

2006

Book Review of Bodies of Difference: Experiences of Disability and Institutional Advocacy in the Making of Modern China

Michael Ashley Stein

Penelope J. S. Stein

Repository Citation

Stein, Michael Ashley and Stein, Penelope J. S., "Book Review of Bodies of Difference: Experiences of Disability and Institutional Advocacy in the Making of Modern China" (2006). *Faculty Publications*. Paper 1158.
<http://scholarship.law.wm.edu/facpubs/1158>

BODIES OF DIFFERENCE: EXPERIENCES OF DISABILITY AND INSTITUTIONAL ADVOCACY IN THE MAKING OF MODERN CHINA
by MATTHEW KOHRMAN
(Berkeley: University of California Press, 2005, 302 pp., £38.95 (hbk)
£15.95 (pbk))

Reform era China has experienced dramatic changes in disability law and policy. Disabled Chinese facing traditional discriminatory attitudes, social exclusion, and consequent impoverishment desperately needed assistance. The 1981 United Nations International Year of the Disabled and subsequent 1982–1991 Decade of the Disabled inspired domestic grassroots disability rights advocacy. These preliminary efforts in turn were advanced by support from Deng Pufang, the eldest son of Deng Xiaoping, one of China's senior leaders and architect of the country's 'opening and reform'. Drawing upon his family's politically powerful connections, Deng Pufang was able to gain state backing for the formation of the China Disabled Persons Federation (CDPF), a quasi-governmental disabled persons organization (DPO).¹

The CDPF realized the importance of ensuring legislative protection to stimulate social change and foster rapid institutional growth. One of the Federation's early achievements was facilitating development of the Law of Disabled Persons (LODP), which remains the central Chinese provision on the legal rights of people with disabilities. The CDPF also recognized the need to protect the human rights of disabled persons internationally, as evidenced by its participation in the current drafting of a United Nations disability human rights treaty.² China has provided a positive international example by involving a DPO in its domestic disability law and policy formation, and by supporting disability human rights advocacy.

A central problem facing the disabled, both in China and worldwide, is their stigmatization and subsequent societal marginalization. To be effective, disability laws and policies need to engender cultural attitude changes. Anthropologists can assist legal scholars and disability rights advocates in developing effective legislation. Laws and policies can either combat stigma or further instantiate its effects. By identifying the origins of disability-based discrimination, more effective legal regimes can be constructed.

In *Bodies of Difference*, cultural and social anthropologist Matthew Kohrman informatively describes the formation of the CDPF (a 'bio-bureaucracy' applying 'biopower'), its role in the creation of a social group of citizens ('*canji ren*') with a discrete disability identity, and how these events have affected the life experiences of Chinese persons with disabilities. *Bodies of Difference* has six chapters, which we briefly set forth and critique.

1 As Deng Pufang stated: 'My work has certainly been made more convenient as a consequence of my father. One of the most important ways has been that, whenever I've asked to meet with high-ranking officials, they've met with me' (p. 202).

2 Updated information is available online at <<http://www.un.org/esa/socdev/enable/>>.

Each chapter explores, within the varied social contexts and personal experiences of different protagonists, the interrelationship between bodily configuration, self-identity, socially constructed categories, cultural norms, and politics, and the implications of these factors for disabled people living in China. This kind of anthropological account can assist disability rights advocates by deepening their understanding of how to mediate bio-bureaucracies and develop effective DPOs to ensure social inclusion.

Central to Kohrman's narrative is the manner in which Deng Pufang, through his personal biomythography, and the CDPF, an institutionalized biobureaucracy, altered disability identity during the 1980s and 1990s. A wheelchair user, Deng Pufang was paralysed as the result of 'falling' out of a window during the Cultural Revolution. Chapter one ('A Biomythography in the Making') relates biographical details about Deng Pufang, and explores the significance of his physical disablement and medical treatment. It argues that the Federation-created 'biomythography' surrounding Deng Pufang's widely recognized paralysed bodily image has enabled the organization's political achievements. Kohrman makes this argument in the context of modern-day China, but it is equally relevant to disability rights advocates wishing to effect change internationally. For example, Eunice Kennedy Shriver's founding of the Special Olympics (now widely active in China) also demonstrates the creation of a prominent biobureaucracy by a politically influential family, one of whose members has a disability.

Most nations lack baseline data on their own socially excluded disabled populations. This absence of empirical information contributes to poor legal and policy formulation for disabled citizens. Chapter two ('Why Ma Zhun Doesn't Count') examines how the state and CDPF employed biomedical categorization to create and quantify a social category of disabled persons. China's desire to prove scientific competence and to meet international standards in response to the United Nations declarations of an International Year and International Decade of the Disabled provided the political impetus for the '1987 National Sampling Survey of the Disabled'. This study provided empirical evidence of a large disabled constituency, officially recognized as comprising 4.9 per cent of the population. (Although certainly underestimated, this percentage currently equates to some sixty million individuals.)³ Culturally stigmatized and socially marginalized, this group experienced disproportionately low rates of education, employment, and marriage. Consequently, approximately twenty million disabled people were impoverished as of 1992.⁴ The creation of a significant, identifiable, and socially needy constituency further legitimated the CDPF's existence.

3 E. Zhang, 'China', in *International Disability Rights Monitor: Regional Report of Asia 2005* (2005) 19, at 21.

4 Y. Takamine, *Disability Issues in East Asia: Review and Ways Forward*, World Bank working paper 29299 (2004) 33.

Regrettably, both the 1987 National Sampling Survey and the subsequent LODP utilized medical categorization to identify individuals as *canji ren*. Kohnman's case studies illustrate the ineffective and arbitrary nature of such medical classification. One individual named Ma Zhun, for instance, has difficulty walking because she lost her toes in an industrial accident. She was nevertheless denied *canji* status, and more importantly vocational protection, because she retained her heel. Ma Zhun's experience underscores the benefits of defining disability through a social model. According to this view, the constructed environment creates what society labels as 'disability' and determines how much an individual can function in that society. This is a practice that is gaining international traction through the World Health Organization.⁵

The enactment of the LODP gave Deng Pufang and the CDPF an effective lobbying device when seeking greater governmental resources for *canji ren*. Top state and party leaders were more inclined to assist a constituency whose right to services was also legally established. Additionally, the LODP enabled the issuance of state administrative directives ('notices') requiring provincial and local government officials to ensure the effectuation of disability programmes. These included disability-inclusive sporting events, the dissemination of propaganda intended to change general cultural attitudes towards the disabled population, and assisting the mainstreaming of disabled persons into poverty alleviation schemes, like agricultural training. The disabled population, however, has been largely unable to utilize the judicial system. This is due to an absence of enforcement mechanisms. Additionally, disabled people and their families often lack the education, social status, and political connections to pursue their rights.

Ironically, the CDPF used traditional exclusionary practices towards the disabled to develop its own organizational base. Chapter three ('Building a Corporate Body') describes methods employed by the CDFP to ensure rapid institutional expansion, including passage of the LODP. Kohnman focuses on how bodies were used as 'highly interdependent mediums' to achieve the Federation's advocacy goals, build political and financial capital, and achieve social control. He details how employment practices reflected prevailing stigmatic notions by viewing men and the physically disabled as more 'competent,' and therefore more likely to bring about institutional success. The CDFP evolved into an entity that was run predominately by men, and employed many individuals without visibly discernable disabilities to reciprocate political favours. It also employed individuals that the military identified under less restrictive criteria as *canji*.

In chapter four ('Speeding Up Life in Beijing'), Kohnman elaborates further on the CDFP's preferential treatment of the physically (as opposed to intellectually) disabled during the 1980s and 1990s. He believes that the

5 World Health Organization, *International Classification of Functioning, Disability and Health* (2001).

CDPF strategically cream-skinned in its programme design and beneficiary selection. As a corollary to Deng Pufung's affirmative experience, the Federation embraced Western medical rehabilitation. The 'Three Rehabilitation Project' rapidly assisted the physically disabled (including those with vision and hearing impairments) and generated positive media attention, but excluded the intellectually disabled. According to 'Mr. Zhao', a senior CDPF official involved in the project, 'rehabilitating the mentally ill and retarded was just too difficult, too slow, and too costly.' Moreover, 'people didn't associate the mentally ill [*jingshen bing*] or retarded [*sha*] with disability, so propaganda about their rehabilitation wouldn't have been seen as relevant to the Federation' (p. 128). The chapter also describes the CDPF's successful three-wheeled motorcycle project, a popular scheme among its physically disabled male constituency (for facilitating rapid transportation) that also garnered political approbation for contributing to China's economic development. *Bodies of Difference* highlights a common tension internationally between individuals with different types of disabilities. It therefore underscores the need for states, non-state actors, and DPOs to ensure the inclusion of all disabled groups in their agendas.

Unlike Western countries such as the United States and the United Kingdom, Chinese society lacked a national disability-based culture. Accordingly, the CDPF needed to help establish a *canji ren* identity, while also working to dispel the stigma traditionally associated with physical and intellectual variations. The Federation attempted to induce positive attitudinal change by using the law, media, and disability schemes. The CDPF circulated the LODP in multiple languages.⁶ It established three state-approved media outlets, which regularly disseminated disability-related information. The motorized tricycle programme positively affected disability identity among physically 'disabled brothers'. However, that scheme restricted societal identification of *canji* status (and thus reduced stigma) only for men who were now able to live economically positive lives and interact with the community. *Bodies of Difference* serves as a warning that attitudinal changes cannot be ensured by a single institutional body. Rather, the involvement of all state and non-state actors are required to combat discriminatory attitudes. China has demonstrated good practice in this regard by beginning to seek support from civil society and international parties when assisting its disabled community.⁷ Ultimately, cultural perspectives towards disability must be mended if laws and policies, whether in China or elsewhere (including the forthcoming United Nations convention), are to improve the lives of disabled persons.

6 Zhang, op. cit., n. 3, p. 23.

7 P. Qian, *Entrepreneurship: An Alternative Concept for Economic Empowerment of People with Disability. Policies and Initiatives for Poverty alleviation for Persons with Disability in China* (2004), at <<http://www.worldenable.net/cdpf2004/presentchina.htm>>.

The case studies in chapters four, five, and six reveal the evolving nature of disability identity in response to the massive socio-economic changes of the Reform era. The market reforms have afforded new opportunities for disabled people, but also heightened their vulnerability. Self-employment has been encouraged through tax incentives and employment services. However, the privatization of the healthcare system, and dismantling of the rural cooperative medical system, placed many disabled Chinese at risk.⁸

This period witnessed significant increases in socio-economic inequities between urban and rural residents. Thus, geography significantly affects the experience of disability. Chapter four concentrates on inhabitants of Beijing. However, 80 per cent of disabled people are rural residents.⁹ Kohrman therefore also conducted research in Wenchang County. Chapter five ('Troubled Society, the Federation-Canji Relationship in Wenchang County') demonstrates how designation of the social category *canji ren*, and its attendant social assistance, affects the disability-identity formation of people living in rural Min Song village. The CDPF proffered assistance through a rehabilitation poverty loan programme that was contingent on the recipient being officially registered as *canji*. Because that designation evoked significant social stigma, villagers were not even informed that a local official had registered them as disabled unless they were eligible for loans. Unfortunately, by 1994, being classified as *canji* had yet to inure material benefits because the loans had not been provided. This illustrates how medically categorizing citizens as disabled can increase their social vulnerability. Internationally, many states exclude disabled people from their development agendas. Chapter five portrays how China and the CDPF created disability-inclusive poverty alleviation schemes. One good-practice example not mentioned is the Green Certificate Training Programme that provides vocational skills.¹⁰

Bodies of Difference describes the ambiguous nature of disability identity, which intensified in the post-Mao era. The disabled in China have every reason to be ambivalent about their identity. Individuals are forced to choose between the stigma associated with group identification and the material benefits that such identification can provide. This ambiguity, a part of the evolving disability identity, can be attributed in large measure to the changing socio-economic conditions. These include the growing importance of individualism, and reductions in the social safety net. By comparison, the

8 As explained by Peng Dushan, a physically disabled male, he now has 'the ability to open my own business' but also has 'no national health insurance, no nothing. If I have a serious accident, I'm dead' (p. 137).

9 Takamine, op. cit., n. 4, at p. 24.

10 'Green Certificate Training Program, China. Raising Scorpions to Raise Income and Reduce Poverty: Integrating People with Disabilities into Agricultural Training in Rural China' in *Moving Forward: Toward Decent Work for People with Disabilities: Examples of Good Practices in Vocational Training and Employment from Asia and the Pacific*, ed. D.A. Perry (2003) 112.

effects of CDPF advocacy were more limited. According to Min Song village resident Ming Luli:

[t]he big thing now is having ability and looking good ... Before, when Mao was still around, I couldn't walk well. Did that affect me much? Not really. But now, I'm hungry (p. 157).

Moreover, the CDPF gave out mixed messages by promoting both disability prevention and disability inclusion. It simultaneously suggested the need to medically normalize the disabled by endorsing programmes such as oral language education for the deaf, and also asserted that the disabled have inherent abilities that could be enabled, for instance, by agricultural training. This left people who self-identified, or were officially categorized or socially perceived as disabled, with ambivalent disability identities.

Chapter six ('Dis/ablement and Marriage: Ridiculed Bachelors, Ambivalent Grooms') focuses on disabled individuals who are ambivalent about embracing the *canji* category due to its stigma. It uses marriage as a locus for exploring how disabled bodies affect evolving self-identity and social exclusion. While the CDPF encouraged marriage for its constituency, individuals and their families were often unwilling (at least initially) to marry people they identified as *canji*. They also excluded themselves or their offspring from this identity, unless the categorization provided material gains.

Bodies of Difference makes a strong case that, as a socially and culturally constructed category, the 'biopolitics' of disability vary in response to (rapidly) changing conditions. Specifically, it argues that in Reform era China, embodiment (and particularly disabled male embodiment) significantly influences domestic biobureaucratic development and social category construction. Individuals within biobureaucracies not only affect the way that bodies are categorized and viewed by society, they also influence how they utilize self-body images, regard the state, establish self-identities, and live out their lives. Kohrman's scholarship demonstrates that the state as well as international institutions, including the United Nations, can be a potent source of biopower. It also shows that global biopolitics can affect both DPO and state institutional formation. The book does not, however, adequately explore the notion that an individual's evolving disability identity is itself fluid and contingent on when disablement occurs within the life cycle. Similarly, *Bodies of Difference* might have considered further the discriminatory affects of medically-based disability categorization, especially as it impacts on individuals who experience multiple forms of discrimination, for example, ethnic minorities, migrants, and people who are HIV-positive.

The success of any disability law or policy is directly tied to concurrent cultural attitude changes. Accordingly, broad social collaboration is key to practical implementation of initiatives such as the LODP and the forthcoming United Nations disability human rights convention. Understanding how DPOs and other biobureaucracies function and influence societal attitudes is important if disabled people are to successfully utilize biopower

to interact with those institutions and instigate cultural attitude changes. Anthropologists and legal scholars can play a significant role in this process. Cultural and sociological anthropologists, like Kohrman, can contribute to our understanding of stigma by studying the experiences of disabled persons in social context. Quantitative and qualitative research can help evaluate how laws and policies affect cultural attitudes toward disability, and thereby determine the extent to which these measures institutionalize or combat exclusionary practices. Lawyers and rights advocates can help develop legislative and policy responses to institutionalized practices that engender or perpetuate discrimination. They can also create effective monitoring devices to ensure that these measures result in improvements in the lives of disabled persons worldwide. Finally, individuals with disabilities and fully representative DPOs must be active participants in these broad social engineering schemes if these endeavours are to be effective. By sharing their life experiences and concerns, disabled persons can assist policymakers to target their priorities.

Bodies of Difference illustrates the significant role that states can play in biopolitics. China recognized that the disabled are entitled to advocacy through a DPO, legal protection, social assistance, and healthcare. Trenchantly, it viewed these resource allocations as necessary and beneficial for national development. Understanding how to inspire other countries to similarly view disability-inclusion as being in their national interests is critically needed. China is currently considering revisions to its LODP, and a United Nations treaty on disability human rights is imminent. This is an ideal time for states to ensure the effective evaluation and implementation of their disability laws and policies by taking into account the influence of disability identity and stigma.

M.A. STEIN and P.J.S. STEIN

*Harvard Law School, 1563 Massachusetts Avenue, Cambridge MA 02138,
United States of America
mistein@law.harvard.edu pstein@law.harvard.edu*