

Section 5: Disability policy

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Learning objectives/key points

- How to think about disability in relation to policymaking
 - Goals, effects, uses
 - Target populations
 - Disability as a policy domain vs disability mainstreaming
- Classical models of disability policy: welfare vs civil rights (cf Heyer, 2015)
- Empirical complexity of actual policies: the case of France
- Disability policy, work and welfare

Disability and public policy

- What is a public policy? A working definition:

« a series of intentionally coherent decisions or activities taken or carried out by different public – and sometimes – private actors [...] with a view to resolving in a targeted manner a problem that is politically defined as collective in nature » (Knoepfel et al, 2011, p.24)

→ An action with an intent (goals) and effects → need to distinguish disability policy from policies that affect disability → Disability as a policy domain vs disability mainstreaming

→ Target populations and uses of disability policy

Disability and public policy

Examples to brainstorm about the relationship between disability and public policy:

- In France, the 1975 law marked the development of a public policy targeted at disabled people
- Yet prior policies such as those targeting war veterans can be analyzed as disability policy
- Public transportation policies impact the experience of disabled people (effects) in spite of not necessarily targeting this as a goal
- As part of a requirement of the 2005 disability law, public transportation policies now need to take into account their foreseeable impact on accessibility for disabled people → disability mainstreaming

Classical models of disability policy: welfare vs civil rights (cf Heyer, 2015)

- Drawing on reading assignment 2: how do you understand the 2 policy models defined by Heyer?
- What limits do you see to this opposition?

Models of disability policy

	Social welfare model	Civil rights model
Conception of disability	Disability as an individual defect (medical model)	Disability as social barriers
Target of policy (who/what must be adapted)	Disabled individuals (health care, rehabilitation, welfare)	Social contexts (workplace, education, public transportation...)
Form of policy	Disability as a specific policy sector	Disability mainstreaming/antidiscrimination
Form of citizenship for DP	Exclusion/segregation	Inclusion/Equality

Disability policy in practice: the case of France (Winance, Ville & Ravaud 2007)

Wars, social policy and the creation of the first disability provisions

- Until the end of XIXth century: charity to the « deserving poor »
- 1898 law on work-related accidents: collective responsibility, social risk, collective repair
- WW1: same principle → pension system for injured veterans
- Labor shortage → rehabilitation practices
- 1945 Social security system

→ Shift from charity to social rights, yet unequal rights depending on the origin of the disability

Disability policy in practice: the case of France (Winance, Ville & Ravaud 2007)

Role of disability organizations in the development of institutions and services

Inter-war period and post WW2: creation of associations for disabled adults and children.

Initial goal= take DP out of hospices and offer proper rehabilitation provisions in view of integration into mainstream society

- Creation of specialized educational institutions, residential homes, workshops
- The state delegated the management of these institutions to « management » disability associations
- Stone and mortar policy
- Segregation

Disability policy in practice: the case of France (Winance, Ville & Ravaud 2007)

Inventing disability as a policy category: the 1975 laws

1975 « orientation law in favor of disabled people »

- Obligation to integrate disabled persons into society
- Simultaneously, a category-based policy, creating the administrative status of « disabled person » → Social rights extended to all persons with impairments regardless of the origin of the impairment

Second 1975 law covers the organization of specialized « medico-social » institutions

Disability policy in practice: the case of France (Winance, Ville & Ravaud 2007)

Shifting policies, shifting definitions: the 2005 law

Rise of questioning regarding the role of environmental/social barriers
(accessibility, antidiscrimination)

Art. L. 114. A disability, under this law, is constituted by any activity limitation or any restriction to participation in life in society to which a person is subjected in his or her environment due to a substantial, durable or definitive alteration to one or more physical, sensorial, mental, cognitive or psychological functions, or to a polydisability or to a disabling problem of health (Law of 11 February 2005).

Disability policy in practice: the case of France (Winance, Ville & Ravaud 2007)

Shifting policies, shifting definitions: the 2005 law

- Promotion of schooling in mainstream schools vs special education is maintained in parallel
- Antidiscrimination (with reasonable accommodation) and quotas
- Accessibility
- Disability compensation benefit (PCH)

A few lessons from the French case

- Disability as a historical, policy-constructed category
- Distinctions according to the origin of the impairment
- Factors of policy change: wars, labor shortages, collective mobilization
- Influence of broader policy context (ex. collective risk as opposed to individual liability in labor law)

Presentation 5.1: Being recognized as a “disabled worker” in France [Bertrand & al., 2014]

Bertrand, Louis, Vincent Caradec, and Jean-Sébastien Eideliman. 2014. “Situating Disability. The Recognition of ‘disabled Workers’ in France.” *ALTER - European Journal of Disability Research* 8(4): 269–281.

Disability and welfare reform

- The welfare reform rationale behind the adoption of the 1990 Americans with disabilities Act (ADA)
- Disability as the only remaining durable basis for welfare → strategic uses of disability policy (Hansen et al, 2014) → increased suspicion on all disability benefit claimants (ex. Pryma, 2017)

Presentation 5.2: Disability and welfare reform in the US [Hansen & al., 2014]

Hansen, Helena, Philippe Bourgois, and Ernest Drucker. 2014. "Pathologizing Poverty: New Forms of Diagnosis, Disability, and Structural Stigma under Welfare Reform." *Social Science & Medicine* 103: 76–83.

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