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“Liberalism’s Last Rights: Disability Inclusion and the Rise of the Cost-Benefit State”

This paper, written for an edited collection on “histories of modern liberalism” in the United States, examines liberal efforts at disability inclusion during the “long 1960s,” as well as the post-enactment lives of major disability laws from this era. As these laws began to have real-world meaning, urgent conversations ensued about what equality meant for people with disabilities—and who should bear the cost. The introduction of a cost discourse into the realm of equality rights was vital, for it helps explain a transformation that now defines our political present: from a political order structured around the idea of equal opportunity, and in which an affirmative, rights-guaranteeing state seemed essential to the national welfare, to a political order that continues to valorize equality rights, but treats efficiency as the highest goal of all. Through the aperture of disability law and interpretation, this paper suggests, liberal notions of equality rights came to co-exist with an all-encompassing imperative of efficiency.

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