Fear of the Disability Con: Perceptions of Fraud and Special Rights Discourse

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This article presents a new framework for analyzing the development and implementation of disability law: the prism of the fear of "the disability con"—popular perceptions of fraud and fakery. We all encounter disability rights and accommodations in everyday life. However, people with disabilities pay a price for the legal recognition of their rights. People who park in disabled parking spots, use service dogs, move to the front of lines, receive Social Security benefits, or request academic accommodations are often viewed as faking disabilities and abusing the law. This disability con stereotype thus serves as an important invisible barrier preventing Americans with disabilities from fully taking part in society, as it not only undermines the public legitimacy of rights but also restricts the design and implementation of the legal regime illustrating those. Nevertheless, this moral panic around disability con in American society and its manifestations has yet to be studied in a systematic-empirical way, nor has it been addressed in sociolegal scholarship. Using a mixed-methods approach composed of an original nationally representative survey along with in-depth interviews, this article fills this gap. The data suggest that the stereotype of disability con applies to multiple disability rights across venues and contexts; that nearly 60% of Americans with disabilities feel that others question their disability; that the stereotype of disability con extends to visible disabilities and to less apparent ones; and that, counterintuitively, the people most suspicious are non-disabled individuals with a personal connection to a disabled person and disabled people who experience suspicion themselves. Based on the richer

understanding of the sociolegal phenomenon, this article suggests strategies to increase trust and reduce suspicion of the disability con.

Introduction

George Takei is an American actor, director, human rights activist, and social media persona. He is also known for his sense of humor and the amusing internet memes he posts. One joke, though, created quite a stir, online and off. On August 2, 2014, Takei posted a meme on his Facebook and Twitter accounts depicting a woman in a liquor store standing up in a wheelchair while reaching for a bottle from the top shelf (Figure 1). The caption read, "There has been a miracle in the alcohol aisle." The meme was then shared tens of thousands of times. In response, social media users offered comments like "Hope insurance company sees it!" illustrating how the meme was viewed as catching someone perpetrating a con. Remarks suggested this was not an isolated incident, and the photo offered verification of a known common phenomenon, how "much fraud there is today" (Harris 2014).

Figure 1. Takei's Meme. [Color figure can be viewed at wileyonlinelibrary.com]

Takei's posts outraged many people with disabilities and advocates worldwide. They were enraged about the validation of a socio-cultural-legal phenomenon they experience every day—public suspicion of the "disability con,"[1] that is, the moral panic that individuals fake disabilities to take advantage of rights, accommodations, or benefits. Takei's post demonstrates the limited success of the American disability rights movement and US legislation in changing perceptions around disability (Krieger 2003b: 256; Waterstone 2015: 614). Takei fails to understand disability as fluid rather than dichotomous (Barnartt 2010: 2). Therefore, the idea underlying the meme—that a person using a wheelchair cannot stand up even for a second—is simply a misconception. Some physically disabled people who use wheelchairs can get up and walk short distances; some might only use wheelchairs in certain circumstances and for shorter times to avoid pain. Similarly, people living with chronic pain or mental illness might have days they can move around and be active and others they cannot get out of bed. As some tried to explain to Takei, getting up or moving your legs does not make a wheelchair user "a faker" (Egan 2014).

This Article presents a new framework for analyzing the development and implementation of disability law and policy: the prism of the fear of the disability con—popular perceptions of fraud and fakery. Although news stories and memes about falsely claiming disability rights abound, what the public makes of these stories or how disabled people experience this suspicion is something not integrated into systematic analysis of law in everyday life. Yet these attitudes could well shape how people experience their rights, how they are willing to exercise them, and how the law itself is being shaped to respond to this suspicion. The widely documented civil rights approach the law in the United States has taken depends on inclusion in everyday life, specifically in sites that have proven resistant to enforcement (Merry 1995: 14). Inclusion depends not only on the signs, symbols, and policies of inclusion but also on how laypeople experience rights and their legal consciousness (Ewick and Silbey 1998: 22; Nielsen 2000: 1057). This is specifically true in the disability law context, as its regulations and policies primarily depend on private enforcement via society's members, specifically in everyday situations wherein formal law is absent (Marusek 2012: 138–39; Bagenstos 2009: 9). Therefore, this study integrates a national survey with stories from people with disabilities about when they have been suspected of fraud. Studies of inclusion concerning racial groups along with sexual orientation and gender identity

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[1] The term "disability con" was coined by Ellen Samuels who described how the idea of "faking" a disability was portrayed in multiple literary pieces and cultural products (Samuels 2014:28).

have found that contact makes a difference to acceptance (Pettigrew and Troop 2011: 16–20; Harris 2019: 912). In addition to giving a rich description of the nature and scope of the disability con stereotype, this exploratory study finds, perhaps paradoxically, that though it is hard to discern who is most likely to suspect others of fraud, contact or even experiencing a disability does not seem to decrease the likelihood of suspecting fraud and fakery.

As Congress acknowledged in the original 1990 Americans with Disabilities Act (ADA), individuals with disabilities are a minority group subjected to a history of purposeful unequal treatment and relegated to political powerlessness due to complex processes of stigmatization about their abilities and potential. Nevertheless, having a disability in the post-disability rights era has its benefits. In her renowned book *The Disabled State*, written well before the ADA's passage, Deborah Stone named disability a "special administrative category" giving disabled people some "privileges" (Stone 1984: 4). Because the law seeks to protect disabled people's rights and declared disability a civil rights issue, some accommodations and rights were granted to persons who fit that special category to help them navigate their daily lives and facilitate their inclusion in sociopolitical processes. In Justice Breyer's words, in the employment context:

> By definition, any special "accommodation" requires the employer to treat the employee with a disability differently, that is, preferably… [W]ere that not so, the "reasonable accommodation" provision could not accomplish its intended objective… (U.S. Airways, Inc. v. Barnett).

Due to this preferred treatment, nondisabled people sometimes want the same accommodations or disability-related rights. For example, who would not want to park closer to the entrance, take the dog to venues that usually prohibit pets, receive more time on exams, or skip the lines in theme parks or when boarding a plane? Those "small disability perks" can be extremely handy and thus, in certain circumstances, nondisabled people would be willing (or not mind) to be considered disabled to enjoy them. This rationale is behind people's suspicions that others fake disabilities to enjoy rights and accommodations perceived as perks or "special rights."

I study the fear of the disability con both from an "outside view" and an "inside view" of disability (Emens 2012: 1386) using a survey of a nationally representative sample and in-depth interviews with disabled individuals. This research thus joins a small but significant body of work in sociolegal studies in foregrounding the voices of disabled people and their experiences with the law (Dorfman 2017; Engel and Munger 2003; Malhotra and Rowe

2013). It is also a part of the growing field of disability legal studies, which seeks to apply a disability studies framework to examining legal topics and investigating the legal system's role in the social construction of disability (Mor 2006: 64; Kanter 2011: 426–28).

Findings from an original survey of a representative sample of 1,085 Americans demonstrate that public suspicion of abuse of disability laws and rights is indeed identifiable in public opinion and how the stereotype of disability con cuts across venues and contexts. In addition, 58% of the disabled persons in the sample indicated there are situations wherein they worry others may be skeptical of their disabilities. Counterintuitively, I find that the more suspicious people are nondisabled individuals with a personal connection to a disabled person (compared with nondisabled without such a connection) and that disabled people who have experienced suspicion themselves are more suspicious of disability con (compared with disabled individuals who have not experienced suspicion). I also discuss how the suspicion exists both toward people with visible disabilities, like the woman in Takei's meme, and those living with less obvious/ "invisible" disabilities.

Through the first empirical assessment of the depth and breadth of this socio-cultural-legal phenomenon, this article demonstrates how disability law manifests itself in the interactions between disabled and nondisabled people. It seeks to examine the stereotype of people claiming disability-related rights and accommodations as fakers and abusers of the law. The factual validity of stereotypes, that is, the debate about whether stereotypes have a "kernel of truth" to them, dates to the 1930s (Katz and Braley 1933) and has been demonstrated as elusive and challenging to assess (Ashmore and Del Boca 1981: 18). Nevertheless, stereotypes may be related to reality because they make generic, exaggerated statements about social phenomena (Beeghly 2015: 677).

This research does not seek to objectively assess how broad the phenomenon of people "faking disability" is in reality. Rather, the discussion is shaped by what has been known as "the social construction of social problems" (Blumer 1971: 304–05). Social problems are a social activity wholly distinct from an "objective" condition (Spector and Kitsuse 1977: 73–75). This means the factual basis underlying stereotypical assertions about social groups is not any more relevant than is the prevalence of these stereotypes in people's minds. As this research demonstrates, the disability con stereotype holds far-reaching implications for people with disabilities in the United States and beyond.

Section I explains how the suspicion of fakery has been engrained in the legal treatment of disability and how disability rights are often viewed as "special rights." In Section II, I describe the mixed-methodology combining quantitative and qualitative

analysis. In Section III, I present the quantitative findings on the existence and scope of the suspicion, the role the visibility of disability plays in generating suspicion, and how people's relationship to disability (having a disability, having a friendly or familial relationship with a person living with disabilities, or not having any current personal connection with disability) affects suspicion levels. In Section IV, I interpret and discuss the findings. Section V presents the qualitative interview data on the effect suspicion has on people with disabilities. I conclude with strategies to minimize public suspicion of the disability con.

Section I: Disability Rights and Perceptions of Fakery

Fear of Fraud and the Fluidity of Disability in American Law

Disability's fluid nature, which takes on visible and invisible forms, is the basis for the perpetual connection made between disability and fakery. This connection is a common thread running throughout the history of enacting and interpreting legislation pertaining to people with disabilities.

Disability studies scholars have demonstrated how the authenticity of disability was contested even before the rights framework was conceptualized in American law. After the Civil War, amid the implementation of laws providing pensions for disabled veterans, newspapers reported numerous stories on "Fake-Veterans swindling the government." Despite the lack of evidence for fraud, this extensive reporting influenced public attitudes toward this population that became "expressly tied to stereotyped themes in news accounts alleging illegitimacy, malingering, unworthiness, and undeservedness" (Blanck 2001: 131–35). In the mid-nineteenthth century, when "urban begging" became widespread (Stanley 1998: 103–04; Ryan 2000: 686), government sought to regulate disability and vagrancy, two closely connected categories (Schweik 2009: 16; Stone 1984: 29). At that time, a need arose to distinguish between those disabled beggars "worthy" of benevolence and charity and the "unworthy fake-disabled beggars" in order to protect the public from the latter (Furui 2013: 56). "Disability, after all, could be faked, as could illness, hunger pains, and other sympathy-eliciting elements" (Ryan 2000: 686). This concern of the possibility of faking a disability and eliciting charity fomented the Ugly Laws—prohibiting those considered unsightly from appearing in public altogether and, consequently, solving the fear of fakery (Schweik 2009). In the 1980s, the Reagan administration sent a "get tough" message against perceived Social Security Disability benefits fraud through a new policy called Continuing Disability Review (CDR). The CDR allowed the Social Security Administration (SSA) to review a person's eligibility for benefits

de novo every three years—to detect recipients no longer disabled but who pretend to be to avoid working (Mezey 1988: 75). After approximately 200,000 recipients lost their essential source of income within the three years, with nearly half of initial reviews resulting in termination of benefits (Schweiker v. Chilicky: 415–16, 430), and criticism from the courts for due process violations (Mezey 1988: 121), Congress abated the crisis by enacting the Social Security Disability Benefits Reform Act of 1984 that provided a statutory standard for evaluating claims (Taibi 1990: 950).

This suspicion against malingerers, people faking disabilities, continues to take on new forms today after the disability rights revolution. Samuels eloquently noted the new type of disabled con man in popular culture:

> The fake-disabled beggar is a shifty vagrant… [who] seeks to increase his or her profits by playing upon public sympathy for the disabled. The [modern] disability con man, by contrast, refuses to occupy any stable social role: he plays upon social categories of identity through manipulation and masquerade, thus destabilizing fixed notions of ability/disability, rich/poor, and hero/villain. (Samuels 2006: 63).

Retelling the history of the ADA demonstrates how the courts received the legal category of disability apprehensively. In the first two decades, judges suspected plaintiffs were attempting to abuse the law by improperly fitting themselves into the legal category of disability.

The ADA's 1990 passage was borne of a bipartisan political effort by then-President George H. W. Bush and a Democratically controlled House and Senate. Scholars also attribute political support to the personal life experiences and connections members of Congress had with disability (Davis 2015: 3), articulated by Shapiro as constructing a "hidden army" of proponents (Shapiro 1994: 117–19).

The ADA is an omnibus antidiscrimination statute, modeled after the Civil Rights Act of 1964. When enacted, it was considered a revolutionary, "transformative statute" (Krieger 2003a: 2, 2003b: 343). The ADA aims to alter the way society regards disability by employing two legal constructs: the idea of accommodations and the redefinition of who is actually a person with disabilities. It is unique with respect to the American tradition of providing "negative rights," that is, prohibiting government interference with private behavior (such as the right to free speech or to practice one's religion) (Tushnet 1984: 1392–93). The ADA broke new ground by combining an element of "positive rights" that compels the state and private actors to provide certain means for disabled people to

enjoy their other rights. Specifically, it imposes a duty of reasonable accommodations on society in order to remove barriers and alter environments to allow for equal opportunities and participation for disabled people (Heyer 2015: 44–45). Failing to provide reasonable accommodations constitutes discrimination (ADA 42 U.S.C. § 1211 (b) (2008)).

By incorporating the positive rights element of reasonable accommodations, the ADA acknowledges that many physical environments do not consider the needs of people with disabilities and make it difficult, or even impossible, for them to access and partake in daily life activities (Titchkosky 2011: 71–72; Mor 2017: 625). The idea of accommodations applies not only in terms of the accessibility of the physical environment but also in terms of job market access. However, it is important to note a more critical view of the statute as "a civil rights act with an economic loophole built in, the ADA said that if rights cost too much, they didn't have to be granted" (Johnson 2003: 11). This critique alludes to the limits of the "reasonableness" standard and the requirement that accommodations not amount to "undue hardship." Unlike other federal antidiscrimination statutes, most notably the Civil Rights Act, that protect everyone, the ADA is limited to a defined class: those with a "disability." This need for a concrete definition implies the fluid nature of disability that holds potential for fakery and taps into public concern.

Arguably, this protected class's scope is much larger than the group considered disabled in legal culture and popular discourse. In that aspect, the ADA followed the American disability rights movement of the mid-1970s' lead. This movement is incredibly pluralistic and diverse, declaring a "cross-disability" approach and uniting people with mobility, sensory, mental, and intellectual impairments (to name a few). These groups' advocates joined together to lobby to support the ADA, in part because the legislation adopted an inclusive definition of the class (Longmore 2003: 111; Scotch 1989: 285).

The law's drafters did not anticipate the Supreme Court's reaction to the ADA's definition; it has been called "the backlash against the ADA" (Krieger 2003a, 2003b). Most of the federal court decisions in the ADA's first 20 years were hostile to disability rights. Defendants prevailed in 92.7% of the ADA cases heard in federal district and appellate courts before 1998 (Colker 1999: 108). Moreover, in a series of cases addressing employment discrimination, the Supreme Court adopted a narrow reading of the threshold definition of disability and thus shut down many plaintiffs' claims, plaintiffs who viewed themselves as part of the law's broad protected class (Bagenstos 2009: 35). In one such case, the unanimous opinion explicitly stated that the ADA's definition of disability should be

"interpreted strictly to create a demanding standard for qualifying as disabled" (Toyota Motor Manufacturing, Kentucky, Inc v. Williams 2002: 691). These cases involved plaintiffs not deemed "truly disabled" before a court not used to viewing disability as fluid and (at least partly) socially constructed (Siebers 2008: 30). Specifically, all the plaintiffs could control their impairments through "corrective measures."

Though the Court hesitated to categorize certain genuine conditions as protected disabilities and over-expand the size of the protected class, courts also saw a need to protect against abuse of disability law by those unworthy, malingering claimants (Bonnie 1996: 5; Bagenstos 2000: 469–470; Smith 2007: 40–41). As the Seventh Circuit determined in a 1995 case:

> "[Plaintiff] repeatedly attempted to circumvent and/or manipulate the system by using his alleged disability to gain a competitive advantage… there is a clear bright line of demarcation between extending the statutory protection to a truly disabled individual and allowing an individual with marginal impairment to use disability laws as bargaining chips to gain a competitive advantage" (Roth v. Lutheran General Hospital: 1460).

However, as Johnson argues, the ADA was not meant to screen for those worthy of protection (in the same way the Ugly Laws did in the nineteenthth century and the way Social Security laws currently do). Rather, the ADA sought to prevent discrimination that may or may not be related to a real impairment—hence, the "being regarded as having an impairment" language. "The law was not about [real] disability – but about discrimination" (Johnson 2003: 183–86).

The judicial backlash elicited a successful effort to amend the definition of disability in the ADA Amendments Act of 2008 (ADAAA). The ADAAA sought to refocus the ADA on issues of employment discrimination and on qualifications of disabled workers as opposed to ensuring the plaintiffs' standing. Although the ADAAA did not reshape the original definition of disability, it did determine that this definition be broadly interpreted. Analysis of case law indicates that the reform was successful: "The ADAAA, for the most part, is being interpreted by the [federal] courts in a manner consistent with congressional intent" (Befort 2013: 2071).

Other than the ADA, various federal laws protect the rights of disabled Americans in myriad areas. These include the Department of Transportation's Uniform System for Parking for Persons with Disabilities, the Social Security Act, the Individuals with Disabilities Education Act, the 2011 ADA regulations regarding use of service animals, the Fair Housing Act, and the Air Carrier Access Act.

Similar to the ADA, these all employ some type of positive right element, whether in the form of accommodations or governmental assistance, and require people to prove their "real" status as disabled.

Disability Rights as "Special Rights"

Despite the ADA's transformative goal of changing social attitudes toward disability, many argue the ADA has had limited success in this regard. The ADA successfully raised *public awareness* of the topic, and now laypeople at least seem familiar with the general issues and basic concepts of reasonable accommodations. However, the statute and movement failed to change *perceptions toward disability* in courtrooms and the public sphere (Waterstone 2015: 609; Barnes and Burke 2012: 178). The connection between disability and fakery also played a significant role in how the court and public originally received the ADA.

Several scholars demonstrated how the media have portrayed the ADA as "granting windfalls to unworthy plaintiffs," with headlines reading, "Disability Act Abused? Law's Use Sparks Debate" or "The Disabilities Act's Parade of Absurdities" (Krieger 2003a: 8). The media play a critical role in bolstering the image of the "disabled con man" who manipulates and abuses disability laws (Johnson 2003: 8–9; National Council on Disability 2003: 10–12) and are fueling the moral panic (Cohen 1972 (2011 ed.)) around disability con. As LaCheen concluded, "The message conveyed is that people claim to have these particular conditions to cheat the system, get special treatment, or evade personal responsibility for their own conduct" (LaCheen 2000: 228).

Distributive systems under which a group functions influence the social relationships among the group members (Deutsch 1985: 162). Popular discourse rarely draws any distinction between antidiscrimination laws and affirmative action laws that provide positive rights and benefits to members of marginalized groups (Rubin 1998: 568). This overly broad view affects perceptions of fairness about the resource allocation norms being utilized in society (Beugrâe 1998: 11) and is the foundation for what is known as the "special rights discourse." Special rights arguments state that minority groups gain an unfair advantage by "disguising" their demands as striving to achieve "equal rights" and an "even playing field" when they are actually seeking *extra* benefits. The special rights discourse of "supposed abuses of rights" builds on ideas of "reverse discrimination" against dominant groups and warns against immoral and un-American activism. The special rights argument has targeted the rights of people of color, LGBTQI,

indigenous people, and labor unions (Dudas 2005: 724–25; Dudas 2008: 147; Goldberg-Hiller and Milner 2003: 1084).

Regarding disability rights, however, the use of the special rights discourse seems more covert, as there is no clear conservative legal mobilization against the mere idea of giving rights to people with disabilities as there is against the rights of other minority groups (Johnson 2003: 43; Dudas 2008: 7–8, 41–44). Society views disabled people as either less threatening (when seen through the prevalent charity and medical models) or even more deserving of legal protection against discrimination (compared with LGBTQI, Native Americans, and other groups) (Rubin 1998: 588, 594). In addition, the ADAAA explicitly states that claims of reverse discrimination cannot be tolerated under this statute (§ 12201(g)).

Nevertheless, I argue that the "special rights consciousness" does exist in the minds of many Americans who encounter disability rights in their everyday lives. The original data collected for this research demonstrate that the public is suspicious of disability and various types of rights for people with disabilities, believing that the disability con is prevalent in multiple contexts. The fact that accommodations and disability rights have a "positive right" component to them that is unusual in American constitutional culture and that disability's legal definition is broad enough to include many types of impairments may contribute to the suspicion. Who would not want to park closer to the entrance or avoid paying for public parking, take their dogs into venues that usually prohibit pets, receive more time on exams, or avoid lines in theme parks or at boarding gates? The desirability of these accommodations by nondisabled people evokes jealousy and allows these rights to be recast as "special treatment"—prone to fakery and abuse (Nario-Redmond 2019: 203). Despite socially apparent reasons to refrain from such forms of fraud, such as the stigma attached to disability, which it seems would limit public concerns, the data presented later show that public suspicion of disability persists.

One clear example of the reverse discrimination argument against people with disabilities can be found in research based on interviews with property developers about accessibility. One common theme unearthed is nicely demonstrated in one interviewee's words: "Disabled people are a minority of the population, therefore by providing facilities specifically designed for them, we are discriminating against able-bodied people, which is also unfair." The authors conclude that "property developers tend to reflect and reproduce … broader societal knowledge bases, with few respondents connecting disabled people's status to moral questions or, indeed, to broader issues about citizenship and rights" (Imrie and Hall 2001: 338). This conclusion supports the argument that

laypeople do not understand disability as a civil rights issue more than 28 years after the ADA's passage (Waterstone 2015: 614; Davis 2015: 228).

Emens provides another example. She acknowledges that even her *law students* distinguished between failure to accommodate and discrimination. These students had not remembered or comprehended that the ADA clearly defines discrimination in terms of the *failure* to make reasonable accommodations and might still view accommodations as special treatment (Emens 2012: 219).

The idea of receiving special privileges that put disabled people at an advantage over others highlights the potential "utility" of engaging in disability con. Stories covering disability con and exploitation of disability rules by "fakers"—to cut lines in airports (Fox19 2013; Nir 2012) or at theme parks (Dorfman 2020) or to take a pet everywhere by presenting it as a service dog (Manning 2013; Marx 2014) or to obtain a favorable parking spot (Samuels 2014: 132–136; Miller 2003: 898; Dorfman 2020) or gain unfair advantage in college (Belkin 2018; Vedder 2018)—have made it to national media outlets. *Time* magazine even declared a "National Epidemic of Horrible People Pretending to Be Disabled" (Tuttle 2013). Those stories accompany the long prevalent public discussion on fraud related to Social Security disability benefits (Hansen et al. 2014: 82; Berkowitz and DeWitt 2013: 201, 218).

Nevertheless, people with disabilities themselves have been active in the debate on disability con. As research indicates, people with disabilities tend to use cyberspace for interaction and advocacy more often than the general population does (Haller 2010: 2–8). And so, numerous posts and op-eds discussing the public suspicion of disability con phenomenon have surfaced (e.g., Brentano 2016; Ladau 2014).

Section II: Mixed-Methodology

This research aims to empirically assess the perceptions of disability con in the U.S. and answer the following questions:

• Does the phenomenon of public perception of disability con exist among the American public? If so, does this suspicion exist in multiple contexts in which disability-related rights are applicable?
• How does someone's "personal relationship with disability" (having a disability, having a close friend or family member with disabilities, and/or not having a disability nor having friendly or familial relationships with disability) influence the level of suspicion of disability con?

- How does this suspicion affect people with disabilities in the negotiation of their rights in the everyday?

I use a mixed-methods approach to investigate the nature and breadth of the stereotype of disability con. The quantitative analysis lets me make broader inferences and discover relationships among factors, and the qualitative approach allows for a contextual analysis and a richer understanding of the phenomenon.

National Survey

As this article seeks to investigate the phenomenon of suspicion of disability con in the U.S., I chose to conduct a national online survey with 29 questions on various aspects of disability con and a few demographic questions. I administrated the survey in August 2016. The questions were primarily close ended and used a 5-point Likert scale. The survey included one open-ended question for respondents who identified as people with disabilities and acknowledged that they encountered situations wherein they worried that others might be skeptical of their disabilities. Those respondents were asked to share further details about those situations and experiences. One hundred and two respondents answered this question and provided rich narratives I use in my analysis alongside the interviews to describe the suspicion of disability con from the disabled recipients' viewpoint.[2]

I distributed my survey via Survey Sampling International (SSI), an online panel company that produces samples considered more representative and diverse than are those collected through online convenience samples (such as Amazon's Mechanical Turk).

The sample included 1,085 people; 541 males and 542 females (two respondents assigned themselves to a third gender option, "other"), all between 18 and 65. Other demographic control variables in the survey include race and ethnicity, socioeconomic background, education level, and political identification (in terms of party identification and political ideology, conservative or liberal). Regarding party identification, 473 respondents are Democrats, 255 Republicans, and 357 are independent.

An important independent variable in this research is "relationship to disability." In my sample, 246 people self-identified as people with disabilities,[3] and 839 people identified as nondisabled. This percentage (23% of the survey sample identify as

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[2] All names are pseudonyms.

[3] Within the 266 respondents who identified as having disabilities, half (133) had more than one disability; 166 respondents are living with physical disabilities, 59 respondents are living with mental disabilities, 21 respondents are living with chronic illness, and the rest (20 respondents) are living with at least one other disability (sensory, learning, developmental, or other).

people with disabilities) corresponds with federal government data showing that 22% of the US population lives with some kind of disability (Centers for Disease Control and Prevention 2017).

Nondisabled respondents were asked whether they "have a family member or a close friend living with disabilities." Of 839 respondents who answered the question, 47% (398 respondents) said they have a familial or friendly relationship with a disabled person whereas 53% (441 respondents) said they do not have a close relationship with a disabled person (see Table 1).

Table 1. Research Population and Average Level of Suspicion

	Mean/%
Index Measuring Suspicion of Disability Con Among All Participants[1]	3.32
Disabled	23%
Experienced suspicion	58%
Nondisabled	
With Cordial or Familial Relationship with a Disabled Individual	47%
Female	50%
Age	41
Party ID	
Democrat	44%
Republican	24%
Independent	32%
Political Ideology[2]	3.72

Note: N = 1,085.
[1] Index of seven questions on suspicion, all measured on a scale of 1–5 (higher score indicates a higher level of suspicion).
[2] Political Ideology measured on a scale of 1–7 (liberal to conservative).

Qualitative Interviews

Over three months (January–March 2016), I conducted 43 interviews with people living with a wide array of disabilities. Twenty-eight were women, and 15 were men, all between 21 and 72. They all live independently (not in institutional settings) in the San Francisco Bay Area, the birthplace of the Independent Living and Disability Rights Movements. The interviews averaged around 40 minutes and were semistructured; they were conducted in person, recorded, and later transcribed.

I recruited the interviewees using multiple methods: attending fairs organized by local disability services organizations and support groups at independent living centers. I was also introduced to interviewees through personal connections I have with disability organizations in the area.

The multiple ways of recruiting interviewees yielded a diverse sample in terms of age, race/ethnicity, class, and disability. Although no sampling methods were used to assure this group is representative of the disability community in the United States or even the Bay Area, the diversity within the interviewee sample did help highlight a wide spectrum of voices not often heard on a topic rarely addressed in academia.

Section III: Assessing the Suspicion of Disability Con

This section lays out the quantitative findings regarding the scope and nature of the public suspicion of the disability con that arise from the observational survey. Using descriptive statistics and index analysis of the survey data, I showcase the presence of suspicion among the population and how the suspicion exists for people with "visible" disabilities along with those with less obvious/"invisible" disabilities. In the final part of this section, I use regression analysis to investigate how a person's relationship with disability influences the person's level of suspicion of disability con.

The Existence, Scope, and Nature of the Suspicion of Disability con

One of my central claims is that the suspicion of disability con takes similar forms in various contexts and venues where disability rights and accommodations are prescribed by law. In my survey, I included seven questions asking respondents about disability con (see Table 2). Three questions concern the phenomenon generally, and four questions concern manifestation of disability con in different contexts: parking, service animals, accommodations in academic settings, and Social Security disability benefits.

The questions' answers were measured using a similar 5-point Likert scale (higher scores indicate a higher level of suspicion) to allow comparison between them. Tabulating the seven questions on disability con yielded mean values of 3.05–3.6. The average suspicion of all the questions is 3.32 (between *moderate likelihood* to *great likelihood* that people abuse the law). Psychologists have shown that people are extremely hesitant to make judgments about individuals or groups without having further information to confirm those expectations. If people were to ask to report their expectations without receiving "expectancy-confirmation information," they would either prefer not to report or gravitate to the mean point on the scale to suggest no clear judgment (Darley and Gross 1983: 22, 28). Here, respondents were not presented with any expectancy-confirmation information, which probably caused many to choose the middle point of the 5-point scale. Keeping that in mind, having a mean of more than 3 in every question and, in most cases, more people who indicated a higher level of suspicion, shows that even with the difficulty of eliciting judgments when studying stereotypes, the disability con stereotype still surfaces.

To check the internal consistency of the seven questions, I constructed an index of reliability using Cronbach's alpha. Running Cronbach's alpha on the seven questions yielded a value of .836. This high level of reliability combined with similar mean values to

the answers leads me to conclude a high internal consistency between the questions and that they all measure the same construct: suspicion of disability con. An exploratory factor analysis of the seven questions showed a high eigenvalue of 3.6 for one factor, also suggesting that the questions all measure the same construct.

These findings demonstrate that public suspicion of abuse of disability laws and rights is indeed identifiable in public opinion. Furthermore, the high levels of internal reliability between the questions indicate that the concept of disability con crosses venues, contexts, and legal rights.

Table 2. Summary Statistics of the Seven Survey Questions Measuring Disability Con

Theme	Question	Mean	SD	N
General	In your opinion, to what extent do current disability laws allow people, who do not have disabilities, to take advantage of them? ♦	3.27	1.13	1,085
General	In general, how often do you think people who are not disabled take advantage of laws that arc designed for people with disabilities? ▽	3.6	0.94	1,085
General (Exaggeration of an Existing Disability)	How likely is it that people who have disabilities would sometimes exaggerate their disabilities in order to receive some kind of accommodations (like getting on board planes faster, getting front sits at shows, getting more time on exams, etc.)? Ψ	3.46	1.07	1,085
Social Security	How large is the number of people who do not have disabilities and are receiving Social Security Disability Benefits? ♠	3.28	1.08	1,085
Educational Settings	How often do students or their parents get academic accommodations for learning disabilities that they do not have? ▽	3.21	0.98	1,085
Parking	How common is it for people who do not have disabilities to use a disabled parking permit in order to park in disabled parking spots? ⊗	3.51	1.13	1,085
Service Animals	How common is it for people who do not have disabilities to present their pet dogs as service animals, in order to be able to take them places that usually do not allow animals (like restaurants, airplanes, apartments they rent, etc.)? ⊗	3.05	1.28	1,085

Notes: The questions were asked on a 5-point Likert scale, higher grade indicates higher level of suspicion.
Scale wording used for the question: ♦ 1. Does not allow for taking advantage at all. 2. Allow taking advantage to a small extent. 3. Allow taking advantage to a moderate extent. 4. Allow a lot of taking advantage. 5. Allow taking advantage to great extent. ♠ 1. Very Small. 2. Small. 3. Moderate. 4. Large. 5. Very Large. ⊗ 1. Not at all common. 2. Slightly common. 3. Moderately common. 4. Very common. 5. Extremely common. ▽ 1. Never. 2. Rarely. 3. Sometimes. 4. Often. 5. Very often. Ψ 1. Not at all likely. 2. Slightly likely. 3. Moderately likely. 4. Very likely. 5. Extremely likely.

The Role of Visibility

Before I examine *who* is more likely to be suspicious of the disability con, I first consider whether the nature of disability—whether it is "visible" or "invisible"—influences suspicion toward people with disabilities.

Experiences of Suspicion of People with Visible and Invisible Disabilities

The line between visible and invisible disabilities is not clear-cut, because the concept of visibility can be considered subjective and change over time.[4] Thus, the disabled survey respondents were *not* asked whether their disability is visible but instead about the type of disability they live with. Nevertheless, respondents who indicated they felt suspected had the option of writing a narrative explaining their experiences. Those narratives often included information about the visibility of their disability.

This issue of distinguishing between respondents with visible and invisible disabilities created big challenges for the construction of the survey instrument. I decided to use imperfect proxies to determine whether a respondent has a visible or invisible/less-apparent disability.

The first proxy was categorizing respondents who had checked the box of having a physical disability as being "visibly disabled." Although this may not always be true, respondents could choose multiple disabilities when describing their disabilities; so even if a person has what is often thought of as an invisible disability (like mental disabilities, chronic illnesses, or learning disabilities), he or she could also check "physical disability" if it had a physical, "visible," manifestation.

A second proxy was the use of an assistive device or technology that when used in public, not hidden away (like with hearing aids covered in hair, or devices used in the privacy of the home or office), could expose a person's disability.

Social psychologists claim that uncertainty and lack of evidence regarding a person's eligibility or belonging to a certain group cause distrust (Cook et al. 2007: 65). Therefore, it is fair to assume that the less visible the disability, the more likely it is suspected as fake. It is unsurprising that, of the narratives about situations in which respondents felt suspected of faking disability, 42% (43 out of 102) mentioned having "nonapparent" disabilities or "not looking sick/disabled."

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[4] In 1963, Erving Goffman, one of the pioneers developing the notions of stigma, created the difference between individuals who are discredited—whose stigma is clearly visible—and people who are discreditable—whose stigma is not clearly identifiable. He addressed this distinction specifically in regard to people with disabilities (Goffman 1963 (2009 ed.):4–5).

Nevertheless, people with visible disabilities are also subject to the social expectation of proving their disability to others (Siebers 2008: 109). The survey data indicate that people with physical disabilities, carefully presumed as living with a "visible disability," compose 59% of those who indicated they have experienced suspicion of disability con (84 of 142 respondents). Furthermore, 46% (66 out of 142) of disabled respondents who have experienced suspicion also use some kind of assistive device/technology. Experiences of people with visible disabilities who were suspected of disability con were also demonstrated through narratives. Natasha, 61, a wheelchair user, recalls:

> I am scrutinized by other people because if it's a short walk to the store, I tend to walk rather than use my chair, and I've been told [by strangers] that parking, accessible spots, are only for people with disabilities, and I always smile and say: "It's OK, I'm blind."

Another 30-year-old survey respondent wrote, "When I was going through chemo and could barely move, you wouldn't believe what some people would say to me. I refused to use my handicap plaque because of the horrible ridicule. I was bald and teeth were falling out and I couldn't leave home without help and people were still so cruel…".

Putting Suspicion to the Test

To demonstrate that public suspicion of the disability con can be directed at people with visible disabilities, I explored responses to a recreated photo modeled after the viral meme Takei shared of a woman getting out of her wheelchair in a store. Survey respondents were asked to rate how likely it is that this woman is disabled. To eliminate other kinds of bias, I used a photo depicting a woman in the supermarket buying vegetables rather than alcohol (Figure 2).

Nearly half of the survey respondents doubted the woman's disability in some way: 26% (286 of 1085 respondents) thought the woman was *moderately likely* to be disabled (selecting 3 on the 5-point-scale); 15% (166 respondents) thought she was *slightly likely* to be disabled (selecting 4), and 8% (89 respondents) answered that she is *not at all likely* to be disabled (selecting 5).

Doubting a person's disability status relates directly to trust in another person's identity. As noted by social psychologists, trust is generated by feelings about another individual in a specific context. I tested this idea in a subsequent question: survey respondents were asked to pick three emotions best describing "how

they feel about the scenario."[5] The emotions that received the most responses were compassionate (listed by 503 respondents out of 1085), sympathetic (listed by 496 respondents), and suspicious (listed by 346 respondents), nicely demonstrating the complex-paradoxical attitudes toward people with disabilities in situations in which they do not conform to others' expectations.

Figure 2. Recreated Photo Used in the Survey. [Color figure can be viewed at wileyonlinelibrary.com]

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[5] The list included 16 emotions. Seven can be classified as positive: inspired, compassionate, happy, sympathetic, pity, amused, admiring; seven were negative: suspicious, resentful, angry, sad, nervous, disgusted, embarrassed; and two were neutral: surprised, indifferent.

While attitudes related to mercy and paternalism have been vastly discussed in the literature, suspicion could balance the views regarding people with disabilities as subjects of rights; albeit those rights are prone to abuse (Nario-Redmond 2019: 185-87).

A carefully construed conclusion would be that although the visibility (or more accurately, the invisibility) of disability plays an important role in inducing suspicion of the disability con, it exists even toward people with visible disabilities who defy societal expectations regarding their bodies. Further research on the role visibility and emotions play in enforcement of disability rights and in evoking the stereotype of disability con is needed. New research in that vein has shown that the visibility of disability plays an important role in signaling the deservingness of rights claimants. This clearly visible deservingness has been found to have a much bigger effect on the assessment for potential disability con than the purist of self-interest and loss of personal opportunities in situations of scarcity (Dorfman 2020). Other recent work has explored how fear and disgust surface in the adjudication and implementation of disability law (Harris 2019: 897).

Characteristics of Mistrust: Who Tends to Be More Suspicious?

Using a series of ordinary least squares (OLS) regressions on the data derived from the survey allowed me to explore how different characteristics (independent variables), such as relationship with disability, influence the level of suspicion of the disability con. For this analysis, I ran three regression models, one on the entire research population and two on subsets.

It should be acknowledged that the R^2 for the regressions seems relatively low. When asked general questions, each respondent has a different mental picture of the situation based on their life experience. As I was not controlling for the specific factors, the more abstract questions presented are supported by a lower R^2 that indicates they only capture a relatively modest part of the respondents' evaluation process. This is when suspicion of disability con is affected by contextual factors such as the suspect's looks and demographics, the place where the encounter occurs, and countless other examples (imagine a Tesla parking in the disabled spot of a packed parking lot when a young, fit African American female steps out of it).

Disabled Versus Nondisabled

To determine whether having disabilities (meaning, being disabled rather than a nondisabled person) influences the level of suspicion of the disability con, I ran an OLS regression

(regressing the dependent variable—suspicion—on all respondents who answered a question on whether they live with disabilities, N = 1,085). The regression included the following controls: gender (male), age, socioeconomic status, some college education, race, ethnicity, party ID, and political ideology (liberal/conservative) (Table 3).

The results suggest there is no statistically significant relationship between having disabilities and the level of suspicion of the disability con (Figure 3). To confirm, I also ran an equal variance two-tailed t-test to compare the means of the two groups (disabled and nondisabled respondents) regarding the level of suspicion of the disability con and obtained a t value of 0.331, indicating no significant difference between the mean levels of suspicion of disabled and nondisabled respondents. This finding corresponds with the qualitative data: most of the interviewees, themselves disabled, said they are alert to and suspicious of others who use disability rights.

There is a statistically significant relationship between suspicion and gender ($p < .05$). Males seem more suspicious of disability con than females. Another interesting result is a statistically significant ($p < .001$) negative relationship between age and suspicion. As age increases, people become less suspicious, although the effect size is very small ($\beta = 0.01$). Party identification and political ideology did not have a statistically significant relationship with suspicion of disability con.

Table 3. OLS Regression of Level of Suspicion of Disability Con on Entire Research Population

	Model 1	Model 2	Model 3	Model 4	Model 5
Having a Disability	0.019	0.02	0.06	0.05	0.04
	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)
Sex (Male)	–	0.09	0.05*	0.1*	0.1*
	–	(0.05)	(0.05)	(0.05)	(0.05)
Age	–	–	−0.01***	−0.01***	−0.01***
	–	–	(0.001)	(0.001)	(0.001)
Party ID					
Democrat (ref)	–	–	–	–	–
Republican	–	–	–	0.1	–
	–	–	–	(0.06)	
Independent	–	–	–	−0.07	–
	–	–	–	(0.05)	
Conservative	–	–	–	–	−0.03
					(0.02)
Constant	2.68	2.72	2.32	2.29	2.15
R^2	.0001	.003	.03	.03	.05
Adjusted R^2	−.0008	.001	.03	.03	.038
Sample size (N)	1,085	1,083	1,083	1,083	1,083

*$p < .05$; **$p < .01$; ***$p < .001$ (two-tailed test).
Note: Other control variables that were not found significant are socioeconomic status, having some college education and race; Level of suspicion measured on a scale of 1–5.
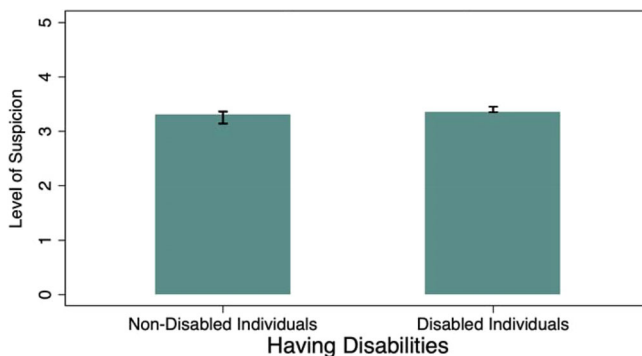
Figure 3. Predicted Values of Suspicion Among the Entire Sample.
Note: **N = 1,085. Level of suspicion measured on a 1–5 scale. Age, gender, race, socioeconomic background, having a college education, party ID, and political ideology are held at their mean. [Color figure can be viewed at wileyonlinelibrary.com]**

The Effect of Having a Familial or Friendly Relationship with a Person with Disabilities

To determine the relationship between the level of suspicion of the disability con and having a close familial or friendly relationship with an individual with disabilities (a question only nondisabled respondents answered, N = 839), I ran an OLS regression (regressing the dependent variable, suspicion, on the pool of nondisabled respondents). The regression included the same controls as those of the previous one: gender (male), age, socioeconomic status, some college education, race, party identification, and political ideology (Table 4).

The results suggest that nondisabled persons with a relationship to a disabled individual are *more suspicious* of the disability con; that is, there is a statistically significant ($p < .001$) positive relationship between having a familial or friendly relationship with a disabled individual and suspicion (Figure 4).[6]

Similar to the previous regression, there is a statistically significant ($p < .001$) negative relationship between age and suspicion so that as age increases, people become less suspicious, although the effect size is again very small ($\beta = 0.009$). An interaction between age and having a friendly or familial relationship with a disabled person had no statistically significant relationship with suspicion of the disability con. This means that the higher levels of suspicion for nondisabled individuals maintaining a friendly or

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[6] Survey research on public perceptions of fraud regarding the use of assistance dogs yielded a similar finding on that issue: "Participants with friends/family who owned either an emotional support or a service dog felt that there was a higher proportion of fraudulent use of both types of assistance dogs" (Schoenfeld-Tacher et al. 2017:11).

familial relationship with a disabled person are constant across ages.

Gender also influences suspicion within the nondisabled group, as males are more suspicious than females. Party identification and political ideology do not play a part in explaining suspicion within the nondisabled group, as they were not found statistically significant, except for a finding that independent people seem less suspicious than Democrats ($p < .05$) within this group.

Table 4. OLS Regression of Level of Suspicion of Disability Con for Non-disabled Individuals

	Model 1	Model 2	Model 3	Model 4	Model 5
Have a Cordial/Familial Relationship w. Disabled	0.24***	0.24***	0.22***	0.22***	0.21***
	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)
Sex (Male)	–	0.1*	0.1*	0.11*	0.11*
	–	(0.05)	(0.05)	(0.05)	(0.05)
Age	–	–	−0.009***	−0.009***	−0.009***
	–	–	(0.002)	(0.002)	(0.002)
Party ID					
Democrat (ref)	–	–	–	–	–
Republican	–	–	–	0.03	–
	–	–	–	(0.06)	–
Independent	–	–	–	−0.13*	–
	–	–	–	(0.06)	–
Conservative	–	–	–	–	0.035
					(0.02)
Constant	2.79	2.85	2.48	2.4	2.31
R^2	.022	.026	.051	.066	.07
Adjusted R^2	.02	.02	.05	.05	.05
Sample Size (N)	839	837	837	837	837

*$p < .05$; **$p < .01$; ***$p < .001$ (two-tailed test).
Note: Other control variables that were not found significant are socioeconomic status, having some college education and race; Level of suspicion measured on a scale of 1–5.

Figure 4. Predicted Values of Suspicion Among NonDisabled Respondents.
Note: N = 839. Level of suspicion measured on a 1–5 scale. Age, gender, race, socioeconomic background, having a college education, party ID, and political ideology are held at their mean. ***$p < .001$. [Color figure can be viewed at wileyonlinelibrary.com]

The Effect of Being Suspected on the Suspicion of Others

To determine whether being a person with disabilities who reported being suspected of disability con tends to be more or less suspicious of others (a question only respondents with disabilities answered, N = 246), I ran an OLS regression (regressing the dependent variable, suspicion, on the pool of disabled respondents). This regression included the same controls as the previous two had: gender (male), age, socioeconomic status, having some college education, race, ethnicity, party ID, and political ideology (Table 5). I found a statistically significant ($p < .01$) positive relationship between experiencing suspicion and the level of suspicion toward others, meaning disabled persons who experienced suspicion themselves are more suspicious of disability con (Figure 5).

Older people demonstrate less suspicion of disability con within the disabled group. As in previous models, there is a statistically significant ($p < .001$) negative relationship between age and suspicion in that as age increases, people become less suspicious, although again the effect size is small ($\beta = 0.01$).

An interaction between age and being suspected did not yield a statistically significant relationship with suspicion of disability con. Therefore, the lower levels of suspicion for disabled persons who were suspected themselves are constant across age. The gender effect observed regarding the entire research population and the nondisabled group was not significant in the disabled persons' group. As in previous analyses, party and political identification

Table 5. OLS Regression of Level of Suspicion of Disability Con for Individuals with Disabilities

	Model 1	Model 2	Model 3	Model 4	Model 5
Experienced Suspicion	0.27**	0.28**	0.25*	0.29**	0.28*
	(0.1)	(0.01)	(0.1)	(0.11)	(0.11)
Sex (Male)	–	0.13	0.16	0.2	0.19
	–	(0.1)	(0.1)	(0.1)	(0.1)
Age	–	–	−0.01**	−0.01**	−0.01**
	–	–	(0.003)	(0.003)	(0.004)
Party ID					
Democrat (Ref)	–	–	–	–	–
Republican	–	–	–	0.28*	–
	–	–	–	(0.14)	–
Independent	–	–	–	0.17	–
	–	–	–	(0.12)	–
Conservative	–	–	–	–	0.005
	–	–	–	–	(0.04)
Constant	2.82	2.88	2.38	2.6	2.48
R^2	.03	.03	.07	.1	.11
Adjusted R^2	.02	.02	.06	.06	.06
Sample Size (N)	246	246	246	246	246

*$p < .05$; **$p < .01$; ***$p < .001$ (two-tailed test).
Note: Other control variables that were not found significant are socioeconomic status, having some college education and race; level of suspicion measured on a scale of 1–5.
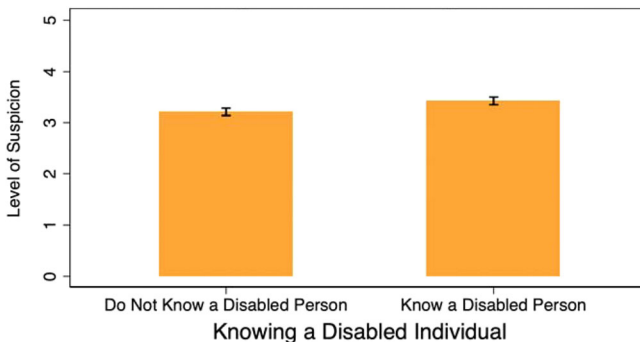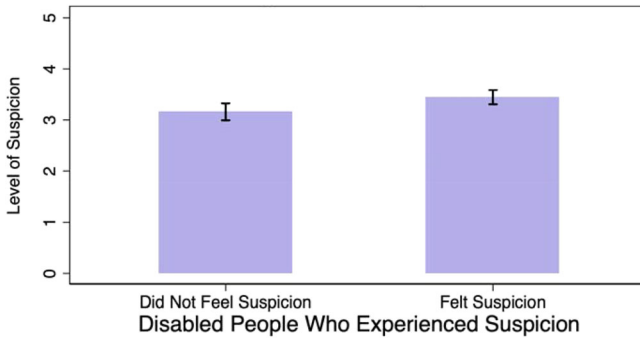
Figure 5. Predicted Values of Suspicion Among Disabled Respondents.
Note: N = 246. Level of suspicion measured on a 1–5 scale. Age, gender, race, socioeconomic background, having a college education, party ID, and political ideology are held at their mean. **$p < .01$. [Color figure can be viewed at wileyonlinelibrary.com]

do not play a role in explaining suspicion within the disabled group, as they were not found statistically significant, except that disabled Republicans seem more suspicious than disabled Democrats ($p < .05$).

Sources of Suspicion

Thus far, I demonstrated that public suspicion of the disability con permeates American society. Although I acknowledge that some people likely do take undue advantage of disability laws, the widespread suspicion of abuse is an important phenomenon by itself, as it prevents disabled individuals from using accommodations and rights they are accorded, as will be demonstrated in the next section.

The data in this research are strictly observational and do not allow for causal inferences regarding sources of public suspicions. However, the findings do suggest some hypotheses about the underlying factors that cause suspicion of the disability con. The following are only hypotheses yet are supported by scholarship and previous analyses and are crucial for developing policy recommendations to minimize destructive public suspicion.

Suspicion and Gender

The finding about women generally being less suspicious of the disability con than men was replicated in another study (Dorfman 2020) and could be explained using different theories and research about gender. Cultural psychologists, for example, claim that women tend to behave more interdependently compared with men. Women have more empathy and a genuine

interest in others, and for them, "thinking, feeling, and acting reverberate with connections to other people" (Markus and Conner 2013: 38, 44–45). Political science research shows that American women have more trust in the public sector and in the welfare systems than men do (Christensen and Laegreid 2005: 502). The explanations generally reference traditional gender roles: women often take on the traditional caretaking roles and are more dependent on the welfare system due to labor market inequalities (Orloff 1993: 307, 312). Nevertheless, research on the effects of trust in one-shot interactions has generally found no difference between men and women, although some found men to be more trusting than women (Haselhuhn et al. 2015: 105).

Suspicion and Friendly or Familial Relationship with Disability

The finding in Table 4, suggesting that nondisabled individuals who have a friendly or familial relationship with a disabled person are more suspicious of the disability con than are those without such a relationship, could have two related explanations. The first relates to familiarity: individuals with disabled friends or family members may pay more attention to people who use accommodations and so may more frequently encounter situations in which the disability status of others is ambiguous. The second, related explanation, could be that nondisabled individuals would like to protect their friend or relative from the possibility of the "nondeserving fakers" using the friends' and relatives' resources. Consequently, they are more vigilant about potential abuse of rights.

These results about the nondisabled respondents do have ramifications for the existing debate in the literature concerning ways to mitigate stereotypes and stigma around disability. Research in psychology offers two core strategies for combating stigma against people with disabilities: an educational approach and an interpersonal contact approach (Werner and Scior 2016: 132). The educational approach would consist of public service announcements, books, audio–visual aids, media campaigns, and interventions in schools to reach a large audience and alter perceptions. The contact approach suggests that an effective way to reduce intergroup prejudice is to facilitate intimate, cooperative, and positive interpersonal contacts between nondisabled and disabled individuals (Nario-Redmond 2019: 272–73). Contact interventions conducted with various populations including soldiers, medical students, and neighbors have yielded positive effects on attitudes toward disabled individuals (Werner and Scior 2016: 134–35). In contrast, although educational approaches have increased knowledge, their effect on changing stigmatizing

attitudes is frequently short-lived and limited. Therefore, many researchers have advocated for interpersonal contact with members of stigmatized groups, believing this to be the most effective strategy to reduce prejudice (Werner and Scior 2016: 134).

This research on overcoming prejudice suggests that a contact approach would be important in overcoming the stereotype of the disability con. However, counterintuitively, my findings demonstrate that interpersonal contact is associated with increased stereotypical attitudes regarding disability con.

One possible explanation is the distinction made in the literature concerning two dimensions of attitudes: the *affective dimension*, consisting of feelings and evaluations of out-group members, and the *cognitive dimension*, encompassing thoughts, judgments, and stereotypes about out-group members (Ashmore and Del Boca 1981: 8, 10; Pettigrew and Troop 2011: 97). The contact approach has the most effect on the affective dimension of perceptions toward the other and less effect on the cognitive dimensions of perceptions (Pettigrew and Troop 2011: 98–99). This means that contact tends to increase positive emotions toward others more than it tends to reduce stereotyping. Research has shown how exposure to one individual of an out-group helped improve feelings toward the individual and the group as a whole, but did little to change the extent to which stereotypes were applied to the group as a whole (Pettigrew and Troop 2011: 101). Therefore, it is unsurprising that people who have contact with one disabled person, friend, or relative might still hold stereotypes about members of the group, people with disabilities, such as that of disability con.

The Internalization of Stigma

The findings in Table 5 suggest that people with disabilities who experienced suspicion of the disability con themselves are more suspicious of others (compared with disabled respondents who did not experience suspicion themselves). This might suggest an internalization of the disability con stereotype by disabled individuals. Internalized stigma is a micro-level process, within the individual, wherein a person endorses stereotypes about their own stigmatized trait, in this case, the disability (Green et al. 2005: 210). One type of internalized stigma is *felt stigma*—negative consequences resulting from an individual's awareness of how society perceives, and will likely act toward them and the group they belong to (Scambler 2009: 445). As part of the felt stigma process, people are likely to try to distance themselves from the stigmatized group and pass as members of the non-stigmatized majority, which may have negative effects on their psychological well-being.

The interpretation of the findings presented here suggests that people with disabilities who were suspected of "faking it" internalized the social stereotype of the disability con to such extent that they are more suspicious of others. In other words, they seem to think to themselves, "Others may have been wrong about me 'faking disability,' but they must be right that many others are 'abusing the system,' so I should be more alert to this phenomenon."

Section V: The Effect of Suspicion on People with Disabilities

The Manifestation of Suspicion in the Everyday Lives of Disabled Individuals

On November 30, 2016, *The New York Times* published a letter written to its "in-house ethicist" under the headline "Should I Call My Friend Out for Her 'Service Dog' Scam?" (Appiah 2016). Appiah responded:

> It might be worth trying to identify the harm here… people who abuse the privilege are breaking a fundamental social principle: They're taking unfair advantage of the compliance of others. In doing so, they undermine the legitimacy of the system. As more and more people take advantage, genuinely disabled people with real service animals will face increasing skepticism … and support for the statutory accommodations may wane.

These research findings empirically support this inclination about the undermining of legitimacy and extend beyond the service dog example.

When disabled respondents in the survey sample (N = 246) were asked whether they ever felt they were suspected of disability con themselves, 58% (142 respondents) answered yes. This finding was replicated in another study (Dorfman 2020). These high numbers of disabled people affected by the suspicion also mirrored interview findings, where 81% (35 out of 43) of interviewees with disabilities said that they have been suspected and that they are suspicious of others.

The second-guessing of a person's disability and of that person's need for an accommodation is commonplace for disabled persons. As 25-year-old Dylan, who became quadriplegic due to an accident said:

A friend of mine said that there are people who fake it. [The friend said]: "Yeah, people probably look at you like you don't even need the wheelchair or what not" due to how I move, 'cause I've got some pretty good movement, and they think like "oh no." … I feel like when I come into somewhere, I just feel people look at me, they look at my shoes, they look at my jeans and will think, "Are you like really [disabled]?" Sometimes I feel like they think that "you don't really need that, all that special things."

A 46-year-old survey respondent wrote:

I was once shopping with my sons at Walmart. I have an autoimmune neuromuscular disorder where in the simplest form, my body thinks my muscles are a disease and attacks them with antibodies—especially when I am physically active. I had walked several aisles when my muscles started hurting and lock[ed] up. I asked my oldest boy to grab a wheelchair for me. We continued shopping when some guy stopped me and said, "You looked just fine a few aisles ago…" While he was not wrong, it made me realize how shortsighted I might be with others [with] disabilities, that I really don't understand how their disability affects them.

People with disabilities often need to prove their disabilities daily, not only to health professionals or judges but also to ordinary people. This takes its toll, as articulated by another respondent:

Because there is no outward evidence of my problem, I have to explain it for someone to know about it. I have had to tell hundreds, maybe thousands of people about my personal medical problem over the last 22 years. I am used to it after all this time, but it is frustrating. I am not able to work on any sort of reliable basis, but I am not lazy… If someone has not experienced their own severe headaches, it is unlikely they can realize how bad my situation is.

The qualitative data suggest that the suspicion of disability con has a pernicious effect on the lives of many people with disabilities. Those narratives might be thought not to align with the more modest survey findings regarding level of suspicion in the population. However, members of marginalized groups are more likely to recall trust-related incidents and behaviors than their superordinate counterparts (Kramer 1998: 256). Because people with disabilities are stigmatized, they are more concerned with their social standing in society and tend to be more self-conscious, perceiving themselves as under scrutiny. This might explain why the vivid descriptions by interviewees point to a higher level of suspicion of

disability con compared with the quantitative analysis of the survey data.

The Emotional Side of Utilizing Disability Law

Fifty-five-year-old Norah, a retired teacher with chronic pain and severe sleep apnea, told me about the first time she received her disabled parking permit:

> I was working and I was teaching and I had to carry all these books and homework binders … and if I come just a little bit late, I had to park very far, so it's very difficult for me to even, you know, roll it on something to get to [class].… So then I talked to one of my relatives who actually got injured from her job as well, a back injury, so she's the one who told me, "You know, you should just go and apply for a card"; you see, I never thought about it. You just struggle and suffer through it. So I asked my doctor, and he did give me one. But I have been harassed many times.

People with disabilities, like Norah, tend to postpone getting permits or using accommodations or rights (Dorfman 2017: 213). In part, they might not want to accept the stigmatizing label of being disabled and needing "special treatment." Twenty-seven-year-old Emma, a graduate student living with fibromyalgia and repetitive strain injury, said:

> I think in the beginning, so it began in 2011, and I was still trying to understand it for a couple of years and as it became chronic and I realized it was chronic, a year in or so, then I started considering the possibility that I have a disability or like a long-term one … and that's when I considered applying for accommodations. And then from there it was more, even before asking other people, I had to ask myself if I'm OK with that label and if that's something that I wanted to identify as.

Nevertheless, even people who have been disabled most of their lives remain reluctant to seek new accommodations. Terri, 63, who has been a wheelchair user since childhood due to juvenile rheumatoid arthritis, got her service dog only "six years ago, after I retired. I wish I'd had gotten one before I retired, but at that point I thought, 'I'm doing fine; I don't want to take it away from someone who may need it more than I do,' and I shouldn't have thought that; I should have gotten one much earlier."

Although Terri saw herself as a disabled person, when it came to using a new accommodation (a service dog), she was reluctant to see herself as someone who actually needed one. She also

worried about the scarcity of resources and felt others might be more "deserving" than she. For Terri, it seems there is a binary within the disability community—those who need certain accommodations and those who do not. For many years, she preferred to regard herself as belonging to the latter group. Will, 41, who became quadriplegic a few years ago from a car accident, had a similar reaction about using a disabled parking permit:

> I'd save it for people who, you know, really do need it … Today driving here in the van [I parked in the disabled parking spot, but], if I'm in my regular car and stuff, I try not to park in the handicapped spot or something, just'cause I don't really [need it]. You know, with my van, I kind of need it because of how the lift works, but if I don't have to, I don't.

Thus, even after accommodations have been made available, some people still avoid using them, as others might be worse off. It is as if they feel they would be engaging in a sort of disability con themselves by using services they do not "deserve" or "need as much as someone else." Wess, a 63-year-old blind man, noted that he is extremely careful about using his disabled parking permit:

> So I always tell people when they're driving, you know giving me rides, "I don't want you to use the handicap space' cause I don't qualify for it." But I'm sure there are people who are visually impaired who can walk just fine that take advantage of that …

This reluctance about using disability rights contrasts with the stereotype of people wanting to take advantage of law and policies. In fact, in some cases, the stereotype of disability con can even further deter disabled people from using rights and accommodations. This idea arose specifically concerning disabled parking placards. Thirty-eight-year-old Brenda, who lives with myasthenia gravis (a form of muscle fluctuation) and learning disabilities, said:

> I don't use a disabled parking permit. I have actually been harassed when trying to… at one time I had it in Southern California when… I actually had a woman yell at me and pursue me in the parking lot… and I didn't feel safe having a simple tag up.

Similarly, a 47-year-old survey respondent wrote, "I have not requested a disabled parking tag because I'm terrified of being harassed." Another 33-year-old was more explicit:

> I never reapplied for a parking plaque even though not having one has often caused me to avoid going to stores. If I can't get a close spot, sometimes I have to leave. I used to have one, but nearly every time I went out, I got verbally attacked, so it just became easier to adjust without one. I also avoid motorized carts for the same reasons. I have had people actually knock me down for the last cart; I've been attacked and berated all because I'm young and don't look disabled. I have congenital heart disease and Ehlers-Danlos syndrome along with incomplete paraplegia. Getting around is hard, getting a parking permit is harder, and actually using one is impossible.

The worrying phenomenon of people with disabilities who are afraid of venturing into public spaces is illustrated with a quote from a 59-year-old: "It happens all the time, to the point where I now avoid people; many people are resentful of someone with a disability receiving help. It is very sad."

A central interview theme concerned the reluctance of people with disabilities asking for accommodations and rights. In some cases, this reluctance was exacerbated by the fear of being regarded as fakers or abusers. The public suspicion of disability con could therefore potentially curtail the rationale underlying the ADA, to allow people with disabilities to be part of the public sphere and not to have them hidden away in their homes or in institutions as in the days of the Ugly Laws and institutionalization.

Section VI: Inducing Trust and Reducing the Stereotype

Although some see stereotypes as rigid, researchers are optimistic about ways to change them over time. But it is not an easy task (Pettigrew and Troop 2011: 101). This section will discuss strategies to reduce the stereotype of the disability con and build trust between those using disability laws and everyone else. Those strategies could serve as the basis for policy.

Social psychology research indicates that a strategy aimed at reducing stereotypes should focus on providing useful knowledge about the out-group, reduce anxiety in meetings with out-group members, and help increase empathy toward them (Pettigrew and Troop 2011: 77). Each component deserves a separate discussion with suggestions on how to achieve it in terms of suspicion and the stereotype of disability con.

Increasing Intergroup Knowledge

Many times, disability law and disability studies are relegated to those with a personal relationship to disability (Kafer 2013: 2). Like members of the "hidden army" who helped pass the ADA in

Congress (Shapiro 1994: 117), those who are interested in and know disability law often have some personal connection to people with disabilities. However, disability is a category people might enter and leave throughout their lives. Disability, like disability law, is ubiquitous in our everyday lives, from parking lots to office buildings to schools. Yet misconceptions of disability law and policies are as common as is the law itself. In its notorious piece on Social Security disability benefits, *The Washington Post* made it seem as though obtaining benefits is a process easily accomplished over the phone (McCoy 2017) when, in reality, the disability determination process can be excruciating (Marans 2017; Dorfman 2017: 218). Scholars have described the legislation on eligibility for disabled parking placards as "surprisingly complex" (Miller and Singer 2000: 88). An infamous "social experiment" by *The New Yorker* demonstrated that "people are baffled by the distinction between service animals and emotional-support animals" (Marx 2014; Buhai 2016: 785). Research showed employers are reluctant to recognize disabilities and allow accommodations to employees because of mistrust (Harlan and Robert 1998: 410). Skepticism and misconceptions can often impede disabled individuals; for example, in Minnesota, college students were denied accommodations despite possessing official documentation (Eischens 2017). The 2019 college admission scandal, involving affluent parents fabricating their children's learning disabilities to be able to take standardized tests alone with extra time and then have a complicit proctor essentially take the exam for them, also raised concerns about backlash against students who actually need accommodations (Jaschik 2019).

To induce public trust of people claiming disabilities and accommodations, a better articulation of the laws and policies is required. Education about disability law should be targeted not only toward those who need to use the law (and often need to navigate reams of red tape) but also to the public as a whole, which is often required to enforce the laws and interact with claimants (Marusek 2012: 138–39). Better knowledge and understanding of disability law should not be limited to a certain group of people; it is everyone's business.

Awareness of the rules could help reduce the suspicion and stereotype that currently surrounds disability law because it would prove to the public the safeguards embedded within. This knowledge should combat prevalent notions about how easy it is to take advantage of policies and increase trust. Campaigns to increase knowledge of disability laws and policies should focus on explaining them to the public in an easy, accessible way and be modified according to each state's rules. The strategy of making the laws more publicly accessible should also reflect the

complexity and fluid nature of disability, to reach people who have some friendly or familial relationship with people with disabilities—so they see disability issues beyond their own experience. This should include people with disabilities themselves, who might not be as familiar with others' experiences.

Because of the media's role in inducing suspicion of the disability con, it is crucial for disability rights advocates to refute inaccurate media reports and to put popular cultural depictions of alleged disability con in context, as they did with *The Washington Post* story on Social Security disability benefits, the meme Takei shared, and stories on disability con in higher education.

Reducing Anxiety

Research on encounters with people with stigmatized traits showed increased levels of stress and anxiety in the physical and cognitive sense. However, it was also demonstrated that prior encounters with members of the stigmatized group mediated such feelings (Blascovich et al. 2001: 265). A meta-analysis of more than 515 studies on intergroup contact concludes that "intergroup contact contributes to reducing anxiety, and, in turn, the diminished anxiety predicts lower level of prejudice" (Pettigrew and Troop 2011: 81). It also concludes that similar contact effects found concerning race were replicated regarding intergroup contact with people with physical and mental disabilities (Pettigrew and Troop 2011: 51–52).

However, in the case of the disability con stereotype, which relates to the cognitive aspect of attitudes rather than the affective, emotional aspect, "contact will be more likely to reduce stereotyping to the extent that it involves both substantial numbers of and meaningful relationships with a variety of out-group members" (Pettigrew and Troop 2011: 109). This might be why family members and friends of people with disabilities who presumably have more positive feelings toward this population were found to be even more suspicious, albeit slightly, than those without this relationship. Thus, the idea of integrating people with disabilities into the public sphere is crucial to reducing suspicion of the disability con. As people connect with more people with disabilities, more sympathetic feelings toward them would develop. In combination with knowledge of the law that would affect the cognitive part of attitudes, there is hope for reducing suspicion of the disability con.

Increasing Empathy

Gordon Allport's 1954 contact hypothesis stated, "The effect [of contact] is greatly enhanced if this contact is sanctioned by

institutional supports (i.e., by law, custom, or local atmosphere) and provided it is of a sort that leads to the perception of common interests and common humanity between members of the two groups" (Allport 1954 (1979 ed.): 281). Research has also demonstrated that taking on out-group members' perspective reduces bias against that out-group population (Pettigrew and Troop 2011: 83). Nevertheless, research on disability simulations (e.g., using a wheelchair or a blindfold for the day) concluded that simulating disability promotes distress and fails to improve attitudes toward disabled people (Nario-Redmond 2019: 294–97).

Therefore, to increase empathy toward those needing accommodations and disability-related rights, a better strategy might be to use institutional settings to emphasize ideas about the fluidity of disability across the life course, to point out the role environmental and social factors play in creating disability, and to renew efforts to orient access and disability rights as civil rights, not "special rights."

Final Thoughts

This article demonstrates how disability law plays out in everyday life. As the data demonstrate, negative attitudes and stereotypes laypeople hold against disability law currently negatively affects millions of Americans living with disabilities: it is the cost they bear for their civil rights. Unfortunately, a legislative amendment, such as the 2008 ADAAA combating judicial backlash, is not a panacea for this issue. An elaborate, multifaceted effort is needed to overcome the challenges associated with altering attitudes about disability and disability rights.

In the last few years, several states have fought against abuse of disabled parking placards by requiring further identifying mechanisms to guarantee use by those eligible (Marusek 2012: 67) or increasing the fines for misuse (Sharp 2019). Most states have introduced legislation to combat the misrepresentation of a pet or an emotional support animal as a service animal (Buhai 2016: 790). In 2017, the number of applications for Social Security disability benefits significantly decreased after a decades-old trend. One of the main reasons analysts have indicated for this shift is that the SSA has made it harder to qualify for benefits or appeal rejections. The administrative decision to tighten the approval process "behind the scenes" was likely spurred by fear of the disability con perpetuated by massive media attention (Schwartz 2018). Consequently, disabled applicants are unfairly rejected and doomed to live in poverty. In 2019, the Trump administration worked on an initiative to follow social media

accounts of benefit recipients and expose those who are not "actually disabled" (Pearl 2019).

This formal enforcement of disability policies could potentially help reduce the stereotype of disability con, as it may assure the public that steps are being taken to prevent abuse. However, those efforts need to be attentive to the stereotype of the disability con and be undertaken carefully so that they do not backfire against disabled individuals who use their rights legally. For example, after Disney theme parks changed their accessibility policy following reports of widespread abuse by nondisabled people to skip lines, this policy change was successfully challenged, as it did not properly accommodate disabled visitors' needs (A.L. by and through D.L v. Walt Disney Parks and Resorts U.S. 2018; Dorfman 2020). That is why the steps of inducing trust and reducing stereotype must be taken in tandem.

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