this ‘industrial reserve army’ subvert this role.

Moreover, if the state complied with disability labor quotas it would evidence the capacity of those with disabilities to perform productive labor, thus endorsing their demands for employment in the private sector.³⁸ In this context, equal opportunity is but a pipe dream: the opportunity to apply for jobs that never materialize. The notion of equal opportunity pretends to level the field among workers to ‘compete’ for scant jobs, and in so doing disguises the fact that the decision to open new job opportunities lies in the hands of businessmen and state employers. Workers are not involved in such decisions. Equal opportunity finds its limit in the absence of concrete jobs for persons with disabilities (Russell, 2002) and in the ruling power structure (Mills, 1956).³⁹

When job positions are available, the definitions of suitability and the absence of specific on-the-job training programs to acquire or strengthen suitable skills stand in the way of accessing those positions.⁴⁰

If we conceive of disability, as does Russell (2002), as a product of capitalist society, it becomes clear how anti-discrimination legislation fails in promoting equal opportunity in a class-based (unequal) society, and falls short in solving the unemployment predicament of persons with disabilities. According to Russell, the liberal rights model distracts attention from criticizing relations of power that lead to the exclusion from employment and the structural inequality that persons with disabilities experience.

In fact, those who advocate the rights of persons with disabilities tend not to question the dominant free market ideology, conceiving the legal debate in the following terms: that people with disabilities have the same right to equal treatment in the current labor market. However, adhering to this ideology dodges the fact that the economic system per se constitutes the main obstacle to employment. Unemployment affects many people and actually nearly all those with disabilities. It is not an aberration of the system, but rather one of its structural conditions. And this structural condition imposes the main obstacle to the employment of persons with disabilities (Russell, 2002).

Leveraging Education

This situation is further compounded by unequal educational opportunities, at both the elementary and secondary schooling levels, which hinder the possibility of competing in the labor market for available jobs. To the extent that persons with disabilities are not seen as potential workers, they are denied an appropriate education, thereby depriving them of a basic requisite for properly performing potential jobs.

The inequalities faced by persons with disabilities in their access to education in Argentina express themselves in a 19 percent gap in attendance at educational institutions, whether regular or

special education ones, when comparing the population with disabilities over three years old against the total population of the same age (INDEC and CONADIS, 2005: 120–135).

Lack of adequate educational preparation among people with disabilities is alarmingly pervasive and contributes to their collective underclass status. According to INDEC and CONADIS (2005: 120–135), one out of every three persons with disabilities has not completed grammar school, compared to one out of every 10 in the total population. Other comparisons between Argentine people with disabilities and the country's total population are quite telling: only 17.8 percent of Argentines with disabilities have concluded their high school studies, versus 37.1 percent in the total population; while 9 percent do not know how to read and write, compared to 2 percent in the total population. The illiteracy rate is particularly high among those who could enter the labor market: 20.9 percent among people with disabilities aged 15 to 29 years, compared to 0.8 percent in the total population for the same age bracket.

A recent study by Coriat (2004, 2005) on inclusive education and accessibility in Argentina looked at the enormous difficulties faced by parents seeking to enroll their children who had physical disabilities, but no cognitive or intellectual limitations, in regular schools. Parents complained of Kafkaesque paths leading to dead-end streets, and referrals to special education schools, in the absence of physically accessible ones. Interviews with educators, school authorities and parents revealed a fundamental bias in the educational system: expectations placed on these children are so low, that they are neither stimulated to their full capacity nor educated about the responsibilities required to prepare them to work. Too often, this below-standard schooling seems a pretense of normality rather than a path towards effective social inclusion. As a result, these children tend to underperform and, in the long run, fail to become productive members of society.

All this implies that people with disabilities reach working age without the necessary know-how to become workers, keep a job, or grow into it when the exceptional opportunity arises. Equally unfortunate, even if they are culturally prepared for employment and have the requisite skills, their attributes may not be recognized and they are often assigned tasks that disregard their prior training. In an even more likely scenario, people with disabilities may simply not be taken into account at all, employers presuming their work will not prove profitable.

Conclusion: Can this Obstacle to Employment Be Overcome?

As discussed, for employers the condition of employment depends on the worker's ability to produce surplus value. However, the right 'to earn one's living' should be guaranteed for all, regardless of their greater or lesser ability to produce this surplus value, or even of their capacity to produce it at all. Disabled or not, workers display different productive capacities, which depend not only on their personal characteristics but also on the conditions under which they labor, including the technical means put at their disposal. If they did not have to produce surplus value, persons with disabilities could readily enter the workforce. In any case, it would suffice that they contribute to social production in line with their capabilities, even if limited. Likewise, the state would have to change its economic policies to focus on guaranteeing full employment with wages capable of covering the basic household basket of goods, a measure that would contribute to eradicate poverty, which today affects broad sectors of the population and especially the population with disabilities.⁴¹

This analysis suggests that persons with disabilities should focus their efforts on resisting the expulsion from the labor force of those who become disabled on the job, and on enforcing labor quotas in both the public and private sectors of the economy.⁴² Labor unions, organizations of the unemployed and disability rights organizations should unite in fighting for these demands, as the

right to hold a job and earn a living is a shared need. The current worldwide economic and financial crisis presents an extraordinary opportunity to further this agenda (Joly, 2009b).

Following this line of thought, in the long run, we can postulate that the compatibility between disability and work will demand the abolition of social relations founded on the private appropriation of surplus labor. We could point out, as does Ramal (see Joly, 2009a: 10), that the development of the productive forces of human labor, including the technical means of production, has created the premises to overcome the limitations of ‘disability’ on the job.⁴³ The very same social system that condemns those with disabilities to unemployment has created the conditions for their equality on the job, but for this to materialize these persons must emancipate themselves as producers of surplus value, i.e. of profits for others.

Here, the social sciences can significantly contribute to visualize the web of interests and social actors involved in perpetuating the unemployment of persons with disabilities in Argentina. In this regard, there has hardly been any research on elucidating the relation between the employment status of persons with disabilities and other socio-demographic and cultural dimensions, such as gender, age, technology or urban and rural settings. To formulate appropriate public policies, there is a need for empirical – quantitative and qualitative – studies that can help describe and analyze the social and economic relations of domination that lead to the chronic unemployment of those with disabilities. Among the issues this article elicits, we can mention the following lines of inquiry:

- Regarding data: there is a need for statistics to measure and describe the level of income for persons with disabilities and to describe the working conditions they labor under.
- Regarding the legal framework and public policies: how has Argentine legislation on disability evolved within the national and international socio-political context? What are the conceptions regarding disability within current legislation and how have these evolved over time and under what circumstances? What social demands are being addressed in current legislation and which demands does it omit? Who were the social players involved and what interests did they represent when lobbying for passage of these laws?
- Regarding the organizations of civil society: what conception about disability do the different organizations concerned with this issue hold? What are their main lines of action and what interests do they represent? What were the historical circumstances giving birth to these organizations? What are the facilitators and obstructions affecting the expression of demands among these and other social groups?
- Regarding the employment of persons with disabilities: what is the contribution of persons with disabilities to the gross national product (GNP)? What is their contribution to the economy even when performing unpaid labor? What is the participation of sheltered workshops in GNP? What is the contribution of persons with disabilities to economic development not only as workers but also as consumers? What kind of participation in society does this consumption express?
- Finally, there is a need to further our understanding of the different perceptions about disability held by persons with disabilities who have experienced paid labor versus those who have not had such an experience. Likewise, these perceptions should be analyzed by gender and social class, and should also include unpaid labor, household work experiences, and begging.

This article has attempted to present a current picture of the situation, from which inquiries for further research may be raised, in order to make visible the oppression experienced by persons with disabilities as a result of their exclusion from the productive system.

Acknowledgements

This article is dedicated to those who inspired the research leading to its production, namely activists with disabilities struggling for jobs, some who lost their lives in the struggle, and others who became disabled under torture during the military dictatorship or under subhuman working conditions.

Notes

1. We use the term persons with disabilities, as it has become the term of choice for most organizations struggling for their rights throughout the world, and is the term used in the recent United Nations Convention on the Rights of Persons with Disabilities (CRPD), notwithstanding that such a term emphasizes the individual's identity as defined by his or her physical, sensory, or mental impairment. Although the terms disabled people or disabled persons have fallen in disuse, these denominations are more in line with a social understanding that focuses on oppression (a perspective put forth in the UK by those who gave birth to the social model of disability placing emphasis on disability as a social construct rather than as an attribute embodied in individuals). Any of the above, however, is preferable to those that pretend to free the concept of negative connotations or to make it politically correct, like 'persons with special needs,' 'special persons,' 'persons with different capabilities,' 'persons with functional diversity,' and 'the challenged.'
2. According to IBGE (2000), the proportion of persons occupied aged 10 or more years old is 51.8 percent for men with disabilities and 63 percent for men who state not having any disability, i.e. a gap greater than 10 percent. Such a gap also holds among women: the proportion of those employed varies between 27 percent and 37 percent. The type of disability that mostly interferes with labor market placements is a mental disability: only 19.3 percent of persons who declare having a permanent mental disability are employed. The remaining disabilities enable higher job placements: a physical or motor disability (24.1%), a hearing problem (34%) or a seeing difficulty (40.8%). For those without any of these disabilities, the proportion of employed persons reaches 49.9 percent.
3. According to data from the XII Population and Housing Census of 2000 in Mexico, 49.3 percent of the total economically active population is employed or seeks employment, whereas this rate drops to 25 percent among the economically active population with disabilities. Moreover, 60.6 percent of the total occupied population stated being employees or workers, whereas among the occupied population with disabilities, this dropped to 43.7 percent. Furthermore, whereas 27.9 percent of the total occupied population stated being self-employed, this percentage rose to 33.3 percent among the population with disabilities; this data reflects that unable to find opportunities in the formal sector, persons with disabilities seek to earn income by other, personal means. Finally, unpaid labor is higher among persons with disabilities than among those without disabilities (6.4% vs 4% in the total population).
4. Data on job destruction is taken from Kicillof (2008). Neoliberal state policies are characterized by the nearly explicit (re)orientation of the welfare state in favor of the rich and against the poor by reducing social programs, implementing monetary policies that address reducing inflation at the expense of greater unemployment, weakening labor unions in order to lower wages, establishing precarious working conditions, extending and making flexible the workday, privatizing public services, subsidizing the private sector, and lowering corporate taxes. See Chomsky (1996). So-called globalization is characterized by the internationalization of capital, to such an extent that large multinational firms set the pace of national economies and define state public policies.
5. For labor quota legislation: Art.8, Law 22.431 of 1981, see Boletín Oficial (1981). For sheltered workshops legislation: Law 24.147 of 1992, see Boletín Oficial (1992). For constitutional mandates: Arts.75.22 and 75.23.4 and National Constitution reformed in 1994, see Honorable Senado de la Nación (1994). For anti-discriminatory legislation: Art.1, Law 23.592 of 1988, see Boletín Oficial (1988).
6. National job quota Law 25.689 of 2002 which modified Law 22.431 of 1981.
7. Buenos Aires City job quota Law 1502 of 2004 in compliance with the city's constitutional mandate of 1996.
8. Law sanctioned by the Buenos Aires City Legislature on 15 October 2009 at the request of the City Government.

9. Law 24.147 sanctioned in 2002.
10. Another document often cited by organizations of persons with disabilities is the United Nations' *Standard Rules on the Equalization of Opportunities for Persons with Disabilities of 1993*. These *Standard Rules* served as the background document to the conventions cited in the text.
11. This is known as the medical model in disability.
12. Even though a so-called disability may coincide with an illness requiring permanent health care, what is questioned is the role assigned to the ill as lacking autonomy (Parsons, 1984) – a social construct that marks and defines persons with disabilities.
13. A personal interview with Gilberto Reingel Ponce, surviving activist of the FLP, kidnapped in 1978 and tortured in El Olimpo detention center, provided most of the information on this movement. Interview held on 12 October 2011.
14. In 1974, the FLP organized the First Congress of the Disabled without Jobs or Housing, attended by nearly 300 delegates and activists from all over the country.
15. The Triple A reportedly assassinated one of its members.
16. Signed into law on 11 October 1974 during the government of Isabel Perón, lobbying for its passage started during the government of Héctor Cámpora. It offered a novel definition of disability, which in many respects goes beyond that enounced in the CRPD. For a copy of the law (20.923), see REDI (undated) or DigitalCommons (undated). For congressional debates prior to its passage, including a key document of UNSEL, see Congreso (1974).
17. Notably, one of the groups called itself 'Grupo La Rueda' (The Wheel).
18. In its beginnings, REDI brought together representatives of different associations, such as Grupo La Rueda, which later on formed the Disability Department of the Central de Trabajadores Argentinos (CTA), the Disability Area of AMIA (the Jewish community organization) and Fundación Rumbos (which focuses on accessibility issues). Shortly thereafter, the sheltered workshop FALDAD, the University of Buenos Aires Deaf Students' Union and the Blind Cane Group, among others, joined REDI.
19. Programa Nacional Ciudades Accesibles, organized by REDI, Fundación Rumbos, AMIA's Disability Area, AMSCA (Asociación Mutual de la Sociedad Central de Arquitectos) and Acceso Ya! with the collaboration of a variety of NGOs of persons with disabilities throughout the country.
20. See United Nations (2006). Ratified by Argentina in September 2008, Law 26.378.
21. See Mintz (1974, 1985) for an analysis of slave conditions under sugar cane production in the Caribbean.
22. Also, see Thompson (1963).
23. Also, see Kandel (2003).
24. According to Russell and Malhotra (2002: 212–213): 'With the advent of capitalism ... and as production became industrialized people's bodies were increasingly valued for their ability to function like machines ... As work became more rationalized, requiring precise mechanical movements of the body, repeated in quicker succession, impaired persons – the deaf or blind, and those with mobility difficulties – were seen as – and, without job accommodations to meet their impairments, were – less 'fit' to do the tasks required of factory workers, and were increasingly excluded from paid employment.'
25. Analyzing the effects of the 1930 crisis, Hannington (1937: 78, cited by Abberley in Barton and Oliver, 1997) comments: 'These youths ... meet problems which render them increasingly conscious of the way in which their lives have been stunted and their young hopes frustrated and of the results of the physical impairment which they have suffered through the unemployment and poverty of their parents.' This description applies to the children of those who today live in shanty towns, without work, or with precarious jobs, immersed in poverty.
26. Law 23.021 of 1983.
27. This structural conception of poverty, rooted in how the capitalist system works, and its relation to disability, differs from the notion that both disability and poverty are measurable continuums related to medical conditions and household income. This latter approach prevails in international organizations and national government agencies, and serves to redefine those who are considered to be disabled and poor as a function of politically convenient interventions and budgetary assignments. The disability area within the World Bank is a leading ideologue in this respect.

28. This notion was first introduced by Joly (2007).
29. INDEC and CONADIS (2005: 136–140) provide data from their national survey of persons with disabilities (ENDI) that allow marking trends, such as the index of activity (ratio between economically active population and the total population).
30. According to Venturiello's (2012) doctoral dissertation (draft), closest relatives play a decisive role as a social network. They are charged with compensating – not always successfully – the consequences of forced social exclusion: shortages in rehabilitation services, lack of spaces for socializing, study and work, among others. Faced with the lack of appropriate public policies and community ties capable of responding to diverse needs, families are overburdened with responsibilities, favoring relations of dependency of the person with disability. See also Venturiello (2009).
31. CELS et al. (2003). The presence of a person with a disability at home represents an economic and social burden that depresses the standard of living of the household as a whole, due to permanent expenses in specialized equipment (costly, and insufficiently covered by labor union and private health plans or by public health and social aid programs) and in personal assistance (costly when privately procured as it is hardly ever covered by public social programs, when it does not involve the unpaid labor of another household member).
According to National Council on Disability data (see US National Council on Disability, 1996: 59–60), the percentage of women with disabilities who work is significantly lower than that of men with disabilities who work, and their comparative earnings are also much lower (they amount to 65% of the earnings of men with disabilities). These trends are considered to hold worldwide according to leaders of disability right organizations throughout Latin America and other regions of the world (views surveyed among such leaders at the International Law Symposium: From Principles to Practice – organized in Washington, DC by the Disability Rights Education and Defense Fund (DREDF) and the US Social Security Administration, in October 2000).
32. Access to disability-related social services requires a disability certificate. ENDI (INDEC and CONADIS, 2005: 97) admits that only 15 percent of persons with disabilities have such a certificate, and there has never been any government publicity campaign to inform the public about the state's services in this field.
33. Economists Haveman and Wolfe (1999: 12), commenting on the USA, noted that the poverty rate among working age persons with disabilities was about three times that of those without disabilities. 'From 1972 to 1987,' they added, 'average earnings of disabled males decreased from nearly \$19,000 to somewhat more than \$11,000, and from about three-fourths of the earnings of the nondisabled to about one-half.' This was even more pronounced among disabled women and black men, they reported.
According to another pair of researchers, Houtenville and Adler (2001: Table 4), from 1980 to 2000 the relative employment rate of US persons with disabilities dropped dramatically from 43 percent to 38.6 percent. Meanwhile, in the same period, the relative median household size-adjusted income of persons with disabilities dropped from 53.7 percent to 50.9 percent (2001: Table 7). This trend suggests that persons with disabilities are more seriously affected than others during periods of high unemployment.
34. Houtenville and Adler (2001) discussing Saad Nagi's components of disability. See Nagi (1991).
35. United Nations (2006). CRPD Article 2: 'Reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.
36. According to Coriat (2008: 70), the concept of 'reasonable accommodations' would seem to justify putting a cap on investments in accessibility: 'But, how does one evaluate the 'reasonableness' of incorporating an elevator in a very old and small school? How does one counterbalance the need for accessibility versus the cost of an elevator? What is the social cost of excluding students and teachers with disabilities?' Further on, Coriat concludes that to 'limit accessibility in terms of a predefined admissible investment implies a clash of interests with rights one pretends to promote.'
37. Legislatura de la Ciudad Autónoma de Buenos Aires (Legislatura, 2004). Approved in 2004, regulated in 2005.

38. Recently, the Municipality of Almirante Brown in the Province of Buenos Aires hired a person with a physical disability as a regular employee, following strong pressure from Polo Obrero, an organization of unemployed workers. The Mayor's fear was, 'If we hire him, what do we tell the rest?' Testimony from personal interview with a member of the organization involved in the negotiations (February 2009).
39. According to Russell (2002: 118): 'The Disability Rights Movement (DRM) in the US has largely conceptualized disability as a minority group which is disadvantaged and denied majority rights status ... Identifying the source of disabled persons unemployment in discriminatory attitudes of employers and physical barriers in the work environment, the DRM has sought to alter the historical exclusion of disabled persons from the workforce through the establishment of individual legal rights and remedy under the liberal theory of "equal opportunity" to employment – which essentially means equal access to a job not available to all.'
40. The Government of the City of Buenos Aires excludes from employment those who have not completed their secondary schooling, i.e. 82 percent of those with disabilities (INDEC and CONADIS, 2005: 120–135). In the case of persons with intellectual disabilities, the percentage is even higher.
41. Thus, any person of working age who needs or wants to work should have paid employment in an amount sufficient to satisfy his/her needs (including those of his/her household). The notion of 'natural rate of unemployment' is discarded as socially unacceptable.
42. REDI recently won a court case (October 2010) forcing the employment of workers with disabilities by CLIBA, the private outsourced Buenos Aires City garbage collection company (Videla, 2010). Negotiations are underway to ensure compliance with the court ruling.
43. According to Ramal, regardless of their physical, sensory or even mental or intellectual conditions, workers are largely indistinguishable when working a computer monitor or workstation (there are even computer reading programs for the blind and writing programs for those who cannot use their hands) (Joly, 2009a: 10).

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